ing. For example, on one of the farms I visited, apple trees were planted only three feet apart, an economy of space that was unheard-of two decades ago. As a result, we can expect to see the continued alteration of the agricultural landscape as the land required for food production shrinks. "I've seen an increase in the number of new farms every year," observed a relatively new farmer, but he continued, "our impact on the land is another question because we don't take up the space that dairy farms do. Whether we'll be able to preserve open space in the Hudson Valley is a long shot."

Preserving open space and safeguarding working farms require different strategies that may be at odds with one another. A recurring topic among my interviewees was the high price of land, which is both a barrier to those who want to get into farming and an enticement for existing farm owners to sell to developers. One young farmer claimed that California's Napa Valley is the only other place where agricultural land is as expensive: "The soil is good here, but whether you want to put in a farm or build a house, it still goes for the same price." For this reason, conservation easements may keep farmland intact and prevent development, but they do not make land more available to farmers. Describing the challenges of farming on the "suburban frontier," one respondent bemoaned the estate buyers from New York City who were eager to preserve their open views, and who regularly leased sections of their land to garner agricultural discounts on their property taxes. Adamant that such practices would not save the region's farming, he declared, "We are creating a larger class of tenants and sharecroppers, and that's not right. I know that's our history in this country, but it doesn't get you to the best place for the land and food and agriculture." Some of these tenants are the new generation of younger farmers driven by the zeal of the food movement. And while leasing land does not carry the stigma that it did a century ago, the conundrum for the tenant farmer is the same as it once was: Do I invest in improving the land when my claim to it is so insecure?

**TWO**

**The Workers**

**LABOR CONDITIONS, PATERNALISM, AND IMMIGRANT STORIES**

CHARMED AND PERSUADED BY THE aesthetics of agrarianism, food writers sustain the belief that local agricultural activity is superior in almost every respect to the industrial food system. Indeed, in this regard "local" is sold as a commodity, one laden with assumptions that often go unexamined. We want to see our local/small/family farmers as much more than merely businesspeople. We expect them to produce a range of diverse crops, to either practice organic farming or the safer use of chemicals, to have fewer animals than CAFOs (Concentrated Animal Feed Operations), and to allow their animals to roam freely and graze on grass. Farmers should also be land stewards who sustain regional foodsheds. As for the farm products, we know they are much fresher (picked yesterday!) and tastier than those we purchase at the supermarket. Given the constant reinforcement of these benefits, it is easy to see how consumers conflate local, alternative, sustainable, and fair as a compendium of virtues against the demonized factory farm. Consumers cannot be faulted for this; they are simply mimicking the attitudes of food movement leaders like Michael Pollan, who argues that there are two essential categories of farming: industrial and pastoral. The latter, considered the source of all virtue, is referred to with the interchangeable terms "organic," "local," "biological," and "beyond organic." But where does farm labor fit into this division of good and evil?

Food writers do discuss the wages and conditions of farmworkers, but usually only in relation to the industrial food system. For example, in her memoir of her family's year of eating local, Barbara Kingsolver addresses the poor pay and conditions of U.S. farmworkers and cites their national average annual income of $7,500. Clearly, readers are intended to be upset by this and feel grateful that local farms offer a more highly paid alternative. This fits
neatly with the idea that food ethics as championed by its leading proponents should include concern for the workers’ conditions. A food ethic inclusive of labor concerns is also on display in the work of other popular food writers, such as Eric Schlosser, who excoriates the poor conditions of strawberry workers and meat-packing workers in industrial farms and meat-processing facilities.\(^6\)

Since the general reader rarely gets to hear about labor conditions on local farms, what are the most important things to know? My analysis of Hudson Valley farms shows that many of the labor practices mimic those of the dominant food system. Additionally, these farms foster paternalism, a significant component of labor control that is unique to small-scale agriculture. There are in fact several overlapping factors that combine to create and sustain extreme vulnerability in the labor force. These factors help to explain why farmworkers largely accept, almost without questioning, the poor working and living conditions offered on the region's farms and why they do not organize to change their situations.

In this chapter I offer a picture of those regional conditions based upon the farmworkers’ own words. Their testimony speaks to their immediate situation while invoking the historical and structural factors that have shaped and determined their livelihoods. To fill in the stories, I have added background on the regional labor market, a detailed analysis of work conditions, an account of the structure of this farm labor market, and a discussion of the intersection between immigration experiences and farmworkers’ fears. I also explore the paternalistic price of proximity to explain common labor practices on regional farms.

**BACKGROUND AND WORKER CONDITIONS**

The average size of farms in the Hudson Valley is 143 acres, and in New York State it is 197 acres.\(^7\) The region has a concentration of fruit, vegetable, and horticultural (FVH) farms, with primarily seasonal jobs that tend to offer the poorest wages and working conditions. These jobs were traditionally filled by migrant workers.\(^8\) Many workers, including those I interviewed, were housed directly on the farms in “labor camps,” a common term for housing created for farmworkers, such as trailers, barracks, or houses. The work performed by the farmworkers interviewed for this study includes a broad range of tasks: picking fruit, cutting vegetables, planting, packing, hauling boxes, sod landscaping, managing other workers, and preparing food. However, the vast majority of workers interviewed—nearly 90 percent—were primarily engaged in planting, harvesting, and packing.

The farm labor market in the Hudson Valley, and in New York in general, has changed significantly since the early 1980s. Farmworkers today are less likely to be migrants, and increasing numbers settle year-round in New York.\(^9\) Undocumented Latinos, mostly Mexicans, have largely replaced African American and Caribbean workers, who were the primary work force for the better part of the mid-twentieth century. In addition, workers today are largely undocumented, whereas before 1980 the majority were citizens or in possession of a green card. The Hudson Valley is unique in New York and among agriculture-intensive states for its lack of reliance on labor contractors, who act as middlemen for hiring, supervising, and paying workers.

Those who want to read about horrific labor exploitation will find examples in the pages that follow. My field research certainly turned up evidence of labor and human rights abuses, but my primary goal is not to offer an expose of this wrongdoing. Instead, I aim to present a deeper, contextual analysis of the typical work experience of farmworkers on these local farms and the many factors that have shaped it. Violations of labor law were common, however, and I list some of them here to give a sense of their range and severity. In 1995, twenty-two duck workers were fired and evicted from their homes on a labor camp with the help of local police. A case brought by Farmworker Legal Services of New York on behalf of the workers led to their reinstatement in the jobs. In 1997, forty onion packers were unlawfully fired after requesting a pay raise. All except the worker spokesperson were hired back following a lawsuit. In 2002, four upstate New York farmworkers escaped from a labor camp where thirty workers were held in locked barracks at gunpoint and threatened with violence if they complained. The contractor overseeing the workers pleaded guilty to federal charges of forced labor and human trafficking. In 2003, cabbage workers were shot at while working in the fields. Two local teenagers with rifles were charged with the shooting. The charges were dropped in 2004 when the workers were out of state and not given appropriate notice to return in time for a hearing date. In 2004, a van accompanying a cross-state farmworker match with a "Justice for Farmworkers" banner in its window was shot at while it was parked overnight in a rural town.

Although such incidents are not everyday occurrences, news about them spreads fast and serves as a lesson to other workers. In this way, such abuses
helped to discipline workers who may have thought about taking steps to address their own concerns. On one farm I visited twelve workers had recently been let go; the rumor around the camp was that the workers had complained about their housing. Tellingly, the replacement workers were thought to be housed in a local motel, which bred resentment among those who continued to reside in the farm’s labor camp. For the workers I spoke to, whether the rumor was truth, exaggeration, or fabrication was less important than their belief that the scenario was likely. Similar unverified stories came to me from workers on most farms. It was apparent that both truths and half-truths fed into workers’ perceptions about how they might be treated themselves and contributed to their reluctance to challenge their employers.

In a more typical scenario, a woman engaged in apple packing, which is supposed to be easier than field work, told me, “You are dead by the end of the day; your arms and your feet ache because of standing all day.” One field hand told me he thought dogs were treated better than he was; he then worried about telling me too much. Caveats like this were not uncommon, and many workers said they were reluctant to share stories about their work conditions. They commonly used phrases such as “I better not say” and expressed fear of getting in trouble. Repeatedly, however, I was informed that their work was very difficult, and the vast majority detailed how they suffered in particular from adverse weather conditions, as most were expected to work in both the rain and extreme heat. In terms of overall treatment, workers on about one-third of the farms I surveyed (32.2 percent) reported that they were not treated respectfully. Not a few described their harrowing treatment and compared their working conditions with those of slaves. Yet these were workers who returned year after year to toil on behalf of their disrespectful employers because job security and a guaranteed source of income outweighed all other concerns.

The average total annual income for workers surveyed was $8,163 in 2001 and $8,078 in 2002. These figures include wages from Hudson Valley farm work and, for 36 percent of respondents, additional income. This very low income level was well below the 2002 U.S. Federal Poverty Guidelines for a family of three ($15,020). When I interviewed workers again in 2008 and 2009, their wages were slightly higher. These findings correspond to other studies, such as the 2011 report on U.S. food workers, which found that 95 percent of agricultural workers interviewed earned a poverty or subminimum wage. While the federal minimum wage in 2002 was $5.15 an hour, the average hourly rate for those interviewed was $6.92, with almost half earning between $6 and $7 an hour. While 84 percent of workers expressed that they should be paid more, I was surprised by the modest amount they desired, on average $8.83 an hour, with a range of $6.50 to $18.00. Farmworkers’ indigence is perpetuated by the fact that agricultural employers are held to different labor standards than other employers; for instance, growers in New York State are exempt from paying overtime. In addition, farm work is seasonal, and so even if it is well paid in season, the net income over the course of a year does not compare well with other low-skilled jobs in the United States. With regard to pay, many workers told me that it simply was not possible to be paid more, nor were many comfortable asking for a raise. Workers and employers did tell me of situations where workers did ask for increased pay, and some received it, but I heard just as frequently that those who had asked for raises were told to leave if they were not satisfied.

Inconsistency was a perennial feature of these agricultural jobs. Workers reported fluctuations in the hours and days they worked from week to week. Although this is due to the fact that farm work is heavily dependent upon both seasonal demands and weather, such unpredictability also leads to economic instability. When asked how many hours they worked, more than half reported that their hours varied greatly, but the rough average for a typical week was forty-nine hours. Workers engaged in apple packing told me they regularly logged forty hours a week, whereas harvesters reported eighty- to ninety-hour workweeks for several months in a row. They told me they often worked from six in the morning until 10 or 11 at night, with a midday break to return home for lunch but little time for dinner, which was consumed in the fields. Not entirely believing this, I drove past the farm on several occasions to verify these work hours and indeed saw harvesters leaving the fields after dark and continuing to work in the packing house past 10 p.m. The farm’s bookkeeper informed me that hours above fifty or so were not on the books and would never appear in official data. Overall, almost half of those I interviewed reported regularly working more than five days a week. Many workers—both field workers and those working as packers—reported being yelled at or rushed when on break while the American-born members of the labor force could take breaks whenever they wanted. There was a consensus that more breaks should be allowed when working in extreme heat.

When workers compared their situations to those of their native-born counterparts with manufacturing jobs or working as mechanics, they complained that they did not receive paid sick days. None of the workers I met
received paid sick days. Although the consensus was that employers were generally understanding when it came to employees needing time off when they were sick or had a family emergency, workers owned that they rarely missed work, and several mentioned that their boss would be annoyed or angry when anyone was too sick to show up. Again and again I heard about those who went to work with a fever or a severe cold. This corresponds with data that shows that 53 percent of U.S. food workers go to work ill. Workers also compared their situations to those of their white, U.S.-born coworkers, most of whom did not harvest or pack but worked as mechanics or tractor drivers or in similar positions. An apple packer mentioned that whites could go home without a problem if they were feeling even a little sick. One worker told me he lost his job when he hurt his back while an American coworker was allowed to return and take it easy after an injury. Guest workers reported that their peers had been sent to their home country after being injured on the job and had to fight to be reimbursed for medical expenses. Several workers reported that their boss paid for hospital bills only to deduct the money from their paychecks. No one was provided with health insurance, although low-cost clinics were available for farmworkers. Pesticide exposure was a widespread concern. One family described how they tried to stay in their trailer and kept their children inside for two days straight in order to avoid exposure after they noticed that the pesticides being sprayed in the fields made them feel weak.

