

**The Role of Immigrant Labor in the Labor Intensive Agricultural Industry of the
Walla Walla Valley and Surrounding Communities**

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Introduction

Immigrant labor has played a crucial role in the agricultural industry for several decades¹. Time and time again the United States has depended on immigrant labor to alleviate labor shortages in the agricultural industry. As such, immigration policies have often coupled with the needs of agricultural employers. In the early 20th century, the United States encouraged immigration from Mexico to meet the labor demands created by the diminishing flow of immigrants from Europe and later again in 1942 to alleviate the labor shortages brought about by World War II (Engstrom 2006, 38). All factors which help build the United State's dependency on foreign labor for economic stability within the agricultural sector.

In 1986, Congress passed the Immigration Reform and Control Act (IRCA). The bill was intended to reduce the number of illegal immigrants in the United States by imposing employer sanctions on those employers who knowingly hired undocumented immigrants. IRCA also included a general legalization program specific to the agricultural industry. The Special Agricultural Worker (SAW) program and the Replenishment Agricultural Worker (RAW) program were intended to both compensate for IRCA's anticipated impact on the farm labor supply and encourage the development of a legal farm workforce (Levine 2007, 1). Additionally, IRCA provided modification to the H-2A program, a type of guestworker visa.

Today's dependency on immigrant labor in agriculture is just as strong as it was in the early 20th century. Currently, a little more than half of the agricultural industry's seasonal workforce is made up of undocumented or unauthorized² immigrants (Levine 2007, 1). Agricultural workers in the state of Washington are predominantly male Latinos, with a large majority coming from Mexico. In 1999, Hispanics³ accounted for 81 percent of the employment in labor intensive agriculture which is by far the largest employer of the agricultural industry (Washington State Employment Security Department Agricultural Workforce in Washington State 1999, 20). According to the National Agricultural Workers Survey (NAWS) of March 2000, in 1998, the average U.S farmworker was most likely an undocumented immigrant from Mexico.

This report examines the role of immigrant labor in the Walla Walla Valley's agricultural industry and surrounding communities. Furthermore, it examines the ways in which developments in immigration policy have affected this role and even further, how recently proposed immigration policies might also disrupt this role. Labor intensive agriculture has rarely ever operated without unauthorized immigrants and has historically been staffed by foreign born workers. For this reason, this paper concentrates on the employment concerns and patterns of labor intensive agriculture. Labor intensive agriculture is the production of perishable crops such as apples, cherries, grapes, asparagus, onions and potatoes.

¹ This report uses the term immigrant to describe those first generation immigrants.

² Unauthorized implies that while the immigrant may have at one time had legal status/documents proving their eligibility to work in the U.S., these documents might have expired.

³ The term Hispanic is used interchangeably with Latino to maintain the language used by the Washington State Security Department.

Throughout the research process, I worked closely with my community partner Roger Bairstow, an employer representative from Broetje Orchards. As someone heavily involved in the local agricultural industry, Bairstow was a great resource to have along side my research. It was through Bairstow that I learned of some of the issues facing local employers and developed contacts for my interviews. Together we decided that the primary aims of this report should be to provide the local community with a sense of some of the employment issues at hand for local agricultural employers and how this in turn impacts the entire community. Ultimately, the report emphasizes the community's ties to immigrant labor in an effort to strengthen the relationship between native born community members and immigrant laborers.

Given the time restrictions of this project and the plethora of immigration policies, I have limited this report to evaluating post IRCA characteristics of employment. The IRCA implemented employer sanctions, which made it illegal for an employer to knowingly hire undocumented immigrants. As such, the report will examine the impacts of IRCA on employment trends throughout eastern Washington as well as the labor issues it poses for local employers. When discussing recently proposed immigration policies, my research refers to the mandatory use of the electronic verification system (E-Verify). E-Verify is an internet based system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA). It allows participating employers to electronically verify the employment eligibility of their newly hired employees. There is agreement among researchers that if agricultural employers become required to use E-Verify there will be a significant impact on the agricultural industry as labor shortages are sure to arise.

This report is not one in which necessarily focuses on the issue of documentation, meaning it does not necessarily distinguish between the two when referring to immigrant labor in the agricultural industry. Rather, it is a research project that evaluates the extent to which eastern Washington agricultural employers rely on immigrant labor and whether the current immigration policies undermine or compliment this reliance.

To assess the aforementioned research question, I centered my research on interviews with local agricultural employers and farmer advocacies. My interviews were intended to give me a sense of how the local agricultural industry had been impacted by the IRCA and further, help reinforce or contend with the issues and arguments found within the literature I examined. Further primary research was also conducted and included policies, surveys, reports and statistical figures from various sources. Some of these sources include the Washington State Farm Bureau, the Washington State Employment Security, the Walla Walla Valley Chamber of Commerce, the Department of Homeland Security and the Walla Walla Worksource. My goal with this method of research was to establish a connection between immigration policies, immigrant labor and the agricultural industry of eastern Washington.

The above sources indicate the following: first, that the United States' economic stability within the agricultural industry has historically depended on foreign labor; second, that this economic stability still depends on the use of immigrant labor and thirdly, that current immigration policies are undermining the relationship between immigrant labor and the agricultural industry.

Literature Review

The following literature reviews the following topics: the history of the United States' importation of foreign labor, the IRCA's effects on agricultural employment trends, labor supply and the number of undocumented immigrants entering the United States, the discriminatory nature of the IRCA and the potential harms of an electronic verification system. Literature from the 1990s, though a little out of date, is crucial to this project. Although the IRCA was passed in late 1986, the various programs and provisions within it were not implemented until 1987 through 1989. This means that the full effects of the IRCA did not begin to take shape until the 1990s (Zúñiga and Hernández-León 2005, 11). Thus, many of these studies were written at a time when it would have been too early to make any substantial claims about the impacts of IRCA. Investigating these pieces, allows me to follow up on their posed hypotheses about how the government will enforce IRCA's employer sanctions. Conducting my research in a time where the impacts of the IRCA are clear and well developed strengthens my research and furthermore allows me to evaluate whether improvements have been made in the areas in which previous scholars took issue.

The United States and Foreign Labor

There is an obvious correlation between the agricultural industry and immigration policy. Historically, the U.S. has depended on foreign labor to alleviate periodic labor shortages and so, immigration legislation has at times been crafted to meet the labor demands of U.S. crop growers (Engstrom 2006, 38; Martin 2002, 1125). As a result, the farm labor force has become dominated by foreign-born workers, many of whom are from Mexico and other Latin American countries (Griffith and Kissam 1995, 243). Even the *Farm Labor Fact Book*, issued by the U.S. Department of Labor in 1959 states that most agricultural labor imported into the U.S. comes from Mexico (Mitchell 1959, 155).

Scholars feel that early immigration policies, allowing the entry of foreign born workers, was good for alleviating periodical labor shortages. However, many contend that it was these early immigration policies which provide the basis for the current influx of both documented and undocumented workers. Furthermore, this explains the overwhelming presence of foreign-born workers in the agricultural industry (Griffith and Kissam 1995, 14; Martin 2002, 1128; Engstrom 2006, 37). From the onset, Mexicans seemed to dominate this foreign labor force, forming a noticeable presence in the agricultural regions of south Texas and California as Mexican labor flowed freely from Mexico since the turn of the century. Mexican labor provided the labor power needed for the agricultural industry in the southwest. As such, the agricultural labor force developed a migratory nature. The migratory nature of the 1920s agricultural labor market, continued to draw large numbers of new immigrants from Mexico as many families were now following the seasons of cotton, fruit and vegetable crops (Ngai 2004, 129-131).

Though the population of foreign-born Mexicans fell in the 1930s as a result of massive deportations inspired by the onset of the Great Depression, labor shortages brought on by World War II, in 1942 caused the United States to once again turn to Mexico for workers (Zúñiga and Hernández-León 2005, 7). Domestic farmworkers leaving agriculture for the war effort were quickly replaced by Mexican laborers. The outbreak of the World War II labor shortages allowed

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farmers to successfully push for the importation of Mexican workers under a series of guestworker or bracero programs (Griffith and Kissam 1995, 13-14). The Bracero Program of established in 1942, arranged for the legal and annual importation of Mexican farmworkers under the government's supervision. In the early 1950s, only 67,000 Bracers were imported in the United States; but in the later 1950s, the number dropped below 400,000 in a single year (Griffith and Kissam 1995, 14; Ngai 2004, 8). While the program was instated as a temporary wartime measure, it was continuously renewed and remained for twenty-two years before its final termination in 1964 (Ngai 2004, 7).

The years following the end of the Bracero Program was characterized by further rapid expansion of Mexican immigration—both legal and illegal, but mostly illegal. Despite their illegal status, Mexican workers were able to niche themselves in those places they had previously done during the Bracero years (Ngai 2004, 9). Between 1965 and 1992, Mexican workers established a strong foothold in “virtually every important perishable-crop production region in the country” (Griffith and Kissam 1995, 17). By the end of the Bracero program in 1964, most southwest agricultural employers preferred using undocumented workers as opposed to the highly regulated braceros (*ibid*).

Furthermore, as noted by Griffith and Kissam, reverting to domestic workers after the bracero years was difficult as it involved significant infrastructural changes. Bracero workers were a male labor force that lived in dormitory-style farmworker housing for the duration of their employment. To attract domestic workers, growers would have to modify living arrangements to accommodate for family workers. Furthermore, growers simply preferred those most vulnerable workers as they were less likely to leave the farm labor market (Griffith and Kissam 1995, 19).

Ngai is one who contends that U.S. immigration policies helped create this Mexican migratory agricultural proletariat (Ngai 2004 128,129). Griffith and Kissam assert that the demand for new immigrant, foreign and largely illegal labor for agricultural services has become institutionalized in perishable crop agriculture since the mid 1960s (Griffith and Kissam 1995, 17). Since the 1960s, Mexican nationals have dominated the illegal immigrant influx coming into the United States (*ibid*). A major concern of the early 1980's was what to do about the influx of illegal immigration into the United States. In California, unauthorized immigrants made up approximately 25 percent of the workforce. But farmers opposed employer sanctions to reduce the flow of illegal immigration fearing a loss in the number of unauthorized workers (Martin 2002, 1130). According to the U.S. Department of Labor, a little more than half of the United State's agricultural industry's seasonal workforce is made up of undocumented or unauthorized immigrants (Levine 2007, 3).

