

MIGRATION, WORKER EMPOWERMENT, AND THE DEVELOPMENT OF STATE
AGRICULTURAL LABOR REGIMES: AN HISTORICAL COMPARATIVE CASE STUDY OF
CALIFORNIA AND NORTH CAROLINA (1880-2022)

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ABSTRACT

Nathan Tilghman Dollar: Migration, Worker Empowerment, and the Development of State Agricultural Labor Regimes: A Historical Comparative Case Study of California and North Carolina (1880-2022)
(Under the direction of Jacqueline M. Hagan)

In this dissertation, I compare the historical development of state agricultural labor policies and practices in California, a traditional migrant destination, and North Carolina, a new migrant destination. I identify the factors which shaped the emergence of a more protective environment in California and a more precarious environment in North Carolina. I then identify how these contrasting state contexts affect the health and well-being of Latino migrant farmworkers in each state today.

Drawing on archival data, field observations, and 37 interviews with farmworkers in California (n=22) and North Carolina (n=15), I develop a labor regime model to explain how the different state sociopolitical cultures developed, and how they impinge on the health and well-being of migrant farmworkers and their families. I demonstrate how the development of agricultural labor regimes is intimately tied to systems of agricultural production, migration patterns, and their implications for worker empowerment. Foreign-born and domestic migrants have been recruited to work on California's industrial farms since the late nineteenth century. These migrant farmworkers have engaged in cross-ethnic collective resistance against employer abuse for 130 years. Their efforts have been instrumental in constructing the more protective agricultural labor regime we observe in California today. In North Carolina, the harsh conditions associated with the disjointed system of tenant farming, sharecropping, and plantation production in North Carolina served as a deterrent for potential migrants and pushed many Black agricultural workers out. This isolation from

outsiders, combined with the mass exodus of Black agricultural workers – whose solidarity and strong labor consciousness made them the most likely to organize and collectively resist – constrained the potential for worker empowerment until the 1990s. This resulted in the consolidation of employers’ hegemony over the North Carolina’s political apparatus and the precarious labor regime we observe in the state today. I demonstrate how these state agricultural labor regimes have implications for the health and well-being of migrant farmworkers and their families. These findings enhance our understanding of how migrants’ labor market incorporation is embedded in the sociopolitical histories of the places where migrants live and work.

To my late father-in-law, Samuel F. Hauser – a true Tarheel, through and through.

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TABLE OF CONTENTS

LIST OF TABLES	xi
LIST OF FIGURES.....	xii
LIST OF ABBREVIATIONS.....	xiii
CHAPTER ONE: INTRODUCTION	1
Theoretical Framing.....	6
Economic Restructuring, U.S. Immigration Policy, and the Shifting Geography of Latino Labor Migration.....	6
Are All Labor Regimes Created Equal?.....	11
The “Exceptional” South: Contextualizing the Role of Migration	20
Research Design	25
Case Selection.....	25
Archival Analysis	32
In-Depth Interviews.....	34
Fieldwork Considerations.....	35
Sampling and Recruitment	37
Study Protocols and Protecting Participant Identities	39
Analysis	41
Chapter Overview	42
CHAPTER TWO: LAYING THE POLICY FOUNDATIONS: AGRICULTURAL LABOR REGIMES IN CALIFORNIA AND NORTH CAROLINA FROM THE POPULIST-PROGRESSIVE ERA TO THE GREAT DEPRESSION (1880-1930).....	47

Introduction.....	47
Contrasting Agricultural Contexts: Tenancy and Sharecropping Vs. Industrial Farming.....	52
Tenuous Agricultural Worker Alliances, the Enduring Legacy of White Supremacy, and Progress Lost in North Carolina.....	56
Industrial Farming, Migrant Worker Mobilization, and the Construction of a Strong Labor Regime Foundation in California.....	78
Conclusion.....	93
 CHAPTER THREE: THE EVOLUTION OF AGRICULTURAL LABOR REGIMES FROM THE GREAT DEPRESSION TO THE ERA OF NEOLIBERAL GLOBALIZATION (1930-Present).....	
Introduction.....	96
Evolving Systems of Agricultural Production and Changing Labor Regimes.....	100
Evolving Systems of Agricultural Production: The Emergence of Industrial Farming in North Carolina.....	100
Changing Agricultural Labor Regimes.....	104
The Great Depression, New Deal, and WWI Eras (1930-1945).....	107
North Carolina: Disempowered Workers, Weak Institutions and New Deal Resistance.....	107
California: Turmoil in the Fields, a Growing Labor Consciousness, and the Bracero Program.....	116
The Post-War Era (1945-1980).....	121
North Carolina: “Right to Work,” Disempowered Migrant Workers, and Weak Enforcement.....	121
Post-War California: The Bracero Program and Rise of the UFW.....	129
The Era of Neoliberal Globalization (1980s-Present).....	134
North Carolina: A Shift Towards Foreign-Born Migrant Workers and the Beginnings of a Farm Labor Movement.....	134

California: The Decline of the UFW, Increased Migration, and the Growing Political Force of Latino Voters	139
Conclusion: Precarity in North Carolina; Protection in California.....	141
CHAPTER FOUR: LABOR REGIMES IN PRACTICE	147
Introduction	147
Soledad	147
Rosa	150
The Work.....	155
How Labor Regimes Affect Worker Well-Being.....	157
Wages.....	161
Wage-Security.....	163
Occupational Safety and Health Resources	167
Housing Conditions and Access to Transportation	174
Discussion and Conclusion.....	176
CHAPTER FIVE: CONCLUSION AND DISCUSSION.....	180
Implications for Migrant Incorporation and Labor Regimes.....	189
Implications for Proposed Labor Reform Policies.....	192
Study Limitations and Directions for Future Research.....	194
REFERENCES.....	196

LIST OF TABLES

Table 1. Labor Policies in California and North Carolina Affecting Farmworkers.....	142
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LIST OF FIGURES

Figure 1. - Conceptual Model of a Labor Regimes.....	17
Figure 2. - Foreign-Born and Domestic Migration in California and North Carolina (1900-2019).....	26
Figure 3. - Total Number of Farms and Acres Cultivated in California and North Carolina (1870-1920).....	53
Figure 4. - North Carolina Agricultural Labor Regime (1880-1930).....	57
Figure 5. - California Agricultural Labor Regime (1880-1930).....	79
Figure 6. - Total Number of Farms and Average Acreage in California and North Carolina.....	101
Figure 7. - Percent of North Carolina Farms Operated by Tenants (1930-2017).....	103
Figure 8. - North Carolina Agricultural Labor Regime During the Great Depression, New Deal, & WWII Era (1930-1945), Post-War Era (1945 – 1980) & Neoliberal Era (1980-2021).....	105
Figure 9. - California Agricultural Labor Regime During the Great Depression, New Deal, & WWII Era (1930-1945), Post-War Era (1945 – 1980) & Neoliberal Era (1980-2021).....	106
Figure 10. Labor Regime Model with Local Community & Berry Worker Contextual Factors.....	154

LIST OF ABBREVIATIONS

AAA	Agricultural Adjustment Act
ACLU	American Civil Liberties Union
AEWR	Adverse Effect Wage Rate
AFL	American Federation of Labor
ALRA	Agricultural Labor Relations Act
ALRB	Agricultural Labor Relations Board
AWIL	Agricultural Workers' Industrial League
AWOC	Agricultural Workers Organizing Committee
CAL/OSHA	California Occupational Safety and Health Administration
CAUSE	Coast Alliance United for a Sustainable Economy
CAWIU	Cannery and Agricultural Workers' Industrial Union
CIO	Congress of Industrial Organizations
EFWM	Episcopal Farmworker Ministries
FLCRA	Farm Labor Contractor Registration Act
FLOC	Farm Labor Organizing Committee
FLSA	Fair Labor Standards Act
FLSNC	Farmworker Legal Services of North Carolina
FTA	Food, Tobacco, Agricultural and Allied Workers of America
IRCA	Immigration Reform and Control Act
IWW	Industrial Workers of the World
JMLA	Japanese-Mexican Labor Association
MICOP	Mixteco Indigena Community Organizing Project
MSAWPA	Migrant and Seasonal Agricultural Protection Act

NAWS	National Agricultural Workers Survey
NCDOL	North Carolina Department of Labor
NCGA	North Carolina Growers' Association
NCLC	National Child Labor Commission
NCMHA	North Carolina Migrant Housing Act
NFWA	National Farm Workers Association
NLRA	National Labor Relations Act
NLRB	National Labor Relations Board
OSH	Occupational Safety and Health
SAF	Student Action with Farmworkers
SAW	Special Agricultural Worker
SPID	State Policy Innovation Database
SPLC	Southern Poverty Law Center
UCAPAWA	United Cannery, Agricultural, Packing and Allied Workers of America
UFW	United Farmworkers of America
UFWOC	United Farmworkers Organizing Committee
USDA	United States Department of Agriculture
USDOL	United States Department of Labor
WACC	Western Agricultural Contracting Company

CHAPTER ONE: INTRODUCTION

“Blackberries are very difficult. They scratch your hands and make you bleed. The thorns dig into you. You have to force yourself to get them from the middle and it’s really difficult because it has a lot of thorns and even though it’s going to hurt you when it sticks in your fingers...you feel it in your heart because it is a strong pain, and you have to keep going branch by branch to get all of it.”

-Soledad, H-2A guestworker in Eastern North Carolina¹

Migrant farmworkers are the among the most essential workers in the United States, yet they remain the most vulnerable and least protected. The lack of labor protections for farmworkers dates to the late nineteenth and early twentieth centuries. During this period, the foundations of federal and state regulatory apparatuses were laid, and farmworkers were largely excluded from federal labor laws designed to protect workers in most other industries. Since then, the onus of regulating work on farms has fallen primarily on U.S. states whose contemporary regulatory policies and practices, and the degree to which they protect migrant farmworkers, vary widely. Today, most foreign-born farmworkers, like Soledad, are migrants from Mexico and Central America.² We know that working conditions in agriculture and other migrant-heavy industries such as construction and food service tend to be precarious and often dangerous, but we know less about the historical development of state-level labor policies and practices and how they shape these conditions. This is an especially important focus of inquiry given the dispersal of Latino migrants across many states characterized by different regulatory environments. Since the 1990s, the geography of Latino migration has shifted away from traditional gateway destinations, such as California and Texas, towards new(er) destinations in states such as Georgia and North Carolina.

¹ All respondents’ names are pseudonyms. I translated all quotes from Spanish.

² Based on the author’s calculations of 2019 American Community Survey data obtained from IPUMS.

In this dissertation, I compare the historical development of state agricultural labor policies and practices in California, a traditional migrant destination, and North Carolina, a new migrant destination. I identify the factors which shaped the emergence of a more protective environment in California and a more precarious environment in North Carolina. I then identify how these contrasting state contexts affect the health and well-being of Latino migrant farmworkers in each state today.

The motivation for this project stems from my 18 years of experience working as a migrant health advocate in North Carolina. As an outreach worker providing health and labor rights education in migrant labor camps, an executive director of a migrant health program, and later Chair of the Governing Board for the North Carolina Farmworker Health Program, I have borne witness to the inhumane working and living conditions many farmworkers face in North Carolina. For instance, I have seen numerous cases of overcrowded, substandard housing, wage theft, labor and sex trafficking, child labor, and exposure to agro-chemicals. I have also witnessed how the power imbalances between farmworkers and their employers create a culture of fear and intimidation which is facilitated by ambivalence and hostility towards farmworkers from state and federal regulatory agencies. It is precisely this sociopolitical cultural context that creates the conditions under which Soledad, the farmworker I quote at the beginning of this chapter, must push through the pain of torn skin and bloody hands to keep picking blackberries. Her labor contractor refused to provide any personal protective equipment, and no state agency compelled him to do so.³ Understanding how these sociopolitical cultures vary across states and how they impinge on workers' lives is the motivation for this dissertation project.

³ Soledad was also a victim of labor trafficking and wage theft. I discuss her story and others more thoroughly in Chapter 4.

In my dissertation, I engage two bodies of literature to address how state labor policies and practices shape the living and working conditions of Latino migrant farmworkers. The first body of literature is the burgeoning scholarship by sociologists and anthropologists which examines the labor market incorporation of Latino migrants in new destinations in the U.S. South (Griffith 1995; Lopez-Sanders 2009; Marrow 2011; Stuesse 2016; Zuniga and Hernández-León 2001). The new destination literature is not limited to migrants' experiences in the U.S. South, nor their labor market participation. Several studies address new migrant destinations across the North and Midwest (see Keller 2019; Lay 2012). There is also considerable work by scholars addressing how state and local policies limit Latino migrants' incorporation through alienage laws and enforcement of federal immigration law (see Flores and Schachter 2018; Hagan et al. 2018). However, my focus in this dissertation is on one dimension: the labor market incorporation of migrant agricultural workers in the U.S. South. The second literature I draw on in this dissertation is the body of research by political sociologists and geographers which analyzes the emergence of “precarious labor regimes” that shape the conditions under which Latino migrants work and live (Gleeson 2016; Nelson et al. 2015; Sassen 1996; Theodore 2003; Torres et al. 2013). Together, these two bodies of scholarship provide valuable contributions to our understanding of the working and living conditions for Latino migrant workers, the social forces that shape them, and how those forces may vary by place. However, there is little dialogue between the two and each has its own empirical and theoretical problems.

For example, most research on Latino migrants' labor market incorporation in new destinations insufficiently addresses the role of subnational state labor policies and practices in shaping work experiences. Indeed, the studies within the new destination scholarship take for granted the sociopolitical contexts of southern states and the general hostility towards labor that characterize them – a phenomenon commonly referred to as “southern exceptionalism” (Cobb

1991; Frederickson 2011; Griffith 1988; Lassiter and Crespino 2010; Zieger 2012). This oversight limits our understanding of how processes of incorporation are embedded in the sociopolitical histories of the places where Latino migrants work and live today.

The literature on precarious labor regimes suffers from a larger theoretical concern. While most studies in this scholarship allude to the existence of a “labor regime” influencing working conditions, a “labor regime” is never clearly defined. As such, the analytic utility of the concept remains limited. Specifically, without clearly defining what a labor regime is, we remain unable to distinguish between a precarious labor regime and a more secure, perhaps more protective, labor regime. Both bodies of research also share a similar methodological weakness. The studies within both scholarships, with few exceptions, typically rely on case studies of specific geographic localities, thus limiting our understanding of how conditions for Latino migrants vary across place.

In this dissertation I attempt to fill these empirical and theoretical gaps by linking these two bodies of literature. By linking the literature on new destinations and the scholarship on labor regimes, I hope to broaden our understanding of the role of labor regimes in shaping Latino migrant workers’ lives in the United States, and how they may vary by established and new gateway destinations. To this end, I first develop a clear conceptual model of a labor regime, which I define as a sociopolitical culture, including sets of laws, informal rules, norms, and expectations that are shaped by, and guide, the collective behaviors of labor market actors: employers, workers, and state actors. I argue that labor regimes operate on a protective-precarious continuum. A more protective labor regime is one in which the sociopolitical culture creates a more secure environment for workers. That is, an environment where workers are empowered, and state policies and practices mediate their interactions with employers and provide protections from abuse. Conversely, a more precarious labor regime is one in which the sociopolitical culture fosters an insecure or unstable environment for workers. In a precarious labor regime, workers are disempowered, state

intervention is minimal, and the rules, norms, and expectations which govern workers' interactions with employers is detrimental to workers. Building on this definition, this dissertation addresses two research questions: First, how have state agricultural labor regimes developed over time? Second, how does the relative position of a state's agriculture labor regime on the precarious-protective continuum affect the well-being of migrant agricultural workers and their families? I define well-being as a combination of variables associated with work, including vulnerability to employer abuses, wages, wage security, access to occupational safety and health resources, housing conditions, and access to transportation.

To answer these questions, I conduct a historical comparative case study of two U.S. states – California and North Carolina – focusing on the formation of agricultural labor regimes in those states from the late nineteenth century to the present, and their implications for the well-being of migrant farmworkers and their families. I chose the late 19th century as a starting point for my analysis because it was during this period that the foundations of state labor regimes were laid. These foundations shaped how state labor regimes continued to develop throughout the twentieth century to the present. I strategically selected these states based on three criteria that are central to my analysis: First, both states have large agricultural crop production industries which rely primarily on a foreign-born workforce. Second, given the states' different migration histories, they represent ideal types for a new versus traditional migrant destination comparison. Third, California has among the most robust, protective labor policy environments in the nation, and North Carolina is widely known as having among the most anti-labor and anti-worker policy environments of any U.S. state. To be clear, I argue that labor regimes operate on a precarious-protective continuum. I purposefully selected these two states because their labor regimes are positioned on opposite ends of that continuum and are thus ideal cases for a proof of concept. The polarity between these two states'

labor regimes is most evident in agriculture because the onus of regulating agriculture has fallen primarily on the states. However, I hypothesize that this may spill over into other industries.

In the remainder of this chapter, I introduce the literature and theoretical framework of my findings. I then discuss my research design in more detail, including my case selection and data collection and analytical strategies. I conclude with an overview of the proceeding chapters and a discussion of the thematic findings.

THEORETICAL FRAMING

Economic Restructuring, U.S. Immigration Policy, and The Shifting Geography of Latino Labor Migration

Economic restructuring in the U.S. since the 1970s resulted in an increasingly bifurcated labor market and occupational structure (Kalleberg 2011; Piore 1979; Sassen 1988; 1991).⁴ This bifurcation is characterized by a growing polarization between the primary sector, or jobs requiring high skill levels, minimal physical demands, and offer high pay and security, and the secondary sector, those jobs requiring low skill levels, are physically demanding, and offer little pay and security (Doeringer and Piore 1985). The transformation in the U.S. labor market is attributed to employers' need and desire for greater flexibility in the face of global competition, the neoliberal trend toward deregulation, the diminished size and power of unions, and the decline of manufacturing. Collectively, these changes have led to a hollowing out of the middle of the occupational structure and an ever-growing disparity between the primary and secondary sectors (Kalleberg 2011).

One characteristic of macro-economic restructuring in the 1970s was the emergence of “global cities” such as New York, Los Angeles, and Houston, which serve as command centers for the “servicing and management” of the global economy (Sassen 1988:Pg. 22). These cities draw high concentrations of skilled workers, which leads to growth in the low-wage service sector as these

⁴ This trend is not unique to the United States; rather, it is found in most ‘developed’ nations.

skilled workers create the demand for labor to build and clean their homes and hotels, care for their children, and manicure their lawns. As Saskia Sassen observes, “It is in the expansion of the low-wage job supply that we find the conditions for the absorption of the immigrant influx (1988: 22).

Changes in U.S. immigration policy nurtured the expansion of the secondary labor market in established immigrant gateways during the second half of the twentieth century. The surge in immigration from Latin America was spurred, in part, by amendments to the Immigration and Nationality Act in 1965, which established family reunification as the central basis for admission (Hirschman and Massey 2008; Keely 1979).⁵ At the same time, the abolishment of the Bracero agricultural guestworker program in 1964 facilitated skyrocketing – largely “unskilled” – migration from Mexico. The Bracero Program was established in 1942 at the request from growers in California and Texas who argued that they must be allowed to import cheap labor from Mexico due to a labor shortage caused by World War II (Griffith and Kissam 1995; Griffith 2006; Massey et al. 1987).

Although the Bracero Program ended in 1964 due to rampant labor abuses, it laid the groundwork for the establishment of legal and undocumented migratory flows from Mexico, and the bulk of these Mexican migrants moved to California and Texas, where they had previously lived and worked (Massey and Capoferro 2008). Consequently, California and Texas, and particular cities within them (e.g., Los Angeles and Houston), emerged as gateway destinations for Mexican migrants during this time. These pioneer migrants from Mexico, many of whom were former Braceros themselves, established ethnic enclaves and occupational niches – largely in agriculture and domestic service – and subsequent migrants flowed to those gateway destinations and jobs (Massey et al. 2002; Waldinger and Lichter 2003). Indeed, new migrants were attracted to these emerging gateway destinations primarily because of the demand for labor, and the support in finding housing and jobs,

⁵ These amendments are also commonly referred to as the Hart-Cellar Law.

and protection and familiarity that established co-ethnic communities provided (Massey 1985). By 1970, 53 percent and 27 percent of all foreign-born Mexicans lived in California and Texas, respectively (Massey et al. 2002).

The geography of Latin American migration, especially Mexican migration, began to shift in the mid-1980s. Several factors contributed to this changing geography and dispersal of Latino migrants throughout the country. First, the shift was caused by the passage of the Immigration Reform and Control Act (IRCA) of 1986, which tightened border security, gave legal status to approximately three million long-term undocumented residents, and allowed for family reunification (Durand et al. 2000). IRCA allocated funds into border enforcement along established corridors which pushed some migrant flows farther east (Massey et al. 2002; Orrenius 2004). The program also allowed the recipients of legalization to migrate freely, seek work in new industries, and sponsor family. IRCA also had the unintended consequence of encouraging unauthorized migration of many “who were left behind” and not eligible to enter through the family reunification program (Durand et al. 1999:527; Hagan 1994). The result was an explosion in the number of unauthorized migrants entering the United States during the 1990s and early 2000s. As more and more people migrated to traditional gateways, those established occupational niches became saturated, thus pushing migrants to seek work elsewhere (Light 2006). Many migrated to places such as Georgia and North Carolina, where economic restructuring in the 1990s and early 2000s had led to a relocation and expansion of food – primarily beef and hog – processing from urban areas throughout the Midwest to rural areas in the Southeast (Griffith 1995; 2005; Johnson-Webb 2010; Kandel and Parrado 2005).

While the established poultry and farming industries began recruiting Latino migrant labor as early as the mid-1980s, beef and hog production and processing relocated to these areas during the late 1980s and 1990s (Griffith 2012). The rural South was attractive to these new industries primarily because land and labor were cheap and unionization rates were low (Griffith 2005). Once

established, employers in beef and hog processing then began actively recruiting and hiring a significant number of Latino workers from abroad and internally (Griffith 1995; Johnson-Webb 2010; Ribas 2016; Stuesse 2016). Employers in these industries preferred migrants, in part, because of their willingness to work under precarious conditions and the anti-labor policies and practices characteristic of southern states were conducive to maintaining those conditions (Griffith 1995; Ribas 2016; Stuesse 2016).

Several case studies examining migrants' labor market incorporation in the South underscore that the very factors driving the increased flows and trajectory of migration to new destinations simultaneously shape the conditions under which migrants work and live therein. For example, in her study of migrant workers and employers at a manufacturing firm in South Carolina, Laura Lopez-Sanders (2009) found that employers' desire to recruit and hire Latino migrant workers was primarily influenced by their perceptions – both real and perceived – of those workers' docility, willingness to work in undesirable conditions, and productivity. That same study found that managers and supervisors at the firm openly discussed a plan to replace the predominantly black workforce and create 'enclaves' of Mexican workers throughout the plant (Lopez-Sanders 2009). To carry out the plan, the plant hired Latino migrants primarily through a temporary staffing agency, which allowed the firm to eschew responsibility to verify legal status and circumvent labor regulations (Lopez-Sanders 2009). Similarly, in her ethnographic account of Mexican and Central American migrant workers in a hog processing plant in North Carolina, Vanesa Ribas (2016) found that employers preferred migrant labor precisely because those migrants – largely due their tenuous legal status – were less likely to protest harsh working conditions or seek medical care for work-related injuries compared to U.S.-born workers. Additionally, in her ethnography of poultry workers in Mississippi, Angela Stuesse (2016) also found that employer preferences for migrant labor and the

poor working conditions for those workers were shaped by migrants' vulnerability due to their undocumented status.

Collectively, studies of Latino migrants' labor market incorporation in new destinations provide four key insights regarding the place of migrants in the labor market and the conditions under which they work. First, they highlight the central role that employers played in recruiting migrant labor to feed the growth of food production and processing and manufacturing industries in the rural South (Griffith 1995; 2012; Johnson-Webb 2010; Lopez-Sanders 2009; Ribas 2016; Stuesse 2016). Second, they show that employer preferences for Latino migrant labor made them increasingly dependent on migrant social networks for recruitment at the cost of shutting out U.S.-born Black workers – a process referred to as ethnic succession (Lopez-Sanders 2009; Marrow 2011; Ribas 2016). Third, these studies document how processes of migrants' incorporation in the labor market, and the larger community, are shaped by historical and contemporary race and labor relations in the South (Lopez-Sanders 2009; Ribas 2016). Finally, and most relevant to my proposed research, collectively, these studies shed light on how the precarious conditions under which most migrants work and live are profoundly influenced by the sociopolitical context of incorporation (Griffith 2005; Ribas 2016; Stuesse 2016).

However, the literature on Latino migrants' labor market incorporation in new destinations in the U.S. South suffers from two key limitations: First, most research on Latino migration to the South consists of case studies of firms in particular communities and thus lacks a comparative lens. A second concern is that most research in this area insufficiently addresses the role of state-level labor policies and practices in the process of migrant incorporation. Most sociological studies of Latino migrants' labor market incorporation in the U.S. South take for granted the sociopolitical contexts of southern states and the general hostility towards organized labor and individual workers that characterize them – a phenomenon historians and geographers refer to as “southern

exceptionalism” (Cobb 1991; Frederickson 2011; Griffith 1988; Lassiter and Crespino 2010; Zieger 2012). This oversight limits our understanding of how these policy contexts developed, and how processes of incorporation are embedded in the sociopolitical histories of the places where Latino migrants work and live today. To address these gaps, I now turn to the emergent literature on precarious labor regimes.

Are all Labor Regimes Created Equal?

A growing body of scholarship undertaken primarily by political sociologists and geographers, attempts to address how place-based sociopolitical contexts impact migrant workers’ lives more directly (Bernhardt et al. 2008; Gleeson 2016; Nelson et al. 2015; Sassen 1996; Theodore 2003; Torres et al. 2013). Most of these studies emphasize the emergence of employer and state practices and policies that shape migrants’ working and living conditions. In the literature, these practices and policies are often loosely referred to as “precarious labor regimes.” Characteristics of a “precarious labor regime” cited in the literature include employer flexibility and insecurity of labor (i.e., the rise of contingent temporary employment), racial/ethnic segmentation, low wages, poor working conditions, and less regulation and enforcement of worker protections (Bernhardt 2012; Nelson et al. 2015; Sassen 1996; Theodore 2003; Torres et al. 2013).

Studies that address *employer flexibility and insecurity of migrant labor* highlight employers’ desire for a surplus of cheap, flexible labor which stems from the pressure to reduce costs in the face of global competition (Sassen 1996; Theodore 2003). Employers of migrants obtain this surplus of cheap, flexible labor either by subcontracting through formal temporary staffing agencies (Theodore and Peck 2002; Theodore 2003) or by tapping into migrants’ social networks through their relationships with labor brokers (Hagan 2004; Nelson et al. 2015). These personal networks are the most important mechanism through which migrants find and are placed in jobs (Hagan 1998; Waldinger and Lichter 2003). Migrants, particularly the undocumented, must rely on these networks

because they lack familiarity with the U.S. labor market and often have low levels of traditional forms of human capital (Hagan et al. 2015; Waldinger and Lichter 2003). Once migrants establish occupational niches, these jobs get deemed “migrant jobs” or “brown-collar” jobs – rendering them undesirable for native-workers and contributing to occupational *racial/ethnic segmentation* (Catanzarite 2000). Employers exploit this social dimension of the migrant experience in their pursuit of flexibility to recruit migrants to jobs, which contributes to both *racial/ethnic segmentation* and the vulnerability and *insecurity* many migrant workers face. For example, in their comparative case study of migrant workers and employers in Routt County, Colorado and Rabun County, Georgia, Lise Nelson and colleagues (2015) found that in both places, “Employers appreciated the fact that most immigrants ‘come here to work’ and they organize their lives around it” (Pg. 851). The same study found that these methods of labor recruitment were favored by employers because they provided access to a “just-in-case-workforce” of “disciplined workers who come and go as required,” (Nelson et al. 2015:854) – what Roger Waldinger and Michael Lichter (2003) refer to as a surplus of “willing subordinates” (Pg. 15). These strategies to recruit migrant labor are modeled after labor recruitment techniques that have been common in agricultural crop production since the late nineteenth century (FitzSimmons 1986; Griffith and Kissam 1995; Hahamovitch 1997; McWilliams 1939). Today, virtually all newly migrant-heavy industries (e.g., construction, food service, manufacturing, meat processing, etc.) now rely on these strategies.

In his study of day laborers in Chicago, Nik Theodore (2003) found that employers exploit migrants’ vulnerability and rely more heavily on a temporary, contingent workforce as a low-road strategy to remain competitive. Subcontracting through temp firms is attractive to employers because it facilitates “arm’s length relationships” between employers and their workers which removes employers’ risk of liability (Theodore 2003:1822). Employers’ desire for flexibility and distance between themselves and their workers is so strong that, in some cases, when sub-

contractual relationships do not exist, employers make it up. For example, in their study of Latino migrant construction workers and employers in Austin, Texas, Rebecca Torres and colleagues (2013) found that it was common practice to misclassify workers who are hired directly as “independent contractors” instead of “employees” to avoid paying payroll taxes and responsibility for violations of immigration and labor laws.

The increased reliance on sub-contractual relationships – real or not – and the resultant *low wages* and *poor working conditions* for migrants was compounded by IRCA, the same U.S. immigration policy that drove the shift in migratory flows to new destinations. A key component of IRCA was the introduction of sanctions for employers of undocumented workers which had a deleterious effect on *wages* and *working conditions* (Donato et al. 2008; Durand et al. 1999; Hagan 1994). Facing sanctions for hiring undocumented workers, employers responded by imposing a wage penalty on these workers (and their authorized counterparts) and increasing their reliance on subcontractors. This simultaneously creates the conditions for and encourages employers’ evasion of the regulatory apparatus of the state, which has a direct negative impact on the wages, and working conditions of migrants (Bobo 2011; Donato et al. 2008; Sassen 1996; Theodore 2003; Torres et al. 2013) – a phenomenon Annette Bernhardt and colleagues (2008) refer to as “the gloves-off economy.” For example, in their study of labor law violations among low-wage workers in New York, Los Angeles, and Chicago, Bernhardt and colleagues (2009) found that 26 percent of all respondents were paid below the legal hourly minimum wage, 76 percent were not paid overtime time pay legally required by their employers, and 69 percent were not allowed legally required meal breaks.⁶

The scholarship on precarious labor regimes by political sociologists and geographers provides a valuable contribution to our understanding of the employer and state practices that bear

⁶ Although this study was not exclusive to the foreign-born, 38 percent of their sample were undocumented immigrants, and foreign-born Latino workers were the most likely to report minimum wage violations.

on the working conditions of migrants. Nevertheless, there are key empirical and theoretical limitations in this literature that I address in this dissertation. First, like the sociological and anthropological literature on new destinations, most scholarship in this area relies on case studies of specific geographic localities, such as large metropolitan areas, cities, and small towns. To improve and broaden our understanding of place-specific labor regimes and how they impact migrant workers' lives, more comparative research at the state-level is necessary.

A related, but larger theoretical concern is that the concept of a labor regime remains largely ill-defined, at best, and often not defined at all in the literature. While studies are generally in agreement regarding the characteristics of a *precarious* labor regime, there is very little discussion regarding what a precarious labor regime is *not*, except to note the important role state and local policies and practices can potentially play in creating a more protective environment for workers (Bernhardt et al. 2008; Bernhardt 2012; Torres et al. 2013). However, the employer practices and worker vulnerability characteristic of a precarious labor regime have been observed in multiple case studies in various states and regions of the country with dramatic variations in state and local regulation and enforcement of worker protections. For instance, Theodore's (2003) study of day laborers in Chicago, Milkman's (2006) study of migrant workers in Los Angeles, Flippen's (2012) study of construction workers in Durham, Torres and colleagues' (2013) study of construction workers in Austin, Nelson and colleagues' (2015) comparative study of two rural counties in Colorado and Georgia, and Gleeson's (2016) study of claims-making among migrant workers in the San Francisco Bay area all reached similar conclusions regarding the precarious character of migrant labor. This leaves several unanswered questions regarding how, and the degree to which, state policies shape migrant labor regimes – questions that cannot be answered without first clearly developing the concept of a labor regime.

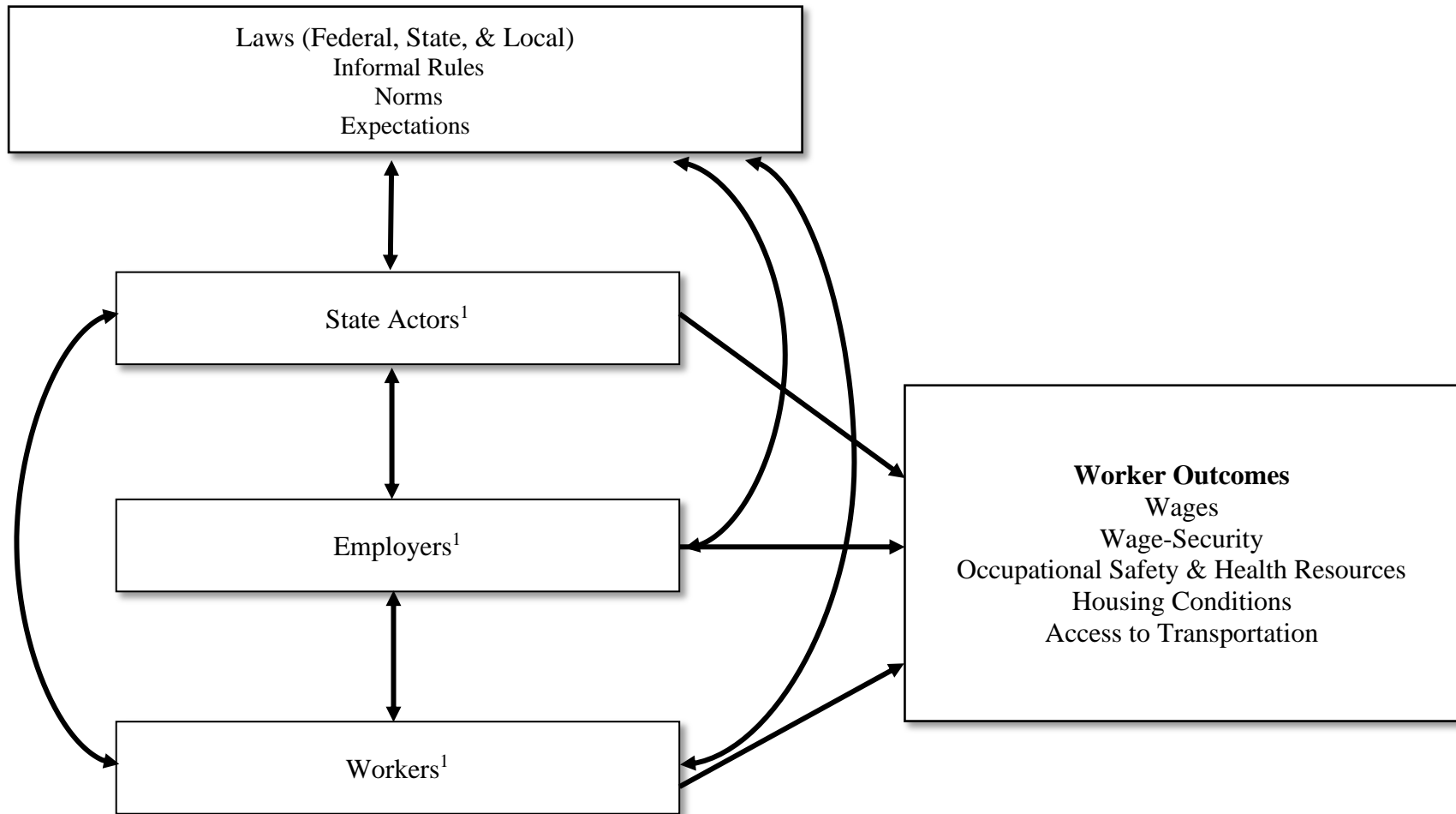
Without clearly defining what a labor regime is, we remain unable to distinguish between a precarious labor regime and a more secure, perhaps more protective, labor regime. As such, its use as an analytical concept remains limited. Nelson and colleagues (2015) provide the most direct attempt to define a labor regime among the studies that engage with the concept. Building on the work of Sassen (1996) and Theodore (2003), they write, “Although the term labor market lends itself to more abstracted and quantitative representations of the economy, the idea of a labor regime embeds labor within broader social relations, power dynamics, and history” (Pg. 855). This is no doubt a move in the right direction toward recognizing inequality and variations in labor regimes, but the definition remains ambiguous. To develop a clear definition of a labor regime, it is instructive to trace the theoretical origins of the concept of a “regime” and how it has been applied in different contexts.

The concept has its origins in the field of international relations, in which regimes are broadly defined as “networks of rules, norms, and procedures that regularize behavior and control its effects” (Keohane and Nye 1977:19). Elsewhere, Kratochwil and Ruggie (1986) define regimes as “governing arrangements constructed by states to coordinate their expectations and organize aspects of international behavior in various issue areas” (Pg. 759). With respect to international regimes, the actors are typically nation-states, and the rules, norms, and expectations commonly refer to codified laws or agreements regarding particular arenas of international relations. For example, the concept has been applied in the context of the rules, norms, and expectations regarding how nation-states will act toward, and how those actions impact international refugees and migrants. According to the United Nations High Commissioner for Refugees, a refugee regime refers to “the specific legal regime protecting the rights of refugees” (2016). Migration regimes are defined as “systems of laws, both national and international, as well as regulations and policies that have an impact on the lives of migrants” (Rutledge and Roble 2010:153).

Given the emphasis on laws, rules, norms, and expectations found in these definitions of a regime in the field of international relations, and how it has been applied in international contexts (e.g., migration/refugee regimes), we can conceptualize regimes as sociopolitical cultures that are constructed by key actors and shape those actors' behavior. Thus, the first step towards clearly defining a labor regime is to identify these key actors. The key actors in a labor regime are employers, workers, and the state. Unlike international migration regimes or refugee regimes, in which the principle state actors are nation-states, in a labor regime, sub-national (i.e., states) and local (i.e., counties and cities) state actors also play a vital role. Therefore, building on the concept of regimes as sociopolitical cultures, I define labor regimes as sets of laws, informal rules, norms, and expectations that are both shaped by and guide the collective behaviors of employers, workers, and state actors. I contend that labor regimes operate on a precarious-protective continuum. Towards the precarious end of the continuum, the state sociopolitical culture fosters an insecure or unstable environment for workers. In a precarious labor regime, workers are disempowered, state intervention is minimal, and the rules, norms, and expectations which govern workers' interactions with employers is detrimental to workers. On the protective end of the continuum, the sociopolitical culture creates a more secure environment for workers. That is, an environment where workers are empowered, and state policies and practices mediate their interactions with employers and provide protections from abuse. I am going to argue that the conceptual model I develop in this dissertation is applicable to multiple industries and states. This is my major theoretical contribution.

Figure 1 shows the conceptual model of a labor regime and its direct impact on workers' lives. The boxes on the left side of Figure 1 represent the labor regimes. The large box at the top represents the laws, informal rules, norms, and expectations (i.e., sociopolitical culture) that constitute a labor regime. The smaller boxes below, labeled "State Actors," "Employers," and "Workers," refer to the collective behaviors of these three key labor market actors. The double-

Figure 1. Conceptual Model of a Labor Regime



17

1. These boxes refer to the collective behaviors of these different labor market actors.

headed arrows between each of these boxes represent how these actors' collective behaviors, and overall sociopolitical culture are mutually constitutive. Although this conceptual model is applicable to multiple classes of workers and industries, my primary concern in this dissertation are the state labor regimes in the agricultural crop industry. The key actors in an agricultural labor regime are typically farmworkers, agricultural employers (i.e., growers, farm labor contractors, and commodity associations), and state actors (i.e., state executive, legislative, and judicial branches, and regulatory agencies).

The arrows pointing to the box on the right side of Figure 1 represent how labor regimes directly impinge on workers' lives. The box on the right side of Figure 1 represents worker outcomes, which I define as a combination of variables associated work, including wages, wage-security, access to occupational safety and health resources, housing conditions, and access to transportation. I include *wages* because low wages are a defining characteristic of a precarious labor regime, and we would expect wages to be higher in a more protective labor regime. Moreover, farmworker wages are extremely low compared to other workers. According to the latest available results from the National Agricultural Workers Survey (NAWS), average hourly farmworker wages ranged from \$9.71 to \$11.57, depending on if workers are paid piece-rate or hourly (U.S. Department of Labor 2016). *Wage-security* is also an important outcome measure of well-being due to the common practice of wage theft in agricultural and other migrant-heavy industries (Robinson et al. 2011).

Occupational safety and health resources are a critical component of worker well-being, especially for farmworkers who commonly lack these resources because they are either excluded from federal and state regulations or existing regulations are not enforced on the farm. As such, "farmworker" remains among the most dangerous occupations in the nation. Moreover, because farmworkers are excluded from many federal occupational safety and health regulations, the

onus has been put on the states to create and enforce such regulations, and they vary widely across states.

I include *housing conditions* and *access to transportation* as dimensions of well-being because labor regimes influence workers' lives even when those workers are not on the job. In the case of migrant farmworkers, *housing* and *transportation* are often directly linked to work, because they are provided by agricultural employers.⁷ Housing conditions for migrant farmworkers are often sub-standard, federal migrant housing regulations are commonly violated, and state laws designed to regulate migrant housing vary widely and are also commonly flouted by growers and farm labor contractors (Arcury et al. 2012). *Access to transportation* is an important dimension of well-being because of its implications for autonomy, social isolation, and access to resources such as food, medical care, and leisure activities (Straut-Eppsteiner 2016).

The conceptual model presented in Figure 1 helps fill the theoretical gap left by the scholarship on precarious migrant labor regimes which neglects to clearly define a labor regime. This model is useful because it provides an analytical framework which allows me to clearly delineate between precarious labor regimes and more protective labor regimes. This model also provides a tool through which the theoretical shortcomings of the literature on Latino migrants' labor market incorporation in new destinations in the U.S. South can also be addressed. Specifically, by defining the constituent parts of a labor regime, I can clearly trace the development of labor regimes over time in new and traditional migrant destinations. This allows me to move beyond the notion that the anti-labor and anti-worker labor regimes characteristic of southern states are inherent or somehow exceptional. In the next section, I address the concept of southern exceptionalism and its critiques, I discuss the need to contextualize the role of migration in the formation of labor regimes and make the theoretical case for the state-level comparative design I employ in my dissertation.

⁷ This is especially true for guestworkers (see Straut-Eppsteiner 2016).

The “Exceptional” South: Contextualizing the Role of Migration

The defining employer practices, and worker vulnerability of a precarious migrant labor regime are not confined to any municipal, state, or regional boundaries. Nevertheless, there is no doubt that the industries responsible for the shift in migration patterns to new destinations in the South, moved there precisely because they were attracted to the lax state labor policies and norms of enforcement which characterize southern states such as North Carolina (Griffith 2005). The perception of an ‘attractive business environment’ is rooted, in part, in the notion that employers will be allowed to engage in the very practices which maintain precarious conditions for workers – perhaps more freely than in other places. Even though increasing worker precarity is a common theme across the United States, the idea that the South is peculiar or distinct from the rest of the nation is a pervasive assumption found throughout popular and scholarly discourse, and one that is often taken for granted in the literature on migrants’ incorporation in new destinations in the South.

Since the early twentieth century, scholars from various disciplines have attempted to explain how and why the South emerged as a region of the country with an uncompromising conservative political economy and weak democratic institutions, compared to an otherwise progressive nation with liberal democratic values. (Frederickson 2011; Lassiter and Crespino 2010; Nagel 2018). In the beginning of her book, *“Looking South: Race, Gender, and the Transformation of Labor from Reconstruction to Globalization,”* historian, Mary Frederickson, summarizes the concept of southern exceptionalism succinctly:

“As the story often goes, the South developed its ‘peculiar’ society, economy, and culture principally from slavery and a staple-crop economy. Then, after the Civil War and through much of the twentieth century, southern reliance on cheap, oppressed labor trapped in farm tenancy or textile mill isolation, and a strict code of racial segregation and suppression, perpetuated distinctiveness” (2011: xi).