Almost all the workers I met lived in farmer-provided housing, including some who lived rent-free, since, as they told me, it was very difficult to pay for nonfarm rental housing on their wages. In the labor camps I visited, the housing varied widely, ranging from trailers and cement-block barracks to large rooming houses, which were sometimes divided into apartments. Some were well maintained and offered ample space for dwellers, but many were rundown and crowded. The trailer of one guest worker was meticulously clean and boasted many comforts. In contrast, on a neighboring farm, a small two-bedroom trailer in disrepair housed eight workers and had four bare mattresses piled up in the living room. Some housing was entirely undorned, with the most personal items on display the workers’ discarded boots, while others had many personal touches, including posters, photographs, party favors from baptisms and quinceañeras, and an array of cooking utensils. In another trailer a worker had amassed an abundance of plants and a fish tank.

Securing adequate accommodations was an acute problem for most of my interviewees. Although 60 percent saw no need to change anything about their housing, this was not an indication that they had clean and well-kept accommodations. Rather, it reflected their willingness to tolerate poor housing conditions: windows replaced with cardboard, missing screens, broken outdoor lights, mold in bathrooms and kitchens, peeling or missing flooring, and leaky roofs. Of course, their reluctance to complain could also be related to workers’ expectations when they compared their New York housing to that in their home countries, but there, proper insulation from the cold was not a concern. In many instances I saw clearly inadequate shelter in which the occupants nonetheless insisted that they would “change nothing.” In one case, where eight workers shared a room and slept on thin, bare, filthy mattresses, not one saw fit to complain. In another instance, workers did not even report that they lacked mattresses to sleep on, a detail that only surfaced after I pursued the topic. Apparently they were so afraid to ask their employer for beds that they opted to sleep on the floor. Reluctance to demand such basic necessities displayed the psychology of extreme compliance and sacrifice that is shaped by their situation.

Nonetheless, I encountered no end of ambivalence about whether their sacrifices were worth the wages and whether the economic benefits outweighed the social deficits. One apple packer attested to what he had gained and lost while employed as a farmhand. He explained, “I have built a house; well, I should say a mansion, because I made it to my liking. It cost me a lot of money, a lot of money. But it also cost me separation from my family, which is the thing I love the most.” He was unable to live with his family in this mansion back in Mexico as long as he needed to work in the United States to earn money for their upkeep. Another pointed to the acute economic difference between the United States and their homes. “You can buy a blender here without even thinking about it, but in my country you would need to save for two or three weeks. Here, in one week, you can even save enough to buy a TV.” (Not every interviewee reported having such surplus income since they sent such a large percentage of their wages home.) His coworker was equally conflicted, saying, “It’s complicated. I know that I am better economically here, but we are so lonely, it is depressing,” and he continued by describing feeling alienated from American culture.

More challenging than the work, without a doubt, was the workers’ general sense of loneliness and separation from their families. Gloria, a twenty-two-year-old Guatemalan woman broke into tears while recalling how much she missed her home. She spoke to her mother often by telephone, but she said that she never related her sadness or complained about the work. Like others who downplayed their hardship, Gloria’s overriding goal was to optimize her
income even as she was acutely aware of her meager earning potential. No one harbored illusions about the United States as a land of opportunity. As a former farmhand summarized it, “Everyone talks about the American dream, but for us it’s more of a nightmare.” When asked if they would want their children to follow them into farm work, workers answered with a resounding “no” in almost every case, and many remarked on the suffering they had endured. One apple picker asserted conclusively, “There is no future in the fields; there is only money.” And it did offer that. Ninety-five percent of the workers I interviewed sent money home, and two-thirds did so on a monthly basis or even more frequently. The average remittance was $13 a month, a figure representing roughly one-half of an average worker’s monthly take-home pay.

STRUCTURE OF JOBS

Considering the nature of the tasks, the wages, the hours, and the seasonality of farm work, it should not be surprising that historically this sector has been the reserve of immigrants, whether European indentured servants, chattel slaves from Africa, refugees from economic and political violence, or immigrants seeking a better opportunity. Growers have also hired citizen workers, who have been marginalized socially and economically because of the poverty and institutionalized racism that comes with the job. Though the payrolls of some of the region’s farms include a few highly skilled workers and perhaps a farm manager employed at higher salaries, the vast majority of farmworkers have generally been wage laborers, employed for seasonal tasks such as harvesting. Consequently, the evolution of the farmworker job category has been shaped by the vulnerability of those who were hired to its ranks. However, to consider the reproduction of farm labor inequality as based solely on the prior poverty and the desperation of its prospective work force would be to ignore other factors, which include the labor laws governing farm work, the short-term nature of the work, rural isolation, the impact of guest worker programs, and the absence of union organization.

Excluded from Labor Laws

Farmworkers in most states, including New York, do not enjoy the same legal protections as most other workers. The exemption of the agricultural industry from New Deal labor legislation relegated farmworkers to a lower, separate category of laborer and guaranteed that they would be much more vulnerable to exploitation than their waged counterparts in other industries. They were excluded from collective bargaining protections, overtime pay, and the right to a day of rest. Until 1999, New York’s farmhands were not covered by the state minimum wage but were subject to a different, lower standard. Moreover, child farmworkers do not have the same protections as children in other industries.

In addition, smaller farms are held to lower labor standards. If a grower in New York has fewer than five workers on the clock, a portable toilet need not be supplied as long as workers have access to transportation to sanitation facilities. The rationale for these exceptions is that the costs of higher standards would put too large a financial burden on small farmers. The upshot is that the farms that are the most idealized by those in the food movement are not required to offer the same labor protections as larger enterprises in the industrial agricultural system.

The exemption of agricultural workers from labor laws dates to an era when the southern Democrats’ lock on national electoral politics was unassailable, resulting in white supremacist politics that assured the perpetuation of a low-wage, southern, black work force. The National Labor Relations Act (NLRA) of 1935, which established certain collective bargaining protections (such as requiring employers to recognize and negotiate with unions), did not include domestic and agricultural workers, because their work forces were predominantly black. These workers were also left out of the 1918 Fair Labor Standards Act, which instituted workplace practices such as the forty-hour workweek and a federal minimum wage. Orphaned from collective bargaining protections, farmworkers were unable to organize to counter the ill effects of the other legislative exclusions, including wage protections. The continuing legal neglect of agricultural laborers was a direct result of their lack of political power and the contrasting clout of farmers’ organizations.

It is important for those interested in ethical eating to understand that it is not only the violation of labor laws, but also, and perhaps more importantly, the institutional marginalization of agricultural workers—including the denial of basic labor and human rights—that reproduces their inequality in the workplace and confines them to substandard working conditions. Following the letter of the law can still result in extreme exploitation. Consider the field workers I met who logged ninety hours a week at fifty cents above the minimum wage, or the dairy worker who milked cows for sixteen hours a day, six days a week, at $8 an hour. These were normal work regimes for months at a time, not the result of the pressures of harvest time for a few weeks. Workers
who raised the ducks for the prized delicacy foie gras told me that they clocked in for three four-hour shifts a day with four hours off in between; this schedule was repeated twenty-four hours a day for many weeks at a time. The result was a cycle of eighty-four-hour workweeks, with no time for prolonged sleep, and all of it at a flat pay rate without overtime compensation. Foie gras producers insisted that they needed one worker who was dedicated to the same ducks throughout the feeding cycle to limit the stress on the animal and assure the quality of the final product. The stress on the workers, however, who might go for months without more than a four-hour break and three and a half hours of sleep at a time, was considered secondary to the health of the ducks.

The plight of these workers was featured in a 2009 article by New York Times columnist Bob Herbert, who quoted the owner of Hudson Valley Foie Gras as saying about his employees, “This notion that they need to rest is completely futile. They don’t like to rest. They want to work seven days.” Herbert reported that a New York Farm Bureau spokesperson concurred. Among the flood of readers’ comments was one particularly biting response: “One can’t help observing how the owner and the Bureau have conspired to render silent the mouths of both the geese and their feeders—one genetically, the other by coercion.”

Rural Isolation

Workers housed on or near farms generally found themselves in a state of isolation—both geographic and social—because they were confined to hidden labor camps without much access to transportation. Cloistered from the local communities, they were unlikely to have neighbors aside from the farmer’s family. Studying the spatial distribution of Latinos in the United States, one scholar noted a trend in rural areas: Latinos are clustered with other Latinos on a local basis, but they are segregated from other racial and ethnic groups. In addition, rural areas that have seen a recent surge in Latino populations do not have the well-entrenched support networks, services, and advocates found in traditional immigrant gateway cities. The Latinos that I interviewed reported that the families and friends who helped them find jobs in the United States did offer them a community of peers, but this semblance of a social network also reinforced their isolation by separating them from their host communities.

Workers’ isolation was exacerbated by their lack of access to transportation, a particular obstacle in rural locations where public transportation is virtually nonexistent. Moreover, the vast majority were unable to obtain a driver’s license legally due to their immigration status. Eighty-five percent of those in my study relied on their friends, family, employer, or a paid ride for their basic transportation needs. It was quite common for a grower or chief laborer to bring workers into the local town to shop for food, but this rarely happened more than once a week: weekly transportation is required on farms that hire H-2A guest workers but not on others. “A person who doesn’t have a car is a person who doesn’t have feet,” according to two Columbia County migrant workers I spoke to. Their possession of a vehicle allowed them to travel from farm to farm along the East Coast each year, but they joked, “We only have licenses from God.” Those who do have cars are pressured not to use them. Employers with whom I spoke had advised their workers to stay as close to the labor camp as possible. Although farmers were looking to protect their employees (and themselves) with this advice, it had the effect of further isolating new immigrants from local communities. One field hand reported that some states, such as Florida, would issue a license plate when a passport is presented as identification, but this was not allowed in New York. Despite the advantages they conferred, out-of-state plates attracted too much attention in the small towns of the Hudson Valley. This was certainly true for some of the farmhands I met, whose license plates were stolen from their cars and the inflammatory slogan “Immigrants Leave!” scrawled on their car windows. When a repeat of this incident occurred, they contacted the police and found themselves under suspicion and fingerprinted—in essence, criminalized—even though they were reporting being victims of a crime.

Guest Workers: Taught to Be Quiet

New York has been employing foreign guest workers since World War II, primarily from Jamaica, but more recently from Mexico. The state currently admits about three thousand foreign guest workers a year to work on farms. Before receiving approval to hire guest workers, an employer must demonstrate that no viable domestic workers are available; they do so by posting job listings in newspapers and on Internet job sites. Guest workers can be in the country for up to a year. To prevent unfair competition with domestic workers, the federal government sets an Adverse Effect Wage Rate (AEWR), which is higher than the federal or state minimum wage, often by several dollars; in 2012 the hourly AEWR for New York was $9.56 for field workers.
Despite significant reforms in the structure of these programs, the guest workers I interviewed were in a particularly confined situation that has been described as state-sponsored quiescent labor, and they had limited options for remediating their problems. Legally in the country on work visas that were tied to a specific workplace, they were not able to terminate employment with the same ease as undocumented workers, and their retention in contracted work largely depended on their employers' positive assessments. Consequently, they had less incentive to complain about their work situations. Moreover, the economic and supervisory relationship between employer and guest worker was more complicated than that between employer and undocumented worker. The country sending the guest worker has a high stake in providing “good” workers—defined by my interviewees as those who did not complain or ask questions—since the bureaucratic apparatus for supplying and monitoring workers generates revenue and provides jobs in the home country. Countries sending workers also have liaisons in the United States to monitor and help guest workers, yet my interviewees reported how the monitors had threatened not to readmit workers to the program by reminding them that others were standing in line for the opportunities. In addition, workers who became ill or injured, who asked for different job assignments, or who complained were likely to be marked as “problematic.” A forty-something Jamaican guest worker who had been working in the United States since 1980 summarized how he and his coworkers dealt with problems on the job: “Sometimes we don’t. We are taught to be quiet.”