Retaining seasonal workers is difficult for many agricultural employers because workers are frequently moving in and out the agricultural industry (Tran and Perloff 2002, 427). For this reason, scholars argue that domestic workers are less inclined to engage in labor intensive agriculture (Martin 2002, 1127). Martin contends that seasonal employment does not offer much upward mobility which is unattractive for workers who were raised in a society that offers plentiful avenues for upward economic mobility (2002, 1127). Some literature exposes that unauthorized immigrants have been displacing legal workers from jobs in the agricultural industry. Farmworker advocates contend that employers prefer hiring unauthorized immigrants

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because they have substantially less bargaining power. Growers refute this by arguing that they would rather not employ unauthorized workers because of the high risks of incurring penalties (Levine 2007, 7). Either way, questions regarding whether or not there are enough domestic laborers to meet the seasonal employment demand of labor intensive agriculture has always been a prominent issue.

Economist Alan Greenspan notes that the growth rate of the United States working population is expected to decline over the next thirty years. According to Greenspan, there has been a decline in the fertility rates since the baby-boom generation. As such, by 2030, the growth rate of the United State's working-age population is expected to decline by half (Greenspan 2003). Greenspan asserts that an expansion of the labor force via participation of immigrants, as well as the healthy elderly, offers some offset to an aging population (2003).

Generally, agricultural employers recruit farmworkers via networks based on personal, family, neighborhood and village contacts (Griffith and Kissam 1995, 245). Subcontracting is another method some employers utilize to access laborers. Typically, subcontractors are U.S. citizens or legal immigrants who have connections with further immigrants—whether legal or not. The subcontractors will sign a contract with an employer to provide a set number of workers, for a set period, task and fee. By working through subcontractors, employers avoid the risk of persecution under the Immigration Reform and Control Act of 1986 for knowingly hiring undocumented workers (Zúñiga and Hernández-León 2005, 11).

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In 1986, Congress passed the Immigration Reform and Control Act. The IRCA included three major provisions. The Act included employer sanctions or penalties against employers who knowingly hired illegal immigrants, the SAW legalization program, and made revisions to the existing H-2A program for foreign workers (Martin 1994, 49). The IRCA made it illegal for employers to hire undocumented workers for the first time, imposing both civil and criminal penalties against those employers that did (Ngai 2004, 11). A major concern in the development of the 1986 IRCA was its potential for reducing seasonal farm labor supply (Gunter et al 1992, 898).

Some scholars contend that workers legalized under the IRCA's SAW program was going to flee the agricultural industry as they were suddenly now eligible for opportunities elsewhere (Ngai 2004, 2). Griffith and Kissam however, assert that leaving farmwork is a multigenerational process for a significant number of immigrant groups (Griffith and Kissam 1995, 244). Furthermore, the 1992 Commission on Agricultural Workers report found that individuals legalized under the SAW program and other farmworkers, planned on remaining in the agricultural industry for as long as they were physically able. But the diminishing physical ability generally associated with aging and strenuous labor, could actually prompt a greater number of Saw's to leave the field (Griffith and Kissam 1995, 245).

While some scholars acknowledge the success of the IRCA's legalization programs, legalizing approximately 2.7 million foreigners the general consensus among scholars is that IRCA failed to reduce the number of undocumented immigrants entering the United States which was its primary intention (Martin 2002, 1131; Perotti 1994, Engstrom 2006, 37; Gunter et al

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1992, 897; Lowell 1994, 438) The IRCA's failure is generally considered a result of inadequate border enforcement and unenforced employer sanctions. Scholars also contend that the IRCA was also successful in increasing the proliferation of fraudulent documents (Martin 2002, 1131). Cornelius and Rosenblum argue that while the IRCA pushed for the penalization of employers who knowingly hired undocumented workers, it failed to establish enforceable criteria for employment eligibility. As such, employers continued on with their usual hiring practices, rendering the IRCA almost completely ineffective (Cornelius and Rosenblum 2005, 111). Scholars agree that the IRCA is an example of inefficient legislative design because it was the product of multiple parties and thus was nothing more than a compromised bill that essentially satisfied no one (Perotti 1994, 42).

Even still, are the discriminatory natures of the IRCA's provisions. Despite safeguards from the Office of Special Counsel for Immigration-Related Unfair Employment Practices (OCS), the March 1999 General Accounting Office (GAO) cited a pattern of discrimination as a result of employer sanctions (Perotti 1992, 733). Many employers admitted to the GAO that they either only checked the documents of those they suspected of being unauthorized aliens or, had adopted exclusionary hiring practices since the IRCA, rejecting people on the basis of foreign appearance, accent or birth. The question that arose from these discriminatory practices was why Congress had been unable to develop a system of employer sanctions that could better verify documents and eliminate employers' need to discriminate (ibid).

The H-2A program was a section of an act passed by Congress in 1943 that allowed agricultural employers to recruit and employ foreign workers in temporary and seasonal jobs if there were not enough qualified domestic laborers could be recruited. During this time it was merely an off shoot of the Bracero program but since then and in particular 1986, it has had some revision.⁴ While a guestworker program may sound like it would alleviate the labor shortages that some of these employers are experiencing and others fear, many employers are disinclined to use it even whilst experiencing labor shortages. Information from the Agricultural Workforce in WA State of 1999 expressed that many employers found the H-2A program both overly complex and overly expensive. As such, the program has not been widely used since its inception.⁵

Farmers and their advocates have also argued that immigration regulations issued by the Department of Homeland Security (DHS) and Social Security Administration (SSA) have increased employee turnover leaving farmers with a disrupted and unstable workforce. Farmworker groups and policy analysts however, assert that even if the DHS and the SSA regulations do deprive workers of undocumented labor, the industry can easily adjust to a smaller supply of legal workers by introducing labor-efficient technologies, management practices and raising wages. They contend that this would entice more authorized workers into the farm labor force. Grower advocates, on the other hand, argue that further mechanization would be difficult to develop for many of the crops considering their delicacy—they need to be hand picked, and that even at higher wages, not many U.S. workers would want to perform the physically demanding and seasonal labor required by the fieldwork (Levine 2007, 11). Furthermore,

⁴ United Farm Workers, <http://www.ufw.org>, accessed October 2008

⁵ Agricultural Workforce in Washington State 1999

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employer representatives and even policy analysts maintain that growers “cannot raise wages substantially without making the U.S. industry uncompetitive in world markets which in turn would reduce farm employment” (Levine 2007, 11). Higher wages for farmworker employees, as well as higher production costs for agricultural employers would also increase the retail prices of various groceries (ibid).

Proposed Immigration Policies: E-Verify

Creation of the pilot Employment Eligibility Verification System (EEVS), now referred to as E-Verify, under the Illegal Immigration Reform and Immigrant Responsibility Act (IIRIRA) of 1996 was Congress’ answer to providing employers with a more accurate way of verifying employee documents. E-Verify is an internet based verification system operated by the Department of Homeland Security (DHS) in partnership with the Social Security Administration (SSA). It allows participating employers to electronically verify the employment eligibility via the social security numbers of newly hired employees (U.S.C.I.S 2008)⁶.

In 2007 President Bush issued an executive order requiring all federal contractors to use E-Verify in their hiring practices (Jordan 2008). This is the first time that participation in the program, since its establishment in 1996, has been made mandatory (Preston 2008). Aside from federal contractors, use of E-Verify is voluntary although, legislation mandating the mandatory use of E-Verify for employers nationwide is currently pending in Congress (ibid). Currently, roughly 69,000 of the nation’s 7.4 million employers are voluntarily using E-Verify (Preston 2008). The U.S Citizenship and Immigration Services reports that currently, 885 employers in Washington State are signed up to use E-Verify, a figure more than triple the previous year (Turnbull 2008). Some contend that employers’ participation in the program has increased as a result of increased raids at work sites in the last two years (Preston 2008).

Critics argue that E-Verify will be ineffective given the large scale of errors found within the government’s social security database (Jordan 2008). Such an error was the case at a meatpacking plant in Chicago, where a Latino United States citizen received a "tentative non-confirmation" implying that he may not have had legal status. The employee was fired two hours upon hire. He was denied re-hire even after he went to the Social Security Office to obtain a letter confirming his legal status. A study commissioned by the DHS found that the database has an error rate of 4.1. This means that approximately 17 million people's names may not be exactly correct or there was error during the information input. Though they are here legally, those residents would come back as tentative non-confirmations. The study commissioned by the DHS found that a substantial number of employers were using the system incorrectly which can lead to further false non-confirmations among actual U.S. citizens (Marks 2008) Upon receiving a non-confirmation, an individual is unable to return to work until he/she can produce documents for the federal government to check manually (Jordan 2008).

Immigrant Rights groups and other employee advocates fear that E-Verify will lead to discriminatory hiring practices as they feel E-Verify targets a certain class and type of worker. Employers equally fear discriminatory lawsuits against them for doing so (Dininy 2008). And even more critics are concerned with how use of E-Verify will increase the cases of identity theft

⁶ U.S. Citizenship and Immigration Services

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as E-Verify is unable to detect the use of fraudulent documents; the system can only detect forged documents (Jordan 2008). Writer for the Waco Tribune Herald, Rowland Nethaway notes that “nearly all ‘undocumented’ workers are fully documented. It’s just that their documents are either fraudulent or borrowed.” Thus, the system is still vulnerable to cheating by illegal immigrants (Preston 2008). Nethaway further notes, that until there is a system which accurately differentiates non-citizens between citizens then employers cannot be held accountable for hiring undocumented workers. Federal data indicates that Immigration and Customs Enforcement agents have rounded up more than 3,700 illegal workers in raids but only 75 management level employers have been charged with knowingly hiring unauthorized workers. It is difficult to build cases charging employers with knowingly hiring unauthorized workers since many accept the face-value of the documents produced (Nethaway 2008).

