

## **Keep the Union at Bay**

The Racial Dimensions of Anti-Union Practices in US Agriculture and the Long Fight for Migrant Farm-Labor Representation

Francesca Coin

## **Introduction**

Driving down US highway 117 in the proximity of Goldsboro in North Carolina is almost like watching the richest country in history disappear behind a series of overcrowded shacks and shanty towns. In 2004 I was living in Atlanta and on occasion I would drive to Raleigh to visit the union organizers and the migrant camps in North Carolina. Used to the city, I was disoriented in the countryside. The highway dominated the land for miles and miles, only interrupted by endless tobacco fields and refueling stations. The bucolic image of the white family with a blonde woman smiling at the basket of fresh tomatoes was quite alien in those areas. The glorious days of farming seemed to have long gone, transforming the countryside into a long highway surrounded by Tyson Food, Chick-fil-A and Wal-Mart. Somehow, the glittering image of US agriculture seemed to vanish along those highways as the advertisements of the most profitable food retailers and poultry producers ruled the rural landscape undisturbed by farmers haunted by debts and broken dreams.

My first visit to North Carolina occurred in 2004 in the middle of a boycott campaign. In those days I used to stay at the house of one union organizer – an empty house a few miles away from Dudley where each of us slept on the floor in a sleeping bag. The house was empty of furniture and essential in its decor. There was an Italian coffee-maker for eight people that B. used to drink alone from in the morning, before heading out to the camps. In those days, the union had induced the Mount Olive Pickle Company (MOPC) and the North Carolina Growers Association (NCGA) to negotiate a labor contract for migrant farm-workers. As the second largest pickle packager in the United States, every year Mt. Olive stipulated unilateral contracts with the growers before the planting season, specifying all the conditions from prices to the strains of crops to be planted and the

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pesticides to be used in the fields. With policies and operations designed around its annual production and profit goals, Mt. Olive paid North Carolina growers the cheapest price for cucumbers and the growers, in turn, rewarded farm-workers with substandard wages. It had taken five years for the union to persuade Mt. Olive to sit down at the negotiating table. Before the end of August, it was vital that all migrant farm-workers knew about the negotiation and could speak out about their labor conditions, in order to win a collective bargain agreement in the least unionised state of the nation.

In those days, I knew all too little about what it means to be a migrant farm-worker in North Carolina. All I was aware of was that several workers had a residence permit for seasonal work as a part of the so-called H-2A program – a temporary migrant measure that regulates seasonal employment in agricultural labor. In general, the first temporary worker program was established in 1917, when the Secretary of Labor authorized the employment of Mexican workers in the United States to compensate for the labor shortage during World War I. With the advent of World War II, the US Congress created the so-called Bracero Program, which recruited more than million farm-workers from Mexico to be employed in the US agricultural sector from 1942 to 1964. In the United States, farm-workers are excluded from the *National Labor Relations Act* (NLRA) which guarantees basic rights to workers, including the right to organize into trade unions and engage in collective bargaining (Subcommittee on Immigration and Refugee Policy of the Senate Committee on the Judiciary and the Subcommittee on Immigration 1981, 28). In addition, farm-workers are not entitled to overtime pay or to receive an hourly minimum wage as part of their exclusion from the overtime pay provisions of the *Fair Labor Standards Act* (FLSA) (Oxfam 2011). Often times, this means that the workers are employed in subaltern conditions and unprotected by labor law rights.

Notably, exclusion from the NLRA has not stopped farm-workers from organizing. In fact, the Bracero Program was suspended in 1964, thanks to the mobilization of United Farm Workers in California. On that occasion, Lee G. Williams, the very US Department of Labor officer who headed the program, defined the Bracero Program as “legalised slavery” (quoted in Mandeel 2014, 183). From 1964, agricultural employers could still rely on seasonal farm-workers under the H-2 sections of the *Immigration and Nationality Act* of 1952. Revised in 1986 as part of the *Immigration Reform and Control Act*, the H-2A program still regulates the recruitment of temporary workers in agriculture. In theory, it guarantees certain protections and benefits to the workers. It recognizes immigration status and certain legal protections. In reality, the labor conditions of migrant farm-workers are severely problematic.

Every morning, FLOC organizer B. used to wake up early and drive to the camps. North Carolina is almost as big as England and the migrant

camps are largely invisible. Isolated in rural barracks and back roads, the labor camps were often out of reach and hard to find. In those days, each organizer used to spend six to eight hours driving just to meet the workers for a few minutes. Dependent on their employer for transportation, often unable to communicate, isolated in overcrowded camps and often threatened with deportation, these workers endured conditions of captivity that exuded exhaustion and humiliation. In this context, the union organizers knew that any type of improvement in their labor conditions depended on their own commitment to encounter the workers and build a relationship of trust with them. This was particularly urgent in the days preceding the agreement with Mt. Olive and the NCGA, as signing a labor contract for migrant farm-worker represented a historical achievement, marking the first time guest-workers won union representation in the least unionized state of the nation.

Deborah M. Weissman (2016) spoke of the “federalization of racism and nativist hostility” to describe the violence characterizing the labor conditions of Latinos in North Carolina. Unwelcome as workers despite the hunger for cheap labor and unaccepted as citizens, the conditions of migrant farm-workers echo the racial discrimination that characterized the plantations of the South. J.F. Perea (2011) argued that the discriminatory purpose behind the exclusion of farm-workers from the basic legal protections “echoes slavery” (95), in that it mandates migrant workers to have a subaltern status in agriculture. In this sense, the H-2A program coexists with a form of “benign neglect” - unable to reconcile a public opinion that is increasingly hostile to migrants and the structural need for cheap labor, the guest-worker program posits labor protections for seasonal migrant workers but at the same time it conceals the constant oversight of labor violations in the fields. In this context, the abuses and violations that migrant workers endure in their daily work remain overt and covert at the same time. Everybody knows that the laboring conditions of temporary workers are scandalous but the union remains a primary witness to the daily non-enforcement of farm-labor rights and to the daily attempt to undermine its activities.

In time, it became clear that the problem was not limited to the economic crisis pervading agriculture. Much more complicated was the combined effect of the farm crisis and the culture of racism underlying labor discrimination and right-to-work legislation in the South. In a sense, both traditions were part of an attempt to transform seasonal farm-workers into *ontologically devalued subjects*, thus normalizing the labor exploitation of migrants. In this context, racism normalizes the subaltern status mandated by legislation. It protects agriculture as a symbol of national pride and moral values and it externalizes the costs of the crisis onto migrant workers, forcing them to become the shock absorbers of external economic strain. The history of FLOC helps us reflect upon the role of farm-labor

organizing in times of increasing racism and anti-union legislation. As economic nostalgia and racism become manifest in our society, unions play a vital role in subverting the ongoing labor exploitation that characterizes them. While a new wave of violence pervades our societies, chronicled by the election of Donald Trump and the growth of right-wing populism across the Atlantic, organizing farm-labor means not merely countering the drive to depress wage levels but also challenging a culture of white supremacy that has remained dangerously alive in many parts of our society.