Among all my interviewees, Jamaican guest workers were by far the most cautious. Their responses were often as brief as possible, and some divulged that they could not comment on some of my questions because of fear of their bosses. The most common refrain among guest workers was that they had to follow the rules and do what they were told, whether it was in the contract or not. As Watson, a former guest worker, explained, “Most of the farmworkers that are on the contract don’t want to speak to people.” He and other former guest workers were much more open than those currently enrolled in the program. Indeed, during one interview Watson, who is now a U.S. citizen and employed on the same farm, kept interrupting to urge a guest worker to tell the truth and elaborate on his answers. As he later explained, “If the guest worker breaks the contract, they lose the job. Whereas I can tell the boss, ‘Do it yourself.’ Boss and I can get pissed at each other and later we break it down and we compromise. If the boss gets on my nerves, we joke. Guest workers can’t do this.” For Watson, the ability to disagree with the boss was a matter of basic respect. Another former guest worker recounted that he had not been called back after he had questioned his benefits related to missing work for a week due to an injury. “If they find you are too sensible or too smart,” he observed, “you don’t have any chance on the contract, so you have to cover up your wisdom and your sensibility.” Such comments reflected the pressure on guest workers to maintain good conduct, but they also spoke to the institutionalized modes of controlling and disciplining the workers’ emotions, intelligence, and opportunities to communicate.

Union Neglect

One structural factor that inhibits collective action among the state's farmworkers is the absence of union organizing efforts. Despite the high visibility of West Coast organizing efforts by the United Farm Workers of America, as well as the more recent Coalition of Immokalee Workers in Florida, the primary channel for low-wage worker dissent—the labor union—has been mostly inaccessible to farmworkers. From the union perspective, organizing such workers is logistically difficult and expensive, particularly when they do not even have collective bargaining protections. The strategic obstacles to organizing farmworkers were intensified in states like New York, where the growing season is short, farms hire comparatively few workers, and geographic dispersion hinders worker solidarity. Even where high concentrations of workers and longer growing seasons exist, such as in California, unionization was deterred due to a surplus of agricultural workers, fiercely antilabor growers, and the influence of coordinated farm owners on rural representatives in the state legislature. This created a significant twentieth-century division between field and factory, with agricultural workers trapped in a state of extreme disadvantage, and urban industrial workers’ conditions and wages improving over time. The disparity only intensified as the gap between them in skill level, job security, union attention, organizing successes, and legal protections grew. Until the mid-twentieth century, most unions identified agricultural workers as unorganizable.

Paternalism: The Price of Proximity

For the most part, the circumstances of Hudson Valley farmworkers directly mirror the circumstances of low-wage immigrant workers around the United
States, including those on corporate industrial commodity farms. However, one aspect that is different is the paternalism that thrives on the small family farm as a primary mode of worker control. I argue that this paternalism stems from the intimacy between workers and employers on smaller farms, resulting in a "price of proximity" for the farmhands. Workplace paternalism by employers can be understood as an intimate but extremely hierarchical relationship in which the employer's control extends into workers' everyday lives, affecting even their personal and recreational habits. In a paternalistic setting, employers typically extend benefits to workers in return for good behavior and loyalty. Such benefits revolve around individuated relationships that address workers' material and psychological needs. On the small family farms I surveyed, the system of paternalism was relatively complex: there were varying degrees of benefits, which resulted in different levels of involvement in and control over worker habits and behavior.

These benefits extended far beyond the work contract and could include material perks such as free farm products, as well as occasional help, for example, in resolving a problem facing workers' children. More significant assistance might include helping a worker secure a green card or offering protection from immigration officials. The benefits to workers were irremediably disproportionate to what they might provide for themselves, meaning that employees were not in a position to reciprocate, and the disparity in power that is bolstered by such benefits helped to create and reinforce quiescence within the work force. Workers are encouraged to develop an image of a benevolent boss and reciprocate in the only way they can: with good behavior in the workplace. This results in worker loyalty and ultimately minimizes labor costs. Conversely, workers who do not deliver good behavior might find themselves ineligible for such benefits.

The most prominent examples of paternalistic employer relations in the United States date to the late nineteenth and early twentieth centuries, when methods for controlling free black workers, the poor, and new immigrants evolved on southern farms and in southern mill towns. These specific systems of planter and industrial paternalism no longer exist. After World War II, machines not only replaced workers, but they also standardized agricultural production in a way that served to discipline workers. Mill town work culture was dismantled due to the pressures of modernization, and was replaced by rationalized industrial practices that could better compete in the growing international market. Yet remnants of paternalism are still in place and have taken on a more contemporary form: while planter control was based on racialized inequality, and that of the mill owners was founded on workers' poverty, today legal status plays the most important role in reinforcing the hierarchies between bosses and workers.

Additional factors feed into paternalism. Because this kind of relationship draws on their personal knowledge about individual workers, employers need to know the first names of their employees and have some intimacy with the details of their lives. Workers must perceive the employer as having authority or esteem beyond just ownership of the means of production. For Hudson Valley farmworkers, status factors such as national origin, citizenship status, social class, level of formal education, language spoken, and skin tone played a determining role in the dynamics between workers and their white employers. Inequality resulting from these factors was further exacerbated by the disparity in levels of "membership" workers could hold in both their communities and the political system as a whole; furthermore, workers' limitations in these areas often directly coincided with race in mostly white rural towns. Paternalism typically thrives when the jobs on offer are a significant step up from what workers previously held. In this sense, the nineteenth-century mill owner would be perceived as rescuing his employees from more vulnerable positions and offering a "path toward economic and social stability." Similarly, today's Hudson Valley farm jobs offer relatively valuable income opportunities to poor, low-skilled immigrant workers, most of whom have limited formal education, to support their families in a way not feasible if they had stayed in their home countries.

Conditions for paternalism were especially ripe on Hudson Valley farms. First, hand labor is the norm, and so the workplace entails close management of manual labor tasks. The harvesting of easily bruised fruits and vegetables is traditionally difficult to mechanize, and when machines do exist, the price can be beyond the budget of the region's farms. Nor are there one-size-fits-all harvesters suitable for farms with diverse crops. Contrast a farm with diverse crops, for example, with a monocrop farm in California's Central Valley that makes use of mechanical harvesters to help process six million pounds of carrots daily. Second, grower paternalism relies on intimate personal relationships. All of the farmers I interviewed were directly involved in managing their workers and knew them all individually. In the Hudson Valley there is an absence of farm labor contractors, or middlemen who mediate labor relations for farmers, including doling out responsibilities and pay to workers. They are more common on the larger farms in Western New York and on industrial commodity farms around the United States. Without contractors
or middle management, the farmers give more personal attention to employees and can be more sympathetic to their daily situations. Third, as the business literature on small firms highlights, paternalistic labor relations are common in family enterprises. Small family businesses usually do not have middle management, and on farms in particular the vast majority of employees are wage laborers.

In the Hudson Valley, which is increasingly a regional agricultural system that feeds local food markets, the intimacy of employer-employee relationships creates for the workers what I call a "price of proximity" that makes them vulnerable to labor control. The consequence of this price is the reinforcement of paternalistic power disparities between workers and farmers and a labor regime that serves to deter collective action. Is this the same personal attention in the workplace that is promoted by food writers as integral to the virtues of local food? In many respects, yes, and it bolsters a type of labor control that is less likely to exist when the farmers do not have a direct role in supervising workers. The hands-on contact with and care in producing food that is the stock-in-trade of the farmers' market and the foodie magazines translates directly into labor paternalism in the fields.

Since place functions to communicate social identity, control over employee housing is another key element of the labor regime. When an employer is in a position to regulate both their employees' work and home, paternalism is an even stronger force. On the one hand, offering free housing to workers, permitting their nonworking family members to live on the farm, and allowing workers to use grower-owned vehicles for transportation can be perceived as beneficial. On the other hand, such practices directly reinforce power hierarchies, impede collective dissent and action, and generate new kinds of inequality.

For farmworkers who lived in labor camps there was an implicit and explicit understanding of employer involvement, not only in the employees' work lives, but in their personal and recreational habits as well. Social life usually took place on the farm premises, where, on Friday or Saturday evenings, it was common to see workers gathered around cases of beer piled high. Soccer matches were an occasion for socializing, and more than one farm I visited had a regulation-size soccer field. The intimacy established between workers and employers in this environment creates a relationship in which the latter has much more control over workers than they would if the workers lived off the farm. Like live-in domestic workers, employees were on call at all times.

The proximity of work and home also has radical consequences for workers' identity and for their economic and social opportunities. Labor camps highlight the power structure of the agricultural industry. Located on farm property, the camps were highly segregated spaces that rendered the outside world all but inaccessible. The degree of isolation is not unlike the experiences of those in inner-city ghettos who have little contact with other social groups. In addition, most farmworkers were newcomers to the United States with significant language barriers, and so they were cautious about interacting with the public. Employers often discouraged their workers from taking trips off the farm in the name of protecting them, but this only reinforced their isolation from local communities and solidified their dependence. Workers' missed opportunities were extensive, ranging from access to local amenities and knowledge that could be gained from media and community bulletin boards to social capital from making contact with others. In addition, farmworkers received little local media coverage, especially in comparison with the farmers who employed them. Self-empowerment through networking, collective action opportunities, or political action was generally closed off for those who could not move freely beyond the orbit of the camps.

The wife of one farmworker told me that she left the farm only to clean houses and visit the grocery store, and her children left only to attend school. Although her husband owned a pickup truck that he drove around the farm, he rarely took his family anywhere because he did not have a driver's license and did not want to put his family at risk.

In a more subtle manner, housing reinforces social rank through the quality of the home interior and exterior and through landscaping in the neighborhood or urban setting. The hierarchy that existed between growers and workers was not only based on their respective status as boss/worker and owner/tenant, but it was also reinforced by poverty (the average hourly rate for those interviewed was $6.92), legal status (71 percent were undocumented and 21 percent were guest workers), race (99 percent were foreign born), education (the average grade completed was sixth), literacy (80 percent reported they could read and write but demonstrated very low literacy), and proficiency in English (for Latin American-born workers, the average self-reported English-language level was 1.2 on a scale of 0 to 5).

In contrast with their workers, New York growers were usually white, land-owning, educated citizens. The attendant power differential between the two groups was embodied in their respective domiciles. For example, one orchardist's two-story brick house, which housed her single family, was
located close to farmworkers’ trailers, some of which housed up to eight workers in two bedrooms. A material symbol of their power, the employers’ homes, although not on the scale of southern planters’ mansions, were almost always much larger and of a much superior quality to what was provided for workers. Farmers also understood that labor camps could sequester workers from a community that does not want to see them. “Having them down the lane keeps them out of people’s faces,” observed a Dutchess County farmer, who added, “it keeps them quiet.” Trying to picture his workers living on the town’s main street, he remarked, “I think people would frown upon it.”

For employees whose housing was tied to their jobs, labor control also extended to nonwork locations and hours. The relationship embodied in the labor camp was one of dependence on the employer, not only for shelter, but also for safety. This holds true for most workers whose housing is tied to their jobs, but it is heightened when workers’ families live with them in grower-owned housing. Almost a third of my interviewees had wives who lived with them, and more than a fifth lived with their children. Although a grower may be driven by moral sentiment in permitting families to live in the labor camp, for the worker, the need to keep his job affects the housing and livelihood of his entire family, including child care or schooling. So although families were somewhat more expensive and inconvenient for employers to accommodate, the workers’ dependence on the farmers resulting from their family obligations was exploited in a way that was not the case for single males. Though most of my interviewees were grateful for free or low-cost housing, they acknowledged that the circumstances made it difficult for them to consider living off the farm, no matter how uncomfortable they might be. The prospect of paying market-priced rent was a huge deterrent, as was the difficulty of obtaining references, credit, or funds for a security deposit.

