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THE WAGES OF CANE:
A STUDY OF TEMPORARY FOREIGN LABOR IMPORTATION IN THE U.S.;
THE CASE OF WEST INDIAN CANE WORKERS IN FLORIDA

By
Jo Marie Dohoney

A THESIS
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in partial fulfillment of the requirements
for the degree of
MASTER OF ARTS

Department of Sociology

1984

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ABSTRACT

THE WAGES OF CANE:

A STUDY OF TEMPORARY FOREIGN LABOR IMPORTATION IN THE U.S.:

THE CASE OF WEST INDIAN CANE WORKERS IN FLORIDA

By

Jo Marie Dohoney

West Indian farmworkers are imported each year to harvest sugarcane in Florida, a state known for its supply of domestic farm labor. Using, documentary methods, this study seeks to determine if this labor importation is legally justified by a domestic labor shortage and to determine why foreign labor is preferred in sugarcane work.

It was found that no true domestic labor shortage existed, and that regulations on foreign labor certification were circumvented and often ignored in obtaining and managing this labor force. Worker contract provisions for wages and working conditions were routinely violated, making these workers less expensive to employ than domestic labor. The implications of this case were that federal regulation and enforcement were inadequate to protect foreign contract labor. Given the reasons for this failure, it was not recommended to expand or continue guestworker programs in the United States.

ACKNOWLEDGEMENTS

I would like to express my deep appreciation to my advisor, Ruth Simms Hamilton, and to my committee members, Richard C. Hill and Richard Thomas. Their patient guidance and assistance not only directed the research and writing of this thesis, but also maintained my enthusiasm for the pursuit of sociological research.

Special thanks are also due to Ruth Harris, Ginter Macheski, Lynne Scully and Marie McNutt for their suggestions and support throughout the process of creation.

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CHAPTER I: INTRODUCTION TO THE STUDY

Each year since 1943, with the legal assistance of the Immigration and Naturalization Service (INS) and the Department of Labor (DOL), Florida sugarcane growers import West Indian laborers on temporary labor contracts for use in sugarcane cultivation and harvest. While this practice grew out of a wartime program to counter existing labor shortages, and despite the fact that a similar labor importation program for Mexican agricultural workers was stopped in 1964, the temporary importation of West Indian agricultural labor continues at a steady rate of about twelve thousand workers being imported annually to the U.S. Around eight to ten thousand of these workers are employed yearly in Florida agriculture.¹

There has been no empirical work done to conclusively prove that the U.S. must import agricultural workers in the postwar era. In the case of Florida's use of imported farm workers, a true labor shortage would be difficult to prove. Florida is a major supply state for domestic migrant labor in the East Coast migrant stream; most of these migrant workers return to Florida in the winter

months, the very months when foreign farm labor is being heavily imported from the Caribbean.

Periodic conflict arises around the importation of these workers. Farmworker unions have repeatedly attempted to obtain injunctions against this importation;² in Florida, the Migrant Legal Services agency has sued on behalf of foreign workers who were cheated or abused;³ and growers who use this foreign labor pool continue to fight the lawsuits and injunctions, maintaining that these workers are necessary to their operations, and that the presence of imported workers in the U.S. is beneficial to both the workers themselves and to the U.S. economy.⁴

On the legislative scene, while Mexican Bracero importation was halted when Public Law 78 was allowed to lapse in 1964, no legislative action has been taken to end other legal forms of labor importation. In fact, in 1981, the Reagan administration proposed a new form of labor importation which would expand the existing program to one similar to European guestworker programs.⁵ At this writing, the U.S. Congress is attempting to work out differences between House and Senate versions of a new immigration bill which would potentially include an expanded guestworker program to meet agricultural "needs."

Purpose of the Study

Through this study, it is hoped to achieve several

ends. First, it seems that the existence of foreign "guestworkers" legally in the U.S. has taken on an invisibility since the end of the Bracero program. With the exception of localized conflicts in New York and Florida over the use of imported workers, there has been little public discussion of the issue. Current administration proposals as well as Congressional actions toward expansion of labor importation have received little media attention; rather, the focus has been on legislation on permanent immigration and on the issue of whether or not to legalize the status of illegal aliens currently in the U.S. This study begins with the purpose of making more visible the elements of the temporary labor importation issue, in order to facilitate scholarly discussion and analysis of the issue and to assist in clarifying the implications for social and economic policy which guestworker programs pose for the United States.

Many questions arise from a cursory examination of the issue of temporary labor importation in the U.S. One major question is whether labor importation is, in fact, necessary for the continued operation of U.S. agriculture. If it is not necessary to fill a real shortage of labor in the U.S., then the question becomes one of what other needs labor importation fills. What would be the alternatives to continued temporary labor importation?

Further questions arising from a study of U.S. foreign

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worker importation are rooted in a concern for enriching theories of labor migration. First would be a consideration of the nature of the relationships created by labor importation between nations. What benefits and/or problems accrue to this interaction on the levels of participating nations and individuals? All of the aforementioned questions have influence on policy as well as on labor migration theory. This objective of this study is to improve understanding of temporary labor importation in the U.S., and to propose the directions which policy-making should take to provide social justice and maximize the social benefits of any governmental actions taken.

Scope of the Study

This study will cover the years 1964 to 1978, and will be limited to an examination of West Indian labor importation for use in Florida's sugarcane production. The years under investigation were chosen both to limit the time-span to a size amenable to a thesis investigation and to isolate historical factors which could complicate the problem under investigation. The lower limit of 1964 was chosen in order to eliminate changing trends precipitated by the Bracero program. The upper limit of 1978 avoids data complications caused by the immigration of numbers of Haitian and Cuban refugees to Florida. It is difficult to

gauge the whereabouts of refugees, and their numbers, since some have evaded official scrutiny; thus, it was felt that their existence would change the dynamics of the agricultural labor market in Florida and perhaps have its effect on the temporary labor importation to that state.

(It resulted that the presence of refugees had no impact on labor importation in Florida.)

Florida was chosen as the region under study because it is consistently the state which uses the majority of temporary unskilled labor imported to the U.S. in the years under study. It was also chosen as the case where labor importation is the most difficult to justify on the basis of a shortage of agricultural labor. The sugarcane industry in Florida was chosen for study since it is the largest user of temporary, imported unskilled labor in the U.S. for the years under study.

Methodology

The nature of this study and its goals lends itself to an emphasis on documentary methods. U.S. government documents were surveyed, such as Congressional records, Immigration and Naturalization Service records, Department of Labor documents, and any other governmental agencies which were involved in the regulation of temporary labor importation. In addition, documents and interviews obtainable from West Indian government officials which

relate to labor importation to the U.S. were used; important among these were statements of officials of the West Indian Central Labor Organization (WICLO) who represent the West Indian workers and are responsible for the advocacy of their rights and for their protection while they labor in the U.S. Secondary sources which provide additional detail were also used, such as newspaper accounts and interviews related to the study.

Descriptive statistics will be used for the purpose of illustration and as proofs of hypotheses along with documentary sources.

CHAPTER I: FOOTNOTES

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²U.S. Congress, House Committee on Education and Labor, Subcommittee on Agricultural Labor, Migrant Manpower Programs, 92nd Congress, 2nd Session on Title III of Hr 5010, June 30, 1971 and April 24, 1972, Washington, D.C.: U.S. Government Printing Office, 1972.

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³DOE VS. BRENNAN AND BUTZ, reported in Oversight Hearing on the Department of Labor Certification of Agricultural Labor, U.S. Congress, House Committee on Education and Labor, Subcommittee on Agricultural Labor, 94th Congress, 1st Session, March 20, 1975.

⁴Ibid.

⁵Sidney Weintraub and Slantey R. Ross, Temporary Alien Workers in the United States: Designing Policy From Fact and Opinion (Boulder, Colorado: Westview Press) 1982, p. 85.

Joshua Reichert, "Temporary Worker Programs Not So Temporary After All," Christian Science Monitor (June 15, 1981) p. 27, col. 1.

CHAPTER II: REVIEW OF THE LITERATURE

In order to analyse the complex interactions involved in the process of temporary foreign labor importation in the United States, a theory of labor migration which addresses the phenomenon of temporary migration is needed.

First, the theory must be able to explain why the receiving nation wants and accepts these labor migrants. Next, the theory must address the question of why the migrants are willing to come, as well as why their governments either passively or actively participate in the migration process. Finally, the theoretical model must include analysis of the effects of the migration process in both sending and receiving countries. Most importantly, the theoretical model must address all these elements as part of a unity, where change is a central factor in the interactive relationship of all. The work of Alejandro Portes comes nearest to the proposed model and provides the major frame of reference for the discussion. For analytical purposes, Portes separates the migration process into four elements:

conditions under which labor migration can be induced; conditions under which labor can be released and transported; conditions under which migrant labor can be profitably utilized; and conditions under which workers themselves can put migration to economic advantage.¹

With these four elements the issues of supply and demand are not completely separated from each other; rather each element or condition is closely linked to the others.

Portes emphasizes that his perspective is that of a world systems theorist, as he strives to show that labor migration is not an external process between two units, but rather "part of the internal dynamics of the same overarching unit" of the international capitalist system.² His model poses a further critique to the tendency in dependency theories to project a

basic image of migration as occurring between two distinct spatial units: that which is exploited and exports labor and that which exploits and receives it.³

Portes chooses instead to emphasize the links between structural determinants in sending and receiving nations to which labor migration is a response.⁴ It is necessary therefore to further articulate the Portes model with discussion of its relationship to other theories.

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Conditions Under Which Labor Migration is Induced

Both Alejandro Portes and Marios Nikolenakos agree that the history of colonialism has set the stage for economic and political imbalances between center and periphery nations as, under late capitalism, these post-colonial nations are incorporated into the world system of late capitalism. They further agree that this results in the restructuring of peripheral economies to meet the needs of center nations, rather than indigenous labor needs.⁵ Portes describes this as the penetration of economic and political structures of the center into the periphery. While both theorists agree that this results in the creation of labor surpluses in the periphery,⁶ Portes suggests that there are other changes occurring which are important to the inducement of migration. He emphasizes that cultural values and expectations also change as the result of the penetration of center institutions in the periphery.⁷ His argument departs from the assumptions of other theorists when he asserts that it is this penetration, and not income differentials between nations, which induces migration.⁸ This view differs from that of Michael Piore who sees income differentials as a precondition to migration, which will occur if active recruitment of labor by center nations employers is implemented in periphery nations.⁹

Conditions Under Which Labor Can Be Released and
Transported

Portes would assert that economic imbalances coupled with direct recruitment are not sufficient to explain migration from periphery to center nations because this leaves out another actor in the transaction: the ruling classes in peripheral nations who have some control over the mobility of labor. Portes asserts that there are historical examples of resistance to the loss of labor on the part of periphery elites, because the outmigration would have threatened the economic activities upon which they based their power.¹⁰ This contradicts the assumptions of dependency theorists that the interests of center and periphery elites are always congruent. Portes clarifies this notion by asserting that the extent to which these interests will coincide is dependent on the extent of the penetration of center institutions into the periphery. Thus, as this penetration deepens, the interests of both center and periphery ruling classes become more similar, and periphery elites will become more amenable to the release of labor. As it becomes more possible to replace labor in the periphery with technology and/or labor from other periphery nations, and as the periphery nation's economy becomes more adapted to the international economy, the economic constraints on the release of labor are

lessened.¹¹ Furthermore, as capitalist penetration of the periphery becomes more extensive, the labor force of peripheral nations becomes more mobilized and thus a threat to the dominant classes; migration helps to reduce this threat, making the interests of peripheral rulers amenable to the release of labor.¹²

Marios Nikolenakos would add to this analysis, of the benefits that periphery nations receive from migration, that more than social and political stress are alleviated by migration. He suggests that the remittances which labor migrants make to their home countries constitute needed additions to the national income and relieve some of the balance of payments problems which these nations have. He goes further to suggest that periphery elites favor migration because it has the added effect of socializing their workers to center-style institutions and also "de-revolutionizes" them.¹³ While Portes would argue that previous penetration of center institutions in the periphery has already socialized periphery peoples in the manner indicated by Nikolenakos, this would not preclude consideration of the possibility that periphery elites may believe that more of such socialization is needed and that temporary labor migration does "de-revolutionize" workers; there may in fact be a reverse effect. For example, if mistreated in center nations, these workers may become more nationalistic. If their own governments are not able to

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protect these workers from abuse in the center nations, they may return home with a more critical attitude toward their own countries. While in the center nations, they may also be exposed to information on political movements and alternative ideologies that they were not exposed to at home. At any rate, the main point to be gleaned from this is not that migration is a safety valve; but rather that periphery elites may be complicit in the process of temporary labor migration because they believe that it is, in addition to the real short-term economic benefits which accrue by sending labor to center nations.

Portes provides analysis of, not only the conditions under which labor is released, but also the conditions under which it can be transported. He postulates that there has been a trend toward increasing supplies of migrant labor in the periphery which exceeds the needs of center nations, caused by high unemployment in the periphery and the exposure of periphery peoples to the "opportunities" available in center nations.¹⁴ This has made direct recruitment of temporary migrant labor less necessary over time, and has changed the conditions under which these people migrate. Portes notes that, in the beginning of the labor migration stream, employers recruiting such labor had to make the initial investment of supplying transportation for these workers, the costs of which were transferred to the workers through indirect

means. But as a stream is established, and as the pool of potential labor migrants expands, employers are relieved of the expense of both recruitment and of transportation; both the costs and the risks of labor migration begin to be borne by the workers themselves.¹⁵ Michael Piore's work supports this analysis of migration streams being initiated by recruitment, but becoming self-sustaining over time.¹⁶

Conditions Under Which Migrant Labor Can Be Profitably Used

In this portion of the analysis, Portes articulates his theory of migrant labor demand. He postulates that migrant labor is sought, not to increase the supply of labor, but rather to increase the supply of cheap labor. He further asserts that the

cheapness of migrant labor is not a built-in feature of the migration process and does not inhere to the personality of migrants but is dependent on deliberate political manipulation.¹⁷

This analysis brings in, once again, that income differentials are not automatic parts of the process. Just as economic differentials are not the beginning point or *raison d'être* for migrant labor supply, they are also not the beginning point for migrant labor demand. Rather, migrant labor must be cheapened by political manipulation of the legal-political status of labor migrants in order for them to be used in center nations. Portes asserts that

crossing a political border weakens the political status of the migrants and makes them more subject to threats and coercion by their employers.¹⁸ The implication here is that the difference in political status between domestic and foreign labor accounts for the difference in the costs of employing these different labor pools.

This analysis is congruent with that which Nikolenakos presents on the exploitation of migrant labor. Both theorists agree that the political vulnerability of migrant labor not only makes it easier to exploit, but also allows for its deportation when business cycles lower the demand for labor. Employers of temporary foreign labor need only pay for the temporary use of that labor, and can shift the cost of its extended reproduction onto the workers and their home countries.¹⁹ Nikolenakos extends this analysis further to suggest that, since capitalism defines immigration in terms of nationality, yet cares more about the characteristics of migrants as workers than as members of a given nationality, migration must be viewed as more than just a political and social problem; it is also an economic one.²⁰

In addition to the characteristic of migrant labor being cheapened through its political vulnerability, the demand for this labor is conditioned by the structure of capitalist economy in the center nations. Both Portes and Piore see the dual labor market structure in center nations

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as being crucial to an understanding of migrant labor demand. They argue that migrant labor needs meets the need of competitive capitalist sector firms for labor in its cheapest possible form in order to maintain their rates of profit.²¹ But while both Piore and Nikolenakos have argued that migrant labor fills a labor shortage in the secondary sector of the capitalist labor market,²² Portes suggests that this labor demand emanates, not from an exhaustion of domestic labor reserves, but rather from the limits on the cheapness of domestic labor created by their power to demand legal restrictions on their own exploitation.²³

Portes has noted that capital had historically employed three basic strategies for coping with increased labor costs: The substitution of capital-intensive production for labor-intensive production, the exportation of the production process to areas where cheap labor is available, and the importation of cheap labor pools.²⁴ But in his article "Toward a Structural Analysis of Illegal (Undocumented) Immigration," Portes notes that

there are a number of firms which, by their very nature, cannot easily export themselves abroad. Agricultural enterprises are the most obvious and best publicized examples, although certainly not the only ones.²⁵

And middle-sized firms may not only lack the capital to invest in labor-saving machinery, but may also lack the experience and resources necessary to move operations to a foreign country; thus they are left with the option of importing cheapened labor as a last resort to protect their profit margins.²⁶

While traditionally the need to broaden the cheap labor pool in the U.S. was met through immigration, recent history has seen the development of an agreement between U.S. labor, monopoly capital and the state which "bars the unregulated entrance of low-skilled workers" which has impeded the development of a U.S. guest-worker program of the scale of those used in Europe.²⁷ Thus, Portes theorizes that the state has been forced to meet the desires of competitive capital, which is heavily represented in Congress, through the lack of strict enforcement of immigration laws, allowing the growth of an illegal foreign labor force in the U.S.²⁸ Portes gives the example of the end of the Bracero Program in the U.S. bringing rise to a more vulnerable class of "disenfranchised" worker in the form of the undocumented worker.²⁹

Portes describes illegal labor migrants as being desirable to employers because they will accept low wages by U.S. standards, as well as bad working conditions in jobs which are difficult and menial. Further, he proposes

17. The following is a list of the names of the persons who have been appointed to the various positions in the organization of the American Society of Civil Engineers, for the year 1900.

that illegal workers are good strike insurance for employers because their legal status precludes them from effective organizing, and their status being different from that of domestic labor allows them to be used to split labor solidarity. Lastly, he argues that migrant labor is preferred because it serves to hold down wage levels in the areas in which it is used.³⁰

If this analysis can be extended to legal forms of migrant labor, then it can be seen that portions of Michael Piore's arguments concerning migration are in agreement. Piore argues that migrants are found in jobs which tend to be low-paying, low status, difficult or dangerous, and which have high levels of exploitation.³¹ Thus, this labor matches the needs of competitive sector employers. But Piore argues that this labor is preferred because it allows employers to shift the costs of flux and uncertainty inherent in competitive market firms' production demand onto the backs of the workers.³²

Contance Lever Tracy argues that immigrant labor neither holds down wage levels nor carries the cost of flux and uncertainty; rather, she asserts that immigrant labor is directly involved in the production of surplus value.³³ In this way, her analysis falls midway between that of Piore and of Portes. She agrees that migrant labor produces surplus value and thus helps to maintain profit rates, but she does not agree that it holds down wage

levels.

The differing emphases between the analyses of Tracy and Portes on this issue can be traced to the difference in their respective data bases. Tracy's data is based on European guest-worker programs where the foreign workers tend to be in heavily segmented jobs, and isolated and restricted from jobs that domestic workers do; thus it can be argued that these workers cannot have an effect on the wages and working conditions of domestic labor.³⁴

Portes, on the other hand, bases his theory on data drawn from the North American and Third World experience which differs from the European experience. This is especially true of the use of immigrant and illegal foreign labor in the U.S.; it has often been employed alongside domestic workers and has spread from jobs at the lowest rungs of the competitive sector to other areas within this labor market sector.³⁵ For this reason, Portes is able to argue that migrant labor is in demand in center nations because it is labor which can be cheapened through political manipulation and because it has the effect of holding down wages through broadening the available pool of cheap labor in center nations.

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Conditions Under Which Migrants Can Put Migration to
Economic Advantage

Portes describes migration as "a process by which human populations take advantage of economic opportunities distributed differentially across space."³⁶ This conceptually amends dependency and other theory models which rely heavily on exploitation in their analysis, yet pay little attention to the extent to which migration is advantageous to temporary labor migrants. Nikolenakos, like Portes, recognizes that migration is a means for improving the lives of workers from the periphery, but he asserts that this is only true during times of economic expansion in center nations, and that labor migrants are ultimately subservient to the process of accumulation.³⁷ Both Portes and Piore agree that labor migrants are motivated by calculations of economic advantage in deciding to migrate.³⁸ It is Portes however, who posits how labor migrants are able to take advantage of migration. He argues that the differing economic structures of the center and periphery are what makes temporary labor migration advantageous. While

opportunities for wage-earning are often greater in the centers; those for investment and informal economic activity are frequently greater in the periphery.³⁹

When and where this is the case, temporary labor migrants

can earn capital in the center nations which can then be invested in the country of the periphery. Portes posits that temporary labor migration thus becomes a means for some of these workers to become small entrepreneurs at home. To accomplish this, several factors must be present in addition to the differences in the center/periphery economies.

In order to take advantage of the opportunity for temporary labor migration, the prospective migrant must be part of a supportive network that assists in the successful planning and execution of the migration. This must include means by which the migrant's dependents can subsist in his/her absence. Otherwise, money earned in the center and remitted to the family in the periphery would be consumed in their subsistence rather than accumulated for future investment. Supportive networks also assist in the physical act of migration through providing information on job availability, access to labor recruiters, and perhaps even loans to cover the expense of travel.