Throughout her book, Frederickson contends that southern exceptionalism, although not necessarily inaccurate, should not be taken for granted nor viewed as somehow inevitable (2011). Nonetheless,

the idea that the South is a monolithic region, distinct from the rest of the country is pervasive and commonly not approached through a critical lens. The most fervent promoters of southern exceptionalism consistently essentialize the South and juxtapose it against a socio-politically progressive *North* (Cobb 1991; Lassiter and Crespino 2010). Historian James Cobb, a vocal critic of the southern exceptionalism narrative, argues the myth of the South serves an ideological purpose of maintaining the idea of American exceptionalism. Cobb cautions against exclusive comparisons to the equally mythical *North* which represents a politically and culturally superior and victorious America (1991).

Regardless of the comparison region, the argument that all places in the other regions of the United States are much more progressive than places in the South in terms of racial equity or labor- and worker-friendly policy contexts does not hold up to empirical scrutiny. For instance, several studies have documented how racist housing policies and racial residential segregation were equally or more pervasive in northern and midwestern cities compared to those in the South (Du Bois 1899; Massey 1990). Also, policy contexts which are detrimental to workers currently exist in several states outside the South (Oxfam America 2020). However, it is equally problematic to argue there is no regional clustering of policy contexts or that places across the United States are politically or culturally homogeneous. Most critics of southern exceptionalism agree these variations exist but contend that the sociopolitical factors distinguishing places in the South from the rest of the country are really “a matter of degree rather than kind” (Cobb 1991; Lassiter and Crespino 2010; Nagel 2018). The best scholarship contextualizes these differences of degree and the factors that contributed to their development.

For example, in their histories of labor organizing among textile workers in the South, Frederickson (2011) and other historians, such as Barbara Griffith (1988), trace the development of anti-union sentiment and the ultimate failure of a pervasive labor consciousness to take hold in

southern states. They argue historical paternalism of southern employers, racial terrorism, and close coordination between industrialists, the legislative and judicial systems, and law enforcement were among the primary factors that contributed to the peculiarity of southern economies and cultures regarding labor organization and policy (Frederickson 2011; Griffith 1988).

Historian Harley Jolley describes paternalism as the belief that southern industrialists were benevolent benefactors who rescued workers from economic despair, and to whom workers felt a sense of loyalty and were thus unwilling to organize to resist poor pay and substandard conditions (1953: 355). According to Griffith, employer paternalism in the post-Civil war South and the ‘culture of dependence’ among workers it spawned, had its roots in the “furnishing merchants” who supplied seed and other supplies on credit to tenant farmers and small landowners (1988). This evolved into the system of labor control in which mill workers were often paid in script that could only be spent at the company store.⁸ Griffith writes, “The impact of this inheritance was so pervasive that refugees from sharecropping who found employment at the mills that actually paid their workers in cash felt they had made a fundamental improvement in their way of life” (1988: 17). Coordination between employers and state institutions refers to southern state legislatures’ passage of anti-labor legislation and refusal to enact policies that were not in the economic interests of employers. There are also several accounts of law enforcement agencies acting on behalf of employers to stifle organization, often through violent means, and courts prosecuting labor organizers who were commonly viewed as outside agitators (Commission on Industrial Relations 1916; Sitkoff 1978).

Employer paternalism and coordination with southern state governments to thwart worker organization reflect the laws, norms, and expectations (i.e., sociopolitical culture) that govern the

⁸ In the most extreme, but not uncommon situations, such as Kannapolis, NC, the entire town was owned by the mill owner.

relationships between labor market actors – what I refer to as a labor regime. These characteristics are not exclusive to the South. Historical evidence of paternalism and coordination between industry and the state can be found in multiple places in various regions. This was certainly the case in California as I discuss below. In fact, paternalistic employers relying on state governments to violently suppress organizing workers was the rule in late nineteenth and early twentieth century America. Examples of such coordination such as the 1914 Ludlow Massacre of striking miners in Colorado, or the 1919 bloody May Day Riots in Cleveland, Ohio, can be found in most American history textbooks. But perhaps these and other forces were more powerful in places in the South which helped impede the development of a pervasive labor consciousness and advance a decidedly anti-labor sociopolitical culture. If so, why?

The demographic composition of these places is one possible explanation. The concept of culture and its inherent linkage to migration patterns is woven throughout the literature on southern exceptionalism. The common argument is that because southern states experienced almost no in-migration for decades following the Civil War and well into the twentieth century, these places remained culturally and economically insulated. This insulation fostered the maintenance of traditional, caste-like labor relationships which were predicated on white supremacy and characterized by worker precarity and subordination. The legacy of this insularity – as the argument goes – is that the South remains stuck in an archaic, repressive political and economic culture that is fundamentally different than the rest of the nation. In his book, *“Whistling Past Dixie: How Democrats Can Win Without the South,”* political scientist, Thomas Schaller tersely summarizes this argument; he writes, “The South is different...because it’s still full of southerners” (2006: 115). To be clear, Schaller is firmly in the camp of scholars who paint the South in very broad strokes and mythologize the rest of the country as inherently progressive. For this reason, Schaller’s text has been the target of sharp critique from opponents of uncritical southern exceptionalism (Lassiter and Crespino 2010;

Nagel 2018). I agree with these critiques. Places in the South are no longer culturally and economically insulated, and the South is obviously not still just full of southerners. On the contrary, many places throughout the region have been attractive destinations for migrants – foreign-born and domestic – over the last forty years.

The idea that migration shapes sociopolitical culture is not inaccurate, but it should not be taken for granted. It is undeniable that anti-labor and anti-worker forces continue to prevail, and labor regimes remain precarious in new migrant destinations throughout the South because of factors that are rooted in the demographic, political, and economic histories of those places. What is often overlooked or even ignored, is that these same factors also shape labor regimes in places where organized labor has a stronger foothold, and the labor regimes are more protective.

To properly examine the connection between labor regimes and migration patterns requires a contextual comparative framework at the state level because regional comparisons are inadequate. Although region is arguably the most popular level of geographical analysis, it is the most vague and ambiguous (Lassiter and Crespino 2010; Nagel 2018; Paasi 2002). State boundaries are also admittedly arbitrary, but states have “concrete political meaning and exercise actual policy making powers” (Lassiter and Crespino 2010: 12). Hyper-local contexts at the county level are also important for workers’ experiences, particularly as they relate to local law enforcement. However, the establishment of labor policies and their enforcement is most often within the purview of state governments. Because state laws and policies represent a key component of a labor regime, particularly for agricultural labor regimes, states are an optimal level of analysis for comparing labor regimes in new and traditional destinations and how they evolve over time. Moreover, the sociopolitical histories of states in the South and elsewhere, their contemporary policy contexts, and how their populations have changed, and why, vary and should be examined more thoroughly.

RESEARCH DESIGN

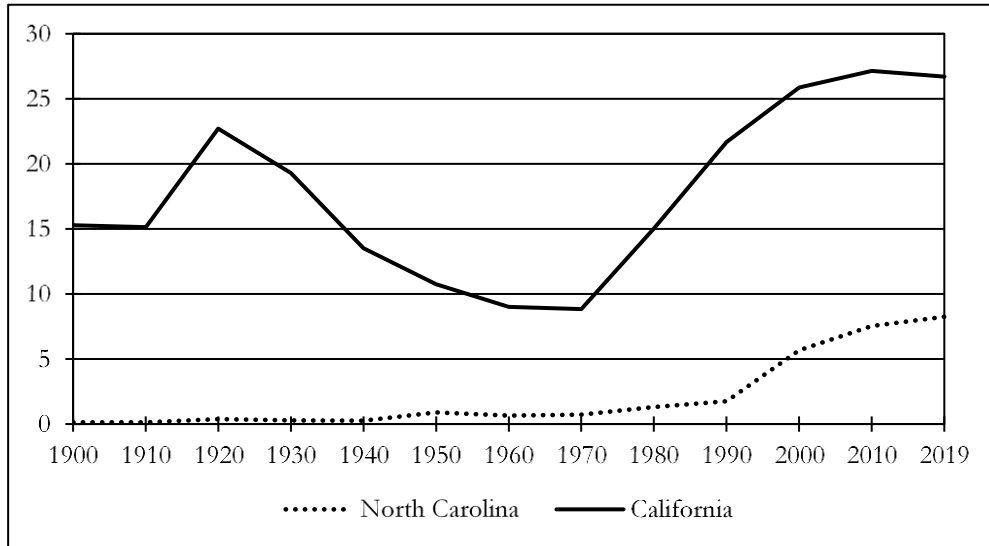
In this dissertation, I employ a historical comparative case study approach. John Creswell (2007) notes that a case study approach is appropriate when the goal of the study is to provide “an in-depth understanding of the cases or a comparison of several cases” and cases can be clearly identified with definitive boundaries (Pg. 74). This is an optimal strategy given that my primary focus of inquiry are agricultural labor regimes in U.S. states, which are semi-autonomous political entities with clear boundaries, which make – and enforce – many of their own laws, statutes, and policies regarding the regulation of labor markets. According to Rueschemeyer and Stephens (1997), another advantage of the historical case study approach is that it allows the researcher “to give much closer attention to the match between evidence and theoretical conceptualization” (Pg. 58). In this section, I discuss the overall research design of my dissertation beginning with my purposeful case selection, followed by a discussion of the two methodological strategies I use to answer my research questions: archival analysis and in-depth, semi-structured interviews.

Case Selection

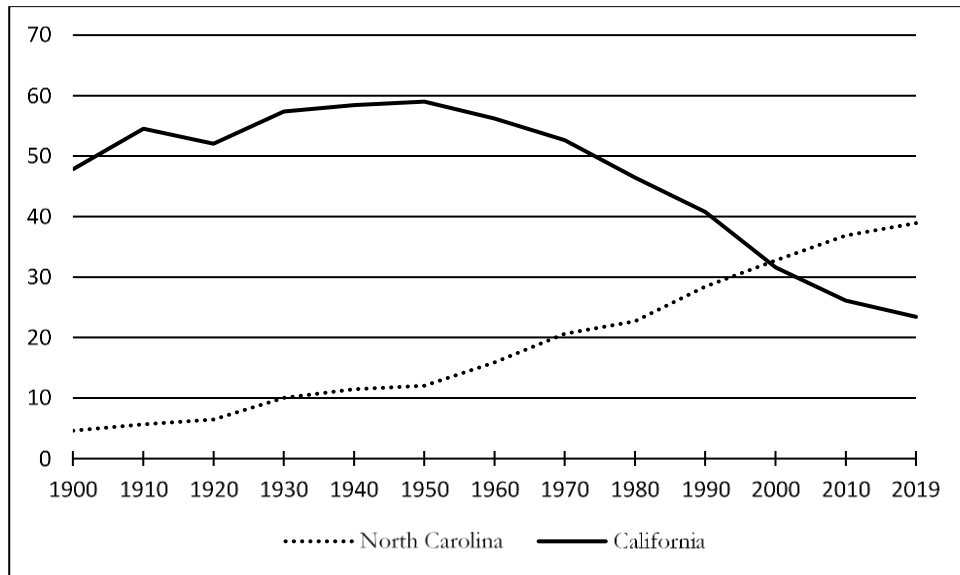
When selecting cases for a historical comparative study, researchers must be purposeful or strategic. That is, cases – sites and individuals – should be selected “because they can purposefully inform an understanding of the research problem and central phenomenon of study” (Creswell 2007:125). I strategically selected California and North Carolina based on three interrelated selection criteria that are central to my analysis: First, California and North Carolina represent ideal cases for a comparative study of new and traditional migrant destinations. California is the preeminent traditional migrant destination and North Carolina has emerged as a premier new destination. Second, these states’ labor regimes appear to fall at different ends of a precarious-protective

Figure 2. Foreign-Born and Domestic Migration in California and North Carolina (1900-2019)

A. Percent Foreign-Born Residents



B. Percent of U.S.-Born Residents Born Out-of-State



Notes: Data are from the 1% samples of U.S. Census (1900-2000) and the American Community Survey (2010 and 2019) obtained from the Integrated Public-Use Microdata Series (IPUMS).

continuum. Third, both California and North Carolina have large agricultural crop production industries which rely primarily on Latin American migrant labor. In this section, I discuss how these three criteria: migration trends, labor regimes, and agricultural crop production are interrelated. In general, migration histories have been superficially addressed, but largely glossed over in analyses of labor organization, labor consciousness, and actual policy. Therefore, understanding migration trends within their historical context is a necessary first step.

Figure 2 shows foreign-born and domestic migration trends in California and North Carolina from 1900 to 2019. Panel A shows the percent of residents in each state who were foreign-born. We can see in Panel A that foreign-born migration into North Carolina was essentially nonexistent throughout the majority of the twentieth century, lending credence to the point that the state remained largely isolated from outsiders. In 1900, only 0.1 percent of the North Carolina population was foreign-born and did not climb above one percent until 1980! After 1980 and into the 1990s and 2000s, we can see the well-documented surge of foreign-born migration into North Carolina. Between 1990 and 2019, the percent of foreign-born North Carolina residents increased an astounding 369 percent from one percent in 1990 to eight percent in 2019. Conversely, 15 percent of California's population was foreign-born in 1900 and that share increased to 23 percent by 1920. The California trend line in Panel A mirrors the national trend over the same period. The percent foreign-born in California declined precipitously beginning in the 1920s and dropped to a low of eight percent in 1970. Then, from 1970 to 2010, the foreign-born population soared to 27 percent and the foreign-born now constitute 26 percent of California's population, by far the largest in the country.

The census data presented in Panel A highlight the stark contrast in the foreign-born migration histories between the two states. They underscore California's position as *the* foremost traditional migrant destination and North Carolina's emergence as a premiere new destination over

the last forty years. If we turn our attention to domestic migration trends presented in Panel B, we see that migratory flows into North Carolina have not been limited to those born abroad. Panel B in Figure 2 shows the percent of US-born residents in each state who were born out-of-state from 1900 to 2019.

Domestic migration into North Carolina, although notably higher than foreign-born migration, remained relatively low throughout the first half of the twentieth century. The percent of US-born North Carolina residents born out-of-state did not reach ten percent until 1930 but began rising steadily beginning in 1950. We see an opposite trend of domestic migration into California. For the first half of the twentieth century, the percent of US-born Californians who moved from out-of-state was much higher, peaked at 59 percent in 1950, but declined precipitously every decade thereafter. The share of US-born out-of-state residents in each state crossed over in 2000 and continued their opposite trajectories through 2019. In 2019, 23 percent of US-born residents in California were born in another state, compared to 39 percent in North Carolina.

It is clear that North Carolina is no longer isolated from outsiders. However, like many southern states, it was largely insulated from migration well into the twentieth century. Even though domestic migratory flows were substantially higher in North Carolina compared to flows from abroad, until 2000, most domestic migrants were from the surrounding southern states. For example, as late as 1940, 88 percent of all domestic migrants in North Carolina were from the South, and 68 percent were from South Carolina, Virginia, Georgia, and Tennessee alone.⁹ In the same year, the places of origin of domestic migrants in California were much more varied. In 1940, only 17 percent of domestic migrants in California were from the West, with the bulk moving from various states in the South (23%) and the Midwest (48%). While North Carolina remained essentially

⁹ These figures are based on the author's calculation of U.S. Census data. Since 2000, the share of domestic migrants in North Carolina from the Northeast has steadily climbed. It is likely that many of these domestic migrants from the Northeast are descendants of Black refugees who fled Jim Crow North Carolina during the Great Migration.

isolated from migration prior to World War II (WWII), during the same period, most people living and working in California had moved there from other far-off places within and outside the United States. Just as insularity during the pre-WWII period contributed to the maintenance of the pro-industry status quo in North Carolina, the cultural and ideological diversity among California workers led to the evolution of a much stronger labor consciousness and more protective policy environment there.

California has among the most robust, protective labor policy environment in the United States, while North Carolina is widely known as having one of the most anti-labor and anti-worker policy environments in the country. The polarity between these two states' labor environments was recently quantified in the (2020) Oxfam America report titled, *The Best States to Work Index: A Guide to Labor Policy in US States*. The report, which ranked states on three criteria – wage policies, worker protection policies, and right to organize policies – ranked California the third best overall state to work and North Carolina was ranked forty-seven (Oxfam America 2020). In 2022, 15.9 percent of California workers belong to a union, the eighth highest union membership in the country. Conversely, in North Carolina, only 2.6 percent of workers belong to a union, the second lowest in the country (Bureau of Labor Statistics 2022).¹⁰ Although union membership is but one measure of the overall labor policy environment, it is indicative of where a state's labor policy climate falls on a precarious-protective continuum. In the case of California, leaders in that state have expanded the ability of workers – including farmworkers – to organize and collectively bargain, while state legislators in North Carolina have actively curtailed such efforts (Campbell 2017). California was the first and until very recently, the only state to pass legislation granting farmworkers the right to form unions and collectively bargain with their employers. Indeed, the distance between these two states'

¹⁰ These estimates do not include agricultural workers.

labor regimes on a precarious-protective continuum is most evident in the agricultural crop production industry.

Agriculture is an important focus of inquiry for this project for three reasons. To begin, agriculture is the preeminent migrant industry with a long history of reliance on a foreign-born workforce. Second, the sub-standard conditions associated with agricultural work are often taken for granted in both scholarly and public discourse (Holmes 2013). There is a long history of poor working conditions in agriculture, but those conditions are certainly not natural nor inevitable. On the contrary, sub-standard working and living conditions for agricultural workers are the result of policy decisions rooted, in part, in the exclusion of agricultural workers from the progressive labor protections enshrined in the New Deal – a phenomenon referred to as agricultural exceptionalism.¹¹ During the New Deal era, landmark legislation was passed that improved working conditions for most workers. In particular, the National Labor Relations Act (NLRA)¹² of 1935 allowed workers to organize and collectively bargain, and the Fair Labor Standards Act (FLSA) of 1938 ensured minimum wages and overtime pay for workers in most industries. However, both important pieces of legislation exempted agricultural and domestic laborers because most of these workers were migrants and racial minorities with little to no political representation (Anderson 1988; Katznelson 2013; Linder 1986). Linder (1986) notes that the exclusion of farmworkers and domestic workers was a concession on the part of President Roosevelt to southern legislators who threatened to vote down the reforms if those workers were not excluded because their inclusion would threaten the racial order of the South. This effectively helped employers of farmworkers and domestic workers maintain low wages and sub-standard working conditions by hindering those workers' ability to collectively bargain for improvements.

¹¹ In Chapter One I discuss how agricultural exceptionalism predated the New Deal.

¹² The NLRA is also commonly referred to as the Wagner Act.

Despite being denied the right to unionize by the exemption from the 1935 NLRA, farmworkers in California continued to organize and collectively bargain for improved wages and working conditions. The largest and most effective of these efforts was spearheaded in the 1960s and 1970s by the United Farmworkers of America (UFW) which remains the largest farmworker union in the nation. Not unrelated, most agricultural workers were included in the FLSA's minimum wage requirement in 1966, but there are currently several exemptions from the minimum wage for certain occupations and for small employers, and the FLSA still exempts all farmworkers from overtime pay requirements (U.S. Department of Labor 2018). However, in 2016, California passed Assembly Bill No. 1066, becoming the first and only state in the nation to require overtime pay for farmworkers (California General Assembly 2016). Moreover, although many agricultural workers nation-wide are also still not covered by workers' compensation insurance, there are several states, including California, which require agricultural employers to provide workers' compensation insurance. Of course, these policies vary dramatically by state because each state sets its own standards and rules regarding workers' compensation coverage (Farmworker Justice 2009). The extension of rights and benefits to farmworkers in certain states, and not in others, makes clear that the degree to which agricultural work is precarious depends on policy decisions. Furthermore, the contemporary patchwork of state labor and worker policies designed to regulate agricultural labor underscore the need to examine how state-level policy contexts impact migrant agricultural workers' lives.

Finally, the third reason agriculture is an ideal industry for this study is its heavy reliance on H-2A guestworkers. Although multiple industries currently rely on guestworker programs, these programs have their origins in agriculture. The first of these guestworker programs was the Bracero Program (1942-1964).¹³ During this same time growers on the east coast were allowed to import

¹³ There was also a Bracero Program during World War I which I discuss in Chapter Two.

workers from the Caribbean under the British West Indies Temporary Alien Labor Program (Griffith and Kissam 1995). The Bracero Program ended in 1964 but was immediately replaced by section 218 of the 1965 Immigration and Nationality Act which established the H2 guestworker program (U.S. Customs and Immigration Services 2018).

The H2 program was later split in 1986 into H-2A for agriculture and H-2B for other industries as part of IRCA. In recent years, the program has expanded exponentially, and California and North Carolina are among the top states importing H-2A workers. For instance, according to data from the United States Department of Labor (USDOL), the number of H-2A workers in California grew by 474 percent from 2,862 in 2012 to 16,415 in 2018 (2019). During that same time, the number of H-2A workers in North Carolina grew by 76 percent from 10,498 in 2012 to 18,456 in 2018 (U.S. Department of Labor 2019b). These are workers who are allowed to enter the country and work in agriculture on a temporary or seasonal basis and are all covered by the same federal Department of Labor contract – regardless of the state in which they are working – thus, an opportunistic case for examining if and how state-level variations in labor policy and enforcement impact migrant workers' lives.

Archival Analysis

My first research question asks: How have state agricultural labor regimes developed over time? To address this question, I conducted a historical comparative analysis of the formation of labor policies and regulations in California and North Carolina from roughly 1880 to the present. Labor historians commonly refer to the period from roughly 1880-1920 as the Populist-Progressive Era because of the fervent social activism and labor reform movements that characterized it (Hofstadter 1955; McMath Jr 1993). It was during these years that the foundations of the regulatory apparatus of the state were laid, workers' labor consciousness was formed, and the norms and expectations which govern the interactions between workers, employers, and the state began to take

shape. I select this period as the starting point for my historical analysis because of its critical importance for labor regime development. I then trace the evolution of the agricultural labor regimes in California and North Carolina through the Depression Era (1930s) the Post-War Era (1945-1970s), and the Neoliberal Era (1980s-Present). As Sassen (1996) notes, these policy environments do not exist *sui generis*, rather they must be produced.

My archival analysis examines how specific policies directly pertaining to labor and worker well-being were produced, the historical public discourse surrounding these policies in each state, and how the collective behaviors of farmworkers, agricultural employers, and state actors shape and are structured by their respective labor regimes. In the analysis I focus on identifying whether, and when, there were points of contingency and points of convergence, and the factors that contributed to the contemporary labor regimes in California and North Carolina.

I conducted this analysis by drawing on various primary and secondary sources. I began by analyzing data from the archived files from the Census of Agriculture which the U.S. Department of Agriculture (USDA) has produced every year since 1820. I use the Census of Agriculture data to demonstrate the changing character of agricultural crop production in California and North Carolina and its relationship to migration patterns. I also draw on data from the State Policy Innovation and Diffusion (SPID) database. The SPID is a new database housed at Harvard University that contains hundreds of state-level policies and their year of adoption across U.S. states. Although the information included in the SPID is limited, it was useful for constructing a comparative timeline of critical state-level labor and worker legislation such as laws limiting child labor and the establishment of state departments of labor that I used to guide my archival analysis. I then analyzed archival data from federal and state legislative records, congressional testimonies, and newspaper articles to examine the historical context of those key policies.

The results from this analysis, which are presented in Chapters Two and Three, provide a valuable contribution to our understanding of how agricultural labor regimes are embedded in the socio-political and demographic histories of each state, and underscore how the collective behavior of agricultural workers, employers, and state actors shaped their development. These results showcase the utility of my conceptual model of a labor regime by demonstrating how the agricultural labor regimes in California and North Carolina are currently on opposite ends of the precarious-protective continuum. I then turn my attention to the right side of my conceptual model presented in Figure 1 to address how those labor regimes affect farmworkers' health and well-being.

In-Depth Interviews

My second research question asks: How does the relative position of a state's agriculture labor regime on the precarious-protective continuum affect the health and well-being of migrant agricultural workers and their families? To answer this question, I conducted 37 semi-structured, in-depth interviews with H-2A and non-H-2A agricultural workers in California (N=22) and North Carolina (N=15). For comparative purposes, I centered these interviews on farmworkers who work in berry production (i.e., strawberries, raspberries, blackberries, and blueberries). Both states have large and profitable berry industries which rely primarily on foreign-born Latino migrant labor. For instance, California is the epicenter of fresh strawberry production in the United States. Strawberries are grown on approximately 37,000 acres of California farmland – 61 percent of all strawberry acreage in the country. Almost 90 percent of fresh strawberries in the United States are picked by migrant farmworkers in California fields (Goodhue and Martin 2020). The bulk of these strawberry fields are located around the cities of Santa Maria (Santa Barbara County), Oxnard (Ventura County), and Salinas (Monterrey County) in the Central Coast Region, and Watsonville (Santa Cruz County). Although strawberries remain the largest crop in California, blueberry, blackberry, and raspberry production has increased around these production centers.

North Carolina also has a substantial berry industry, but on a much smaller scale compared to California. In North Carolina, blueberries are the predominant crop, followed by strawberries, blackberries, and raspberries. Crop yields vary from year to year due to unexpected freezes or flooding from hurricanes, but in a typical year, blueberries are grown on around 9,000 acres of North Carolina farmland – the seventh largest amount of blueberry acreage in the country. Each year migrant farmworkers in North Carolina pick around 25 million pounds of blueberries with an estimated value of 53.8 million dollars (NASS 2018). Most blueberry fields (85%) are concentrated in the southeastern part of the state in three rural counties: Bladen, Sampson, and Pender Counties. Strawberries, raspberries, and blackberries are also produced in these counties, but those crops are more spread out across the state. Because both states have large berry industries with similar labor needs, focusing my interviews on berry workers allowed me to compare how North Carolina’s precarious regime and California’s more protective labor regime affect health and well-being for farmworkers and their families.

The interviews with berry workers produced rich qualitative data which I use to assess how agricultural labor regimes shape the dimensions of worker well-being listed in my labor regime model: wages, wage-security, occupational safety and health resources, housing, and access to transportation. These interviews also allow me to examine workers’ perceptions and their understanding of the norms and expectations which guide their interactions with employers and state actors. As such, these data provide a more robust description of how labor regimes are structured, how they operate, and how they vary by new and traditional migrant destinations.

Fieldwork Considerations

The fieldwork necessary to collect these interviews presented several logistical and ethical challenges. Some of these challenges were constant and others emerged throughout the course of fieldwork due to the COVID-19 global pandemic, and they varied across state contexts. For

instance, migrant farmworker housing in North Carolina is often difficult and sometimes dangerous to locate. In the North Carolina counties where I conducted this fieldwork, berry workers live in isolated labor camps in clandestine rural areas. These camps consist of employer-provided congregate housing in overcrowded trailers or barracks located on or adjacent to the farm. Because of a historical precedence of growers' and labor contractors' hostility and explicit threats of physical violence towards outsiders who visit labor camps, these camps are sometimes not safe places at night. In California, migrant housing is not as isolated, but it is much more dispersed which made sampling and recruiting respondents difficult.

The tenuous legal status of most berry workers also made fieldwork difficult. Apart from the H-2A workers, almost every farmworker I interviewed in North Carolina and most in California were undocumented. Because of this layer of vulnerability, migrant farmworkers have good reason to be wary of outsiders. These challenges were constant throughout the course of fieldwork but were exacerbated during the first two years because of the Trump administration's hostile policy agenda towards all non-white migrants. This created an extra layer of fear and trepidation which permeated the entire country during this time and made recruiting respondents even more difficult.

These challenges were compounded during the second year of fieldwork due to the COVID-19 global pandemic. First, in March of 2020, the UNC Office of Human Research Ethics put a moratorium on face-to-face human subjects research which put my data collection efforts on hold. Because migrant farmworkers are a vulnerable population who often live in rural areas and have tenuous legal statuses, it is nearly impossible for me to build trust, recruit respondents, and conduct the interviews remotely. Second, because migrant farmworkers tend to live in congregate housing which makes them uniquely vulnerable to contracting COVID-19, it remained unethical for me to resume data collection in migrant labor camps even after the Office for Human Subjects Research

modified their policy in June of 2020. To navigate these challenges, my recruitment strategies required careful deliberation, they varied across states, and had to be modified due to the pandemic.

My approach to this fieldwork in both states was informed by my 18-year involvement in migrant advocacy in North Carolina. As an outreach worker, health educator, and later executive director of a migrant health outreach program, I worked in migrant labor camps most nights from May through November for several years. These experiences taught me how to locate migrant labor camps, how to assess if it was safe to be there, and how to approach and recruit potential respondents carefully and respectfully. They also taught me how to identify key gatekeepers who farmworkers trust and are necessary to negotiate access to my sample population. These gatekeepers facilitated my fieldwork in both states. In North Carolina, I drew on a robust social network of state and non-profit advocates and service providers I have developed over years of migrant advocacy. I did not have access to a similar social network in California, but my experiences taught me where to start. Although my sampling strategies varied slightly across states and in different stages of fieldwork, my access to berry workers was almost invariably facilitated by one of these community gatekeepers who farmworkers trust.

Sampling and Recruitment

Over the course of three years, 2019, 2020, and 2021, I interviewed 37 berry workers in California (non-H-2A n= 19; H-2A n = 3) and North Carolina (non-H-2A n= 9; H-2A n = 6) When conducting these interviews, I used the same case study logic that guided the overall research design, interviewing sequentially until I reached saturation (Small 2009). Documenting themes that emerged from each interview, I used them to guide the development of my interview schedule and continued interviewing until no new themes were emerging (i.e., saturation).

The first phase of fieldwork occurred during July and August of 2019. After receiving Institutional Review Board (IRB) approval in June, I drove from my home in Raleigh, North

Carolina to Oxnard, California – one of the urban hubs around which berry production is located. After a few days of pounding the pavement, I connected with a farmworker advocacy group. I recruited several berry workers in Oxnard and Santa Maria through referrals from this organization. In most cases, they provided me directly with the respondents' contact information and, in a few cases, where the respondent was not comfortable with them giving out their number, they arranged for me to meet the respondent at their office in Oxnard and recruit them.

These referrals were the foundation of my recruitment strategy. From there, I used a combination of snowball and opportunistic sampling. Snowball sampling involves identifying cases of interest from people whom they know, and it is a common and effective strategy for identifying potential respondents in vulnerable, hard-to-reach populations like migrant farmworkers (Chavez 2012; Miles and Huberman 1994). I would ask respondents to identify friends, relatives, neighbors, and coworkers who worked in berries and might be willing to speak with me. Most of the farmworkers I interviewed readily recommended potential respondents from their social networks, but a few were not comfortable doing so because of heightened tension and fear caused by ICE raids that occurred in the area while I was there.¹⁴

When snowball sampling was not possible, I used opportunistic sampling which involves following new leads and “taking advantage of the unexpected” (Miles and Huberman 1994:28). For example, H-2A workers in California proved especially challenging to find. By the time I arrived in Oxnard, the H-2A workers had migrated North to Santa Maria. In general, my contacts nor the farmworkers they referred knew much about the H-2A workers in the area. One respondent in Santa Maria told me she knew of a large H-2A camp but advised me that the owner (presumably the grower or labor contractor) did not allow people to visit and said it was too dangerous for me to go.

¹⁴ Tensions were also heightened because this fieldwork was during the height of the crisis involving separated families and small children incarcerated along the U.S. border.

I heeded her advice and did not visit the camp. I met the three California H-2A workers I recruited and interviewed for the project because they happened to be housed at a roadside motel where I stayed during most of my fieldwork in Santa Maria.

The second phase of fieldwork occurred during the summer months of 2020. Because the pandemic made it impossible for me to travel and recruit respondents face-to-face, I was forced to alter my sampling and recruitment strategy. For this phase of data collection, I hired two research assistants, Alejandra in California, and Zuleyma in North Carolina.¹⁵ Alejandra is a former strawberry picker located in the Watsonville area of California whom I met through my advisor, Jacqueline Hagan. Zuleyma is an outreach worker for a farmworker advocacy organization in eastern North Carolina. During June, July, and August of 2020, these research assistants helped identify and recruit potential respondents. In some cases, they would provide me with the person's phone number, and I would call, recruit, and interview them. In other cases, if the respondent preferred, they would do the interviewing themselves. These interviews were conducted via telephone.

The last phase of field work occurred in North Carolina during May and June of 2021. During this time, I recruited respondents through Zuleyma, who continued to provide contact information for me and through a migrant health organization who allowed me to follow them several nights to large camps of blueberry and blackberry workers and recruit respondents in the southeastern part of the state.

Study Protocols and Protecting Participant Identities

During my initial meeting with all potential respondents, I explained the purpose of the study, answered any questions they had, and asked if they agreed to participate. If they agreed to be interviewed, I either began the informed consent process or determined a time and location of the interview. I was always careful to ensure that the respondents did not incur any undue hardship or

¹⁵ Out of precaution, my research assistants' names have been changed.

burden (e.g., having to rearrange their schedule or having to travel to meet me). For most interviews, I met the respondent at their home in the evening. Other interviews were conducted at a neutral location of their choice or via telephone. As per IRB guidelines, every respondent provided informed consent. With IRB approval, I elected to obtain informed consent verbally. Written consent would be inappropriate given that many farmworkers have low levels of literacy, and it would create an unnecessary record which would make people nervous and less likely to participate. Before each interview, either the research assistant or I read the consent form and provided a written copy in their preferred language. During the consent process, every respondent was asked if they were comfortable being recorded and we explained how those recordings would be stored and used.

All participants agreed to be recorded. The digital recordings were immediately uploaded to a secure server which could only be accessed using the university's virtual private network (VPN) and to which only the research assistants and I had access.¹⁶ Once uploaded, the original recordings were permanently deleted from the recording device to protect respondents' confidentiality and anonymity. In addition to the recordings, I documented the setting and context and any informal conversations I had with respondents, or others who were present, in field notes I wrote after most interviews. At the end of each interview, I gave every respondent a thank you note with a \$20.00 gift card as a token of gratitude for their participation.

Throughout this dissertation and its associated publications and presentations, all participants' names are pseudonyms. I also change or omit the names of gatekeeping agencies and individuals and do not identify any respondents' employers. My decision to change place names depended on the size of the farmworker population and the number of farms in the area. For instance, in California, I state whether the interview occurred in Oxnard, Santa Maria, or the

¹⁶ The research assistants did not have access to each other's recorded interviews.

Watsonville area because there are multiple farms and the farmworker population in these areas ranges in the tens of thousands. In North Carolina, where the farmworker population is smaller and there are less farms, I only identify the county and sometimes omit the county out of an abundance of caution.

Analysis

The recorded interviews ranged from about 45 to 90 minutes. I transcribed each interview word-for-word making notes of pauses and inflections. All but one interview was conducted in Spanish. When transcribing interviews that were conducted in Spanish, I would translate them to English instantaneously. Transcribing the interviews, myself, allowed me to see the themes and patterns that were emerging, and which themes and ideas required further exploration. In line with my sequential interviewing strategy, I would alter my interview schedules accordingly to flesh out the themes that were most prevalent. Transcribing the interviews, myself, also allowed me to evaluate my competence as an interviewer and pinpoint areas where I could improve. Once all interviews were transcribed, I began the first phase of coding.

Lofland et al. (2006) note that “coding is the process of sorting data into various categories that organize it and render it meaningful” (Pg. 200). There are several strategies for coding qualitative data. Some scholars prefer to code by hand and others prefer to use qualitative data analysis software such as ATLAS.ti or NVivo. Although data analysis software is useful for storing, organizing, and retrieving data, in most cases, “it cannot do the hard work of data analysis that, to date, only the analyst can bring to the enterprise (Lofland et al. 2006:204). I chose to code by hand because I conducted most interviews, transcribed them all, and was thus able to discern context that a computer program cannot.

I coded the data from the interviews in two phases: open coding and focused coding. First, I looked for general themes and patterns that emerged from the interviews – a process often referred

to as open coding (Lofland et al. 2006). I first did this open coding by state, looking for general themes and patterns that emerged from the interviews with farmworkers in California and North Carolina. I then looked for patterns in these themes that were consistent in the interviews with all respondents. After the open coding phase I began the focused coding. The focused coding process is when the more common or recurrent themes “begin to assume the status of overarching ideas and propositions that will occupy a prominent place in the analysis” (Lofland et al. 2006:201). This coding process provided the scaffolding of my thematic framework that I use to compare farmworkers’ experiences in California and North Carolina, and how those experiences are shaped by each state’s agricultural labor regime.

CHAPTER OVERVIEW

In the next four chapters, I examine the historical development of the agricultural labor regimes in California and North Carolina, explain how they ended up on opposite ends of a protective-precarious continuum, and explore how they affect the health and well-being of farmworkers in each state today. In Chapters Two and Three, I present the results from my archival analysis of the development of the labor regimes from roughly 1880 to the present. In Chapter Two, I examine how the agricultural labor regimes developed in both states during the Populist-Progressive era to the Great Depression (1880 to 1930). In this chapter, I lay out how the changing character of agricultural crop production was intimately tied to migration patterns during a critical period of U.S. labor history when the cornerstones of labor regimes were laid. In California, an insatiable need for labor on emerging industrial farms spawned massive waves of migration of mostly Japanese, Mexican, and Filipino farmworkers. These workers organized across ethnic and racial lines to resist exploitative and inhumane living and working conditions. Their efforts fomented

a strong labor consciousness among farmworkers which pushed state actors to establish progressive reforms and aggressive legislative efforts to regulate farm labor.

In North Carolina, small-scale crop production, the proliferation of tenant farming and sharecropping, and an unwavering white supremacist political dominance, contributed to the state's isolation from outsiders. Tenuous political alliances between Black and white small landowners, and landless sharecroppers and farmworkers were ultimately defeated by violent white supremacy campaigns in the late 1880s and again in the late 1890s. These developments ultimately sparked mass emigration of Black workers from the state. Because Black workers were the most likely to organize, their absence helped solidify a pro-industry status quo. Indeed, without the labor consciousness and solidarity migrants infused into California fields, North Carolina's agricultural labor regime was set on a comparatively more precarious and insecure foundation leading into the Great Depression.

Chapter Three is organized around three monumental periods in U.S. labor history, including the Great Depression, New Deal, and WWII Era (1930-1945), the Post-War Era (1945-1980), and the Neoliberal Era (1980-Present). In this chapter, I demonstrate how the agricultural labor regimes grew farther apart on the precarious-protective continuum as they built on the foundations which were set during the Populist-Progressive Era. While farmworker organizing remained non-existent and protective legislative measures insignificant in North Carolina throughout most of the twentieth century, migrant farmworkers in California continued to relentlessly organize across racial and ethnic lines and push the state to protect their interests. Their efforts bore monumental legislative fruit in the late 1960s and 1970s due to the successful UFW organizing campaigns. The UFW experienced setbacks and lost ground during the 1980s and beyond, due to a marked anti-union shift in national political discourse and internal philosophical differences. However, by the 2000s, the Latin American migrant population in California had become a formidable political force, and many of its leaders today have pro-worker policy agendas.

Further demonstrating the relationship between migration and labor regime formation, farmworker organizing in North Carolina was non-existent until the late 1990s, when the state's agricultural workforce had become almost entirely comprised of undocumented migrants and H-2A guestworkers from Mexico. Indeed, migrant workers in agriculture and meat and poultry processing plants have breathed new life into the North Carolina labor movement, but they continue to face fierce opposition from the anti-labor and anti-worker forces in the state's political leadership. Chapters Two and Three address my first research question and contribute to our understanding of how agricultural labor regimes develop, and how we might distinguish between protective versus precarious regimes.

In Chapter Four, I turn my attention to my second research question related to how the relative position of a state's agriculture labor regime on the precarious-protective continuum affects the well-being of migrant agricultural workers and their families? In this chapter, I present the results from my in-depth interviews with berry workers in both states. Throughout my fieldwork and interviews, it was clear that berry workers in both states are subject to employers whose behavior created poor working conditions that were detrimental to their health and well-being. However, the common overarching theme I find in the interview data is that California's more protective agricultural labor regime operates to provide more security and better outcomes for berry workers compared to their counterparts in North Carolina. The variations in security and well-being between berry workers in California and North Carolina are directly linked to the migration histories of those states and the stark differences between new and traditional destination distinctions were clear.

For instance, the bulk of berry production in California is located around the urban centers of Oxnard, Santa Maria, Salinas, and Watsonville. Although California berry producers are relying more on H-2A workers in recent years, most berry workers live in these places permanently and often work directly for specific agricultural firms. They had much more established family and social

connections in the community and the network of state and non-profit 501(c)3 organizations providing services to farmworkers was much more entrenched and robust than in North Carolina, precisely because the migrant farmworker population had been there for over a century. In North Carolina, berry production is much more rural and isolated and berry workers are almost exclusively sub-contracted through undocumented crews that follow the harvest from state-to-state, or H-2A guestworkers. North Carolina berry workers' transience, and the relative recency of Latino migrants' arrival in the state profoundly shape their degree of precarity.

Berry workers in North Carolina had lower hourly wages, were more vulnerable to wage-theft, had less access to occupational safety and health resources, and commonly lived in sub-standard, overcrowded housing in isolated rural areas. North Carolina berry workers' isolation and transient status make them more vulnerable to abuses from growers and farm labor contractors who face little scrutiny from the North Carolina Department of Labor and other regulatory agencies. The network of state and non-profit agencies in North Carolina supporting farmworkers in the form of medical outreach, legal assistance, and general advocacy has grown along with the migrant population. Although these agencies provide critical support, that network in North Carolina remains fledgling compared to California where those agencies are much more established and are supported by the state's regulatory apparatus. In contrast, migrant advocacy groups in North Carolina must combat the state's regulatory apparatus, which is at best, ambivalent, but often openly hostile towards migrant farmworkers.

These stark differences between state actors' behavior underscore the intimate relationship between migration and labor regime development. Berry producers in both states have the same interests and behave similarly. They want a surplus of cheap, exploitable migrant labor, and they will procure it as cheaply as they are allowed. The collective behavior of state actors and farmworkers, on the other hand, varies quite dramatically across states because of their different migration

histories. The migrant farmworker population in California is deeply rooted and has engaged in cross-ethnic collective labor actions against their employers for at least 130 years. This pronounced labor consciousness and collective behavior among California farmworkers has constantly and profoundly influenced the establishment of state agencies with authority to protect them from and mediate their interactions with employers. California berry workers have a much stronger foothold. Because overall Latino migration into North Carolina is relatively recent, and the farmworker population remains largely transient, berry workers in the state are still struggling to find their foothold and have had very little influence on the behavior of state actors who continue to advance the interests of agricultural employers. This is reflected in their relative precarity.

In Chapter Five, I summarize the major findings from my substantive chapters, discuss the practical and theoretical contributions of my dissertation, the limitations, and directions for future research. I advance the argument that to understand contemporary state labor regimes, and the degree to which they are precarious or protective, scholars must consider states' migration and labor histories. I also argue that we are currently in a neo-progressive era where pro-labor and pro-worker sentiment is experiencing its strongest support in national political discourse since the early twentieth century. The outcome of contemporary legislative debates will have implications for organized labor and individual workers for decades to come. Drawing on my findings, I suggest how future research can use my labor regime model and apply it to other industries and places to evaluate constantly changing sociopolitical cultural contexts and their implications for workers' lives.

CHAPTER TWO:
LAYING THE POLICY FOUNDATIONS: AGRICULTURAL LABOR REGIMES IN
CALIFORNIA AND NORTH CAROLINA FROM THE POPULIST-PROGRESSIVE ERA TO
THE GREAT DEPRESSION

“Further labor legislation in this state is both useless and wrong...Labor legislation is class legislation and if persisted in will ultimately result in hatred between employer and employee.”

— John F. Schenck, (1913)
Chairman of Legislative Committee of the
North Carolina Cotton Manufacturers’ Association

“This [immigration] bill, if it becomes law, will open the way for the return of the medieval institution of the inquisition to California, for it confers the power of domiciliary visits upon five men to be named by the Governor.”