Although employers were required to supply housing and transportation for guest workers—the most basic subsistence benefits offered through paternalism—the same was not true for other workers, for whom such benefits were rarely formalized in writing. The majority of my interviewees lived in free housing, but most of these arrangements were casual and could change at a moment’s notice. On one farm I visited the workers’ rent had been increased midseason, while on others workers had been required to pay for benefits that were previously free, such as electricity, heat, and telephone and television services, with little warning of the change and no opportunity to contest the additional costs. Another benefit that was not formalized was ready access to farm produce, though, again, this perk could be withdrawn at the whim of the employer. Much rarer was the farmer who had allowed workers to create a chapel, which was visited weekly by a priest.

Employer-employee intimacy meant that growers often helped workers with their problems, most of them related to money or other resource shortages. This assistance comprised the second, more significant layer of benefits, beyond basic subsistence, that could be supplied through paternalism. Several workers told me that they had received advances on their salaries to help with family emergencies. One farmer paid the round-trip airfare for his Jamaican guest worker to return home for his mother’s funeral (the worker reported that the contract had no system in place for such family issues, which he thought was unfair). Another boss helped secure a place and a scholarship at a private school for his farmworkers’ child who was being bullied in the local public school. Other examples included helping workers obtain the cheapest flights home, responding to a complaint from a local bar about drunken workers, developing an insider relationship with local police to ensure immunity for minor traffic infractions, and holding a job for a favored worker when he returned home for a year. All of these actions by Hudson Valley farmers are examples of the paternalist employer who is in a position to “help” and there was no shortage of testimony from employees about how they felt indebted for the assistance.

An even higher level of benefits was promised to some of the undocumented workers. Many had been promised assistance in securing visas. I heard of one case in which a green card was successfully procured and another in which previously undocumented workers returned as guest workers. News about these cases traveled far and wide, and they gave (mostly false) hope to other undocumented workers. Employees also saw farmers as their protectors, especially in the face of hostile community members. In this regard, being cloistered in the labor camp was perceived as a clear advantage. Another significant benefit that a farmer mentioned was the possibility of selling the farm to some of his favored workers, a proposal that he had discussed with them. Offers and protections such as these comprised a third layer of paternalistic benefits.

Paternalism also allowed farmers to manipulate the loyalty of their workers. On one Hudson Valley farm, the grower was in the red and uncertain he would survive the season. He had discussed the situation with the workers, who agreed to defer receiving wages until the farm was able to support them. This particular farm owner otherwise seemed to be generous in his treatment of these year-round workers, paying year-end bonuses, for example. However,
he crossed a line (and violated the law) by asking wage laborers to forgo their earnings for the good of the enterprise. This conundrum was further illustrated by a full-time orchard worker who, when I asked how he would resolve a particular problem with the boss, said, “Honestly, I wouldn’t know what to do, because the boss is a good person and gives us a home and doesn’t charge us rent.”

Paternalism, of course, is based on a system of punishments as well as benefits. Workers told me that those who were not wholly compliant with management might be offered fewer hours, assigned to more onerous tasks, or be denied raises when others received them. I was told that when pay was dependent on piecework rather than an hourly rate, growers penalized less favored workers by giving them less productive tasks, for example by assigning them apple trees that had already been picked over a few times.

When a grower went the extra mile for an employee, was it an act of goodwill or an expression of labor control? In reality, there was no way of separating these intentions. Many farmers cared about their workers on a personal level, and they recounted specific examples of how they had tried to improve the quality of life of their workers, especially when they faced personal hardships. Farmers appeared to be earnestly proud of the opportunities their jobs offered to those who were so poor. I had no reason to doubt these sentiments, any more than the workers themselves who believed in the authenticity of their employers’ concern. But this species of benevolence is inseparable from the exercise of labor control by nature of the employment relationship, and, when all is said and done, paternalism serves to benefit the farmers’ businesses. Take, for example, the farmer who was aware that community members looked at his workers with suspicion. He explained that he coached his workers to drive slowly and be respectful in stores and urged them not to cause trouble. As he put it to me, “I’ve got to be careful. I don’t want them to have any problems, and I don’t need to lose a work force.” In this comment, his concern for both his workers and his business was equal and almost indistinct.

Arguably, the key to understanding labor paternalism is analyzing why workers seem to consent to such relationships. One of the arguments of this book is that farmworker inequality is a long-standing structural component of the agricultural sector. Growers reinforced this inequality through hiring practices when they favored vulnerable workers who would not complain. A second factor is that workers had already risked so much to find these jobs. Consider how much workers had at stake. One Salvadoran woman borrowed $10,000 to get to New York in 2000; a Guatemalan reported the transit cost at $5,000 in 1999, and by 2008 it was $7,000. In 2007 the going price for the short trip across the Mexico–United States border was between $1,500 and $3,000, not including the next leg of travel to New York. Many of these immigrants had borrowed, scrimped, and sacrificed to get to New York in the first place, and as a result they felt responsible not only for respecting the investment they had made, but also for promptly paying off debts to family members. In addition, they sent much-needed remittances home to their families for food, clothes, homes, and education. Family and friends from home were able to see how far the remittances went, and so they were motivated to provide the same. The outcome was workers recruiting others for the same jobs, or what Charles Tilly called “opportunity hoarding.”

Finally, paternalism itself complicated the employment relationship for workers, because the perceived inequality is mitigated by the caring acts of employers. Paternalism could be interpreted as kindness or even affection. As long as workers were seen to benefit, such a relationship was legitimized, but it clearly masked inherent conflicts about their labor conditions. “I am obligated to do what the boss says,” remarked an Ulster County apple worker, “so I work the hours he says, because he is giving me everything.” In more extreme instances workers identified with their employers and adopted their boss’s viewpoint and sense of self-interest. Explaining why he would not want to join a union, one worker explained that it “might hurt the boss.”

Growers whom I interviewed found it easy to justify paying no overtime by pointing out that workers had free or low-cost housing and access to farm products. Many told me that they knew from personal interactions that their workers were, in fact, satisfied with their jobs. On the other hand, some of their comments also displayed their awareness that such benefits, when extended to vulnerable and dependent workers, were a useful form of labor discipline. In particular, the existence of the labor camp highlights the lack of workers’ autonomy and brings into relief not only the distinctions in social rank between employee and employer, but also the extent to which workers’ lives (and sometimes those of their families) are entirely dependent on their good behavior in the workplace.

NOT JUST ANOTHER IMMIGRANT STORY

Paternalism is one among many mutually reinforcing factors that deny those who grow and harvest our food the opportunity to voice their concerns
about poor working conditions. The lack of protective labor laws, the season.

about poor working conditions. The lack of protective labor laws, the season.

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One worker asked, "Haven’t you seen on TV how they come to your door and then just take you away?" Furthermore, I heard widely circulated stories about immigration officials stationed at a Walmart, paying unannounced visits to labor camps, or creating checkpoints on roads. One worker described how his nephew was deported after he ran a red light: "He wasn’t drunk or anything; he was just coming from work." Many also told me they were often stopped by the police and asked for legal documents. As one worker put it, "If they want, they can do anything with us; they really don’t like us."

Aside from the fear of being randomly accosted by immigration officials, many were also concerned about being turned in by a neighbor, their employer, or a coworker. Even when workers thought employers would not dream of calling the immigration authorities, they clearly believed that their legal status greatly influenced the work relationship. Consequently, employee protest was rare, and walkouts, strikes, or collective complaints almost unheard-of. I found plenty of support for the perception that fear of deportation directly influenced behavior on the job. For example, fifty-one-year-old Alejandro from Mexico, who had been working in the East Coast migrant stream for three years, told me, "We are treated like unknown people but are not fugitives. We come here to do farm work because we do not have jobs at home... We are not paid well and cannot ask for more." I heard from a worker on another farm about how their fear drives them to accept the work conditions offered. "They treat us like nothing; they only want the work... Whether we like it or not, we have to like it." Even when they acknowledge this state of fear, many public observers consider the migrants' plight to be just another chapter in the hard-knock story of immigration and point to the remittances sent home, residences built, children's educations paid for, and other projects that the undocumented manage to fund with their wages. Javier eloquently summed up the predicament that many others had described to me: "When I am alone, I think, 'Even if the cage is golden, we are still locked up.'"

Food writers are fond of the notion that local farms play a role in creating community, but that communitarianism clearly does not extend to the laborers. Because the undocumented prefer not to be noticed, they inhabit an underworld concealed from local communities and cut off from any avenue for accumulating social capital. A worker I tutored at an ESL program in Dutchess County shared with me that although he had been living in the center of town for eight months, I was the first white person to speak with him. Farmworker families are also affected. Inez, an apple packer, lamented that her teenage children were not allowed to go out with their friends. "We’re very afraid about the police getting them. My daughter wants to go to parties, the movies, the mall, but we don’t let her. It’s hard because they want to have fun, but it’s better not to go out, for the fear that..." At this point Inez shook her head and grimaced, thinking about the dreadful consequences.

These farmworkers, many of whom were recent arrivals in the United States, evaluated their economic and social reality in comparison to their original homes and not in relation to other U.S. workers. This helped them rationalize their poverty-level wages and working conditions, which, they were well aware, would not be accepted by U.S. citizens. A day’s pay at home was often less than the U.S. minimum hourly wage. Mostly poor and with little formal education, they hailed from rural areas in Mexico and Central America, where a lack of resources was the norm. "I used to have my own potato farm, but [now] there is no water. Nothing happens with land that is dead," reported an apple picker. Many explained to me that when they lived in their home country, all of their wages went toward purchasing food. Income from their U.S. jobs provided relatively well for families left at home. Many workers had built houses, dug wells, installed electricity and plumbing, and contributed to community-building projects from their wages. As a result, they were largely appreciative of the opportunity to earn poverty-level wages here that purchased a life of comfort there. This was reinforced constantly since they were very likely to work alongside others from their hometowns.

Economic comparisons to their home countries make little sense for those who live in the Hudson Valley year-round. There is an increasing trend toward immigrant farmworkers settling in New York State. My interview data attests to these longer sojourns in the Hudson Valley, in spite of many workers' initial intention to return home after a few years. When asked about their five- and ten-year plans, 75 percent of my interviewees said they planned to return to their home countries permanently. Almost half of the workers had wives in their home country, and a little more than half had children there. Only 7.2 percent expected to continue working for the same employer. Six years later, however, I identified almost half of workers on the same farms and heard about another dozen who had gone home and were planning on returning to the farms the following year. None of the farmworkers I interviewed six years later had plans to return home in the next two years. Asked whether he had imagined he would still be on the same farm six years after
our initial interview, a man whose wife and four children lived in Mexico acknowledged, "I never imagined I was going to last this long... Now all my children are studying at home, and it's a lot of money. I had no other choice than to stay here. Earning in dollars here is better for us than earning in pesos there. So there you go."

Anyone familiar with the aspirations of newly arrived undocumented workers know that almost all plan to spend only a few years—un par de años—in the United States but end up staying much longer. There are many reasons for these prolonged stays: some get hooked on footing just one more bill, such as for medical expenses, schooling, or home improvement projects; others plan to save a larger nest egg; and some cite the improved opportunities for their U.S.-based children or pressure from their kids as a reason to stay. For example, a vegetable worker told me he planned to return home "soon." When I reminded him that he was repeating what he had said to me six years earlier, he laughed, "Of course! You always have to have this idea in your mind of returning soon." His plan had been to save money to build a home, but nine years and two children after he first arrived in the United States, he had not saved a penny; the portion of his pay that he had sent to his parents before he got married was now redirected to new household expenses in the United States. "I currently have nothing," he lamented. "Here you spend dollars, not like at home, where the money goes further... You honestly cannot save money here. We always say we are going to return, but we don't because of the kids or another reason."