Even still, the ultimate concern with E-Verify is its potential to pick out a large number of illegal workers which may in turn leave many crops to rot in the fields (Dinniny 2008). Even as early as 1999, researchers were in agreement in that the effect of something like the electronic verification system would exacerbate labor shortages for the agricultural industry. However, employers were hoping that a verification system would pressure Congress to consider an extended H2A or amnesty program (Agricultural Workforce in Washington State Survey 2000, 25). Scholars note farmers’ complaints of how they could not plan their need for seasonal labor shortage, as required by the H-2A program, because they produced perishable commodities. Furthermore, some farmers expressed the inability to provide free farmworker housing, which is another provision of the H-2A visa program (Martin 1994, 47).

There is agreement among researchers that if the mandatory use of an electronic verification system by all employers does come to pass, that the significant effect will be labor shortages in Washington’s agricultural industry as it will have a direct effect on the hiring of undocumented workers which, at this point, is a majority of those working within the agricultural industry (Agricultural Workforce in Washington State 1999, 29).

Research Methods

Little, if any, scholarly research has been done to evaluate the impacts of IRCA in the eastern Washington region and more importantly, the role of immigrant labor throughout the eastern Washington agricultural industry. It has been argued that the post-IRCA period has been one of notable change in the forces that promote and sustain Mexico-U.S. migration (Zúñiga and Hernández-León 2005, 1). Thus, my project seeks to provide a current analysis of the role of immigrant labor in this region in hopes of demonstrating its impact on the local economy at large. Because the demand for labor and the labor supply cannot be measured directly, the research focuses on trends in employment, along with observations made by local growers and grower advocates in the context of interviews.

In order to get a sense of the role played by immigrant laborers in the eastern agricultural industry, my research will rely heavily on agricultural employer and farmer advocate interviews. The interviews provided a clearer view of some of the issues at hand for local agricultural employers and furthermore whether or not these issues have paralleled recent developments in immigration, the primary gathering of data consisted heavily of interviews with local employers

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and farmer advocates. A total of six interviews have taken place: 3 with local orchardists, 1 with a former onion grower, 1 with a former peach grower, 1 with a grape grower and 2 with farmer advocates. The first interview was with Eastern Field Manager of the Washington State Farm Bureau, Mark Klicker; the second was with Executive Director of the Washington Growers League and President of the National Council of Agriculture, Mike Gempler; the third was with two employers at Broetje Orchards⁷ Roger Bairstow & Tyler Broetje, the fourth was with local grower Bill Warren at Warren Orchards⁸ and the fifth, sixth and seventh interviews were with growers who asked to remain anonymous. As such I have provided the following pseudonyms: the former onion grower will be referred to as Sam Edwards, the former peach grower will be referred to as David Gil, the grape grower is referred to as Jon Bennett.

Interviewing Klicker and Gempler was a decision based on their positions as heads of farmer organizations. Given that both Klicker and Gempler work with various agricultural employers, I knew they would have a respectable sense of the labor issues at hand for local employers. As such, I saw them as valuable sources of information. Furthermore, I knew that they would have extensive knowledge on the current immigration policies and procedures directly affecting local farmers and thus be able to give me a synopsis of the processes in which many employers have to undergo to secure a stable labor force. Interview questions that took place with both Kicker and Gempler were crafted similarly. Because Klicker and Gempler are not local farm owners, my interview questions to them were generally broader. For instance, I would ask them to reveal some of the observations they were making for various employers throughout the local industry and for the industry as a whole. Not only did my interviews with them provide me with valuable information, it also provided me with further contacts.

Unlike with Klicker and Gempler, interview questions posed to Bairstow, Broetje and Warren, were more specific to their farm operations. Through more specific questions with individual growers, I was able to juxtapose these more specific experiences with what Klicker and Gempler were observing on a larger scale. As one of the larger orchards in the Walla Walla Valley county (4,300 acres), my interview with Broetje Orchards was an attempt to see how changes in immigration policies has affected or would affect a larger operation's reliance on immigrant labor. Similarly, my interview with Bill Warren of Warren Orchards was an attempt to juxtapose these findings to the impacts of a smaller orchard. Warren Orchards owns roughly 100acres. Examining the affects of immigration policies on bigger orchards versus smaller orchards provides a wider range of information as the research neither entirely pertains to one type of farm. Rather, it encompasses what the effects of these policies do for all farm types throughout the local area.

Initial contact was made with grower representative Roger Bairstow of Broetje Orchards. Bairstow is my community partner for this project and as such assisted me in making further contacts, one of them being Mike Gempler of the Washington Growers League. Contact with Mark Klicker was a result of individual research for growers and farmer advocates via the internet. Klicker then introduced me to Bill Warren. In summation, my contacts are a result of the snowball method of recruiting interview participants.

⁷ Broetje Orchards is located in Prescott, Washington

⁸ Warren Orchards is located in Dayton Washinton

Interview questions were designed in partnership with community partner Roger Bairstow and focused on teasing out employers' thoughts on the effectiveness of current immigration policies, their hiring practices, sources and demographics of labor, their labor demand and supply, potential effects of the mandatory use of the electronic-verification system and possible policy recommendations. Basing my interview questions on these particular topics helped give me a sense of how IRCA had affected the farmers' reliance on immigrant labor.

The interviews with the aforementioned people led me to other aspects of research. Each time I had an interview, a new topic, bill, issue, story would arise and point me in further directions as far as secondary literature is concerned. Simultaneously, whilst reading the literature, I would find instances in which the arguments or issues brought on by the scholars matched the arguments and issues brought on by my interviewees. Ultimately, my secondary research provided me with the direction in which I should take the project and further, helped develop my interview questions. In researching immigration policies and its relationship to the agricultural industry, I found that the IRCA had been one of the many immigration policies that scholars tended to focus on. This implied that evaluating the impacts of the IRCA was a valid method in which to get a sense of the role immigrant labor plays in the agricultural industry. With that, I delved further into the literature that focused on the impacts of the IRCA and the arguments, points and issues discussed by scholars helped form the basis of my interview questions. The literature increased my awareness of what to look for in my interviews and in further primary and secondary research.

To measure the role of immigrant labor in the agricultural industry, I focused my primary research on that which would convey the general trends of the Latino immigrant workforce, trends in the agricultural employment sector, the economic contributions of the agricultural industry to eastern Washington and the positions of local farm advocates. Scholars (Ngai 2004; Zúñiga and Hernández-Leon 2005) often discuss how the United States' recruitment of foreign labor from Mexico during times of agricultural labor shortages has led to an increased Mexican immigrant workforce within the agricultural industry. For this reason, I looked for resources that would reveal the demographics of the labor force within the agricultural industry. For this I accessed the Report on the Agricultural Workforce in Washington State for 1999 issued by the Washington State Employment Security and the National Agricultural Workers Survey 2000, 2001-2002, 2004 issued by the United States Department of Labor. Scholars (Taylor and Thilmany 1993; Martin 1994; Levine 2007) also commonly note the high turnover rate and loss of seasonal workers within the agricultural industry. To mark these trends I turned to information from the 2008 Policy Book for the Washington State Farm Bureau, the 2006-2008 Public Policy Agenda from the Washington State Farm Bureau and the 2007 Congressional Research Service Report for Congress on Farm Labor Shortages and Immigration Policy. In order to link the role of immigrant labor to the local community I looked at information which would discuss the importance of the agricultural industry to the local economy. For this reason, I collected data from the Walla Walla Valley Chamber of Commerce and the 2004 Economic Impact Study of The Tree Fruit Industry in Washington State and the Northwest. Lastly, and in another effort to measure local impacts of immigration policies, I turned to data which would reveal the issues at hand for local employers. For this, I resulted to the 2006 Walla Walla Agricultural Employer Survey conducted by the Walla Walla Worksource and my interviews. Access to these sources

came via the internet, Mark Klicker, Mike Gempler and Doug Loney of the Walla Walla Worksource⁹.

These primary sources allow me to make closer connections to the literature that was studied and more importantly, connect my research to the local area by providing data that is pertinent to local employers, farmer organizations, policy makers and the general public. Furthermore, this data reinforces the idea that immigrant labor is heavily tied into the local economy as it contributes to its stability.

Analysis

Agriculture in the Walla Walla Valley

Farming is often considered the crown jewel of the U.S. economy (U.S. Department of Agriculture 2008). It is especially the crown jewel in Washington State and even more specifically, in the south east region of the state. The Walla Walla Valley is situated in what is considered to be one of the primary agriculture producing regions of the State. According to the Walla Walla Valley Chamber of Commerce (WWVCC), agriculture is a big business for the Walla Walla Valley. Currently, there are roughly 750 farms, 200 of which exceed 1,000 acres. Among the larger contributors to the local economy are the internationally renowned Walla Walla Sweet Onion and rising star wine grapes. The WWVCC also recognizes the importance of one of its larger orchards in the county, Broetje Orchards, for employing roughly 1,000 full time employees for the growing, packing and shipping of apples.

Walla Walla Sweet Onions bring a fair share of economic revenue into the community. Even still, their value goes beyond a monetary one. Walla Walla Sweet Onions are a source of pride for the community as it is a large part of Walla Walla's history and identity. Every summer the town celebrates its annual Sweet Onion Festival and no one can miss the giant sculpted and individually decorated onions decked along Walla Walla's Main Street. Whitman College, one of the town's local colleges, even sends a box of Walla Walla Sweet Onions to every new incoming freshman. With that, local growers are doing more than raising just another crop, "they're cultivating a tradition" (Walla Walla Valley Chamber of Commerce 2008).

Grape vineyards and wineries also make up an important industry for the county. At the time of the 2006 Walla Walla Agricultural Employer Survey there were sixty-two wineries in Walla Walla. Today, there are sixty-four wineries and forty vineyards in the local area. The wine industry continues to grow rapidly as does the tourism that comes along with it. The economic impact of the wine industry in the area is estimated at more than \$100million annually. In addition, the wineries are accredited with employing roughly 200 employees year round.

The above figures, show that the Walla Walla Valley is one that depends on the agricultural industry for economic sustainability and even more so for community sustainability. But who does the local agricultural industry depend on for its sustainability? Who harvests the onions and hand picks the grape off of the vine? Time and time again, history as well as the more

⁹ The Walla Walla Worksource is a provider of employment for both potential employees and local employers.

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recent literature, has indicated that the agricultural industries of the United States have depended on immigrant labor. And, time and time again, literature, reports, and federal data indicate that a majority of this immigrant labor tend to be Latino and tend to be undocumented. Without exception, this seems to be the case for the Walla Walla Valley and its surrounding communities.