— Editorial in *San Francisco Chronicle*, April 28th, 1913

INTRODUCTION

The period from roughly the 1880s until the United States entered the first world war in 1917 was a pivotal era in the nation’s labor history. Historians refer to these years collectively as the Populist-Progressive Era due to the broad social movements which emerged during the period to address growing class divisions, rein in the power of corporations, and reform and regulate industry (Hofstadter 1955; McMath Jr 1993; Piott 2006). The 1880s and 1890s is commonly referred to as the Populist era due to the grassroots populist movements among farmers in rural areas in the South, Great Plains, and Mountain West regions. Although the specific objectives of these agrarian populist movements varied across states and regions, in general, they advocated for federal and state regulations to improve their bargaining position with banks and railroads to address inflated interest rates and exorbitant shipping costs (Beeby 2008; McMath Jr 1972; 1993; Thurtell 1998).

The agrarian populist uprising largely fizzled out by the turn of the century, but movements to reform continued to grow over the next two decades – the period commonly referred to as the

Progressive Era (McMath Jr 1993; Piott 2006). During these years, power imbalances between employers and workers, stark inequalities, and poor working conditions continued unabated and led to increasing unrest and discontent among many workers in the United States (Hofstadter 1955; Piott 2006). This context provided fertile ground in which a strong labor consciousness was cultivated among industrial and agricultural workers across the country and progressive calls from labor unions, religious groups, and political leaders to reform and regulate industry gained prominence in national political discourse (Hofstadter 1955; Piott 2006). In response to these calls and consistent collective action among workers, state, and federal legislative proposals to protect workers' interests were passed and agencies to enforce regulations were created. Although the massive tide of reform was temporarily reversed during the 1920s due to successful campaigns by industry to "subvert the regulatory structure,"¹⁷ it was during this fifty-year period from 1880 to 1930 that the foundations of modern state labor regimes were laid (Link 1959: 834). Improving our knowledge of how labor regimes developed during this period is critical to understanding the contemporary agricultural labor regimes in California and North Carolina, and their relative positions on a precarious-protective continuum.

In Chapter One, I proposed that state labor regimes are sociopolitical cultures which include sets of laws, informal rules, norms, and expectations which are shaped by, and guide the collective behaviors of employers, workers, and state actors. In this chapter, I employ my conceptual model as an analytical framework to examine how the collective behaviors of agricultural employers, farmworkers, and state actors in California and North Carolina laid the building blocks of their respective labor regimes. Throughout this chapter, I develop my argument that labor regimes operate on a precarious-protective continuum. A more precarious labor regime is one in which the

¹⁷ These campaigns benefited from anti-communist hysteria, nativism, anti-Semitism, and anti-immigrant sentiment that stemmed from World War I.

sociopolitical culture fosters an insecure or unstable environment for workers. In a precarious labor regime, workers are disempowered, state intervention is minimal, and the rules, norms, and expectations which govern workers' interactions with employers is detrimental to workers.

Conversely, a more protective labor regime is one in which the sociopolitical culture creates a more secure environment for workers. That is, an environment where workers are empowered, and state policies and practices mediate their interactions with employers and provide protections from abuse.

In this chapter, I argue that the foundation of the agricultural labor regime in North Carolina set during the Populist-Progressive Era was unstable and precarious compared to California where the agricultural labor regime was set on a more stable and protective footing. My analysis of the collective behaviors of agricultural employers, farmworkers, and state actors illustrates how these sociopolitical cultures developed on different trajectories. For instance, agricultural employers behaved comparably across both states during this period, vehemently opposing efforts to mobilize and empower workers and resisting any attempt to regulate their behavior. Employer responses to such regulations are reflected in the two quotes I include at the beginning of this chapter.¹⁸ The first was an industry response to a 1913 North Carolina law to regulate child labor. In this response, the author's ideological opposition to all labor regulations, not just the one in question, is explicit. The second quote was part of a grower campaign to thwart a California proposal – in the same year – to create an agency with authority to inspect and enforce minimum standards in migrant housing. Like the response from North Carolina, the hostility toward state intervention in growers' labor practices was fierce. Although employers' reactions in both states were equally visceral, North Carolina employers were much more successful than their counterparts in California in imposing their will and influencing the behavior of state actors to further their interests.

¹⁸ I provide context for both proposals and industry reactions later in this chapter.

Turning to state actors, in North Carolina, the state legislature enacted no substantive labor legislation throughout the Populist-Progressive era to regulate employers' behavior. State actors in North Carolina invariably supported the interests of employers in agriculture, and cotton and tobacco manufacturing, who had complete hegemony over the state's political apparatus throughout most of the period. In California, despite strong opposition from agricultural employers, state legislators passed robust labor laws and created state institutions with authority to regulate employers and protect workers' interests. Their behavior laid the bedrock of a more secure, protective sociopolitical culture which set the state's agricultural labor regime on a different path than North Carolina. To understand why state actors behaved so differently across states when employer behavior was similar, we turn to the collective behavior of the third and final labor market actor in my conceptual model – and the most important – workers.

Throughout the fifty-year period from 1880 to 1930, the key difference between farmworkers in North Carolina, and their counterparts in California, was their willingness and ability to collectively resist exploitative conditions and coerce the state to protect their interests. In this chapter, I advance the argument that farmworkers' collective behavior was directly related to migration patterns in each state. During this period, North Carolina experienced a mass exodus of Black agricultural workers who fled the state's white supremacist political regime which consistently supported the interests of large-scale white landlords and planters in the eastern counties, and employers in cotton and tobacco manufacturing. Although the Knights of Labor in the 1880s mobilized Black farmworkers, and the Fusion movement during the 1890s briefly challenged these employers' hegemony over North Carolina's state government, the white supremacy campaign of 1898 successfully suppressed that movement and large-scale labor organizing – in all industries – throughout the period and beyond. North Carolina's agricultural employers attempted to halt the out-migration of Black workers and attract migrants to the state to work on farms during this

period, but these efforts were never successful. As a result, North Carolina remained largely isolated from outsiders for most of the twentieth century. Black workers' exodus was critical for the development of North Carolina's labor regime because they were the most likely to organize and collectively resist. In California, agricultural employers relentlessly recruited migrants internally, and from abroad, throughout the period to work on the state's industrial farms. These massive waves of migrants into California were essential to the formation of the labor regime there. The strong labor consciousness, cross-ethnic solidarity, and relentless organizing among the California's large migrant agricultural workforce helped construct a more robust, protective foundation.

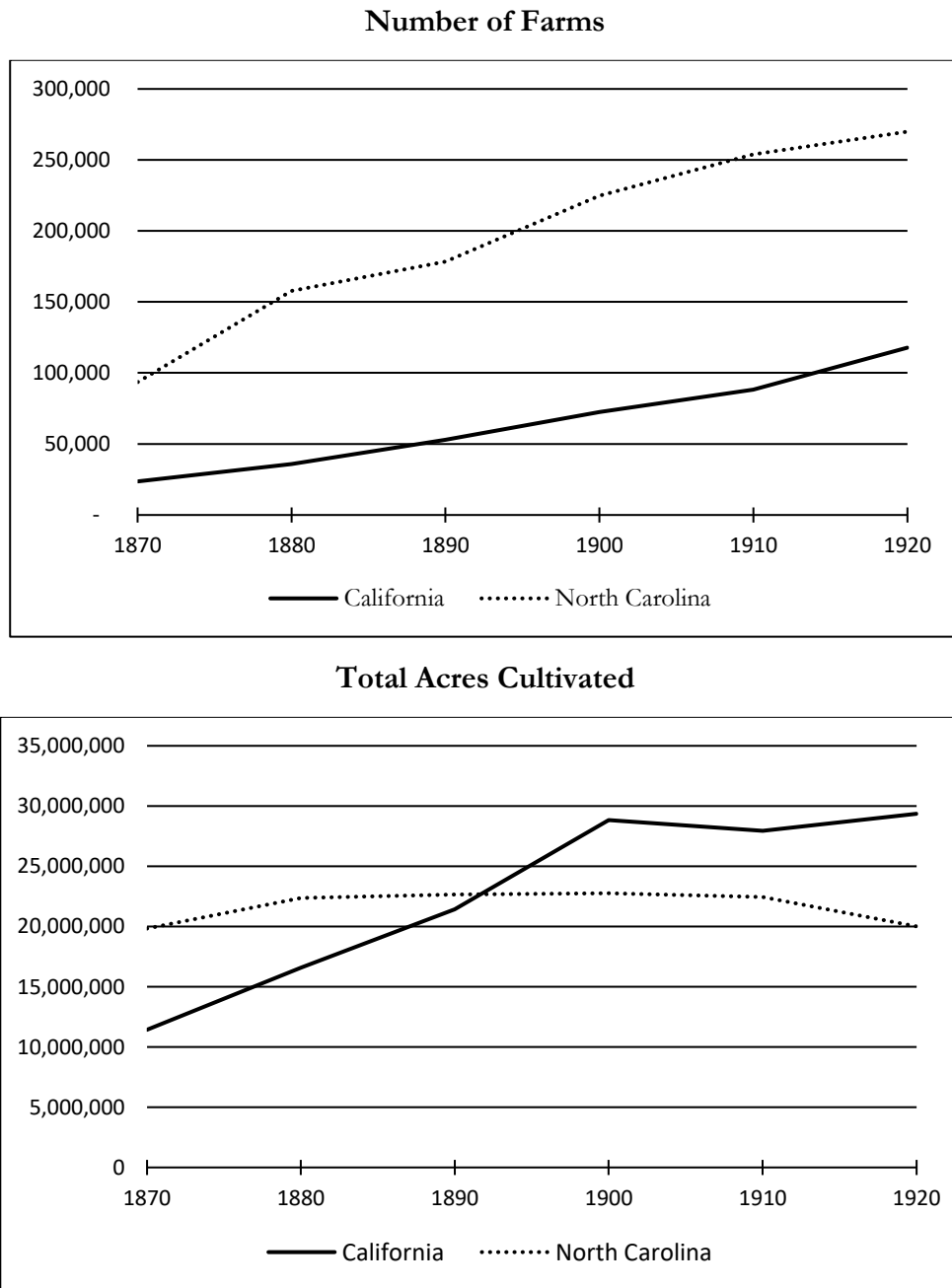
In the remainder of this chapter, I present the results of my archival analysis of USDA Census of Agriculture data, federal and state legislative records, congressional testimonies, and newspaper articles to demonstrate how the collective behavior of employers, workers, and state actors shaped the agricultural labor regimes in North Carolina and California. I begin by presenting data from the archived files of the USDA Census of Agriculture, which has been produced every five years since 1840 and provides information on the number of agricultural producers and the size of farms. I use these data to show how the character of agricultural crop production changed in both states from 1870 to 1920, and how those changes were related to migration patterns during a critical period in U.S. labor history when pro-labor policies were popular in national political discourse. These data show how in California, the emergence of large-scale industrial farming drew massive waves of migrants to the state. In North Carolina, the proliferation of tenancy and sharecropping was not only a deterrent for new migrants, but ultimately contributed to out-migration. I then provide a contextual history of the labor regime formation in each state, beginning with North Carolina and concluding with California. These results provide a valuable contribution to our understanding of how the foundations of contemporary state agricultural labor regimes in new and traditional migrant destinations developed.

CONTRASTING AGRICULTURAL CONTEXTS: TENANCY AND SHARECROPPING VS. INDUSTRIAL FARMING

Migration, including who migrates, when, and under what sociopolitical context, plays a central role in state agricultural labor regime formations in the United States. Although other industries (e.g., railroads, mining, etc.) in the U.S. economy relied on migrant labor in the late nineteenth and early twentieth centuries, no industry has depended on foreign-born and domestic migrant labor as consistently as agricultural crop production. Thus, it is in the agricultural crop production industry where the relationship between migration and the evolution of state labor regimes is most evident. To understand the drastically different migration histories between California and North Carolina presented in Chapter One, and their relationship to the emergence of agricultural labor regimes, it is useful to consider the historical context of agricultural crop production in both states leading into the twentieth century.

Figure 3 shows the total number of farms and the total acreage of cultivated land in North Carolina and California from 1870 to 1920. We can see in Figure 3 that the total number of farms in North Carolina increased substantially from 1870 to 1920, but the total acreage remained relatively steady. The number of farms in California also considerably increased between 1870 and 1920. However, the total number of acres dedicated to farming in California soared 156 percent and surpassed that in North Carolina between 1890 and 1900. To put the enormity of these divergent trends in perspective, by 1900, the average farm in California was 397 acres compared to 101 acres in North Carolina. These divergent patterns in average acreage were a function of different production systems: tenancy and sharecropping in North Carolina and industrial farming in California.

Figure 3. Total Number of Farm and Acres Cultivated in California and North Carolina (1870-1920)



Notes: Data are from the United States Department of Agriculture Census of Agriculture Historical Archive.

In the wake of the Civil War, the transition to tenancy and sharecropping in North Carolina, resulted from a readjustment of landowners who “lacked capital and labor,” and mostly Black workers, who were experienced farmworkers, but lacked “land and capital” (Lefler and Newsome 1973: 491). While many, if not most, white landowners either transitioned to renting their land or lost it to foreclosure, most wealthy cotton planters maintained their land and continued to employ wage-earning farmworkers (Logan 1964). These remaining cotton plantations were located exclusively in the predominantly Black eastern counties and the rural Black population was the primary source of labor on the plantations. Therefore, the agricultural workforce in North Carolina during this period was a combination of white and Black tenants and sharecroppers, and predominantly Black farmworkers in the East. In general, life was hard for these workers, regardless of their race or status. Most lived in extreme poverty and were victims of state-sanctioned exploitation from planters and landlords who ruled the state with an iron fist (Logan 1964; Thurtell 1998).

Although the emergence of industrial farming in California was certainly fostered by the temperate climate and rich soil found there, the character of agricultural production is never strictly a function of geological or climatological variables. Agricultural production is inherently tied to social policies and practices, especially those pertaining to land ownership and distribution. In California, from 1860 to 1900, land was monopolized due to haphazard land policy, corruption of state officials, and successful efforts on the part of speculators to evade the laws designed to protect the public interest (McWilliams 1939). For example, after California was admitted to the Union in 1850, the federal government gave the state 3,381,691 acres of swamp land and an additional 7,421,804 acres of “general Government land (McWilliams 1939: 18). By 1870, all the so-called “swamp land” had been purchased by speculators for next to nothing and almost all the general

Government land had been given away.¹⁹ Among the most prominent and notorious examples of corrupt beneficiaries of land monopolization was the Surveyor-General of California, J.F. Houghton, who had acquired 350,000 by 1871 after leaving office. The U.S. Surveyor General Edward F. Beale, appointed by President Lincoln in 1861, also left office with 400,000 acres. Another example was the owner of the Western Pacific Railway, Charles McLoughlin, who took the 400,000 acres granted to his railroad company and kept it for himself (McWilliams 1939: 20).

The result of this land grab was the establishment of vast “feudal empires” in California’s valleys and a shift from farming to industrial farm factories (Jamieson 1946; Martin 2003; McWilliams 1939). The perpetrators of this land grab are important for the present study because many of them became the large-scale industrial farmers and thus the agricultural employers in my labor regime model. A defining characteristic of the transition to industrial farming was a desperate need for labor which drove the massive waves of migrants from China, Japan, Mexico, and other U.S. states to California during the late nineteenth and early twentieth centuries. These migrant workers experienced brutal conditions and faced violent opposition to their efforts to organize. In his seminal work, “*Factories in the Fields: The Story of Migratory Farm Labor in California*,” Carey McWilliams describes this period as “a melodramatic history of theft, fraud, violence, and exploitation” (1939: 7).²⁰

This discussion highlights how land monopolization in California led to the rise in industrial farming which drew waves of migrant agricultural workers to the state. In North Carolina, the harsh conditions which characterized the disjointed system of tenant farming, sharecropping, and

¹⁹ McWilliams notes that much of the land classified as “swamp” land was in fact prime real estate with fertile land for cultivation.

²⁰ The McWilliams text is the definitive work on land monopolization in California and the conditions migrant farmworkers in California endured during the first decades of the twentieth century. McWilliams was an attorney and advocate. He was appointed Executive Secretary of California’s Commission on Immigration and Housing in 1939.

plantation work was likely a deterrent for potential migrants, and ultimately pushed many out. These contrasting contexts had profound implications for migratory flows, potential for farmworker organization, and ultimately state labor policy contexts. They set the stage for the agricultural labor regimes that would follow. In the remainder of this chapter, I present the results of my archival analysis which examines how the labor regimes developed in each state during the Populist-Progressive Era.

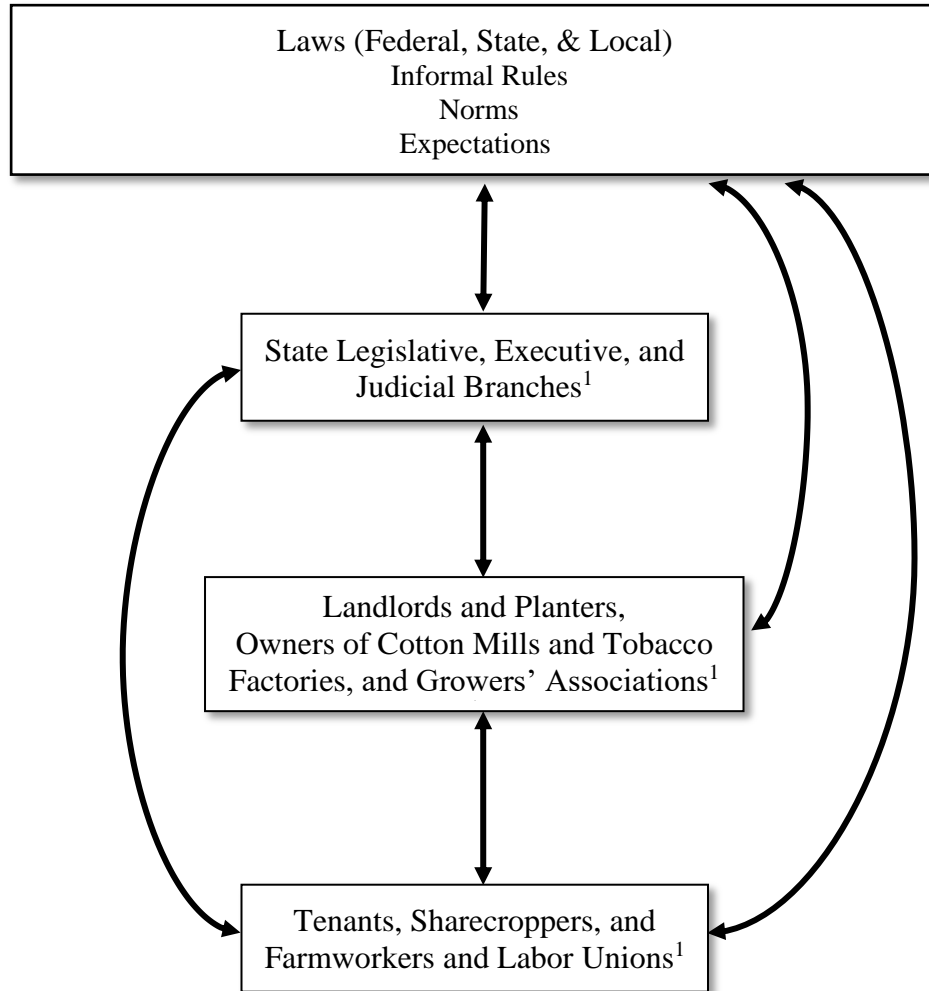
TENUOUS AGRICULTURAL WORKER ALLIANCES, THE ENDURING LEGACY WHITE SUPREMACY, AND PROGRESS LOST IN NORTH CAROLINA

Figure 4 shows the key labor market actors whose collective behavior shaped the development of the agricultural labor regime in North Carolina during the Populist-Progressive Era between 1880 and 1930. We can see in Figure 4 that the agricultural workers during this period included a combination of tenants, sharecroppers, and wage laborers (hereafter farmworkers), and labor unions. The employers were wealthy landlords and planters, and the owners of factories in the agricultural-adjacent cotton and tobacco manufacturing industries, and growers' associations. Regardless of the period or the industry, the state actors in my conceptual model always include the leaders of the state political apparatus (i.e., the state legislative, executive, and judicial branches). In this section, I employ this conceptual model to examine how the collective behaviors of these actors set the cornerstones of a precarious agricultural labor regime in North Carolina.

In late nineteenth century North Carolina, as in much of the South at the time, the most pressing problem in rural areas was ever-growing debt among farmers (Jamieson 1946; McLaurin 1972). This was due to farmers' reliance on cotton, but problems were exacerbated by drought, blight, erosion, frequent depressions, high interest rates from banks, exorbitant shipping costs from railroads, and mortgages and liens on crops which left many small farmers and tenants displaced. The system of tenant farming was undoubtedly harder for Black North Carolinians, but tenancy was

not strictly a racialized system. There were lots of white tenant farmers, many of whom were former

Figure 4. North Carolina Labor Agricultural Regime (1880 – 1930)



1. These boxes refer to the collective behaviors of these different labor market actors.

landowners in the western and piedmont regions of the state, who had lost their farms to foreclosure during deteriorating economic conditions after the Civil War. Black tenants, primarily in the East, typically worked up to that status (Thurtell 1998). Craig Thurtell (1998) notes that tenants typically owned more property such as tools and draft animals, which allowed them to negotiate better terms with landlords than sharecroppers. Sharecroppers were commonly in debt peonage to

landlords when they failed to “pay out” at the end of the harvest (Thurtell 1998: 33). As such, there were often few distinctions between sharecroppers and landless farmworkers, who were often paid in supplies, which deepened their dependence on the planters who employed them (Logan 1964). Regardless of race or status, life was hard for all tenants, sharecroppers, and farmworkers, and resentment towards the state’s political and economic elite continued to fester in the last two decades of the nineteenth century.

During the 1880s and 1890s, tenants, sharecroppers, farmworkers, and labor unions in North Carolina were increasingly frustrated with the Democratic Party in the state which was widely viewed as promoting the interests of wealthy landlords and planters, particularly those who owned the large cotton plantations in the predominantly Black eastern counties (Beeby 2008; Thurtell 1998). North Carolina Democrats were also known as the Redeemers because of their campaign to “redeem” the state from Republican rule. They had retaken control of the state legislature in 1875 and the executive branch in 1877, after a vicious white supremacist campaign linking Republicans to “Negro Rule” – a strategy that proved effective in gaining Democratic support among poor rural whites despite a party platform which disadvantaged them (Beeby 2008; Logan 1964; Steelman 1985).

Upon retaking control of state government, the Redeemers moved quickly to advance their policy agenda which promoted the interests of wealthy landlords and planters and disenfranchised the Black population. For instance, the infamous Landlord and Tenant Act of 1875 gave landlords first lien on crops until all debts had been paid out and made it a crime for tenants to remove any crop “without the consent of the owner of the land” (NC General Assembly 1875: 283; 1877).²¹ The law notoriously granted landlords in North Carolina unprecedented legal authority over tenants, and much more than they enjoyed in other states (Woodman 1995).

²¹ A refined version of the Landlord and Tenant Act was passed in 1877.

According to historian Frenise Logan, author of *The Black Negro in North Carolina: 1876-1894*, Black political leaders in the state immediately expressed uniform opposition to the law and continued to oppose it throughout the 1880s (1964). However, their efforts were unsuccessful because the Democrats also moved swiftly to disenfranchise the state's Black voters (Logan 1964). The chief strategy through which the Democrats disenfranchised Black voters came in the form of 1877 amendments to the state constitution that removed voters' control of county government and gave it to the legislature (NC General Assembly 1877). These amendments gave the legislature authority to elect Justices of the Peace who appointed County Commissioners (NC General Assembly 1877). By removing voters' right to elect county leaders, the Redeemers effectively disenfranchised the large Black population in the eastern counties which helped subjugate the primary labor source for the large cotton plantations (Anderson 1980; Logan 1964; Thurtell 1998; Woodman 1995).

Over the next two decades, from 1880 to 1900, the "Bourbon Democrats," as they were derisively called by their political opponents because of their ties to the wealthy elite, would consistently rely on white supremacy campaigns and the threat of "Negro Rule" to gain support among poor rural whites (Beeby 2008; Zucchini 2020). The success of these campaigns had profound implications for the agricultural labor regime in North Carolina because it helped splinter the votes of poor white and Black tenants, sharecroppers, and farmworkers and stifle movements to build cross-racial solidarity and empower the state's agricultural workforce. Black farmworkers, who bore the brunt of the repressive Democratic regime in the state, were the most likely to organize for their collective interests. For instance, according to Joe Mobley (1981), in 1881, Black cotton pickers in James City, an all-Black town in Craven County, organized a strike and demanded higher wages. However, the strike was unsuccessful, and the workers went back to work without a wage increase because they were unable to stop the planters from hiring other workers from an abundant labor

supply (Mobley 1981; Thurtell 1998). That abundant labor supply would dwindle substantially over the next two decades, and beyond, due to the mass exodus of Black workers, whose efforts to collectively resist were defeated by white supremacy campaigns. Nevertheless, there were some fleeting efforts to organize agricultural workers across racial lines and challenge the Bourbon Democrats' pro-planter, pro-industry agenda.

The first and most notable effort was the formation of The Noble Order of the Knights of Labor (hereafter "the Knights"). The Knights were a national labor organization formed in 1869 by garment cutters in Philadelphia (Wright 1887). The Knights established its first North Carolina assembly in Raleigh on June 18, 1884 (Lefler and Newsome 1973; McLaurin 1972). The activities and goals of the Knights were important for the agricultural labor regime for three reasons: First, the organization did not prohibit Black membership. Black farmworkers – and domestic workers – in North Carolina flocked to the organization after its founding, establishing several locals in the eastern counties (Logan 1964; McLaurin 1972). Second, it was the first organization in the state which attempted to build a cross-racial political force to counter the hegemony of the Bourbon Democrats. The Knights were not a labor union in the traditional sense, rather a broad coalition of white and Black agricultural and industrial workers who advocated for "radical" reform of federal and state labor policies to protect workers from the excesses of un-checked, monopolistic capitalism (McLaurin 1972; Messenger 1886). Third, the Knights brief ascent as a potent political force in the state helped establish the NC Bureau of Labor Statistics – the first step in constructing a state regulatory apparatus.

Between 1884 and 1887, the Knights enjoyed a "meteoric rise" in North Carolina. This popularity was fueled mostly by widespread discontent with the Bourbon Democrats and their support of the interests of wealthy landlords, planters, cotton mill and tobacco factory owners, and elite bankers and railroad owners – groups despised by rural agricultural workers and urban

industrial workers alike (McLaurin 1972: 298). What set the Knights apart from most other labor organizations at the time, and many that would come after, was their fervent belief in equity for all workers. The Knights, at least in principle, did not discriminate based on occupational status, race, or gender (McLaurin 1972; Messenger 1886; Miner 1983).²² In 1886, in response to swelling ranks in the South, the Knights held their national general assembly with delegations from several states in Richmond, Virginia (Goldsboro Messenger 1886; Miner 1983). When Frank J. Ferrell, a Black delegate from the radical District Assembly 49 from New York, was refused lodging by a white Richmond hotel owner, the entire delegation boycotted the hotel and opted instead to stay with Black families in Richmond (The Goldsboro Messenger 1886; Miner 1983). At the conference, Ferrell introduced Terence Powderly, the national leader of the Knights.²³ The Knights' commitment to equity helped build their membership in the mid-1880s. In North Carolina, by 1886, they had organized a broad alliance of workers, including urban merchants, artisans, professionals, tobacco factory and cotton mill workers, and several assemblies of Black farmworkers and domestic workers were organized in the eastern counties (McLaurin 1972). For a brief period, this diverse coalition constituted a formidable political force in North Carolina politics, but it would be short-lived.

In 1886, John Nichols, the State Master Workman of the Knights in North Carolina, ran for congress in the Fourth Congressional District (Nichols 1886). He ran on reforms to state and federal policy to limit working hours, prohibit child labor, and promote worker organization (McLaurin 1972; Nichols 1886). His campaign also advocated, among other things, for federal regulation of railways, more egalitarian land policies, and tougher restrictions on immigration (McLaurin 1972: 302; Nichols 1886). Nichols' strategy was to build a "labor-farm-Republican coalition" to defeat the

²² According to McLaurin (1972: 301), the Knights only excluded "lawyers, bankers, gamblers, and liquor dealers."

²³ For a detailed account of the 1886 General Assembly in Richmond, see Miner (1983).

Bourbon Democrats (McLaurin 1972). Because of Nichols' support of Reconstruction policies, and the Knights' acceptance of Black workers into their ranks, the Democrats launched a vicious campaign to paint Nichols and the Knights as supporting "Negro Rule" and attempting to "obtrude their notion of civil rights upon Southern people" (The News and Observer 1886: 2). Despite these attacks, Nichols won his election and helped push forward the Knights' ambitious legislative agenda which had the creation of a labor bureau as its top priority (McLaurin 1972).

The debate in the NC General Assembly over the bill to establish the labor bureau reflected the tenuous status of the alliance between labor organizations and rural farmers which supported Nichols' candidacy (The News and Observer Observer 1887). The Knights and their supporters wanted a separate, autonomous labor bureau with its own budget. Legislators representing rural farmers, fearing a separate labor bureau would divert funds from their interests, would only support the bill if the labor bureau was housed within the Department of Agriculture, Immigration, and Statistics.²⁴ One state legislator even accused the Knights of making "unholy demands on the legislature" (The News and Observer Observer 1887:4). Ultimately, a compromise in the 1887 legislative session established an autonomous Bureau of Labor Statistics, under the supervision of a governor-appointed Commissioner of Labor, but within the Department of Agriculture, Immigration, and Statistics (NC General Assembly 1887). The Commissioner of Labor was charged with compiling statistics on the state's labor force and submitting annual reports to the governor and the NC General Assembly. The Knights and their supporters hoped the data collected by the newly established Bureau of Labor Statistics would lead to more protective labor policies and improvements in the conditions of workers across the state. However, according to Hugh Lefler and Albert Newsome (1973), only 15 percent of manufacturers complied with the new bureau's requests

²⁴ Several legislators were also afraid the proposed Bureau of Labor Statistics would divert funds from the proposed 'agricultural and mechanical college' which was formed in the same legislative session and later became N.C. State University

for data, which they did with impunity because the 1887 bill gave the agency no regulatory authority.²⁵

Ultimately, the Knights underestimated the political power of the landlords, planters, and cotton and tobacco manufacturers, who controlled the Democratic Party's political machine. These groups of employers were unwavering in their opposition to state intervention in their activities and they viewed the Knights and their political mobilization of Black farmworkers as a direct threat to their power. In 1887 and 1888, the Bourbon Democrats launched another white supremacist campaign to associate the Knights with "Negro Rule," and draw rural white support away from the organization (Logan 1964; McLaurin 1972). For example, a November 1st, 1888, editorial in the Democratic newspaper, *The Wilson Advance*, referred to the Knights as "a deceptive negro pill," and rhetorically asked if the whites of Wilson county "would like to be represented by such a thing – 'worse than a negro' – in the halls of the legislature" (*The Wilson Advance* 1888: 2).²⁶ The Bourbon Democrats' relentless campaign to associate the Knights with Reconstruction policies and the political mobilization of Black farmworkers in the East was successful (*The News and Observer* 1886). By 1887, the rural white support for the Knights in North Carolina had eroded.

Beginning in 1887, whites in rural counties left the Knights in droves and flocked to the newly formed North Carolina Farmers' Association which soon after became incorporated into the (white) Farmers' Alliance (Carr 1887; McLaurin 1972). The 'lily white' Farmers' Alliance prohibited Black membership and became the preferred organization through which white farmers and tenants could channel their political energy and promote policies to advance their interests. Because white farmers and tenants needed Black labor, but actively supported the suppression of Black political

²⁵ The NC General Assembly did not empower the Bureau of Labor to regulate industry until 1931 when it was reorganized and renamed the NC Department of Labor.

²⁶ Wilson County was part of the solidly Black Second Congressional District in the East.

empowerment, their interests were often in direct conflict with those of Black tenants, sharecroppers, and farmworkers (McMath Jr 1977).²⁷ Robert McMath Jr writes, “Most white Alliancemen were farm operators, either owners or tenants, and for them the ‘race problem’ was partially one of maintaining a supply of cheap, efficient labor.” (1977: 117).

Given their general hostility toward Black tenants and farmworkers, there was little, if any cooperation between the white Farmers’ Alliance and the remaining Black assemblies of the Knights, whose membership viewed the white Farmers’ Alliance as representing “nothing more than oppression and death for the laborer” (McLaurin 1972: 308). There was some white support for two competing Colored Farmers’ Alliances which were formed in the state in 1888 (McMath Jr 1972). Despite the name, both Colored Farmers’ alliances were founded by white men and had many white members (McMath Jr 1972). Although the specific membership numbers in the Colored Farmers’ Alliances are unclear, McMath (1977) notes the white Farmers’ Alliance viewed them as a much more palatable alternative to the radical assemblies of Black Knights whose strong labor consciousness represented a threat to the status quo (McMath Jr 1977). The Colored Farmers’ Alliances advocated for cooperation among Black farm operators and tenants and moderate racial progress such as building and operating Black schools, but made it clear they were not seeking integration nor pro-labor policy supported by the remaining Black assemblies of the Knights (Rogers 1888; Shaw 1889). The tenuous support the Colored Farmers’ Alliances received from the white Farmers’ Alliance was likely an attempt to gain Black Democratic votes and quell the mobilization of Black sharecroppers and farmworkers fomented by the Knights (McMath Jr 1977). However, after the successful white supremacist campaign against the Knights, Black operators, tenants, and farmworkers, mostly in the East, almost universally supported the Republican Party

²⁷ The president of the Farmers’ Alliance was Julian Elias Carr, whose white supremacist fervor has recently gained attention due the debate on the campus of UNC Chapel Hill regarding the inauguration of the confederate monument known as “Silent Sam.”

because of Republican support for Black suffrage and their outrage over the Landlord and Tenant Act.²⁸

Bolstered by the support of the white Farmers' Alliance, the Democrats regained control of the NC General Assembly in 1888 and quickly passed election laws designed to further disenfranchise Black voters (Thurtell 1998). For example, the new laws specified that "No [voter] registration shall be valid unless it specifies...the age, occupation, place of birth, and place of residence of the elector" (NC General Assembly 1889: 19). These requirements disproportionately affected Black voters ability to register because many lacked formal documentation such as birth certificates, but also because the new law gave county registrars and judges of elections – appointed by the legislature – broad authority over elections and "autocratic powers" to decide which voters' were eligible to register (NC General Assembly 1889; Logan 1964: 19). In response to the repressive election law, and a worsening depression in agriculture, many rural Black tenants, sharecroppers, and farmworkers – seeing no alternative – responded with their feet and left the state (Logan 1964; Painter 1992; Thurtell 1998). The desire to leave the state was so strong that in April of 1889, a group of Black preachers held a mass convention in Raleigh to form the North Carolina Emigration Association. The convention's goal was to organize a mass Black exodus out of the state (The News and Observer 1889). The meeting was heavily attended by Black agricultural workers from the eastern counties (Logan 1964). The resolutions adopted at the convention reflect these workers' intense dissatisfaction with the white Farmers' Alliance and the Bourbon Democrats' repressive policies, declaring:

"...the situation of the negro was more precarious now than ever before; they have not advanced with the age; that they were subjected to legislative enactments which kept the negro farmer at the mercy of the landlord; that they were at a disadvantage in every contest; that when judges were just, juries were not; that the system of education as applied to the negro was being assaulted; that the united actions of landlord farmers had put the wages of the colored laborer at from \$3 to \$8 per month. Therefore, on account of these and other

²⁸ Republicans in North Carolina also had support from small white landowners in the western part of the state.

causes, the colored people are acting wisely in seeking homes elsewhere; that the oppression was growing and that it might be kept up successfully, the Farmers Alliance had been organized...[and] seemed determined to capture the legislature..." (The State Chronicle 1889: 1).

It is unclear exactly how many Black people left during the following months. The Black-owned newspaper, *The Star of Zion*, predicted that as many as 50,000 would emigrate, but those numbers were most likely inflated (Thurtell 1998; Zion 1889). Nevertheless, according to Alan Bromberg (1977), the decline in the Black population was significant, presaging the Great Migration which began a few decades later. The Great Migration refers to the sixty-year period between 1910 and 1970, when an estimated six million Black people fled the racial violence and repressive labor conditions in the rural South and sought economic opportunities in the cities in the Midwest, Northeast, and later the West (Brown 2018; Hirschman 1970; Tolnay and Beck 1992). Historians commonly refer to the migration of Black people out of the South during the 1910s and 1920s as the *First* Great Migration, and the period from the early 1940s to the 1970s as the *Second* Great Migration (Gregory 2009). Although the First Great Migration began around 1910, this discussion highlights that Black migration out of the rural South began much earlier. These post-Reconstruction Black migrants are often referred to as the "Exodusters" (Painter 1992). Their departure from rural North Carolina posed a major problem for the landlords and planters. According to Josephus Daniels, the notorious white supremacist owner and editor of the *News and Observer*, "The large landlords in the eastern part of North Carolina were extremely alarmed over the movement because the Negroes were the main source of their labor supply for their broad acres" (1939: 181). The landlords and planters responded by pushing the state legislature to curb the outward migratory flow of their workforce.

In the 1891 legislative session, the NC General Assembly passed a law making it almost impossible for "emigration agents" (i.e., out-of-state labor recruiters) to operate in the state. The law required a prohibitively expensive license fee for "emigration agents" of "one thousand dollars, in

each county in which he operates, for each year,” and a prison sentence of hard labor up to two years for violations (NC General Assembly 1889: 77). Moreover, Section 5 of the law excluded the western counties in the state, underscoring that it was drafted with the explicit intent of prohibiting the movement of Black farmworkers in the eastern counties, thus protecting the interests of large cotton plantation owners (NC General Assembly 1889). Although it is unclear whether the law was successful in halting the out-migration of Black farmworkers, the exorbitant licensing fee for “emigration agents,” and the severity of the punishment for violations, reflect the landlords’ and planters’ fear that they were losing their labor supply. While many dissatisfied Black farmworkers were voting with their feet, by the early 1890s, anger and frustration with the wealthy elite was growing among rural whites. The Bourbon Democrats’ failure to address white farmers’ economic concerns resulted in tensions among members of the white Farmers’ Alliance and set the stage for the fusion political movement of the 1890s (Beeby 2008; Lefler and Newsome 1973; Steelman 1985; Thurtell 1998).

In 1892, these tensions led to a splintering of the Farmers’ Alliance. The more conservative wing, led by Julian Elias Carr, remained in the Alliance, and hedged their bets with the Democrats. The more radical wing, led by Leonidas Lafayette Polk, left the organization, and formed the North Carolina Populist Party (Beeby 2008; Steelman 1985).²⁹ With the entrenched Democrats as a common enemy, the Populists and the Republicans entered into a fusion agreement to support one another in the elections of 1894 and 1896 (Beeby 2008; Lefler and Newsome 1973; Steelman 1985; Thurtell 1998). For a brief period in the mid-1890s, the fusion coalition seized control of the North Carolina legislature, executive branch, and the judiciary. They moved swiftly to institute major reforms to voting laws and county government organization which opened the franchise and dramatically increased the political participation of Black North Carolinians, many of whom were

²⁹ The North Carolina Populist Party was also commonly referred to as “the People’s Party.”

sharecroppers, tenants, and farmworkers (Anderson 1980; Lefler and Newsome 1973; Thurtell 1998). This political mobilization threatened not only the Democrats' political power, but the very stability of the political economy on which that power rested (Thurtell 1998). Determined to crush the fusion coalition, in 1898, the North Carolina Democratic party launched yet another white supremacy campaign (1898 Wilmington Race Riot Commission 2006; Zucchino 2020).

Like the campaign a decade earlier against the Knights, and the one before that, in 1877, the Democrats' played on the fears of rural whites, accusing the Fusionists of implementing "...negro domination over white communities" (Simmons 1898: 1). The 1898 campaign, however, was much more aggressive and violent. On November 3, 1898, F.M. Simmons, Chairman of the State Democratic Executive Committee, published a statement in which he declared, "North Carolina is a WHITE MAN'S STATE, and WHITE MEN will rule it, and they will crush the party of negro domination beneath a majority so overwhelming that no other party will ever again dare to attempt to establish negro rule here" (Simmons 1898: 2, capitalizations in original). *The News and Observer* characterized the statement as "a Patriotic and Able Address." Seven days later, on November 10, 1898, the white supremacy campaign erupted in violence in Wilmington, North Carolina when a white mob burnt down the city's Black-owned newspaper, murdered dozens of Black citizens, and overthrew the "legitimately elected municipal government" (1898 Wilmington Race Riot Commission 2006: 1; Zucchino 2020). The mob, led by the city's white elite, murdered or banished the city's Black leaders in what is now widely considered the only successful *coup d'état* in United States' history (1898 Wilmington Race Riot Commission 2006; Zucchino 2020). Following the 1898 white supremacy campaign, the Democrats once again regained control of North Carolina state government and quickly passed a resolution in 1899 to amend the election laws in the state constitution and severely limit the franchise for Black North Carolinians. In 1900, the amendment

was ratified and included the literacy test, the poll tax, and the grandfather clause (NC General Assembly 1900).

The Knights and the Fusionists that followed, represent what C. Vann Woodward (1951) referred to as “forgotten alternatives” to the political hegemony of the white landlords and planters in North Carolina. These progressive, largely pro-labor political movements, which organized white and Black tenants, sharecroppers, and farmworkers, had the potential to establish a more secure labor regime foundation and set North Carolina on a different, more secure path. Their ultimate defeat is directly related to the historical development of labor regimes in agriculture and other industries. The effect of the 1898 white supremacy campaign and its enduring legacy on North Carolina state political culture cannot be overstated.³⁰ The campaign marked the beginning of the Jim Crow Era in the state, which stifled organization and political mobilization of Black North Carolinians – and poor whites – which entrenched a rabidly anti-labor and anti-worker sociopolitical culture for the next century.

I contend that the sociopolitical culture at the turn of the 20th Century was shaped by the proliferation of tenant farming and sharecropping in North Carolina in the late nineteenth century, the enduring legacy of white supremacy, and internal migration patterns. Pervasive poverty among tenants, sharecroppers, and farmworkers – regardless of race – was exacerbated by the pro-planter policy agenda of the Bourbon Democrats, whose political power depended on stoking the anti-Black sentiments of poor rural whites. The economic desperation of tenants, sharecroppers, and farmworkers was likely a deterrent for potential migrants to the state, and the Democrats’ relentless white supremacist agenda pushed Black agricultural workers out of North Carolina. This isolation

³⁰ Until recently, the violence and terror of the 1898 white supremacy campaign has received little attention in public discourse. My discussion of these events is admittedly cursory. For a thorough account of the disintegration of the fusion coalition, see James Beeby’s (2008) book, “Revolt of the Tarheels: The North Carolina Populist Movement 1890-1902. Also see the 1898 Wilmington Race Riot Commission’s (2006) report and David Zucchino’s (2020) book, “Wilmington’s Lie: The Murderous Coup of 1898 and the Rise of White Supremacy.

from outsiders, combined with the mass exodus of Black agricultural workers – whose solidarity and strong labor consciousness made them the most likely to organize and collectively resist – further constrained the possibility of agricultural worker empowerment. The timing of this disempowerment of agricultural workers and the power grab by the white supremacist Democrats was critical, because it occurred during a period in which progressive labor reform was popular in national political discourse (Hofstadter 1955). The Democrats unequivocally served the interests of wealthy landowners, planters, and cotton and tobacco manufacturers, who controlled the North Carolina General Assembly and vehemently opposed all labor legislation (Douty 1936; Lefler and Newsome 1973; Commission on Industrial Relations 1916). Because agricultural employers' political power was so deeply entrenched, they successfully thwarted any substantive labor reforms in the state and the potential for progress during the first two decades of the 20th Century was lost in North Carolina.

At the turn of the 20th century, several reforms were being discussed nationally to remedy the excesses of industrial capitalism and the social problems they produced. Among the most pressing problem in national political discourse, was the need to address child labor and protect youth from exploitation. From 1900 to 1930, all proposed reforms to labor legislation in North Carolina were associated with regulating child labor, and all were met with sharp opposition from the cotton manufacturers. During this period, child labor laws were proliferating in states across the nation, but North Carolina was among the most resistant states to substantive child labor laws because the cotton mill owners' reliance on child labor and their power over state government (Committee on Industrial Relations 1916).