Opportunities in the periphery to successfully invest small amounts of capital gleaned from temporary labor migration are provided by gaps in the state regulation of economic activity. Small businesses in this sector tend to rely heavily on cheap labor, and the small entrepreneur must be able to rely on family and friends to provide labor

in addition to his/her own.⁴⁰ Networks of family and friends also provide clientele to the fledgling business and links to other small entrepreneurs who can provide materials and purchase products from the new business. All these interlinkages assist in assuring that small businesses survive and prosper.⁴¹

In summary, Portes' model of labor migration differs from previous models in several ways. First, it is very much a "bottom-up" approach to migration. It does not assume subservience or ignorance on the part of periphery people of either the ruling elites or the working class. It concentrates its analysis in the areas of labor supply and on the structures in both labor-sending and receiving countries which induce, release, and transport migrants and which make migration profitable for its temporary participants. This model also builds in more ability to explain change through the links between the different elements of the model. For example, should the structure of the peripheral economies and governments change, the advantage in temporary labor migration would also change. Such structural changes could have a concurrent effect on the interests of controlling elites in releasing labor to center nations. And to the extent that center nations continued to demand labor from the periphery, this demand would then be shifted to periphery nations where the structures still encouraged and supported labor migration.

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As has been shown, there are differing areas of emphasis among migration theorists which stem from differences in the data bases to generate the theories. Since the case under study is part of the United States' experience in the use of temporary labor, it is from some of these areas of differing emphasis between U.S.-based and European-based research that hypotheses have been drawn.

The hypotheses to be tested in this study are concerned with issues of labor demand and function in the U.S. While they do not address issues of labor supply in the periphery, this is not meant to imply that supply issues are not meaningful to explore. Rather, the area of migrant labor demand was chosen as a central focus to use in answering questions relating to U.S. policy in importing foreign labor.

Many theorists have maintained that income differentials between center and periphery, coupled with a need to fill true labor shortages are the impetus for foreign labor demand. Alejandro Portes maintains that migrant labor is in demand because of its cheapness, rather than demand resulting from true labor shortages. The resulting hypothesis is:

- Hyp. 1: Migrant foreign labor is imported for employment in areas where there is no true labor shortage or expanded labor need.

1. The first step is to identify the problem.

2. The second step is to define the problem.

3. The third step is to analyze the problem.

4. The fourth step is to develop a solution.

5. The fifth step is to implement the solution.

6. The sixth step is to evaluate the solution.

7. The seventh step is to monitor the solution.

8. The eighth step is to report the results.

9. The ninth step is to conclude the project.

10. The tenth step is to reflect on the project.

11. The eleventh step is to document the project.

12. The twelfth step is to share the results.

13. The thirteenth step is to celebrate the success.

14. The fourteenth step is to learn from the experience.

15. The fifteenth step is to apply the lessons learned.

16. The sixteenth step is to continue to improve.

17. The seventeenth step is to stay motivated.

18. The eighteenth step is to stay focused.

19. The nineteenth step is to stay organized.

20. The twentieth step is to stay positive.

21. The twenty-first step is to stay resilient.

22. The twenty-second step is to stay adaptable.

23. The twenty-third step is to stay flexible.

24. The twenty-fourth step is to stay open-minded.

25. The twenty-fifth step is to stay curious.

26. The twenty-sixth step is to stay hungry.

27. The twenty-seventh step is to stay thirsty.

28. The twenty-eighth step is to stay humble.

29. The twenty-ninth step is to stay grateful.

30. The thirtieth step is to stay happy.

31. The thirty-first step is to stay healthy.

32. The thirty-second step is to stay strong.

33. The thirty-third step is to stay brave.

34. The thirty-fourth step is to stay kind.

35. The thirty-fifth step is to stay honest.

36. The thirty-sixth step is to stay truthful.

37. The thirty-seventh step is to stay fair.

38. The thirty-eighth step is to stay just.

39. The thirty-ninth step is to stay respectful.

40. The fortieth step is to stay polite.

41. The forty-first step is to stay courteous.

42. The forty-second step is to stay considerate.

43. The forty-third step is to stay thoughtful.

44. The forty-fourth step is to stay caring.

45. The forty-fifth step is to stay loving.

46. The forty-sixth step is to stay compassionate.

47. The forty-seventh step is to stay empathetic.

48. The forty-eighth step is to stay understanding.

49. The forty-ninth step is to stay patient.

50. The fiftieth step is to stay calm.

51. The fifty-first step is to stay composed.

52. The fifty-second step is to stay collected.

53. The fifty-third step is to stay poised.

54. The fifty-fourth step is to stay graceful.

55. The fifty-fifth step is to stay elegant.

56. The fifty-sixth step is to stay sophisticated.

57. The fifty-seventh step is to stay refined.

58. The fifty-eighth step is to stay classy.

59. The fifty-ninth step is to stay chic.

60. The sixtieth step is to stay stylish.

Portes asserts in his model of labor migration that foreign labor is not inherently cheap, but rather cheapened through its political status. The hypothesis to be tested is:

Hyp. 2: The legal status of foreign labor makes it less costly to employ than domestic labor.

To test this general hypothesis requires its division into two subhypotheses:

Hyp. 2a: Labor costs for foreign labor are less than those for domestic labor due to its different legal and political status; and

Hyp. 2b. The profits from employing foreign labor are more than can be generated from the employment of domestic labor, due to the differing legal and political status of foreign labor.

Testing of the first hypothesis will involve analysis of the data on availability of domestic labor and comparison with data on the numbers of foreign workers employed in the area under study. Should the first hypothesis be proven, then the hypothesis regarding differing labor costs must be tested to determine if labor demand is the result of cheaper labor from the West Indies, and to determine what factors play a role in the cheapness of that labor. The possible interplay between nonimmigrant status of these workers and their employment will be analysed.

CHAPTER II: FOOTNOTES

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²Ibid., p. 9.

³Ibid.

⁴Alejandro Portes, "Toward a Structural Analysis of Illegal (Undocumented) Immigration," International Migration Review, Vol. 12, No. 4 (Winter 1978) p. 477.

⁵Ibid., pp. 11-12.

⁶Portes 1978, p. 12; Nikolenakos, p. 9.

⁷Portes, 1978, p. 12.

⁸Ibid.

⁹Michael Piore, Birds of Passage (New York: Cambridge University Press) 1979, p. 23.

¹⁰Portes, 1979, p. 24.

¹¹Ibid., pp. 24-25.

¹²Ibid.

¹³Nikolenakos, p. 11.

¹⁴Portes, 1978, p. 27.

¹⁵Ibid., pp. 27-30.

¹⁶Piore, p. 19.

¹⁷Portes, p. 32.

¹⁸Ibid.

¹⁹Nikolenakos, p. 12; Portes, 1978, p. 14.

²⁰Nikolenakos, p. 16.

²¹Portes, 1978, p. 37; Piore, p. 26.

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²²Piore, p. 27; Nikolenakos, p. 7.

²³Portes, 1978, p. 37.

²⁴Portes, 1978, p. 38.

²⁵Portes, Winter 1978, p. 473.

²⁶Portes, 1978, pp. 39-40.

²⁷Ibid., p. 39.

²⁸Ibid., pp. 39-42.

²⁹Ibid.

³⁰Ibid., p. 40.

³¹Piore, p. 17.

³²Ibid., p. 36.

³³Constance Lever Tracy, "Immigrant Workers and Postwar Capitalism: In Reserve or Core Troops in the Frontline?," Politics and Society, Vol. 12, No. 2 (1983) p. 127.

³⁴Ibid., p. 135.

³⁵Portes, p. 36 (1978).

³⁶Ibid., p. 43.

³⁷Nikolenakos, pp. 13-14.

³⁸Piore, pp. 54-55; Portes, 1978, pp. 42-43.

³⁹Ibid., pp. 43-45.

⁴⁰Ibid., p. 45.

⁴¹Ibid., p. 46.

CHAPTER III: TEMPORARY FOREIGN LABOR IN THE UNITED STATES; A BRIEF HISTORY

Up to 1917, temporary foreign labor in the U.S. took the form of immigrant sojourners, who, upon earning the amount they desired, returned to their home countries. The extent of this phenomenon is difficult to gauge, but it has been noted that it became a noticeable part of U.S. immigration after 1880; for example it has been estimated that up to forty percent of Italian immigrants to the U.S. returned to Italy.¹

With relatively little immigration restriction prior to 1917, U.S. employers found it easy to recruit European workers through promises of work, whether the jobs were in fact available or not. Immigrants were commonly used in the late 1800s as strikebreakers or brought to areas where there were no labor shortages.² The abuses of labor contracting practices by U.S. employers were extensive enough to precipitate legislation prohibiting the luring of immigrants to the U.S. by promises or advertisements of work, as contract workers in 1885.³

The 1917 U.S. Immigration Act barred most Asians from

immigration, with the exception of the Japanese who were already limited by a "Gentleman's Agreement" in 1907.⁴ This created demand for another means of importing labor in the Western states of the U.S. where Asian labor had been commonly used. However, the act provided for this by the inclusion of the ninth proviso to section three of the Act, which provided that

inadmissable aliens (including contract laborers) seeking temporary admission could be admitted under conditilons prescribed by the Commissioner of Immigration and Naturalization.⁵

The 1917 Immigration Act also contained a literacy requirement, which by 1918 had been waived by the Commissioner of Immigration and Naturalization for Mexican workers,⁶ thus diluting the effect of this restriction on the structure of the Western U.S. labor market. Together, provision for temporary admission of foreign workers, and the waiving of the literacy requirement for mexican workers made it relatively easy to get temporary foreign laborers in the U.S., especially in the Southwest. The Immigration Act of 1924 implemented a system of visa quotas which allocated the regions from which immigrants would be accepted and the amounts.⁷ The Border Patrol was instituted in the same year; and in 1929 illegal immigration was made a felony.⁸ Thus, a previous history of casual labor immigration to the U.S. by Mexican

workers was restricted and turned into an enforceably illegal process, with deportation as the penalty. This did not stop Mexican immigration to the U.S. but now made it largely illegal and circulatory.

Large scale use of the ninth proviso to section three of the 1917 Immigration Act was not experienced until World War II, when employer complaints about labor shortages prompted the U.S. government to institute the Emergency Foreign Labor Program. Agreements were made with the governments of Mexico and various West Indian islands to bring their workers to the U.S. for temporary wartime employment, under the previously mentioned proviso to the 1917 Immigration Act.⁹ The U.S. government acted as the labor contractor, and promulgated statutes limiting the workers to employment in agriculture and in railroad work.¹⁰ In the years of the program of 1943 to 1947, nearly 70,000 workers were imported, with Mexicans and West Indians constituting 66 percent and 27 percent respectively of this imported temporary labor force.¹¹

Regulations for the certification of employers for imported labor under this program became the model for later programs. Employers were required to find domestic labor through their own efforts and through those of the U.S. Employment Service (USES). Should these efforts fail, then employers could be certified for the use of imported labor.¹² Imported labor was limited to six month

contracts which were renewable upon agreement of the individuals and governments involved. While the contracts varied in their worker protection stipulations, depending on the bargaining power of the foreign government contracting with the U.S., they all included wage and living standard guarantees which were denied to domestic farm labor.¹³ A further difference was that foreign contract workers were transported at U.S. government cost¹⁴ while domestic migrant labor shouldered the expense of transportation to the workplace.

Employers of imported labor were required to agree to repatriate contract workers upon the availability of domestic labor, but once certified for foreign labor, the employers were not required to continue to seek domestic workers. With the exception of contract foreign workers used on the railroads, "no contract workers were ever repatriated to Mexico as a result of domestic labor replacement."¹⁵ In 1947, the statutes for the emergency wartime labor program expired, but employers of agricultural labor continued to import labor under the ninth proviso to section three of the 1917 Immigration Act.¹⁶ The Federal Advisory Council to the Secretary of Labor in 1949 passed a resolution against further labor importation in the U.S., finding that sufficient labor was available in the U.S. labor force.¹⁷ Even so, agricultural labor importation continued to 1951 without an

1. The first part of the paper is devoted to a discussion of the various methods of determining the rate of growth of a population. The methods are classified into two groups: (a) methods based on the assumption of a constant rate of growth, and (b) methods based on the assumption of a variable rate of growth. The methods of the first group are the most commonly used, but they are not very accurate. The methods of the second group are more accurate, but they are more complicated and require more data.

2. The second part of the paper is devoted to a discussion of the various methods of determining the rate of growth of a population. The methods are classified into two groups: (a) methods based on the assumption of a constant rate of growth, and (b) methods based on the assumption of a variable rate of growth. The methods of the first group are the most commonly used, but they are not very accurate. The methods of the second group are more accurate, but they are more complicated and require more data.

institutionalized government program, but using the statutory right to do so which the 1917 Immigration law provided.

In 1951, the President's Commission on Migratory Labor stated that this postwar labor importation "contravenes the intent of immigration laws" to protect domestic labor from unfair competition.¹⁸ They went further to assert that contract worker wages were too low, acting as a means for keeping domestic labor from employment by farmers wanting and using foreign contract labor. The Commission argued that this wage rate "inevitably tends to set the pattern of wages in the locality" thus driving domestic labor from that area, at which point a "labor shortage can be said to exist - at that price."¹⁹

In spite of this, the U.S. Congress in 1951 enacted Public Law 78 as a special measure to import Mexican farm workers.²⁰ The importation of temporary workers from other nations was given further regulatory management under the Immigration and Naturalization Act of 1952. Sections 101(a)(15)(H) and 214(c) of that act set forth definitions of the types of workers to be given temporary admission, and required the approval of the Attorney General to authorize such admissions.²¹ Temporary unskilled labor was authorized for admission under section 101(a)(15)(H)(ii) and so this visa classification results in these workers being referred to as "H-2" workers.

Certification of H-2 workers was dependent on the Department of Labor (DOL) certifying that qualified domestic labor was not available and that the use of foreign workers would not "adversely affect the wages and working conditions of workers in the United States similarly employed."²² The doctrine of "adverse affect" was intended to satisfy the concerns of domestic labor while satisfying the demands of U.S. employers for foreign workers; it was also a tacit recognition that the presence of foreign labor could have an adverse effect on domestic labor. Thus, the Department of Labor was charged with ensuring that any foreign laborers temporarily admitted would be employed under regulations and conditions that prevent an adverse effect on domestic labor.

The continued demand for foreign labor after World War II reflected the positive experience that resulted from employers using foreign labor. Since the wartime program required that contract labor be given six month contracts, many farmers formed associations in order to employ this labor collectively and thus get full use of it during the six month contract period. These associations continued to exist after the war, but did not use their collective management techniques to better attract pools of domestic migrant labor. Instead they preferred foreign labor which could be bound by contract for a specified time and which could be trusted not to break such contracts under threat

of deportation and blacklisting.²³ If deported, temporary foreign workers were required to pay their transportation expenses out of wages withheld during the first half of the contract period. Thus, a deported worker could find himself/herself with little or no money to show for the time worked. This provision, of making deported workers shoulder the cost of transportation, worked to give the contracts some of the coercive nature of peonage.

In summary, it can be said that foreign labor contracting has been a part of U.S. history of immigration and labor for the last one hundred and fifty years. While changes in immigration law have changed the means for and forms of this labor, labor importation of a temporary nature has continued to occur in the U.S. It can be further argued that the position of temporary foreign workers in the U.S. division of labor has also changed. The institutionalization of temporary labor importation dates to the beginning of World War II, and government intervention on behalf of employers created a demand for further government assistance in obtaining cheap foreign labor. This has put government in the position of satisfying contradictory demands which may be insoluble: on the one hand, it has taken the role of supplying foreign labor in the amounts and forms desired by business, and on the other hand it has attempted to placate the demands of organized labor for protection from competition. That the

laws do not fully protect U.S. labor from the negative effects of imported foreign labor expresses the inability of law to resolve the contradictory demands of labor and capital, as well as expressing the ascendant power of capital over labor in this period of time.

This brief legal history indicates that a study of the contemporary issue of foreign labor importation in the U.S. would be incomplete without examination of the governmental role and legal apparatus involved in the labor importation.

CHAPTER III: FOOTNOTES

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³Ibid.

⁴Parmet, p. 159.

⁵Immigration and Naturalization Service, p. 91.

⁶Juan Gomez Quinones, "Mexican Immigration to the United States and the Internationalization of Labor, 1848-1980, An Overview," Mexican Immigrant Workers in the U.S., Antonio Rios Bustamante, ed. (Los Angeles: University of California Press) 1981, p. 24.

⁷Parmet, p. 189.

⁸Gomez Quinones, p. 25.

⁹President's Commission on Migratory Labor, Migratory Labor in U.S. Agriculture (Washington, D.C.: U.S. Government Printing Office) 1951, p. 41.

¹⁰Immigration and Naturalization Service, p. 92.

¹¹President's Commission on Migratory Labor, p. 38.

¹²Peter N. Kirsten, Anglo Over Bracero: A History of the Mexican Worker in the United States from Roosevelt to Nixon (San Francisco: R & E Associates) 1977, p. 16.

¹³Ibid.

¹⁴U.S. Congress, House Committee on Education and Labor, Subcommittee on Agriculture Labor, Oversight Hearings on the Department of Labor Certification on Agricultural Labor, 94th Congress, 1st Session, March 20, 1975 (Washington, D.C.: U.S. Government Printing Office) 1975, p. 89.

¹⁵President's Commission on Migratory Labor, pp. 50-51.

¹⁶Ibid., p. 41.

¹⁷Ibid., p. 63.

¹⁸Ibid., p. 64.

¹⁹Ibid., pp. 59-61.

²⁰Immigration and Naturalization Service, p. 92.

²¹Ibid., p. 94.

²²Ibid., p. 95.

²³Varden Fuller, No Work Today! Public Affairs Pamphlet No. 190 National Council on Agricultural Life and Labor, 1953, p. 61.

CHAPTER IV: THE CASE OF TEMPORARY FOREIGN LABOR USE IN
FLORIDA'S SUGARCANE PRODUCTION

Florida Farm Labor

Florida is a state which depends on agricultural production as well as tourism and other industries to maintain its economy. Three major crops in Florida, those of citrus, vegetables, and sugarcane, rely heavily on hired seasonal labor. While the mechanization of agriculture in the U.S. has reduced the numbers of hired farmworkers in the U.S. between 1964 and 1978 by almost 22 percent, Florida's hired farm labor force declined by roughly 16 percent. Thus, Florida increased its share of hired farm labor used in the U.S. See Table 1:

Table 1: Hired Farm Labor in the U.S. and Florida, 1964 and 1978 (Annual Averages in the Thousands)

<u>Year</u>	<u>U.S.</u>	<u>Florida</u>	<u>As a Percent of U.S.</u>
1964	1604	77	4.8
1978	1256	65	5.2
Percent Change	-21.7	-15.6	

Source: Farm Labor, USDA, SRS, Crop Reporting Board, Washington D.C.: Government Printing Office, January 1965 and 1979.

Harvesting of crops often requires a larger labor force than is necessary for the cultivation of crops; this is especially true of Florida's citrus and sugarcane crops. So a seasonal hired labor force is needed for the purpose of harvesting which is not needed in the remainder of the year for those crops. Citrus and sugarcane harvests occur in the winter months in Florida; the sugarcane harvest stretches from as early as October to as late as March, often peaking in December or January. The following table shows for selected years, the quarters during which hired farm labor reached its height of employment:

TABLE 2: Peak Employment of Hired Farm Labor in Florida for Selected Years (In Thousands of Workers)

<u>Year</u>	<u>Annual Average (in thousands)</u>	<u>Quarter of Peak Use</u>	<u>#Employed at Peak (in thousands)</u>
1964	77	Nov-Jan	101.3
1971	78	Nov-Jan	92.0
1978	65	Feb-April	78.0
Percent Change	-15.6		-23.0

Source: Farm Labor, USDA, SRS, Crop Reporting Board, January 1965, 1972 and 1979.

From this table, we can see that in the beginning, midpoint, and at the end of the period under study that peak hired farm labor employment in Florida coincided with the winter months, although it moved toward a peak use in the late winter-early spring months in 1978, due to

extended harvesting of sugar, fruit and some vegetables. It also becomes clear that the peak employment tended to drop more than the change in annual employment average, suggesting that less variation in seasonal needs of Florida agriculture was occurring over time.

Florida fills its seasonal needs from three basic sources: domestic labor residing in the state, domestic migrant labor from other states, and foreign imported labor. While this is true of all agricultural states up to 1965, the end of the Bracero Program at the end of 1964 created a changing pattern in foreign and domestic labor use in the U.S. While the Western states depended on Mexican braceros in the harvests up to 1964, Florida's foreign labor was brought in under a separate program and was heavily West Indian in composition. The following table shows the differing effects of the end of the Bracero Program on the use of foreign labor in the U.S. in general and in Florida in specific:

TABLE 3: Seasonal Farm Labor in the United States and Florida; Raw Number in Thousands and Percent of Total for Each, 1964-66.