There is very little opportunity for advancement in farm work, and the workers I spoke to identified many obstacles that stood in their way of securing a better job. Among those singled out were the absence of opportunities and a lack of job skills. Low levels of education and literacy constrained their search for better jobs and prevented them from acquiring skills in service sectors such as retail. The lack of English-language skills severely inhibited workers' ability to find jobs and advance in them. It prevented them from communicating effectively with colleagues, managers, and employers, and it generally prevented them from assimilating into communities outside their kin networks. One worker summed up what many explained to me: "No skills, no education. I can't read well; I can't do better." Many of these obstacles were related to workers' poverty and lack of resources for learning skills at home, as well as their reluctance to invest what little free time they had in acquiring these skills while in the United States.

Today's farmworkers are often regarded as participants in just another immigrant story, a tale characterized by family separation, hard work for low pay, and sacrifice, all in the name of improving the prospects of the next generation. Although some of these themes rang true for the workers I interviewed, comparing them with immigrants of earlier periods is misleading. Opportunities to earn citizenship and to climb the job ladder are much more tightly circumscribed today than they were in the nineteenth and early twentieth centuries. The subjects of my study had little opportunity for job advancement or to earn a green card or citizenship, even though so many were settling permanently in the United States. Perhaps more important is that although the individual workers might return home or find better work in construction, landscaping, restaurants, or domestic jobs, their farm jobs would quickly be taken by new immigrants, creating a cycle that would further institutionalize the vulnerability and poverty of the state's farm work force. This is not just another immigrant story; this is a story about reproducing inequality among the workers whose labor is fundamental to food provision. Any code of ethical eating that ignores this perpetuation of injustice is highly selective, if not morally hollow. A comprehensive food ethic would privilege individual human workers as much as animals and the environment.
Toward a Comprehensive Food Ethic

Almost every worker I met agreed to speak with me for this research. With few exceptions, they took the interview process very seriously. Cecilia, an apple packer from El Salvador who was employed on an Ulster County apple farm, leaned across the table and put her hand on mine; she made eye contact as she declared, “You must get our story out, for we cannot tell it.” In part, to honor her request, I have tried to present her story and those of workers like her across the region. It was equally important for me to include in these pages the views of farmers to offer a more balanced perspective on the labor market and the challenges experienced on all sides. As I conclude this book, I return to the words of Cecilia and consider more deeply the implications of this research both for farmworkers who cannot tell their own story and for how their plight bears upon the quest for ethical eating.

As a locavore myself, I appreciate forms of agriculture that offer an alternative to the corporate industrial farms that dominate the traditional food system. Farm-to-table exchanges appear to take place in a self-contained, grassroots universe that lies beyond the orbit of corporate or government networks, and therefore in a realm that seems guaranteed to deliver virtuous outcomes. Indeed, I have learned quite a bit from the farmers I support about how my food is raised or grown, and I do feel a connection to them, as Michael Pollan and other writers have led me to expect. Yet, for the most part, “alternative” is used to describe a different means of offering high-quality farm products—in other words, an alternative market mechanism—as opposed to describing a truly different moral relationship to the process of agricultural production. What Marx called “the relations of production” have not been fully called into question in alternative agriculture. That is not to say that alternative agriculture does not have its virtues. It offers fresh, seasonal, diverse, and organic goods; it allows us to support smaller farmers instead of industrial agriculture; and it helps keep our food dollars local.

But if the revolution in agriculture that I and other locavores want is to fully embrace sustainable livelihoods as well as sustainable growing, then we need to develop a more comprehensive food ethic. We need to ask how our food choices might help make a better world. In that spirit, this chapter builds on my earlier call for the inclusion of labor rights alongside environmental concerns and animal welfare in conversations and activism related to the food movement. It does so by investigating the strenuous but ultimately stymied efforts of advocates to improve the situations of New York farmworkers. The work of advocates illuminates how blocs within the grower community harness the power of the agrarian legacy to thwart reforms. In examining those advocacy efforts and explaining why they have not been more successful, I extract some policy lessons and recommendations for how farmworker justice might be advanced while also providing consumers with options for how to address their nascent labor concerns.

They Don’t Eat the Workers

A few years ago I attended a seminar with a speaker who was a charcutier, someone who butchered and prepared meats on a small farm. He reported that in terms of animal welfare and food contamination, small farms actually had a worse record than larger ones. Outlining some of the problems inherent in the slaughter process, he noted that small farmers did not possess the high-tech equipment of industrial agriculture that guaranteed a quick death. During the question-and-answer period I asked him why he thought consumers seemed so concerned about environmental standards, pesticide use, and the treatment of animals but not the working conditions of farmhands. He responded dryly, “They don’t eat the workers.” He went on to explain that, in his experience, his consumers’ primary concern is with what they put in their bodies, and so the labor standards of farmworkers simply do not register as a priority. This was not the first time I heard this (though it had never been put so pitifully), and it needs to be examined more thoroughly.

I am not going to offer here a definition of “sustainability”—a term that is subjective, contested, and susceptible to highly varied usage—but I will observe that those who use the term usually do so in the spirit of accountability not only to biotic health, but also to community justice. The concept...
is not usually applied to a purely individualistic pursuit of justice, health, and self-sustenance. Sustainability arguments derive from larger concerns: anxiety about resource depletion or the environmental impacts of our actions, dependence on an ever-limited supply of fossil foods to transport our foods, or a renewed emphasis on how consumers can play a role in promoting smaller-scale farming efforts that are more natural, humane, and community-oriented. It is within these more expansive contexts that we can talk about a food ethic as fully sustainable.

Yet if the foodies who are nurturing the alternative marketplace are motivated only by their own health and that of farm animals, what does that say about the recurrence of the term “sustainability” in so much food writing? Are we misinterpreting or misrepresenting consumer interest? Are a handful of idealistic food writers and consumers imagining and shaping this cause in an overblown way? Is the goal for locavores to feel more justified in their own food choices, or is it to foster deeper change in the structure of agricultural markets and food production? These kinds of questions call for further research about how recurrent concepts like “sustainability” and “local” are used as marketing tools as opposed to representing a new social movement in farming. Are they, in fact, “all-natural,” to serve as rhetorical labels for higher-priced commodities? More ominously, how does the marketing use of this language act as a salve for consumers’ bad consciences while shielding them from the reality of poor labor conditions?

In New York, for example, the state Department of Agriculture and Markets offers grants to farmers to help them remarket their products as local to take advantage of consumer interest. In addition, while the CSA model was originally conceived as a project that would start at the community level and be driven by a core group of volunteers, now conventional farmers are creating their own CSAs as another channel for marketing directly to consumers, adding to a repertoire that includes stalls in farmers’ markets and roadside produce stands. My point here is not to begrudge farmers an opportunity to create renewed interest in their products, for surely they need all the help they can get to go up against corporate industrial growers. Rather, I want to deepen our expectations of what local and alternative agriculture can and should be.

In an essay titled “Vote for the Dinner Party,” Michael Pollan asks if the U.S. food movement deserves its moniker. Movements, he points out, demand change. “People like me throw the term around loosely,” Pollan writes, “partly because we sense the gathering of such a force, and partly (to be honest) to help wish it into being by sheer dint of repetition.” As a way of realizing such a wished-for movement, he emphasizes the importance of winning political victories through state and federal legislators—a feat that is appreciably more difficult than persuading consumers to vote with their food dollars. This is necessary because government plays an extensive role in regulating agriculture at every level. The labor question deeply involves the state, but to date state labor regulations have exempted farmers from offering overtime pay or a day of rest and from being accountable to collective bargaining laws. Bringing the state back into the picture is unavoidable if food is to be a social movement, even if it runs the risk of debunking the belief that the social virtues of agrarianism can be achieved through goodwill and communitarian action alone.

To build on Pollan’s argument, consumers should consider whether they are prepared to regard food as a common good. If agriculture is subject to state protections due to the importance of the industry in feeding the nation, then it certainly appears that the state has already recognized food as a common good. As such, ethical food should be part of a revived commons. Pollan posits that the farmers’ market is the new public square and a place to express our “communitarian impulses.” But a commons only comes into being through public action. New York Times food writer and cookbook author Mark Bittman reasons that consumers should have a collective voice in agricultural processes, reminding us that the Homestead Act moved 10 percent of public land into the hands of private farmers and that federal dollars continue to provide the infrastructure that supports farms nationwide. Yet, at least so far, the locavore version of the commons does not include those who raise, tend, and harvest what we put in our mouths. Pollan’s call for state action is surely a noble one, but let us set it alongside the reality of what a campaign aimed at lawmakers actually looks and feels like. A closer look at a legislative fight for reform will illustrate the entrenched obstacles to activism and demonstrate more fully how the state functions to assist some agricultural interests and marginalize others.

NEW YORK’S JUSTICE FOR FARMWORKERS CAMPAIGN

In the summer of 2010, the Farmworkers Fair Labor Practices Act reached the floor of the New York State Senate and was narrowly voted down by a
vote of thirty-one to twenty-eight. The major provisions of the law included:
1) overtime pay at time-and-a-half for farmworkers after ten hours a day, sixty
hours a week, and a sixth day of work, moving to fifty-five hours three years
after passage; 2) a twenty-four-hour period of rest required each week, with
the provision that workers could voluntarily refuse the day of rest and that
the first eight hours would be paid at time-and-a-half, moving to double time
after that; 3) collective bargaining protections for workers on the state’s larg-
est farms, with a twenty-one-day “cooling off” period to avoid a strike at
harvest time, and the creation of an advisory committee to set rules for
resolving labor disputes. Although a number of factors account for the bill’s
failure, many stories in the media described the potential passage of the bill
in apocalyptic terms, suggesting that it would portend the end of agriculture
in the state. This prediction was fed by the romantic agrarianism and agricul-
tural exceptionalism that have influenced farm policy in the United States
since its founding—ideals that have also fueled the alternative food move-
ment’s message about promoting small farms. The public appeal of these
ideologies allowed key legislators to obstruct the bill’s passage, even though
it came closer to passing than it had in a decade of campaigning.

How did New York farmworker advocacy get to this juncture? Building
on local activist efforts in various counties, coordinated state-level efforts
picked up momentum in the early 1990s with the emergence of the Justice for
Farmworkers (JFW) coalition. From the outset, the JFW pushed for worker
empowerment, labor law equality, and remedies for worker grievances
through a three-pronged strategy of farmworker organizing, legal casework,
and legislative campaigning. Like food movement activists, the farmworker
advocates sought structural as opposed to minor case-by-case changes.
Previous efforts around the country throughout the twentieth century had
achieved some of these goals for workers, but they had registered little success
in changing the overriding structure of agricultural employment.6

In 1967, a tour of labor camps in Western New York by New York senators
Robert Kennedy Jr. and Jacob Javits, as well as Rochester-based hearings on
farmworker conditions, brought widespread media scrutiny to what they
described as “appalling and disgraceful” living conditions.7 A few years later,
Cornell University researchers published an ethnography of sixteen migrant
labor camps, describing in detail the daily life of resident workers. A second
volume analyzed the farm labor system and painted a bleak portrait of the
lives of farmworkers.8 Around the same time, a controversy erupted about
poor farmworker housing at the Cornell University–owned Cohn Farm, and

public attention to this problem intensified when the university administra-
tion secretly demolished the labor camp. Wayne County Rural Ministry, the
United Farm Workers, the Agribusiness Accountability Project (led by con-
sumer advocate Ralph Nader), and students and faculty at Cornell all played
a role in highlighting not only the poor housing, but also Cornell’s reluctance
to address the issue head-on. The result was the creation of the Agricultural
Manpower Program, which later became the Cornell Migrant Program, to
address the needs of migrant farmworkers through outreach, education, and
research.