The first child labor law in North Carolina passed in 1903 and prohibited employment of children under twelve years of age in all factories and manufacturing facilities and established a sixty-six-hour work week in all factories for persons under eighteen (NC General Assembly 1903). Like almost all labor legislation in North Carolina that would follow, agricultural workers were excluded

from the 1903 law.³¹ The establishment of any enforcement mechanism was also notably omitted from the 1903 law. One year later, in 1904, public enthusiasm for regulating child labor was growing and the National Child Labor Commission (NCLC) was formed by progressive reformers, primarily from the South. Dr. A.J. McKelway, a minister and head of a mill school from Charlotte, NC was selected as the Secretary for the Southern States of the NCLC (Commission on Industrial Relations 1916). For the next several years, McKelway, and other proponents of reform advocated for legislative action to abolish child labor in North Carolina by documenting child labor conditions in cotton mills and lobbying state legislators to act. They were met with unwavering opposition from the North Carolina Manufacturers' Association and their allies in the state legislature, many of whom were mill owners themselves (Davidson 1937).³²

A legislative proposal to limit child labor in 1905 was soundly defeated which underscored the political resistance. Another effort in 1907 ultimately passed, but was watered down by industry leaders, rendering it meaningless due to language permitting the use of child apprenticeship labor (NC General Assembly 1907; Commission on Industrial Relations 1916). Proposed legislation to protect child workers by limiting age and hours in 1909 was again defeated by North Carolina Manufacturers' Association (Commission on Industrial Relations 1916). In 1911, legislation passed that reduced the sixty-six-hour work week for factory workers under the age of eighteen was reduced to sixty, but no enforcement or regulatory arm was attached to the law (NC General Assembly 1911). In 1915, McKelway, the Secretary for Southern States of the NCLC, testified before the Committee on Industrial Relations which was established in 1912 to investigate labor conditions across the country (United States Congress 1912). In his testimony, McKelway described

³¹ The 1903 law also explicitly exempted "oyster canning and packing manufactories" (Pg. 820).

³² For a detailed account of early child labor legislation see Elizabeth Davidson's (1937) article, "Child Labor Reforms in North Carolina Since 1903."

lax labor regulations, the political dominance of the cotton manufacturers, and the recalcitrance of the NC General Assembly toward any labor regulation. Describing the regulatory environment in North Carolina he stated, "...North Carolina is still the only state that has no factory inspection. The commissioner of labor has no authority to enter a cotton factory, and the law has been almost universally violated" (Commission on Industrial Relations 1916: 10494). Discussing the state legislature, he commented,

"There is a rather peculiar situation in the Senate of North Carolina...They have the senate committee on manufacturing, to which every manufacturer is supposed to belong and gets on that committee, and to that committee all child labor bills are always referred. It is a rather hostile committee, made up in advance – and I mention North Carolina particularly because we have made less progress in that State than any in the South" (Commission on Industrial Relations 1916: 10494).

McKelway's characterization of the hostility toward labor regulations in the state legislature and fierce opposition of the cotton manufacturers' was not hyperbolic. The bitter antagonism is best captured in a pamphlet published in 1913 by John F. Schenk, Chairman of the Legislative Committee of the North Carolina Cotton Manufacturers' Association, in response to another child labor law which passed that year (NC General Assembly 1913). The 1913 law required four months of school for children between the ages of 12 and 13 working in factories and prohibited factory work at night (9pm-6am) for persons under sixteen. In the pamphlet titled, "*Child Labor*" Legislation, Schenk refers to McKelway (although not by name) and the NCLC as "...those who have boldly told us to our faces that they have declared war against us" (1913: 1). Calling the NCLC "active agitators of labor legislation" he writes, "Further labor legislation in this State is both useless and wrong; because the matters for which legislation is usually invoked always properly and naturally regulate themselves" (Schenk 1913: 2,5). The essence of Schenk's argument is that no labor legislation was needed because the cotton mill owners were benevolent providers for their workers who were small landowners and tenants who had migrated to the mill towns fleeing rural desperation (1913). He later makes a slightly more nuanced argument that the labor legislation in

North Carolina was discriminatory against the manufacturers because it set no age restrictions on agricultural workers – an exemption he attributed to the growers’ political power. He writes,

“...the law in North Carolina, prescribing an age limit and applying it only to manufacturers, is unfair. Why should small children on the farm be waked at four o’clock in the morning, and be made to toil incessantly in the broiling sun, or compelled to drive wagons all day long while thinly clad, with their little hands and lips all chapped and blue from the winter winds” (Schenck 1913: 9).

Schenck’s publication was clearly nothing more than industry propaganda, written with the sole intention of stifling labor legislation and furthering the mill owners’ interests. It is unlikely that Schenck’s intention was to address child labor in agriculture. However, his assertion that the exclusion of agriculture from state labor legislation was unjust, and likely the result of the political power of growers, was not necessarily wrong. Indeed, agriculture would continue to be excluded from state labor legislation for years.

For example, yet another child labor bill was passed in North Carolina 1919 (North Carolina Assembly 1919). The 1919 law in North Carolina was motivated by the first federal child labor law which the North Carolina Cotton Manufacturers’ Association had defeated in court (Davidson 1937). The 1919 law was the first in the state with any semblance of regulatory teeth. It mandated compulsory attendance for the entire school session for children between the ages of eight and fourteen and raised the minimum age for factory work to fourteen (NC General Assembly 1919). The law also imposed a monetary fine for parents or guardians who violated the compulsory attendance requirement and stipulated imprisonment “not exceeding thirty days in the county jail” for those who failed or refused to pay the fine (NC General Assembly 1919: 273). Unlike previous labor laws, the 1919 law also provided a mechanism for enforcement by empowering “the county superintendent of public welfare or chief school attendance officer or truant officer” to “investigate and prosecute all violations” (NC General Assembly 1919: 274). Adding to the law’s regulatory power, it established the State Child Welfare Commission and gave it authority to “enter and

inspect” places of employment and made obstruction of inspections unlawful (NC General Assembly 1919: 275).

The 1919 labor law represented a substantial step forward in the process of building the foundations of the North Carolina regulatory environment. It was no doubt an affront to the mill owners who relied so heavily on child labor. The only industries who employed more children at the time were agriculture and domestic service which the law was interpreted as exempting because it gave the Child Welfare Commission discretion in making exceptions (Davidson 1937: 132). Section 2a of the law gave the State Board of Education the authority “to formulate such rules and regulations as may be necessary for proper enforcement,” but stated that “teachers, principals, or superintendent may excuse pupils for nonattendance due to immediate demands of the farm or the home in certain seasons of the year in the several sections of the State” (NC General Assembly 1919: 273). This language notably does not clarify that the farm or the home had to be owned by the family of the child and thus posed no threat to larger growers. Although their ability to employ children was not jeopardized, growers had another problem with securing cheap labor due to the mass exodus of Black farmworkers who began fleeing racial violence and exploitative labor conditions of the rural South in the first Great Migration (Brown 2018; Tolnay and Beck 1992).

With the proliferation of the cotton mills, white tenants and farm hands migrated to the mill towns in droves. The good mill jobs were largely not available to Black workers because the textile factories, located in the Piedmont region, had adopted whites-only hiring policies (Douty 1936; Frederickson 2011; Thurtell 1998). Black workers remained in rural areas in the eastern counties and continued scraping by as tenants and landless farmworkers (Douty 1936). After the demise of the Knights and the white supremacy campaign in 1898, Black farmworkers’ lost any ability to collectively advocate for improved working and living conditions. In response to deteriorating conditions and the terror of living under unabashed white supremacy, Many Black folks in North

Carolina and other southern states migrated. Although Black farmworkers in North Carolina began leaving as early as the late 1880s, the out-migration of the “Exodusters” paled in comparison to the exodus which began around 1910 – the First Great Migration (Gregory 2006; Hirschman 1970; Painter 1992). This created a labor shortage in agriculture.

These Black migrants were pushed out by racist violence and drawn to the Midwest and North by the availability of jobs in northern industries which desperately needed labor due to a shortage caused by World War I (WWI) (Division of Negro Economics 1921; Tolnay and Beck 1992). Although estimates vary, between 1916 and 1921, the United States Department of Labor (USDOL) estimated that between 400,000 and 500,000 Black people had migrated out of the South (Division of Negro Economics 1921). This massive movement of Black workers prompted the U.S. Secretary of Labor, William B. Wilson, to establish the Division of Negro Economics in 1918 to investigate working conditions among Black workers in agriculture and industry and make recommendations for improving those conditions (Division of Negro Economics 1921). Dr. George E. Haynes, professor of sociology and economics at Fisk University was selected as the director of the division and work quickly began to form cooperative committees in each state (Division of Negro Economics 1921: 12).

The first of these state committees was formed in North Carolina and organized by Governor T.W. Bickett, a Democrat who served as governor of North Carolina from 1917 to 1921. According to the division’s final report, the North Carolina State Negro Workers’ Advisory Committee formed the model for the other states its perceived success in harmoniously bringing together various Black and white stakeholders from across the state (1921). Additionally, growers organized the North Carolina Farmers’ Conference on Labor Problems at Bricks, NC on April 21, 1919, to develop strategies for addressing labor shortages and improving life for Black farmworkers (Division of Negro Economics 1921: 103). The final report and recommendations resulting from

that conference were given to the State Negro Workers' Advisory Committee and published in the division's final report in 1921. The recommendations in that report included vague language encouraging cooperation between white farmers and Black tenants and farmworkers and were clearly drafted with the intent of furthering farmers' interests. For instance, with respect to addressing labor shortages, the report recommended encouraging "greater use of farm machinery as a means of creating a surplus of labor" and efforts to "divert...student labor from the cities for the summer vacation" (Division of Negro Economics 1921: 104). With regard to improving conditions for Black tenants and farmworkers, the report only recommended that "Plantation owners and farmers who employ Negro tenants should be urged to provide them with good homes" and make information available regarding Government Farm Loans (Division of Negro Economics 1921: 104). Although the Division of Negro Economics was well-intentioned, the final report's description of race and labor relations in North Carolina was much more optimistic than the reality on the ground. Moreover, no meaningful improvements to working and living conditions for farmworkers resulted from their efforts during the 1920s.

During the most of the 1920s, no substantive labor legislation was presented in the NC General Assembly. In 1927, another child labor law was enacted that prohibited work between seven p.m. and six a.m. and limited the working hours for persons under age sixteen to eight hours per day or forty-eight hours per week (NC General Assembly 1927). It also prohibited work for those under age sixteen in quarries or mines, which was insignificant because those industries were not substantial in the state. Finally, the 1927 law prohibited employment of children over fourteen if they had not completed the fourth grade, but there were no provisions in the bill for enforcement, rendering it essentially meaningless (NC General Assembly 1927). In the legislative session of 1929, the NC General Assembly passed a Workmen's Compensation Act. The act created the Industrial Commission to arbitrate claims submitted by injured workers at all public and private establishments

with five or more employees. This was no doubt a progressive step forward, but the bill excluded agriculture and domestic service (NC General Assembly 1929: 117).

Throughout the 1920s, organized labor stagnated in North Carolina and throughout the country. According to Author Link (1959), the suppression of the labor movement during the 1920s was due to a combination of “a surging tide” of white nationalism, anti-communist and anti-Semitic hysteria produced by WWI, and “the triumph of racism and prejudice in immigration legislation” (Pg. 834). Big corporations and their political allies fanned these flames and exploited these conditions in “a successful campaign in state and nation to subvert the regulatory structure” (Link 1959: 834) In North Carolina, some “skilled” workers and professionals were organized under the State Federation of Labor, but they were never successful in challenging the state’s pro-industry sociopolitical culture. Mill workers were beginning to organize and staged a handful of unsuccessful strikes during the 1920s, but there is no evidence of farmworker organization (Douty 1936).³³ Commenting on the history of organized labor in North Carolina from 1880 to 1930, Douty notes, “It is a story largely of defeat” (1936: 327). The white supremacy campaign of 1898 and the political dominance of agricultural employers who wielded their power to shape state labor policy and prevent legislative efforts to regulate industry was too powerful to overcome. Their anti-labor and anti-worker political hegemony successfully suppressed labor mobilization and suffocated the cultivation of a pronounced labor consciousness among North Carolina workers in agriculture and other industries. The development of a labor consciousness was also subdued by the mass exodus of Black tenants, sharecroppers, and farmworkers who were the most likely to organize for their collective interests. These factors combined during a critical period in U.S. labor history when the foundations state labor regimes were constructed. The result was a weak foundation and the

³³ The most notable strikes occurred in Concord in 1921 and later in Marion and Gastonia in 1929. These strikes were met with vicious propaganda campaigns from mill owners and violent force from law enforcement. (see Douty 1936)

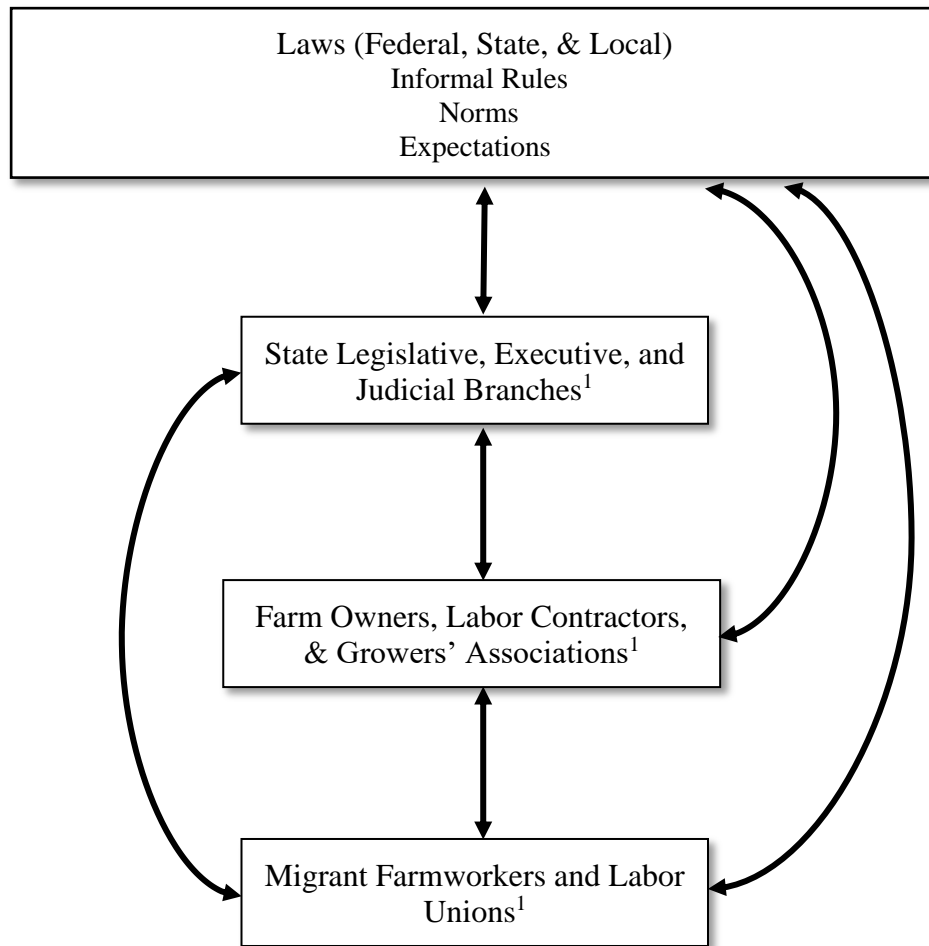
emergence of a precarious agricultural labor regime. It was on this weak foundation that the state would continue building its regulatory environment as it progressed throughout the 20th Century and beyond, the focus of my next chapter. In comparison, aided in part by the mobilization and strong labor consciousness among the state's large migrant workforce, the agricultural labor regime that emerged in California at the time was much more protective.

INDUSTRIAL FARMING, MIGRANT WORKER MOBILIZATION, AND THE CONSTRUCTION OF A STRONG LABOR REGIME FOUNDATION IN CALIFORNIA

Leading into the 1900s, large-scale farming, specializing in one or a few agricultural commodities was well under way in California (Glass 2016; Jamieson 1946; Martin 2003; McWilliams 1939). A defining characteristic of the industrial agriculture model, as opposed to the fragmented system of tenant farming, sharecropping, and plantation agriculture in North Carolina, was and continues to be an insatiable appetite for cheap labor, typically from abroad. This need for labor drove international and domestic migrants to California. Figure 5 shows the key labor market actors who shaped the development of California's agricultural labor regime between 1880 and 1930. We can see in Figure 5, the employers in California were the owners of the large industrial farms, labor contractors, and growers' associations. The workers were a combination of foreign-born and domestic migrant farmworkers and labor unions. The state actors, as in North Carolina, were the leaders of the state's executive, legislative, and judicial branches.

Like in North Carolina, the development of the agricultural labor regime in California during the late nineteenth and early twentieth centuries was intimately linked to race relations and migration patterns. In North Carolina, the labor regime was shaped by anti-Black sentiment and the internal out-migration of Black farmworkers. In California, the agricultural labor regime was influenced by anti-Asian sentiment and the inflows of international migrants from China, and later Japan and Mexico. During the 1870s and 1880s, Chinese immigrants, derisively referred to as "Coolies"

Figure 5. California Agricultural Labor Regime (1880 – 1930)



1. These boxes refer to the collective behaviors of these different labor market actors

provided the bulk of the labor on California's emerging industrial farms (Glass 2016). However, anti-Chinese fervor in California and throughout the nation resulted in the Chinese Exclusion Act of 1882, which threatened California growers' labor supply. The Chinese Exclusion Act of 1882 was the first federal immigration law targeting a specific ethnic or nation-origin group of workers. It banned the entry of most Chinese workers with a few exceptions including those employed in mining. It also prohibited citizenship for Chinese immigrants who had already settled (U.S. Congress

1882). The law marked a “watershed” moment in United States immigration law and set the precedent for the race-based immigration policies of the twentieth century which would continue to shape California’s agricultural labor regime (Lee 2002).

In his book, *Closing the Gate: Race, Politics, and the Chinese Exclusion Act*, historian Andrew Gyory argues that the Chinese Exclusion Act of 1882 was the culmination of a decades-long anti-Chinese campaign by politicians of both parties, dating back to the 1850s when the Chinese first arrived in California (Gyory 1998). In his account, Gyory (1998) challenges the common understanding that the anti-Chinese campaign was strictly fostered by labor unions. Although certain labor unions, such as the Workingmen’s Party of the United States,³⁴ championed Chinese exclusion, until the late 1870s, most labor unions opposed the *importation* of Chinese workers by unscrupulous employers, but they did not oppose their *immigration* (Fisher and Fisher 2001; Gyory 1998). Rather, the campaign to ban all Chinese immigration was fostered by ambitious politicians of both parties who sought to exploit the politics of racism and attract white working-class votes (Gyory 1991; 1998). The Bourbon Democrats in North Carolina employed a similar strategy to gain rural white votes, but there were key distinctions between the role of race and the development of agricultural labor regimes in both states. First, the anti-Chinese campaign was much more diffuse and not as deeply rooted as the anti-Black, white supremacy campaigns in North Carolina. Although it was spearheaded by California politicians, Chinese Exclusion had support of Republicans and Democrats throughout the nation (Fisher and Fisher 2001; Gyory 1998). Another key distinction is that the campaign by Californian politicians to exploit the emergent racism against the Chinese to gain votes, did not permit anti-labor forces to take over the California state government, as the white supremacy campaigns did in North Carolina. The politics of racism in both states, however, did

³⁴ The Workingmen’s Party of the United States was a national organization established in 1828 by craftsmen and skilled workers in Philadelphia.

influence migration patterns and the farm labor supply. While this tactic ultimately helped push Black farmworkers out of North Carolina, the Chinese Exclusion Act drastically reduced the number of Chinese workers in California fields throughout the 1880s and 1890s.

By the turn of the century, California growers were trying to desperately attract migrant farm labor. One such plea to attract migrants from the East was published in the *San Francisco Chronicle* in July of 1902. It read like a travel advertisement attempting to sell California to potential farmworkers in the East:

“The fact that there is no freezing weather makes heavy and expensive clothing unnecessary. If the laborer is a married man, with his own family, he has practically no expense for fuel and heating purposes. It is a land of plenty, and all foods are of low price. The delights of climate and surroundings are for him as well as for the farmer or capitalist” (San Francisco Chronicle 1902a: 10).

California growers also consistently requested exceptions to federal immigration law so that they could import Chinese farmworkers. For example, in 1902, the California Fruit Growers’ Convention passed a resolution which stated, “...the Chinese Exclusion Act should be so amended as to admit farm laborers in restricted numbers” (San Francisco Chronicle 1902b: 8). These requests were never granted, and California growers sought labor through Japanese and Mexican migrant streams. After the Chinese Exclusion Act of 1882, Japanese migration to California soared and provided an answer to growers’ labor demand (Inui 1925). Kiyoo Sue Inui notes that an 1894 treaty between the United States and Japan established that Japanese immigrants were free to “enter, travel, and reside” in the United States (1925:188). Japanese migration continued unabated until growing anti-Japanese hostility in California prompted the famous “Gentlemen’s Agreement” of 1907 between United States and Japan in which Japan agreed to stop issuing passports for the “United States to laborers, skilled or unskilled...” (Inui 1925: 190). Similarly, the large Mexican working class already residing in California and Mexican migrants were recruited to work on California farms beginning in the 1890s.

Mexican migration flows continued largely uninterrupted until the Immigration Act of 1917, prompted by the United States' entry into WWI, severely restricted Mexican labor migration.³⁵

This discussion highlights how California's race relations and international migration flows helped shape the agricultural labor regime there during the Populist-Progressive Era. Although later attempts halted these migrant flows – at least temporarily – by the beginning of the twentieth century, Japanese and Mexican migrants performed much of the labor on California's farms. Working conditions on California's industrial farms were poor and white growers would often organize themselves to consolidate their interests over those of the migrant workforce. In response, farmworkers began forming cross-ethnic coalitions to challenge the hegemony of white growers.

Among the first and most notable examples of cross-ethnic farmworker solidarity occurred in 1903 in Oxnard, located in the central coast region of the state where the sugar beet industry was flourishing (Almaguer 1984; Oxnard Courier 1903b). In 1902, white growers and labor contractors formed The Western Agricultural Contracting Company (WACC) which required its members to contract labor directly through them, thus undermining Japanese and Mexican labor contractors and farmworkers (Glass 2016). The WACC also imposed a policy of “enforced patronage” requiring workers to purchase goods from specific stores with inflated prices and slashed the prevailing piece rate for thinning beets from between \$5.00 and \$6.00 per acre to \$3.75, and as low as \$2.50 per acre (Almaguer 1984: 333; Glass 2016). The WACC was one of the first growers' associations formed by agricultural employers to collectively consolidate their interests and impose their will over workers.

Dissatisfaction with the WACC led approximately 800 Japanese and Mexican workers to hold a meeting on February 11, 1903, to organize the Japanese-Mexican Labor Association (JMLA) (Oxnard Courier 1903b). Over the next several weeks, the JMLA recruited over ninety percent of all

³⁵ I discuss the Immigration Act of 1917 and its relationship to the establishment of farm labor guestworker programs below.

beet workers in Ventura County, the home of Oxnard, and organized them to walk off the job. According to Tomás Almaguer (1984), author of the most authoritative account of the JMLA, the growers were alarmed at the size and strength of the JMLA because there had never been a union of farmworkers like it in California. Reflecting this fear, on March 5, *The Los Angeles Times* ran a story on the strike with the headline, “Beet Strike at Oxnard: Japanese and Mexicans on Warpath by Hundreds – Armed Guards” (1903: 12). The tension in Oxnard came to a head on March 23, 1903, when agents of the WACC opened fire while JMLA members were confronting a group of strikebreakers who were being transported to a local farm (Oxnard Courier 1903c). When the shooting was over, four members of the JMLA – two Mexican and two Japanese – were wounded, and one Mexican, Luis Vasquez, was fatally shot (Oxnard Courier 1903a; Courier 1903c).³⁶ This incident caused the JMLA to strengthen its efforts to win over strike breakers and on March 30, 1903, the JMLA won the strike, negotiating a minimum wage of \$5.00 to \$6.00 per acre for thinning beets, and the WACC agreed to cancel all their existing contracts (Almaguer 1984).

The JMLA was significant for the development and composition of California’s protective labor regime because it was the first successful attempt to organize the state’s non-white, foreign-born agricultural workers across ethnic lines. According to Almaguer, it is likely that some JMLA leaders “were influenced by the Japanese Socialist Movement,” which “flourished in Japan after the Sino-Japanese War of 1895-95 and had a following among some of the Issei population” who migrated to California after the war (Almaguer 1984: 333). The success of the JMLA demonstrated the potential these workers had to substantially contribute to the larger labor movement in the state. However, for this potential to be realized, the JMLA would have to overcome anti-Asian discrimination in the broader labor movement. On March 26, 1903, the Los Angeles Council of

³⁶ This incident was widely mis-reported in California newspapers. One fraudulent account published on March 24th in *The San Francisco Examiner* reported that the incident was a “Race War Between Japanese and Mexicans.”

Labor “adopted resolutions favoring the unionization of all unskilled labor, whether Asiatic or otherwise alien” (San Francisco Examiner 1903: 3). According to the *San Francisco Examiner*, the resolution represented “the first time that a labor council has put itself on record in any way favoring Asiatic labor” (1903: 3). Not long after, Mexican JMLA leader, J.M. Lizarras, petitioned the American Federation of Labor (AFL) for a JMLA charter, changing the name to the Sugar Beet and Farm Laborer’s Union of Oxnard (Almaguer 1984: 345). If granted, it would be the first farmworkers’ union accepted into the AFL. Samuel Gompers, president of the AFL, approved the request but in a letter to Lizarras, unequivocally prohibited Japanese or Chinese membership in the union (Almaguer 1984). Mexican members of the union ordered Lizarras to decline the charter and write a letter to Gompers expressing solidarity with the Japanese members. In the letter, Lizarras wrote,

“We therefore respectfully petition the A.F. of L to grant us a charter under which we can unite all the sugar beet and field laborers in Oxnard, without regard to their color or race. We will refuse any other kind of charter, except one which will wipe out race prejudices and recognize our fellow Workers as being as good as ourselves” (Almaguer 1984: 347).

Gompers refused the request, the JMLA disbanded, and that moment of opportunity to harness the solidarity and labor consciousness those workers possessed was lost. However, efforts to organize farmworkers and other “unskilled” migrant workers in California were just getting started and would soon yield concrete political results.

In 1909, the Industrial Workers of the World (IWW) began establishing union locals in California’s rural areas (Glass 2016). The IWW, or Wobblies as they were commonly called, was a radical organization who advocated for overthrowing capitalism through continuous direct action, and they led the first effort to organize agricultural workers on a national scale. According to Stuart Jamieson, the IWW’s success in organizing farmworkers was “a reflection of the growing divisions in economic interest and social status between employers and employees on farms which had become commercialized on a large scale” (1946: 29). These divisions made fertile ground for the

organizing efforts of the IWW whose revolutionary doctrine cultivated a militant labor consciousness among many California farmworkers. The IWW's entry into California fields galvanized the large migrant workforce whose growing discontent with the horrific working and living conditions on California's industrial farms provoked those workers to organize and collectively resist employer abuses. Their efforts pushed California's political leaders to respond to the labor conditions on California's farms. This response came in the form of sweeping labor legislation spearheaded by the newly elected governor, Hiram Johnson, who ran on a platform of progressive labor reform in agriculture and other industries in the 1910 California gubernatorial race.

On November 8, 1910, Johnson was elected governor of California and moved forward with the legislature to promote his bold policy agenda (San Francisco Examiner 1910). This agenda came to fruition in 1913 when Johnson signed into law arguably the most progressive suite of labor legislation in the country (The Recorder 1913). Perhaps the most controversial proposal was State Bill 451, introduced by Senator William Kehoe of Humboldt County to establish the Commission on Immigration and Housing (San Francisco Chronicle 1913b). The bill gave the commission authority to "inspect every agency concerned directly or indirectly with the immigrant" and report "each instance of exploitation" to the "properly constituted authority for remedial action" (San Francisco Chronicle 1913b: 3). The commission was charged with inspecting migrant labor camps which was met with strong opposition by California growers and employers of migrants in other industries, including mining and construction. The contrasting state responses between California and North Carolina to address substandard housing conditions for agricultural workers is notable. As the discussion above highlights, in North Carolina, growers themselves recognized substandard housing as a problem and motivation for the out-migration of Black farmworkers, but there were never any legislative proposals to establish state regulation of farmworker housing. Indeed, the exclusion of agricultural workers from any of the meager labor laws in North Carolina between 1900

and 1930 reflects the degree to which those workers were disempowered. In California, employers were equally opposed to such regulations, but despite this opposition, the state acted decisively to intervene. The Immigration Bill, as it was commonly referred, did pass, and was signed into law by Johnson along with several other major labor reforms.

The language and intent of each bill was published on June 2, 1913, in the San Francisco newspaper, *The Recorder* under the front-page headline,

“Review of Legislature's Work Reveals Many Measures of Great Historic, Economic, and Social Importance: Powers of Government Have Been Concentrated Largely in Governor's Hands. Workingmen's Compensation Act Places State in Same Rank as Eighteen Others - Tax Laws Profoundly Affect Economic Conditions - Appropriations Indicate Tremendous Growth of State and its Needs.”

Among these historic labor reforms was Senate Bill 1034 which limited working hours for minors under eighteen to no more than forty-eight hours per week or eight hours per day, prohibited work between ten p.m. and five a.m., and required a school certificate for children between the ages of twelve and fifteen (The Recorder 1913). Unlike the child labor laws passed in North Carolina, the only industrial exemption in the bill was for “children employed on the stage” (The Recorder 1913: 6). Other bills more directly affected union activity and living and working conditions in California’s agricultural industry. For instance, Assembly Bill 249 prohibited “soliciting laborers to take the place of strikers without informing them of the situation” and Assembly Bill 608 established regulation of wages in seasonal labor (The Recorder 1913: 6). With respect to migrant housing, which the Commission on Immigration and Housing was empowered to inspect, Senate Bill 389, titled the Tenement Housing Act, established strict regulations on migrant housing and restrictions on overcrowding. Commenting on the regulatory prowess of the Tenement Housing Act, *The Recorder* wrote, “The bill is in effect a set of building specifications and is so exact in its terms that it seems reasonably certain that a duplication of the worst forms of tenement life will be impossible in California” (1913: 6). Adding to regulations on housing, Assembly Bill 1110 required “proper

ventilation and sanitation” in “all labor camps where five or more men are employed” (The Recorder 1913: 6).³⁷ To address workplace safety, Senate Bill 215 required physicians “to report all occupational diseases, such as lead and arsenic poisoning, to the Bureau of Labor Statistics” and The Workmen’s Compensation Act established the Industrial Action Commission to adjudicate all claims made by workers who were hurt on the job (The Recorder 1913: 6). Finally, to reduce “evasions of regulatory statutes,” Senate Bill 1035 compelled all factories to register with the state Bureau of Labor Statistics (The Recorder 1913: 6).

This legislative *tour de force* and its stark contrast with the relatively weak labor reforms in North Carolina at the time are significant for three reasons: First, Governor Johnson’s ability to move the reforms through California’s legislature despite fierce opposition from employers was remarkable and reflected labor’s strength in the state. Second, the California labor reforms created a regulatory apparatus and appropriated funds for enforcement. Third, the California policies did not explicitly or implicitly exclude agricultural workers as the laws in North Carolina did. Like the mill owners in North Carolina, California employers were incensed by the creation of any policies to regulate their labor practices and the empowerment of state agencies to enforce them. Growers were especially irate over the Commission on Immigration and Housing and its authority to enter and investigate migrant housing. One inflammatory op-ed, published in the *San Francisco Chronicle* charged, “This bill...will open the way for the return of the medieval institution of the inquisition in California, for it confers the power of domiciliary visits upon five men to be named by the governor” (1913a: 16).

California employers likening housing regulations to an inquisition is akin to the North Carolina cotton manufacturers – in the same year – describing efforts to prohibit child labor as a

³⁷ To put these labor reforms in historical perspective, North Carolina would not implement minimum standards for migrant housing until 1989.

declaration of war. These similarities demonstrate that California employers were just as hostile towards labor regulations as their counterparts in North Carolina. The key difference in these state contexts was the unified workforce. Compared to the splintered, tenuous alliances among Black and white tenants, sharecroppers, and farmworkers in North Carolina which were ultimately defeated, cross-ethnic solidarity and a robust labor consciousness was developing among California's large migrant agricultural workforce. The success of the JMLA and the IWW's mobilization of farmworkers brought migrants' labor conditions to the forefront of California's political discourse. They aided the passage of the 1913 labor reforms and the creation of a state apparatus to regulate California farm labor.

Demonstrating the dire need for those reforms, a violent conflict unfolded in August of 1913 at California's biggest hop ranch in Wheatland, immediately testing the state agencies' ability to force grower compliance with the new laws. The conditions which led to the conflict were precipitated by the owner of the ranch, Ralph Durst, advertising jobs for 2,800 workers when only 1,500 were needed (Parker 1914b). This was a common practice among growers to create a surplus of labor which helped keep wages down. Almost 3,000 US-born and foreign-born migrants showed up "speaking more than two-dozen languages," many of whom were affiliated with the IWW (Glass 2016: 194; Parker 1914a). In response to squalid conditions in the camps and the news that they were being underpaid, several Wobblies held a meeting on Saturday, August 2nd and formed a Grievance Committee (The Sacramento Bee 1913). The next day, on Sunday, August 3rd, the committee met with Durst and listed their demands which included "an increase in wages, ice water in the fields three times a day, sanitary toilets and the institution of 'high pole' men" (The Sacramento Bee 1913: 1).³⁸ They gave him two hours to reply. In the intervening two hours, violence

³⁸ High pole men were skilled, athletic workers whose primary duty was to climb thirty feet to detach the hop vines from the support trellis so the pickers below could harvest the hops. Without high pole men, workers, many of whom were women and children, had to climb themselves and were often injured in the process.

erupted when a local “sheriff’s posse,” summoned by Durst, arrived at the ranch without a warrant and tried to arrest one of the workers (The Sacramento Bee 1913). Shots were fired, several people were injured and four were killed, including the district attorney of Yuba County, a deputy sheriff, and two unnamed workers (The Sacramento Bee 1913). Later that day, law enforcement from an adjacent county and the national guard were called in to quell the unrest.

Governor Johnson called for a full investigation by Dr. Carleton H. Parker whom he had recently appointed Executive Secretary of the Commission on Immigration and Housing. In February of the following year, Secretary Parker’s full report was published in newspapers across the state. In the report, Parker asserted that Durst “...planned, through State-wide advertising, to bring more pickers to his ranch than he could possibly keep in the field” and then refused to pay workers the prevailing rate, offered instead a “so-called ‘bonus’” if workers stayed through the harvest (1914a: 6). He then chastised the practice of over-recruiting to create a labor surplus. He wrote,

Durst’s hop-drying ovens could not care for the picking of more than 1500 pickers, so that one-half of the campers hung around the camp or the office waiting for field tickets. Durst made no effort to reduce the campers in number to the force needed. The Durst management knowing exactly the unsanitary condition of the camp and the threatened migration of part of the picking force because of it, had in its refusal to correct the abuses, laid itself open to the suspicion of international carelessness because of the gain accruing to Durst in the forfeited ‘bonuses’ of the pickers leaving. There was in this period patently no danger of a dearth of labor on the Durst ranch, even though a part migrate” (Parker 1914a: 6).

Parker cited a lack of potable water, only nine toilets for nearly 2,800 people, and no solid waste disposal plan as the chief concerns for the living conditions. Discussing the lack of potable water, he commented,

“There was absolutely no excuse for the absence of water in the fields, and the failure of the ranch management to provide for this suggests, almost more than any other single incident, the absolute inability of the Durst management to realize the kind of social responsibility for the condition of the human beings employed on the ranch (1914a: 8).

Parker argued that Durst's lack of social responsibility was to blame for the mobilization of workers by the radical IWW and the violence that resulted. Finally, he insisted that the state would compel growers to provide humane condition for workers. He wrote,

“The laws of the state already provide for the regulation of the sanitation of labor camps, and the Commission of Immigration and Housing has made definite preparations for the enforcement of these laws. The inspectors of the commission are already at work in the field, and when the camps are opened up at the beginning of the summer, the commission, acting in conjunction with the Board of health, will condemn all unsanitary camps and will prosecute the employers to the full extent of the law, which imposes both a heavy fine and imprisonment” (Parker 1914b: 12).

Parker's scathing condemnation was nothing less than radical for the era and it represented the first time any state agent with regulatory authority in California publicly shamed growers' refusal to recognize the humanity of migrant workers. The overall tone of the Parker report reflected the strong labor consciousness emergent among farmworkers in the state and its effect on the development of a protective policy environment. In North Carolina, the disempowerment of agricultural workers fostered the development of the comparatively weak and precarious labor policy environment there, demonstrated by the North Carolina legislature's failure to establish any state apparatus to regulate agricultural employers' behavior. Conversely, in California, Secretary Parker's report reflected his optimism that the new regulatory structures would ultimately prevent the abuse and exploitation of migrant workers in California. Parker and others also hoped regulatory reform would stem the proliferation of the IWW, whose communist ideology and radical, direct-action tactics were drawing the ire of political leaders in California and Washington DC.

Although the IWW's organizing and agitation in California fields played a role in the passage of policies to regulate growers' labor practices, the Wobblies were skeptical that ballot box reform could improve workers' lives. This skepticism was no doubt fostered by continued inhumane conditions for California's farmworkers despite the Commission on Immigration and Housing's attempts to inspect and regulate labor camps (The Recorder 1914). Over the next few years, the

IWW continued their campaigns to organize farmworkers in California and elsewhere. Their successes reflected the desperation of workers across the nation and a militant labor consciousness that was taking root during the first two decades of the twentieth century.

The Wobblies' ideology and strategies led to growing calls by leaders in Washington DC to stop them because they posed a threat to national security. On September 5, 1917, the U.S. Department of Justice struck the first blow when federal agents raided IWW offices throughout the nation, including the California headquarters in San Francisco (Oakland Tribune 1917). Efforts to thwart the IWW continued growing in intensity at the federal and state levels over the next few years due to anti-communist hysteria that permeated national political discourse during and after WWI. In California, in April of 1919, these efforts culminated in California Penal Code §§ 11400 et seq which codified the California Criminal Syndicalism Act, one of several such acts across the country at the time enacted with the primary intention of undermining the IWW (Whitten 1969). The Criminal Syndicalism Act was used to imprison IWW leadership in California and thus successfully stifled their organizing (Glass 2016; Struthers 2019; Whitten 1969). The bill was part of an offensive launched by employers to suppress labor organizing as the decade ended.

The success of this employer offensive was bolstered by growing anti-labor and anti-immigrant sentiment which corresponded to the patriotic fervor that ensued from the United States' entry into WWI. The anti-communist, white nationalist patriotism during and after WWI had a profound effect on federal immigration policy. On February 5, 1917, Congress passed the nation's most restrictive immigration law to date (US Department of Labor: Bureau of Immigration 1917). The Immigration Act of 1917 made it nearly impossible for Mexicans to enter the country due to provisions which required a literacy test, a head tax of \$8.00 for all entries, and the continued prohibition of entry for prearranged contract labor (Congressional Research Service 1980).³⁹ This

³⁹ The law was enacted despite a veto from President Woodrow Wilson who opposed the bill due to the literacy test.

type of race-based immigration policy had its roots in the Chinese Exclusion Act of 1882 which set the precedent for defining whichever immigrant group deemed most threatening at the time as “undesirable” and justified “closing the gate” to that group (Lee 2002). Employers benefitted from this race-based immigration policy stance and used it to disrupt worker organizing. The Immigration Act of 1917 also gave growers in California and other states a new tool in their anti-labor arsenal – temporary guestworkers (Fitzgerald 2014; Link 1959).

After the passage of the 1917 law, growers in California and surrounding southwestern states flooded the U.S. Department of Labor (USDOL) with requests for exemptions, claiming there was a labor shortage caused by the war. On May 23, 1917, Secretary of Labor Wilson⁴⁰ issued an order with revised rules which allowed for “temporary admission of otherwise inadmissible aliens” (US Department of Labor: Bureau of Immigration 1917: 56). This order suspended the literacy test, the head tax, and the prohibition on contract labor for Mexican migrants who were entering to work in agriculture (US Department of Labor 1919).⁴¹ With these exceptions granted, the first agricultural guestworker program was created. Growers moved quickly and approximately 80,000 Mexican workers were imported through the program to work in the sugar beet and cotton fields in California and other southwestern states (Scruggs 1960). Other components of this first guestworker program allowed the importation of railway workers, but those officially ended in 1918 after the war due to pressure from Gompers and the AFL. Growers, on the other hand, were granted an extension to the agricultural guestworker program through March 2, 1921, and beyond “in certain particularly meritorious cases” (Scruggs 1960: 319). According to Otey Scruggs (1960), the USDOL considered these “meritorious cases” through May of 1921. This first guestworker program, commonly referred to as the first Bracero Program, gave growers the surplus of farm labor they

⁴⁰ This is the same Secretary of Labor who established the Division of Negro Economics discussed above.

⁴¹ These exemptions were later extended to Canada.

desired which buttressed their efforts subvert organizing in California fields. The program also set the precedent for the guestworker programs that would follow.

Access to labor from abroad, combined with the successful campaign to eradicate the IWW, constituted an employer offensive against worker organizing and the progressive labor reforms enacted in California in the first two decades of the twentieth century. The success of this offensive had organized labor on its heels throughout most of the 1920s.

CONCLUSION

This chapter provides three contributions to our understanding of how state agricultural labor regimes have developed over time: First, the results from my archival analysis show that the collective behaviors of agricultural employers, workers, and state actors shaped the agricultural labor regimes in California and North Carolina, thus demonstrating the utility of my labor regime model. Second, this chapter advances my argument that labor regimes operate on a precarious-protective continuum, defined by the degree to which workers are empowered, and the behavior of state actors serves to protect workers' interests and mediate their interactions with employers. Third, this chapter supports my argument that the development of agricultural labor regimes is intimately linked to the structure of agricultural crop production and migration patterns.

For example, this analysis shows how the collective behaviors of industrial farm owners in California, and landlords, planters, and employers in the agricultural-adjacent cotton and tobacco manufacturing industries in North Carolina were similar. North Carolina growers sought their labor from the domestic Black population, while California growers sought their labor from international and domestic migrant flows, but agricultural employers in both states shared a mutual desire for a surplus of farm labor and resistance to regulatory oversight. Despite these similarities in employers' behavior, the behavior of state actors varied dramatically across both states. The state legislature and

executive branch in North Carolina invariably furthered employers' interests and enacted laws that disadvantaged – and disempowered – agricultural workers. In California, state actors passed robust labor laws and created regulatory institutions with authority to protect farmworkers' interests, although the efficacy of these institutions was admittedly meager. The divergent state responses were directly related to agricultural workers' willingness, and ability to organize and collectively resist employer exploitation. The variation in workers' collective behavior across both states was related to the different systems of agricultural crop production and their relationship to migration patterns in both states.

On the one hand, the disjointed system of tenant farming, sharecropping, and plantation production in North Carolina, and pervasive rural poverty, contributed to the state's isolation from outsiders in the late nineteenth and early twentieth centuries. Almost no workers moved to North Carolina during this period because there were no viable opportunities drawing migrants to the state. Moreover, tenants, sharecroppers, and farmworkers were splintered largely along lines of race and geography. Most white tenants lived in the Piedmont region and far western counties. Black farmworkers were consolidated mostly in the East and were the primary labor source for the large cotton plantations. The political power of the eastern landlords and planters relied on the subjugation of their Black labor force which ultimately pushed those workers out of the state. The exodus of Black farmworkers was critically important for the agricultural labor regime because they were the most likely to organize and collectively resist. Farmworkers in North Carolina were completely disempowered, their mobilization was effectively crushed, and the labor regime foundation set in North Carolina during the Populist-Progressive Era was weak and insecure.