<u>Year</u>	<u>United States</u>			<u>Total</u>	<u>Florida</u>	
	<u>Total</u>	<u>Domestic</u>	<u>Foreign</u>		<u>Domestic</u>	<u>Foreign</u>
1964						
No.	705.3	652.4	52.8	58.0	51.4	6.6
(%)	100.0	92.5	7.5	100.0	88.6	11.4
1965						
No.	673.3	664.2	9.1	61.8	56.4	5.4
(%)	100.0	98.6	1.4	100.0	91.3	8.7
1966						
No.	616.6	612.3	4.3	57.8	54.1	3.7
(%)	100.0	99.3	0.7	100.0	94.4	5.6
% pt. Change		+6.8	-6.8		+5.8	-5.8
% Change	-12.6	-6.1	-91.9	-0.3	+5.3	-43.9

Source: Farm Labor Developments, U.S. Department of Labor, Manpower Administration. February 1967.

In these years of transition from use of large numbers of braceros in the U.S., we see that the use of foreign seasonal farm workers in the U.S. declined 91.9 percent, while in Florida they declined only 43.9 percent. The decline in total seasonal labor was markedly different as well: in the U.S. it declined 12.6 percent while in Florida it only declined 0.3 percent. So while domestic seasonal labor use declined in U.S. agriculture by 6.1 percent, in Florida the use of domestic farmworkers increased. Still, this change did not result in Florida

using a comparable share of domestic labor in its seasonal labor force; its percent of farm labor force which was domestic was lower than that of the United States.

The end of the Bracero Program had little effect on Florida because Florida continued to import West Indian farm workers for its seasonal harvest needs. The data in Table 4 demonstrates the number of West Indians employed in Florida.

TABLE 4: Peak Employment of West Indian Agricultural Workers in the U.S. and Florida, 1964-76

<u>Year</u>	<u>U.S.</u>	<u>Florida</u>	<u>Percent of Total</u>
1964	16841	13020	77.3
1965	15265	13099	85.8
1966	10135	8762	86.5
1967	11401	9056	79.4
1968	10602	8711	82.2
1969	10909	8230	75.4
1970	11887	9319	78.4
1971	12244	9050	73.9
1972	11425	8276	72.4
1973	12837	8639	67.3
1974	12582	8224	65.4
1975	12813	8427	65.7
1976	10958	8052	73.5
Percent Change	-34.9	-38.2	

Source: British West Indian Central Labor Organization cited in Dewind, et al., "The Cane Contract: West Indians in Florida" NACLA Report on the Americas, Vol. XI, No. 8, Nov.-Dec., 1977, p. 12.

From 1964-1976 the decline in peak employment of West Indians in the U.S. was -34.9 percent while the decline for Florida was greater: -38.2 percent. This was due to

increased employment of West Indians in apple harvests in Northeastern states. Even so, Florida continued to use the greatest share of West Indian labor temporarily in the U.S.

Florida Sugarcane Production

Florida is one of three states in the U.S. which produces sugarcane; the others are Louisiana and Hawaii. Sugarcane production in 1975, for example, accounted for roughly thirteen percent of Florida's total agricultural receipts.¹ While Florida has produced sugarcane for most of this century, its production has increased due to the draining of some of the Everglades which increased the available acreage for sugar, and due to improved cultivation techniques. The following table illustrates the changes in production of Florida sugarcane over the period time under study.

TABLE 5: Florida Sugarcane Production by Acres Harvested, Net Tons Produced and Average Yield Per Acre, 1964-78

<u>Year</u>	<u>Acres Harvested</u>	<u>Net Tons Produced</u>	<u>Average Yield Per Acre</u>
1964	219,802	6,438,759	29.3
1972	243,839	9,287,731	38.1
1978	298,840	10,316,794	30.7
Percent Change	+36.0	+60.2	

Source: Solomon Sugarman, Department of Labor, Employment Standards Administration, "Wage Survey for 1973-74 South Florida Sugar Harvest" U.S. Government Printing Office, 1974 1978 Census of Agriculture, Vol. I, part 9, State & County Data: Florida.

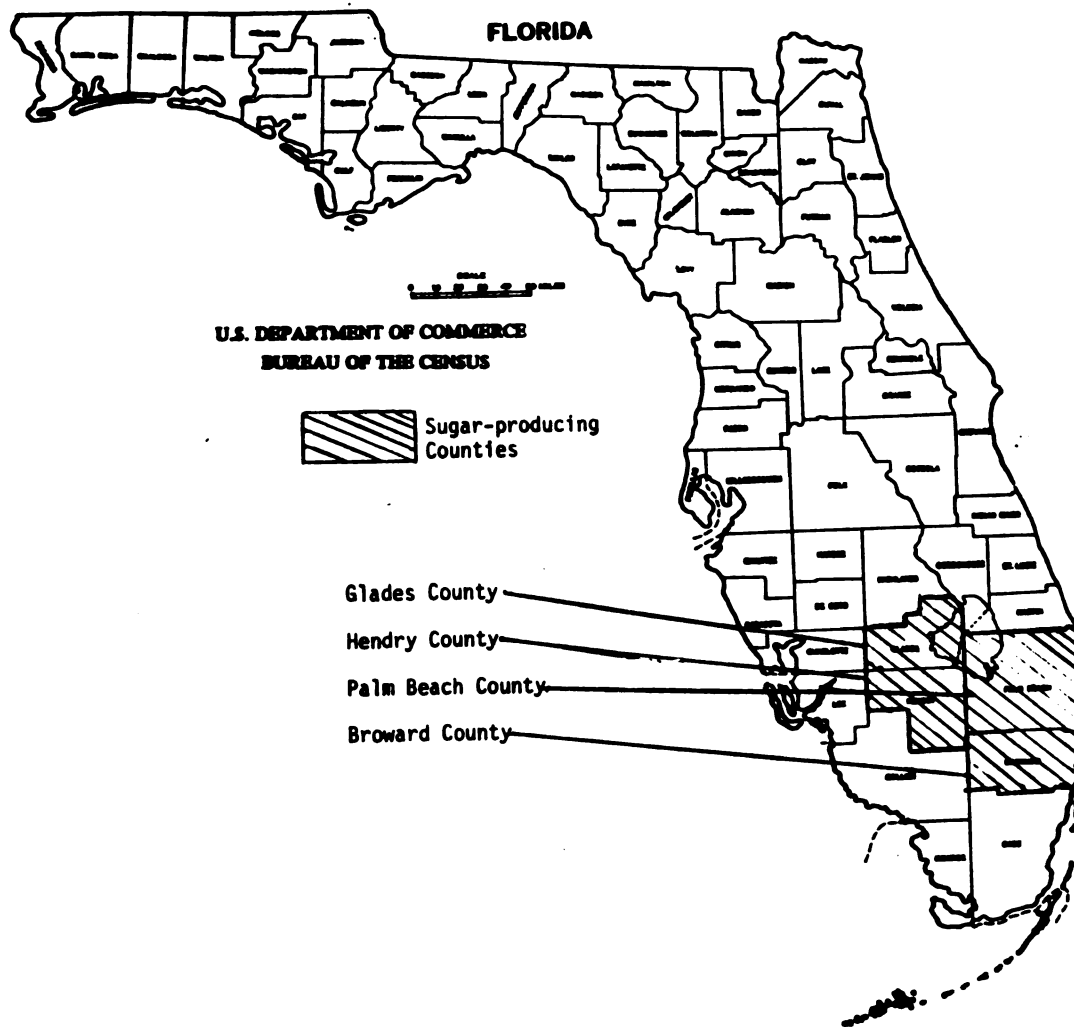
Sugarcane cultivation in Florida is concentrated in three main southern counties: Palm Beach, Hendry and Glades counties with a small amount of production occurring in a few other adjacent counties. (See Figure I.) In 1978, for example, Palm Beach county accounted for almost 78 percent of Florida's sugarcane production, with Hendry and Glades counties contributing roughly ten percent each of the harvest total.

While other states have mechanized their sugarcane harvests,² Florida continued through 1978 to harvest the majority of its sugarcane by hand. The argument that Florida growers usually gave for continuing to hand-cut cane was that the machines bog down in the mucksoil and often uprooted the plants. The U.S. Sugar Corporation experimented with machine harvesting in its 1973-74 harvest and found that the machines cut off too much of the green

tops of the cane during the trimming process. While most of the sugar corporations use machines to harvest the small amount of cane which will be used for replanting, only Talisman Sugar Corporation had mechanized their full harvest operation by 1975.³ Thus, at least one corporation found that machines could in fact be used for the harvests, while the rest continued to insist that machine-harvesting of sugarcane is impractical in Florida.

FIGURE I

Map of Florida and Its Sugarcane Producing Counties



The process of hand-harvesting of sugar cane is arduous, dirty and dangerous. First, the fields are burned to reduce the amount of leaves and weeds surrounding the cane stalks and to increase the sucrose content by lowering the moisture level. This results in easier cutting of the fields for the workers and higher sugar content by weight in the cane stalks.⁴ To cut the cane, workers must wear long pants, long-sleeved shirts, hats and often handkerchiefs over their faces, as well as protective leg and arm guards. The work is done in generally 80 degree heat; but the excessive clothing worn is necessary to protect the skin from the irritation resulting from the black ash and sticky cane fibers in the field.⁵ The arm and shin guards worn are to prevent the cutting of arms and legs with the razor-sharp machetes that are used to cut the cane; even so, fingers and toes often fall victim to the swing of the machete. Eardrum injuries also occur due to the flying shards of cut cane that fill the air during the harvest process.⁶ Despite these conditions, workers are expected to cut one ton of trimmed cane per hour in order to keep their jobs.⁷ Each worker is assigned a row to cut and works down that cane row, swinging the machete once near ground level to cut the stalk and again to trim the top of the stalk, before moving on to cut the next stalk. As the National Commission for Manpower Policy of 1978 described it,

To cut cane in Florida is to work under near-combat conditions...the work is punishing...dangerous... No working conditions are comparable to (this) except coalmining--where wages are much higher.⁸

In Florida, sugarcane grown prior to World War II was planted and harvested by domestic workers. During the War, West Indians were imported to accomplish this work.⁹ Since contract workers tend to be single males, growers using these workers erected barracks-style housing for them, which would be unsuitable to the needs of domestic migrants who often travel in family groupings. At war's end, no effort was made to reemploy domestic workers in the cane fields; rather, as Fred Sikes of the U.S. Sugar Corporation put it:

We began to explore ways to continue the program on a private basis...Exploring the situation further, we found that extreme unemployment problems existed throughout the Caribbean and that Jamaica...was interested in seeing the offshore farm labor program continued.¹⁰

Data on peak employment of West Indians by state in which employed provided by the British West Indian Central Labor Organization (which oversees their employment in the U.S.) better illustrates the extent to which West Indians were employed in Florida.

TABLE 6: Peak Number of West Indian Agricultural Workers in the U.S. and in Florida, 1960-63.

<u>Year</u>	<u>U.S. Total</u>	<u>Florida Total</u>	<u>W.I. in Florida as a Percentage of Total</u>
1960	13,629	8,897	66.0
1961	13,773	9,663	70.2
1962	15,471	11,668	75.4
1963	15,937	12,727	79.9

Source: British West Indian Central Labor Organization cited in Josh Dewind, et al., "The Cane Contract: West Indians in Florida," NACLA Report on the Americas, Vol. XI, No. 8 (November-December 1977), p. 12.

An average of roughly nine thousand of these workers are imported each year from the West Indies for sugarcane harvest activities in Florida.¹¹ While some domestic farm labor is used in Florida sugarcane, it tends to be used in running machinery, sugar milling and some managerial tasks as well as in the non-harvest activities of cultivation: the foreign workers are concentrated in the hand-harvest activities.¹²

West Indian Sugarcane Harvest Workers as a Focus of Conflict

The ability of Florida growers to obtain a continued supply of West Indian temporary agricultural workers became a focus for conflict after 1964. In 1964 the legislation allowing the importation of Mexican braceros in large numbers into the U.S. was allowed to expire by the U.S.

Congress. While this legislation was little used by Florida growers to obtain foreign labor, growers in the Western United States depended upon it for large supplies of seasonal harvest workers. Upon its expiration, Florida growers who used West Indian labor were little affected, since this labor enters the U.S. under the H-2 program.

In 1965, the U.S. Senate held hearings regarding the importation of foreign labor into the U.S. to determine their impact on the U.S. economy and on U.S. agriculture. The hearings also were used to examine the effectiveness of new Department of Labor programs to fill farm labor demand with domestic labor sources, and to review new regulations on the importation of H-2 labor promulgated by the Secretary of Labor.¹³

Hearing testimony produced two opposing points of view on the importation of foreign workers. Interest groups which had worked for an end to Bracero labor in the U.S. attended the hearings to assert that all foreign labor importation should be ended in the U.S. Farmer organizations and associations appeared to testify to their growing and continuing need for foreign labor, and to push for using the H-2 labor importation scheme to replace the old Bracero program through expansion of H-2 certification.

Reverend James Vizzard of the National Catholic Rural Life Conference made note of the differential treatment of

1. The first part of the document is a list of the names of the persons who have been appointed to the various offices of the city government. The names are listed in alphabetical order, and each name is followed by the office to which the person has been appointed.

2. The second part of the document is a list of the names of the persons who have been appointed to the various offices of the city government. The names are listed in alphabetical order, and each name is followed by the office to which the person has been appointed.

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agricultural interests regionally which was resulting from continued H-2 importation in the Southeast, by voicing the complaint of Western growers, which was shared by opponents of labor importation; that

if California cannot have Mexicans, why can Florida have British West Indians and Bahamians(?)¹⁴

Brad McAllister of the American Friends Service testified to the impact farm labor importation had on the structure of U.S. agriculture:

The major change in agriculture has been that of displacing the mule. Agriculture has not been compelled to save on the unit cost of human energy because there has been an ever-ready supply of cheap imported foreign contract labor.

In the face of a genuine labor shortage, growers would become more efficient in their labor utilizations.¹⁵

The National Consumer's Union, the National Advisory Committee on Farm Labor¹⁷ and the AFL-CIO¹⁸ all spoke against labor importation as being unnecessary to the needs of U.S. agriculture and detrimental to the interests of domestic labor. The consensus opinion of these organizations was that domestic workers were available for the types of farm employment offered to foreign labor if offered decent wages and working conditions. This view is perhaps best expressed in regard

to the case of Florida sugarcane harvest labor use by Marshall Barry, a Tampa economist and former professor of economics at New College in Sarasota, Florida. In a 1980 interview he posed the following question:

What has America done in one hundred years to an extremely productive labor force? All of a sudden they are unable to wield a machete? Is there some kind of genetic change that makes their arms cramp when they pick up a handle? Or is it that conditions are so rotten?¹⁹

Reverend Vizzard echoed this sentiment in his hearing testimony:

Unquestionably...farm work is physically demanding work... But in every other segment of the American economy where work is difficult or unpleasant, the wages and working conditions are made attractive enough that men will be willing to do them.²⁰

On behalf of the agriculturalists who wanted continued and expanded use of foreign seasonal labor, Senator Spessard Holland testified before the senate committee as to the need for foreign farm workers. He produced a number of wires sent to him, by Florida growers and even the Governor of Florida, in support of the argument that domestic labor is not sufficient to the needs of Florida agriculture. The following is the text of the wire from Governor Haydon Burns of Florida to Senator Holland which was entered into the hearing record:

Regarding Senate Agriculture Committee's meeting on agricultural labor, imperative Florida be allowed to continue to import foreign workers to supplement domestic labor and thereby fulfilling Florida agriculture's absolute requirements. Domestic labor not affected by imported workers who merely supplement our needs. Florida agriculture must be allowed domestic and foreign workers under conditions which are economically feasible or it will be seriously damaged.²¹

Other wires entered into the record by Senator Holland threatened crop losses, asserting that it is "impossible to obtain domestic workers"²² and that

Domestic labor will not work in groves...An increase in farm wages can only come out of the grower's hide in that there is no way to pass this on to the consumer.²³

In the center of the conflict between the grower interests and the worker interests was the Department of Labor (DOL), which is charged with providing temporary foreign labor, on the one hand, and with limiting its use so as not to adversely affect domestic labor, on the other hand. The testimony of the Secretary and the Assistant Secretary of Labor in this hearing shed interesting light on this conflict. Secretary Wirtz testified that users of imported labor spend more on that labor than they would on domestic labor.²⁴ Thus, arguments that even if domestic labor were not in short supply growers could not afford the wages necessary to attract them, seemed a little thin. And

Assistant Secretary of Labor Mehren testified that there had been no appreciable crop losses in Florida due to lack of sufficient harvest labor; nor was there a discernable curtailment of farm production due to lack of labor.²⁵ Thus, the assertions that Florida agriculture was suffering under the lack of sufficient labor was not substantiated.

This is basically the shape of the conflict which has ensued over foreign labor importation in Florida since 1964. Before moving in the next chapter to discussion of the hypotheses to be tested in this study, the role of the Department of Labor in regulating the flow of foreign labor into Florida will be outlined and the contractual obligations of the labor and its users will be examined, in order to show the legal limitations on foreign labor use in Florida.

Regulations On the Use of West Indian Contract Labor in Florida, 1964-78

West Indian contract labor enters the U.S. to do farm work under Section 101(a)(15)(H)(ii) of the McCarran-Walters Act (Public Law 414 of 1965). Each is defined as a nonimmigrant, meaning

having a residence in a foreign country which he has no intention of abandoning...who is temporarily coming to the United States to

perform...temporary services or labor, if unemployed persons capable of performing such services or labor cannot be found in this country...²⁶

Section 214(c) gives the Attorney General the authority to determine if nonimmigrant labor will be allowed to enter the U.S.,²⁷ upon the advice of agencies such as the Department of Labor. In addition to the Department of Labor's role in advising the Attorney General regarding the need for imported temporary labor, it also issues regulations which govern the conditions of such admissions. In 1965, with the end of the Bracero Program, the Secretary of Labor issued regulations intended to more closely control the use of imported farm labor and to make it more difficult and less attractive for employers to attempt to obtain this labor.²⁸ In this way, it was hoped to ensure that employers could not use the H-2 program as a subterfuge for continuing to import Mexican braceros.

These new regulations more fully defined what would constitute a "reasonable effort" to obtain domestic labor by employers wanting certification for H-2 workers. The new regulations also revamped the certification process. In the past, employers had gained certification for foreign labor by beginning their domestic labor recruitment months prior to the actual time the labor was needed, knowing that domestic migrants would not commit themselves so far ahead of the harvest. Then, having been "unsuccessful" in this

effort, they could apply many months in advance of the projected time of labor need and receive that certification. The new regulations eliminated this strategy; they required that the State agencies

not process a request for workers more than 60 days nor less than 30 days prior to the date of need; and such request shall be reviewed by the State agency not more than 15 days prior to the date of need and the State agency will advise the appropriate Bureau of Employment Security regional office whether the conditions necessitating foreign workers previously certified to by the State agency still prevail, or whether the request should be cancelled or revised.²⁹

Thus, not only could employers of foreign labor no longer get early certification, but they also could not use the certification to turn away domestic labor once the certification was received.

The new regulations went further to specify the minimum wage rates that domestic farm labor must be offered before a prospective employer of H-2 workers could receive certification. An even more radical change in these regulations was the stipulation that domestic workers must be offered the minimum protections and guarantees of working conditions that had been previously guaranteed to braceros, and that they must be provided housing, transportation, and a written contract.³⁰

By 1974, further regulations regarding the use of

foreign contract workers which impacted as well on domestic workers were added into CFR 602.10, along with the previous regulations mentioned. These regulations limited the amount farm workers could be charged for meals, and guaranteed that the worker would be paid for at least three-quarters of the contract period if he was ready to work but not used by the employer. They also limited the work to an eight-hour day and a six-day week with specified holidays provided. Employers were also enjoined by these regulations to keep accurate wage and employment records and to not discriminate through wage rates in favor of one group of workers or the other "where both U.S. and foreign workers are engaged in the same tasks."³¹

All regulations regarding foreign workers potentially affect domestic farm workers as well. Prospective employers of foreign labor were required to provide to domestic labor any wages or guarantees that accrued to foreign labor; failure to do so would nullify a farmer's eligibility for future certification of foreign workers. These stipulations amounted to a revolution, as they would force prospective employers of foreign contract farm labor to offer to domestic farm labor all the guarantees and benefits that they historically had offered to foreign contract farm workers.

The regulations further limited the contracts for foreign workers to no more than 120 days, prohibited the

use of foreign workers in areas where a domestic labor dispute or strike was in progress, and made ineligible for certification any employers found to be out of compliance with the regulations or contracts or who knowingly were employing illegal foreign workers.³²

As a body, the regulations were onerous to employers of farm labor. The limitations on when requests for foreign labor certification could be requested and would be processed left these employers uncertain of whether the request would be honored until just before the time of labor need. Clearly, this was intended to encourage more vigorous recruitment of domestic labor. They further made the uncertainty compound by allowing for last-minute decertification if domestic labor were found to be available. And they raised the potential cost of domestic farm labor by requiring minimum wages and working conditions, as well as housing and transportation comparable to what was being, and had been, offered foreign contract labor.