Latino Immigrants in Washington, the Walla Walla Valley, and the United States

The literature presented in my literature review shows that the United States has had a long history with foreign labor. Given the United States' history with foreign labor from Mexico and other Latin American countries in particular, it is no surprise that the United States' agricultural labor force is still heavily dominated by Latino immigrants. Similarly, it is no surprise that over fifty percent of this workforce is here illegally. Citing a previous study conducted by Hofer et. al, the Department of Homeland Security (DHS) shows that it apprehended nearly 961,000 foreign nationals in which 89 percent were natives of Mexico. The data also estimates that roughly 11.8 million unauthorized immigrants were living in the United States in January 2007 compared to 8.5 million in 2000. Between 2000 and 2007, the unauthorized population increased by 3.3 million; the annual average increase during this period was 470,000. Nearly 4.2 million (35 percent) of the total 11.8 million unauthorized residents in 2007 had entered in 2000 or later. An estimated 7.0 million (59 percent) were from Mexico (U.S. DHS 2007).

As mentioned in my research methods, much of my research relied on interviews with local employers and employer advocate agencies like the Washington State Farm Bureau and the Washington Growers League. Interviews with these individuals consistently reaffirmed what was found in the literature and federal statistics. Almost all mentioned Latin America, specifically Mexico, when speaking of the origins of the immigrants found in their fields and the industry's fields as a whole. Trevor Broetje of Broetje Orchards admitted that roughly 99.9 % of the workers at his orchard were Latino.¹⁰ A fellow local grower, formerly in the onion business, used the same percentage to describe his labor force¹¹.

Although it is out of the means for employers to really know the percentage of undocumented workers in their fields, many expressed that they assume a large portion of their workforce is falsely documented. A grape grower from the Columbia Valley commented saying, "70 percent of farmworkers are falsely documented and in the event that tomorrow the ICE (Immigration and Customs Enforcement) came around and cleared up all the illegals, the agricultural industry would be in serious trouble, ¾ of the workforce would be going home"¹² Given the national and even federal statistics reporting the number of illegal immigrants coming in from Mexico and other Latin American countries, it is common for employers to assume that many of the laborers in their field are from these countries. Just as common is employers' assumption that a little more than half of this group is going to be improperly documented.

To be fair, their assumptions would not be far from the truth and many of their assumptions tend to be based on actual data. Executive Director of the Washington State

¹⁰ Trevor Broetje, interview by Becky Avila, Prescott, WA, November 13, 2008.

¹¹ Sam Edwards., phone interview by Becky Avila, Washington, December 2, 2008.

¹² Jon Bennett, phone interview by Becky Avila, Washington, December 10, 2008.

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Growers League, Mike Gempler, referenced a survey conducted by the National Agricultural Workers Survey (NAWS) group in which “they determined that about 54% of all the agricultural workers that were interviewed self-identified as being here illegally...and those are the people who admitted it! So I would guess that there is probably more than that.”¹³ Data from the Agricultural Workforce in Washington State Report of 1999 issued by the Washington State Employment Security Office, further shows that the agricultural workers in the state are predominantly Hispanic¹⁴ and male. The report further indicates that a large proportion of this population comes from rural Mexican villages.

Given the United States’ history between immigrant labor and the agricultural industry, it is safe to presume that a large portion of these Latino and undocumented immigrants are finding employment within the agricultural industry. Several factors contribute to this. As mentioned by Griffith and Kissam, Mexican¹⁵ immigrant workers developed a strong foothold in the perishable crop production regions in the country after the Bracero Program ended, more specifically between the years of 1965 and 1992. As mentioned by the Walla Walla Valley Chamber of Commerce as well as the Agricultural Workforce in Washington State Report of 1999 eastern Washington and specifically, the Walla Walla Valley is one of the primary agriculture producing regions of the state.

Agriculture continues to be an industry with high turn over rates and a low supply of domestic workers. Various scholars (Griffith & Kissam 1995; Tran and Perloff 2002; Martin 2002) have found that the agricultural industry is one that has proven historically unattractive to domestic laborers for various reasons. Interviews with all my interviewees express similar findings. A peach grower from Basin City, WA told a story of a fellow farmer who had “been in the business for 18 years and in all his 18 years he had only ever hired 3 local white workers. And that’s it! In all his 18 years!”¹⁶

Considering that the agricultural industry is one in which has historically employed Latino immigrant laborers, and continues to be one in which is unable to attract a sufficient amount of domestic workers, it makes sense that Latino immigrants—legal or not— form a dominating presence in the agricultural industry. One of the primary reasons why Latino immigrants come to the United States in the first place is to seek employment. Another contributing factor to the dominating presence of Latino immigrants within the agricultural industry has to do with the recruitment methods used by agricultural employers.

Griffith and Kissam note that agricultural employers recruit additional farmworkers via the personal and familial networks of their preexisting workforce. Since a majority of the preexisting workforces is already predominantly Latino it is only natural that these networks would be Latino based. These recruitment methods are used by many of the employers in the

¹³ Mike Gempler, Phone interview by Becky Avila, Washington, November 6, 2008.

¹⁴ The term Hispanic is used to maintain the language of the primary source but, Hispanic generally extends to include persons of Latino backgrounds.

¹⁵ Referring back to Mexican immigrants because they are the majority of immigrants found in the country, in the agricultural industry and among the employers interviewed throughout the Walla Walla Valley.

¹⁶ David Gil, Phone interview by Becky Avila, Washington, December 10 2008.

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Walla Walla Valley as well. When I asked my interviewees about the methods used to recruit farm laborers all 7 reported that the source of their labor relied on the familial connections of current employees since most of their advertising for additional labor is done by word of mouth. Results from the 2006 Agricultural Employers Survey conducted by the Worksource Walla Walla, also acknowledged that a majority of employers recruit most of their workers through friends, family and or colleagues. Even those growers who use a labor contractor to recruit workers indicate that it is usually a family based crew. Grower Jon Bennet, who uses a Latino labor contractor, admits that, "half of [the contractor's] crew is his own family."¹⁷

An interesting notion not thoroughly discussed in the assessed literature is how language plays a part in attracting Latino immigrants to agricultural employment. Mark Klicker, the Eastern Field Manager of the Washington State Farm Bureau, further elaborates on this issue in my interview with him: "so many of the people in agriculture are non-bilingual so they have to be satisfied with working in the fields. It's likely that the manager knows Spanish. Probably 95% of Broetje's employees speak Spanish and only Spanish; they can continue their culture and they don't have to learn another language so they're not going to go out and seek another career."¹⁸ Klicker's tone was not one which expressed that because immigrants were not learning English that they should work in the fields but rather, one which referred to issues of comfort and feasibility when it came to looking for jobs in which the learning of another language was not required. It is a lot more practical for non-bilingual immigrants to seek employment in industries that do not require them to learn another language. While there are various other jobs that also do this (construction, housekeeping, etc.), agriculture is most likely, given the history and the amount of extra hands needed during the harvests season, one of the easier jobs to acquire. Also, as mentioned by Griffith and Kissam, leaving farmwork does tend to be a generational process for a large majority of these Latino groups.

Is the Walla Walla Valley Experiencing a Labor Shortage?

Results from the 2006 Walla Walla Agricultural Employer Survey conducted by the Worksource Walla Walla recorded that a growing concern among all growers in the area is the dwindling numbers of both intrastate and interstate migratory workers to the area. Using statistics from the 2006 Agricultural Labor Employment and Wage Trends compiled by the LMEA,¹⁹ the survey confirms that in 2006 there were no intrastate or interstate workers coming into the Walla Walla area. While 49 percent of the growers surveyed reported that they had been fortunate enough to maintain a stable labor force, many worried that this availability would soon change and a pool of ready workers would not be available to harvest their crops. One employer in the survey indicated that he had to let his crop rot because he did not have enough workers to harvest the fruit in his fields. Another indicated that she could have used additional 15-20 workers for the harvest (2006 Walla Walla Agricultural Employer Survey, 2).

Additional comments added onto the survey by the employers indicate that most employers are worried about finding an adequate amount of laborers for the harvest season in approaching years. The employers' labor pool concerns include dwindling labor, "there aren't as

¹⁷ Bennet, December 10, 2008.

¹⁸ Mark Klicker, Interview by Becky Avila, Walla Walla, Washington, October 28, 2008.

¹⁹ Washington State Labor Market Information

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many laborers/farm workers around as before.” As such, competition among employers becomes an issue, “the problem is all agricultural employers need employees at the same time.” Last but not least, some employers articulated their fears of how immigration policies might reduce the flow of labor, “if the government restricts the movement of workers from south of the border, it may be difficult to find workers who will do the work” (2006 Walla Walla Agricultural Employer Survey 16, 17).

The years of labor shortage that many of these local agricultural employers fear are fast approaching. Two of the growers I interviewed for this research, reported that this year was their last year in labor intensive agriculture due to labor shortages. The first was David Gil, the peach grower from Basin City, WA. After ten years of growing peaches, Gil sold his orchard this year to avoid the incessant “labor headaches” as he so described, and claimed that he “didn’t want to see what was going to happen with immigration reform; I didn’t want to wait for the H-2A program to get better. Growing peaches was something I did on the side and I really didn’t need to get into the hassle that was finding labor.”²⁰ Gil owned a small peach orchard roughly 30 acres in size and hired only 6 people year round. Gil is also a hay grower and admits that he does not have the same labor issues in the non-labor intensive sector of agriculture, which is why he will just focus on his hay.²¹

The second grower to quit the labor intensive sector of agriculture was an onion grower 7 miles west of Walla Walla. When I inquired as to why he was deciding to leave the onion business he stated that it was “the first year that [he] could get a crew for the harvest; it was an absolute nightmare. It didn’t matter what I paid people; I couldn’t get people to do it.”²² Like Gil, Edwards operates a small farm, roughly 60 acres. Edwards attributed the lack of workers to the fact that less people were able to get across the U.S.-Mexico border. He also mentioned that his need to harvest later in the season put him in a disadvantaged position, “apples come before onions in the harvest season so usually the people who have already found jobs harvesting the apples are not going to quit to come over to harvest the onions and this year they’re just weren’t enough people left over to harvest the onions.”²³ Edwards reported that he looked into hiring a contractor this year but reported that the contractor was charging more than his onions were worth, “[the contractor] knew he had me in a place where I needed the workers badly enough so he thought he could charge me anything he wanted but I would have been better off just giving him my crop.”²⁴ Like Gil, Edwards is turning to non-labor intensive agriculture. For Edwards sticking to farming that could be done with a machine is just easier. With that he discussed how, “the Walla Walla sweet onion, they’re such a soft onion that they need to be picked by hand. We don’t have the technology yet to harvest the onion with a machine.”²⁵ In our interview, Edwards further explained how the onion industry was one on the decline, “When the onion thing first started there was about 1,500-2,000 acres dedicated to the cultivating of onions; today there are only 600-700 acres.”²⁶ According to Edwards, the industry is dying because of labor shortages.