In California, the consolidation of agriculture into large industrial farms also consolidated farmworkers. These industrial farms required large numbers of migrant farmworkers who growers incessantly recruited from abroad and other regions of the United States. Indeed, racist federal

immigration policies halted Chinese and Japanese migration, and later temporarily curbed Mexican migration. However, where domestic Black farmworkers were pushed out of North Carolina by white supremacy campaigns, and were not replaced by new migrants, California's agricultural workforce was replenished by steady international and domestic streams of new migrants throughout the Populist-Progressive Era. These migrants were essential to the industrial farms in California, and they had a profound effect on the development of the state's agricultural labor regime. Their efforts to disrupt the hegemony of growers and organize – often across racial and ethnic lines – pushed the state government to act on their behalf. The collective behavior of migrant farmworkers in California laid the cornerstones of a strong labor consciousness and regulatory foundation which was nonexistent in North Carolina. These differences set the agricultural labor regimes in California and North Carolina on separate paths as they continued to evolve throughout the 1930s and beyond. In the next chapter, I address how these labor regimes developed and continued to separate on the precarious-protective continuum from the 1930s to the present.

CHAPTER THREE:
THE EVOLUTION OF AGRICULTURAL LABOR REGIMES FROM THE GREAT
DEPRESSION TO THE ERA OF NEOLIBERAL GLOBALIZATION (1930-Present)

“Migrants are children of misfortune. They are the rejects of those sectors of agricultural and of other industries undergoing change. We depend on misfortune to build up our force of migratory workers and when the supply is low because there is not enough misfortune at home, we rely upon misfortune abroad to replenish the supply.” — President’s Commission on Migratory Labor (1951)

“We used to own our slaves. Now we just rent them.”
— North Carolina Grower
Edward R. Murrow’s “Harvest of Shame” (1960)

INTRODUCTION

In this chapter, I move beyond the Populist-Progressive Era and analyze how the agricultural labor regimes in North Carolina and California evolved from 1930 to the present day. Over the course of three distinct periods – The Great Depression, New Deal, and WWII Era (1930-1945); The Post-War Era (1945-1980); and The Era of Neoliberal Globalization (1980-Present) – I identify and analyze the widening gap between each state’s agricultural labor regime on the precarious-protective continuum. Building on Chapter Two, I further demonstrate the theoretical advantage of defining labor regimes as sociopolitical cultures, constructed through the collective behaviors of workers, employers, and state actors. In each period, I show how these labor market actors influence each other and how their collective behaviors are mutually constitutive. The results of the archival data collection and analysis I present in this chapter show how agricultural labor regimes develop over time, how regime change is slow, and how regimes build on the inertia of the past.

Throughout this chapter, I advance my argument that labor regimes operate on a precarious-protective continuum, defined by the degree to which agricultural workers are empowered. When agricultural workers mobilize and empower themselves, their collective behavior pushes state actors to protect their interests and mediate their interactions with agricultural employers, thus creating a more protective labor regime. My findings also support my assertion that the development of state agricultural labor regimes is inextricably linked to the structure of agricultural crop production and patterns of domestic and foreign-born migration.

These relationships are reflected in each successive period of analysis. During the Great Depression, New Deal, and WWII Era (1930-1945), the system of tenancy, sharecropping and plantation production endured in North Carolina, and the state remained isolated from outsiders. Tenants, sharecroppers, and farmworkers remained disempowered, allowing the hegemony of landlords, planters, and cotton and tobacco factory owners to solidify – establishing weak institutions, resisting New Deal labor reforms, and hardening the precarious labor regime (Abrams 1992; Katznelson 2013). During the same period, and throughout the entire 140-year history I address in this dissertation, California's industrial model of agriculture progressed, drawing waves of migrants to the state through international and domestic streams. In the 1930s, these migrants were foreign-born Mexicans and Filipinos, and US-born Dust Bowl refugees (Gregory 1991; Martin 2003). These migrants faced brutal labor conditions in California fields against which they continued to organize, despite farm owners' fierce and violent efforts to thwart their efforts and disempower those workers (McWilliams 1939; Taylor and Kerr 1935). Although the 1930s did not yield structural reforms, and the period ended with the Bracero Program, during the Great Depression, New Deal, and WWII Era, a strong labor consciousness in California fields was cultivated.

During the Post-War Era (1945-1980), the system of agricultural production in North Carolina and California became more similar, but the distance between each state's labor regime on

the precarious-protective continuum grew wider. In North Carolina, tenant farming, sharecropping, and plantation production eroded, and farms began industrializing. With this transition to industrial farming, the agricultural employers in North Carolina became the farm owners, labor contractors, and growers' associations, like they were in California. Most tenants, sharecroppers, and farmworkers, native to the state migrated out of rural North Carolina to urban centers in the North and West. Between 1941 and 1970, approximately 5 million people left the rural South (Gregory 2009). Black southerners, many of whom were agricultural workers, were overrepresented in this mass exodus which historians call The Second Great Migration (Gregory 2006; 2009). They were replaced with domestic migrant farmworkers. I find that like their predecessors, these migrant farmworkers remained disempowered throughout the Post-War years. State actors in North Carolina continued to promote the interests of growers. They remained hostile to labor, passing anti-union "right-to-work" legislation, and blatantly resisted and neglected their obligations to enforce protective federal laws for farmworkers throughout the period. During the Post-War Era, North Carolina's precarious agricultural labor regime ossified. In California, after the Bracero Program was abolished in 1964, the decades of farm labor organizing coalesced, leading to the founding of the UFW (Glass 2016; Pawel 2009). During the 1960s and 1970s, migrant workers in California pushed state actors to protect their interests and fomented the passage of historic federal and state labor protections for farmworkers. Indeed, the Post-War Era marked the biggest divergence between each state's agricultural labor regime on the precarious-protective continuum.

During the Neoliberal Era (1980-present), the system of agricultural production and the composition of the agricultural workforce in North Carolina further approximated those in California. North Carolina's farms continued industrializing and began recruiting foreign-born Mexican migrants through undocumented streams and the H-2A guestworker program. The implications of these changes for North Carolina's agricultural labor regime during the Neoliberal

Era punctuate the central relationship between systems of agricultural crop production, migration patterns, and the potential for farmworker mobilization and empowerment. The hegemony of farm owners' over North Carolina's political apparatus remains strong. However, migrant farmworkers in North Carolina have organized, established the first farm labor union contract in the state's history, and become moderately empowered. Although their empowerment has created fissures in the growers' hegemony, North Carolina's agricultural labor regime remains decisively precarious. Moreover, it is now further away on the continuum from California's, which has become demonstrably more protective during the Neoliberal Era.

The evolution of the more protective agricultural labor regime in California during the Neoliberal Era highlights the importance of the state's labor and demographic history. By the late 1990s and 2000s, Latino voters had become a strong political force in the state, electing pro-labor and pro-migrant candidates to public office. Their assent to important positions in California's political structure institutionalized a strong labor consciousness in the state's sociopolitical culture. These state actors have promoted the interests of migrant farmworkers and established robust labor protections for farmworkers. Today, California's state agricultural regime is arguably the most secure and protective in the nation.

I organize this chapter into five sections: In the first section, I use USDA Census of Agriculture data to show the changing agricultural contexts and the shifting composition of each state's agricultural labor regime across my three periods, from 1930 to the present. This section provides context to guide the reader through the remainder of the chapter. In the next three sections, I demonstrate how the agricultural labor regimes in North Carolina and California evolved within the broader context of each successive period of analysis, beginning with the Great Depression, New Deal, and WWII Era (1930-1945), proceeding to the Post-War Era (1945-1980), and concluding with the Neoliberal Era (1980-present). In each section, I document the widening

gap between each state's agricultural labor regime on the precarious-protective continuum. In the fifth and final section, I demonstrate how these state labor regimes result in very different agricultural labor policy contexts today.

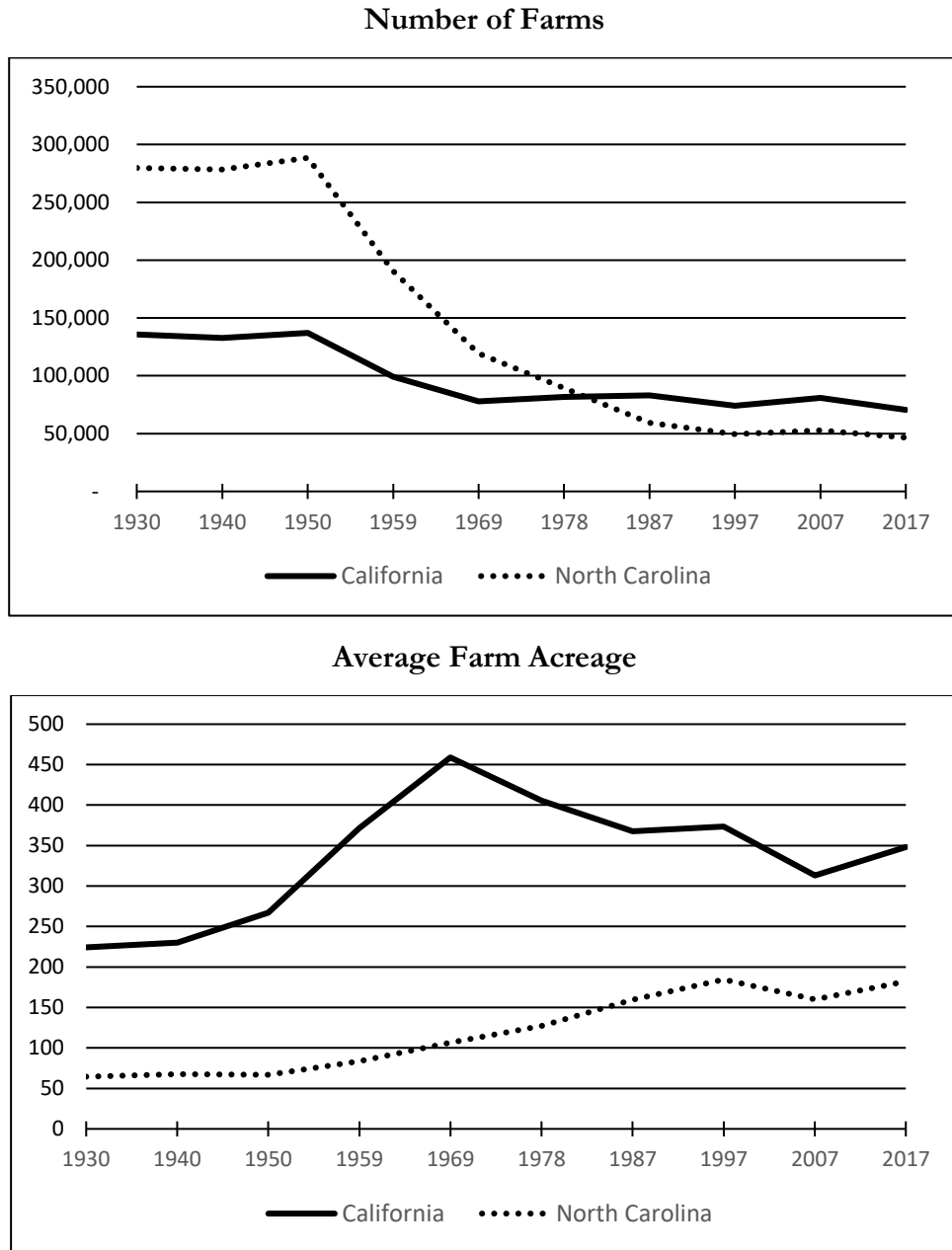
EVOLVING SYSTEMS OF AGRICULTURAL PRODUCTION AND CHANGING LABOR REGIMES

The central argument I advance in this dissertation is that the development of agricultural labor regimes is inextricably linked to migration patterns and their relationship to systems of agricultural crop production. The findings in Chapter Two demonstrate how the disjointed system of tenancy, sharecropping, and plantation work in North Carolina, versus the system of industrial farming in California had profound implications for migratory flows, agricultural worker empowerment, and the labor regime foundations set in each state during the Populist-Progressive Era from 1880 to 1930. In this section, I use USDA Census of Agriculture data to show how agricultural crop production evolved in each state and became more similar across my three periods of analysis from 1930 to today. Next, I show how these evolving agricultural production systems led to changes in the state actors, employers, and workers in the agricultural labor regimes for North Carolina and California across periods.

Evolving Systems of Agricultural Production: The Emergence of Industrial Farming in North Carolina

To understand how the agricultural labor regimes in North Carolina and California continued to develop throughout the twentieth and twenty-first centuries, we must first consider how agricultural crop production evolved in each state. Figure 6 shows the total number of farms

Figure 6. Total Number of Farms and Average Acreage in California and North Carolina (1930-2017)



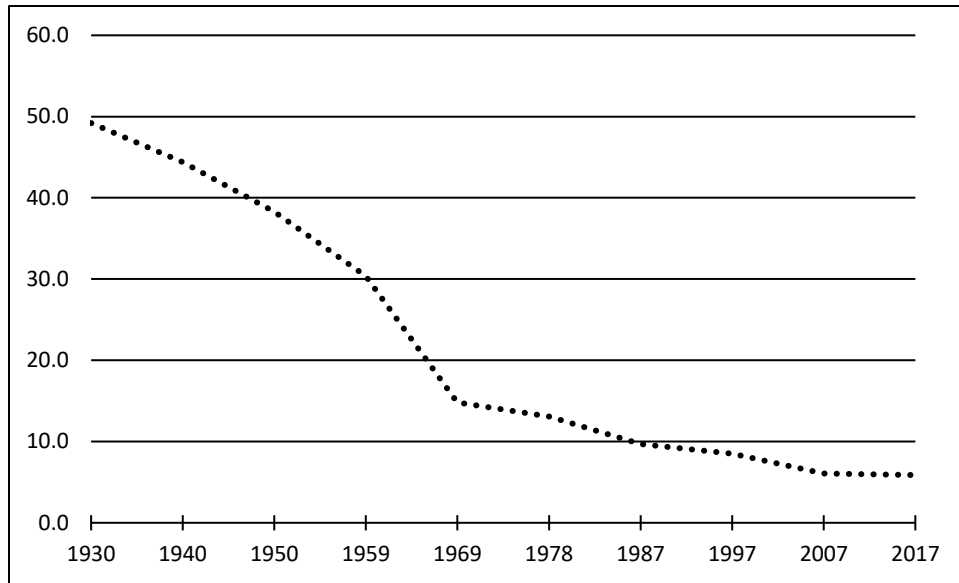
Notes: Data are from the USDA Census of Agriculture Historical Archive (1840-2002) maintained by Cornell University at <https://agcensus.library.cornell.edu/>. Data from 2007-2017 was obtained directly from the USDA at <https://www.nass.usda.gov/AgCensus/>.

and average farm acreage in North Carolina and California from 1930 to 2017.⁴² First, we can see in Figure 6 that throughout the Great Depression, New Deal, and WWII Eras from 1930 to 1945, the system of tenancy, sharecropping, and plantation production endured in North Carolina while California's industrial model of agriculture continued to flourish. For instance, Figure 6 shows that the total number of farms and average farm size remained steady in both states from 1930 to 1945. During this period, the average farm in North Carolina was approximately 65 acres, compared to over 200 acres in California. In other words, the sharp distinctions between the agricultural production systems in each state which characterized the Populist-Progressive Era (1880-1930), persisted through the Great Depression, New Deal, and WWII Eras (1930-1945). However, these distinctions began disappearing and agricultural production in North Carolina and California became more similar during the 1940s and beyond.

During the Post-War Era, from 1945 to 1980, the system of tenant farming and sharecropping in North Carolina eroded and agricultural crop production in the state began approximating the industrial model long-established in California. This dramatic transformation of North Carolina agriculture is reflected in Figure 6 and Figure 7. First, we can see the consolidation of North Carolina agricultural crop production in Figure 6, which shows the number of farms in North Carolina dropped 70 percent from 288,508 in 1950 to 89,367 in 1978. During the same period, the average farm size in North Carolina increased by 90 percent from 67 acres in 1950 to 127 acres in 1978. With the consolidation of North Carolina agriculture on fewer and larger more industrial farms, the system of tenant farming and sharecropping disappeared. Figure 7 shows the percent of North Carolina farms operated by tenants from 1930 to 2017. As the figure shows, the decline in tenancy began during the 1930s, sharply accelerated during the 1950s and 1960s and

⁴² The most recent USDA Census of Agriculture is from 2017.

Figure 7. Percent of North Carolina Farms Operated by Tenants (1930-2017)



Notes: Data are from the USDA Census of Agriculture Historical Archive (1840-2002) maintained by Cornell University at <https://agcensus.library.cornell.edu/>. Data from 2007-2017 was obtained directly from the USDA at <https://www.nass.usda.gov/AgCensus/>.

tenancy has continued to decline since. Thus, it was during the Post-War years when industrial farming in North Carolina emerged and the agricultural production systems in North Carolina and California began to resemble one another. This trend continued and accelerated into the Neoliberal Era, which began roughly around 1980.

During the 1980s, agricultural crop production in North Carolina continued to consolidate on fewer and larger industrial farms, further resembling California's system. Figure 6 shows that during the 1980s, the number of farms in North Carolina dropped below the number in California for the first time ever. Since the 1990s, the number of farms in both states has remained steady, and today there are fewer farms in North Carolina than in California. Figure 6 also shows a sharp convergence in the size of farms in both states during the Neoliberal Era. In North Carolina, the average farm size has steadily increased. Today, the average farm in North Carolina is 182 acres, compared to 348 acres in California. Although, the scale of industrial agriculture in California

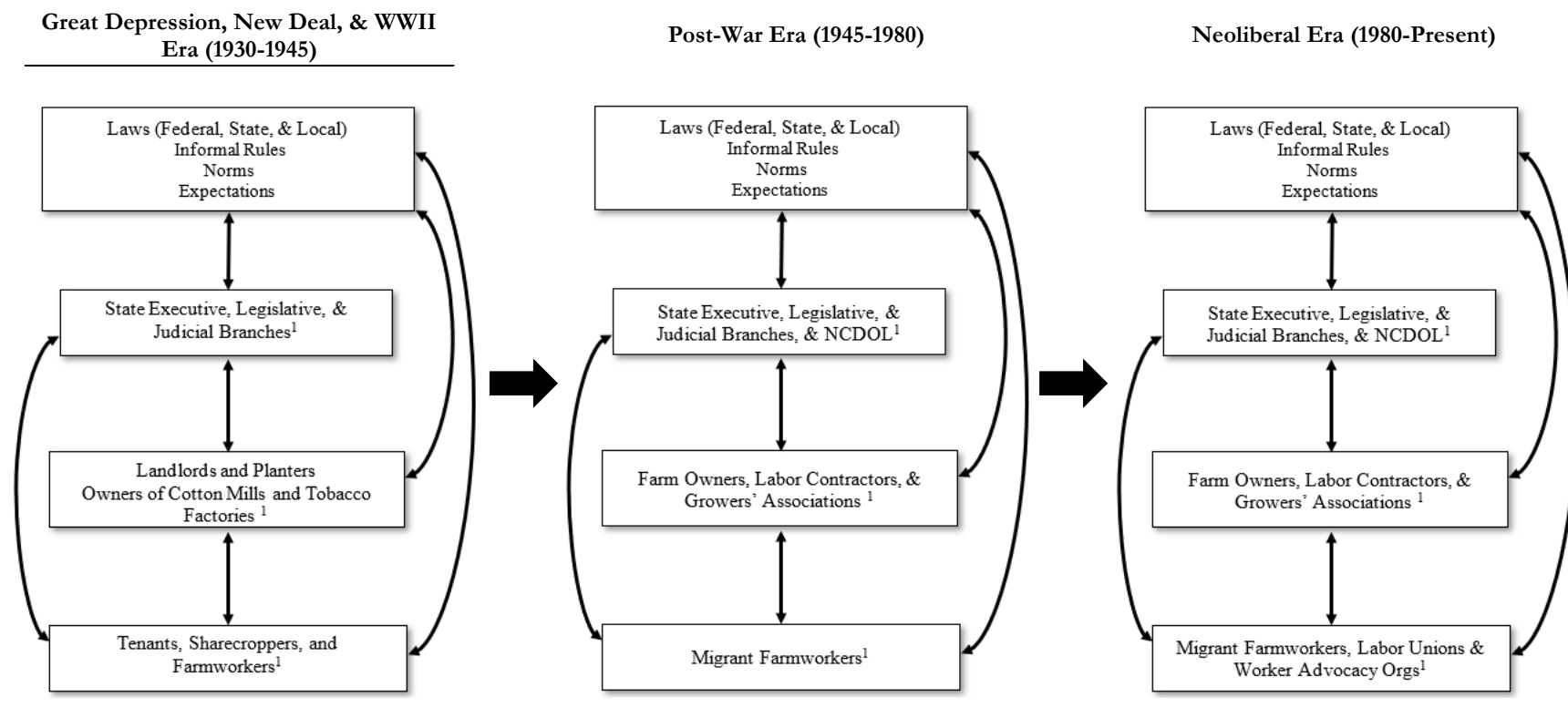
remains much larger than in North Carolina, the agricultural crop production in both states has become increasingly similar since WWII. Because the development of state agricultural labor regimes is directly related to systems of crop production, as I proceed through this chapter, I discuss these changing systems of agricultural production, the historical context within which they occurred, their implications for migration patterns, and the shifting composition of each state's agricultural labor regime.

Changing Agricultural Labor Regimes

Figures 8 and 9 show the changing composition of the agricultural labor regimes in North Carolina and California, respectively, across the Great Depression, New Deal, and WWII Era (1930-1945), the Post-War Era (1945-1980), and the Neoliberal Era (1980-Present). We can see in Figures 8 and 9 that the labor market actors (i.e., state actors, employers, and workers) in each state's agricultural labor regime changed across periods. In each successive period, I refer to Figures 8 and 9 to discuss how the changing composition of each state's labor regime is related to systems of crop production and migration patterns, and I identify the key labor market actors. I then show how these actors' collective behavior influenced the trajectory of their respective agricultural labor regimes, documenting the widening gap between those regimes on the precarious-protective continuum from 1930 to today. Figures 8 and 9 serve as a roadmap, guiding the reader through the next three sections where I trace the evolution of each state's agricultural labor regime within the broader context of my three historical periods in U.S. labor history. I begin with the Great Depression, New Deal, and WWII Era (1930-1945).

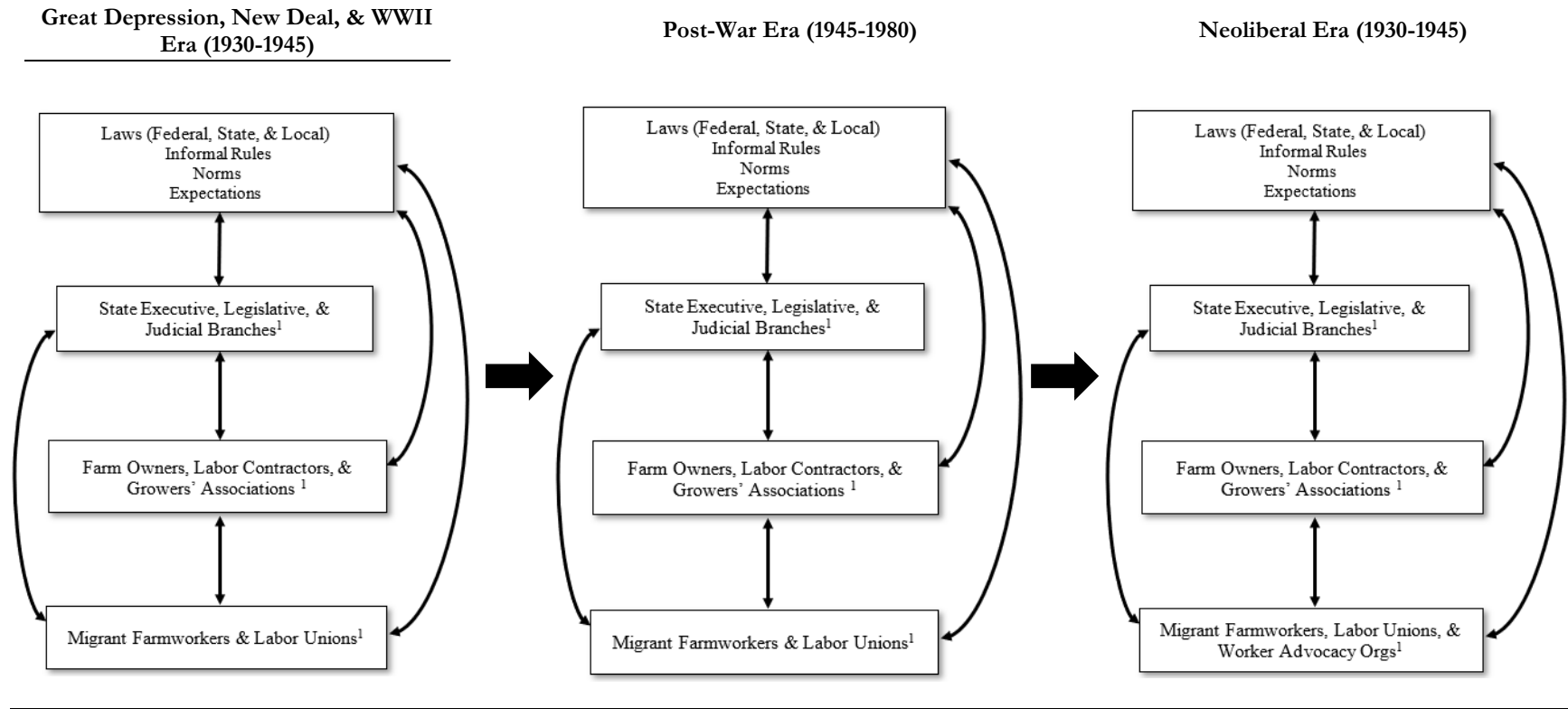
Figure 8. Agricultural Labor Regime in North Carolina During the Great Depression, New Deal, & WWII Era (1930-1945), Post-War Era (1945 – 1980) & Neoliberal Era (1980-2021)

105



1. These boxes refer to the collective behaviors of these different labor market actors.

Figure 9. Agricultural Labor Regime in California During the Great Depression, New Deal, & WWII Era (1930-1945), Post-War Era (1945-1980) & Neoliberal Era (1980-2021)



1. These boxes refer to the collective behaviors of these different labor market actors.

THE GREAT DEPRESSION, NEW DEAL, AND WWII ERA (1930-1945)

North Carolina: Disempowered Workers, Weak Institutions, And New Deal Resistance

Because the disjointed system of tenancy, sharecropping, and plantation production in North Carolina endured through the Great Depression, New Deal, and WWII Era, the state remained largely isolated from outsiders as it had during the Populist-Progressive Era. As such, we can see in Figure 8 that the agricultural employers in my conceptual model during this period remained the landlords and planters, the owners of cotton mills and tobacco factories, and growers' associations. Figure 8 also shows that the workers during the Great Depression, New Deal, and WWII Era were still the North Carolina-born tenants, sharecroppers, and farmworkers who had not migrated North and West during the exodus of the 1910s and 1920s (Gregory 2006).⁴³ Similarly, the state actors during this period remained the leaders of North Carolina's executive, legislative, and judicial branches.

Like the Populist-Progressive Era, the system of tenancy, sharecropping, and plantation work remained largely stratified by race. In 1935, 70 percent of all Black farm operators were tenants or sharecroppers, compared to 37 percent of white operators, and labor on the cotton plantations in the East, remained predominately Black.⁴⁴ I find that between 1930 and 1945, the tenants, sharecroppers, and farmworkers, native to North Carolina, remained completely disempowered. Indeed, there is no evidence of organizing among agricultural workers in the state during this period. Their disempowerment, of course, was fostered by – and facilitated – agricultural employers' stranglehold on the state's political apparatus, which continued to promote an anti-labor, white supremacist policy agenda. As such, the collective behavior of state actors in North Carolina's

⁴³ Domestic migration decreased substantially during much of the 1930s but increased again towards the end of the decade and skyrocketed between 1940 and 1970. (See Gregory, James N. 2006. *The Southern Diaspora: How the Great Migrations of Black and White Southerners Transformed America*. Chapel Hill: Univ of North Carolina Press)

⁴⁴ Author's calculation of USDA Census of Agriculture data from 1935.

executive, legislative, and judicial branches played a larger role in the development of North Carolina's precarious labor regime during this period.

During the 1920s, power imbalances between workers and employers worsened, and workers' desperation in agriculture and other industries was exacerbated by the stock market crash on October 28, 1929, which plunged the nation into the Great Depression (Gregory 1991; Jamieson 1946; Taylor and Kerr 1935). These growing power imbalances and worker destitution resulted in two significant nation-wide developments which had profound effects on the development of labor regimes. The first was a reinvigoration of worker militancy and a resurgence of labor organizing in the late 1920s and 1930s (Brody 1993; Ferguson 1989). The second related development was a fundamental change in public discourse regarding the organization and role of government in regulating the economy and protecting worker rights. (Brinkley 1989; Katznelson 2013). Out of necessity, there was a tacit, but growing consensus that government – federal and state – should be more centralized and play a larger role in ensuring the public welfare and regulating the relationship between workers and employers (Brinkley 1989; Katznelson 2013). In this context, the consequences of the precarious labor regime foundation established in North Carolina during the Populist-Progressive Era and the weakness of its state institutions were glaring.

In 1930, the inadequacies of the North Carolina state government to address issues of public concern, including the wanton exploitation of workers, forced state actors to respond. Faced with growing unrest, including two bloody mill strikes in Marion and Gastonia in 1929, conservative North Carolina Governor, O. Max Gardner, recognized the need for reform. He sought help from the Washington, D.C.-based Brookings Institution to conduct a study of North Carolina state and county government organization and make recommendations to the NC General Assembly for improvements (The Brookings Institution 1930). In December of 1930, the Brookings Institution completed the study and submitted their report to Governor Gardner. In a statement published in

the final report, Governor Gardner expressed his belief in the growing consensus that state government should be more centralized and proactive. He wrote,

“As a practical student of the changing conception of the purpose and function of state government in the scheme of a democratic society...I determined to find the best equipped staff of experts in government administration in the country and engage them to prepare for the consideration of the General Assembly a complete, modern, practical set-up of government reorganization, which would enable and encourage the chief executive to actually administer the government efficiently and intelligently for the public welfare and organize the supporting branches and departments so as to perform the actual services changing conditions demand” (The Brookings Institution 1930: IV, V).

The overarching theme of the final report also expressed this sentiment, criticizing the decentralized state government as inefficient and incapable of performing the central duties of government (The Brookings Institution 1930).

The report recommended a massive overhaul and reorganization of state government which included the consolidation of the state’s “ninety-two distinct bureaus, boards, commissions, and other agencies” into thirteen departments (The Brookings Institution 1930: XXI). In 1931, Governor Gardner presented these recommendations to the NC General Assembly which led to the most substantial reorganization of North Carolina state government since the state’s founding to the present. The most relevant recommendation for purposes of this study called for an independent, strong Department of Labor headed by a governor-appointed commissioner. The recommendation read:

“The need for a department the chief function of which would be that of carrying on all labor activities of the state government is unquestioned and quite apparent. If there had been such an agency in the state government equipped with adequate personnel and having the confidence of both the employers and employees of the state, it is quite possible that many of the serious labor troubles in recent years could have been avoided or, at least, better handled” (The Brookings Institution 1930: 269).

Reporting on the Brookings’ recommendations, an article in *The Charlotte Observer* on January 2, 1931 ran with the headline, “Trouble Blamed on Lack of “Real Labor Department.” The 1931 legislative session adopted most of the recommendations and established the North Carolina Department of

Labor (NCDOL) under the authority of an elected – not governor appointed – Commissioner of Labor. (NC General Assembly 1931)⁴⁵ The 1931 act authorized the Commissioner of Labor to compile statistics on the state’s workforce, required employers to report information, and empowered the Commissioner to obtain a court order compelling employer compliance with requests or be held in contempt of court (NC General Assembly 1931). The Act also placed the regulatory duties of the Child Welfare Commission within the Department of Labor. In 1931, forty-four years after the Knights fought to establish the Bureau of Labor Statistics, North Carolina finally had a “real” Department of Labor with regulatory authority. However, the ability of the consolidated NCDOL to enforce regulations was hindered by lack of appropriate funding and the bill made no mention of regulating agriculture.

In the 1932 NCDOL report to the governor, Commissioner of Labor, F.D. Grist, outlined the agency’s frustrations. He wrote,

“Reports coming to my office indicate that the labor laws of the state have been winked at in many establishments throughout the state. The Commissioner of Labor, because of a shortage of personnel and funds, has been unable to deal effectively with these violations, or to serve the labor and industrial interests of the state as the law provides” (Grist 1932: 1).

Grist recommended the 1931 law be changed to allow the Commissioner of Labor to appoint all personnel and consolidate the Division of Workmen’s Compensation under the NCDOL (Grist 1932). He also recommended changes to the minimum hours of labor for all workers in the state.

Although he did not mention agriculture specifically, he wrote,

“There should be a law setting forty-eight hours as a week’s work in all industries, stores, and filling stations, and other places of employment. While we are faced with a serious unemployment situation, it is unreasonable to permit a few employees to work sixty-five hours per week while thousands are without employment” (Grist 1932: 2).

⁴⁵ Apprehension about placing too much power in the executive branch, led the legislature to make the Commissioner of Labor an elected position instead of a governor appointment, falling short of Governor Gardner’s centralization goals. To this day, the NCDOL remains an independent state agency and North Carolina is one of only four states where the Commissioner of Labor is not appointed by the Governor.

Presumably responding to Grist's report, in the 1933 legislative session, the NC General Assembly passed S.B. 275 – “An Act to More Clearly Define the Duties of the Commissioner of Labor.” However, the 1933 bill did not increase funding and made no substantive changes to the Commissioner's authority, the organization of the agency, nor minimum hours, and the regulation of agricultural labor remained outside the purview of the NCDOL (NC General Assembly 1933). As such, the regulatory environment in North Carolina did not change and the hegemony of employers remained intact.

Despite Governor Gardner's professed commitment to a progressive modernization of state government to meet the needs of the people, he was a staunch conservative mill owner and unequivocally anti-labor. As leader of the state Democratic Party's political machine, he was a fierce advocate for austerity measures to address the fiscal crisis brought on by the Great Depression and did not support state intervention in industrial labor practices (Abrams 1992). When he left office in 1933, his hand-picked successor, John Ehringhaus, became governor and carried the mantle of austerity and lax labor regulations (Abrams 1992).⁴⁶ This policy agenda often put Ehringhaus in direct conflict with another Democrat, Franklin D. Roosevelt, who took office as President of the United States that same year and began implementing his sweeping New Deal reforms.

Roosevelt's New Deal marked the biggest expansion of the bureaucratic infrastructure of the federal government and most progressive labor reforms in U.S. history (Katznelson 2013). Because state labor regimes are the central focus of this dissertation, my objective is not to trace the entire legislative history of the New Deal, but rather to denote the components which were most important for agricultural labor regimes. I also highlight NC political leaders' selective support for New Deal reforms, how these federal reforms were shaped by the entrenched anti-labor sociopolitical culture in North Carolina – and elsewhere in the South – and their effect on the state's

⁴⁶ Buildings on the campus of UNC-Chapel Hill bear the names of Governors Gardner and Ehringhaus.

agricultural labor regime. In general, North Carolina Democrats welcomed the New Deal relief programs which brought an influx of federal cash to the state so long as that relief did not disrupt existing labor and race relations.

The grim economic realities of the 1930s and the desperate need for federal intervention, combined with party loyalty, led most conservative North Carolina Democrats to initially support the New Deal reforms. However, the Roosevelt administration's relationship with Governor Ehringhaus and the state's conservative congressional delegation in Washington was tenuous and wrought with conflict (Abrams 1992; Kirby 1982; Sitkoff 1978). These tensions became immediately apparent in April of 1933 when Ehringhaus refused FDR's request to pass state minimum wage legislation (Abrams 1992: 190). Ehringhaus' refusal to advocate for a state minimum wage bill in the legislature reflects how firmly rooted the state's sociopolitical culture was in 1933 compared to other states. Although before 1932, only five states – including California (1916) – had adopted minimum wage laws, between 1932 and 1941, 20 other states passed minimum wage laws.⁴⁷ Although estimates of hourly pay for farmworkers in North Carolina during the period were unreliable because of the variation in piece rates across crops, estimates of annual wages for farmworkers in the state were abysmally low. For example, one 1934 study of five NC counties found the mean annual household income for farmworker families was \$468, underscoring the desperate need for a state minimum wage law (Mathews 1935). When North Carolina finally did establish a state minimum wage of \$0.75 per hour in 1960, farmworkers were the first class of workers listed as being exempt from the law (NC General Assembly 1959). Ehringhaus and North Carolina's congressional delegation consistently opposed most pro-labor and pro-worker New Deal legislation, but they selectively supported other parts because the state was desperate for federal cash (Abrams 1992).

⁴⁷ These data are from the State Policy Innovation Database.

For instance, the same month that Ehringhaus refused FDR's request for a state minimum wage law, Congress passed the Agricultural Adjustment Act (AAA), which "sought to assure farmers income parity with other sectors via crop reduction, flexible price supports, and commodity loans" (Schapsmeier and Schapsmeier 1979: 357). Ehringhaus and Democrats supported the AAA because of much-needed relief it brought to North Carolina's agricultural sector. However, they opposed aid to agricultural workers because they were fiercely committed to the anti-labor, white supremacist status quo (Abrams 1992; Kirby 1982; Lewis 1935; Mathews 1935). Tobacco farmers supported the AAA because the federal government paid them through the crop production component of the program to grow less which increased tobacco prices and farmer income. Because the federal relief allowed farm owners to produce less with minimal risk, many sharecroppers, tenants, and farmworkers who produced these crops, a much higher percentage of whom were Black, were no longer needed and thus displaced (Abrams 1992; Kirby 1982). Although the federal subsidies and other relief provided by the AAA increased farm *owner* income, sharecroppers, tenants, and farmworkers were largely excluded from the aid the AAA provided, especially those who were Black (Kirby 1982; Lewis 1935; Mathews 1935). This type of racist discrimination, excluding Black and other minority workers in agriculture and other industries from benefits and aid, was a fundamental component of all New Deal programs and policies (Katznelson 2013; Kirby 1982; Lewis 1935).

Because of the one-party Democratic rule in North Carolina and other southern states, legislators from the South held key positions on several congressional committees and had a disproportionate influence on New Deal reforms (Katznelson 2013; Kirby 1982; Linder 1986). These southern legislators in Washington used their majority to represent growers' interests and exclude agricultural workers from pivotal labor legislation including the National Labor Relations Act of 1935 (NLRA or Wagner Act) and the Fair Labor Standards Act of 1938 (FLSA) (Bunche 1973; Kirby 1982; Linder 1986; Sitkoff 1978). Although Democrats in North Carolina selectively

supported FDR's agenda for political and economic self-interest, they were opposed to labor reforms and any relief to Black tenants and sharecroppers because it threatened their labor supply (Kirby 1982). Growers in California and elsewhere also opposed reforms that jeopardized their labor surplus, but southern Democrats had the power to shape how those bills were drafted. Members of the North Carolina congressional delegation played a key role.

On July 5, 1935, President Roosevelt signed the NLRA into law. The NLRA, commonly referred to as the Wagner Act because of its author, Senator Robert Wagner from New York, is the most important piece of federal labor legislation to date. It ensured the right of private sector employees to form unions and collectively bargain with their employers, outlawed "unfair labor practices," and it established the National Labor Relations Board (NLRB) to enforce the provisions of the law (U.S. Congress 1935). However, Section 2 of the bill stated, "The term employee shall include any employee...but shall not include any individual employed as an agricultural laborer, or in the domestic service of any family or person at his home..." (U.S. Congress 1935). In his book, *Fear Itself: The New Deal and the Origins of Our Time*, historian, Ira Katznelson notes that the NLRA did not exclude farmworkers and domestic workers until it passed through two congressional committees controlled by southern Democrats (2013). In fact, according to Katznelson, FDR's Committee on Economic Security was explicit in their opposition to excluding those workers in their recommendations (2013). However, after the bill passed through the southern democratically controlled House Ways and Means Committee, chaired by Representative Robert Lee Doughton from North Carolina, and the Senate Finance Committee, chaired by Senator Byron P. Harrison from Mississippi, farmworkers and domestic workers were excluded (Katznelson 2013:260). The final bill also gave state legislatures control over setting unemployment insurance and other aid. In 1935, due to the popularity of his reforms, President Roosevelt still had the support of most southern Democrats, and the Wagner Act passed the Senate by a vote of sixty-three to twelve. Only

four Democrats in the Senate voted against the bill and Joseph Bailey from North Carolina was one of them. The other NC Senator, Robert Reynolds did not vote on the bill (Abrams 1992: 50).⁴⁸ By 1937, southern Democratic support for FDR had almost completely eroded. North Carolina Senators Josiah Bailey and Robert Rice Reynolds emerged as two of the most vocal critics of the New Deal, and their counterparts representing North Carolina in the House followed (Moore 1965; Sitkoff 1978).

For example, by 1937, North Carolina Representative, Robert Doughton, held a powerful position as Democratic chairman of committees. In July of 1937, Doughton put another NC representative, Graham Barden, on the House Labor Committee. Barden, along with J. Bayard Clark from North Carolina, who sat on the House Rules Committee, vehemently opposed wage and hour laws and played a large role in watering down the FLSA (Abrams 1992: 260). In 1938, Congress passed the FLSA, which established the minimum wage, the forty-hour work week, and prohibited child labor (U.S. Congress 1938). Once again, the interest of growers was reflected in the language of the law. Section 11 of the FLSA outlined that the wage and hour and the child labor provisions did not apply to “any employee employed in agriculture” (U.S Congress 1938).

The anti-labor sociopolitical culture in North Carolina had a profound impact on New Deal legislation. The disenfranchised mass of rural whites and absence of political and economic power and organization among Black farmworkers in North Carolina rendered them unable to counter the conservative Democrats (Kirby 1982). This contributed to farmworkers’ exclusion from New Deal labor legislation and the benefits of relief, which further hampered their ability to organize. Indeed, labor organizing among farmworkers in North Carolina remained essentially nonexistent throughout the Great Depression, New Deal, and WWII Era, and the state’s precarious agricultural labor regime

⁴⁸ The House votes on the Wagner Act were not recorded.

continued to ossify. Conversely, militant labor organizing in California fields proliferated throughout the 1930s.

California: Turmoil in the Fields, a Growing Labor Consciousness, and the Bracero Program

The development of industrial farming in California and growers' never-ending search for a surplus of labor continued unabated throughout the 1920s and into the Great Depression, New Deal and WWII Eras (1930-1945). Figure 9 shows that throughout the entire roughly ninety-year period, the employers in California's agricultural labor regime have remained the owners of the state's industrial farms, labor contractors, and growers' associations. Figure 9 also shows that the state actors remained the leaders of the three branches of California's state government. Similarly, the agricultural workforce on California's industrial farms, was, and remains a migrant workforce, recruited incessantly to the state by employers through various international and domestic migrant streams.

Although federal immigration laws in 1921 and 1924 restricted migratory flows from much of Asia and Europe, they did not apply to the Western Hemisphere nor U.S. territories (Fitzgerald 2014). As such, these restrictive immigration laws did not threaten growers' access to cheap labor. In 1930, unimpeded availability of Mexican workers and the arrival of approximately thirty thousand Filipino migrants to California between 1923 and 1929, provided growers with the labor they needed (Fuller 1939; Martin 2003: 43). After 1935, Dust Bowl refugees from Oklahoma, Arkansas, and Texas began arriving in California which further bolstered growers' labor surplus (Gregory 1991; Jamieson 1946). Throughout the 1930s, growers continued to exploit migrant farmworkers and flout California's labor laws. The state's regulatory agencies proved incapable of challenging the powerful growers' associations and enforcing state laws to improve conditions for farmworkers. Migrant farmworkers responded by organizing themselves, which led to an unrelenting labor militancy in California fields throughout the thirties (Taylor and Kerr 1935).