In 1987 Governor Mario Cuomo vetoed state legislation that would have
exempted farmers from the state’s pesticide notification laws. Heated debates
that pitted the departments of labor and health against the organized inter-
ests of the agriculture industry ensued. A similar face-off between farmers
and labor advocates also made its way into public discourse after Governor
Cuomo’s 1989 State of the State address, which called for the creation of a
Cornell University Task Force on Agricultural Labor Relations to conduct a
study on collective bargaining rights in New York agriculture. The task force,
funded through the state department of labor, recommended that farmwork-
ers be extended the same rights as other workers, particularly in regard to
collective bargaining protections.9

Further adding momentum to the state’s farmworker advocacy was a 1992
campaign, led by Hudson Valley advocates, against sanitation code violations
in farm labor camps. State senate hearings on farmworkers were held in 1994,
and the corresponding 1995 senate report also called for an extension of
rights to farmworkers.10 As advocates hoped, moral outrage about farmwork-
ers’ working and living conditions in turn generated support for the campa-
ign. With individuals and groups throughout the state primed to help,
advocates mobilized this new wave of supporters to visit, write, and call their
representatives in Albany. Encouraged by the response of a few state politi-
cians, the JFW began to organize group visits to lawmakers, and, in 1995, the
coalition initiated an annual public rally at the state’s capitol. As a result of
this pressure, New York State law changed to benefit farm laborers in 1996,

Emboldened by those successes, the advocates refocused their efforts in
2000 on an omnibus bill—the Farmworkers Fair Labor Practices Act—
aimed at removing all the labor law exceptions that benefited agriculture,
including provisions for overtime pay, a day of rest, and collective bargain-
ing protections. Protests, rallies, vigils, fiestas, fundraising dinners, and a robust
email network of communication between advocates and their supporters, both in Albany and in the general public, helped maintain the momentum of the campaign.

The choice to focus on state mechanisms instead of relying on the momentum of farmworker organizing to create change stemmed largely from the difficulty of organizing. Across the United States, farmworker justice advocates have a long record of successfully targeting large-scale agriculture and/or corporate food brands. César Chávez and the United Farm Workers (UFW) successful table grape boycott, which won improvements for California’s agricultural workers in the 1960s and 1970s, is enshrined in the U.S. public memory. In the late 1980s, the Farm Labor Organizing Committee (FLOC) in the Upper Midwest confronted an industry dominated by five corporate owners, including Campbell Soup and Heinz, to win union contracts for workers, and, in the 2000s, FLOC successfully organized foreign guest workers in North Carolina. Since 2005, the Coalition of Immokalee Workers in Florida won agreements with eleven major food companies—Taco Bell, McDonald’s, Burger King, Subway, Chipotle, Whole Foods, Trader Joe’s, and the food industry service providers Bon Appetit Management Company, Compass Group,ARAMark, and Sodexo—to increase wages for the state’s tomato pickers. The achievements of these campaigns were largely due to national consumer boycotts after the model of the UFW grape campaign. They demonstrated how campaigns can organize consumer action around popular brand names. In New York State, however, the available targets are by and large neither the corporate vegetable buyers like Burger King, nor the industrial “sweatshops in the fields” of the largest commodity farms.

To the degree to which the brand-targeting campaigns relied on organizing farmworkers, this was a daunting task, even in states such as California that had vast single-location work forces. In the Hudson Valley, and in New York State in general, it is extremely difficult to maintain consistent access to large numbers of farmworkers. Not only are organizers impeded by the small size of the work force on any given farm and the distance between farms, but also workers’ relative immobility due to a lack of transportation prevents significant camaraderie much less solidarity from developing among workers at different farms. Moreover, a seasonal or migrant work force may be on a farm for only part of the year. And, as I experienced myself when I accompanied farmworker organizers, they spent many long hours on the road. At their destinations, they invariably found that workers were not always at

home, and appointments were often forgotten or postponed. Much of the organizer’s work needs to be carried out during the evening hours, but this is also when workers prepare their meals and relax.

Even when organizers can achieve consistent access to workers, convincing the workers to strive for change is even more challenging. Farmworkers are unwilling to risk what they have, particularly since most of them make huge sacrifices just to reach the United States. As one organizer acknowledged, many workers are afraid even to meet with outreach workers from local service organizations. “They would like to change their reality,” he observed, “but they don’t want to risk their livelihoods.” Another put it this way: “They stay quiet even though they are suffering.” Both affirmed that undocumented workers have little expectation of their circumstances changing, and they have no reason to believe that they have the power to effect change. Lawyers and paralegals both spoke to me about farm laborers’ pressure from coworkers to ostracize anyone who broke ranks to lodge a complaint. In addition, organizers regularly heard from workers that farmers explicitly warned them not to associate in any way with organizers. In general, I had the impression that most workers, fearful of employer repercussions, did not want their concerns raised until the end of the season, after they had left the farm, and legal service providers and a Department of Labor representative told me this as well.

Confronted with such formidable challenges to farmworker organizing, advocates opted to focus on the passage of the Farmworkers Fair Labor Practices Act in the state legislature. Although members of the state assembly were generally sympathetic to the issue, the advocates faced a much greater challenge trying to win over the Republican majority in the state senate. In 1995, the assembly had passed a farm labor bill that supported collective bargaining protections, but similar legislation was not even acted on in the Senate Labor Committee for more than a decade. Why did these efforts fare better in the lower chamber? First, proportional representation in the assembly meant that farmers (who generally hailed from rural, Republican districts) were much less influential in the assembly than in the upper chamber. Second, the assembly had a long-standing Democratic majority, making it more likely to pass labor legislation. A traditional policy interest of urban liberals. Finally, the top-down nature of Albany politics made it almost impossible for any bill to get floor time, let alone move to a vote, if the leadership did not approve it in advance.

Backed by a growing contingent of concerned New Yorkers, increasing public awareness of labor conditions on farms, and a handful of powerful
legislative allies, the advocates took responsibility for the passage of three pro-farmworker measures in the 1990s. The first was a 1996 bill requiring employers to provide drinking water for all farmworkers; previously the law had only covered farms with five or more workers. In 1998, the legislature passed a bill requiring portable toilets and hand-washing facilities in the fields (or transportation to sanitation facilities) for all farmworkers; earlier legislation only covered farms where the workers numbered eleven or more. The third vote for which the JFW claimed credit was the 1999 bill that raised the agricultural minimum wage and tied it to the state’s minimum wage—an increase of 21 percent at the time. These successes not only built momentum and attracted additional supporters, but they also convinced advocates that more comprehensive reforms might be possible.

Legislators typically tend to reward those who provide electoral support. Industry interest groups effectively rally supporters because proposed regulatory legislation affects not only the industry as a whole, but also individual businesspeople. This generally makes business owners easier to organize since they have a direct interest. Consumers and those in favor of industry regulation, on the other hand, are not usually directly affected by proposed legislation. In short, this amounts to a collective action problem. Industry is highly motivated to organize to support or fight policy proposals, but consumers usually are not. In turn, industry exerts a considerable influence on legislators’ decisions about regulation. When fully mobilized, the agricultural industry is capable of shaping legislators’ opposition to bills that threaten to alter the balance of power in the workplace.

Grower power is also underscored by the close ratio of farmers to laborers. In New York State, according to the 2007 Census of Agriculture, there were 36,000 farmers and 60,000 workers. In very few industries is the ratio of employers to employees so small. This gives owners a matchless advantage over their employees when it comes to contacting and lobbying their elected representatives, not to mention influencing their neighbors, friends, and acquaintances on policy issues. Since farmworkers have so little political clout and most rural legislators have little interest in their mostly nonvoting and often seasonal farm labor constituents, the workers’ advocates and allies are an especially critical voice. After many years spent petitioning Albany lawmakers, Richard Witt, the head of Rural and Migrant Ministry, was in a position to confirm what an aide to a prominent state senator once told him: “The Senator doesn’t care about farmworkers—they have no political voice.”

FARMER OPPOSITION AND BACKLASH AGAINST THE ADVOCATES

The JFW’s legislative successes in the late 1990s and its growing public support were met with increasing opposition from farmers and their organizations, especially the New York Farm Bureau. This opposition courted legislators and offered its own educational briefs on farm labor issues. In addition to contesting policy, members of the agricultural industry actively tried to sabotage the JFW’s campaign by questioning the legitimacy, legality, and ethics of the organizations and individuals involved. These efforts were aimed at generating negative press for farmworker advocates or at terminating or limiting their funding by pressuring supporters and funders of their nonprofit organizations. In addition, farmers themselves reported the advocacy organizations to the New York State Lobby Commission and the New York State Attorney General for violating lobbying regulations. For organizations that received state or federal funding, farmers barred state legislators and members of Congress with an array of complaints designed to trigger investigations. Farm owners also targeted individuals (including this author) and defamed them in an attempt to destroy their reputations, especially with funders.

The backlash has ranged in type and significance. Violence underscored the resentment of farmworker efforts in many states in the early and mid-twentieth century, and this has also been apparent in New York. In a 1989 lawsuit farmers were accused of violence against legal services representatives who were on the farm to meet with workers; the farmers were accused of smashing their car windows, slashing their tires, and pinning lawyers inside their cars with farm vehicles. In addition, in a 1994 federal class-action lawsuit, the same farmers were accused of beating a worker. Both cases were decided in favor of the plaintiffs. In 1998, the primary passenger van of the nonprofit that was trying to organize the state’s farmworkers (Centro Independiente de Trabajadores Agrícolas/Independent Farmworker Center) was vandalized so badly that it had to be replaced. During the 2003 JFW ten-day march, the main vehicle carrying supplies was found with bullet holes through a window, shot right through a “Justice for Farmworkers” sign that was hung in a window. (Police investigations of these incidents yielded nothing.) Advocates have also described being aggressively confronted by farmers when visiting labor camps, sometimes with shotguns, heavy farm vehicles, or police officers. Such backlash against farmworker advocates is
part of a long trend in the United States.\textsuperscript{20} As organizing became more widespread starting in the 1930s, growers and their associations used physical aggression against workers and union organizers.\textsuperscript{21} In the political sphere, they have used their concentrated power to influence federal policies and crush the initiatives of farm labor pressure groups.\textsuperscript{22} In addition, growers prevented the federal U.S. Department of Labor from improving farm labor conditions that were part of the comprehensive New Deal effort to establish fair labor standards for all workers.\textsuperscript{23} The agricultural industry has also actively prevented research from being conducted on the field work force at state agricultural colleges.\textsuperscript{24}

One final example of backlash relevant to the New York case was the dismantling of the Cornell Migrant Program (CMP), a move that illustrates the behind-the-scenes power of industry interest groups. The CMP operated for more than thirty years as a university and cooperative extension program designed to assist the farm work force and increase awareness of their situations through research, education, and outreach. In May 2004, after an internal review and concerted pressure from farmers and agricultural interest groups, Cornell University administrators removed the program’s long-standing executive director and moved the program into the College of Agriculture and Life Sciences, the traditional training ground and research arm for farmers in the university.\textsuperscript{25} In the review report, there was no specific critique of the executive director’s record of management, the programming he oversaw, or the CMP’s approved strategic plan. The executive director’s removal, along with other proposed changes, compelled all twelve staff members to leave the program,\textsuperscript{26} and the major outside funder (the New York State Department of Education) to withdraw its support of more than \$600,000.

The JFW advocates were convinced that industry representatives worked closely with Cornell deans to exert their influence over the program review. Uniquely, the CMP was not designed to serve growers; it was one small program for farmworkers established to counterbalance the numerous programs that support growers, including several at the Cornell Cooperative Extension, at the New York State Department of Agriculture and Markets, and at the College of Agriculture and Life Sciences within Cornell itself. In the thirty years the program was in operation, farmers were never considered stakeholders. Yet, in the review report, six of the eight stakeholder groups were afforded only a small paragraph each, while two of them—farmers and farmer associations—were given a full two pages, about two-thirds of the total space in that section.

My own review of extensive interviews conducted for an oral history of the CMP confirmed that farmers and others agreed that farmers and industry representatives were responsible for bringing down the program.\textsuperscript{27} It is difficult to determine to what extent the industry influenced Cornell to change the program, but farmers themselves believed it to be extensive, and this empowered those engaged in backlash against farmworker advocates. The CMP change—it was resurrected as the Cornell Farmworker Program with a new mission and leadership—left a significant hole in the resource landscape, as it had played a role in coordinating relationships among farmworker service providers and advocates in the state.