²⁰ Gil, 12/10/08.

²¹ Gil 12/10/08.

²² Edwards, 12/2/08.

²³ Edwards, 12/2/08.

²⁴ Edwards, 12/2/08.

²⁵ Edwards, 12/2/08.

²⁶ Edwards, 12/2/08.

The 2006 Walla Walla Agricultural Employer Survey confirms this noting that the acreage dedicated to onions in the Walla Walla Valley has gone from approximately 3,000 acres to approximately 800 acres.

The above two cases indicate the following: the first is that small farms are the most effected by the lack of labor around the local area. These tendencies were not so much recognized in bigger operations. Broetje Orchards for example, operating 4,300 acres in Prescott, Washington reported having no trouble finding laborers this year. Of course, this, as expressed by Edwards, may have something to do with the fact the Broetje has an advantage in that their harvest season beings somewhat earlier than the onion harvest season. By this time, many workers have already been situated in steady positions.

The second indication is that growers who have the option of turning to non-labor intensive agriculture are doing so. Both Gil and Edwards had non-labor intensive businesses on the side that they could essentially fall back on in the event that a shortage of labor ever became an issue. This raises various questions and could potentially be an avenue of further research. A report that inquires as to how many local employers who have the option to opt out of labor-intensive agriculture in exchange for non-labor intensive agriculture do so and the factors which contribute to this change. This was an aspect no specifically addressed in my report but rather a phenomenon that was stumbled upon. Either way, these tendencies show that small local businesses are being hit hard by the lack of laborers around during the harvest season.

What does it mean for a community like the Walla Walla Valley—a place in which prides itself on this historic and traditional cultivation of its Walla Walla sweet onions—when an onion grower admits that he can no longer contribute to the cultivation of such a tradition? Fortunately, the cases presented above were not the general consensus for most employers in the local area as confirmed by an interview with Gempler of the Washington Growers League and fellow agricultural employers. Nevertheless, all of the interviewed employers and employer advocates expressed concerns for labor shortages in the future and even still, some employers noted that while this year they were able to access a sufficient supply of labor it has not always been that way. Roger Bairstow admitted that while they did not have a labor shortage this year, they had experienced one the past three or four years.²⁷ Fellow apple grower Bill Warren of Dayton, WA also expressed that while he was able to hire enough people to pick and prune his apples it was not necessarily an easy task, “since 2004 the labor supply has gotten pretty tight. This year we needed to pick a lot of fruit and we needed more labor and we struggled to get it.”²⁸

In the event of a labor shortage, agricultural employers are supposed to be able to rely on the H-2A guestworker program. My research found however, that most agricultural employers are disinclined to utilize this program and for various reasons. Information from Agricultural Workforce in Washington State of 1999 report expressed that many employers found the H-2A program both overly complex and overly expensive (29). As such, the program has not been widely used since its inception. Currently, an agricultural employer has to submit a petition to the US Department of Labor requesting certification in order to recruit H-2A workers. In this

²⁷ Bairstow, 11/ 13/08.

²⁸ Bill Warren, Interview by Becky Avila, Dayton, WA, November 13, 2008

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application, the employer currently has to document his/her efforts to recruit domestic workers. If there efforts to recruit domestic workers are unsuccessful then he/she can apply for H-2A workers. Under the rules of the H-2A visa, the employer is required to pay for the employees' in-bound expenses from the host country into the United States as well as the worker's return home. Under the H-2A regulations the employer must also provide the H-2A workers and other qualified domestic workers with free housing as well as transportation to and from the worksite²⁹. Eastern Field Manager Mark Klicker resonates with what was reported in the Agricultural Workforce in Washington State report of 1999 admitting that "the H-2A program really isn't the answer. First, it's too expensive; second, it's an incredible process and third, it's not cost efficient so the employer is going to tend to go the other direction."³⁰ In addition to this, the usual surplus of undocumented workers with false documents has provided little incentive for growers to use the H-2A program in the past (Agricultural Workforce in Washington State 1999, 29).

Given all the provisions an agricultural employer must provide his/her H-2A workers, it does not make sense for a small business owner to use the H-2A program. Where does an employer operating a modest size farm come up with the means to provide free housing, in-bound and return transportation between the host and home country, transportation to and from the worksite as well as wages? In some cases, as in Bill Warren's case, "it would be easier for me to go out of business than it would for me to participate in the H-2A program. The wage requirements under the program are so high and you have to provide so much other stuff, labor costs are going to be high and I just don't have enough production power. Really, the H-2A workers tend to be less skilled, and less stable and just overall less productive. They're more headaches and challenges."³¹ Warren was not the only grower who felt that H-2A workers were less skilled and or posed more challenges.

Trevor Broetje of Broetje Orchards, a much bigger operation than Bill Warren's Orchard, discussed their experiences with the program: "One time we brought in about 30 people but it's so much paperwork and a lot of them were from Tahiti so language was hard and you knew that a lot of them had probably never done this kind of work before so they've never been trained and trying to communicate with the other workers for training was hard. A lot of the people here (local Latino immigrant labor), have done this type of work so you don't have to re-train them."³² But this was not the only aspect of the program that Broetje Orchards was not fond of. Broetje Orchards is a faith based operation, one in which believes that "faith and business can be incorporated in a single mission."³³ According to the Broetje Orchard's website, "[this] belief led [their] family to implement a series of initiatives to assist the first and second-generation Hispanic immigrant farm workers, and their families, who work in the orchard and packing plant. First, we provided year-round jobs, then affordable housing, then child-care facilities, schools and scholarships."³⁴ According to Trevor Broetje, the H-2A program does not fit with their mission as the foreign workers are detached from the community, "[the H-2A workers]

²⁹ United Farm Workers, <http://www.ufw.org>, accessed October 28, 2008.

³⁰ Klicker, 10/28/08.

³¹ Warren, 11/13/08.

³² Broetje, 11/13/08.

³³ Broetje Orchards, <http://www.firstfruits.com>, accessed December 16, 2008.

³⁴ Broetje Orchards, <http://www.firstfruits.com>, accessed December 16, 2008.

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would come in and do their work and leave. Our business is about family and children first and in a program like H-2A, the workers come and they go and that's not what we stand for so we lose out on that aspect of our business as there is no community involved. We don't want them to be just shipped in and shipped out. Most of our workers have been with us for 5-25 years and with the H-2A program none of that will happen so it's not something that really works for us."³⁵

In addition to being expensive, the H-2A program also appears to be one that is somewhat burdensome to the employer given the extensive processes that must take place before an employer is even approved to open up a contract with H-2A. Grower representative Roger Bairstow tries to break down the process, "what you first need to do before you can open up a contract, you have to advertise for that specific job description for about a 60 day period in which you have established that you have tried every avenue possible to employ people domestically. Then you have about a 30 day review period in which the Department of Labor assesses whether or not you have tried everything so now you're 90 days out from the day you actually say you needed labor but then it goes to the Department of State and then every individual who is coming to the United States for the first time needs to have an interview with the consulate which is another 30-60 day process and once that person has been approved then it goes to the Department of Homeland Security and so this entire process can take up to 120 days so [the employer] needs to predict how many employees he will need for his harvest season and we have no indication, it is very unyielding."³⁶

The consensus among employers as well as the literature indicates that the current condition of the H-2A program is not one in which provide growers with the incentive to utilize the program. According to Gempler, "the cheapest and easiest thing is for [the workers] to come on your farm on their own dime, and they have documents that appear to be genuine, they're experienced and as long as you can do that, there is no incentive to use the H-2A program."³⁷ For years, this has been the situation for employers. Immigrant laborers have shown up in droves seeking employment. Perhaps this is why the Agricultural Workforce in Washington State of 1999, reports that the H-2A program was one that was not widely used.

What Factors Contribute to this Shortage of Labor?

Various factors contribute to why employers are finding it a little harder to locate seasonal workers. Since September 11th national security has increased tenfold. Part of this heightened sense of national security includes the crack down on illegal immigration as it includes the regulation and careful management of the nation's borders. The 2002 National Strategy for Homeland Security claimed that the "future border management would be radically different from today's. It will create a 'border of the future' where a layered management system enables greater visibility of vehicles, people and goods coming to and departing from [the United States]"³⁸ The Department of Homeland Security was created in part to "ensure full enforcement of the laws that regulate the admission of aliens to the United States. The Department of Homeland Security would [also] implement the Enhanced Border Security and Visa Entry

³⁵ Broetje, 11/13/08

³⁶ Broetje, 11/13/08

³⁷ Gempler, 11/06/08

³⁸ U.S. D.H.S. http://www.dhs.gov/xabout/history/publication_0005.shtm

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Reform Act, including the requirement that foreign visitors possess travel documents with biometric information”³⁹ On October 9, 2007, President George W. Bush issued an updated *National Strategy for Homeland Security*, which elaborates on how the United States plans to make its borders more secure: “we are implementing an effective system of layered defense by strengthening the screening of people and goods overseas and by tracking and disrupting the international travel of terrorists”⁴⁰

Heightened national security also means increased interior and worksite enforcement. The U.S. Immigration and Customs Enforcement (ICE) teams devoted to removing illegal aliens have increased significantly in less than three years. In 2005, the number of Fugitive Operations Teams was totaled at 15; today there are over 100 (DHS 2008). The DHS’ issuance of the “No-Match Policy” further shows the United States’ attempt to crack down on illegal immigration. The “No-Match Policy” was developed to help the DHS crack down on employers who knowingly hire illegal workers (DHS 2008). The Social Security Administration is supposed to identify those employers with a large number of employees with inaccurate personal information. These employers are then issued a “No Match” letter and may be held liable if they choose to ignore it. Fines imposed for knowingly hiring illegal immigrants have been raised by approximately 25 percent. According to the DHS, in previous years the fines have been so modest that they were often considered nothing more than the cost of labor by employers (DHS 2008). The DHS’ heightened worksite enforcement indicates that the employer sanctions issued under the IRCA are being taken a lot more seriously since September 11th. The increase in employer fines and the issuance of the “No-Match Policy” indicate that the federal government is a little less inclined to simply turn the other cheek.