Mexican and Filipino farmworkers' militancy and unwillingness to tolerate exploitation flared up immediately with a wave of strikes across the state in 1930. For example, in January of 1930, several thousand lettuce workers near Brawley, CA walked off the job demanding an increase in wages from seventy cents to one dollar per hour (The Fresno Morning Republican 1930). Reflecting the established presence of Mexican migrants, and their solidarity with Filipino workers, the strikers were supported by the Mexican Mutual Aid Association – one of several aid societies founded during the 1920s to offer structure and support for Mexican families (Glass 2016). The Mexican Mutual Aid Association's offices in Brawley served as the strikers' headquarters (The Los Angeles Times 1930c). The strikers were also supported and at least partly organized by the radical Agricultural Workers' Industrial League (AWIL), a group which had taken up the mantle of industrial unionism for farmworkers professed by the IWW (The Los Angeles Times 1930b).

The walkout and organizing presence of the AWIL incensed growers. In a statement published in *The Los Angeles Times*, a spokesperson for the Western Growers' Protective Association decried the “red” AWIL and emphatically declared, “the employers would not negotiate with the workers until they had returned to their jobs” (1930b: 9). The strikers' persistence ultimately forced them to negotiate. On March 1, both sides agreed to a concession of a wage increase to eighty cents per hour and the strike ended peacefully (The Los Angeles Times 1930a). Despite this concession, tensions continued mounting when the AWIL helped organize Imperial Valley cantaloupe workers the same month. Growers' anger mounted and newspapers across the state characterized the AWIL as communist agitators and invaders. Members of the AWIL were arrested, accused of organizing an “imperial ‘red’ plot,” and prosecuted for “criminal syndicalism” (The Pomona Progress Bulletin 1930: 1). Like the IWW, the charges of criminal syndicalism effectively snuffed out the AWIL. However, the AWIL's remaining membership helped form the Cannery and Agricultural Workers' Industrial Union (CAWIU) in 1931, and their labor agitation in California fields continued.

In September of 1933, under the leadership of Mexican workers, the CAWIU organized a strike among cotton pickers in the San Joaquin Valley (Oakland Tribune 1933). W.D. Hammett, an early Dust Bowl migrant, who emerged as a strike leader, issued a public statement listing the strikers' demands of a wage increase to one-dollar per hundred-weight of cotton picked and union recognition (Tulare Advance-Register 1933). On October 4th, several thousand, mostly Mexican and Mexican-American cotton pickers struck on farms throughout the San Joaquin Valley in what would become the biggest farm labor strike in California history (The Los Angeles Times 1933). The grower response was fierce. They threatened to recruit Black cotton workers from Texas to break the strike, formed armed vigilante groups, attacked workers, and evicted their families from camps (Hanford Morning Journal 1933). A story on the violence published in the *Santa Rosa Republican* under the headline, "Cotton Men Vow to Kill Agitators in Valley War," reported, "Expulsion or death was decreed today by angry farmers for labor agitators in the San Joaquin Valley cotton fields where three men were killed in the first violent outbreak of the cotton pickers' strike for higher wages" (1933: 1). The bloodshed and sheer magnitude of the strike prompted the Roosevelt administration to put pressure on California Governor, James Rolph, to intervene and mediate an end to the strike. Rolph formed a commission to investigate the strike which proposed a wage increase to seventy-five cents per one hundred pounds of cotton picked. On October 26, growers and strikers agreed to the wage increase, albeit with no union recognition, and the strike came to an end (Chico Record 1933). Over the next two years, the CAIWU continued organizing, but soon followed in the footsteps of its predecessors. In 1935, the CAIWU leadership was arrested and convicted of criminal syndicalism, effectively putting an end to the organization (The San Francisco Examiner 1935).

Mexican and Filipino workers continued to strike throughout California and form temporary unions. In June of 1936, with the goal of bringing the state's various farmworker locals under the

umbrella of the AFL, the state federation of labor organized the Conference of Agricultural Workers in Stockton, CA. The conference organizers stated that the major objectives were to include, “protection of women and children in agriculture, relief for the unemployed, inclusion of agricultural workers in all social security legislation, establishment of minimum wages, rights to strike, picket and boycott, and constitutional protection for workers” (Santa Maria Times 1936: 1). To no surprise, grower organizations condemned the organizers as socialists and communist agitators (Santa Rosa Republican 1936). The AFL did not counter these attacks and withdrew its support. Deep divisions within the AFL over whether to embrace farmworkers caused the effort to fall apart (Glass 2016).

Growers took advantage of the absence of a centralized farmworker union and continued their exploitative practices. Farmworkers, in turn, struck constantly, although their efforts were fleeting and yielded no consistent results. For a brief period in the late 1930s, the Congress of Industrial Organization’s (CIO) United Cannery, Agricultural, Packing and Allied Workers (UCAPAWA) offered an alternative for California’s farmworkers to the AFL which had largely ostracized them. In 1939, the UCAPAWA organized a broad coalition of white, Mexican, Black, and Filipino cotton pickers to strike in Madera County (Visalia Times-Delta 1939). The Associated Farmers, a rabidly anti-union coalition of growers, waged a relentless campaign against the strikers and refused to negotiate (Thomas 1939). They were aided by local law enforcement and vigilante groups who killed, beat, and arrested strikers and their supporters, including local clergy (Madera Tribune 1939). The growers’ tactics drew the ire of Wisconsin Senator Robert La Follette who was among the biggest farm labor advocates in the country. Senator La Follette chaired a Senate committee which investigated “the power and anti-union activities of growers and recommended that labor relations and protective labor laws be extended to cover farm workers” (Martin 2003: 46).⁴⁹ The La Follette committee subpoenaed the district attorneys and sheriffs in Madera, Tulare,

⁴⁹ The La Follette committee was a subcommittee of the Senate’s Education and Labor Committee.

Kern, and Fresno Counties and called on them “to produce records of preparations made to handle labor disturbances and of conversations with each other and with growers concerning strikes” (The Fresno Bee 1939: 17). Despite this federal scrutiny, sanctions for these officials never materialized and the growers prevailed in beating the strike. Their bloody campaign was too powerful for the workers to overcome, and the strike fizzled out in early 1940 with the workers gaining no tangible benefits.

California growers’ success in staving off farmworker unions reflected their cohesive organization and hegemony in the state during the 1930s. Their power over local government and law enforcement aided their efforts to eschew the state regulatory agencies’ attempts to enforce California labor laws. Despite the advocacy of Senator La Follette and Carey McWilliams, director of California’s Commission on Immigration and Housing, farmworkers not included in the NLRA nor the FLSA. Farmworkers’ exclusion from protective labor legislation allowed growers to continue anti-union, strike-breaking tactics which were illegal in other industries. As the decade ended and the United States entered World War II (WWII), another guestworker program gave California growers – once again – another tool in their arsenal to access a labor surplus from abroad and suppress farmworker organization.

When the United States entered WWII in December of 1941, growers in Arizona, Texas, New Mexico, and California, advocated for access to guestworkers like they successfully did in 1917 during WWI. Again, growers repeatedly appealed to the federal government for access to Mexican farm labor to supplement a “labor shortage” caused by the war. Although these appeals were initially denied, an “interagency farm labor committee” organized in April of 1942 by the USDOL’s Immigration Service, presented a plan to Congress for an informal agreement with the Mexican government to import Mexican farmworkers (Congressional Research Service 1980: 16). The plan was approved in May and the U.S.-Mexican agreement (the Bracero Program) went into effect on

August 4th, 1942. Unlike its predecessor in 1917, this Bracero Program would last well beyond the end of the war.

Despite their losses and the lack of structural reforms, solidarity and a strong labor consciousness matured among migrant farmworkers in California, while their counterparts in North Carolina remained completely disempowered throughout the period. Much of the strong labor consciousness in California fields during this period can be attributed to unionists' success in the related industries of processing and canning. Unions made large gains in these industries whose workforce was comprised of the same families who did seasonal agricultural work. This variation in worker empowerment was the key difference between the evolution of both state's agricultural labor regimes during Great Depression, New Deal, and WWII Era. During the Post-War Era, the inertia of these contrasting sociopolitical cultures would become increasingly evident and the agricultural labor regimes in North Carolina and California would sharply diverge on the precarious-protective labor regime continuum.

THE POST-WAR ERA (1945-1980)

North Carolina: "Right to Work," Disempowered Migrant Workers, and Weak Enforcement

During the Post-WWII period, the systems of agricultural crop production in North Carolina and California became more similar. In North Carolina, the system of tenancy, sharecropping, and plantation production eroded as the state's farms industrialized and consolidated. As Figure 8 and Figure 9 show, during the Post-War Era, the agricultural employers in North Carolina began to increasingly resemble those in California. Figure 8 shows the agricultural employers in North Carolina became the farm owners, farm labor contractors, and growers' associations. Notably, the owners of cotton and tobacco factories and landlords are no longer included in the state's Post-War labor regime model. Turning to workers, Figure 8 also shows the

North Carolina-born tenants, sharecroppers, and farmworkers that comprised the agricultural workers during the Great Depression, New Deal and WWII Era (1930-45) were replaced with migrant farmworkers.

Several factors caused this shift in the composition of North Carolina's agricultural labor regime during the Post-War period. First, because the New Deal labor reforms excluded farmworkers but included workers in most other industries, the interests between farm owners and the owners of cotton and tobacco factories became more distinct. Second, because North Carolina agriculture was consolidated on fewer and larger industrial farms, tenancy and sharecropping eroded. Consequently, as Figure 8 shows, landlords who had relied on tenants and sharecroppers to produce their crops since Reconstruction, are no longer in the model during the Post-War period.

The introduction of labor contractors and the transition to migrant farmworkers resulted from substantial demographic shifts. First, working-class Black and white folks voted with their feet and left the rural South during and after WWII. Between 1941 and 1970, approximately five million people left the South, and millions more are estimated to have left agricultural work and moved to urban centers in the South. This seismic migration is referred to as the Second Great Migration (Gregory 2006; 2009). The mass exodus of Black agricultural workers decimated the native-born farm labor supply in North Carolina and other southern states during the Post-War period. For example, the percentage of Black southerners who lived on farms dropped from 45 percent in 1940 to one percent in 1980 (Bartley 1995; Gregory 2009). Many others did not leave farm work, began migrating from harvest to harvest, and became part of recurring patterns of domestic migratory agricultural labor. On the east coast, this pattern of agricultural labor migration is referred to as the Atlantic Coast Stream (Hahamovitch 1997; Metzler 1955). During the 1940s, 1950s, and 1960s, most of the migrant farmworkers in North Carolina were Black domestic migrants from Georgia, Florida, and surrounding southern states (Metzler 1955). These migrants would typically be recruited by

labor contractors in Florida and would follow the Atlantic Coast Stream North through states like North Carolina, New Jersey, and New York to harvest crops such as strawberries, potatoes, and beans during the spring and summer months, then return to Florida at the end of the harvest (Hahamovitch 1997; Metzler 1955; Pollitt and Levine 1960). Towards the end of the Post-War Era, many U.S-born migrants began leaving agriculture and North Carolina farm owners started contracting foreign-born migrant crews through labor contractors. These crews were comprised primarily of Mexican and Haitian migrants who began appearing in the Atlantic Coast Stream in the late 1970s (NC Advisory Council 1979).

Although Figure 8 Figure 9 show that the actors in each state's agricultural labor regime became more similar during the Post-War period, two critical distinctions remained. First, farm labor unions did not exist in North Carolina and are thus omitted from the model in Figure 8. Second, in the box for North Carolina state actors in Figure 8, the North Carolina Department of Labor (NCDOL) is listed separately. In North Carolina, the NCDOL is an independent state agency. California's regulatory apparatus is controlled by the state's executive branch and is thus more centralized. The importance of this subtle distinction emerged during the 1960s and 1970s when growing concern over labor conditions on U.S. farms eventually led to the enactment of substantive federal laws to regulate agricultural labor. A key component of contemporary state agricultural labor regimes is the influence of federal labor laws, indicated in the top box of my conceptual model. The importance of these federal labor laws for the development of each state's agricultural regime during the Post-War Era is most directly seen in their influence on the collective behavior of state actors. During the Post-War period the responsibility and authority to enforce new federal and state laws regulating agricultural labor in North Carolina fell under the purview of the NCDOL, which it resisted and largely failed to do. As such, although the systems of agricultural crop production in North Carolina and California became more similar during the Post-War Era (1945-1980), this

period marked the sharpest divergence of each state's agricultural labor regime on the precarious-protective continuum.

In general, the early decades of the Post-War Era in North Carolina were characterized by a hardening of state political leaders' anti-labor resolve and their desire to quell labor unions through state law. Collective labor actions among migrant farmworkers remained nonexistent in North Carolina throughout the period, and the suppression of farm labor organizing was aided by anti-labor federal and state laws. For instance, following the end of WWII in 1945, the conservative backlash against the New Deal labor reforms coalesced. The crowning achievement of this backlash was the passage of The Labor Management Relations Act of 1947, also known as the Taft-Hartley Act (U.S. Congress 1947). The Taft-Hartley Act made widely used organizing tactics such as sympathy strikes, secondary boycotts and mass picketing illegal, and it outlawed the closed-shop (U.S. Congress 1947). Taft-Hartley's reversal of key provisions of the NLRA helped suppress labor organizing for decades. In addition to stripping workers' of their ability to use successful organizing strategies, it empowered anti-labor state legislatures to enact so-called "right-to-work" laws. North Carolina's legislature was at the vanguard of state campaigns to pass "right-to-work" bills.⁵⁰

Anti-union state legislators' eagerness to quickly pass a "right-to-work" bill in North Carolina was motivated by a burgeoning labor movement in the state fomented by the CIO's "Operation Dixie" (Griffith 1988). The biggest perceived threat stemmed from Black workers' formation of the United Tobacco Workers Local 22 of the CIO's Food, Tobacco, Agricultural and Allied Workers of America (FTA) in Winston Salem (Korstad 2003). The Local 22 of the FTA's organization was led primarily by Black women who worked stemming leaves in tobacco manufacturing plants owned by the R.J. Reynolds Company (Korstad 2003).⁵¹ Anti-union and anti-

⁵⁰ By 1958, eighteen states, predominately in the South, had enacted "right-to-work laws.

⁵¹ Despite the name, the FTA never participated in meaningful organization of agricultural crop workers.

Civil Rights forces in the state desperately wanted to crush their movement and Taft-Hartley gave them their opening to strike a blow. Immediately following the passage of Taft-Hartley, in the 1947 legislative session, the NC General Assembly passed House Bill 229, which enshrined “right-to-work” into state law. Section 3 of the bill declared, “No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of the employment by such employer” (NC General Assembly 1947: 382). Section 5 further stipulated, “No employer shall require any person, as a condition of employment or continuation of employment to pay any dues, fees, or other charges of any kind to any labor union or labor organization” (NC General Assembly 1947: 382). The bill served its purpose. The Local 22 of the FTA’s last collective bargaining agreement was signed in 1947 and in 1950 the NLRB ruled that the union could no longer represent workers (Korstad 2003). The Taft-Hartley Act, the state’s “right-to-work” law, and the overall anti-labor sociopolitical culture in North Carolina combined to successfully defeat the CIO’s Operation Dixie (Frederickson 2011; Griffith 1988; Korstad 2003). Farm labor organization remained nonexistent and the broader labor movement in North Carolina never fully recovered (Griffith 1988). Indeed, the ossification of North Carolina’s anti-labor sociopolitical culture in the late 1940s compounded the precarious conditions for the state’s new domestic migrant agricultural workforce.

Working and living conditions for domestic and foreign-born migrant farmworkers in North Carolina – and elsewhere – throughout the Post-War Era were harsh. For example, migrant housing was often substandard and overcrowded, wages were low, and migrant farmworkers were vulnerable to exploitation and abuse from labor contractors who would commonly steal wages and control workers through debt bondage (U.S. Senate Subcommittee on Migratory Labor 1961; Metzler 1955). Despite their exemption from New Deal federal labor regulations, concern over the exploitation and precarity of migrant farmworkers had been growing among leaders in the federal executive and

legislative branches for decades. By the early 1960s, concern in Congress about labor conditions for migrant farmworkers across the nation eventually led to legislative action to protect migrant farmworkers.

Concern in Washington D.C. over migrant farmworkers' labor conditions had been growing since the New Deal, and Congressional committees commissioned to investigate the matter issued reports in 1940, 1951, and 1962. Federal recognition of migrant farmworkers' precarity is reflected in the first quote I include at the beginning of this chapter, from the 1951 report from President Truman's Commission on Migratory Labor in American Agriculture. These reports documented rampant labor abuses on U.S. farms and recommended expanding federal labor protections for farmworkers, but they did not gain traction until the early 1960s. This was prompted, in part, by journalist Edward R. Murrow's scathing television documentary on migrant farmworkers, "Harvest of Shame," which CBS aired on November 25th, 1960 – Thanksgiving Day. In the piece, Murrow documents domestic migrant farmworkers' destitution and squalid living conditions, following them from Florida, through Georgia, to Elizabeth City, NC, where families picked beans for forty days before moving on.⁵² The second quote I include at the beginning of this chapter in which one Elizabeth City, NC farmer – in an interview with Murrow – admits, "We used to own our slaves. Now we just rent them," reflects growers' perception of the domestic migrant workforce in the state. The release of "Harvest of Shame" prompted public outcry which, along with the growing farm labor movement in California, pushed Congress to protect migrant farmworkers through federal legislation.

In 1963, Congress enacted the Farm Labor Contractor Registration Act (FLCRA). This was the first federal law specifically designed to protect agricultural workers from abusive employers. Section 2(a) of the act reads,

⁵² Elizabeth City, NC is in Pasquotank County in the historic Black Belt of North Carolina.

“The Congress hereby finds that the channels and instrumentalities of interstate commerce are being used by certain irresponsible contractors for the services of the migrant agricultural laborers who exploit producers of agricultural products, migrant agricultural laborers, and the public generally...” (U.S. Congress 1963).

The bill required all farm labor contractors to register with the Secretary of Labor, keep payroll records, and establish contracts with the migrants they recruited. Specifically, Section 4(b) required that all farm labor contractors,

“...ascertain and disclose to each worker at the time the worker is recruited the following information to the best of his knowledge and belief: (1) the area of employment, (2) the crops and operations on which he may be employed, (3) the transportation, housing, and insurance to be provided him, (4) the wage rates to be paid him, and (5) the charges to be made by the contractor for his services” (U.S. Congress 1963).

This bill represented a monumental step forward in the establishment of federal labor protections for migrant farmworkers. Three years later, in 1966, Congress amended the FLSA to partially include farmworkers in the law’s minimum wage requirement. Congress also included provisions for regulating agriculture in the Occupational Safety and Health Act of 1970. For instance, Section 13, titled, Procedures to Counteract Imminent Dangers, states,

“The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act” (U.S. Congress 1970: 29).

Unlike previous federal labor laws which made exemptions for agricultural workers, the broad language of the 1970 Occupational Safety and Health Act, notably prohibits, “any conditions or practices in any place of employment” presenting danger to employees. By default, the bill required the enforcement of its provisions on farms, including migrant housing. Because these federal laws compelled states to comply with and enforce their provisions, the degree to which they protected farmworkers in North Carolina and California was contingent upon the behavior of state actors. Moreover, how state actors responded reflected the existing agricultural labor regimes in each state.

For instance, with respect to regulating migrant housing, California’s Commission on Immigration and Housing had been inspecting migrant housing and enforcing the state’s regulations since 1913. In 1970, North Carolina still had no such laws or regulatory apparatus in place. Forced to comply with the federal Occupational Safety and Health Act of 1970, the NC General Assembly established the North Carolina Occupational Safety and Health Act in 1973. The bill required the NCDOL and the NC Employment Security Commission to enforce federal regulations including the FLCRA and the inspection of migrant housing (NC General Assembly 1973). Although this was a major step forward in creating a regulatory apparatus in North Carolina, the bill reflected the entrenched precarious labor regime in the state. For example, the bill allowed employers accused of violations an “abatement period” through which they could avoid any fines if they corrected the violation and allowed them to seek exceptions to occupational safety and health standards (NC General Assembly 1973). These provisions – which remain state law in 2022 – clearly promoted the interests of agricultural employers. As such, during the 1970s, conditions for migrant farmworkers in North Carolina had not improved.

In 1977, reports of horrific conditions for farmworkers across the state prompted the North Carolina Advisory Council to the U.S. Commission on Civil Rights to launch an investigation. In 1979, the investigation’s findings were published in a scathing report titled, *“Where Mules Outrate Men: Migrant and Seasonal Farmworkers in North Carolina.”* The report outlined the NCDOL’s lack of enforcement of federal and state laws, horrible conditions in labor camps, and abuses in recruitment, pay, and provision of adequate meals (NC Advisory Council 1979). The findings of the report also reflected the NCDOL’s racist disdain for migrant farmworkers and their resistance to enforcing federal and state law. For example, one NCDOL inspector quoted in the report, stated,

“They [farmworkers] are just dirty people. It doesn't matter whether or not we inspect. Take screens: they knock them out and we issue a citation. A week later they will have knocked them out again. They don't care about anything. I guess it is because they don't have

anything. The grower spends his hard-earned money to abate a violation and they just let the place go to hell again” (NC Advisory Council 1979:17).

These findings demonstrate that during the 1970s, as the Post-War Era ended, the behavior of state actors in North Carolina’s legislature and the NCDOL continued to promote the interests of farm owners, labor contractors, and growers’ associations over those of migrant farmworkers in the state. These state actors’ disdain for migrant farmworkers and resistance to enforcing federal and state labor regulations further solidified the precarious agricultural labor regime in North Carolina during the Post-War Era. Conversely, the behavior of migrant farmworkers and state actors in California, pushed the state’s agricultural labor regime sharply in the opposite direction.

Post-War California: The Bracero Program and Rise of the UFW

Figure 9 shows that the composition of California’s agricultural labor regime during the Post-War period (1945-1980), did not change from the Great Depression, New Deal, and WWII period (1930-1945). As Figure 9 shows, the state actors remained the leaders of the California’s executive, legislative, and judicial branches, and the agricultural employers remained the farm owners, labor contractors, and growers’ associations. Figure 9 also shows that the agricultural workers remained migrant farmworkers and their labor unions. During the Post-War Era (1945-1980), migrant farmworkers in California were a combination of Mexican Bracero guestworkers and US- and foreign-born Mexican and Filipino migrants.

Philip Martin notes, “The 1930s, a decade of farm labor turmoil ended in 1942 with the importation of Mexican Bracero farmworkers, not structural reforms” (2003: 46). During the first two decades of the Post-War Era, the Bracero Program had a profound impact on California agriculture because it provided growers with unprecedented access to a surplus of foreign-born workers. Although Mexican agricultural guestworkers had been brought in during WWI, the second Bracero Program lasted well beyond the end of WWII and the volume of workers was much higher. Throughout the 1940s, Congress extended it several times and the Bracero Program was

institutionalized by Public Law 78 in 1951 (Congressional Research Service 1980).⁵³ From 1942 to 1964, the Bracero Program was administered by the United States Department of Labor (USDOL). During this time, between four and five million Mexican Braceros entered the United States to work in agriculture and most went to California where the demand for labor on the state's large industrial farms was higher than any other state (Pollitt and Levine 1960). Because this surplus of foreign-born Mexican Braceros came when they were needed and left thereafter, the Bracero Program presented significant challenges to farm labor organizing (Martin 2003). Indeed, the Bracero Program had a chilling had effect on farm labor organizing in California and elsewhere throughout the 1940s and 1950s (The Fresno Bee 1947; Martin 2003; Pawel 2009). In addition to the Bracero Program, the farm labor movement in California also had to contend with the anti-New Deal backlash.

Anti-union activists in California also wanted to take advantage of Taft-Hartley's gutting of the NLRA. Recognizing the successes of "right-to-work" laws in other states – like North Carolina – they launched a well-funded campaign to get a "right-to-work" measure (Proposition 18) on the 1958 ballot. Labor unions and advocates launched a relentless organizing campaign to defeat the measure and formed "No on 18" committees in major cities across the state. In Oxnard, Cesar Chavez, a young organizer for the Latino civil rights group, the Community Services Organization (CSO), mobilized Mexican-born farmworkers to take citizenship classes and tripled voter registration in the farming hub (Glass 2016). On November 4th, 1958, Proposition 18 was soundly defeated with over sixty percent of the electorate voting no on the measure (Johnson 1958). The resounding defeat of Proposition 18 was a monumental victory. Moreover, because farmworkers' right to form unions was never protected by the NLRA, the Taft-Hartley Act had no immediate effect on farm labor organizing in California. The Bracero Program remained the biggest

⁵³ For a thorough account of the legislative history of the Bracero Program, see Congressional Research Service. 1980. *Temporary Worker Programs: Background and Issues*, 96th Congress, 2nd Session.

impediment to the farm labor movement in California. However, by the 1960s, discontent with the Bracero Program in Congress was growing.

This concern was reflected in the U.S. Senate Subcommittee on Migratory Labor's 1961 report, titled, *The Migratory Farm Labor Problem in the United States*. The report documented the findings of the Subcommittee's investigation of the Bracero Program which found the Program had an adverse effect on wages and working conditions for domestic farmworkers, and rampant abuse of Braceros themselves by growers and labor contractors (U.S. Senate Subcommittee on Migratory Labor 1961). Congress abolished the Bracero Program in 1964 (Congressional Research Service 1980). When the Bracero Program ended, the strong foundation built on years of organizing and fostering of farmworker solidarity in California fields finally took root. Spearheaded by Filipino and Mexican migrant farmworkers, the farm labor movement in California prospered during the late 1960s and 1970s. By the early 1960s, two organizations emerged in California to represent farmworkers. The first was the Agricultural Workers Organizing Committee (AWOC) which was formed in 1959 when the AFL and the CIO merged. The AFL-CIO-backed AWOC was comprised primarily of Filipino farmworkers and was led by Filipino organizer, Larry Itliong (United Farm Workers 2021). The second organization was the predominantly Mexican National Farm Workers Association (NFWA). In 1962, Cesar Chavez became disillusioned with the CSO's refusal to support a drive to organize farmworkers and left to form the NFWA with co-founder, Dolores Huerta (Pawel 2009).⁵⁴

In 1965, these two groups joined forces to organize Filipino and Mexican grape pickers in Delano, CA. In September of 1965, farmworkers had traveled to Delano from the Coachella Valley

⁵⁴ Miriam Pawel's (2009) "The Union of their Dreams: Power, Hope, and Struggle in Cesar Chavez's Farm Worker Movement" is the most thorough and intimate historical account of the UFW. I draw on Pawel's work extensively in this section.

for the grape harvest, expecting the prevailing wage of \$1.25 per hour.⁵⁵ On September 8th, when growers refused to pay the prevailing wage, the AWOC, led by Irliong, organized a walkout of approximately 2,000 Filipino workers, demanding \$1.25 per hour or twenty-five cents per box of grapes, and union recognition. Five days into the walkout, when growers brought in Chicano *scabs*, Irliong approached Chavez and requested the NFWA join the strike (Pawel 2009). On September 16th, the NFWA membership voted unanimously to join forces with the AWOC and support the strike. The grape growers refused to negotiate with the workers and the strike lasted for months. Paradoxically, farmworkers' exclusion from the NLRA gave them an advantage because it allowed them to use tactics Taft-Hartley had banned other unions from using (Glass 2016).

The most important of these tactics was the secondary boycott which became their most effective weapon against the growers. A few months into the strike they organized a national, and later international consumer grape boycott (Pawel 2009). On March 17th, 1966, Chavez led the famous march from Delano to Sacramento which gained widespread media attention, bolstered public support for the strikers, and vaulted Chavez into the international spotlight as a labor and civil-rights leader. Within weeks, facing the financial squeeze of the boycott and increasing public scrutiny, one-by-one, the grape growers folded and agreed to recognize the farmworker union. On August 22nd, the AWOC and the NFWA merged to form the United Farmworkers Organizing Committee (UFWOC) (Pawel 2009). By mid-1970, between 40,000 and 50,000 farmworkers were represented by UFWOC contracts – by far the most successful organization of farmworkers in U.S. history – and their ranks swelled throughout the 1970s. In 1973, the UFWOC changed its name to the United Farmworkers of America (UFW), which held its founding convention in September of that year. The UFW's success went far beyond the establishment of union contracts in California.

⁵⁵ To put these wages in comparative context, the average daily wage for migrant farmworkers in North Carolina, was estimated at \$5.12 per day (see U.S. Senate Subcommittee on Migratory Labor. 1961. *The Migratory Farm Labor Problem in the United States*. 87th Congress. 2nd Session. Vol II.

Their organizing and strategic media campaigns raised awareness of farmworkers' labor conditions across the country and led to federal legislative actions mentioned above, including the 1966 partial inclusion of farmworkers to the minimum wage requirements of the FLSA, and the inclusion of farmworkers in the 1970 Occupational Safety and Health Act. Moreover, in sharp contrast to the Post-War context in North Carolina, migrant farmworkers in California successfully pushed state actors to establish historic labor protections during the 1970s.

For example, in 1974, with UFW support, Jerry Brown was elected governor of California. On June 5th, 1975, Governor Brown signed into law the Agricultural Labor Relations Act (ALRA) – the UFW's crowning legislative achievement. The ALRA legalized collective bargaining for California farmworkers, gave them the right to hold secret-ballot elections and established the Agricultural Labor Relations Board (ALRB) to ensure enforcement of its provisions and legally sanction growers who retaliated against union supporters. Jerry Brown, who remained Governor of California until 1983 famously stated, "The greatest achievement of my administration was the enactment of the farm labor relations law" (Martin 2003). Jerry Cohen, the general counsel to the UFW who was instrumental in the ALRA's passage, called the bill "the best labor law in the country" (Pawel 2009: 155).

The institutionalization of farmworkers' right to collectively bargain had a paradoxical effect on the UFW under Chavez's leadership. By the end of the 1970s, tensions mounted between UFW staff who wanted to become a traditional union and focus exclusively on the administration of its contracts, and Chavez, whose vision for the direction of the UFW entailed a broader – more nebulous – social movement (Pawel 2009). These ideological differences within the UFW caused the organization to splinter in the late 1970s. Outside of the organization, an anti-union, anti-civil rights conservative backlash was gaining momentum in state and national political discourse. These factors combined to fundamentally alter the trajectory of the UFW during the Neoliberal Era. Nevertheless,

the successes of the UFW firmly established a protective state agricultural labor regime in California, while the precarious agricultural labor regime in North Carolina became more entrenched during the Post-War Era. The consequences of the Post-War Era would become even clearer as each state's agricultural labor regime developed within the changing labor and migration contexts of the Neoliberal Era.

THE ERA OF NEOLIBERAL GLOBALIZATION (1980s – Present)

North Carolina: A Shift Towards Foreign-born Migrant Workers and the Beginnings of a Farm Labor Movement

During the Neoliberal Era, agricultural crop production and the demographic composition of farmworkers in North Carolina changed dramatically. The rapid industrialization of North Carolina agriculture, which began during the Post-War Era (1945-1980), accelerated and expanded crop production throughout the Neoliberal Era. Agricultural production shifted because the predominance of cotton and tobacco continued to diminish, and the cultivation of labor-intensive produce crops such as sweet potatoes, apples, and berries expanded. During the 1980s and 1990s, the owners of North Carolina's industrializing farms transitioned to almost exclusively recruiting foreign-born workers from Mexico (Griffith 2012). As Figure 8 shows, it was during this period that labor unions appear in the box for workers in North Carolina's agricultural labor regime. In the late 1990s, migrant farmworkers established the NC state chapter of the Farm Labor Organizing Committee (FLOC) - the first farm labor union in North Carolina's history. Another important change reflected in Figures 8 and 9 is the inclusion of worker advocacy organizations, including legal advocates, religious groups, and various non-profit, 501(c)3 organizations, which have proliferated in both states during the Neoliberal Era. These worker advocacy organizations work with and for migrant farmworkers to provide vital services and information to empower migrants, protect them from employer abuses, and push state actors to represent farmworkers' interests. As such, they have

played a vital role in the development of each state's agricultural labor regime during the Neoliberal Era. The inclusion of labor unions and the emergence of worker advocacy organizations in North Carolina's agricultural labor regime highlight the relationship between agricultural crop production, migration patterns, and the potential for farmworker empowerment. Indeed, the influx of foreign-born migrant farmworkers has spawned a farm labor movement in North Carolina during the Neoliberal Era (Fink 2003).

The massive wave of Latin American migration to North Carolina began in earnest after Congress passed the 1986 Immigration Reform and Control Act (IRCA). IRCA included a two-prong approach to curtail undocumented migration: First, IRCA tightened border security along established corridors which pushed some flows farther east (Massey et al. 2002; Orrenius 2004). Second, the program gave legal status to approximately three million undocumented farmworkers through a Special Agricultural Worker (SAW) program and allowed for family reunification (Durand et al. 1999; Martin 2003).⁵⁶ The passage of IRCA had a profound effect on North Carolina growers' access to a large supply of migrant labor by shifting migratory flows east, encouraging unauthorized migration, and establishing the H-2A agricultural guestworker program. The SAW program allowed recipients of legalization to migrate freely, seek work in new industries, and sponsor family, but it had the unintended consequence of encouraging unauthorized migration of many "who were left behind" and not eligible to enter through the family reunification program (Durand et al. 1999: 527; Hagan 2004). The explosion of unauthorized migration that ensued provided growers in North Carolina unprecedented access to a surplus of undocumented Mexican farm labor, which they supplemented with H-2A guestworkers.

⁵⁶ Undocumented farmworkers who had completed at least ninety days of agricultural work in 1985-86 were eligible for legalization.

The H2 guestworker program was initially established by Section 218 of the 1965 amendments to the Immigration and Nationality Act. IRCA divided the program into H-2A for agriculture and H-2B for other industries (U.S. Customs and Immigration Services 2018). North Carolina growers were among the first in the nation to take advantage of the program and quickly became its biggest users. This move was spearheaded by Craig Stanford “Stan” Eury, who formed the North Carolina Growers’ Association (NCGA) in 1989 after being fired from a state government position. The NCGA facilitated growers’ access to H-2A workers by charging them a fee to recruit workers in Mexico, bringing them to NCGA headquarters in Vass, NC, and dispersing them to farms throughout the state. By the mid-1990s, the state had the largest concentration of H-2A guestworkers in the country and the NCGA was – and remains – the nation’s single largest employer of H-2A workers.⁵⁷ The NCGA was an anti-union organization who perpetuated the inhumane treatment of unauthorized and H-2A farmworkers in North Carolina (Diamond 1991). They were fiercely opposed by a growing movement in North Carolina led by legal advocates, religious leaders, and unions to organize farmworkers and pass legislation to reign in abusive labor practices.

For instance, at the recommendation of the NC Advisory Council, the office of Farmworker Legal Services of North Carolina (FLSNC) was established in 1980 (Farmworker Unit 2017). This office was established to represent migrant farmworkers’ in legal cases regarding labor violations. Their efforts were soon reinforced by religious leaders when the Episcopal Diocese of North Carolina founded the Episcopal Farmworker Ministries (EFWM) in 1982 to provide outreach to farmworkers for “transportation to services, translation, English classes, and recreational activities” (2021). The EFWM was the first of many outreach programs in North Carolina whose advocacy

⁵⁷ North Carolina no longer has the largest concentration, but the NCGA remains the largest employer.

played a vital role in improving migrant farmworkers' access to services and pushes for more protective labor legislation.

In 1983, farm labor advocates across the country pushed Congress to pass the Migrant and Seasonal Agricultural Protection Act (MSAWPA). The MSAWPA strengthened standards regarding the registration of farm labor contractors and established standards related to wages, housing, transportation, and recordkeeping (U.S. Department of Labor 2019a). Although enforcement and employer compliance with the MSAWPA varied dramatically across states – and was largely ignored in North Carolina – it provided a legal framework migrant farmworkers and worker advocacy groups could use to challenge growers and labor contractors, and push for protective state legislation (Arcury et al. 1999; Griffith 2005). The FLSNC represented migrant farmworkers in several cases in federal court challenging grower violations of MSAWPA. In 1989, migrant farmworkers finally won a hard-fought legislative battle with growers and pushed state law makers to pass the North Carolina Migrant Housing Act (NCMHA). The NCMHA consolidated regulation of migrant housing under the NCDOL, established very minimum standards, and required owners of migrant housing to request preoccupancy inspection at least 45 days prior to occupancy (NC General Assembly 1989:184-189). For historical perspective, the NCMHA was the first state labor law enacted to regulate farmworkers' living conditions, seventy-six years after similar state regulations were passed in California.⁵⁸ The NCMHA was – and remains – loosely enforced, reflecting the persistent hegemony of agricultural employers in the state. Nevertheless, it was a monumental victory for the burgeoning farmworker right's movement in North Carolina.

During the 1990s, the farm labor movement continued gaining steam as the state's new migrant workforce swelled. Between 1990 and 2000, the foreign-born population in North Carolina grew 280 percent from about 116,000 to 443,000. Most of these migrants (56%) were Latino and by

⁵⁸ Previous North Carolina laws only required compliance with federal regulations.

2000, 43 percent of whom were Mexican migrants recruited to the state to work in agriculture and animal slaughtering and processing plants (Griffith 2012).⁵⁹ These migrants brought with them a strong labor consciousness and cultural perspective of worker solidarity. They began organizing North Carolina's fields and poultry plants. For example, in 1995, mostly indigenous Mayan poultry workers from Oaxaca, Mexico organized and voted to form a union at Case Farms poultry processing plant in Morganton, NC (Fink 2003). Three years later, the Farm Labor Organizing Committee (FLOC) – a union founded in in Ohio in the 1960s by Baldemar Velasquez – started organizing cucumber pickers in eastern North Carolina (Farm Labor Organizing Committee 2021). After relentlessly organizing thousands of workers and a five-year boycott of Mt. Olive Pickles, FLOC signed a three-way union contract with Mt. Olive Pickles and the NCGA (Farm Labor Organizing Committee 2021). The contract was historic not only because it was the first farmworker union contract in state history, but also because it was the first successful effort to unionize H-2A guestworkers and established a union hiring hall in Mexico (Greenhouse 2004).

Today, FLOC continues to organize farmworkers and advocate for legislative protections in a hostile sociopolitical environment in North Carolina. They are joined in these efforts by a broad coalition of worker advocacy groups including worker centers and several 501(c)3, non-profit organizations across the state which have grown with – and for – the state's large migrant population. These groups include the Western North Carolina Workers' Center in Morganton, Student Action with Farmworkers (SAF) and Toxic Free NC in Durham, The North Carolina Farmworkers' Project in Benson, Vecinos, Inc. Farmworker Health Program in Cullowhee, NC Field in Kinston, NC Legal Aid's Farmworker Unit (formerly FLSNC) and the NC Justice Center in Raleigh, and several more.

⁵⁹ Bases on author's calculation of 1990 and 2000 Decennial Census data.

The emergence of this coalition underscores the central role migration plays in the evolution of agricultural labor regimes. The presence of these groups and their victories highlight how a large migrant population brings different, labor conscious cultural perspectives which promote a more protective labor regime. However, the failures of FLOC and worker advocacy groups to significantly improve working and living conditions for migrant farmworkers in North Carolina demonstrate the critical importance of both the context of migration and the historical foundations of the state agricultural labor regime. Foreign-born migration to North Carolina did not begin in earnest until the late 1980s and early 1990s. Drawn to the state by the promise of jobs in meat and poultry processing and agriculture, primarily non-white, Mexican and Central American “immigrants from a deeper South,” moved to North Carolina in an era when state, federal, and global politics were already dominated by neoliberal policy agendas (Atkins 2008: 210). Moreover, they are building on the weak anti-labor and anti-worker foundation established in North Carolina nearly one-hundred years ago. Today, the agricultural labor regime in North Carolina remains precarious, while California’s has become substantially more protective.

California: The Decline of the UFW, Increased Migration, and the Growing Political Force of Latino Voters

Although the systems of crop production and the composition of the agricultural workforce in California and North Carolina became more similar during the Neoliberal Era, the distance between the agricultural labor regimes in each state on the precarious-labor regime continuum has widened. Today, California has arguably the most secure, protective agricultural labor regime of any state, while North Carolina’s agricultural labor regime remains comparatively unstable and precarious. I argue that this growing distance is a function of the inertia of the migration histories and sociopolitical cultures constructed in each state during the previous one hundred years. Three factors have shaped the development of the agricultural labor regime in California during the Neoliberal Era. The first was the decline of the UFW during the 1980s and 1990s. The second was

the massive inflow of Mexican and Central American migrants to the state during the same period. The third, and related factor was the growing political force of Latino voters in the state. In this section, I discuss these three factors and how they are related.

During the 1980s and 1990s, the UFW declined substantially. This decline was caused by ideological differences within the UFW and the growing conservative backlash against the expansion of labor and civil rights which came to full fruition during the 1980s (MacLean 2018). For instance, during the 1980s and 1990s, conservative Republican governors stacked the ALRB with grower advocates and Chavez came to view the ALRA and the ALRB as a barrier to the farmworker movement. In 1986, the UFW even called for the state legislature to defund the ALRB (Martin 2003: 172). By the mid-1980s, UFW contracts were dwindling quickly. When Cesar Chavez died in 1993, the UFW was in complete disarray. By the end of the 1990s, the UFW had almost no contracts left and had shifted their mission away from union organizing towards general advocacy for all Latino migrants, whose numbers skyrocketed during the period, as they did in North Carolina. Although the percent increase in the foreign-born population was much higher in North Carolina during the 1980s and 1990s, the volume of migration in North Carolina paled in comparison to California.

Between 1980 and 2000, the foreign-born population in California increased 140 percent from 3.6 million in 1980 to 8.6 million in 2000, comprising 26 percent of California's overall population. Because most of these migrants were Latinos (56 percent in 2000), their entrance helped the already sizeable Latino population in the state to soar. By 2000, 32 percent of California's population was Latino, up from 19 percent in 1980. Moreover, by 2000, over half (56 percent) of Latinos in California were U.S.-born and were – or would soon become – eligible voters. During the 1990s and 2000s, Latino voters became a formidable political force in the state and were electing pro-labor candidates, many of whom had earned their stripes in and around the UFW. Pawel writes, “As bleak as his legacy in the fields, Cesar Chavez left behind a generation imbued with the

confidence they could make a difference and schooled in the ways to accomplish change” (2009: 330). Although UFW contracts had largely disappeared by the late 1990s, this generation of Latino immigrant activists were assuming leadership roles in the broader labor movement in California, worker advocacy organizations, and state government, which institutionalized a strong labor consciousness in California’s sociopolitical culture. For example, in 1996, Miguel Contreras was elected to lead the Los Angeles County Federation of Labor, “the first non-anglo to ever hold that position” (Milkman 2000:11). Moreover, by the late 1990s, California’s burgeoning Latino immigrant electorate was decisively pro-labor. For example, in a 1998 referendum on Proposition 226 – an anti-union bill which would have required unions to obtain majority support from their members before making political contributions – 75 percent of California’s Latino immigrant voters (53 percent overall) voted no, helping to defeat the measure (Bailey and Shogan 1998).

The size and power of the pro-labor Latino immigrant electorate in California continued to grow through the 2010s. Today, Latinos comprise 39 percent of California’s population and 30 percent of eligible voters (Pew Research Center 2022). In comparison, Latinos comprise 10 percent of North Carolina’s population, but only 4 percent of eligible voters (Pew Research Center 2022). Moreover, where the first Latino candidates were elected to the California state legislature in 1962, the first Latino candidate was not elected to the North Carolina state legislature until 2020. Today, the California Latino Legislative Caucus, comprised of 29 members, is among the most influential groups in the state legislature and is decisively pro-labor and pro-farmworker (2022).