The requirement of contracts for domestic labor was particularly distasteful since contracts would legally define the obligations of the employer to the worker, while growers felt that the obligations of the workers to their employers could not be contractually enforced. Thus, there was a feeling that while they, as employers, would now be bound to the domestic farm workers to honor promises made

at the start of the contract period, the workers would not be sufficiently bound to honor their obligations to the employers. The earlier regulation changes became a center of the controversy and conflict in the Senate Hearing of 1965 on the Importation of Foreign Agricultural Labor. The limit of 120 days maximum for foreign labor contracts was especially troublesome to Florida sugarcane growers whose harvest season stretches to six months. This limitation meant that foreign labor could only be used during the height of the harvest, or else complicated structuring of certification requests would be needed to keep sufficient supply of foreign workers in the fields throughout the sugar harvest.

Along with the U.S. regulations on contract labor, West Indian contract farm labor works under conditions determined by agreements between their own governments, or representatives of their governments, and the employers themselves. Thus, the contracts are shaped not only by U.S. regulations, but also by the desires and bargaining power of the participating governments and the participating employers.

Contracts for West Indian Workers

The contracts made between West Indian farm workers and U.S. agricultural employers must be in compliance with U.S. regulations, but can contain stipulations agreed to by the

1. The first part of the document is a letter from the author to the reader, explaining the purpose of the study and the methods used. The letter is dated 1998 and is addressed to the reader.

2. The second part of the document is a list of references, which includes books, articles, and other sources used in the study. The references are listed in alphabetical order.

3. The third part of the document is a list of figures, which includes tables, graphs, and other visual aids. The figures are listed in alphabetical order.

4. The fourth part of the document is a list of tables, which includes tables of data, tables of results, and other tables. The tables are listed in alphabetical order.

5. The fifth part of the document is a list of appendices, which includes appendices A, B, C, and D. The appendices are listed in alphabetical order.

6. The sixth part of the document is a list of footnotes, which includes footnotes 1, 2, 3, and 4. The footnotes are listed in alphabetical order.

7. The seventh part of the document is a list of indexes, which includes indexes A, B, C, and D. The indexes are listed in alphabetical order.

8. The eighth part of the document is a list of references, which includes books, articles, and other sources used in the study. The references are listed in alphabetical order.

participating parties, so long as they do not negate U.S. regulations.

From 1960 to 1975, the governments participating in the labor contracts with Florida growers, and represented by the British West Indian Central Labor Organization in contract negotiations, were those of Jamaica, Barbados, the Leeward and Windward Islands, Trinidad, British Honduras and British Guiana.³³

Comparing the 1960 and the 1975 contracts, we see very little change. Both contracts require the workers to

faithfully and diligently perform the duties of an agricultural worker..., obey and comply with all rules and regulations of the employer which have been approved by the Government's Agent relating to safety, discipline and the care and maintenance of property; maintain the living quarters furnished to him by the employer.³⁴

and to not work for any other employer than the one he has been assigned to by contract.³⁵

The only change in the rather long list of worker responsibilities listed in the contracts was in the maximum length of the working day. In the 1960 contract it was to be ten hours in any twenty-four hour period; due to the regulations in Cfr 602.10a in 1974 limiting the work day to eight hours, the contract of 1974 requires only an eight-hour day.³⁶ Both in 1960 and in 1975, the contracts considered eight hours to be a full day's work,

so the change means that workers could no longer be made to work beyond this defined full-day of work.

An interesting change in the employer's responsibilities listed in the contracts regarded transportation. In both contracts, the employers were to advance the price of transportation and subsistence en route to the place of employment. But the 1960 contract provided transportation only to and from Kingston, Jamaica,³⁷ while the 1974 contract provided the transportation including other countries in the Caribbean as well.³⁸ Theoretically, this could have facilitated the use of more workers from other Caribbean islands by relieving them of the burden of expense of travel between their homes and Kingston. In effect, it made workers from other than Jamaica more expensive to the agricultural employers, by increasing the burden of transportation costs, since these other workers would still be routed through Jamaica, in most cases, en route to the Florida employment sites.

Other interesting provisions in these contracts are that the workers could not be required to purchase services or articles for consumption "from any source not his choice"³⁹ (eliminating the tyranny of company stores), and that a worker who dies while under contract would be provided "suitable burial" at the employer's expense.⁴⁰

A change in employer responsibility in the contracts

over time was the addition by 1976 of guaranteed medical care and personal injury compensation for workers becoming ill or injured in the course of their employment.⁴¹ This was notably absent from the 1960 contract, which meant that an injured worker at that time could simply be deported due to inability to comply with the contract and with his status as a nonimmigrant alien. With the provision of medical and personal injury compensation, injured workers theoretically could not be sent away without receiving compensation from the employer.

All other provisions in the contracts relate to the wage and working conditions guaranteed under U.S. regulations previously outlined in this chapter, and are congruent, but do not exceed, those provided for by U.S. regulations.

In summary, in this chapter it is shown that West Indians imported to the U.S. tend to be used most often in Florida to hand-harvest sugarcane, during the winter months of the year. That these workers are imported to do this work has become a focus of conflict between labor organizations, migrant worker advocates, and the U.S. government and growers associations. This conflict grows out of the fact that Bracero importation was stopped while H-2 worker importation, which benefits only a small part of U.S. agriculture, continues. And while regulations have been issued to limit the use of H-2 workers and make it

more costly and difficult, the importation of West Indians to cut sugarcane remains part of the seasonal preparation for the Florida sugar harvests. Having briefly presented the arguments arrayed for and against the importation of foreign workers into Florida, and the regulations governing this importation, the tests of hypotheses will now be presented.

1. *Chlorophyll a* and *Chlorophyll b* were determined using a Shimadzu UV-1601U ultraviolet-visible spectrophotometer (Shimadzu Scientific Instruments, Columbia, MD, USA) after extraction with 80% methanol. The concentration of chlorophylls was determined using the following equations: $\text{Chlorophyll } a = 11.85 \times \text{OD}_{663} - 1.81 \times \text{OD}_{646}$ and $\text{Chlorophyll } b = 22.9 \times \text{OD}_{646} - 9.66 \times \text{OD}_{663}$ (Arar and Parsons 1995).

CHAPTER IV: FOOTNOTES

¹Leo Polopolus, "Farm Labor in Florida," Florida's Farmworkers...Toward a Responsible Public Policy, Institute for Social Policy Studies, June 1977, p. 4.

²National Commission for Manpower Policy, "Temporary Admission of Foreign Workers: Dimensions and Policies," Special Report No. 34, March 1979.

³Solomon Sugarman, Department of Labor, Employment Standards Administration, "Wage Survey for 1973-74 South Florida Sugar Harvest," 1974, p. 12.

⁴Joanne Koslofsky, "Where Sugar is King" NACLA Report on the Americas, Vol. XV, No. 1, (January-February 1981), p. 22.

⁵Josh David, et al., "The Cane Contract: West Indians in Florida," NACLA Report on the Americas, Vol. XI, No. 8 (November-December 1977), p. 12.

⁶J. Mulligan, "Slave Labor in the Cane Fields," Progressive Vol. 45, No. 5, (May 1981), p. 37.

⁷Dewind, p. 12.

⁸National Commission for Manpower Policy, pp. 178-79.

⁹President's Commission on Migratory Labor, p. 40.

¹⁰Josh Dewind, et al., "The Cane Contract: West Indians in Florida," NACLA Report on the Americas, Vol. XI, No. 8 (November-December 1977), p. 11.

¹¹In-Season Farm Labor Reports of the U.S. Department of Labor cited in Farm Labor Developments, February 1968 and 1969, April/May 1970, and May 1971.

U.S. Department of Agriculture, The Farm Situation, 1965-66, USDA Report No. 110, p. 23.

¹²U.S. Congress, Senate Committee on Agriculture and Forestry, Importation of Foreign Agricultural Workers, Hearings, 98th Congress, 1st Session (January 15 & 16), 1965, Washington, D.C.: U.S. Government Printing Office, 1965, p. 147.

¹³Ibid., p. 1.

¹⁴Ibid., p. 288.

¹⁵Ibid., pp. 367-8.

¹⁶Ibid., p. 307.

¹⁷Ibid., p. 300.

¹⁸Ibid., p. 198.

¹⁹Steven Petrow, "Sugar Cane Slavery," Southern Exposure, Vol. 8, No. 4 (Winter 1980) p. 72.

²⁰U.S. Senate Committee on Agriculture and Forestry, p. 290.

²¹Ibid., p. 318.

²²Ibid., p. 320.

²³Ibid., p. 319.

²⁴Ibid., p. 99.

²⁵Ibid., pp. 180-84.

²⁶U.S. Congress, Senate Subcommittee on Migratory Labor, The Migratory Farm Labor Problem in the United States, 1969, Report No. 91 (Washington, D.C.: U.S. Government Printing Office) 1969, p. 62.

²⁷Ibid.

²⁸Secretary of Labor Willard Wirtz, Year of Transition: Seasonal Farm Labor 1965 (Washington, D.C.: U.S. Government Printing Office) 1966, pp. H6-H9.

²⁹Ibid., p. H6.

³⁰Ibid., pp. H7-H8.

³¹Code of Federal Register, April 1, 1974, Appendix VIII, CFR 602.10a, Sections (e), (f), (g), and (i). Code of Federal Register, April 1, 1974, Appendix VIII, CFR 602.10b.

³²Secretary of Labor Wirtz, p. H8.

³³Agreement for the Employment of British West Indians in Agricultural Work in the United States of America, 1960 and 1974.

³⁴Ibid., 1960 and 1974.

³⁵Ibid., 1960 and 1974.

³⁶Ibid., 1960 and 1974.

³⁷Ibid., 1960.

³⁸Ibid., 1974.

³⁹Ibid., 1960 and 1974.

⁴⁰Ibid., 1960 and 1974.

⁴¹Federal Rights, Department of Labor Regulation Change for CFR 602.10a, Vol. 32, No. 59, March 28, 1967.

CHAPTER V: RESULTS OF THE STUDY; TESTS OF HYPOTHESES

The case of West Indian nonimmigrant workers in the Florida sugarcane harvests poses some questions which were previously stated as hypotheses.

Labor Shortage as A Numerical Shortage

The first hypothesis was that there was no true shortage of labor domestically to justify the importation of foreign agricultural workers into Florida for the sugarcane harvests, during the period under study. The concept of shortage has more than one meaning. A shortage can be in terms of real numbers of workers, or it can mean that there is a shortage of willing workers, or of skilled and willing workers.

The first test of the hypothesis is to determine if there was a numerical shortage of labor available for farm work in the U.S. in the period under study.

The test of this hypothesis must begin first with unemployment data for Florida, since it could be assumed that temporarily unemployed workers in Florida might be attracted to farm work as an interim solution to their unemployment. Since the Department of Labor was

encouraging dayhaul operations where farmers could daily recruit and employ unemployed urban workers, this assumption is not unrealistic. The following data reflects the total amount of unemployment in Florida, but probably excludes the bulk of farm unemployment, since it is drawn from the numbers of workers applying for unemployment benefits, for which most farmworkers would be ineligible.

TABLE 7: Unemployment in Florida, Percent Unemployed and Number Unemployed in Thousands, 1964-78

<u>Year</u>	<u>Percent</u>	<u>Number (in thousands)</u>
1964	3.8	81
1965	3.1	68
1966	2.7	67
1967	2.4	56
1968	2.8	70
1969	2.5	66
1970	3.4	93
1971	4.2	119
1972	4.5	125
1973	4.3	131
1974	6.2	208
1975	10.7	366
1976	9.0	311
1977	8.2	289
1978	6.6	245
Average	5.0	152.6
Percent Change 1964-78	73.7	205.5

Source: Manpower Report to the President, Departments of Labor and HEW, 1964-65; Employment and Training Report to the President, Departments of Labor and HEW, 1975-79.

Considering that an average of nine thousand West Indians

are imported each year for the Florida sugarcane harvest, then the largest percent of Florida's unemployed that would have to be attracted to farm work to replace imported labor would have been roughly 16 percent of the unemployed in 1967; the smallest percent of the unemployed needed would have been 2.5 percent of the unemployed in 1975. It would not be unrealistic to expect that a sufficient number of these unemployed could be attracted to the sugarcane harvest if this opportunity for work were more widely known, and if wages and working conditions were not any more unsuitable than other types of farm work. Throughout the period under study, there were unemployed domestic workers available in Florida, potentially to be employed in the sugar harvest, but which were not attracted to it or recruited for it.

Of course, sugarcane is not grown throughout Florida, but rather is concentrated in the southeast portion of the state, not far from West Palm Beach. So it is more likely that the unemployed in this area of the state are the pool of urban labor from which temporary seasonal workers could be obtained. While the data were not available for the entire period under study on unemployment in West Palm Beach, there are data available from 1975 to 1978. As a point of comparison, data on the Tampa area, which is an area where a variety of fruit and vegetables are grown, and harvested by domestic labor, are included.

TABLE 8: Unemployment for Selected Areas of Florida and the Percentage Point Difference from the Average Florida Unemployment, 1975-78

<u>Year</u>	<u>Tampa</u>	<u>Percent Point Difference</u>	<u>West Palm Beach</u>	<u>Percent Point Difference</u>
1975	10.0	-0.7	12.1	+1.4
1976	9.3	-0.3	10.4	+1.4
1977	8.1	-0.1	9.0	+0.8
1978	6.1	-0.5	7.1	+0.5

Source: Employment and Training Report to the President, Departments of Labor and HEW, 1976-79.

While both areas border on heavily agricultural regions of Florida, Tampa is in an area where domestic labor was used, while West Palm Beach borders on the sugar-growing area where foreign labor is heavily used. And while Tampa's unemployment rate was consistently lower than the annual average for the state, West Palm Beach's unemployment rate was consistently higher than the Florida average. The fact that West Palm Beach averaged greater unemployment than the state did indicates that there should have been a pool of workers there in more distress than in general for the state, and therefore more apt to accept temporary farm employment. It is possible to conclude, in comparing the unemployment rates of the Tampa area and West Palm Beach, that areas which use foreign workers tend to have higher unemployment than those that do not. It can also be concluded that there is domestic labor theoretically available in the sugarcane-producing area of Florida.

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Florida's agribusiness has access to workers outside the state, as well as from within, through the Rural Manpower Service (RMS) which operates to route workers within and between states to jobs which have been listed with it. Thus, we must look at unemployment in the U.S., specifically farm unemployment since this is the labor pool most likely to take referrals for farm employment through the RMS. Unfortunately figures for Florida's agricultural unemployment were not available for comparison. But the total for the U.S. gives a picture of unemployed farm labor available for intrastate and interstate referral for jobs taken by foreign labor in the Florida sugarcane harvest.

TABLE 9: Total Agricultural Workers, Percent unemployment, and Estimated Number Unemployed for the U.S., 1964-78 (In thousands)

<u>Year</u>	<u>Total Employed Farm Laborers</u>	<u>Total Farm Unemployment (%)</u>	<u>Estimated No. Unemployed</u>
1964	4523	9.3	464
1965	4361	7.3	343
1966	3979	6.5	277
1967	3844	6.9	285
1968	3817	6.3	257
1969	3606	6.0	230
1970	3462	7.5	281
1971	3387	7.9	291
1972	3472	7.6	286
1973	3452	6.9	256
1976	3297	11.7	437
1977	3244	11.1	405
1978	3342	8.8	322
Average	3584.7	8.1	314.1
<u>% Change</u>			
1964-66	-12.0	-30.1	-40.3
1966-78	-16.0	+35.4	+16.2
1964-78	-26.1	-5.4	-30.6

Source: Employment and Earnings, U.S. Department of Labor, Bureau of Labor Statistics, Vol. 26, No. 1 January 1979.

From this table, it can be seen that an average of three and a half million agricultural workers were employed annually in this fifteen year period; three hundred and fourteen thousand farm workers were reported as unemployed on average over this period. Of the unemployed, it would have been necessary to attract less than three percent of these to fill the jobs which West Indians held in the Florida sugarcane harvests, on average.

17. The following is a list of the names of the persons who have been named in the above-mentioned cases:

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The trends in farm employment and unemployment are of note here. The period of 1964 to 1969 showed a steady drop in farm unemployment, which can be attributed to the phasing out of the Bracero program in the U.S. After 1969 there tended to be increases in farm unemployment, which may well have resulted from the increase in mechanization which U.S. agriculture experienced after the Bracero program ended. Overall, while farm employment dropped 26.1 percent in the years under study, the farm unemployment rate dropped only 5.4 percent. In real numbers of unemployed, the drop was greater (-30.6) but this reflects a reduced pool of workers expecting to engage in farm labor. Despite the reduction this implies in the total farm labor force, there are still sufficient unemployed farm workers in any given year for the necessary workers in the sugar harvest to be recruited from the pool available. These figures include farmers and their families as well as hired wage laborers who reported themselves to be unemployed.

In addition to the unemployed are the underemployed farm workers in the U.S., who depend on part-time farm employment because they could not find full-time work, and thus might be induced to work in the sugar harvest since it provides full-time work for the period of the harvest. The following table shows the numbers of under-employed farm workers in the U.S. as well as a reduced estimate of

the number of unemployed farm workers (only those who were wage labor).

TABLE 10: Unemployed and Underemployed Farm Wage Labor in the U.S., 1964-78 (In Thousands)

<u>Year</u>	<u>Number ^a Unemployed</u>	<u>Number ^b Underemployed</u>
1964	N.A.	303
1965	N.A.	266
1966	81	235
1967	85	250
1968	73	256
1969	63	245
1970	83	246
1971	81	234
1972	83	215
1973	78	N.A.
1974	79	N.A.
1975	108	N.A.
1976	132	N.A.
1977	133	N.A.
1978	110	N.A.

Sources: ^a Employment and Earnings, U.S. Department of Labor, Bureau of Labor Statistics, Vols. 10-26 (January Issues), 1965-79.

^b Estimated from data in Farm Labor Developments, U.S. Department of Labor, Manpower Administration, February 1968, March 1969, and Rural Manpower Developments, Department of Labor, Manpower Administration, Fall 1973.

It becomes clear from this table that, with even a more conservative use of farm labor data on unemployment using only those who were wage laborers, there was sufficient unemployed farm labor available in the U.S. to replace foreign workers in the sugar harvest. At most, only fourteen percent would have been sufficient to replace

foreign sugarcane harvest workers; the least percent that would have had to be tapped would have been less than seven percent of the unemployed farm wage workers in 1977. In addition, we see that for every unemployed farm worker there were between two and three underemployed farm workers some of whom would have been potentially available for the sugarcane harvests, since it provides full-time employment for roughly six months of the year.

The sum impact of the data shown here is that there were substantial numbers of unemployed workers in the U.S., within which there was a substantial population of unemployed farm workers which could have been tapped to obtain a domestic sugar harvest labor force. The data on unemployment in Florida and in the area where sugar is grown reinforce the possibility that much or all of the labor needed could have been obtained locally, while the U.S. data show that any shortfall in Florida recruitment could have been supplemented by interstate referrals.

Of course, it can be argued that much of this unemployed labor might not have been available at the time of year when the sugar harvest occurs, roughly from October to March, each year. In 1972, the Department of Labor began publishing quarterly data on farm unemployment. This data showed that the first and fourth quarters of each year tended to be the periods of highest farm unemployment from 1972-78.¹ This could be expected since harvests in the

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Northern U.S. tend to occur in the summer or early fall months. Furthermore, Department of Labor data shows that agricultural unemployment rates tend to be higher than general unemployment in the U.S.,² thus it can be expected that a larger portion of unemployed farm workers are in a disadvantaged position in the labor market than are other workers, and are therefore amenable to taking new job openings in farm labor.

It could be argued that intrastate workers in Florida do not tend to be available during the winter months of the sugar harvest. Unfortunately, quarterly or monthly data on Florida unemployment was not consistently available. But in 1978, the Statistical Reporting Service of the U.S. Department of Labor made available data on Florida's unemployment rates on a monthly basis by counties. The following table will show unemployment in Florida and for the counties in which sugarcane is grown during the harvest months of 1978.

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TABLE 11: Unemployment Rates Annually and Monthly for Florida and Selected Counties, 1978

<u>Sugar Harvest</u> <u>Month</u>	<u>Florida</u> <u>Total</u>	<u>Palm Beach</u> <u>County</u>	<u>Glades</u> <u>County</u>	<u>Hendry</u> <u>County</u>
January	7.5	7.1	7.3	5.6
February	6.1	5.8	5.6	4.7
March	6.3	6.1	5.4	5.6
(Quarterly Average)	6.6	6.3	6.1	5.3
October	7.0	8.1	8.9	8.4
November	6.2	6.8	6.9	7.3
December	6.4	6.4	5.4	6.0
(Quarterly Average)	6.5	7.1	7.1	7.2
Six-Month Average	6.6	6.7	6.6	6.3
Annual Average	6.6	7.1	7.9	7.2

Source: U.S. Dept. of Labor, Statistical Reporting Service, 1978.