While enforcement efforts have not drastically decreased the numbers of illegal immigrants entering the United States, they have not gone unnoticed by local agricultural employers. Agricultural employers in the Walla Walla Valley are finding it increasingly more difficult to acquire the labor that they need to harvest their crops. Many of the employers attribute the decline in labor supply to the increased border and worksite efforts. Peach grower Gil comments saying “we used to have people looking for work all the time; it used to be plentiful, but the crack down on immigration has made it more difficult. Immigration enforcement agencies are a lot more active. Years ago, it was common knowledge that everyone working in your field was illegal and it was no big deal. That has changed drastically. You have things like the “No Match” and it just makes things a lot more difficult than it used to be. Before, crossing between Mexico and the United States was like crossing into Oregon. It’s a lot more serious nowadays and so it’s a lot more difficult for the employees to get out here so they don’t come out.”⁴¹ Gil is not the only local employer to express such sentiments. Eastern Field Manager of the Washington State Farm Bureau, Mark Klicker also attributed labor shortages to increased national security post September 11th, “we really started to see more of a shortage in the last three to four years because of the immigration issue; we’re seeing it really since 9/11; they’re concentrating on the borders”⁴²

³⁹ U.S. DHS (2002).

⁴⁰ The White House. *Homeland Security*. <http://www.whitehouse.gov/infocus/homeland/>

⁴¹ Gil, 12/10/08

⁴² Klicker, 10/28/08

Another factor attributing to the labor shortage is the high turnover rates in the agricultural industry. In their article, Tran and Perloff discuss how retaining seasonal workers is difficult for many agricultural employers because workers are frequently moving in and out of the agricultural industry. Gempler from the Washington Growers League agrees, “there’s a lot of turnover in agriculture because the jobs are relatively low paying and they’re hard work and so, even though you can make an average of fourteen bucks an hour, it doesn’t really matter because you don’t get benefits and you work your tail off; you’re outside, and it takes a physically fit person to do all that.”⁴³ Many of the employers interviewed for this report discussed the need for various strategies that aid in retaining seasonal workers. Peach grower Gil, discussed how he and another local farmer nearby share a pool of laborers since they work in crops that harvest at different times of the harvest season, “ you need to keep the workers busy so you don’t lose any of them, that is why when he’s done with them he’ll send them over to me and vice versa.”⁴⁴ Bennet, the grape grower of the Columbia Valley, operated under a similar operation where he shared his crew with three other grape growers, “none of us have enough work to do to keep [the immigrants] on full time because the labor itself comes in waves with the seasons but we want to keep them so we have to work cooperatively because we need to keep the numbers.”⁴⁵ The fact that farmers need to collaborate with one another to maintain their labor suggests that there simply is not enough labor to satisfy the individual needs of each farmer and that the agricultural industry continues to be a an industry with high turnover. It is one that relies on the continual influx of migrant labor as the work itself comes in waves.

Often the question is brought up about whether or not there are enough domestic workers around to fill the agricultural jobs currently filled by immigrants. As just mentioned, the agricultural industry is an unstable source of employment as the employment in waves. Such employment is usually not sought after by domestic workers. This happens for a variety of reasons. The literature consistently reveals that because of the unstable employment offered by the agricultural industry, many domestic workers are not attracted to the industry as a source of employment. Author Philip Martin contends that seasonal employment does not offer much upward mobility and thus domestic people, who have the opportunities to seek employment elsewhere, tend to stay away from agriculture. Gempler admits that agriculture does not provide steady employment or a ladder in which to climb up the social and economic rungs.⁴⁶ Individuals involved in the farming community express other theories as to why the agricultural industry does not appeal to domestic laborers. Eastern Field Manager of the Washington State Farm Bureau Mark Klicker believes that domestic workers’ reluctance to the agricultural industry has to do with a certain mindset: “[Americans] think they’re too good; they won’t stoop to that level.”⁴⁷ Gempler also sheds some light on the issue attributing domestic workers’ reluctance to issues of status: “[Americans] can get jobs that they consider better. First of all, there is a status thing; farm work is pretty low status even though you can make more money. We have that phenomenon occur now where we get [domestic workers] who are offered a job in the warehouse at fifty cents above minimum wage, driving a forklift or re-lifting bins for nine bucks an hour; they have the option of doing that or making fourteen bucks an hour picking and they’ll

⁴³ Gempler, 10/06/08

⁴⁴ Gil 12/10/08

⁴⁵ Bennet, 12/10/08

⁴⁶ Gempler, 11/06/08

⁴⁷ Klicker, 10/28/08

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take the warehouse job because its just higher status; it's less money, significantly less but it's higher status."⁴⁸ The Washington State Farm Bureau 2008 public policy agenda says "simply put, there are inadequate numbers of domestic workers who are willing to perform migrant and seasonal work, regardless of wage. Growers who raise wages end up displacing workers from neighboring operations, and almost every employer can relate to the sad story of having had a harvest crew that was there one day and gone the next. Farmers can no longer rely on an unstable workforce. Labor is in short supply. Greater than 10 percent of all growers report a lack of harvest workers, despite raising wages to the highest levels ever"

Given the Latino immigrant's history in agriculture it is understandable why domestic workers would associate field work with foreign labor. Judging from both the literature and the interviews, it appears that domestic workers have grown accustomed to seeing Latino immigrants in the fields and so in an unconscious effort to maintain the status quo, do not seek employment within the agricultural sector. In this sense, one can argue that there are not enough domestic laborers out there to fill the positions of the Latino immigrants. The number of domestic laborers becomes irrelevant when they are unwilling to perform the work. Grower Gil speaks to this when he says, "most people are not willing to take the \$20,000-\$30,000 a year that the agricultural industry would pay them; its beneath them because it's an industry that is rammed by illegal immigrants, so if you are relying on the people who live here you're going to lose your labor force because it wont work."⁴⁹ Gil was not the only grower who felt this way about domestic workers. Bennet, the grape grower from the Columbia Valley also notices that domestic workers are not the ones seeking employment within the agricultural industry, "when it comes to the hard work in this country, it is not Americans that are doing it. Americans have this racist mindset against the border and what [Americans] have to realize is unless they are willing to get off their butts and do it themselves then we're always going to depend on this workforce. They are a huge part of this economy because the job would not get done; the white American is not going to do it"⁵⁰

Having this notion of the domestic worker refusing to seek employment within the agricultural sector confirmed by individuals involved in the farming community suggests that the Latino immigrant worker is not stealing the job of the domestic worker—at least within the agricultural industry. All employers have indicated that the jobs are available to all, but the domestic worker is the least likely to seek employment within the agricultural industry. Nevertheless, the reasons for why the domestic worker would not seek agricultural employment are valid. As mentioned by various employers and Gempler from the WGL, the agricultural industry does not provide stability or year round employment. It is unlikely that domestic workers are as transient as immigrant laborers. Thus, they need stability as they are likely to suffer economic hardships during an off-season in agriculture. But immigrant laborers provided they are able to migrate back and fourth between host and home country seem to suit the job as far as timing is concerned. Also, domestic workers cannot be blamed for associating agricultural field work with immigrant labor. Immigration policies designed by the United States have created this immigrant proletariat workforce as argued by Ngai and other scholars.

⁴⁸ Gempler 11/06/08

⁴⁹ Gil, 12/10/08

⁵⁰ Bennet, 12/10/08

Given the United States' history with foreign labor and the current mindset of the American worker, it does not seem that there will be a large shift in how the agricultural industry, mainly field work, is viewed by the domestic worker. With that, how can the United States expect to replace an entire labor force with domestic workers who have grown accustomed to having a specific group of people perform the job for years? Even more so, how does the United States expect to fully staff the needs of the agricultural industry with an aging and diminishing workforce? Greenspan's report reveals that the growth rate of the United States working population is on the decline. He, like the employers and employer advocates, stresses that immigrant labor is absolutely crucial to the thriving of the nation.

Could Labor Matters Get Any Worse?

In 1996 Congress issued the Immigration Reform and Immigrant Responsibility Act (IRIRA). Under this Act, was the creation of the pilot Employment Eligibility Verification System now referred to as E-Verify. E-Verify is an internet based verification system operated by the Department of Homeland Security (DHS) in conjunction with the Social Security Administration (SSA). It allows participating employers to electronically verify the employment eligibility and essentially the legality of newly hired employees via their social security numbers.