In addition to pro-labor allies in state government, there has also been a groundswell of worker advocacy groups in California. Among these worker advocacy groups is the Central Coast Alliance United for a Sustainable Economy (CAUSE), based in Ventura, the Mixteco Indigena Community Organizing Project (MICOP), Líderes Campesinas in Oxnard, and several more across the state. These groups are not unions, but they advocate on behalf of farmworkers and mobilize to

Table 1. Labor Policies in California and North Carolina Affecting Farmworkers (as of December 2021)

	California	North Carolina
Minimum Wage	<p>Cal. Labor Code § 1182.12</p> <ul style="list-style-type: none"> - Current Minimum Wage is \$12.00 for employers with 25 employees or more. - By Jan 1, 2022, the CA minimum wage will be \$15.00 for employers with 26+ employees. <p>CAL. LAB. CODE § 1182.12; CAL. CODE REGS. tit. 8, § 11140</p> <ul style="list-style-type: none"> - State minimum wage applies to workers in agricultural occupations. 	<p>(N.C. Gen. Stat. § 95-25.3(a))</p> <ul style="list-style-type: none"> - The state minimum wage is \$6.15 or the FLSA wage, whichever is higher. <p>(N.C. Gen. Stat. § 95-25.14)</p> <ul style="list-style-type: none"> - Agricultural workers are not covered by the state minimum wage.
Overtime Pay	<p>CA Assembly Bill No. 1066¹ CAL LAB. CODE §§ 860, 862</p> <ul style="list-style-type: none"> - Workers in agricultural occupations are covered by state overtime law on an incremental basis, commencing in 2019 for employers with 26 or more employees and 2022 for employers with 25 or fewer employees. 	<p>(N.C. Gen. Stat. § 95-25.4)</p> <ul style="list-style-type: none"> - State law requires compensation at one and a half times the regular rate of pay for hours worked in excess of 40 hours per week. <p>(N.C. Gen. Stat. § 95-25.14(a)(2))</p> <ul style="list-style-type: none"> - Agricultural workers are excluded from the state overtime law
Workers' Compensation	<p>Cal. Labor Code § 3351; Ruiz v. Cabrera, Cal. App. 5th Dist. May 30, 2002</p> <ul style="list-style-type: none"> - Employers are required to cover agricultural workers to the same extent as all other workers 	<p>(N.C. Gen. Stat. § 97-13(b))</p> <ul style="list-style-type: none"> - Agricultural workers are covered by the state workers' compensation law, but with exceptions. The law does not apply to farm laborers when fewer than 10 full-time non-seasonal farm laborers are regularly employed.
Field Sanitation	<p>CAL. CODE REGS. tit, 8, § 3395; CAL. LAB. CODE § 2441</p> <ul style="list-style-type: none"> - Requires employers to provide heat illness training, potable water, shade, and breaks. State law also mandates cooldown periods when temperatures reach 95 degrees Fahrenheit. 	<p>(13 N.C. Admin. Code 7F.0301, 7F.0302)</p> <ul style="list-style-type: none"> - State law imposes the federal OSHA requirements for field sanitation; Federal OSHA requirements are adopted and enforced by the NC State Department of Labor (NCDOL)

Right to Join Unions
and Collectively Bargain

**California Agricultural Labor
Relations Act (CALRA) of 1975;
Cal. Lab. Code § 1140, et. seq.)**

- Encourages and protects the right of agricultural workers to full freedom of association, self-organization, and designation of representatives of their own choosing, to negotiate the terms and conditions of their employment.

**(N.C. Gen. Stat. § 95-78)
“Right to Work.”**

- Union membership and dues payments may not be made compulsory.

Source: Farmworker Justice: Farmworkers’ Rights Under State Employment Laws

¹Cal. Assembly Bill 1066 was the first and only state policy in the nation to require overtime pay for farmworkers.

get resources for them. Their efforts have built on the strong, pro-labor foundation in California, and they have been instrumental in the election of pro-labor and pro-farmworker politicians. These state actors continue to make the agricultural labor regime more protective through legislative action, pushing it further away from the precarious labor regime in North Carolina.

CONCLUSION: PRECARIETY IN NORTH CAROLINA; PROTECTION IN CALIFORNIA

The findings I present in this chapter demonstrate how agricultural labor regimes are sociopolitical cultures, constructed over time through the collective behaviors of workers, employers, and state actors. By tracing the evolution of the agricultural labor regimes in North Carolina and California from 1930 to today, we see how state sociopolitical cultures change slowly and build on the inertia of the past. Through each period, from the Great Depression, New Deal, and WWII Era (1930-1945), through the Post-War Era (1945-1980), and the Neoliberal Era (1980-Present), I document the widening gap between each state’s agricultural labor regime on the precarious-protective continuum.

The implications of the precarious labor regime in North Carolina, versus the more protective labor regime in California are reflected in Table 1, which provides an overview of the contemporary agricultural labor policies in each state. Table 1 includes policies that pertain to minimum wage, overtime pay, workers' compensation, field sanitation, and the right to join unions and collectively bargain – all policies that directly affect farmworkers' degree of precarity and overall health and well-being. With respect to minimum wage, California's minimum wage until very recently has been \$12.00/hr. but increased to \$15.00/hr. in January 2022. In North Carolina, the state minimum wage is to \$6.15/hr. (or the federal wage, i.e., \$7.25/hr.) and there are no proposals to increase it. Table 1 also shows that farmworkers are included in the California minimum wage laws, and they are excluded in North Carolina.⁶⁰

Turning our attention to overtime laws, we see in Table 1 that California has a state policy providing overtime pay for farmworkers where North Carolina state law excludes farmworkers from overtime pay. Currently, California and Washington are the only two states in the nation with a policy providing overtime pay for farmworkers. With respect to workers' compensation laws, Table 1 shows that both states have laws requiring employers to provide workers' compensation for farmworkers, but the North Carolina policy is limited to only agricultural employers with ten or more non-seasonal employees. This is an important stipulation because most farmworkers in North Carolina are subcontracted seasonally and thus not covered in the state's workers' compensation law. Conversely, as Table 1 shows, there is no distinction in California's workers' compensation law between farmworkers and those in other industries. Table 1 also shows that California has much more robust field sanitation requirements than North Carolina. California's field sanitation regulations are well beyond those required by federal regulations. For instance, in 2016, California

⁶⁰ Farmworkers in North Carolina are still entitled to the federal minimum wage of \$7.25 per hour due to their partial inclusion in the FLSA in 1966.

passed the first and only policy in the nation requiring mandatory cooldown periods and employer-provided shade – policies which are increasingly important as temperatures rise, posing heightened risk to farmworkers’ health.⁶¹ North Carolina has no state occupational safety and health policies beyond requiring the NCDOL to enforce existing federal regulations and the loosely enforced NCMHA.

Finally, where California’s ALRA ensures and encourages farmworkers’ right to join unions and collectively bargain with their employers, the hostile labor climate in North Carolina continues to stifle organizing. Among all workers, North Carolina currently has the second-lowest union membership in the country (2.6% of workers), while California has the eighth highest union membership (15.9% of workers) (Bureau of Labor Statistics 2022). Anti-labor policies in North Carolina are especially harsh for farmworkers. For example, although not shown in Table 1, the state legislature’s passage of the North Carolina Farm Act of 2017 – a grower-backed bill aimed directly at FLOC – reflected this hostile labor climate (Doran 2018).

This law made it illegal for farm owners to enter into settlements involving union contracts and banned farmworker unions from establishing agreements with employers to have dues transferred from paychecks (Doran 2018). The bill represented a blatant attempt by growers to weaken migrant farmworkers’ ability to organize and collectively bargain for better living and working conditions. The anti-union provision of the law was challenged in court by FLOC, the NC Justice Center, the American Civil Liberties Union (ACLU) and the Southern Poverty Law Center (SPLC). It was temporarily blocked by a federal district court judge on September 13, 2018, on the grounds that it violated the constitutional rights of farmworkers and was permanently struck down by a federal district court on September 15th, 2021 (Xu 2021). The passage of this bill demonstrates agricultural employers’ continued hegemony over the state’s political apparatus. Its defeat shows the

⁶¹ Heat illness is among the top occupational risks farmworkers face.

strong labor consciousness migrant farmworkers have brought to North Carolina which has empowered farmworkers for the first time since the Knights of Labor. This example reflects the contemporary status of North Carolina's agricultural labor regime, how it has developed during the Neoliberal Era, and the potential for a more protective regime in the future. Nevertheless, as this discussion highlights, the agricultural labor regime in North Carolina remains decisively precarious compared to California.

In Chapters Two and Three, I have addressed my first research question: How have state agricultural labor regimes develop over time? By employing the conceptual framework on the left side of my labor regime model, I demonstrate how the precarious regime in North Carolina and the more protective regime in California have been constructed through the collective behaviors of workers, employers, and state actors. In Chapter Four: *Labor Regimes in Practice*, I turn my attention to the right side of my model and my second research question: How does the relative position of a state's agricultural labor regime affect the health and well-being of migrant farmworkers and their families?

CHAPTER FOUR: LABOR REGIMES IN PRACTICE

INTRODUCTION

Soledad

“The bathroom was so dirty... We didn’t say anything because at times we just deal with it... In the blackberry [fields] it was the same. The bathroom was really dirty, dirty, dirty – so bad that we didn’t even want to see that bathroom again.”

– Soledad, Farmworker in Eastern North Carolina

Soledad is a migrant farmworker living in eastern North Carolina. She is a 20-year-old single mother who works to provide for her son, siblings, and mother, all of whom live in Guerrero, Mexico. When she was interviewed over the phone in July of 2020, she was hiding in an undisclosed location. One week prior, she and her coworkers had escaped from their labor contractor who attempted to traffic them. Like so many others, Soledad initially wanted to migrate to the United States because she could not earn enough money to support her family in Mexico. Her opportunity to work in the United States came in the spring of 2020 when her aunt told her there were still spaces for women to enroll in the U.S. H-2A Guestworker Program. Following her aunt’s advice, she took her passport, identification card, and birth certificate to an office in her hometown and enrolled. She paid 4,665 pesos (\$237 U.S. dollars) from the little savings she had to apply for a work visa but was told she would be reimbursed by her contractor as soon as she arrived in the United States. After enrolling, she traveled approximately 14 hours to Monterrey, Nuevo León, where she was interviewed at the U.S. Consulate and her visa was processed. From Monterrey, she set out for eastern North Carolina where she expected to pick blueberries for two months. During the interview, she recalled her experience enrolling in the H-2A program, “I signed up. They [office where she enrolled] explained to me how it was. They said to me, ‘Two months completed, then you

can leave, or you can stay. From there, if you want to return [to Mexico], you can return and go again.' I only had to fulfill my contract and then I'm free." When she arrived in eastern North Carolina in April of 2020, she quickly realized that she was not free. The provisions of the job were false, and she and her coworkers found themselves at the mercy of an unscrupulous labor contractor.

When she arrived, the group's labor contractor led Soledad and seven female coworkers to a dilapidated trailer where they lived during their time in North Carolina. The trailer was in an isolated rural area, and they were completely dependent on their boss – the labor contractor – for transportation. When she arrived in NC, Soledad was almost out of money. Her boss refused to reimburse her for visa and travel expenses to Monterrey – a clear breach of the H-2A contract. To make matters worse, the work harvesting blueberries did not begin until one week after they arrived, and her boss would take them sporadically into town to purchase food. She explained, "...they take us whenever they feel like it. Even though we say, 'You haven't taken us to buy food, and we don't have any money. How are we supposed to buy food?'" Soledad's situation deteriorated further when the contractor went to the trailer and informed her and the other workers that the deal was for six months, not two. The boss later took their passports. By the end of that first week, Soledad was hungry and desperate to earn money.

Once work in the blueberry – and later blackberry – fields began, Soledad reported that the hours were excessive, conditions in the fields were poor, and her pay was inconsistent. She would typically enter the fields around 6 a.m., pick berries until sundown, wait several hours while the berries were being weighed – hours for which she was not paid – and arrive home around 10 p.m. During those long days, Soledad's boss only provided one portable bathroom for all the workers and refused to clean it during her two months working there. The bathroom was so filthy that Soledad and others quit using it. Because she was desperate for work and had little control over her

circumstances, she never confronted her boss and complained. Soledad's recollection of her experiences in North Carolina reflects this resignation and acceptance of poor working conditions – a common theme that emerged from the interviews with farmworkers in North Carolina. Like Soledad, instead of pushing back against exploitative employer behavior, farmworkers in North Carolina were more likely to “just deal with it.” Why did they tend to just deal with it? What factors were at play? My findings suggest that NC berry workers' agency and autonomy in their interactions with employers were constrained by their transient status, dependency on their employers for housing and transportation, and rural isolation. For Soledad and others, their constrained agency and autonomy often had a deleterious effect on their working conditions, wages, and wage-security.

Soledad was paid piece-rate (e.g., \$2.50 per 5 lb. bucket of blueberries and \$4.00 per box of 12 plastic clamshell containers of blackberries). She was never paid hourly and was unaware that her contractor was stealing her wages by not paying for her time waiting in the evenings for berries to be weighed. Furthermore, by the time of the interview, Soledad's labor contractor had not paid the group for two weeks and claimed the grower had not paid him. When asked how she survived during those two weeks without money for food, she replied, “Well nothing. We were all stuck without food.” In the fields, the only food available was sold by the labor contractor's wife. Soledad recalled her experience,

“When we started, we suffered through hunger. We were arriving [home] to eat very late, and we only would eat once a day. We would eat in the morning...and then his wife, if you are hungry, well you go to her, and she sells you food...We continued working, working and we were already very, very hungry but because...I don't know, we didn't want to go [buy food from contractor's wife]. I still don't know how we put up with that and how we continued working, working.”

Although Soledad and her coworkers were ultimately able to escape this labor contractor with the help of a Mexican woman who lived permanently in the area, her contractor still owed her approximately \$800 in wages and \$500 in travel expenses, and there was little hope he would pay. Soledad's agency and autonomy were constrained in this situation by three interrelated factors that

were common among North Carolina berry workers: First, because Soledad's H-2A contract was restricted to her labor contractor, she was not free to change jobs. Second, even without this contractual restriction, because of her transient status, Soledad did not know the area well and thus did not know where else to seek work. Third, Soledad's autonomy was limited by the combination of her rural isolation and dependency on her contractor for housing and transportation. For Soledad and others, their constrained agency and autonomy, combined with the lack of enforcement of federal and state labor laws, such as those regulating migrant housing, working conditions in the fields, and wages, often had a deleterious effect on their housing conditions, access to occupational safety and health resources, and their pay.

Rosa

“We’ve battled...One time I said to the foreman in front of all the coworkers, I said, ‘Let us go to the bathroom when we want to go to the bathroom, because when we want to go the bathroom, you tell us no, that we have to finish, and I don’t think that’s right.’ All my coworkers were there, and they supported me...”

– Rosa, Farmworker in Oxnard, California

Like many berry workers in California's Central Coast Region, Rosa is an indigenous woman from Oaxaca, Mexico. In 2004, when she was seventeen years old, Rosa and her brother paid a “coyote” (i.e., a human smuggler) \$2,000 each to smuggle them across the U.S.-Mexico border. Like Soledad, and other farmworkers interviewed for this project, Rosa migrated to escape poverty and provide for her family. When I asked her about why she decided to move, she responded, “Economic necessity. They would tell us that here you could earn well, and it was better so we could help our parents economically...and so you can get ahead.” After a harrowing experience walking through the desert, she and her brother crossed the U.S.-Mexico border in Arizona. They made their way to Oxnard, California where her brother heard there was work in the fields. Oxnard is one of the urban centers around which California berry production is located. Although they had no family in Oxnard, they were able to find work immediately through word-of-mouth picking strawberries.

When I interviewed Rosa in July of 2019, she had been living in Oxnard and picking strawberries and blackberries for fifteen years, and she had established roots in the co-ethnic community there. She had married and was currently living in an apartment she rented with her husband, who also worked in the berry industry.

During her time working in California's berry industry, Rosa had worked directly for several farms and had a wide range of experiences with different employers. At many of these farms, Rosa faced poor working conditions and she recalled experiences with exploitative employer behavior. For example, she described employers stealing wages, refusing to provide clean bathrooms, and denying breaks for workers to use the bathroom and drink water. Like employers in North Carolina, Rosa explained that agricultural employers in California often exploit migrant farmworkers' desperation and retaliate against workers who complain about the conditions. She described how the fear of being fired had deterred her in the past from standing up for her rights at work, "No, I didn't say anything...it made me afraid because every time somebody reports something...they run you off the job." However, over time, she became intolerant of poor working conditions and was no longer afraid to resist abusive employers. One example of how she resisted is a confrontation she had with a foreman, described in the above quote.

The confrontation between Rosa and the foreman over bathroom breaks, reflects her growing militancy, the solidarity she had with her coworkers, and her resistance. When describing what led up to the encounter, Rosa said, "They [foremen] intimidate us with words, saying, 'If you say something we're going to fire you.'...I need to work here. But then later I said, No! Am I going to let them continue treating me like this?" Rosa's response was decisive, and this example reflects two related themes that emerged from the interviews with migrant farmworkers in California: workers' agency and solidarity. First, Rosa's decision to push back against the foreman despite the threat of being fired shows her agency in this interaction. Second, the support she received from her

coworkers reflects their solidarity, which, in turn, fosters workers' collective agency and strengthens their ability to know and defend their rights. Indeed, Rosa continued to fight back against employers who violated the law.

For instance, later in the interview she described her response to an employer who was stealing wages at another blackberry farm, "I know it's illegal, but like I'm telling you, sometimes one doesn't do it [report] for the fear. The truth is, I was really afraid. I'm not afraid anymore because I know that there is a law that backs me up." Rosa was referring to federal wage and hour laws that prohibit all forms of wage theft in every state. She learned about these laws through a worker advocacy organization in Oxnard who was helping her pursue legal action against this employer. Rosa also described quitting this job and going to work for a larger farm where she was treated with more dignity, and the company complied with labor laws because it was under more scrutiny from state regulators,

"I said, 'I'm going to leave because you are abusing your authority. You are retaliating. You are hurting people'...The truth is...in other companies, more than anything, there is respect. In other companies, they value the law. Like they do what the law says. How do I say it? Like they have more vigilance, or like they [state regulators] are checking continuously, and they have to do what the law says."

Rosa did leave to work for a company that not only followed the law, but paid workers better. When I asked her about her experience at this new company, she explained,

"The truth is it was very good. There they pay you very well because they pay you for hours and boxes. They pay the minimum wage per hour, which is \$12.00, and the boxes, they pay \$2.00 per box. So, if you pick one box per hour, you're making \$14.00 per hour. Even though we'd travel everyday here from Oxnard, but it paid well."

Rosa's experiences show how her knowledge of labor laws and the support she received from coworkers and the community strengthened her ability to defend herself against employers who violated wage and hour and occupational safety and health regulations. Rosa's agency in her interactions with employers was bolstered by her autonomy to move between employers with relative ease. Moreover, Rosa's agency and autonomy, combined with California's enforcement of

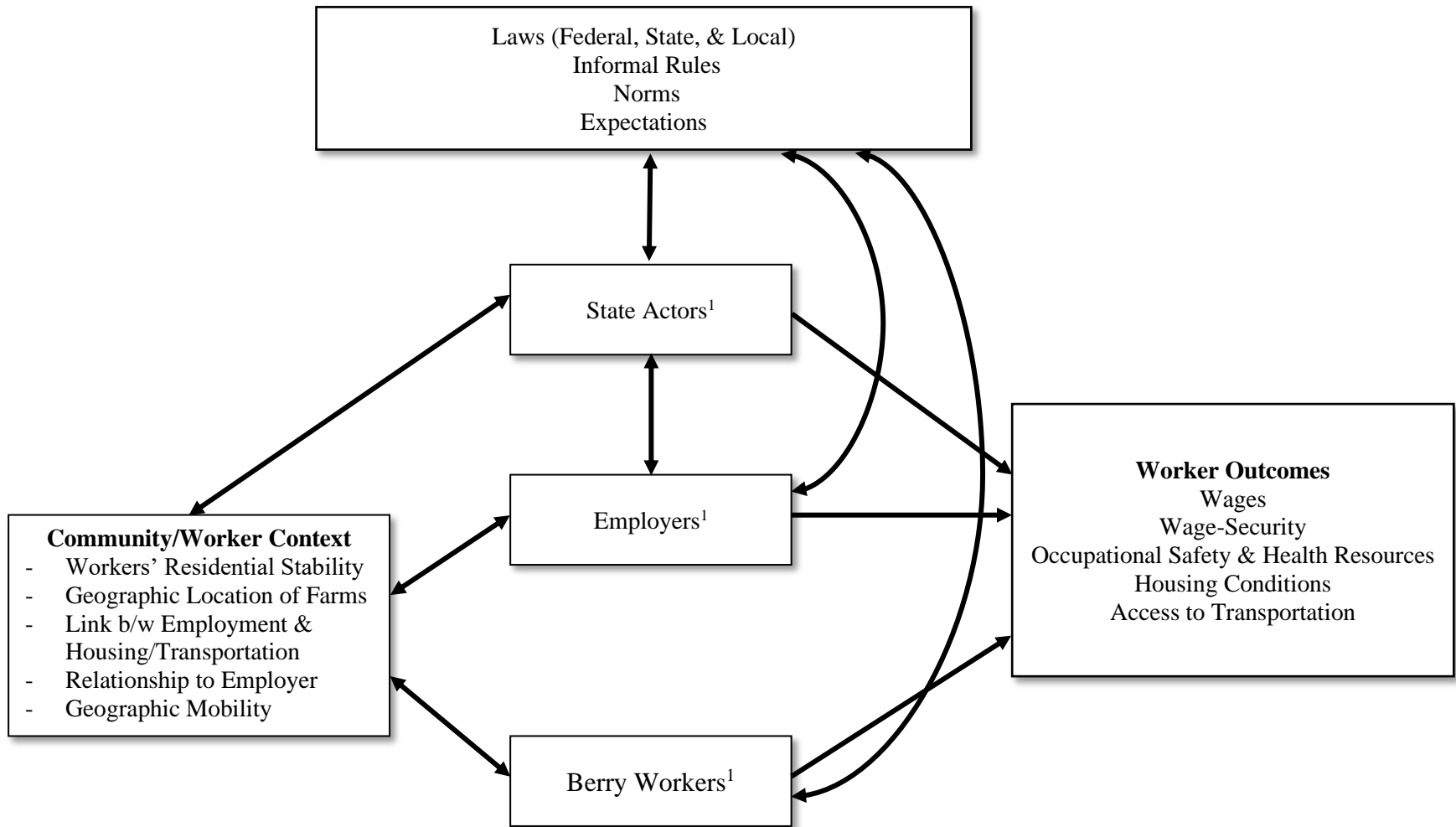
labor regulations, had a positive effect on her access to occupational safety and health resources, wages, and wage-security.

From the 37 field interviews I conducted, I find that farmworkers in both states were subject to employers whose behavior created poor working conditions and affected their outcomes on the dimensions of well-being listed on the right side of my labor regime model below (i.e., Wages, Wage-Security, Occupational Safety and Health Resources, Housing Conditions, and Access to Transportation). As I demonstrate in previous chapters, employer behavior is shaped by that of state actors and workers. In North Carolina's precarious labor regime, state intervention (i.e., enforcement) is minimal, and the agency and autonomy of workers like Soledad were constrained in their interactions with employers. Conversely, in California's more protective labor regime, workers like Rosa have more agency and autonomy in their interactions with employers, and those interactions are mediated by state actors. These differences in the behaviors of state actors and workers resulted in better outcomes for California berry workers, compared to their North Carolina counterparts.

In this chapter, I draw on my in-person migrant interviews and worksite and community observations to demonstrate that these outcomes are also shaped by five interrelated local level contextual factors which varied across my two research sites: (1) residential stability of workers, (2) the geographic location of berry farms (proximity to urban centers vs. isolated rural areas), (3) the state link between employment and housing and transportation, (4) workers' relationship to employers (direct or sub-contractual), and (5) workers' geographic mobility. These factors are listed in the box on the left side of my labor regime model below. As the model shows, these community-level factors shape well-being outcomes through their effect on berry workers' behavior in their interactions with employers and state actors.

This chapter is organized into three sections. In the first section, I present data from my

Figure 10. Labor Regime Model with Local Community & Berry Worker Contextual Factors



154

1. These boxes refer to the collective behaviors of these different labor market actors.

interviews with berry workers in which they describe the tasks and activities required to harvest berries in each state. This section provides context for the reader regarding the central aspect of their lives that berry workers in both states have in common – their jobs. In the next section I present my key findings on how labor regimes and local contextual factors affect the health and well-being of migrant farmworkers and their families in each state. For my findings, I introduce the five community and worker contextual factors from my interviews with berry workers in each state and illustrate how these factors shape worker outcomes more generally. I then show how these factors shape worker outcomes on each dimension of well-being identified in my labor regime model: (1) wages; (2) wage-security; (3) occupational safety and health resources; and (4) housing conditions and access to transportation. I conclude by discussing the theoretical and practical contributions of my findings.

THE WORK

“...in the field, you have the sun, the rain...In Mexico, one hasn’t worked in the field like here. We didn’t work in the rain...and here my brother said, “Put your boots on.” – I said, “What boots?” – They go around in boots like this [gestures to her knee], And they gave me rubber boots. They gave me a hat and a handkerchief...and in the rain! And the truth is, I had tears coming out when I arrived here...you suffer working. It’s a beating to work.”
– Selena, Oxnard, CA

Picking berries is dirty, demanding, fast-paced work that takes a toll on the bodies of the men and women who earn their living in berry fields. The above quote from Selena, describing her experience when she began picking strawberries in Oxnard, California, was common. Indeed, every respondent in both states described how the brutality of exposure to the elements and long hours of fast-paced repetitive motion wore on their bodies. Most of the time, berry picking is piece-rate work, and farmworkers are paid based on the amount they pick, so they must work quickly. This is true for all berry crops, but there are variations between crops in the units that must be filled (e.g., buckets, baskets, boxes etc.) and the physical motions required to pick the berries.

For instance, in blueberry fields, workers are assigned rows. They go along the row picking blueberries from the ground to the top of the bush, which is typically about shoulder height. They pick the blueberries and put them in 5 lb. buckets. When the bucket is full, they run the bucket to a truck where the foreman checks to make sure there is no rotten or unripe berries, and that it is full. They then run back to their row to fill another bucket. Marcos, a farmworker in Bladen County, North Carolina explained the process,

“They give us a large row in the field... You have to use thick shoes because at times there’s mud. So, they give us the buckets and we pick, in what you can push yourself to do... Standing, bent over, sitting down, lying flat on your stomach. It’s the whole plant. They put a pair of people and you pick to the middle. This half is for you and this half is for your coworker. The foreman checks to see if you’re picking well.”

Blackberry and raspberry are work similar, but typically do not involve the up and down movements Marcos described picking blueberries. It is also much easier on the body compared to strawberries. Veronica, a farmworker in Santa Maria, California who had experience working in blueberries, blackberries, and strawberries, commented, “I prefer picking blackberries because you’re standing up... you just have to move your hand. You don’t have to be bent over all day like in strawberries. In strawberries, the entire day, you’re bent over, but there’s no standing up and picking.” Among all the berry crops, picking strawberries is by far the most arduous and takes the hardest toll on the body.

In strawberry fields, farmworkers are assigned rows. They push little carts along the row, picking on both sides. As they pick, they are filling up the plastic clamshells we see in grocery stores and putting them in cardboard boxes. Although the size and weight of the clamshells can vary, they typically weigh one pound, and each box holds eight. Once the box is complete, they hoist the box on their shoulder and run, often up to 30 yards, to a truck to turn it in, and immediately run back to fill another box. During peak harvest, they do this, bent over, for 9 or 10 hours per day, seven days a week. Angela, a migrant farmworker in Oxnard, California explained the process:

“Well, what we do is arrive, you grab your little cart, grab your box, and bend down! Oooh! You are bent over the entire day. We’re out there 9 or 10 hours, 10 hours, bent over, so that

you can get it done, you have to be bent over...There are no days of rest, sometimes, they give us the whole week running from 10, 8, 9 hours, almost dark out there picking strawberries."

Angela's description of the physical demands and exhausting nature associated with the fast-paced, repetitive motions of picking strawberries was common. She went on to describe the physical toll it takes on the body, especially the back pain. She commented, "Your back hurts. When you get up, all that time, you don't feel it, but when they say, now it's time to go. You can't even get to your car [motions holding her back, limping to car] You barely make it." Farmworkers in both states described the physical toll and back pain caused by being bent over all in strawberry fields. Like Angela, Faustino, an H-2A guestworker in North Carolina commented, "Well it's the back pain because you're bent over all day. You're there all day, bent over, bent over, and if you can't stand being bent over anymore, then you get on your knees."

The commonalities in their descriptions of their work among respondents in California and North Carolina demonstrate that berry picking is a tough job everywhere. The work is structured similarly in both states, and the physical demands are the same. As such, centering my interviews on berry workers allowed for a clear comparison of how the precarious labor regime in North Carolina, versus the more protective labor regime in California, affect the health and wellbeing of farmworkers and their families in each state. I turn now to the presentation of those findings.

HOW LABOR REGIMES AFFECT FARMWORKER WELL-BEING

Throughout my fieldwork and interviews it was clear that berry workers in both states were subject to employers whose behavior created poor working conditions that were detrimental to their health and wellbeing. However, my findings suggest that employers in California were under more scrutiny from state actors who more actively regulated work on farms and enforced federal and state labor regulations. Employers in North Carolina were under less pressure from the state to comply

with labor regulations which allowed them to flout those regulations with impunity. Additionally, berry workers in California were more intolerant of poor working conditions and had much more agency and autonomy which allowed them to push back against employers. For example, 14 out of 22 respondents in California had directly confronted an employer, and the other California respondents expressed that they would, and knew how. Conversely, berry workers in North Carolina were more willing to accept poor working conditions and their agency and autonomy in their interactions with employers were constrained. Out of the 15 North Carolina berry workers I interviewed, not one had confronted an employer. I find that these state differences in the behavior of state actors and berry workers had a direct effect on worker outcomes, and they operated through five interrelated community and worker contextual factors embedded in my labor regime model.

For instance, the first two contextual factors, *residential stability of workers* and the *geographic location of berry farms*, are quite different in California than they are in North Carolina. In California, 19 out of 22 respondents live permanently in the cities around which the berry fields are located and have lived there for several years.⁶² California immigrant berry workers have established family and social connections in co-ethnic communities, and their concentration in or near cities facilitates access to information and services. In North Carolina, 14 out of 15 respondents were transient. Nine were H-2A guestworkers and five were undocumented workers who traveled from state-to-state following the berry harvest. All North Carolina berry workers I interviewed live in isolated rural areas that are hard to find, thus limiting their access to information and services. Moreover, the network of state agencies and non-profit 501(c)3 organizations providing services and information to berry workers in California is also much more entrenched and robust than in North Carolina,

⁶² Only the three H-2A guestworkers I interviewed in California did not live in their respective communities permanently.

precisely because the migrant farmworker population has been a defining feature of the state for over a century.

Workers' relationship to employers also varied across the two states. All respondents in California, including the three H-2A guestworkers, worked directly for the owners of the farms. Consequently, when problems with employers arose, there was no confusion regarding who was responsible, and to whom complaints should be directed. In North Carolina, all but one of 15 respondents were subcontracted – a defining feature of a precarious labor regime identified in the scholarship by political sociologists and geographers (Nelson et al. 2015; Theodore and Peck 2002; Torres et al. 2013). Employers prefer to rely on subcontractors for labor recruitment because they provide access to “disciplined workers who come and go as required” (Nelson et al. 2015:854), and they facilitate an “arm’s length relationship” between employers and workers” which minimizes risk of employer liability (Theodore 2003:1822). This is certainly the case in the North Carolina berry industry. Moreover, six of the North Carolina respondents reported that their sub-contractual arrangements were ambiguous, and it was unclear who their actual employer was, and to whom grievances should be directed. For example, three of the H-2A guestworkers I interviewed in North Carolina were unsure whether they worked directly for the grower or the “Asociación” (i.e., North Carolina Growers’ Association (NCGA)).⁶³ In one particularly poignant moment in my interview with one of these workers, Faustino, he commented,

“Supposedly, our boss is the Association. The guy here he just, like they say, rents us. Because when you finish here, you have to report to the Association to tell them that the work with this boss is finished. And then if they have work with another grower, they bounce you to another one.”

Faustino’s comment reflects not only the power the NCGA has over these workers’ lives, but how this ambiguity functions to constrain their agency to resist employer abuses.

⁶³ To remind the reader, the NCGA is the single largest employer of H-2A workers in the country. Its members pay the NCGA to manage the paperwork and application process to request H-2A workers.

The *link between employment and housing and transportation* also affects worker's well-being outcomes. In California, employment is decoupled from housing and transportation because most berry workers live permanently in the towns and cities where they work. Apart from the three California H-2A guestworkers, every respondent lived in a private residence and had their own transportation. Consequently, employers in California do not have control over workers' lives outside of work. In North Carolina, because of their transient status, berry workers are much more likely to depend on their employer for housing and transportation. Indeed, 14 of the 15 North Carolina berry workers I interviewed were dependent on their employer for housing, and only two of these workers had their own transportation. Although I address my findings related to housing conditions and transportation in detail below, I mention it here because of its relationship to workers' agency and autonomy. My findings mirror those of others who have examined North Carolina farmworkers' agency and autonomy in their interactions with employers. For example, in their study of farmworkers in eastern North Carolina Heine et al. (2017) found that the link between employment and housing and transportation constrains North Carolina farmworkers' agency and autonomy, which hinders their ability to push back against poor working conditions and substandard housing.

I find that farmworkers' agency and autonomy in their interactions with employers are also related to their *geographic mobility*, the fifth and final contextual factor in my model. Berry workers in both states reported that employer behavior and the quality of working conditions varied widely. Some employers adhered to labor laws, provided the appropriate resources, and relatively decent working conditions. Others did not. Although there was variability in employer adherence to labor laws and policies across both states, employer policies and practices were much more consistent and predictable in California. This consistency in labor practices means that if conditions were poor, workers could leave and go work for another employer in the same community or surrounding area.

Respondents in California invariably reported that the larger, corporate agricultural farms were invariably known to be better places to work. These larger farms were more likely to adhere to state and federal labor laws and have bureaucratic structures in place for workers to file grievances. This finding is not surprising given our understanding of how larger bureaucratic workplaces are better-regulated and that interactions between workers and supervisors are governed by more established rules than those in smaller firms (Weber 1946). Oscar, a farmworker in Santa Maria, California, explained, “There [smaller companies] the conditions aren’t that great...I think the bigger companies...I like how they are. You’re satisfied with the regulations...” When I interviewed Oscar, he was working for one of these larger firms and was happy with his job. In another part of the interview, he described leaving a smaller farm where the boss denied him water breaks, commenting, “it’s a small company, so it’s just them. So, anything that happened, it was difficult to talk with them...So that’s why I left. I didn’t want that. I didn’t like their irregularities.” In North Carolina, regardless of the size of the farm, employer behavior was comparatively unpredictable, and workers’ ability to move between employers was severely limited. For North Carolina berry workers, if an employer was abusive and conditions were poor, they were often stuck. H-2A workers’ mobility was uniquely constrained because the H-2A visa restricts foreign workers to a specific employer for a set period, and those workers are dependent on that employer for their jobs – an aspect of the H-2A program long criticized by farmworker advocates.

Together, these interrelated factors had profound implications for berry workers’ agency and autonomy and directly affected outcomes on each of the four dimensions of well-being I now examine in more detail: wages, wage-security, occupational safety and health resources, and housing conditions and transportation.

Wages

Low wages are a defining characteristic of a precarious labor regime and an important dimension of well-being for farmworkers because their wages are extremely low compared to other workers. According to the latest available results from the National Agricultural Workers Survey (NAWS), average hourly farmworker wages ranged from \$9.71 to \$11.57, depending on whether workers were paid hourly or piece-rate (U.S. Department of Labor 2016). Most of the time, berry workers in both states are paid piece-rate, also commonly referred to as “incentive pay” (Goodhue and Martin 2020). Employers prefer the piece-rate system because it speeds up work and allows them to get berries to market quickly. Berry workers also prefer piece-rate work because they can typically earn more than hourly wages, although this incentive method takes a toll on workers’ bodies.

Piece-rates vary between crops, but the fresh strawberry example will suffice. Surprisingly, I found that piece-rate wages for strawberry workers in California and North Carolina were comparable, ranging between \$2.00 and \$2.50 per 8 lb. box, depending on the employer. Regardless of how much they pick, federal law requires that farmworkers must be paid at least the federal minimum wage (i.e., \$7.25 per hour) (U.S. Department of Labor 2018). When the harvest slows down, and there is not enough fruit left for the piece-rate wages to equal or surpass the minimum wage, they switch to hourly pay. Berry workers are also paid hourly for other, non-harvesting tasks such as cleaning and preparing fields, and working in packing houses. Although piece-rate pay was similar in both states, there was a large discrepancy in hourly wages, and California berry workers earned more.

The gap in hourly pay between states was a direct result of the disparate policy contexts regarding minimum wages between California and North Carolina. California farmworkers are covered by the state’s minimum wage law and all non-H-2A respondents in California reported being paid the minimum wage at the time of my field study in 2019 and 2020, which was \$12.00 per

hour, and has since increased to \$15.00 per hour. Farmworkers in North Carolina are excluded from the state's minimum wage law, but their exclusion is irrelevant because the state minimum wage is \$6.15 per hour, which is below the required federal minimum wage of \$7.25 per hour for all farmworkers. All non-H-2A respondents in North Carolina reported earning between \$7.25 and \$9.00 per hour.

Hourly wages for H-2A workers are always higher because they must be paid the Adverse Effect Wage Rate (AEWR). The AEWR is calculated by the U.S. Department of Labor (USDOL) on a state-by-state basis to ensure that local wages for domestic workers are not adversely affected by the recruitment of foreign-born guestworkers (U.S. Department of Labor 2022). If an agricultural employer hires H-2A guestworkers *and* domestic workers, domestic workers must also be paid the AEWR while H-2A guestworkers are present (U.S. Department of Labor 2022). Because the AEWR varies year-to-year, and I interviewed H-2A workers in each state in different years, my interviews do not allow for a clear comparison. Nevertheless, the AEWRs are publicly available. In 2022, the AEWR in California is the highest of any state in the country at \$17.51 per hour. In North Carolina, the 2022 AEWR is \$14.16 per hour (U.S. Department of Labor 2022). The USDOL calculates AEWRs based on prevailing wages, minimum wage requirements, and collective bargaining agreements in each state. Consequently, the AEWR gap between California and North Carolina reflects the relative precarity of their respective state agricultural labor regimes. This gap in hourly wages is significant, but state differences in wage-security are even more severe.

Wage-Security

Wage-security is an important and critical measure of well-being due to the common practice of wage theft in agriculture and other migrant-heavy industries (Robinson et al. 2011). Indeed, my interview data revealed that wage theft is a pervasive and routine practice among berry workers' employers in both states. In California, the most common method of wage theft reported by

workers was not counting or deducting the units (e.g., boxes or buckets) of berries workers picked. In North Carolina, employers would simply not pay workers at all, pay them less than what they were owed, promising to make it up on the next check, or not pay them hourly wages for time that they were required to be there.

In general, respondents in California were better positioned, and had more agency to push back against their employers than respondents in North Carolina. Because they worked directly for the farms, they typically had a written contract detailing the frequency and amount they would be paid. In North Carolina, none of the non-H-2A respondents had a written contract, and employers often did not honor the stipulations of the H-2A contract. California respondents were also much more knowledgeable about wage and hour requirements, and they were keenly aware of how their employers were stealing wages. This knowledge and awareness facilitated their agency which allowed them to push back against wage theft. A good example of how this knowledge facilitated California workers' agency and enabled them to defend themselves against wage theft was Angela, a Mixteco indigenous woman from Oaxaca.⁶⁴

When I interviewed Angela in July of 2019, she was 53 years old and had been living in Oxnard and working in the strawberry fields since 1984. Throughout her 35 years picking strawberries, Angela had experienced wage theft many times and was particularly knowledgeable. In the interview, she described the increasingly sophisticated ways that companies steal wages from strawberry pickers. For instance, she explained that for years, when strawberry pickers would turn in a box, there was a “ponchadora” (puncher) who would punch a card the farmworker would keep as a record of the number of boxes they picked. Although this card did not provide immunity from wage theft, it made it easier to challenge it. Angela explained, “Even with the “ponche,” they rob you, but we can contest that because we have the proof. It’s a little book, they punch you, they keep

⁶⁴ Mixteco is the term used to describe indigenous people from southern Mexico who native language is Mixtec

the original, and they give us a copy.” About fifteen years ago, many employers switched to a system where every strawberry picker had a badge that would be electronically scanned by the puncher, removing the physical proof the prior system provided. Angela explained,

“The little machine robs you...we count different quantities of boxes, and it comes out less boxes. And before when it was punches, they were paying like that because they marked it, every box that you brought to them, they’d mark it [with a punch]. They are very intelligent for screwing people. They are very smart...the badge didn’t make the mark. Because we counted, when we first started, we would count the boxes and no, we were all under...They know exactly what they’re doing, because they started doing that, and that was it. The check went down.”

Angela went on to describe how this awareness enabled her and her coworkers to challenge this employer, and the employer’s response, “So we started to review our check stubs, and say, ‘I’m missing 30 boxes here.’ They said, ‘If you don’t like it, you’re free, you can look [for work] somewhere else’...People left and went to other farms.”

Angela’s comments reflect not only her sharp awareness of how employers steal wages, but also the strong labor consciousness among California berry pickers. Angela felt that employers were always going to act in a way that protected their interests, and that employers’ interests were in direct conflict with those of workers. This knowledge and labor consciousness enabled workers like Angela to push back. Worker challenges were often not successful, but California respondents knew that they had legal recourse and knew how to access legal services. For example, another respondent, Rodrigo, commented, “There is California Rural [Legal] Assistance. Those are the lawyers. If like a company doesn’t pay you, you can go there to file a complaint.” Most respondents, however, had never filed suit against an employer for wage theft. Instead, most California berry workers voted with their feet and left to work for another company. They typically went to larger farms, many of which now had a screen in the fields displaying – in real-time – the number of boxes each worker picked. California respondents commonly reported that larger farms were also under more scrutiny from state regulatory agencies and had formal bureaucratic processes for workers to file grievances if

boxes had not been counted. Better regulation and “graded authority” between supervisors and subordinates are defining characteristics of large bureaucratic organizations identified by sociologist Max Weber (1946:197). According to Weber, bureaucratic systems offer workers more security by providing them an avenue through which they can appeal decisions of immediate supervisors (i.e., foremen) to a “higher authority, in a definitely regulated manner” (Pg. 197). California berry pickers’ awareness of how employers steal wages and how to file complaints, and their ability to quit, and seek work in better-regulated companies, provided them a buffer against wage theft that their counterparts in North Carolina did not have.

Most North Carolina berry workers interviewed were only in the state for a few weeks or months. They were brought to the state by a labor contractor on whom they were dependent on for housing and transportation while they were here. These workers’ transience and the power their bosses had over their lives outside of work constrained their ability to push back against bosses who stole their wages. Unlike their counterparts in California, North Carolina workers could not simply quit and go work for another company with a reputation for adherence to wage and hour laws. They were stuck. Their lack of geographic mobility made them less likely to confront their bosses when they were not paid. Instead, they stayed quiet, and simply hoped they would eventually be paid.

Take for instance, Valentino, an H-2A worker in eastern North Carolina from the Mexican state of Nayarit. When I interviewed Valentino in June of 2020, he was 30 years old and had been coming to North Carolina through the “Asociación” (NCGA) for eight months out of the year for the past six years. During those six years, Valentino had been “bounced” around to several different growers.⁶⁵ His experiences underscore how for many North Carolina H-2A workers, whether they

⁶⁵ When I met Valentino, he was picking strawberries, but had also worked in tobacco, sweet potatoes, watermelon, cucumber, and green beans. Working in various crops each year was common among H-2A workers in North Carolina.

end up with a “good” grower, is often luck of the draw. For instance, he recalled an experience from a previous year where he and his coworkers were consistently underpaid by the grower,

“I had worked all week, and they come to pay us on Fridays. And they came there to give us like \$200. And they said, next week I’ll give you the rest...There were like forty of us.” When I asked him, “What did you all say?” he replied, “I just put up with it. We didn’t say anything. The next Friday came and the same thing. But this time they gave us a little more but all [the workers were owed]. Sometimes, they’d say, “On Monday, I’ll square up.” Sometimes, until the next day, and that was how it was.”