From the table we see that all three sugarcane growing counties had higher annual unemployment than did Florida in 1978. Palm Beach County, which grows the bulk of Florida sugarcane had a higher unemployment rate for the six harvest months shown than did the state during those months. Its quarterly average for the last quarter of the year during the first half of the 1978-79 harvest season was particularly higher, as were those for the other sugar-growing counties. So at the beginning of the harvest season there tended to be more unemployment than was true

for the first quarter of the year. This might be explained by the fact that the end of the first quarter of the year is a time when fruit and vegetable harvests occur in Florida providing more employment. Since the fourth quarter of the year tends to be a time of high unemployment in the U.S. in farm labor and in Florida's sugar-growing counties (if this can be judged from the 1978 data), it seems likely that there is a pool of domestic labor available in this area for the sugarcane harvest at the time of year it tends to begin. October tended to be the month of highest unemployment in the six months for all three counties.

In sum, the data on unemployed workers in Florida, and on the numbers of unemployed workers in the area of Florida where sugarcane is grown suggests that there was ample unemployed labor to be recruited for the Florida sugar harvests, which was not in fact recruited. Further, data on unemployed farm labor in the U.S. suggests that there was ample unemployed farm labor available in the U.S. for use in Florida's sugar harvests, which could have been attracted through the mechanisms set up for interstate recruitment of farm labor. In addition, the numbers of underemployed farm workers, especially those in the northern states who have less work in the winter than they do in the summer and fall months, suggests that ample unemployed and underemployed farm labor is indeed available

in the U.S. Data on the sugar-growing counties in Florida and their unemployment rates further solidifies the idea that workers are displaced by foreign labor since unemployment in these counties tended to be higher than the unemployment rate for the state. Given all this data, it is evident that there is no real numerical shortage of labor for use in the sugarcane harvests of Florida. Therefore, the importation of labor must be explained through other means.

Labor Shortage as a Shortage of Unskilled or Unwilling Workers

If, as the previous data indicates, there is labor available in Florida both locally and statewide, and in the U.S. in general which could be employed in the Florida sugarcane harvests, but is not so employed, then we must consider that the shortage is one of willing and/or skilled workers.

The regulations on the wages and conditions required for both foreign farm workers and domestic farm workers employed by prospective employers of foreign labor, imposed in 1965 by the Department of Labor, were intended to attract domestic labor to those areas where foreign farm labor had been used. In testimony before the Senate Hearings on Imported Labor in 1965, George Wedgeworth, President of the Sugar Cane Growers Cooperative of Florida,

reported that

the results of the adverse wage requirement of the Secretary of Labor with respect to our recruitment efforts have been very disappointing. Very few additional workers have been attracted.³

The implications of this testimony were both that growers did try to recruit domestic labor and that improved wages and working conditions were not sufficient to attract domestic labor. This is curious, considering that in 1966 the 1.7 million people in the U.S. who were employed only in farmwork averaged 104 days of work and earned an average of \$894 for the year.⁴ Assuming that 1964 and 1965 were not better years for farm employment in the U.S., and they clearly weren't since Bracero workers had yet to be completely phased out of the U.S. total farm labor force, one would expect that the steadiness of the sugar harvest in Florida in terms of the hours of work and the length of the harvest season would make it attractive to farm workers who depend on work in shorter harvests in other parts of the country. Clearly, the figure given for 1966 suggests that farm workers were not able to locate sufficient work or earn sufficient money to sustain them in their idleness.

Testimony in Congressional hearings over the years under study has emphasized the argument of growers that domestic labor was either unwilling or unable to do

sugarcane cutting. In 1965, the Secretary of Labor responded to this idea in his report on the transition from bracero to domestic labor in the U.S.:

The false notion that Americans won't do stoop labor was carefully nurtured from the truer fact that they won't work for stoop wages.⁵

He went on to say that the declining wages and working conditions of U.S. farm labor were as much the product of farm labor importation as a reason for it.⁶

Rather than suggesting that U.S. farm workers are unwilling to cut sugarcane, the evidence is that they are not allowed to do so. To understand how domestic farm workers are excluded from the sugarcane harvests of Florida, the structures in place in the operations of these farms must be examined, particularly the methods used for labor recruitment.

Florida sugarcane growers in 1964 were well accustomed to the use of West Indian imported labor. On the assumption that this labor would be allowed to them, each year representatives of the grower cooperatives travelled to Jamaica to renegotiate contracts and to pre-select labor for the coming harvest season. In 1977, recruiting agents for the U.S. Sugar Corporation in Florida described the process in this way:

We'll run through 800 men a day... Three tables

are set up representing three stages of processing. At the first table, we simply look at a man as a physical specimen and try to eliminate those with obvious physical defects. At the second table, we're trying to test intelligence and see if the man can understand English as we speak it by asking simple questions. The third table is where we attempt to find out about the man's work background. We also check our black book to see if a man has breached (i.e. sent home for violating the contract)... The final stage of pre-selection is the check by the Jamaican authorities of police records.⁷

Three to six months later, the workers, who were selected and for whom certification can be obtained, are notified by telegram to prepare to leave the next day for work in the U.S. They are then flown to either Miami or West Palm Beach by night charter flight.⁸

Thus, the potential foreign labor force for the Florida sugarcane harvest has already been selected up to six months in advance of the harvest itself, and certainly much before receipt of certification by the U.S. Department of Labor. The growers cooperatives go to some expense in sending operatives to pre-select these workers. In a 1967 U.S. Department of Agriculture report, it was noted that Florida sugarcane growers had developed "an efficient production system involving recruitment...of hand laborers."⁹ While the previous description of recruitment of foreign labor shows that this system was heavily geared to the recruitment of foreign labor, this was not specifically alluded to. However the report

alludes to this and the problem of gearing to domestic recruitment by saying that "they are not yet ready to enter into a new series of production problems."¹⁰

The question does arise as to the extent that employers would go to recruit domestic workers, given the fact that a foreign labor force has already been pre-selected. Clearly, the certification process requires recruitment efforts geared to local, intrastate and interstate recruitment, prior to request for certification.

Elijah Boone, an ex-migrant worker from Opa Locka, Florida testified in 1969 in Congressional hearings that jobs in the local sugar harvest were not advertised by the local farm labor agencies

so that they could say there were no jobs available... We asked, because we knew the jobs were available.¹¹

Other examples of how local workers were discouraged from sugar harvest work were provided in investigative interviews conducted by the New York Times in 1973. One woman was refused work because it was alleged that she had high blood pressure. An examination the next day by her own doctor showed that she didn't and she was told she was fit for any kind of work.¹² Another worker reported flunking a test requiring him to cut 150 feet of sugarcane an hour. As he said:

I was getting better at it and would have been able to cut fast enough in time. But they expect American workers to go in and do right away what Jamaicans have been doing for years. If we can't, they send us away.¹³

At the same time in 1973 as these workers and others were being turned away from the cane harvest, a Tampa economist estimated that as much as 80 thousand farm workers were unemployed in Florida;¹⁴ the 1973 harvest, as in all sugar harvests in Florida since World War II, used a majority of West Indians to cut the cane.

If Florida farm labor was not well-recruited for the sugarcane harvests, what about interstate farm labor? A review of the operation of the Rural Manpower Service in 1972 signalled several "problems" involved in the interstate recruitment process. One state farm labor director admitted that work orders from certain states and certain employers were routinely refused and returned to the originating state with the refusal couched in a variety of ways, but

the more compelling reason was that the orders were...never intended to be filled... When such orders were filled, employers would call his agency asking why referrals were made when obviously they were only criteria orders. (Orders made to meet the criteria for labor certification.) He added that in some cases when workers were referred they would be laid off or would quit... and then return to his State where

their complaints and bitterness at being referred became an embarrassment. Workers who have been in those areas before will not respond to recruiting efforts because they know they are not wanted.¹⁵

To sum up it was noted that "efforts at recruiting domestic workers appear largely to be pro forma."¹⁶ It was further noted that crewleaders were reluctant to take crews to areas where foreign laborers were used, since they "found working conditions particularly bad" and had trouble keeping their crews together.¹⁷

Three offices of the Florida RMS were cited as having violations of regulations in thirty to forty percent of their work orders, by not having advertised clearly the wage rate for the work. The three offices were in Orlando, Belle Glade, and Tampa,¹⁸ all of them relatively close to the sugarcane farms, with Belle Glade being an office through which some of the sugar producers would have to process work orders. Without a wage posted, a job order would tend not to be taken by domestic migrant workers.

The Review of the Rural Manpower Service noted that Florida was currently faced with an oversupply of domestic farm labor and had discontinued interstate recruitment to meet its peak seasonal needs for 1972, in spite of the fact that it was the largest user of foreign labor in the U.S. in 1972.¹⁹ The report went on to say that intrastate and interstate orders for domestic workers had gone unfilled

while foreign workers continued to be admitted.²⁰ The report summed up the effectiveness of the RMS in this way:

No pervasive conspiratorial pattern of errors was found throughout the system. But what was evident was that when RMS errs in following its own procedures, it errs in favor of the employer to the detriment of the worker... When the RMS performs perfectly...it...often works to the detriment of the worker and the local community.²¹

This data points to manipulation by the growers of the regulations requiring them to actively recruit domestic workers through open manipulation of the Rural Manpower Service and its operations.

In hearings in 1972, the Assistant Secretary of Labor for Manpower justified the importation of West Indians into Florida despite the discontinuance of interstate recruitment, by saying that the West Indians were imported because of their skill.²² In response to this testimony, Representative O'Hara noted that the Louisiana cane harvest ends two months before that of Florida; thus these skilled domestic canecutters would be available as interstate workers for the last months of the Florida harvest.²³ At that point Secretary Lovell admitted that skilled Puerto Rican canecutters were also available as interstate workers,²⁴ thus negating his original explanation of the presence of West Indians in the Florida cane fields.

Perhaps Secretary Lovell meant that West Indians are

more skilled at cutting than domestic workers. It has been shown earlier in this chapter that domestic workers were tested in their cane-cutting capacity before they could be hired. The description of the recruitment process in the the West Indies included no such test. The only test of this "ability" conducted in the recruitment of West Indians was described by Harold Edwards, the representative for the British West Indian Central Labor Organization in Washington, who verified that worker qualifications were determined through the "infallible test of inspecting the palms of (the) hands" for callouses indicative of manual labor.²⁵ When challenged that this did not prove that a man could cut cane, he replied that the hand test proved prior manual labor and that a man used to outdoor manual labor could adapt to conditions in the Florida sugarcane harvests.²⁶ If this is so, then it must be asked why domestic migrant labor, which is accustomed to outdoor manual labor, cannot also cut cane. In Congressional hearings in 1975, Mr. Edwards admitted that

men who are cane cutters in the islands usually do not attempt to become contract farm workers, so that the majority of the canecutters starts this occupation for the first time after arrival in Florida.²⁷

In fact, it seems that some of the West Indian contract workers in Florida's sugar harvest did not have prior

experience in farm work. In an interview with Stephen Petrow, several Jamaican canecutters admitted they had lied to get the contract jobs. As Cyril McPherson of Kingston, Jamaica put it,

When the white man puts his thumb on your hand and asks what kind of work you do, of course you say farmwork, even if you never worked in a field before.²⁸

So the Jamaicans and other West Indians recruited cannot be said to be experienced or skilled in canecutting before they arrive on their first contract in Florida; in fact, they would be no more experienced in canecutting than the domestic workers who were excluded from the cane harvest. In skill the domestic migrants would in fact be more skilled than the urban West Indians contract workers who had no previous farmwork experience. Yet, as the Assistant Secretary of Labor put it, they were being imported for their skill!

In sum, no numerical shortage of farmworkers was found to exist in the U.S. to justify foreign labor importation in the period under study. No evidence was found that domestic workers were unable to do cane work. Rather, it was found that growers accustomed to imported farm labor continued to expect to use this labor pool and continued to concentrate their efforts in recruiting foreign labor rather than domestic labor. It was further indicated that

these same growers tended to use a variety of techniques to discourage domestic farm workers from taking jobs with them, as well as using the failings of the Rural Manpower Service to keep up the pretense of domestic recruitment in order to get certification of foreign farm labor.

It must be noted that the low status of sugarcane work constitutes a barrier to the willingness of domestic labor to enter these jobs. In addition to the difficulty and danger of the work which would put it low on the pecking order of farm labor, the use of foreign workers has reinforced a view of cane-cutting as low status work. Thus, the number of domestic farmworkers who would be attracted to this work cannot be predicted. But the fact that cane harvesting provides more stable and longer term employment than fruit and vegetable harvests, as well as a federally guaranteed wage higher than average Florida farm wages is a factor in its favor. And were the work organized in a way to make it less dangerous, then it would certainly become more attractive to domestic labor.

The National Commission for Manpower Policy in 1978 noted in their report that

there is...evidence that deliberately admitted nonimmigrant workers cause some displacement of resident workers.²⁹

This finding, however, did not stop the importation of

workers for the Florida cane harvests, anymore than the Department of Labor regulations throughout the period under study prevented or reduced this importation. The fact that the issue kept resurfacing in hearings throughout the period indicated that it was viewed as a continuing problem.

Why West Indians Cut Cane in Florida

If there is no shortage of domestic farm labor to cut sugarcane in Florida, then the question of why West Indians rather than domestic labor is used must be answered.

Several hypotheses were posited in relation to answering this question. The main hypothesis is that foreign labor is cheaper to use than domestic labor because of its legal status. Within this hypothesis reside two sub-hypotheses: first, that labor costs to employ foreign workers are less than those for domestic workers due to the legal status of the workers, and second, that the legal status of foreign workers acts to make them more "productive" workers.

Labor Costs and Legal Status

Beginning first with the question of labor costs being different for employers using foreign H-2 workers from users of domestic labor, it must be recognized that labor costs entail a variety of items. In seasonal agricultural

work, labor costs begin with transportation and housing, continue with wages, and may also include medical costs, management costs, and workmen's compensation costs for injured workers.

To employ foreign H-2 workers, employers must pay a bond for each worker to ensure their return to their home country at contract's end. The bond is forfeited if the worker does not depart the U.S., but rather stays on as an illegal alien. Since West Indian H-2 workers have a portion of their wages withheld as enforced savings to be deposited in a bank in their home country, and since they are transported by buses and charter flights arranged by the employer, their return has not been a problem. Thus, the payment of bonds has not been a true labor cost; rather it is an initial investment by the employer that is later recouped.

The first labor cost to consider then is that of transportation. As was shown in discussion of the contracts and the Department of Labor regulations, transportation must be paid for both domestic and foreign workers by prospective employers of foreign workers. Only workers not finishing their contracts pay their own transportation, through wages withheld in the first weeks of the contract period. Since the small amount of domestic labor used in the Florida sugarcane harvests tends to be local, the transportation expense is next to nothing for

domestic labor. However, we must also consider what that expense would be if domestic labor replaced foreign labor in the Florida cane fields. If intrastate jobs clearances were necessary, then growers would have to pay the transportation costs of migrant farm workers coming from other parts of the state. If the labor available in Florida was not sufficient, then growers would have to pay even greater transportation costs of workers from surrounding states. It is difficult to calculate on average what the transportation costs for domestic crews of farm workers would be. But in 1973, we know that growers tended to pay between \$45 and \$60 for the transportation of Jamaicans and around one hundred dollars for Barbadian workers, according to the amounts withheld in their initial checks.³⁰ Given the transportation cost at that time, it is inconceivable that domestic labor would require a higher transportation cost than that of foreign workers, especially if growers employed charter services to transport domestic workers as they do foreign workers.

Housing is another labor cost for farm worker employers. The differing composition of domestic and foreign labor pools creates differences in the types of housing they would require. Domestic farm workers tend to travel in family units and require family-style housing; foreign labor imported in sugarcane work has been all-male and thus can be housed in barracks-style units. A

Department of Labor study in 1974 showed that the tendency to employ an all-male workforce in the sugar harvests of Florida had resulted in a lack of family-style housing on these farms.³¹ Thus, the replacement of foreign labor with domestic labor would necessitate the construction of appropriate housing. But, since much of the housing on the sugar-producing farms dated back to the late 1930's and early 1940's and was becoming too dilapidated to meet regulations of the state and federal governments, it would have to be replaced anyway.

In 1970, it was reported that two of the four major sugar companies had spent over six million dollars to replace the housing in their camps. The new housing built by U.S. Sugar Corporation was designed to accommodate 2,618 offshore workers and 393 domestic workers; the new housing at the Talisman Sugar Company was designed for the use of 1,100 offshore workers, so the bulk of the new housing was still designed to accommodate an all-male workforce.³² Moving to a description of the less modern camps and their housing, the Saunders Labor Camp in Belle Glade, Florida has bare wooden barracks with no closets or chairs. Double decker bunk beds line the room; toilet facilities are communal and separate from the barracks.³³ James Pierce of the National Sharecropper's Fund testified before congressional hearings in 1975 to the disgraceful condition of the older sugar camps, citing the housing provided by

George Wedgeworth of the Sugar Cane Growers Cooperative, as an example. He testified that the barracks were filthy, infested with rats and flies, and with inadequate toilet facilities, usually one toilet for between 40 and 100 workers, depending on the level of inhabitancy.³⁴ While the housing must meet the regulations of the state and federal governments as well as British West Indian Central Labor Organization requirements,³⁵ Wedgeworth admitted that the housing he provided for two hundred workers was

marginal housing by state and county codes...with no indoor plumbing, two showers and no fire escape. It was built in 1936.³⁶

Given these conditions, the employers whose housing must be replaced to bring it to code would have to decide whether to build family-style or barracks-style housing, depending on the type of labor they expect to employ. The cost of building barracks with separate sanitary facilities and mess hall is less than the cost of family-style housing which would require wiring for cooking, individual plumbing for water and toilets, etc.³⁷ For those employers who have already up-dated their housing with new facilities geared to all-male employment, the cost of replacing these with family accommodations would be prohibitive. But, even if we were to pretend that none of these farms had housing and all had to build housing for their workers, we would

end with the conclusion that it is cheaper to build communal housing for all-male labor pools than it is to build housing for migrants who travel with their families. Thus, the cost of housing is more expensive for domestic farm labor than it is for foreign farm labor.

Wages and fringe benefits are the major part of labor costs which employers must consider. Wages for farm workers in Florida sugarcane harvests are regulated by the Department of Labor which sets the adverse effect wage for each state. The wage in sugarcane work is also regulated under the Sugar Act. In years where the wages under the Sugar Act are more than the calculated adverse effect wage, the Sugar Act wage applied, otherwise the Department of Labor sets the wage. In 1975, the Sugar act expired and the Department of Labor again set the wage of sugar work in Florida.³⁸ The following table shows the wages set for sugarcane work in Florida compared to hourly average wages for Florida farmworkers.

TABLE 12: Mandated Hourly Sugarcane Wages for Florida and Average Hourly Wages for Florida Farm Workers, 1964-78

<u>Year</u>	<u>Sugar Wage</u>	<u>Average Wage</u>	<u>Difference</u>	<u>% Difference</u>
1964	0.95	0.94	0.01	0.0
1965	1.15	0.99	0.16	16.2
1966	1.15	1.07	0.08	7.5
1967	1.35	1.12	0.23	20.5
1968	1.45	1.39	0.06	4.3
1969	1.64	1.42	0.22	15.5
1970	N.A.	1.46	N.A.	N.A.
1971	1.73	1.43	0.30	21.0
1972	2.00	1.55	0.45	29.0
1973	2.15	1.69	0.46	27.2
1974	2.45	2.33	0.12	5.2
1975	N.A.	2.52	N.A.	N.A.
1976	N.A.	2.73	N.A.	N.A.
1977	3.23	2.92	0.31	10.6
1978	3.79	2.92	0.87	29.8

Source: Federal Register, reports of the Department of Labor Manpower Administration and the Secretary of Labor, Vols. 31-43; U.S. Department of Agriculture, Statistical Reporting Service, Farm Labor (January Issues) 1965-74, and the Florida Agricultural Service, Florida Farm Labor, 1974-79.

This table shows that the legal wage to be given to foreign sugarcane workers in Florida was always higher than the wages that domestic farm labor in Florida received on average. The adverse effect wage and the Sugar Act wage were deliberately set higher in order to induce increases in domestic farm wages, since this rate must also be given to domestic workers. It was also expected that this wage would result in the employment of domestic labor, but as we have seen this was not the case. The table suggests however that the DOL wage rates may have induced increases

in the average farm wages in Florida.