While in previous years the use of E-Verify had been voluntary, in 2007 President Bush issued an executive order requiring all federal contractors to use E-Verify in their hiring practices. Currently, legislation mandating the mandatory use of E-Verify among all employers is pending in Congress. In the event that this legislation is passed, the agricultural industry would have to verify the employment eligibility status of every single one of its workers. Given what we know or can assume about the employment eligibility of the majority of the workers in the agricultural industry, a system like E-Verify would bring the fears of a labor shortage to life. Gempler of the Washington Growers League confirms this in our interview, "the industry is reliant on foreign labor, that's what it comes down to and as soon as the technology kicks in to control the documents theirs is going to be a huge hit in the [agricultural] industry and we will lose a huge percentage of our workforce because they would be illegal to employ."⁵¹

Essentially, E-Verify would be the government's way of allotting agency to those employers who knowingly hire illegal immigrants and continue this crack down on immigration. As demonstrated by Gempler, agricultural employers' greatest fear is how E-Verify will effect their already dwindling labor supply. Peach grower Gil comments, "if they make it so there are no more illegals in the field then there is no way that the orchard can survive. The agricultural industry needs this labor."⁵² In our interview, Gil expressed that the government should not act too early in implementing a system like E-Verify. More specifically, Gil felt that a system like E-Verify should be implemented only after a better guestworker program is available to agricultural employers.⁵³ While some growers discussed how a system like E-Verify would effect them personally, Trevor Broetje explained how E-Verify would effect other industries as well, "it's not just the agricultural industry that is going to be effected. It's going to take out other industries as well like hospitality, delivery services, catering services; you take all those people out of work, our economy is not as great as it is. [The immigrants] they put money into

⁵¹ Gempler, 11/06/08

⁵² Gil, 12/10/08

⁵³ Gil, 12/10/08

the social security fund and they're not getting the benefits, so it's going to make drastic changes for everyone."⁵⁴

While increases in labor shortage are farmers' primary concern with E-Verify, there are other reasons why growers are reluctant to use it. As discussed in the June issue of the Wall Street Journal, critics of E-Verify are concerned with how its may increase the cases of identity theft. As a program, E-Verify is only able to detect forged documents, not fraudulent documents. In my interview with Broetje Orchards representative Roger Bairstow, he expressed the similar concern, "it's pretty widespread knowledge that there is a huge level of fraud going on just with people providing fraudulent documents. All E-Verify is going to do is up the ante in having people actually going out and stealing and doing identity theft where it's a real number and a real name, it's just not necessarily [the workers']"⁵⁵ As aforementioned, Bairstow's concern was one widely expressed throughout the literature. Critics of the program equally acknowledged that E-Verify is unable to detect when ineligible workers are using real names and real numbers that don't necessarily belong to the individual presenting them. E-Verify can only detect against forged documents, where names and numbers are not real as these are names and numbers that would not be in the database.

This puts the grower in a difficult situation as he/she could still be liable for hiring illegal immigrants even after E-Verify has approved their workers. In our interview, Bairstow shared an anecdote of a meatpacking plant in the Midwest who, as a result of the increased penalties of employer sanctions, decided to use E-Verify: "they followed every regulation under the sun; they put major teeth on everything and they got raided about 2 years ago and basically what they found was that 75% of their employees were undocumented but using fraudulent information and the meatpacking plant was still sued by the federal government and fined"⁵⁶

E-Verify's inability to detect against fraudulent documents could pose a big problem for United States citizens who would be more exposed to identity theft. Employers have already made it clear that there is an incredible counterfeit and black market system utilized by some of the illegal immigrants seeking employment in the country. Thus, I echo Bairstow when I say that all E-Verify would do is broaden the range and increase the usage of this black market system for fraudulent documents. As E-Verify continues to leave employers exposed to hiring illegal immigrants, critics fear that employers would begin to discriminate in their hiring practices to avoid penalization. This is was an issue not discussed in the report because none of the interviewed growers were utilizing E-Verify voluntarily at this time. Nevertheless, employers did express that they too had thought about how E-Verify would encourage employers to turn away workers who looked or sounded foreign.⁵⁷

Yet another reason why local employers are reluctant to use E-Verify has to do with the amount of errors within the system. Critics argue that E-Verify is an ineffective system because it is filled with errors. As study commissioned by the DHS found that roughly 17 million people's name may not be correctly entered into the system. Thus, the database has an error rate

⁵⁴ Broetje 11/13/08

⁵⁵ Bairstow 11/13/08

⁵⁶ Bairstow 11/13/08

⁵⁷ Bairstow, 11/13/08

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of 4.1⁵⁸. As such, even legal citizens run the risk of being denied employment under the jurisdiction of E-Verify. With that, Bairstow comments on what this means to the employer, “trying to work with a flawed database at no protections to the employer in terms of making a wrong judgment call... You’re getting something from the federal government saying this person is undocumented and so you cant employ them but then if it turns out that they are properly documented and it was the database who was wrong, the federal government is not providing any protections for the employer from getting sued for discrimination so there is a huge flaw in that.”⁵⁹ This was the case in the Marks article, where a Latino citizen was denied a job because E-Verify had mistakenly cast him as an ineligible worker.⁶⁰

Though there are various reasons why local employers denounce the use of E-Verify, their primary concern is what it will do to the industry’s labor supply. As shown by my interviews, surveys and reports, employers are already having a difficult time recruiting workers as it is. A system like E-Verify would only further cripple the industry as it takes away the only existing labor force. When I asked Gempler if he thought that the mandatory implementation of E-Verify would cause labor shortages throughout the agricultural industry, his response was, “oh absolutely! Definitely; it’s severe, severe.”⁶¹ Some growers think that a labor shortage brought on by the mandatory implementation of E-Verify would be so severe that there is no way that the government would every mandate its mandatory use: “I don’t think the government will take it this far. The government wants to make sure that the American public has access to cheap groceries. If they crack down on employers for hiring illegal workers with this E-Verify system, groceries would quadruple because the cost of labor would increase. Agriculture cannot succeed without immigrant labor!”⁶²

Synthesis

The agricultural industry of eastern Washington cannot handle a loss of its immigrant labor. Growers rely heavily on the influx of immigrant labor for the harvesting of their crops. Therefore, immigrant labor plays an imperative role to the labor-intensive agricultural industry of the Walla Walla Valley and surrounding communities. It is common knowledge among agricultural employers that roughly 70% of the immigrant workforce is in the United States illegally and that roughly 90% of this workforce is from Mexico. A system like E-Verify that would weed out illegal immigrants before providing employers with the hands necessary to harvest their crops would cripple the agricultural industry and take the local economy with it. As the cost of production increases for employers, so too does the cost of groceries for consumers. While Gil mentions the government’s desire to provide cheap groceries to the American public, such policies are eventually going to collide with the government’s path to immigration reform.

As of now, labor reform and border enforcement have failed to meet the needs of local agricultural employers and the agricultural industry as a whole. If the present conditions are maintained and E-Verify is made mandatory the agricultural industry will crash. The general

⁵⁸ Marks 2008

⁵⁹ Bairstow, 11/13/08.

⁶⁰ Marks 2008.

⁶¹ Gempler, 11/06/08.

⁶² Gil, 12/10/08.

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consensus among the employers that I interviewed for this report was that the agricultural industry could not survive without immigrant labor. With that, a system like E-Verify would cripple the agricultural industry by removing more than half of the industry's labor supply. Preliminarily implementing a system that would remove more than half of the industry's labor supply before guaranteeing farmers a continual flow of labor would cause many agricultural employers to go out of business or turn to non-labor intensive agriculture: "If we lose 30-50% of our labor force that is 30-50% of our laboring capacity. The bottom line is there has to be somebody to pick, deliver, and get the fruit down to everybody else down the line."⁶³

My research interviewed 5 local growers and 2 representatives from farmer advocate organizations. Two out of these five local employers have sold their acreage this year to avoid anymore "labor headaches," as they so described.⁶⁴ These growers expressed that it was simply too hard to remain in business given the lack of laborers. While the three remaining employers claimed to have little difficulty acquiring enough labor this year, they did admit to finding the acquirement of labor increasingly difficult over the past few years. This trend among growers indicates that this new crack down on immigration, both on the border and on the interior is slowly but surely catching up with small local businesses. A system like E-Verify, before a new guestworker program would surely put more employers out of business as recruiting labor becomes even more difficult. At this point the employers who do remain in business will have the power to increase the price of their crops as demand will increase and the supply will decrease.

The Walla Walla Valley and its surrounding communities is directly connected to the outcomes of immigration policies. Considering how much the Walla Walla Valley depends on the cultivation of its labor intensive agriculture, could it handle many of its local agricultural employers going out of business or turning to non-labor intensive agriculture in the event that E-Verify is passed? With the wine industry bringing in roughly \$1 million dollars annually it is hard to imagine that the community would be able to recover quickly from a loss in such revenue while simultaneously paying for groceries that have gone up in price. Similarly, what will happen to the community's sense of tradition and identity when its citizenry can no longer afford its famous Walla Walla sweet onions? These are questions that are consistently overlooked when thinking about the importance of the local agricultural industry, its immigrant workforce and immigration policy.

Local grower Bill Warren put it plainly when he asked, "When you take a piece of fruit, do you think about who picked it? Do you think about how it was harvested? Do you think about who was handling it? Whether they had a family? Do you think about all that stuff?"⁶⁵ Sadly his answer was one that expressed that many consumers did not think about this. As such, the aims of my research was to shed some light on the role of immigrant labor in the local community in an attempt to bridge this gap between the community and the hands that provide them with cheap groceries and a thriving economy based in agriculture.

⁶³ Warren, 11/13/08.

⁶⁴ Edwards, 12/02/08; Gil 12/10/08

⁶⁵ Warren, 11/13/08

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In the beginning of my analysis I pose the question: Who does the agricultural industry rely on for its sustainability? The answer is clear. History, federal data, surveys, reports, literature and my interviews consistently reveal that immigrant laborers are the ones picking our nation's fruit and other specialty crops. Similarly, history, federal data, surveys, reports, literature and my interviews consistently reveal that a large majority of this immigrant workforce is Latino. Immigrant labor is crucial to the agricultural industry. Statistics, literature, and local employers all tell the same thing: the agricultural industry could not flourish without the use of immigrant labor. Without them, Walla Walla sweet onions, its rising star wine grapes and other fruit would not get picked.

With that in mind much reform is needed. The research suggests that the following recommendations may help alleviate some of the pressures surrounding labor shortages and issues of legality. The following recommendations were developed through conversations with employers and employer advocates and further primary and secondary research.

Recommendations on a Federal Level

First and foremost, Congress should not mandate the mandatory use of E-Verify. Doing so, prior to providing a system that would guarantee the flow of immigrant labor for agricultural employers would damage the agricultural industry swallowing the local economy with it. As such, a new guestworker program is needed. As discussed in the analysis section, the current H-2A program is not one that is suitable for employers. Thus, it leaves employers with no incentive to use this method of securing a legal labor force. If the government wants to supply agricultural employers with a legal labor force than they need to design a guestworker program that entices both the employer and the potential employee. With that, the guestworker program needs to be affordable, accessible and easy to use. By accessible I mean it must be a program in which small local businesses can utilize as well. The current H-2A program is currently not accessible to smaller business owners as was show in my report. Remember employers such as Bill Warren who admitted that going out of business would be less expensive than utilizing the H-2A program. We cannot have a guestworker program that discriminates against small business employers because just like the larger agricultural employers they too need a steady and legal workforce.