The reactions by the nonprofits to such backlash ranged from frustration to anger, fear, and even a sense of validation that the advocates were finally getting somewhere. As proof that the backlash was relatively successful, several service-providing agencies that had been active in the JFW stepped back from the legislative campaign, and others reported stepped-up pressure on their already strained resources. For example, both the Rural and Migrant Ministry and Farmworker Legal Services were in danger of closing their doors entirely due to new financial constraints. The budget of the Centro Independiente de Trabajadores Agrícolas from 2006 onward allowed for only one salary, and so it quietly closed its doors in 2010.

While the backlash was picking up pace, the more public approach to influencing farmworker legislation was to try to strategically frame the debate around the omnibus bill itself. Both sides acknowledged the limits of “educate” and train the public in how to think about farm laborers’ conditions and rights. Advocates defined the public debate as a matter of morality and human rights. The charge of moral injustice was backed up by the religious profile of the Rural Migrant Ministry, the main nonprofit within the JFW.\textsuperscript{28} State senator Bill Perkins used stronger language yet by tying farmworkers’ conditions to the “country’s original sin of slavery” in his promotion of a 2009 state senate resolution honoring the state’s farmworkers and calling for improved labor rights. Since it was merely symbolic legislation, it was considered non-controversial and passed with a short roll call vote.\textsuperscript{29} Kerry Kennedy went further in a Thanksgiving Day op-ed in the New York Daily News that began, “There’s near-slavery in New York.”\textsuperscript{30}

The New York Farm Bureau’s chief lobbyist countered that the effort of advocates to frame labor laws on moral grounds was inappropriate.\textsuperscript{31} The proper perspective, according to the bureau, was an economic one, and not only for farmers, but also for workers. Accordingly, the organization esti-
minated that mandating overtime pay would put farms out of business. Alternatively, farmers would either hire more workers to prevent overtime hours from accruing or else downsize their operations. Either option, the New York Farm Bureau argued, would be detrimental for workers. Moreover, the farmer organization argued against the collective bargaining measure by expressing concern that union dues would reduce workers’ pay.

Defying the locavore angle, New York Farm Bureau president Dean Norton wrote a plea titled “Don’t Turn Farms into Factories” in which he argued that the passage of the Farmworkers Fair Labor Practices Act would decimate the “personal touch” of farming and that the state’s diverse crops would become commodities like corn, oats, and soybeans. He argued that local food, in particular, was under threat. The typical New York farmer is often presented as someone who works longer hours and earns lower wages than his employees, collects food stamps for his family, and takes full responsibility for the risks involved in the enterprise. Few people doubt the hard work and sacrifice of the state’s farmers, but to conflate the status of farmers with that of their employees and to actively promote the idea that farmers are somehow more vulnerable than their workers obscures the reality of farmworkers’ situations.

After ten years of effort, the Farmworkers Fair Labor Practices Act was finally heard on the floor of the state senate, thanks to the new Democratic majority and the maneuverings of Senator Pedro Espada and was voted down by a margin of three votes. The floor debate, on August 3, 2010, lasted less than two hours, but it resonated with all the agrarian idealism, hardened dogma, and ingrained public perceptions I have described in the pages of this book. Senator Eric Schneiderman made a plea for correcting historic wrongs that were rooted in racism. On the other side, Senator Dale Volker labeled the bill a “death knell” for agriculture, a phrase repeated by two of his Republican colleagues in their speeches. In one rhetorical set piece after another, the farmers’ economic plight and their right to maintain a work force at labor standards lower than those in other industries were pitted against moral arguments about the universality of human rights. Though some errant souls crossed the rural-urban divide, the state’s enduring regional antagonisms (rural/urban) established the framework for the debate.

In the final analysis, the bill failed not on the strength of the arguments but because of a lack of political support for its passage. The morality and the economics of the bill were debated, but in the end they mattered little in the face of the balance of political power and possibly the hopes of key legislators to assure their reelection. Nonetheless, the rhetoric was key in influencing public opinion and enlisting support from reporters and op-ed columnists, community groups, allies, and other interested parties, all of whom play a role in putting pressure on politicians. In time, a mobilized public can and will shift the power dynamics in favor of some policy proposals. This bill’s time may yet come if and when that happens.

To better understand this point, consider that during the same legislative session the Domestic Workers Bill of Rights, the first of its kind in the nation, was passed after a six-year effort. Domestic workers and agricultural workers shared the ignominy of being excluded from the New Deal labor protections that provided overtime pay, a day of rest, and collective bargaining protections. The Domestic Workers Bill of Rights legislated a right to overtime pay after forty hours of work or forty-four hours for those who live in employers’ homes, a twenty-four-hour day of rest or overtime pay if the employee chooses to work, and three paid days of rest a year. In addition the New York State Department of Labor was charged with conducting a feasibility study for collective bargaining. The protections granted to domestic workers essentially mirrored those sought for farmworkers. How can we explain that the same legislators dealing with two such similar bills passed one and not the other? The best way to understand the difference is that those who would be most affected, the employers, were of very different kinds. Farmers coordinated with strong business interest groups and enjoyed significant lobbying influence in Albany, while the employees of domestic workers were neither organized nor well represented (as employers).

The main themes examined in this book are also critical for understanding the failure of the legislation, because there are multiple, interlocking factors that stand in the way of improving farmworkers’ situations. In the lead-up to the debate about the bill farmers appealed to the cultural cachet of agrarianism to influence the public and politicians in favor of their interests, and they were quick to utilize locavore rhetoric to cast themselves as victims of the corporate industrial food system. Over the decades, they have succeeded in cultivating the sympathy of the public for their plight as endangered farmers. Food writers have embellished the narrative about the wholesomeness of regional farms, highlighting and praising individual farmers and depicting local farms as the virtuous alternative to corporate industrial agriculture. In turn, consumers were given every reason to side with, and
support, the intrepid producers who worked to bring fruits and vegetables to the public.

In addition, the historical and structural factors that have marginalized farmworkers have made it very difficult for them not only to seek redress for their grievances, but even to voice them. This has been further exacerbated by the influx of undocumented agricultural workers into the state in the past few decades. Moreover, workers’ price of proximity meant that they struggled to maximize their opportunities within the context of paternalistic labor relations. State remedies were far from their minds. These workers not only lacked political power, but their situations were largely concealed from consumers, making it difficult for them to garner any public sympathy, let alone to compete for the affection lavished on their employers.

**GOVERNMENT REMEDIES**

In the course of the decade that I conducted my research, the public profile of the state’s farmworkers was raised significantly. A decade ago there were very few opportunities for the average New Yorker to learn about labor conditions on farms. Since then, however, researchers, journalists, legislators, and advocates have used public channels to show how current farm labor relations are a product of long-standing patterns of inequity. Today the JFW has garnered renewed support from organizations such as the New York Civil Liberties Union, the Robert F. Kennedy Center for Justice and Human Rights, and New York University Law School’s Immigrant Rights Clinic. Yet key legislative changes remain elusive.

Why is government action so important? Remember that the current law allows workers to log seventy- to ninety-hour workweeks at minimum wage (since overtime pay is not required). The law also does not mandate a day of rest, and workers can get fired simply for asking for a raise. Because of the price of proximity on these regional farms, paternalistic practices do allow individual workers to secure better pay or benefits, but such rewards are not codified in the law. As a result, workers tend to accept the conditions of their work in the hope of favorable treatment from the boss. The changes proposed in the omnibus bill—overtime pay, a day of rest or overtime pay if the farmhand does work that day, and collective bargaining protections—would all go a long way to changing the structural factors that marginalize workers. Eleven states have collective bargaining protections for agricultural workers.

Four states in addition to Washington, D.C., and Puerto Rico, have overtime pay provisions.

As for the feasibility of these alterations in the law, keep in mind that Hudson Valley farmers have faced myriad challenges over the past two centuries. Some have gone out of business, but others adapted to the changes, and the region still has a vibrant agricultural sector. Policy makers want to please all sides with legislation, but we need to understand if a bill such as the Farmworkers Fair Labor Practices Act were to pass, growers would need to direct more funds to their workers’ pay. This directly hits their wallets, but the change would not be qualitatively different from other regulatory measures that ethical food advocates have campaigned for. Pesticide regulations that determine what chemicals can be used, how much, how often, and what sort of notification farmers need to give generated expenses for those who grow food. The “humane” treatment of animals—increasing the size of their pens, improving the quality of their feed, creating an environment where they can be free range or roaming, and improving the technology used in slaughter—was also accepted as a cost, however burdensome, of doing business in a world of shifting ethical norms.

We must not forget that the very low wages offered to farmworkers, the lack of overtime pay, and the lack of collective bargaining have all served to massively subsidize farming in this country. Some will bristle at this analogy, but compare the situation to slavery. Just as the criticisms of the Farmworkers Fair Labor Practices Act by the New York Farm Bureau hinged on the economic cost to farm owners, a similar argument was once presented for maintaining slavery in the United States.

In the years I conducted this research I noticed a distinct change in the attitudes of farmers regarding the proposed legislation. In 2001 they used apocalyptic language—“it’s going to kill me”—to describe the anticipated impact of required overtime pay. Six years later, they were trying to imagine ways of mitigating their costs if the bill passed. Though they may not have been aware of it, this psychological shift had occurred many times before in the record of Hudson Valley agriculture. Adaptation is one of the great legacies of farming in the region. In discussing how they might alter their practices, two practical questions rose to the fore: how could farmers afford to pay overtime, and how could they assure their workers the same number of hours and the same total pay as in previous years? The growers were concerned that they would have to hire more workers, which would mean fewer hours for everyone, or else they would need to cut back on their operations, which
would have the same effect. To avoid these problems, the growers imagined implementing two strategies: 1) charge for services that were previously free, and 2) restructure hourly wage rates to accommodate the overtime provision.

Most of the workers I interviewed had either free or very inexpensive housing, many had free electricity and heating, and others had free satellite television service. Farmers who provide such services either for free or below what is allowable could modify their practices to make up for the overtime they expected to pay. Of course, farmers who are already charging the maximum for housing would not have this option. The other option is for farmers to lower workers’ base hourly pay to compensate for the fact they would be paying overtime. For those paying above the minimum wage, there is some flexibility to deal with overtime regulations. Agricultural census data for New York puts the average hourly farmworker wage at above $10.27 So, for example, if a worker logs eighty hours a week at $10 an hour, that would be $800 a week without overtime pay. If overtime pay were to start after fifty-five hours (as in the proposed legislation), the employer could lower the base wage to $8.65 so that the first fifty-five hours would be paid at $8.65 an hour ($475.75) and the next twenty-five would be paid at time and a half, or $12.98 an hour ($324.50), for a total of $800.25. This scenario also works if overtime pay were required after forty hours. It would take some accounting acumen to estimate a new base rate for the season since workers’ hours vary from week to week, and these calculations do not include other pay-related costs such as Social Security and disability deductions, but it could be a creative and smart way for growers to limit their costs. The farmers who would be most hurt would be those who pay minimum wage or very close to it, those already charging the maximum for housing, and those who require their employees to work an unusually large number of hours.

Farmers present themselves as “price takers, not price makers,” meaning they have little opportunity to influence the retail cost of their goods and must accept what is offered. But when local growers offer their produce at farm stands, farmers’ markets, or CSAs, they not only cut out the middleman who profits when goods are sold wholesale, but they also place themselves in a position to set their own prices. Consumers expect local foods to cost more, and they are generally prepared to pay. How much more would they pay for fair labor standards? The Coalition of Immokalee Workers fought for a penny more for a pound for tomatoes with the goal of increasing workers’ wage rates. The resulting increase in the retail price would be negligible. In the locavore market, the increase might register more, yet the impact on the workers’ yearly income could be significant. Labor economist Philip Martin has shown that a 40 percent increase in farmworker wages could be covered by a 3.6 percent increase in the cost of produce, or $15 a year for a typical U.S. household.38 Let’s put this in context. The average U.S. consumer spends less than 10 percent of her income on food. And of the food brought home, 15 percent is discarded.39

Another progressive and proactive strategy farmers could adopt would be to embrace the legally mandated rise in labor standards as a selling point. They would be able to promote themselves and their produce on the basis of these upgraded standards in much the same way as they do around the minimal use of pesticides and the humane treatment of animals. In this way they could speak directly to local food enthusiasts who are prepared to embrace a comprehensive food ethic. One such farm already serves as a model. The California-based Swanton Berry Farm advertises itself and its product as labor-friendly. The farmers take pride that their workers are represented by the UFW and receive health insurance and a pension. Its website points out that the farm accomplishes this on a “razor-thin” margin of 3 percent profit, or 18 cents on a $1 box of strawberries.40

Readers might consider these proposals and ask why such a law is important if workers make the same under a new law with overtime as they made without it. The significance of a government remedy is that it institutes formal rules instead of flexible or informal ones, an especially important distinction for the undocumented. With legislation, the structure of the workers’ occupations will be altered to benefit them. The proposals are designed to suggest how to mitigate the initial burden on farmers. Once the system is in place, there is room for workers to get pay raises over time according to a pay system that resembles that of most other employees in the general work force, including domestic workers in the state.