From the table above, we would surmise that foreign sugarcane workers were better paid than domestic farm labor in Florida. This requires the assumption however that sugarcane workers were paid the legal wage as set by regulation and by their contracts. A study by the Department of Labor in 1974 shows that this was not the case. In fact, the study was originated because of complaints that foreign workers were being cheated on their guaranteed wage rates. As the DOL put it, it appeared that employers were handling the piece rates and the recording of worker hours "in a casual manner" and that "this raised questions as to whether the minimum wage requirement was being met."³⁹ The study revealed serious violations of the minimum wage requirement in three of the four major employers of sugar harvest labor.⁴⁰ It was noted that these three employers failed to meet both the Sugar Act wage rate and the adverse effect wage rates.⁴¹ Since sugar harvesting is done by piece rate, which is set arbitrarily by employers at differing rates for each field by a formula which only they know, the amount a worker earns on average per hour can only be determined by dividing a worker's wages by the number of hours he works. Thus, discrepancies in time-keeping of worker labor hours could result in incorrect reporting of average hourly wages. The study by DOL in 1974 was thus an attempt to

determine if incorrect recording of work hours was occurring and if it affected the actual hourly wage that sugar harvest workers were receiving.

Several infractions of time-keeping were observed. The beginning of the work-day is legally defined as the moment when the worker leaves the bus to line up for work in the field. But it was found that the generalized practice in recording the start-up time for the workday was to begin time-keeping the moment the last man began cutting cane "which is arbitrarily taken as being one-half hour later than the time the workers disembark."⁴² This practice robbed the workers of one-half hour each day of work.

The next time-keeping discrepancy was in the recording of lunch breaks in the field. DOL investigators found that lunch was usually no more than five to fifteen minutes in length for the workers; yet "the common practice found was for employers to deduct thirty minutes from the workday for all workers for lunch."⁴³

The last discrepancy was found in the recording of quitting time each day. With the exception of Gulf and Western Sugar Corporation, it was found that quitting time was commonly calculated as the last exact hour that a worker was still in the fields.

This practice of rounding back to the last even hour results in an average reduction of one-half hour per day from the worker's true work-time.⁴⁴

There was one sugar grower that used another technique for recording hours, the Atlantic Sugar Association, which goes beyond mere sloppiness.

The practice consisted of "matching hours," i.e. the daily hours of work appear to have been simply reduced by whatever amount of time needed to show daily minimum wage compliance...it was found that all but one worker had earnings below the required minimum wage.⁴⁵

In sum, it was found that, for two of the four employers, bad time-keeping practices" resulted in an average underreporting of one and one-half hours of working time per day for each cutter."⁴⁶ Over all four employers, the shortage was rounded down to roughly one hour per day per worker.⁴⁷

The results of this time-keeping discrepancy was for three of the four employers to be out of compliance with the minimum wage requirement. U.S. Sugar Corporation and the Sugar Cane Grower's Cooperative were both found to average \$2.09 an hour in wage payments to their cane cutters, with sixty-five percent of the cutters earning less than the \$2.15 an hour minimum wage. Since the Atlantic Sugar Association provided no wage records, the amount of underpayment for its workers was not clear. Gulf and Western employees sampled were found to be the only cane cutters paid in excess of the required minimum, averaging \$2.74 an hour.⁴⁸

In fact, the underreporting of hours and therefore the overreporting of wages may have been worse than observed, since the presence of DOL investigators was known by the employers, and in some cases clear evidence was found of attempts to change their practices on the day the investigators were present. The most blatant example was that one employer immediately raised the piece rates on the fields being cut.⁴⁹

The attitudes of the workers assisted in the underreporting of their hours. Interviews with workers showed that they did not know themselves how many hours they worked (although they suspected hourly records were false) as wristwatches were not worn into the fields. They expressed concern about their pay in terms of the piece rates quoted for the fields they had cut, rather than in terms of what they averaged in hourly earnings.⁵⁰ In fact, at Gulf and Western camps, the workers who were interviewed did not know that their work times were recorded on the tickets made out for them in the fields. What they cared about most was the size of their checks, not the hourly rate.⁵¹

That Gulf and Western was the only one of the four sugar companies to receive a clean bill of health from the DOL investigators was the result of their having restructured their operations after they had been audited the year before.⁵² As a result, they not only were in

compliance with regard to wages, but Gulf and Western was the only company to observe the eight hour limit on the work day.⁵³ The fact G & W had changed their practices as a result of the audit in the previous year shows that they had been out of compliance prior to this.

The sum effect of the 1973-74 Wage Survey in South Florida was to show that well-ingrained practices were used to keep up a pretence of paying the workers the guaranteed wage, while in fact paying them less and working them more hours than allowed.

That workers did not know how many hours they worked did not mean that they believed they were being paid sufficiently for their work. In 1968, 360 cane cutters in Pahokee, Florida stopped work over a wage dispute, resulting in the deportation of the bulk of them.⁵⁴ A law suit was subsequently filed on their behalf by Migrant Legal Services of Florida (COLE vs. HEIDTMAN) charging the "systematic deprivation of wages due to the men."⁵⁵ Again in 1975, a class action suit was brought against the Secretary of Agriculture and the Secretary of Labor as well as against four sugar-growing associations in Florida, charging that the minimum wage guarantees had not been met. Four Jamaican plaintiffs gave their wage statements as evidence that they had been cheated of between 43 and 83 percent of their rightful earnings between 1971 and 1975.⁵⁶ It was estimated in this suit that the U.S.

Sugar Corporation and the Sugar Cane Growers Association together saved eight million dollars in wages in the years the suit covered through cheating the workers.⁵⁷ This would be an average savings of two million dollars a year for the two sugar-growers.

From the evidence in the 1973-74 wage survey and the lawsuits brought on behalf of the workers, it appears that the wage stipulated by law is not the wage that cane cutters in fact receive. Even so, it is more than the average wage that domestic farm workers in Florida receive. The question of whether foreign workers work more cheaply than domestic labor then hinges on whether domestic workers could successfully be cheated out of the guaranteed wage as much as foreign labor had been. Certainly, domestic farm workers would have more access to means of redress than foreign workers have, if they were cheated; they might also be more aware of their hours in the field and how it relates to their wages. If they were cheated, they would be better able to stay in the area to assist in lawsuits on their behalf and could get assistance from farm workers unions in the U.S.

In addition to wages, housing and transportation, there are other labor costs to be considered. Social security taxes and unemployment insurance must be paid for domestic labor,⁵⁸ but not for foreign H-2 workers. This has been estimated as being a labor cost savings of between nine and

ten percent.⁵⁹

Another form of labor cost savings to be gotten through the use of foreign labor in sugarcane harvesting is in the cost of labor management. The DOL wage survey done in 1974 showed the types and amounts of labor management used in the cane fields. Gulf and Western, as an example of a company which most closely monitors their workers in order to comply with the regulations on accurate record-keeping, limits their crews to a maximum of sixty cutters, supervised by a ticket writer and a supervisor known there as a "pusher."⁶⁰ The ticket writer is the one who records the work time and the production of each worker. The other sugar companies tended to have crews of one hundred workers with the same amount of supervision.⁶¹ Given the fact that each cutter would start and end his cutting at roughly different times on each row, the larger the crew per ticket writer, the more difficult the job of accurate record-keeping. The DOL study of 1974 included the finding that only Gulf and Western used sufficient supervision to keep accurate records, and that less supervision would have to result in sloppy inaccurate recording procedures, such as were seen in the other companies.⁶² The Rural Manpower Staff in 1972 argued that, were domestic labor used to cut sugarcane, more supervision would be required both for record-keeping and to make the workers produce.⁶³ That such supervision was

not necessary in the case of the West Indian H-2 workers was cited as being due to the replacement of good supervisory practices with the threat of repatriation.⁶⁴ Thus, the employers of foreign labor require less management of the workers and save on the cost of management.

Harvest expenses in sugarcane were cited as being only slightly more than the total expenses for planting and cultivation.⁶⁵ This fact is particularly of note if we consider that it takes less labor to plant and cultivate sugarcane than it does to hand-harvest it. The differences in labor costs between domestic and foreign labor which result in savings on wages and management costs are arguably the main explanation for the low cost of sugarcane harvesting in Florida. In the long-run, transportation costs and housing costs are probably a negligible portion of the savings. There remains yet another area of labor costs which must however be considered as part of the savings to be had from employing H-2 labor.

Sugarcane hand-harvesting is more than arduous and dirty labor, it is also dangerous work. The Department of Labor wage survey in 1974 made note that

The harvest work done by these workers is...dangerous to a degree which may have not been realized previously... The accident rate for this occupation...may be an important reason why there are no domestic workers so engaged.⁶⁶

The DOL report went on to indicate that in the beginning month of the 1973-74 harvest season, 1,001 hours were lost to injury in 52,569 hours of work in just one sugar camp.⁶⁷ This was roughly a two percent loss of time to injury before the season got under way. While data on actual injury rates are scattered and difficult to obtain completely, since workers injured too severely to complete the contract are merely sent home, a report in 1983 in the Miami Herald suggested that the injury rate is commonly fifty percent or more among the workers.⁶⁸ In the same article, Harold Edwards of the BWICLO was interviewed about this alarming rate of injury in sugar harvesting. He said:

If the men take note of the safety information and watch the safety films, it should be no more dangerous than, say, being a butcher.⁶⁹

He made no mention of whether the piece rates and the fear of being deported for not producing enough may have contributed to the accident rate.

Safety in the fields is not the only safety issue which cane workers face. On December 16, 1973, thirty six Gulf and Western cane cutters were hospitalized for broken bones, lacerations and bruises sustained in an accident where the truck in which the workers were riding overturned. At least four of them had to be transferred to another hospital for specialized orthopedic work due to the

seriousness of their injuries.⁷⁰ No workmen's compensation claims were filed for these men and the more seriously injured were shipped home at company expense.⁷¹ This runs contrary to the testimony of Edwards in 1975 that ill or injured West Indian H-2 workers in the U.S. receive workmen's compensation for illness or injury received in the line of work.⁷² In fact, no accident report was filed in regard to this accident. Authorities only learned of this accident when three weeks later, a similar accident occurred.⁷³ In the second accident, a Gulf and Western van carrying 130 cane workers flipped over, killing one worker and injuring 86. Most of those injured received cuts and bruises with four workers having broken bones and internal injuries.⁷⁴ The Miami Herald investigated this and the previous accident and so Gulf and Western did file an accident report and workmen's compensation claims in the second accident.⁷⁵ Some of the severity of the injuries probably resulted from the fact that the workers were in vehicles without fixed seating as required by the DOL.⁷⁶ The federal government fined Gulf and Western \$1,000 for this infraction.⁷⁷ It is not known if any of the workers injured received workmen's compensation, since those who could no longer work were sent home upon their release from the hospital.⁷⁸ Gulf and Western appeared to not want much known about the accident; the company medical officer

ordered Franklin P. Smith, another clergyman and a UFW representative out of the hospital, calling them agitators, when they tried to visit the injured workers.⁷⁹

The Jamaican ambassador to the U.S. in 1974, Douglas V. Fletcher, toured the cane fields of Clewiston, Florida shortly after this last truck accident occurred. When interviewed about the problem of how the workers were transported, he said:

Yes, it is a problem. But if a man came to me and asked my personal opinion of what he should do - the choice is not working - I think I would have to tell him: "Risk the truck."⁸⁰

Harold Edwards of the BWICLO was also interviewed about the transportation used for West Indian cane workers and he stated that the BWICLO had been on record for three years opposing transportation without fixed, individual seating and had been promised by employers that buses or trucks with fixed seating would be used in 1974.⁸¹

The example of accidents reflects two trends: one, that employers of foreign H-2 workers tend to violate the regulations and laws regarding the safety of their workers, and in doing so, do not even provide injured workers with their rights to workmen's compensation in a consistent manner; and two, that neither the representatives of the U.S. government nor those of the West Indian workers' governments seem to have adequately pursued and reinforced

those legal rights that the workers are entitled to. That employers get away with not filing workmen's compensation claims on behalf of injured foreign workers constitute another savings in labor costs, one that may be substantial if we consider that domestic workers are more likely to know they are entitled to workmen's compensation and to file for it in an industry that has a high accident rate.

In summary, in testing whether foreign labor is less costly to employ, the finding is that housing, wages, fringe benefits (e.g. social security, accident costs and workmen's compensation, etc.) are all areas of savings for employers of foreign labor. Housing need not be an area of savings except for the current type of housing provided which lends itself to the use of foreign workers. On the other hand, housing which was substandard, cheating on wages paid to workers, and the lack of necessity to pay social security, along with noncompliance with the rules on accident prevention and on payment of workmen's compensation to injured workers, all can be viewed as being cheaper because the contracts, the legal status of the workers and the inability of their representatives to protect them, all combine to make these labor costs less than those potentially necessary for domestic labor. In addition, there were savings on the costs of labor management of foreign workers because their legal status and the contracts were very effective management tools; and

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862. It is a very important document, as it contains the President's annual message to Congress, which is a key document in the history of the United States.

2. The second part of the document is a letter from the Secretary of the Treasury to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Treasury, which is a key document in the history of the United States.

3. The third part of the document is a letter from the Secretary of the Navy to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Navy, which is a key document in the history of the United States.

4. The fourth part of the document is a letter from the Secretary of the War to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the War, which is a key document in the history of the United States.

5. The fifth part of the document is a letter from the Secretary of the Interior to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Interior, which is a key document in the history of the United States.

6. The sixth part of the document is a letter from the Secretary of the Agriculture to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Agriculture, which is a key document in the history of the United States.

7. The seventh part of the document is a letter from the Secretary of the Education to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Education, which is a key document in the history of the United States.

8. The eighth part of the document is a letter from the Secretary of the Commerce to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Commerce, which is a key document in the history of the United States.

9. The ninth part of the document is a letter from the Secretary of the Post Office to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Post Office, which is a key document in the history of the United States.

10. The tenth part of the document is a letter from the Secretary of the Marine to the President, dated January 3, 1862. It is a very important document, as it contains the Secretary's report to the President on the state of the Marine, which is a key document in the history of the United States.

because less management assisted in defrauding the workers of their wages. Yet another savings was the inability of the workers to unionize due to their legal status and temporary stay in the U.S., which potentially would have cost their employers in all areas of labor cost if unionization had occurred.

"Productivity" of Labor and Legal Status

To argue that foreign labor is cheaper than domestic labor for use in the Florida sugarcane harvests, we must look beyond labor costs. While it has been shown that employers receive savings on wages paid, on the cost of management and on the costs of worker injuries through the use of foreign labor, there is yet another area in which employers of H-2 workers find a profit: that of the productivity of labor. As was cited before, the staff of the Rural Manpower Service claimed that employers needed to manage the workers less through direct supervision because the threat of deportation was sufficient to the desires in managing this field labor.

This same threat would thus be sufficient to spur the workers on in their labors. We have already seen how the workers are not given a sufficient lunch break or other breaks in the workday, and yet there is no worker testimony complaining of this. The U.S. Department of Agriculture reported that the number of hours of labor required to

produce one ton of sugarcane in Florida decreased from 2.4 hours in 1963 to 1.6 hours in 1973, a surprising thirty percent decrease in labor time in only ten years.⁸² Yet in those ten years the methods and structure of the work process in hand-harvesting sugarcane had not changed. In fact, this decrease in labor time could be attributed to the time-keeping discrepancies which were motivated by desire to pretend that the adverse effect wage was in fact being met. The records of work hours that have been kept over time are so suspect for this reason as to be useless. Thus, we do not know if there has been any real change in productivity. Further, we do not know if domestic labor would produce similar rates of productivity since domestic labor does not harvest sugarcane in Florida. In other areas of the U.S. where domestic labor harvests sugarcane, it is done mechanically and not by hand.

What we can know about the relationship of domestic labor to foreign labor in terms of the labor process, is that domestic labor does not work under the same legal constraints as foreign labor does. In 1978, the National Commission for Manpower Policy issued a report on immigration policies. In it they asserted that the

role of...nonimmigrants in the U.S. labor market is not due to the interplay of supply and demand considerations in the labor market, but to specific differences in the rights, equality under the law, and access to opportunity that aliens

have in America.⁸³

This suggests that, if foreign workers work better or harder than domestic workers, it is their lack of legal rights that produces this result.

The primary difference in rights between domestic farm labor and foreign H-2 farm labor is in the ability of nonimmigrant labor to seek and receive redress for their grievances regarding wages, working conditions, etc. Without this ability, any group of wage workers is at the mercy of the employer. Domestic farm workers have the ability to seek such redress through their employers, through farmworker unions, and through the courts. Should they be dissatisfied with the results of negotiations with the employer, they can leave and find other agricultural work elsewhere; and file complaints with the appropriate authorities when applicable.

This kind of flexibility in accepting or not accepting the wages and working conditions offered by the employer does not exist for the H-2 worker. The contracts which the workers sign, and which are in compliance with U.S. regulations, include under paragraph ten the terms under which a worker may be terminated "for cause":

...if the employer or the Government's agent determine that the worker is unwilling to work in accordance with the terms of the agreement or determine that the worker has committed an act of misconduct or indiscipline...the employer shall be

entitled immediately to cause the worker to be repatriated at the worker's expense.⁸⁴

Having signed this agreement, the workers know that they can be deported "for cause"; the deductions for transportation made from their checks during the initial period of employment make them even more aware of this threat of repatriation. That the definition of what would constitute misconduct or indiscipline is left unclear in the contract allows the employers some flexibility in using the threat of repatriation to manage these workers. What is made clear in this paragraph of the contract is that the workers do not have the right to make work stoppages to enforce demands they might have, since that would constitute unwillingness to work in accordance with the terms of the agreement. We have already seen examples in regard to wages and work hours where the employers were not acting in accordance with the agreement; but employers cannot be deported. Thus the onus of keeping the agreement, or the terms outside the agreement which employers may place on a worker rests with the worker, more than the employer.

Deportation "for cause" takes a variety of definitions in actual practice. One type of "cause" that has been documented is that the workers are expected to cut eight tons of cane per day; less productivity would result in their deportation.⁸⁵ This stricture explains how these workers find themselves working more than the eight hour

limit per day in their contracts. As we have seen before, the first time these workers come to Florida, they often have had no experience cutting cane, and eight tons a day is a lot of cane to cut. Sugar company executives freely admit that they want only workers who can be bullied and made to meet their quotas. The personnel chief of the U.S. Sugar corporation told a reporter on leave from the St Petersburg Times why his company stopped importing workers from Trinidad:

The Trinidadian was a mistake for the program. He was not in the least docile, was quite capable of speaking up for himself, and did so vigorously.⁸⁶

According to the Department of Labor investigators in 1974, not all West Indians were like the Trinidadians:

Another factor in employing foreign workers is that they are intimidated by their situation and are not as likely to complain...as domestic workers.⁸⁷

A case in point was provided in an interview with a St. Vincentian worker in the Moorehaven Camp in Florida. This worker explained why he continued to work with the skin worn off the palm of his hand:

If I go to the doctor, the doctor say I can't work and if I don't work I don't get paid.⁸⁸

Fitzroy Smith, another West Indian cane cutter, explained why he and other workers continued to cut cane under and all conditions, and what was feared besides not being paid:

If you don't make the mark (the quota for sugar cane cutting), they pull you out of the field and put you on the bus.⁸⁹

In the same interview, it was found that the workers cut cane every day but Christmas and New Year's Day, and even cut on rainy days, which makes the work more dangerous. The workers admitted to days that stretched to twelve hours in the fields and no day off each week as promised in the contracts.⁹⁰

Domestic workers, by law, would have to be offered contracts equal to those offered to foreign workers, should they be employed in the cane fields of Florida. To get domestic workers to work beyond the contractual limits, monetary incentives would have to be offered, since they cannot be deported. If only domestic labor were available to cane growers, then the threat of firing would not have the coercive effect that it has for foreign workers. This is true because the contracts have no stipulation regarding how much cane must be cut in a workday. Domestic laborers

would have to be paid the hourly rate guaranteed by contracts for all the hours worked, including overtime hours, or else they would have the ability to sue the growers for breaching the contract. In this way, it can be seen that the contracts, and the inability of the foreign workers to enforce their rights with the growers results in their being worked more hours than stipulated. It is in this way that their legal status makes them "more productive" than domestic labor. While it is also true that foreign workers are motivated by the differential in pay between Florida cane work and what they could earn in their home countries,⁹¹ it is clear that the threat of deportation for cause is a strong motivating force in keeping them from being able to enforce their contractual rights to an eight hour day and one day off per week.

The climate of fear that this contractual loophole produces was attested to again and again. A New York Times reporter found, as did the Department of Labor investigators, that many workers had to be interviewed in order to garner any information, since most of the workers were afraid to talk of the conditions in the camps and fields, for fear of being reported to their supervisors.

The climate of the labor camp is almost tangibly prisonlike, not physically so much as psychologically.⁹²

The physical location of the camps aided in keeping

conditions secret, since they were

tucked away in the middle of the canefields, which stretch mile after mile across the flat landscape... The planters surround these camps with wire fences and discourage visitors by setting up no-trespassing signs and watchful supervisors...a young reporter for a Palm Beach newspaper, John Purnell was charged with trespassing after he visited the Saunders Work Camp...and attempted to talk to the workers... Once inside these camps it is difficult to get the workers to talk. Almost to a man they fear they will be deported if caught talking to strangers.⁹³

The contract and possible deportation produced other fears.