Valentino and his colleagues were eventually paid, but his response to “just put up with it” reflects the resignation and lack of agency and autonomy that was common among North Carolina respondents. North Carolina berry workers generally accepted wage theft and did not confront their employers, and many did not even know their wages were being stolen. For example, in the case of Soledad, who I introduced at the beginning of this chapter, not only did her contractor eventually refuse to pay her, but he was also stealing her wages by not paying her for hours she had to wait at the packing house while blueberries were being weighed. Soledad was unaware that this was against federal wage and hour law that explicitly requires employers to pay workers the prevailing federal minimum wage when working away from the fields. For Soledad and others, their lack of knowledge of wage and hour requirements made them more susceptible to wage theft compared to workers in California who were more knowledgeable about labor policies.

Because federal law prohibits wage theft in all states, wage-security is unique among the dimensions of well-being I examine in this chapter because it is the only outcome not directly influenced by state policies. The variability I find in worker outcomes related to wage-security suggest that state labor regimes affect workers’ well-being via their influence on workers’ expectations and their ability to push back against employer abuse. Indeed, I argue this variability is a function of differences in workers’ agency and autonomy, not disparate state policy contexts. I turn now to my findings related to workers’ access to occupational safety and health resources.

Occupational Safety and Health Resources

Occupational safety and health (hereafter OSHA) resources are a critical dimension of worker well-being, especially for farmworkers due to their exposure to the elements and the physical demands of their work in the fields. Harvesting fruit and vegetables is among the most dangerous occupations in the United States. The dangers farmworkers face at work are often exacerbated due to poor working conditions in the fields because their employers do not provide OSHA resources. Access to OSHA resources is a particularly useful dimension of farmworker health and well-being to examine variation across states for two reasons: First, states are responsible for enforcing federal law (i.e., field sanitation requirements), which, since 1987, requires agricultural employers to provide workers with access to resources, including potable water, clean bathrooms, and handwashing stations. It also stipulates that farmworkers be allowed to take breaks to use the bathroom and drink water as often as necessary (OSHA 1987).⁶⁶ Second, state laws requiring agricultural employers to provide additional OSHA resources, beyond the federal minimum vary widely. For example, as I demonstrate in Chapter Three, North Carolina law only requires the federal minimum, while California law requires employers to provide additional OSHA resources such as shade and mandatory cooldown periods when temperatures reach or exceed 80 degrees.

My findings indicate that California berry workers have more access than their counterparts in North Carolina to the field sanitation resources required by federal law. California berry workers also have access to additional OSHA resources (e.g., shade and mandatory cooldown periods) which are required in California, but not in North Carolina. I argue that California berry workers have markedly better work conditions and more access to OSHA resources because of their solidarity and the long history of the UFW movement, which facilitated their agency and autonomy. The effect of California berry workers' agency and autonomy on their access to OSHA resources in the fields was

⁶⁶ In California and North Carolina, the agencies responsible for enforcement are CAL/OSHA and the NCDOL.

a common theme in my interviews with California respondents. California workers mentioned having to battle and struggle for access to those resources and felt conditions had improved.

For example, the theme of worker solidarity and struggle was clear in one of my first interviews in California with Elena, a 63-year-old strawberry picker in Oxnard, who had been active in the UFW in the 1970s. When describing her experience joining the UFW, Elena commented,

“It was when they started...when they entered and we got the first contract from Cesar Chavez’s union, the farmworker union. There was a lot of battling and a lot of suffering...I was realizing what it was about, that they wanted something better for themselves, for the farmworkers...They wanted clean water, not just water from the spout. They wanted the bathrooms to be cleaned at least three times per week, clean bathrooms, water to wash your hands... And I said to myself...when I saw all that, I said, ‘I’m going to this side. I’m going to this side.’”

Elena did go to the side of the UFW, and she adamantly described how the union facilitated workers’ agency to push back against employers who did not provide OSHA resources,

“...if they didn’t do it, we’d say, ‘The bathrooms need to be cleaned.’ And they’d talk to the person who cleaned the bathrooms...When they had water that wasn’t appropriate for drinking, when we’d see that it wasn’t right, we’d call the union and tell them to come because this is happening, and they’d fly over there. And it was good. That’s what we want the people to know, you have rights, rights to work in a place. It doesn’t matter if it’s in the fields. It’s not a crime to work in the fields.”

Elena’s comments reflect the strong labor consciousness and worker solidarity that helped construct the protective labor regime in California. Her comments also show how union representation creates security for workers by facilitating their agency in their interactions with employers.

UFW contracts began dwindling during the 1980s, and only a handful of other California respondents were working or had worked at companies with union representation. Nevertheless, the legacy of the UFW movement on workers’ resistance and residency was evident. California respondents commonly reported that access to OSHA resources had improved in the last four or five years. They felt this improvement was due to increased employer scrutiny from both worker advocacy organizations who go into the fields, inform workers of their rights and how to defend them, and state regulators (i.e., CAL/OSHA). For example, Flor, who had been working in Oxnard

strawberry fields since migrating from Oaxaca in 1984 and was now volunteering for one of these worker advocacy organizations, explained,

“About four years ago...still the bathrooms were bad...Because now there are many agencies that are helping...[Before] there wasn't anybody to tell you, 'You know what? If you need this help, call this number and they're going to give you the information.' So, you just accepted the problem you had. Now, thank God, we have gone around, I asked one of my friends, 'How are they [bosses] behaving? Are they providing water?' She says, 'Oh yeah, they're giving us water now because somebody...came by here.' No man, they're afraid. The water is now very clean. Now it's working. Things are better now.”

Flor's comment, which suggests that employers are providing OSHA resources because they were “afraid” was also expressed by California respondents who had no connection to worker advocacy organizations. These findings suggest that worker advocacy organizations' efforts were bolstered by the state regulatory apparatus, especially at the larger companies. For instance, Santiago, a recent migrant from Tijuana, who worked for a large strawberry farm in the Central Coast city of Santa Maria, commented, “They [CAL/OSHA] first show up and give a warning that 'this wasn't right, and this wasn't either,' and if they come back if they find it again, they fine.” In another part of the interview, Santiago discussed how the fear of fines compelled the company to comply with federal and state OSHA regulations. He explained,

“They [the company] take a lot of care so that they don't get fined or sanctioned...Apart from having water, bathrooms, soap, we also have a tent for shade...For example, today it was pretty hot, and we took out the tent. But they just take out the tent when it gets above 80 degrees.”

Santiago's comments show that not only did he have access to OSHA resources required by federal and state laws, but he was also informed about the OSHA resources those laws required his employer to provide.⁶⁷ Access to OSHA resources and knowledge of regulations was common among California respondents and they regularly referred to CAL/OSHA by name. Although information regarding OSHA rights and how to defend them was often provided by worker

⁶⁷ His employer's compliance and Santiago's knowledge of the shade and mandatory cooldown periods is especially noteworthy because it had only been in effect for three years.

advocacy organizations, for Santiago and many others, this information was also provided by employers themselves. California respondents commonly reported that their employers paid them to take OSHA training. Their employers also had clear bureaucratic protocols in place for workers to follow if OSHA resources were not provided. This was never experienced by workers in North Carolina.

California employers did not provide these resources out of altruistic benevolence. Rather, they were compelled to do so by workers' demands and state regulatory oversight. As the experiences of Elena, Flor, and Santiago demonstrate, California berry workers' access to OSHA resources was heavily influenced by their agency and autonomy to resist abusive employers and push state actors to protect their interests. In North Carolina, berry workers' agency and autonomy to push back directly against employers who did not provide OSHA resources was comparatively constrained, and they had considerably less support from the state regulatory agency (i.e., NCDOL). Unlike California respondents who discussed enforcement and often referenced CAL/OSHA by name, North Carolina respondents never mentioned field inspections, and none were familiar with the NCDOL. Because North Carolina employers were generally not under pressure from workers nor the state to comply with OSHA regulations, North Carolina berry workers had considerably less access to OSHA resources in the field than their counterparts in California. Furthermore, in sharp contrast to California, my findings from North Carolina suggest it was workers who were "afraid," not employers, and berry workers' access to OSHA resources was largely dependent on individual employers' goodwill, which was unpredictable and varied widely.

For example, themes of fear and the unpredictability of employer behavior were expressed in my interview with Faustino, an H-2A worker from Durango, Mexico. To remind the reader, Faustino was the H-2A worker who described being rented out to growers by the NCGA. Faustino had been coming to work in North Carolina fields for eleven years. He had experience with multiple

growers and described how employer behavior was unpredictable. For instance, the grower for whom Faustino was working at the time of the interview provided bathrooms, potable water, handwashing stations, and allowed workers to take breaks when they wished. When describing this grower, Faustino commented, “Yeah, this boss here he’s pretty good people. He treats us well. He doesn’t scold us or anything like that.” However, when I asked Faustino about other growers, he became visibly nervous and lowered his voice. After looking around to make sure he could not be overheard, he commented, “Well, at times, they stick you with a boss that doesn’t even want to give you water and things like that.”

Faustino’s reluctance to discuss the matter of employer practices reflects the power imbalance between North Carolina berry workers and their employers. His comment is representative of the leverage North Carolina employers typically had over workers which constrained workers’ ability to push back against employers who did not provide OSHA resources. North Carolina respondents commonly reported being afraid of employer retaliation (e.g., being fired). Because of this fear, they were willing to accept poor working conditions, and none had ever confronted an employer who did not provide OSHA resources. For workers like Faustino, their transient status, and the power their bosses had over their lives outside of work, compounded their fear. However, my findings suggest that berry workers who live in North Carolina permanently were also afraid and thus willing to accept poor working conditions. Why? Because they were either undocumented or living in isolated rural areas with limited access to other work.

Take for example, Ana, an undocumented Mexican woman who works in the blueberry fields and packing houses in eastern North Carolina. Ana was not transient like other North Carolina berry pickers I interviewed. She had been living in rural eastern North Carolina for 22 years and she was also the only North Carolina respondent who was not subcontracted. Ana worked directly for the grower who she referred to simply as, “El Americano.” However, she had no written

contract and her employment with this grower was very contingent. When describing the OSHA resources, “El Americano” provided in the blueberry fields, Ana commented, “Well, the bathroom, they have one for all the people that are there...The truth is that sometimes you don’t go because there aren’t enough, and at times they don’t clean them. They are very dirty.” When asked if she could take breaks to use the bathroom when she wished, Ana responded,

“No. Not until there in the exit when you’ve finished the row, then yes. If they see that you’re going to the bathroom, that’s going to call attention. So that’s why everybody [pauses] You just go when it's very necessary.”

Ana’s employer also did not allow her and her coworkers to take water breaks when they wished. She commented, “Just so you can take a sip of water. They don’t give even 10, not even 5 minutes...You get a little breath when you see that the boss is going to check on another field. Then you get a chance to catch your breath.”

Like all other North Carolina respondents, Ana never mentioned the NCDOL inspecting fields to ensure her employer was complying with OSHA regulations, but she did know her employers’ behavior was illegal and how to report it because she read it on a workers’ rights information sheet posted at work. However, like others, she described being afraid to report because she feared retaliation,

“Well, I know that there’s the number to call, but the problem is you don’t buck up and call it. You don’t buck up and give them a call when you have a complaint, because it says there that if you have a complaint that you call that number or contact this person, but there’s always the fear and you say, ‘Maybe they’re going to hear me.’”

Furthermore, even though Ana lived permanently in North Carolina and was not dependent on her boss for housing and transportation, her ability to quit and look for work at a “better” company was constrained by her undocumented status and rural isolation. She discussed wanting to quit and knew of other employers, but they were far away, and she was afraid to drive because she was undocumented,

“...yeah, by Mt. Olive...One of my husband’s nephews works over there...he has papers and all that and we were talking about working over there, but if you get a ticket. It’s far away, what I think about the most are the checkpoints...So I say I’ll just put up with it...I’ll wait until I don’t ever want to come back here.”

Ana’s comments suggest that her lack of geographic mobility constrained her agency and autonomy which resulted in her resignation, and ultimately limited her access to OSHA resources. I turn now to my findings related to housing conditions and access to transportation.

Housing Conditions and Access to Transportation

Housing conditions and access to transportation are critical dimensions of farmworker well-being because they are often linked to agricultural employment. Housing conditions for migrant farmworkers are often sub-standard, federal migrant housing regulations are commonly violated, and state laws designed to regulate migrant housing vary widely (Arcury et al. 2012). Access to transportation is an important dimension of well-being because of its implications for autonomy, social isolation, and access to resources such as food, medical care, and leisure activities (Straut-Eppsteiner 2016). Because most California berry pickers live permanently in the cities around which berry production is located, housing and access to transportation are decoupled from employment. In North Carolina, because most berry workers are transient, they are dependent on their employers for housing and transportation. For this reason, California berry workers had much more autonomy relative to their counterparts in North Carolina.

In California, although most berry workers rent their housing from private landlords, the lack of affordable housing in the cities where they lived limited their housing options, and often led to overcrowding. For instance, it was common for entire families to live in one room within a house, for which they paid between \$700 and \$1,000 per month. For example, Cecilia, a migrant farmworker from Oaxaca, who had been living and working in Santa Maria, CA for fifteen years, explained, “Oh the rent here is really expensive and every year it goes up...Right now, I’m paying \$700 for one room.” Cecilia lived in this one room with her husband and two small children. She

and explained that for many California berry workers, especially recent arrivals, it was also common for two families to share one room. In response to these skyrocketing rents which appear to be targeting vulnerable farmworkers, UFW and worker advocacy organizations have mobilized and are supporting rent control policies in cities like Oxnard.⁶⁸ Their involvement in worker housing issues, even though they are not directly related to employment, is another example of how the protective agricultural labor regime in California provides support that can improve the well-being of berry workers and their families.

In North Carolina, in contrast, most workers live in overcrowded housing in isolated labor camps. All except one worker I interviewed in North Carolina lived in overcrowded housing provided by employers. In some labor camps, workers lived in barracks-style housing with multiple workers sleeping in bunk beds in one room. In other labor camps, workers lived in trailers with two to three bedrooms. In these trailers, there were typically between three and five workers per bedroom, and as many as eight workers sleeping in the living room and kitchen area. This was the best-case scenario. In other cases, the housing conditions were worse, and cases of substandard, overcrowded housing were the most egregious for transient, non-H-2A respondents like Josefina, a migrant farmworker from Oaxaca.

I met Josefina on a hot June evening in 2021 at a large labor camp in Bladen County, NC. She and her husband, Rodrigo, and four small children – all under four years old – had recently arrived from Florida. The camp was adjacent to a large blueberry farm, and it consisted of at least 16 barracks-style sheet metal structures which I estimated to be approximately 25 feet by 40 feet (1,000 square feet). A combination of H-2A and non-H-2A workers, and families lived in these structures. Josefina explained that each structure was divided into two rooms (~500 square feet each), and in

⁶⁸ They announced this support on their social media accounts which I monitored frequently during fieldwork and while drafting this dissertation.

her case, there were two families in each room, “There are four couples, two on each side.” When I asked her how many children were living in the structure, she responded, “I have my four and there’s another two from the other woman. That’s six, and there’s another four on the other side... there’s 10.” In other words, there were eighteen people (10 kids and 8 adults) who lived in this roughly 1,000 square foot sheet-metal structure. There were not enough beds for all eighteen people and Josefina’s kids slept on air mattresses she brought from Florida. To make matters worse, the labor contractor charged each couple \$60 per week to live there which translates into a \$480 monthly for the contractor.

It is not unlawful for employers to charge migrant workers for housing, but it is violating the law when employers, like Josefina’s, provide housing to H-2A workers (Wage and Hour Division 2022). Moreover, because H-2A workers were present, Josefina’s employer was also required to provide three meals per day and transportation to and from the living quarters and the worksites (Wage and Hour Division 2022). Josefina’s employer was violating these federal labor laws. In other words, not only was Josefina’s labor contractor exploiting her family and the others by packing them into overcrowded housing but was also stealing money from them by not complying with federal wage and hour laws related to the H-2A program. Josefina was unaware of these laws which allowed her employer to violate them with impunity. Moreover, the NCDOL was ostensibly not acting to protect Josefina and others from such clear violations of federal and state migrant housing regulations and wage and hour laws. This is another clear example of how the precarious labor regime in North Carolina has a deleterious effect on the health and well-being of migrant berry workers and their families.

DISCUSSION AND CONCLUSION

The findings in this chapter demonstrate how the collective behaviors of berry workers, agricultural employers, and state actors are mutually constitutive. Not only do these collective behaviors shape the sociopolitical culture in each state, but they are influenced by that sociopolitical culture. Indeed, berry workers' understanding of the norms and expectations which govern their interactions with employers and state actors varied dramatically across states. I argue that this explains the stark differences between how berry workers, agricultural employers, and state actors behaved in California and North Carolina, and why worker outcomes were so different. California berry workers had more agency and autonomy to push back against abusive employers and received more support from the state in the form of enforcement. Conversely, North Carolina berry workers' agency and autonomy were constrained which limited their ability to resist abusive employer behavior. Moreover, North Carolina berry workers received essentially no support from the state to resolve their precarious living and working conditions. The differences in berry workers' agency and autonomy explain the state variations in berry workers' security and well-being outcomes, including wages, wage-security, OSHA resources, housing conditions, and access to transportation.

I argue that the differences in workers' agency and autonomy across states is linked to variations in the residential stability of the berry worker population, the urban and rural differences in the geographic location of berry farms, workers' relationship to their employers (direct vs. sub-contracted), and state differences in the link between employment and housing and transportation. Each of these local community and worker contextual factors is related to the migration and labor histories of each state, which, as I document in Chapters Two and Three, shaped the development of their respective agricultural labor regimes. For example, the migrant farmworker population in California has been deeply rooted and engaged in cross-ethnic collective labor actions against their employers for at least 120 years. This history of a pronounced labor consciousness and collective

behavior translates into the worker agency and autonomy I witnessed in my interviews. California berry workers also have a much stronger foothold in their communities because they had more established family and social connections in those communities. They also benefited from the network of state and non-profit 501(c)3 worker advocacy organizations providing services farmworkers. Furthermore, I find that the firmly established migrant population, and their concentration in cities not only allows California berry workers to move between employers more easily, but also facilitates the diffusion of valuable information to other workers. Information about labor laws and policies, employers' reputations and practices, and immigration enforcement activities spreads through word-of-mouth and Spanish language radio stations. This diffusion helps explain why the California berry workers I interviewed were much more informed and had more agency and autonomy to push back against employers compared to their North Carolina counterparts.

Because Latino migration into North Carolina is relatively recent, and the farmworker population remains largely transient, berry workers in the state are still struggling to find their foothold. Consequently, historically, they have had little influence on the behavior of state actors who continue to advance the interests of agricultural employers. This worker powerlessness is reflected in the leverage their employers have over their lives. In North Carolina, berry production is more rural and isolated and berry workers are almost exclusively sub-contracted either through the H-2A guestworker program or through undocumented crews that follow the harvest from state-to-state with a labor contractor. North Carolina berry workers' rural isolation and transient status, along with their dependency on employers for housing and transportation constrains their ability to resist employer abuses. This makes North Carolina berry workers more vulnerable to abuses from growers and farm labor contractors who face little scrutiny from the NCDOL and other regulatory agencies. North Carolina berry workers' concentration in isolated rural areas also limits the spread of information and their access to the Farm Labor Organizing Committee (FLOC), the first

farmworker union in the state which was established in 1997. This argument is supported not by what North Carolina respondents said in the interviews. Rather, it is supported by what they did not say. For example, among the 15 North Carolina respondents, not one mentioned FLOC on their own, and only four H-2A workers mentioned they had heard of FLOC after I asked them directly. None were union members. Furthermore, Ana, who lived in the state permanently, was the only North Carolina respondent who mentioned one of the worker advocacy organizations operating in the state. I argue that these omissions help explain why North Carolina berry workers were often unaware of wage and hour and OSHA regulations, and thus less capable of pushing back against employers who violated those laws.

Overall, this chapter contributes to our understanding of the complex ways agricultural labor regimes operate in practice and impinge on the lives of migrant workers and their families. As I demonstrate in Chapters Two and Three, labor regimes are not stagnant. It is possible that California's labor regime could become more precarious if California growers continue to rely more heavily on the H-2A guestworker program. In this same vein, it is also possible that North Carolina's agricultural labor regime could become more protective as the state's migrant population continues to grow and becomes more established.

CHAPTER FIVE: CONCLUSION AND DISCUSSION

I designed this dissertation project to improve our understanding of how state sociopolitical cultures impinge on Latino migrant workers' lives and how these state environments vary by established and new gateway migrant destinations. To that end, I first clearly define the concept of a labor regime as a sociopolitical culture, including sets of laws, informal rules, norms, and expectations which are both shaped by and guide the collective behaviors of key labor market actors: workers, employers, and the state. I also propose that labor regimes operate on a precarious-protective continuum, defined by the degree to which workers are empowered, and state policies and practices mediate their interactions with employers and provide protections from abuse. Next, I build on this conceptual definition and develop a labor regime model to assess how state labor regimes develop, how they are structured, and the degree to which they provide protection for workers. This model provides a conceptual framework which I apply to answer two research questions: (1) How have state agricultural labor regimes developed over time? And (2) How does the relative position of a state's agricultural labor regime on the precarious-protective continuum affect the health and well-being of migrant farmworkers and their families?

To answer these questions, I employed a mixed-method historical case study approach, comparing the agricultural labor regimes in two U.S. states – California and North Carolina. I purposefully selected these states based on three criteria which are central to my comparative research design. First, both states have large agricultural crop production industries which rely primarily on a foreign-born workforce. Second, given their different migration histories, these states represent ideal types for a new versus traditional migrant destination comparison. Third, California

has the most protective labor policy environment in the nation, and North Carolina has one of the most anti-labor policy environments of any U.S. state. Because these states are at opposite ends of the precarious-protective labor regime continuum, they represent ideal types for a proof of concept.

To answer my first research question – How have state agricultural labor regimes developed over time? – I analyzed archival data from the USDA Census of Agriculture, federal and state legislative records, congressional testimonies, and newspaper articles to examine how each state’s agricultural labor regime developed from the late nineteenth century to the present. In this analysis, I focused on identifying whether and when there were points of contingency and points of convergence, and the factors that contributed to the contemporary labor regimes in California and North Carolina. The results from this analysis, presented in Chapters Two and Three, help explain why the agricultural labor regime we observe in California today is markedly more protective compared to the precarious labor regime in North Carolina. Furthermore, these results show that the development of the agricultural labor regimes in California and North Carolina has been inextricably linked to the structure of agricultural crop production in each state, patterns of domestic and foreign-born migration, and workers’ labor movements.

In Chapter Two, I focus on the Populist Progressive Era (1880-1930). During this period, the harsh conditions associated with the disjointed system of tenant farming, sharecropping, and plantation production in North Carolina served as a deterrent for potential migrants and pushed many workers out. Specifically, the Bourbon Democrats’ white supremacist political agenda pushed Black agricultural workers out of North Carolina. This isolation from outsiders, combined with the mass exodus of Black agricultural workers to cities in the North and West – whose solidarity and strong labor consciousness made them the most likely to organize and collectively resist – constrained the potential for worker empowerment. This resulted in the consolidation of employers’

hegemony over the North Carolina's political apparatus during a critical period in U.S. labor history when progressive reforms were popular in national discourse.

During the same period, the consolidation of California agriculture into large industrial farms also consolidated farmworkers. These industrial farms required large numbers of migrant farmworkers who growers incessantly recruited from abroad and other regions of the United States. During the late nineteenth and early twentieth centuries, California growers recruited most of these migrant farmworkers from Japan and Mexico. These migrant farmworkers' efforts to resist grower exploitation and organize across racial and ethnic lines pushed the California state government to act on their behalf and establish regulations to support their interests. Indeed, these migrants' strong labor consciousness and worker solidarity had a profound impact on the more protective labor regime foundation set in California during the Populist-Progressive Era. Given the sharp contrast between the labor regime foundations established in North Carolina and California during the Populist-Progressive Era, I contend that this period marks critical point of contingency which set each state's labor regime on different trajectories as they continued to develop throughout the twentieth century to today.

In Chapter Three, I turn my attention to the evolution of the agricultural labor regimes in each state from the Great Depression to the Neoliberal Era (1930-Present). I organize this chapter into three pivotal periods in U.S. labor history: The Great Depression, New Deal, and WWII Era (1930-1945), the Post-War Era (1945-1980), and the Neoliberal Era (1980-Present). During the Great Depression, New Deal, and WWII Era (1930-1945), the system of tenant farming, sharecropping, and plantation production endured in North Carolina, and the state remained isolated from outsiders. During this period, tenants, sharecroppers, and farmworkers in North Carolina remained disempowered, and the political dominance of landlords, planters, and cotton and tobacco factory owners solidified. Because these agricultural employers' controlled the North

Carolina state government, they established weak institutions, and resisted New Deal labor reforms., Consequently, the precarious labor regime in the state hardened. During the same period, California's industrial farms continued to draw large numbers of Mexicans, along with newcomer Filipino migrants from abroad, and Dust-bowl refugees from other U.S. states. During the 1930s, migrant farmworkers in California relentlessly organized strikes to push farm owners to improve their working conditions and pay. Although California migrant farmworkers' efforts did not result in structural reforms in the 1930s, and the period ended with the Bracero Program in 1942, their solidarity laid the groundwork for the rise of the United Farm Workers of America (UFW) during the Post-War Era (1945-1980).

The Post-War Era marked the biggest separation between the agricultural labor regimes in North Carolina and California on the precarious-protective continuum. Indeed, it was during this period when the present-day structure of each state's agricultural labor regime was formed. In North Carolina, the system of tenancy, sharecropping, and plantation production eroded, farms were consolidated, and agricultural crop production in the state began to approximate the industrial model long-established in California, although on a much smaller scale. During this period, the North Carolina-born tenants and sharecroppers and farmworkers migrated out of rural North Carolina to urban centers in the North and West. Black agricultural workers were overrepresented in this mass exodus out of the rural South which occurred between 1941 and 1970 in what historians refer to as the Second Great Migration. These workers were replaced with domestic migrant farmworkers from surrounding southern states, who, like their predecessors, remained disempowered. These domestic migrant farmworkers' disempowerment and precarity were compounded by their transience and the entrenched anti-labor and anti-worker sociopolitical culture in North Carolina which solidified during the period. Agricultural employers continued to dominate the state's political apparatus which promoted their interests over those of migrant farmworkers.

Although the need to comply with federal labor laws forced the state legislature to establish agencies to regulate agricultural labor, the evidence is clear that these agencies promoted the interests' of farm owners and federal and state regulations were minimally enforced on North Carolina farms. Thus, the agricultural labor regime in North Carolina continued its trajectory towards the precarious end of the labor regime continuum and further away from the labor regime in California, which became more protective during the Post-War Era.

During the Post-War Era, industrial farming in California continued unabated. Throughout the period, like their counterparts in North Carolina, agricultural employers in California actively resisted state and federal intervention in their labor practices. In North Carolina, agricultural employers were much more successful because they dominated state government and had successfully stifled farmworker mobilization. In California, growers had to continuously attempt to suppress migrants' efforts to organize. Although the influx of approximately four million Braceros helped them in their efforts to suppress farm labor organizing in California during the first two decades of the Post-War Era, when Congress abolished the Bracero Program in 1964, the farm labor movement in California experienced unprecedented success.

This movement built on migrant farmworkers' strong labor consciousness and organizing efforts in California fields dating back to the early 1900s. The farm labor movement in California was led by a cross-ethnic coalition of primarily U.S.- and foreign-born Mexican and Filipino migrant farmworkers. Their mobilization was critical for the development of California's more protective labor regime for two reasons. First, the movement facilitated the rise of the UFW in 1966, which remains the largest farm labor union in the country. Second, the movement brought the labor conditions of migrant farmworkers to the national and international stage, which pushed the federal government to establish labor laws in the 1960s and 1970s to regulate agricultural labor. The farm labor movement in California also pushed California's state executive and legislative branches to

establish robust labor protections for farmworkers during the 1970s, further distinguishing the protective agricultural labor regime in California from the comparatively precarious labor regime in North Carolina during the Post-War years.

I find that throughout the Neoliberal Era from 1980 to the present, the agricultural labor regimes in North Carolina and California grew further apart to their present positions on opposite ends of the precarious-protective labor regime continuum. During the Neoliberal Era, agricultural crop production in North Carolina continued to industrialize, and the composition of the agricultural workforce shifted to a foreign-born workforce, further resembling that of California. By the 1990s, the agricultural workforce in North Carolina was almost entirely comprised of foreign-born Mexican and Central American undocumented migrants and H-2A guestworkers from Mexico. In the late 1990s, migrant farmworkers in North Carolina began organizing for the first time in over one-hundred years and established the state chapter of the Farm Labor Organizing Committee (FLOC) in 1997 – the first farmworker union in the state’s history. These migrant workers in agriculture and meat and poultry processing have breathed new life into the North Carolina labor movement, but they face two primary obstacles in their efforts to make the state’s agricultural labor regime more protective. First, they moved to the state during an historical period characterized by a national context of growing worker precarity and disempowerment (Kalleberg 2009; MacLean 2018). Second, they face the inertia of over one-hundred years of entrenched anti-labor and anti-worker forces in the state’s political leadership who continue to promote the interests of agricultural employers. The enormous power of North Carolina’s agricultural employers over the state’s political apparatus has pushed the state’s agricultural labor regime further away from California’s during the Neoliberal Era. Indeed, during the Neoliberal Era, the distinctions between each state’s sociopolitical culture have become increasingly stark.

The evolution of California's comparatively more protective agricultural labor regime during the Neoliberal Era is due to the state's long history of migration and the strong labor consciousness cultivated in California fields throughout the previous century. Although the UFW – along with all U.S. labor unions – experienced setbacks during the 1980s and 1990s, by the 2000s, the state's Latin American migrant population had become a formidable political force and remains such. Many of California's political leaders today (i.e., the state actors in my conceptual model) are the children of migrants and have decisively pro-migrant and pro-labor policy agendas, which have pushed California's agricultural labor regime further toward the protective end of the labor regime continuum. Their ascent to leadership roles in California state politics represents the institutionalization of a strong labor consciousness in the state's sociopolitical culture during the Neoliberal Era, underscoring the stark contrast between the sociopolitical culture in North Carolina.

These findings support my argument that the formation of agricultural labor regimes is related to systems of agricultural crop production and migration, including who migrates, when they migrate, and under what sociopolitical context they migrate. Moreover, these findings underscore how the contemporary agricultural labor regimes in each state have evolved from their foundations established more than one-hundred years ago, during the Populist-Progressive Era. Overall, the results from my archival analysis, presented in Chapters Two and Three, provide a birds' eye view of how the agricultural labor regimes in California and North Carolina have developed, and the factors which have shaped their trajectories. In Chapter Four, I turn my attention to my second research question, which addresses how labor regimes operate in practice and affect workers' well-being.

To answer this second research question, I conducted 37 in-depth, semi-structured interviews with farmworkers in California (N=22) and North Carolina (N=15). For comparative purposes, I centered these interviews on farmworkers in each state who work in berry production (i.e., strawberries, raspberries, blackberries, and blueberries). Because both states have large berry

production industries which are structured similarly (e.g., market trajectories, work, pay structure, and labor needs), focusing on berry workers helped ensure that any observed state variation in worker well-being was primarily a function of the labor regime. These interviews produced rich qualitative data which I use to assess how agricultural labor regimes shape the dimensions of worker well-being identified on the right side of my labor regime model: wages, wage-security, occupational safety and health resources, housing conditions and access to transportation.

The results in Chapter Four suggest that these well-being outcomes are better for berry workers in California compared to their counterparts in North Carolina. Although workers in both states are subject to exploitative employer behavior, California berry workers exercise more agency in their interactions with employers. They also receive more support from state actors in the form of enforcement of labor regulations. In North Carolina, I find that berry workers' agency and autonomy in their interactions with employers is comparatively constrained and state enforcement of federal and state labor regulations is minimal. Consequently, compared to their California counterparts, berry workers in North Carolina have lower hourly wages and are more vulnerable to wage-theft. Berry workers in North Carolina have limited access transportation and occupational safety and health resources and they live in sub-standard, overcrowded housing. Throughout my fieldwork and interviews, I find that these well-being outcomes of workers in both states are also shaped by five interrelated local level contextual factors which varied across my two research sites: (1) residential stability of workers, (2) the geographic location of berry farms (proximity to urban centers vs. isolated rural areas), (3) state differences in workers' dependency on their employers for housing and transportation, (4) workers' relationship to employers (direct or sub-contractual), and (5) workers' geographic mobility.

The agency and autonomy of California berry workers, for example, are facilitated by the fact that they live permanently in the cities and towns around which berry farms are located. The

established co-ethnic communities in these cities and towns, and their residential stability provides support and facilitates the diffusion of information among workers. Furthermore, because California berry workers are full-time residents in the places where they work, they are not dependent on their employers for housing and transportation, and thus have more autonomy and geographic mobility. California workers are also not reliant on labor contractors for employment because they work directly for the owners of the berry farms. This means that when working conditions are poor or sub-standard, they can quit and look for work elsewhere, typically at a larger farm with a better reputation for treatment of workers and adherence to labor regulations. The larger, more corporate farms in California are under more scrutiny from state regulators (i.e., CAL/OSHA) and they have bureaucratic protocols in place through which workers could file grievances. In North Carolina, this state oversight and organizational workplace structure was never present, even on the larger berry farms.

In North Carolina, most of the berry workers I interviewed were H2A workers or seasonal domestic workers and thus newcomers to the state, having arrived only a few weeks or months earlier. Typically, these temporary migrant workers in the state live in isolated, rural areas, where the berry crops are located, and thus have less support and less access to information compared to workers in California. Another key difference between the states is that all but one North Carolina respondent was sub-contracted. Most berry workers are typically brought to the state through a labor contractor or the North Carolina Growers' Association (NCGA), which constrains their agency and autonomy in three related ways. First, the workers are dependent on their employers for housing and transportation and thus less likely to complain when there are problems with working conditions, housing conditions, or pay. Second, their sub-contractual arrangements are sometimes ambiguous, and it is unclear who their actual employer is. This ambiguity creates confusion regarding who is responsible and to whom grievances should be directed. Finally, unlike their

counterparts in California who have access to transportation and can seek work in better-regulated companies, North Carolina berry workers are geographically immobile, which severely limits their autonomy. H-2A guestworkers' geographic mobility is uniquely restricted because the H-2A contract ties them to a specific employer and prohibits H-2A workers from changing jobs. Furthermore, even without this contractual restriction, in North Carolina, regardless of the size of the farm, employer behavior is unpredictable and inconsistent. There is no clear pattern regarding which employers treat workers with dignity and comply with federal and state labor laws, and state oversight is minimal – underscoring the precarity of North Carolina's agricultural labor regime. Overall, my historical-comparative mixed-method research design, combining archival analysis with qualitative interviews and fieldnotes based on observations of working conditions, provides a robust description of how state agricultural labor regimes develop, how they are structured, and how they operate in practice to affect workers' lives.

IMPLICATIONS FOR MIGRANT INCORPORATION AND LABOR REGIMES

A primary contribution of my dissertation is an enhanced understanding of how migrants' labor market incorporation is embedded in the sociopolitical histories of places where migrants live and work. The scholarship on Latino migrants' labor market incorporation in new destinations in the U.S. South recognizes the importance of place. In this literature, the role of place is central to the conceptual distinction between new versus traditional destinations (Griffith 2005; Lopez-Sanders 2009; Marrow 2011; Ribas 2016; Stuesse 2016; Zuniga and Hernández-León 2001). The new destination scholarship sheds light on how the sociopolitical contexts of incorporation influence migrants' precarious working and living conditions (Griffith 2005; Ribas 2016; Stuesse 2016). Most research in this area, however, is based on small case studies of specific firms and geographic locales. Missing from the new destination research is a comparative lens which is needed to understand what

is distinctive or similar in new destinations compared to other maturing or more established migrant gateways. The literature on Latino migration to the U.S. South also tends to take for granted the anti-labor sociopolitical cultures of southern states, not addressing the historical conditions that created these environments. Other studies tend to only focus on the role employers in agriculture and other industries play in recruiting migrants to rural southern places, and they miss the other actors (Griffith 1995; 2012; Johnson-Webb 2010; Lopez-Sanders 2009; Ribas 2016; Stuesse 2016). My study goes further than the employers and recognizes the active role migrants, themselves, and state actors play in shaping state sociopolitical culture. Furthermore, by analyzing how state agricultural labor regimes develop over time through a historical and comparative framework, my dissertation stresses the importance of place *and* history.

My research also demonstrates that the anti-labor sociopolitical culture in North Carolina was not an inevitability. Rather, in Chapter Two, I show how we can trace its origins to the late nineteenth century and the Bourbon Democrats' white supremacy campaigns which defeated the Knights of Labor and the Fusionists and pushed Black agricultural workers out of the state. This contribution advances the field in two ways. First, it pushes scholars to consider the effect of the First and Second waves of the Great Migration on the sociopolitical cultures of the rural southern sending communities, such as those in North Carolina. Second, by showing how North Carolina's hostile labor policy environment was shaped by these contextual demographic and political factors, my dissertation contributes to the new destination scholarship by challenging the southern exceptionalism narrative.

My dissertation also proposes a labor regime model scholars can use to examine how labor regimes develop and distinguish between precarious and protective labor regimes. This is my major theoretical contribution. The scholarship on precarious labor regimes recognizes how place-based sociopolitical contexts impact migrant workers' lives (Bernhardt et al. 2008; Gleeson 2016; Nelson et

al. 2015; Sassen 1996; Theodore 2003; Torres et al. 2013). Studies in this field identify the state and employer policies and practices that are characteristic of a precarious labor regime, but there is little discussion regarding the characteristics of a protective labor regime. In this literature, the concept of a labor regime is not only loosely defined, but its origins and development are rarely discussed.

There is no historical understanding. My dissertation addresses this lack of historical specificity and advances the field by providing a clear conceptual definition a labor regime and proposing a labor regime model. This model provides scholars a framework to identify the actors and processes that comprise a state labor regime. Once you can identify the anatomy of a state labor regime, you can examine how labor regimes develop, and make predictions about the future. I contend that my labor regime model is applicable to other industries and other groups of workers.

For instance, labor and migration scholars could consider applying it to other migrant-heavy industries that currently provide little state or federal oversight, including domestic work, construction work, and hospitality trades. Take the case of the construction and building trades. The construction industry in the United States differs from agriculture in that it is not a traditional migrant industry. This is because construction in the United States has historically relied on “skilled” labor that was protected by trade unions and “institutional arrangements...such as hiring halls and job rationing procedures” (Piore 1979: 41). It is important to note that these protective institutional arrangements protected whites, and often excluded Black people and other racial minorities from entering. Beginning in the 1980s and accelerating during the 1990s, these building trades unions experienced a sharp decline in membership. The decline in union membership was particularly steep in the residential subsector of the construction industry. During this period the residential construction industry transitioned from larger companies hiring workers directly to disaggregated, sub-contractual system of labor recruitment, similar to agriculture (Erllich and Grabelsky 2005). This restructuring resulted in a sharp decline in wages and working conditions for construction workers.

As a result, these jobs were no longer attractive to white, U.S.-born workers – especially in the already non-unionized South (Erich and Grabelsky 2005; Hagan et al. 2011) Consequently, employers in the industry began aggressively recruiting Latin American migrant workers to fill the void, and the construction industry has become increasingly migrant heavy over the last forty years. (Hagan et al. 2011; Portes et al. 1989). Because the construction industry is divided into multiple sub-industries (e.g., roofing, carpentry, drywall installation), in applying my labor regime model to the construction industry, I recommend focusing on one of these sub-industries. Like I have done with berry production in agriculture, my model can be applied to identify the labor market actors (i.e., workers, employers, and state actors) in a state’s construction labor regime, and the structure of the construction industry. Like the berry industry in agriculture, I can imagine that foreign-born and domestic migration has played a strong role in the development and trajectory of construction labor regimes. It would also be interesting to examine how construction labor regimes vary across states, and how construction employers, workers, and state actors interact. Additionally, which state contextual factors shape well-being outcomes for construction workers.? In sum, the labor regime model I propose can be applied to answer these types of questions across multiple industries and places where migrants work and live.

IMPLICATIONS FOR PROPOSED LABOR REFORM POLICIES

My study has implications for labor reform policies being discussed in Congress today. Support for labor unions in the United States is at its highest point since 1965 (Brenan 2021). It appears we are currently in a neo-progressive era when pro-labor and pro-worker sentiment is experiencing its strongest support in national political discourse since the early twentieth century. This labor consciousness has been growing among U.S. workers since The Great Recession of 2008. The outcome of contemporary legislative debates will have implications for organized labor and

individual workers for decades to come, and migrant workers in agriculture and other industries will play a vital role.

The U.S. Congress is currently considering the Protecting the Right to Organize Act of 2021 (PRO ACT), which among other things would nullify states' "right-to-work" laws and reinstate workers right to engage in secondary boycotts (U.S. Congress 2022a). In short, the bill would nullify much of the 1947 Taft Hartley Act which dealt a decisive blow to the broader U.S. labor movement. Although passage of the PRO ACT would certainly represent a legislative victory for U.S. labor unions, the bill does not currently propose amending the 1935 National Labor Relations Act (NLRA) to include agricultural workers. This means that we are once again, failing to provide agricultural workers the same protection under the law that we provide to other workers. Another key piece of legislation under consideration, however, would have a major impact on farmworkers' empowerment – The Farmworker Modernization Act of 2021.

The Farmworker Modernization Act would grant 5.5 years of temporary protected status to undocumented agricultural workers who have been working in agriculture consistently for the past two years (U.S. Congress 2022b). The bill would also make critical changes to the H-2A guestworker program by implementing a pilot program through which H-2A workers could apply for a "portable status, which gives the worker 60 days after leaving a position to secure new employment with a registered H-2A employer" (U.S. Congress 2022b). These changes could have profound implications for non-H-2A and H-2A guestworkers' agency and autonomy in all U.S. states, which, as I have shown in this study, could improve the well-being of migrants agricultural workers and their families.

STUDY LIMITATIONS AND DIRECTIONS FOR FUTURE RESEARCH

The biggest limitations to this dissertation project were related to the institutional restrictions and ethical considerations associated with conducting fieldwork during the COVID-19 global pandemic. After the UNC Office of Human Research Ethics put a moratorium on face-to-face human subjects research in March of 2020, I had to pause data collection, cancel a scheduled return trip to California, and postpone fieldwork in North Carolina. Because migrant farmworkers are a vulnerable population who often have tenuous legal statuses, building trust and recruiting respondents remotely was impossible. Additionally, because migrant farmworkers in North Carolina tend to live in congregate housing, they are uniquely vulnerable to contracting COVID-19. Consequently, it was unethical for me to resume data collection in migrant labor camps even after the Office for Human Subjects Research lifted the moratorium on face-to-face research in June of 2020. I was able to overcome these setbacks and continue collecting data by hiring research assistants with connections to the farmworker communities in each state. Nevertheless, the amount of fieldwork I was able to complete for this dissertation was limited due to the COVID-19 global pandemic.

My long-term goal is to develop this dissertation into a book manuscript. To that end, I plan to expand my data collection efforts in each state. I will further examine the heterogeneity among farmworkers I document in this dissertation, as I suspect that legal status (e.g., H-2A, undocumented) has implications for farmworkers' well-being. First, I plan to return to the field in California and collect more data with H-2A guestworkers, who were underrepresented in my sample. This is an important area of research considering the potential implications the H-2A guestworker program has for the agricultural labor regime in California. For example, although H-2A guestworkers currently only comprise a small share of the berry worker population in California, their numbers have risen over the last decade and there is reason to believe they will keep rising as

they have elsewhere because of labor shortages in the industry. Given that agricultural guestworker programs have historically shifted the balance of power to employers, California growers' increased reliance on H-2A workers could lead to more precarious working conditions for all farmworkers in the state.

In North Carolina, I plan to expand my data collection efforts with H-2A and non-H-2A farmworkers across the state. I will focus on monitoring how North Carolina's agricultural labor regime continues to develop as the state's migrant population becomes more established. The future direction of North Carolina's agricultural labor regime is a critical area of research for scholars of labor and migration given that the migrant population in the state will continue to grow and have a larger political footprint. Considering the relationship between migration patterns and worker empowerment, which I document in this dissertation, North Carolina's agricultural labor regime could become more protective as the state's migrant worker population becomes more entrenched.

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