LOCAVORE RESPONSE

Finally, what role can consumers play in improving the situation for farmhands on regional farms? Let us not imagine that the embrace of the farmworker cause by the food movement will resolve the whole range of inequities. However, this is an influential group with considerable sway over public opin-
ion, and so any amount of added scrutiny and awareness would go a long way toward promoting farmworker interests.

First, educate yourself. Consumers can learn more about farmworkers in New York, the Hudson Valley, and other regional settings by doing some elementary research. The Internet of course offers access to many reports and articles. National organizations such as Human Rights Watch, Oxfam, and the Southern Poverty Law Center have all written extensive reports on U.S. agricultural workers. More difficult to find is research and resources on local workers. Many states have campaigns similar to the Justice for Farmworkers Campaign in New York with information on local agriculture. Other organizations such as Duke University’s Student Action with Farmworkers and the D.C.-based Farmworker Justice have excellent resources. Books like *Tomatoland*, by Barry Estabrook, and *With These Hands*, by Daniel Rothenberg, both based on interviews with farmworkers, offer a wealth of insight into their predicaments. Delegations to meet with workers offer a more hands-on opportunity. For example, the Coalition of Immokalee Workers hosted ten national food activists on a tour of Florida tomato farms, and New York’s Rural and Migrant Ministry has similarly brought allies to meet with workers to hear their stories firsthand. Always be cautious of worker involvement on such visits. If the employer makes the introduction to workers, then you will be seen as an ally of the farmer, and workers will likely tailor their stories to be more palatable to their employer. Remember not to fall into the local trap; do not assume that a “small farm” or a “family farm” is necessarily a wholesome alternative to corporate industrial farms when it comes to the treatment of workers.

Second, ask questions about farmworkers. In the mid-1990s, it would have been very unusual to ask your waiter if the chicken special was organic and local, but today it is common. The same can happen in regard to labor conditions. The farmers I interviewed told me they often field questions from the public and journalists about details of the production process or about the efficacy of pest management practices, but rarely does anyone ask about the conditions of their workers. Consumer demands drive production decisions, and asking questions could promote more transparency about the workers’ labor conditions, raise the profile of the workers, and possibly lead to better pay and conditions, much in the same way that the alternative food movement has improved environmental conditions and animal justice. Consumers, however, must educate themselves to understand farmers’ responses and ask blunt questions about whether employees earn overtime pay, how many hours they work, and whether customers can speak directly with employees when the farmer is not around. Farmers need to hear directly from consumers that labor concerns matter to them.

Third, demand reporting on farmworkers. One of the barriers to adequate representation of agricultural laborers in food writing, policy reports, and media accounts is the dearth of data, profiles, and even recognition of the workers’ situations. Farm owners tend to protect their labor force, particularly those who are undocumented, and themselves from negative scrutiny from the media, law enforcement, and neighbors. Although such paternalism may stem from good intentions, it further relegates farmworkers to invisibility. Scholars, consumers, and food activists can play a role in demanding more attention to labor concerns. For example, many farmers’ markets have booths stocked with informational materials. None of those I have visited had anything on hand about the labor force, which I suspect is generally the case. Ask for brochures about the laws that pertain to them, worker demographics, human interest stories, or farmworker-developed recipes. Similarly, the media, including community newspapers, which regularly feature farmer- and food-related stories, could be asked to promote a more holistic picture of the production process and more fellow feeling toward farmworkers. Writers could profile laborers in the same way they feature individual farmers, with reference to their history, family, personality, and dreams. A little attention would go a long way. For a previous generation of shoppers, the UFW grape boycott raised the profile of the farm labor market and put laborers on the national stage. Today’s emphasis on celebrating food and scrutinizing its patterns of production could easily serve a similar purpose by throwing some light on the labor behind the produce. Consumers can further help by using social media to highlight such stories and using their own blogs to explore the issues.

Fourth, consider farm labor policy proposals. The profile of the food movement has moved beyond nonprofit policy centers into the vast realm of social justice committees associated with places of worship and university and high school campuses. Moreover, new coalitions, particularly between environmental activists and foodies, are on the rise, and there has been a rapid increase in university food studies courses across disciplines. This combination of nonprofit and grassroots organizations and students is an important network for influencing food policy. However, we must be aware of the participation of farmers on the boards of food-centered nonprofits and their role in shaping policy priorities. We cannot expect farmers to advocate for
their workers. In 2009, for example, the Northeast Organic Farming Association—an alternative voice to the New York Farm Bureau, and a significant influence on the state’s alternative food movement—shifted gears to oppose the Farmworkers Fair Labor Practices Act. Food activists must be willing to challenge farmers.

Fifth, be wary of getting lured away from labor policy. Performing charitable acts is extremely gratifying, and so many farmworkers are in such desperate poverty that donations are usually very much appreciated. Structural change, however, requires altering the law. Tell legislators how you feel; join a campaign, sign a petition, or attend a lobby day in your state’s capitol. Immigration reform on its own will do little to change the structure of these jobs. Farmer organizations in New York have long tried to deflect labor activists’ efforts to improve work conditions by calling instead for a focus on immigration reform and immigrants’ rights. The farmers’ representatives argue that if the workers were in the country legally they would be better protected in every regard. Although that might be true, it still leaves farm laborers without the labor protections afforded to most other workers. “Fair trade” certifications can include labor concerns, but one major problem with such certifications is the participation of farmers in shaping them. Although such efforts, like those related to offshore apparel production or to fair trade coffee, can be used to start a conversation about labor concerns, they do not offer the consistent and wholesale structural change that legislative action can deliver.

Sixth, support local farms to build a food movement that incorporates workers. Buy local! The more vibrant we can make regional agriculture, the more prosperous our farmers will be and the better positioned they will be to pass on their profits to their work force. Particularly in affluent urban areas, where food dollars are plentiful, consumers can have a critical influence on building up the industry. But tell farmers what you want your purchase to support, much in the same way that consumers do in the instance of pesticide practices and animal treatment. Make sure that petitioning on behalf of workers is not expressed as an attack on farmers. Instead, transfer the responsibility to your choice as a consumer; explain your food ethic and how it demands fair labor standards to be observed in the products you buy. In the last ten years we have seen an explosion of interest in farming by a younger generation that has developed in parallel to the expansion of the marketing of local food. Look at this group as an opportunity; they are experimenting with different business models, and you can propose they put sustainable livelihoods at the center.

Think about the many benefits to be accrued from restructuring agriculture around sustainable jobs and how improved labor practices can be promoted as a selling point. Just as Whole Foods has a point system to indicate how the animals that become our meat are treated, so, too, smaller farmers could advertise the benefits they offer their workers to explain food costs to consumers. A Hudson Valley or New York food culture could be developed as a distinct regional alternative to the industrial exploitation of farmlands. I have seen proposals for boycotting farms or outing those known to have poor practices. On the corporate industrial scale, this strategy has had some success, but my opinion is that when it comes to smaller farms, the carrot would work better than the stick. Bear in mind that the changes proposed will be regarded as quite radical, and that growers need some time to adjust.

In describing the challenges faced by those who might respond to the cause of farmworker justice, I have emphasized that the farmers themselves have the most to lose. This has always been the case. The chronic economic insecurity at the heart of their industry dates back to the era of tenant farming, even as it has been punctuated by short periods of stability and steady profit. The profits of most small farms today are directly predicated on workers’ low wages and lack of collective bargaining, and so farm owners feel they have no choice but to fight against the extension of labor protections. Their main justification for maintaining current labor relations rests on saving farming in the state, with the corollary that improved wages and work conditions would put them out of business. I am in sympathy with the constraints on farmers, and I have highlighted how smaller farmers and their workers are both victims of the corporate industrial food system. Even among my grower interviewees, however, at least two were quite open about why overtime pay and other provisions were needed to help workers overcome exploitation on Hudson Valley farms. They intimately understood the implications for their businesses, but they felt strongly that such provisions were a matter of basic justice. In addition, several others described the system as unfair to workers and suited only for the most desperate with no other options, and they wished it could be different. It was especially courageous of those farmers to share these sentiments.

For me, investigating farmworker conditions has meant coming to understand that the small farmers who employ them were not immune to labor management practices designed to extract the most from their workers for
the least amount of remuneration. Because of the intimacy of regional farming, I was able to see how the price of proximity on local farms was borne by workers who had complicated relationships with paternalistic employers. In addition, I learned how Hudson Valley farmers actively recruited immigrant workers whom they understood would have little alternative but to accept the conditions on offer due to their legal status.

I hope this book will be read as a forceful invitation for scholars and others to see the explicit connections between three topics that are usually discussed separately: immigration, labor conditions for all U.S.-based workers, and the food we eat. Although my conclusions are drawn from a regional study of the agricultural industry, they apply not only to farming nationwide but also to the food processing and preparation industries, including meat processing factories, grocery stores, and every class of restaurant. There should be a strong alignment between the fulfillment of consumer expectations regarding sustainable foods and the improvement of labor conditions for U.S. citizens and immigrant workers alike. Historically, one of the main obstacles to the latter is that citizen workers have a hard time seeing how the betterment of their economic futures is tied to doing the same for noncitizen workers. The concentrated power of employer influence on state policy making has also stood in the way.

In recent years the alternative food movement has struck hard at the legitimacy of the industrial agricultural system. Although far from fatal, this blow has revealed the shared assumptions that bind consumers to a conventional food supply. In that moment of opportunity resides the potential for altering the conversation about the political economy of farm labor. Farmworker advocates can now seize that opportunity to increase their ally base and promote workers’ rights to a new and rapidly growing segment of the proactive public. This new approach to pursuing justice could be characterized as the inverse of Upton Sinclair’s old maxim: farmworker advocates are now aiming at the public’s stomach in the hope of hitting its heart.

Methodological Appendix

This study is the result of inductive research; I did not start out with hypotheses to test, nor were my research goals predetermined, aside from a general desire to document the work lives of this new Latino population of farmworkers as well as advocates’ efforts to improve their living and working conditions. My data analysis involved close readings of my interviews and field notes, during which I identified common themes and correspondingly coded my data. This also applied to the organizational material (including pamphlets, press releases, internal evaluations, fundraising letters, newsletters, and reports) that I collected from the nonprofits I studied, including farmer organizations. In addition to approaching farm labor concerns from different standpoints, I also triangulated my research by studying journalistic accounts, government information, nonprofit reports, management texts, and scholarly research on agriculture and farm labor in the Hudson Valley and New York. Case studies often provide deep, detailed studies as opposed to more easily generalizable data; my multimethod approach aimed to mitigate any reliability issues related to the small number of interviews compared with their respective populations. In particular, I limited the number of interviews with farmers because I quickly reached a data saturation point in my conversations with them, and also because of the availability of census, government, nonprofit, and scholarly data, including other surveys and interviews with Hudson Valley and New York farmers that corroborated my results.

My interview data include 113 structured, open-ended interviews with Hudson Valley farmworkers in 2002, along with thirty-five repeat interviews conducted in 2008 and 2009. All but a few interviews took place in labor camps located directly on the nineteen farms where they worked. To locate