We complain about the food here - we get sent home... We say we want more money for the cane - we get sent home. Anything we do the supervisor don't like - we get sent home.⁹⁴

Unlike domestic workers, who dissatisfied with conditions of labor can leave to find other work, or complain to the employers or authorities, the foreign contract workers must either put up with the conditions of work as found or else be fired. And the contract makes being fired synonymous with being deported, since admittance to the U.S. was contingent on working for the employer specified in the contract.

While the interviews cited may seem like isolated instances of discontent, there are other institutions which agreed that the contract workers from the West Indies were

ill-treated and bereft of rights. The Jamaican Council of Churches complained that the cane cutters in Florida were treated like slaves.⁹⁵ The National Commission for Manpower Policy in 1978 expressed concern that H-2 contract workers had fewer rights and needed more attention from the commission than even undocumented workers, since the threat of swift deportation for any form of "noncompliance" with employer demands was even more tangible for the H-2 workers.⁹⁶ As to their being bound like slaves to their employers for the contract period, the Commission said:

Once a deliberate nonimmigrant worker is admitted he is tied to the employer--there is no question about his right to move around the U.S. labor market at will.⁹⁷

And Chairman William Ford of the House Subcommittee on Agricultural Labor in 1975 referred to H-2 workers as "walking magnets of discrimination."⁹⁸

The real test of whether the views of these individuals and institutions are accurate as to the lack of rights of H-2 workers is in the results of worker complaints. The fears of the workers, as expressed in interviews over the years, are the product of knowledge of what happened when workers did try to assert their contract rights. It is true that, in spite of the possibility of punishment for asserting their rights, West Indian H-2 cane workers did resist repeatedly attempts to cheat or abuse them. In

January of 1968, 132 Jamaican cane workers made a work stoppage, demonstrating their dissatisfaction with the piece rates they received in Pahokee, Florida; they were arrested and deported.⁹⁹ In fact, it was estimated that such work stoppages and other labor protests over the task rates in sugarcane occurred on the average of once a month in Florida in the mid-1960's.¹⁰⁰ Each time, workers considered to be ringleaders, and those who had the most influence on the other workers, were deported. In one season, six hundred of the five thousand cane cutters employed by the Florida Sugar Producers Association were sent home as labor agitators.¹⁰¹ The case of nineteen cane cutters deported for this reason in January of the 1978-79 sugar harvest was especially pitiable, if only because the details of what deportation meant were made clear. They complained that they would need some of their earnings which were set aside as forced savings advanced to them; otherwise they would not have the money to ride home from the Kingston Airport. The employer refused this request, saying the money would be sent to the banks in Jamaica on their behalf. They turned then to Florida Rural Legal Services for help in getting the money and for a guarantee

not to be barred from the selection process the following year... None of the nineteen, in fact, even made it into the selection process... No

bribe could achieve a ticket, the nineteen reported.¹⁰²

When the Labor Minister of Jamaica was asked about the blacklisting of workers who had "breached" the contract, such as these nineteen workers, he said:

These men don't have to go. They're not being invited. If they think they are being exploited, they should stay at home.¹⁰³

The following table shows the number of West Indian nonimmigrant workers who were deported each year for noncompliance.

TABLE 13: West Indian Nonimmigrants Deported for Failure to Comply with Nonimmigrant Status, 1964-76

<u>Year</u>	<u>Number Deported</u>
1964	187
1965	157
1966	494
1967	216
1968	304
1969	370
1970	419
1971	425
1972	194
1973	227
1974	295
1975	236
1976	260
1977-78	N.A.

Source: Immigration and Naturalization Service Annual Report, Department of Justice, Washington, D.C.: U.S. Government Printing Office, 1965-77.

This table shows a fluctuating but fairly sizeable number of West Indian H-2 workers being deported each year for noncompliance with their status as nonimmigrants, an average of nearly three hundred each year. These numbers represent the tip of the iceberg since the employers cannot afford to deport all the workers who protest, and thus only those who are felt to be the most damaging in terms of their influence on the other workers are deported.

Katie Gruenheck of the Migrant Legal Assistance Program, Inc. testified in House subcommittee hearings in 1975 that foreign contract workers in the U.S. had "no recourse against retaliation by the employers."¹⁰⁴ But, ideally, these workers from the West Indies were to be protected and represented by the British West Indian Central Labor Organization (BWICLO). The directorate of this organization consisted of the Jamaican Secretary of Labor, the Jamaican Undersecretary of Finance and Solicitor General, the Barbadian Secretary of Labor, the Prime Minister of St. Lucia and the head of the National Workers Union of Jamaica.¹⁰⁵ The representative of the BWICLO in Washington, D.C., Harold Edwards, in 1975 stated that the function of the BWICLO was to

look after the general problems of the workers in the United States of America, to see to their welfare, to audit their payrolls, and to negotiate with employer as to the terms and conditions of service.¹⁰⁶

But the duties of the BWICLO were not written into the contracts; rather this definition is one which is not legally binding on the BWICLO, only worker and employer responsibilities were outlined in the contract.¹⁰⁷ Thus, there were no legal grounds upon which they could force the BWICLO to faithfully fulfill the role outlined above. Further, there was no grievance procedure outlined for workers to follow, should they be dissatisfied with their employers;¹⁰⁸ nor was the BWICLO legally bound to take any action on behalf of the workers.¹⁰⁹

The BWICLO maintains permanent offices in Washington, D.C. and in Florida, with temporary offices placed in other areas of the U.S. where West Indian H-2 workers are temporarily employed.¹¹⁰ Edwards of the BWICLO testified that his organizational staff visits camps where West Indians were to be employed in order to ensure the camps meet certain standards for accommodations, etc.¹¹¹ Once West Indian workers are in the camps the BWICLO staff was said to have visited the camps regularly, both during work hours and after work hours, to check on the conditions of labor and to discover any problems the workers might have had.¹¹² In hearings in 1961, Edwards stated that workers were given the phone number of the nearest liason office of the BWICLO and encouraged to call collect if there was any problem. He went further to state that West Indian workers rarely had to be withdrawn from an employer due to the

employer's noncompliance with contract. Rather, he said that reminding the employer of his obligations usually sufficed to remedy any problem that arose.¹¹³

Regarding the role of the BWICLO in solving employer-worker disputes, Edwards testified in 1975 that workers could not be automatically deported; rather, he said that disputes would first be discussed in a "hearing" with a BWICLO officer.¹¹⁴ While at that time, Edwards was silent as to what that "hearing" would entail, his 1961 testimony was quite explicit:

There are many instances in which the men are dissatisfied with their wages, and they will strike, and then the matter is adjusted by liason officers; if the men are not satisfied, they cannot be forced to work... If possible, we give them a transfer...(If not possible) and the wage is in accordance with prevailing wages, then the men are entitled to go home, and they would pay their own way home.¹¹⁵

The amount of probability in another employer accepting a worker who was in dispute with his last U.S. employer was not discussed. But Edwards did make it clear that unresolved disputes "entitle" the worker to go home at his own expense. This testimony is quite revealing in that he admits that wage disputes are common; he also implies that workers sent home were in fact being given the contractually guaranteed wage. Yet the evidence of the study done by the Department of Labor previously cited here

showed that it was more common for sugar-growers to be out of compliance with the wage standards than for them to be in compliance.

The record of the BWICLO's performance in protecting its workers does not match its pronouncements about its role. For example, Edwards testified in 1975 that the camps in which West Indians stayed during their contracts were more than adequate and that the conditions under which they labored were also good.

...an adequate supply of hot and cold running water, good bathroom facilities, laundry facilities,...cricket fields...television and movies are shown in many camps two or three times a week... Free housing...and food...at reasonable cost... Sugarcane workers are supplied with a hot lunch delivered in the fields...¹¹⁶

This idyllic description of the camp conditions contrasts sharply with the descriptions provided earlier in this chapter. It contrasts as well with the Migrant Legal Services findings in Florida that these same workers were not provided with adequate food and rest periods during the workday, and further that toilet facilities were not provided in the fields, despite the fact that workers were in the fields for eight hours or more per day.¹¹⁷

Edward's testimony never strayed to issues that would embarrass the employers of West Indian workers, but rather underplayed problems and painted the conditions under which

these workers worked and lived in the camps in a rosy light.

In questioning regarding the BWICLO's role in the various lawsuits on behalf of West Indian workers, Edwards admitted that it was not participating in the COLE vs. HEIDTMAN lawsuit for underpayment of wages, because he said the workers did not complain to him.¹¹⁸ He made no mention of other lawsuits, but Katie Gruenheck of the Migrant Legal Assistance Program testified that the BWICLO had shown no interest or involvement in the DOE vs. BRENNAN suit for underpayment of wages. In fact, she testified that the suit was brought by her program only after the BWICLO had been unresponsive in aiding the workers in getting redress for this grievance.¹¹⁹

In regard to the complaints that West Indians were working longer hours and more days than specified in contracts, Edward's testimony regarding the "motivation" toward work of West Indians contract workers is enlightening; he testified that, for a West Indian worker,

removal from his environment helps to induce him to put in a full day and often men who are anxious to earn a lot and save a lot are anxious to work for seven days in a stretch.¹²⁰

He mentioned no opposition on the part of the BWICLO to the breaking of the contractual limits on the work day and work week. This last piece of testimony puts this neglect in a

benign light of allowing the workers to get what they could in the way of extra pay, rather than in the light of an unhealthy and unsafe practice of pushing the workers beyond the limits set in the contract.

The actions of Edwards in regard to the Department of Labor study of wages in the south Florida sugar harvest in 1974 even more clearly reflected a greater concern for the employers than the workers. Before beginning the wage survey, Solomon Sugarman of the Department of Labor contacted Harold Edwards to see if the BWICLO would like to assist in this investigation. (Since the BWICLO is given records of work hours and wages, this assistance would have made the survey easier.) Sugarman reported that Edwards showed little interest in aiding the Department of Labor with the study, with the exception of offering to send BWICLO officials with the DOL investigators on the pretence of acting as interpreters.¹²¹ This offer was rejected as unnecessary. However, it seems that the BWICLO did involve itself in a limited way in the survey after all. As Solomon Sugarman responded,

Information was received that the same day Mr. Edwards was advised of the wage survey, he called the U.S. Sugar Corporation to advise the employer of this. It is believed that this protective stance toward the employers on the part of the organization stems from their interest in maintaining the flow of dollars to the islands at all costs. This may be a valid concern of their part because the current Manpower Administration

regulations are understood to require denial of certification to employers who do not meet the required conditions of employment.¹²²

Thus, a Department of Labor representative was suggesting that the actions of the BWICLO in not protecting the workers was a response to fear of the loss of the jobs and dollars that the Florida sugar harvest represents to the governments it serves. Given a choice between protecting the rights of the workers and protecting access to these jobs, it seems that the BWICLO had opted for protecting the jobs. Edwards passively obstructed the study of sugar wages further by not sharing his wage records with the Department of Labor. Sugarman reported that he could not obtain the records of the Atlantic Sugar Corporation, because the officials of that company said they had been lost; yet Edwards testified in the 1975 Congressional hearings that he had those records.¹²³ And while Edwards admitted in these hearings that there had been underrecording of worker hours in the past years, he charged that the 1974 wage survey was inaccurate.¹²⁴

In summary, while the BWICLO was supposed to function to ensure the rights of West Indian H-2 workers were respected, it in fact acted most often to protect the employers. In this way, workers lost the ally they needed to enforce their contract rights, and were in a position where their legal status as nonimmigrant workers could be

effectively used to exploit and cheat them.

That West Indian workers work longer hours and more days per week, in bad weather and under dangerous conditions, and often while hiding an injury that would keep them from the fields, is not the result of some Caribbean work ethic or of greed for the relatively high wages they receive in the U.S. West Indian workers are bound by their contracts and by the lack of rights accruing to them through their legal status and their governments' inability or unwillingness to protect them. Their foreignness and the contracts together explain why West Indians are preferred to domestic workers in the sugarcane harvest.

The result, of legal status combined with an inability of the foreign worker representatives to protect them and the contract stipulations which make deportation of workers easy, is that their employers get a workforce which must work faster within the given work hours or else work longer hours without fair compensation in order to fill the required work quotas. This means that, in addition to the savings on labor costs already mentioned, foreign labor produces more product in the work time paid for than would be probable if domestic labor were used. This spells additional profits (or relative surplus value) from the labor of foreign workers.

To summarize this chapter, it can be said that all the hypotheses presented were strongly supported by the available data:

1. There is no true labor shortage to justify the importation of foreign farm labor.
2. The legal status of foreign temporary labor is the means for cheapening their labor, e.g.
 - a. labor costs for foreign workers overall are less than for domestic labor, due to their legal status, and
 - b. the legal status of foreign workers induces them to work harder and be more productive than domestic labor, compared to the hours for which they are paid.

The complex means by which the laws regarding the certification of foreign labor are circumvented by Florida sugarcane growers, as well as the means by which these growers make this labor cheaper and more productive, presented in this chapter in great detail, indicate that the structure of this system must be changed in order to make employment of domestic labor, or a just means of employing foreign workers, a reality.

CHAPTER V: FOOTNOTES

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CHAPTER VI: IMPLICATIONS OF THE STUDY

The results of this study have implications for the future of migration theory, and immigration and labor policy. Some of these implications are addressed below.

Implications for Migration Theory

The case of West Indian temporary farm workers in Florida sugarcane does validate the theoretical model of Alejandro Portes. For example, the lack of an actual labor shortage for such work indicates that the demand for foreign labor, in this case, is a demand for an expanded cheap labor pool, rather than a demand for an expanded labor pool itself.

The study also indicates that the imported labor is cheapened through its legal and temporary status. This process involved the limited and often unprotected legal rights of the workers which resulted in their work day and work week being expanded beyond that for which they were paid. This labor was further cheapened in terms of auxiliary costs of employment by the lack of protection from unsafe and unsanitary working conditions, and the lack of provision for workmen's compensation and other forms of

redress for worker's injured in their employment.

The lack of legal rights and temporary nature of the immigration also negatively affected the worker's ability to organize and to make work stoppages or other protests to obtain redress of their grievances.

The roles of the institutions in the U.S. and in the labor-sending countries taken in this particular case suggests that theories of labor migration should include more means for analysis of the role of the state in both labor-sending and - receiving nations that goes beyond the level of dependent relations between nations. The issue of constituencies within each nation which help to shape state policies of labor immigration or emigration (and/or the means by which such policies are manipulated, ignored, evaded or changed by these constituencies) must be given further attention.

While Portes theorizes that competitive capital interests have effectively controlled labor immigration policy through their lobbies in Congress, this case suggests that this assertion may not be true. The sugarcane growers in the U.S. tend to be primarily private owners of moderately-sized farms, with Gulf and Western and U.S. Sugar being the exception rather than the rule. The growers association provide them with collective power but not a political clout sufficient to explain the continuation of foreign labor importation. To understand

why the labor importation continues requires examination of the desires of other units within the U.S. government, e.g. the State Department, in regard to the labor-sending nations. Otherwise, the fact that the Department of Labor has been consistently overruled by both the courts and the Attorney General when it has refused labor certification to other farm organizations cannot be explained. There are obviously other more political imperatives involved in the admittance of foreign workers, than are readily apparent.

This study suggests further that, while labor migrants may have calculated a personal advantage to the migration, the manipulation of regulations and contract provisions and lack of protection make it advantageous only to a minority of the migrants. This has implications for the labor-sending country, as well as the individuals, after the labor migration has occurred. The short-term advantages to labor contracting for labor-sending nations may be much less than expected.

The above notwithstanding, it must be noted that where temporary labor migration is institutionalized, the migrants find more utility in it. In spite of the problems in the West Indian labor importation in Florida's sugarcane, and because of the circularity of it, the same West Indian laborers return year after year if permitted by the government and the recruitment agents. Thus, for those who do not earn enough to set up their own businesses in

their home country, the temporary migration has become an alternative to unemployment at home, and a means for survival. It may, in fact, be this level of dependency that keeps the program going more than the dependency of the participating labor-sending governments on the program. It can be surmised that this dependency of the individual labor migrants interacts with the governments' dependency to reinforce the inability of the government to protect the labor migrants, and to reproduce the exploitive nature of the labor exchange.

Implications for U.S. Immigration and Labor Policies

The case of West Indian farm workers in Florida sugarcane presents information which challenges the assumptions usually made in policy research. It is generally assumed when doing policy research that the government agencies responsible are able to carry out any changes indicated by the study, and that these agencies operate in the best interests of those persons whom they serve. The case of the West Indian sugarcane workers indicates several problems with these assumptions. First, it seems that the evidence on the regulations regarding certification of foreign workers shows that these regulations are being circumvented by the sugarcane growers, thus preventing domestic workers from laboring in the sugar harvests, and preventing as well any improvements

1. The first part of the document is a list of the names of the persons who have been appointed to the various positions of the Board of Directors of the Corporation.

2. The second part of the document is a list of the names of the persons who have been appointed to the various positions of the Board of Directors of the Corporation.

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9. The ninth part of the document is a list of the names of the persons who have been appointed to the various positions of the Board of Directors of the Corporation.

in the conditions of labor in these harvests which the presence of domestic labor might create. It is clearly not in the best interests of domestic farmworkers that foreign labor displace them. Richard Bela, in his article on the "Structure of the Farm Labor Market," presented evidence in House hearings on farm labor problems in 1971 in which he asserted that cheap labor from the islands into Florida displaces domestic labor, which in turn displaces other domestic labor in the Northern states."¹ In hearings on imported labor in 1965, Secretary of Labor, Willard Wirtz indicated that there was a problem in importing labor given the level of unemployment at that time;² and the National Commissions for Manpower Policy in 1978 and 1979 respectively indicated a belief that imported farm labor was not needed³ and would inhibit amelioration of the unemployment problem in the U.S.⁴ Thus, over time, the Congress and the Department of Labor, which attends these hearings, were made aware of the problem of domestic labor displacement by imported farm workers.

The question which this suggests is one of whether the problem with Congress and the Department of Labor is in a lack of good faith in carrying out protection of American workers, or in ineffective regulation. Regulation changes over time indicate that the Department of Labor has tried to effectively restrict labor certification. But, as the evidence shows, and as the National Commission for Manpower

Policy in 1978 wrote,

Nothing that the Labor Department has forced the industry to do has resulted in any significant cane cutting by resident workers. The wages offered and the unattractive nature of the work have kept U.S. workers away in droves. In other words, the presence of the Caribbean workers has prevented wages from rising sufficiently to entice U.S. workers to do the work, which is, in effect, a depression of the labor market. The growers argue that they could not afford, certainly at current sugar prices, to pay what resident workers would demand to do the work. They may well be correct, but it is equally correct to say that they have never tested that theory, as the wage rate that they have offered has never exceeded that demanded by the Department.⁵

However, if it is true that the adverse effect wage being raised would help to attract domestic farm labor, this analysis ignores the fact that the adverse effect wages were higher than the average farm wage in Florida. It was the manipulation of the regulations regarding domestic labor recruitment and the refusal to provide written contracts with guaranteed wage levels that kept domestic farm workers away, as well as the cutting quotas and other tricks used on workers who arrived at the sugar camps which prevented their employment. The Labor Department was not unaware of the fact that the mandated wage was not being paid even to the foreign workers hired in Florida cane cutting; as it did conduct an investigation in 1974 which showed this to be true. However, at some level of the bureaucracy it was felt that the results of this

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investigation were potentially damaging because the report was to be kept confidential.⁶ The Department of Labor is in a curious position of having to carry out the intent of Congress which itself seems to be ambivalent. Hearings have been held fairly regularly over the time under study as to the effects of foreign labor importation, and through these hearings the reports of experts in the field of labor and of commissions of manpower policy have been provided to Congress regarding the detrimental effect of foreign labor presence on domestic labor. Yet Congress has not completely stopped foreign labor importation; instead it just holds more hearings periodically to show concern. It appears that the power of the grower lobbies in Congress has impeded any inclination to attempt an end to the H-2 program. Thus, it had remained with the Department of Labor the duty of protecting domestic labor through the promulgation of regulations intended to make employment of foreign labor more difficult and costly. Enforcing these regulations is difficult without restructuring agencies with the Department of Labor such as the Rural Manpower Service, which are used by growers to pretend to comply with the regulations. It would also require more manpower to be applied in inspecting periodically the operations of the growers. The Department of Labor however receives little reinforcement for such an action from the BWICLO which is also supposed to protect the workers and thus

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861.

2. The second part is a report from the Secretary of the Treasury, dated January 1, 1861.

3. The third part is a report from the Secretary of the Interior, dated January 1, 1861.

4. The fourth part is a report from the Secretary of the Navy, dated January 1, 1861.

5. The fifth part is a report from the Secretary of the War, dated January 1, 1861.

6. The sixth part is a report from the Secretary of the State, dated January 1, 1861.

7. The seventh part is a report from the Secretary of the War, dated January 1, 1861.

8. The eighth part is a report from the Secretary of the War, dated January 1, 1861.

9. The ninth part is a report from the Secretary of the War, dated January 1, 1861.

enforce the contracts and the regulations. If it were the case that the BWICLO actively pursued its job of enforcing the contracts, this would provide reinforcement and justification for more supervision by the Department of Labor; because it would mean that the governments it represents would be in effect complaining to the U.S. government regarding the abuse of the contracts. Thus, while the Department of Labor should be taking the lead in protecting American workers (in lieu of a stronger Congressional role of ending labor importation), the BWICLO should be taking the lead in protecting the foreign workers who are certified. That the BWICLO does not do this implies other overriding interests are at work in the importation of foreign workers.

It has already been shown in an interview with the Jamaican ambassador that the jobs are seen as so important to the West Indies that it was believed that the workers should bear whatever risks exist to keep the contracts. An article from the Daily Gleaner, a Jamaican newspaper, in 1961 gives a clue to how the temporary farm work program is viewed in the West Indies and perhaps as well by the U.S. State Department. Entitled "That's Good Aid," the article asserts the following:

President Kennedy and his advisors have decided that the U.S. government should contribute substantially to the economic aid of the West

Indies. But there is one form of economic aid which has been in existence for many years which does not cost the U.S. taxpayer anything but does perform an extremely valuable task in creating goodwill in the West Indies...for the United States and its people. This aid is the West Indies farm labor program...⁷

The 1974 wage survey done by the Department of Labor indicated that the West Indian workers prized the jobs for the ability to use their wages to expand their holdings in land or to subsist while unemployed in their home countries.⁸ It was also noted that

the impact of the wages taken home by these workers cannot be underestimated in terms of...the impact on the balance of payments of their native countries. The Florida sugar industry...is a significant employer of British West Indians. As many British West Indians are employed in Florida sugar as in any of the largest enterprises operated in the islands.⁹

As Harold Edwards of the BWICLO testified in hearings in 1975, some of the cane workers have used the capital from their work to operate small farms, stores or trucking businesses.¹⁰ Thus, the participating governments perceive the farm labor program as benefitting their economies as well as the individual workers who participate. This perception aids in the unwillingness of the BWICLO to push too hard in protecting its workers. Thus, if the program were halted, it could be expected that

the West Indian governments would react negatively to that action, as would the Florida sugarcane growers.

Any policy recommendations regarding this program should take into account the effects of the foreign labor importation on both the sending and receiving nations, if we are to be just. If it were a question of whether to begin such a program, then the issue would revolve more around the need and the effects of such a program here in the U.S. But the fact that the program exists and has its ramifications for the workers and the countries involved requires examination of what would be just and beneficial for them as well, since we have reaped the benefits of their labor up to now.

Beginning first with the effects of labor importation in the U.S., it must be repeated that there is some displacement of U.S. farm workers created by the employment of foreign labor. The end of foreign labor importation would not however yield the same number of jobs as had been filled by West Indians. This analysis is based on the experience of the end of the Bracero Program, which resulted in the restructuring of those micro labor markets and industries toward mechanization of harvests where possible. In the case of Florida sugarcane, it can be expected that its harvest would be mechanized as well, should foreign labor cease to be available. Philip Martin and Alan Richards wrote an article which supports this view

in 1980, in which they stated that:

this reliance on imported farmworkers is anachronistic; most industrialized nations do not structure agriculture in a way which requires migrant labor. And whether inherently flawed or only badly administered to date, temporary farmworker programs are generally regarded as one of the sorriest chapters in American labor history.¹¹

In another article of the same year written for the U.S. Department of Labor, Philip Martin goes on to explain how the availability of foreign labor retarded the structural change of U.S. agriculture.¹² The National Commission for Manpower Policy of 1978 concurred that

were nonimmigrants not available to work in sugarcane, the cane would be harvested some other way, probably mechanically, which would create jobs for resident workers. The jobs thus created would be more attractive than those of the canecutters, such as those in the field as operators of, and mechanics for, the harvesting machinery, and more distant jobs in the factories where the harvesting machines were manufactured.¹³

The actions of one Florida sugar grower in 1983 bear out this analysis as well. Joe Martin Hilliard bought twenty cane-cutting machines, at a cost of \$160,000 each, which would replace between eight hundred and one thousand manual cane cutters. He told a newspaper reporter that he bore this expense of over one million dollars to change his harvest methods, because he expected that the offshore

labor program would eventually be terminated; and he wanted to be prepared for that event.¹⁴ That other Florida cane growers have not all mechanized is a reflection of their belief that they will always have sufficient political clout to obtain foreign labor certifications. Thus, labor-saving capital investments have been discouraged by the presence of foreign labor. This is one of the effects or costs of the foreign labor program.

Another structural cost is that the assurance of a farm labor force sufficient to their needs has encouraged overproduction in the Florida sugar industry.¹⁵ In fact, in 1965 George Wedgeworth testified that he and other Florida sugarcane growers had been ordered by the Secretary of Agriculture to cut back sugar production between 10 and 20 percent.¹⁶ While they did cut back slightly, by 1972 sugar production in Florida had surpassed the production level of 1964,¹⁷ despite a declining need for that production.¹⁸

Other costs of using foreign farm workers relating to the industry of agriculture involve the creation of a caste-like system where workers are assigned to different types of farm work according to their race and/or ethnicity¹⁹ and an employer addiction to low-cost labor, and the possible preservation of inefficient establishments within the industry.²⁰

It is true that there are pluses to the importation of

labor.

Employers hiring aliens benefit, as do consumers, when lower labor costs translate into lower prices for goods and services. Some native workers may gain if the presence of foreign labor preserves or creates skilled or supervisory jobs for them...But labor transfer often leads to undesired results, mainly unemployment and low wages for some host-nation residents...²¹

As Philip Martin and Mark Miller put it,

The fundamental caution of guest workers is this distributional one: guest workers benefit one domestic group at one time but later impose socio-economic costs on everyone.²²

Having reviewed the benefits that employers have received from employing foreign workers, and the socioeconomic costs of this labor importation on the level of society, the level of costs which individual workers bear when foreign workers are imported for farm work in the U.S. should also be examined.

The displacement of domestic workers has already been mentioned. While some of these displaced farmworkers may find other farmwork or move to an urban area to find work, many of these workers will have to subsist on the seasonal labor available in farmwork during the summer and fall months in the East Coast migrant stream, along with whatever opportunities are available in the other winter crops in Florida. However the data furnished previously in this study on rural unemployment and the average earnings

and workdays of farm workers in the U.S. suggest that there is not enough work to go around. Given the limited skills and education of many of these workers, migration to the cities means swelling the ranks of the urban unemployed, at worst, and unstable secondary labor market employment at best.

In addition to displacement of domestic labor, there is the effect of the presence of foreign labor on wages and working conditions. As the National Commission for Manpower Policy of 1978 wrote

the presence of the Caribbean workers has prevented wages from rising sufficiently...which is, in effect, a depression of the labor market.²³

The commission went on to assert that

The deliberate, mass-imported temporary workers have many of the characteristics of the illegal aliens;...their clustering is such that they make a major impact on the micro labor markets where they operate. These workers have very few rights and represent a legal, docile labor force that is understandably attractive to their employers.²⁴

The commission went on to recommend that the H-2 worker program be gradually phased out over a three-to-five year period since they felt the only reason for importing the workers was to depress the labor market in which they worked.²⁵

The opinion of this commission had been expressed even

before 1978 by the Department of Labor. In 1965, Secretary of Labor, Williard Wirtz stated that the use of foreign farmworkers in the U.S. was a "contributing element in the low level of agricultural wages...compared with wage rates for the rest of the industry."²⁶ In a report on the transition from Bracero labor in the U.S., Wirtz stated that foreign labor importation had "an unquestionably depressing effect...on the terms and conditions of seasonal farm labor employment."²⁷ In the review of the Rural Manpower Service in 1972, the Department of Labor noted that the effect of depressing wages created a vicious circle:

A self-reinforcing cycle is thus created: foreign workers tend to depress wages; depressed wages discourage domestic workers from taking the jobs; and inability to recruit domestic workers is used to justify the use of foreign workers. The result is the continuation and expansion of the use of foreign workers despite an oversupply of domestic workers.²⁸

This pattern appeared in the case of the West Indians canecutters in Florida with the exception that their use did not significantly expand over time. While they were used in citrus and other crops in smaller numbers, this was limited and eventually ended in Florida by 1975,²⁹ not due to lack of demand, but due rather to the efforts of the Department of Labor to keep this importation limited in Florida to the cane fields. That there was no significant

expansion of the use of West Indians in the cane harvests was due to the fact that they had dominated the harvests since World War II and there was no expansion of the need for harvest labor. Had their use been expanded outside the cane harvests in Florida, the domestic farmworkers in Florida would certainly have had more difficulty in obtaining farmwork there.

Another effect of the use of foreign farmworkers in Florida had been on the ability of Florida's farmworkers to effectively unionize. Philip Martin and Mark Miller charged in their 1982 study that foreign workers were preferred because of their lower consciousness of their rights; thus they were less likely to unionize.³⁰ In hearings in 1969, the problem was expressed clearly by Senator Mondale, who said

We had a witness before the Labor Subcommittee who was testifying against the right of farmworkers to organize, and finally someone asked: "What would you see to be the power of the farmworker to improve his lot, and what remedies does he have from the abominable pay and working conditions?" The witness said that the farmworker has the right to quit.

Somebody said: "What does that power mean when 50 to 75 or 100 miles away there is an inexhaustible supply of...labor..." And there was no response.³¹

The United Farm Workers labor union went to court in 1972 to try to obtain an injunction against the certification of

nearly ten thousand cane cutters from Jamaica for the Florida harvest. While they charged that domestic labor was available and no reasonable effort was made to recruit domestic labor for this work,³² Judge Peter Fay of the U.S. District Court denied the injunction.³³ The UFW clearly saw that not only were U.S. and foreign workers disadvantaged by the way the H-2 workers are used in the U.S., but also that efforts to unionize farmworkers in Florida were being impeded by the presence of foreign workers. While, legally speaking, the foreign workers could join an American union, the terms of the contract (which make their removal from their jobs so easy) impedes them from doing so. The UFW officials, being aware that unionization of farmworkers in California was only effective once the legal, temporary, foreign farmworkers were removed from that state, were right to expect that unionization in Florida would also need an end to foreign labor importation for stimulation.

Yet another effect of the employment of foreign workers in Florida's sugarcane industry is the creation of a caste system within the industry. This advantages the U.S. workers in some ways, since they are excluded from the dangerous job of cutting cane. On the other hand, the caste system cuts into the domestic workers depending on their race and ethnicity. The National Commission for Manpower Policy in 1978 picked Florida sugarcane as an

example of how

almost caste systems (are) in operation where mass-admitted H-2s are common...the pecking order goes something like this:

Owners; managers: largely Anglo...,

Technicians, skilled workers in the mills:
Largely Cuban immigrants...

Field Supervisors: Rural Anglos, Truck and tractor operators: U.S.-born blacks,

Cane cutters: Nonimmigrants.³⁴

It has been argued that the use of foreign workers reduces inflationary pressures in the society which employs them, since they contribute much more than they take from that society.³⁵ But they also restrain inflationary tendencies by depressing domestic migrant wage levels,³⁶ so this "benefit" comes at the cost of better wages and access to jobs. So while domestic farmworkers may suffer less from inflation thanks to the presence of foreign workers, they also can expect to earn less in this less-inflationary society.

In sum, then, it can be said that the disadvantages to individual domestic workers of guestworker programs clearly outweigh any advantages that accrue from these programs.

In order to make policy recommendations, however, the effects of the program should also be examined from the point of view of the labor-sending countries. It has already been mentioned that the labor-sending countries of the West Indies believe that the programs are an advantage

to them, providing increased income to the country, lowering the problems of unemployment, and providing increased capital for its citizens to use in creating businesses. Philip Martin wrote in 1980 that the remittances from temporary labor migrants create a growth in aggregate demand in labor-sending countries, "often increasing inflationary pressures."³⁷ He further asserted that

The emigration of guestworkers does not accelerate the pace of job-creating economic development. Individuals and families gain additional income, but this increase is usually used to finance domestic consumption, not to build up the sending country's productive capacity.³⁸

Writing with Mark Miller, Martin elaborated further on the problems for sending countries which guestworker programs pose:

Indeed, participation in foreign-worker policy may forestall structural reforms necessary for development. Emigrant remittances...tend to be spent on consumer goods, which in turn worsens trade deficits and balance-of-payment problems.³⁹

It was also suggested that the agriculture of these nations may be neglected and thus more food would need to be imported,⁴⁰ increasing the international dependency of these countries. Thus, the belief that participation in guestworker programs is advantageous reflects short-term

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concerns without creating actual long-term benefits to these countries. In the case of the West Indian cane cutters, the examples of how they use their earnings to better themselves given previously by Harold Edwards of the BWICLO represent the minority of these workers, and ignore the reality of most of these workers, as well as long-term disadvantages of the program itself. One negative effect that the BWICLO has ignored is that of disenchantment with their government's desire and ability to protect them. As we have seen in this study, the BWICLO has had little success in protecting the workers and their contracts. The reasons for the lack of advocacy for the workers on the part of the BWICLO are best explained by Philip Martin,

Labor-importing nations control the magnitude and character of international labor flows. Since there are more sending than receiving societies (and because sovereignty implies the right to control immigration), labor-exporting nations have little bargaining power to force labor-short nations to structure their immigration policies in any particular manner. Sending societies must rely on moral persuasion to change a host society's treatment of its temporary residents.⁴¹

The lawsuits and work stoppages by West Indian cane cutters suggest that "moral persuasion" by the BWICLO has not sufficed to improve the lot of the West Indian canecutters. Certainly, those workers who have been deported "for cause" must return home somewhat disgruntled over their

government's inability to protect and defend them. The same may well be true for other workers who complete the contract, while being dissatisfied with the wages and conditions of labor. It is not being suggested that this disaffection would suffice to topple a regime in the West Indies; but it cannot be seen as a positive product of the guest worker program for these nations. According to Harold Edwards, roughly sixty percent of the West Indians imported to the U.S. each year are on the contract for the first time,⁴² so this means that an ever-increasing pool of West Indians have been on temporary work contracts in the U.S. and experienced the benefits and the disadvantages of this work, as well as their own government's lack of power to aid them in obtaining their contract rights.

As individuals, it cannot be denied that the contract work is better than no work at all for workers from islands with high unemployment. Solomon Sugarman of the Department of Labor found that the majority of these workers in the Florida cane fields were men with large families to support who put great value on this opportunity for work.⁴³ But a University of Florida study showed that these workers tended to spend part of their wages on TVs, stoves, stereos, freezers, ect., items which not only stimulate consumer demand in their home countries, but which are not useful for improving their chances for earning a livelihood in their home country.⁴⁴ Terry McCoy of the University

of Florida Latin American Studies department said the cane cutters almost never buy tools or equipment which would improve their earning capacities in the West Indies.⁴⁵ Thus, on the individual level, temporary emigration yields little of permanent benefit for these workers; rather, it provides an alternative to unemployment, little more.

Recommendations

Given the unequal benefits and distribution of disadvantages of this guest worker program, it seems compelling to recommend that the program not be expanded, and further, that it be terminated. The social costs in the U.S. in terms of unemployment, underemployment, and depressed wages and working conditions for domestic farm labor are paid by all of society while the only persons to benefit in the U.S. are the growers themselves. The indirect benefit of lower consumer costs is more than offset by the cost of social programs for the workers displaced by this guestworker program. If the U.S. government wishes to provide some form of aid to the nations participating in the guestworker program, more direct forms of aid are available for use. Further, the governments participating and the guestworkers employed in the U.S. receive little tangible benefit of a lasting nature. The guestworker program ultimately deepens dependency rather than promote development.

This recommendation to end the program must take into account the human reality embodied in denying jobs to both current and potential West Indian migrant workers. Clearly those workers who go on these contracts due to a lack of other alternatives for subsistence would be greatly disadvantaged. It is not clear the extent to which these workers could substitute for the lack of Florida harvest employment with informal forms of self-employment or intermittent forms of casual employment in their Caribbean homes. Those workers who use this employment in Florida to improve their economic lot in some measure will also be disadvantaged, although not so severely as those who depend completely on these jobs. But the certainty that a significant number of these workers would return home maimed, and thus even further disadvantaged, mitigates against suggesting that the program holds greater good than it does harm. The limited wages and lump sum payments for being maimed do not adequately compensate these workers for lifelong loss of hearing or loss of use of a limb. Nor do the benefits to uninjured workers justify the price of maiming or death which a sizeable number of other workers would sustain to maintain the program as it is.

Should the political forces for ending guestworker programs be unequal to the challenge of the grower lobbies and other opposing political forces in pushing for an end to the program, then other recommendations are in order.

First, the Department of Labor must take a more active role in channelling domestic labor to growers desiring certification. This would mean that labor requests (both inter-and intrastate) must be written with the specific, legally mandated wage, provision of transportation and housing must be articulated in these job orders, and proof that these requirements were all followed must be required before certification of labor is granted. This would facilitate the recruitment of domestic labor greatly.

Next, the housing wages and working conditions mandated by law for both domestic and foreign labor must be better enforced for workers employed in Florida sugarcane. Such enforcement would result in domestic labor remaining on the job, as well as facilitating a willingness to work for these growers during the recruitment process.

The certification of foreign labor should be delayed until the harvest has actually begun. Lack of timely provision of foreign labor would force growers to try harder to recruit domestic labor and prevent the turning away of domestic labor.

The Department of Labor should be charged with the duty of protecting the rights of foreign farmworkers and provide the services which the BWICLO is supposed to provide to these workers. Any violation of the worker contracts should be immediately submitted to a grievance process. Lack of resolution within twenty-four hours of filing the

grievance should entitle the workers so affected to make work stoppages without fear of reprisal for deportation. Serious violations of the contracts regarding wages and working conditions should result in immediate decertification of the employer for foreign labor. Repeated violations of the contracts should result in termination of the right of that employer to request certification for a period of years to be determined according to the seriousness of the violations and the extent to which it is felt that the employer lacks the intention to honor his contract obligations.

The contracts themselves need revision in order for these recommendations to be implemented effectively. First, the contract should specify those offenses which would constitute failure to meet contract obligations on the part of the worker. Removal of a worker would have to be approved by the Department of Labor. A grievance procedure should be fully articulated in the contract, and a copy of how to file a grievance should be given to each worker along with the contract. The contracts should specify the role of the Labor Department representatives in protecting the worker, and it should be clearly stated that workers cannot be deported for filing a grievance. The legal obligations of the employers to the workers should be more fully articulated in the contracts as well, so that workers know what the employer is obligated to do for them.

The summary impact of these contract changes and in the changing role of the Department of Labor would be to negate the ability of the employers to actively violate the contracts. The contracts are the key to why foreign labor is so attractive. If contractual obligations were being met, foreign labor would become less attractive and the differences between foreign and domestic labor would be blurred. That the obligations would be clearly spelled out and be enforceable would improve the power of that foreign labor which was still being certified to protect themselves.

These recommendations for improving the functioning of the Department of Labor in administering the H-2 program would ideally result in the employment of domestic labor in Florida sugarcane harvests. If they functioned well enough, much of the exploitive practices of the cane growers would be decreased in their effect or eliminated. It could be argued that the smaller cane growers could not sustain the labor costs that these changes would impose. But, as was true for other farmers when the Bracero Program ended, there are means for adjustment to these changes. Those farmers who can afford to would mechanize their harvests. Other farmers could be expected to shift to growing another crop which is more cost effective for them. The larger corporate farms would either mechanize their entire operations, or absorb the cost of domestic labor,

with the former being the most likely response. The fact that the Florida sugar growers receive a variety of USDA subsidies to maintain their production and the price of sugar⁴⁶ suggests that they do not need to exploit workers as severely as they do to make a healthy profit. Their profits are assured by subsidies set prior to World War I. Thus the health of the sugar industry is not at stake.

An additional effect would be to make the administration of guestworker programs more expensive, thus the motivation to not grant certifications would be given to the Department of Labor, since it could be expected that the money to implement these changes would not be sufficiently available.

Implications for Future Study

The case of West Indian cane workers in Florida brings up interesting questions regarding the relationships within the state bureaucracy. While the Department of Labor takes an active role in the importation of labor, it must answer ultimately to the Attorney General, Congress, and to the courts. It has often been found that the Department of Labor was not sufficiently controlling the process of the guest worker program, and its inability to do so has been related to pressures from other entities within the state apparatus. Further study is recommended on these relationships and pressures to allow certification when it

is in fact unnecessary.

Another area for further study would be in the role of the state in the labor-supply nations in these guestworker programs. Further study needs to be done in showing the results of participation in the programs for individual workers. There also needs to be more study on how long workers tend to participate, the reasons why their participation ends, and on how workers get into the recruitment process.

FINAL CHAPTER: FOOTNOTES

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