The new guestworker program should also be one that provides incentives for immigrant laborers to access as well. Just as we want agricultural employers to use this guestworker program as a means of utilizing a legal labor force, so too do we want immigrant laborers to utilize a legal way of seeking employment. For that to happen, the guestworker program must offer some incentive. The guestworker program should offer immigrant laborers a path to citizenship. It should allow workers on the program to apply for citizenship after investing a reasonable amount of years in a specific industry. Such a program should maintain a steady relationship between employers and immigrant workers essentially providing employers with laborers and laborers with employment. It should also legalize the immigrant workforce.

As for the current undocumented workforce, those who have employers who can vouch for the employee and validate him/her as an asset to the community should be permitted to remain in the country under the conditions that he/she remain under the employment of the

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recommending employer for at least an additional 3-5 years. It is unfair that the employers producing and growing the crop should have little say in the value and necessity of his crew. Thus, employers should be able to serve as sufficient spokespersons for the illegal immigrants currently working in their fields. The contract requiring an additional 3-5 years with the standing employer is to avoid some of the issues that have happened in the past. Previously, once immigrants have become legalized they tended to leave the agricultural industry. This was because they were now eligible for other upwardly mobile opportunities.⁶⁶

Recommendations on a Local Level

The community should encourage its able bodied youth to seek employment in agriculture. This accomplishes the following: first, it slowly eliminates the low status immigrant stigma attributed to fieldwork in the agricultural industry; second, it involves domestic workers in the agricultural process and third, creates a domestic youth workforce that is currently non-existent within the agricultural industry. Many of the farmers that I interviewed attested to a time when whole families from the community used to be out working in the fields as well as to a time where college students used to be a lot more involved in agriculture.⁶⁷ In order to create establish this once again, incentive needs to be offered. With that, local colleges and universities should offer credit to students who will spend their summer working in labor intensive agriculture. Walla Walla is home to three local universities: Whitman College; Walla Walla University and Walla Walla Community College. Students from these institutions could serve as amazing resources if they were merely offered the proper incentives. In this time of economic crisis, I feel everyone should take some responsibility to do their part to contribute. Thus, these universities should provide students who are willing to work in the fields with college credit. The colleges need to indicate how working in agriculture is applicable to various disciplines and courses in the curriculum.

In summation, the research indicates to me that the following recommendations could supply local employers with a steady flow of labor: rejection of the E-Verify Program; a new guestworker program and more community involvement.

Recommendations for Further Research

A method I did not utilize in this report was employer surveys. The 2006 Agricultural Employer Survey issued by the Worksource Walla Walla was extremely useful in the aiding of this report. Having numerical data to refer to was useful. However, the questions asked in the survey were not always necessarily relevant to this report. Thus, creating a similarly styled survey with the questions asked in this report would have been nice to juxtapose with my interviews. I think a survey can provide a lot of the same answers that my interviews did but in a more systematic way. Also, something I would inquire in this survey that as I previously mentioned this report did not measure was the percentage of agricultural employers who turn to non-labor intensive agriculture after finding it too hard to supply the labor need of labor-intensive agriculture.

⁶⁶ Ngai, 2004, 2

⁶⁷ Gil, 12/10/08; Bennet, 12/10/08

Also, I think a report which extended more of a voice to actual Latino immigrant workers would be very interesting to put along side this report. Now that we know the tendencies in this group of workers, provided via the perspective of the employer, it would be interesting to confirm or explain rather, why these tendencies occur. For example, one could uncover as to why Latino immigrants are dominant as a labor force in the agricultural industry by asking a Latino agricultural immigrant worker why or how they heard about their current position. This way, the researcher could track the tendencies among Latino employees and record which are more prevalent. In this kind of study, I feel both surveys and interviews could be useful.

Lastly, I think an interesting take on this research would be a more economical approach. For example, it would be interesting if someone conducted further research on Greenspan's argument and even further, how the loss of such an integral workforce would impact the larger scale economy. Given the United States' current economic crisis, I feel a report conducted in such a manner would attract a lot of attention. Although I touched on how prices may be inflated if the agricultural industry was to lose a majority of its immigrant workforce, it would be interesting to see that aspect of this report flushed out a little bit more. Lastly, I think it would be valuable to understand how the role of immigrant labor operated throughout the whole of eastern Washington.

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Interviews:

I. 10/28/08 Interview with Eastern Field Manager of the Washington State Farm Bureau, 2hr and 45min

Becky Avila: *Can you give me a sense of the role Latino immigrants play in the agricultural industry of Eastern Washington (Walla Walla Valley).*

Mark Klicker: We depend so much on the Latino labor. They not only come from Mexico, they come from all over Latin America. You name it, they're going to come from Latin America.

Every little thing like that creates a difficulty for the employer. The employer gets so worried that they're going to get in trouble no matter what, especially on the no match policy. The counterfeit system is unbelievable. I can guarantee that there has to be an incredible counterfeit system.

Everything makes it difficult for the employer. What really makes it difficult for the employer, well there's two things: Not only the immigration but even the minimum wage. An employer wants to pay minimum wage but they get into the minimum wage issue that is also counter productive. So many of these guys that raise apples, cherries, strawberries, there pretty well controlled on the price they cant really sell the product for what they want out of it. Wheat doesn't have the labor that these other crops have. Operating costs keep going up; the minimum wage in, especially in WA continues to go up and then pretty soon it exceeds what their profit margins are in many cases. That also plays a part. Your tree/vine fruit growers they split the piece work; they pay them really good \$\$\$. \$150.00 a day. Introductory job, that's pretty good money. These people are tickled pink that they can make so much. The grower wants to continue to provide that labor for them and that's happening. Its getting difficult on two fronts you have a shortage of labor and at the same time your having increase costs so they have to decide how do we work it correctly with our operation to hire these people and at the same time once we have them we can retain them because if we don't pay them enough, they're going to go somewhere else and they can pick and choose so really, the employer is between a rock and a hard spot. So trying to get a grip on this whole employment thing...

This whole immigration thing, we farmers, employers that have require large amounts of labor have to have the immigrants. So they really don't care how they get them, so they have to abide by the law, they have to make sure that the documents match and they follow to the best of their ability. How they match...you can't discriminate. You cant look at somebody's documentation and say 'this doesn't match' They're no protection there for the employers and they need the workers and if farm labor, this is what's amazing, if farm labor, agriculture, they have to live by standards that you don't find in other forms of employment...construction, retail, restaurant. The standards are different. We have to go threw all of this documentation. I do not think construction has to follow these same guidelines, fill out I-9's. ICE, when they come in, the raid is over agriculture looking for documentation. You don't hear of these ICE raids like you do out in the orchards or out in the fields.

B.A. Do you think they see a lot more of immigrant labor seeking employment in agriculture?

M.K. I think as years go by and as there is more labor shortage you're going to find more immigrant labor going to better jobs. So many of the people in agriculture are non-bi-lingual so they have to be satisfied with working the fields, the manager knows Spanish. Probably 95% of Breetje's employers speak Spanish and only Spanish. They can continue their culture and they don't have to learn another language so their not going to go out and seek another career. I'm talking about first, some time second generation immigrant employees.

B.A. Can you tell me a little bit about the Washington State Farm Bureau?

M.K. The farm bureau is a non profit farm organization in 1911. I work with 8 county farm bureaus, 7 of them are on the eastern side. I am the liason between the state organizations and the county. I help the country board of directors on issues, I do training, help with agendas, I provide them information on some of the issues that the sate farm bureau is working on.

B.A. Can you give me a sense of how big the agricultural industry is in Washington State's economy and more specifically in eastern Washington?

M.K. If it's not the top one, it's next to the stop. It is the bread and butter of this economy, primarily eastern Washington; it is the bread and butter of this economy.

WFB Labor shortages: do you know when we started to see these labor shortage occur, did it parallel certain immigration policies?

In the last 3 years we really started to see it; the last 3-4 years we're starting to see more of a shortage because of the immigration issue we're seeing, really since 9/11. 9/11 as the major factor, they're concentrating on the borders.

Americans are not doing the work. How many of them are putting into the ss that never collect it? The farming community, the employers, they just need employees, ya know. They look at those issues and some of them are heavy in labor, they look at those issues, ya know how much is sucked out...we just need the labor.

B.A. Do employers tend to utilize the worksorce services?

M.K. When it comes to employing people who immigrate, we get them from the community. The man that oversees our orchards, he used to get em from his community down in Mexico..they would get legal and come on up. I don't know how often these immigrants utilize the worksorce.

B.A. Where then, when there are labor shortages do employers go? Do they just rely on social networks of current employees?

M.K. Ye, that's really how it works. The employees are going to know where the best jobs are and what the demand is.

B.A. *With labor shortages, are there certain businesses that are suffering more than others?*

M.K. Ralph Broetje told me that three weeks ago, in our peak season we're employing about 1500-2000 employees. Apples are really, your tree fruit are really short on laborers, I have a letter from Bill Warren, is finding very difficult to find employees...there's a shortage. And this h2a programs, ya know, that really isn't the answer 1) its too expensive, 2) incredible process, 3) not cost efficient and so the employer is going to tend to go another direction.

B.A. *Is the H-2A program a good option for employers?*

M.K. Its an option, how good of an option is it...um, the jury's always going to be out until we come up with something that is worth while; it isn't worth while at. We're talking about mass amount of people, employees of people and to do an H-2A program isn't feasible, we're talking a small sector of ppl that ur trying to bring in out of Mexico or Taiwan is it efficient, cost efficient and it doesn't do the job. We need it; we need the h2a program and the form its in now, the talk I hear is it isn't a perfect solution.

B. A. *Are more employers being pushed towards using the H-2A program or are they trying to stay away from it?*

M.K. I don't think its necessarily trying to stay away from it; I don't think it's a program that really suits them very well. Not a FB perspective, his own perspective: trying to, the criteria has to fit everybody the employers and the employees I think that's why its hard to get it off the ground. You have to look at every angle. Costs for both employer and employee, the housing, the standards all have to fit and so there are a whole lot of things that play into it until they find the right solution I don't know how well it's going to go.

B. A. *Why are domestic employees not willing to do these jobs?*

M. K. I think number one, it's a mindset. You look back in the times of the depression people were willing to do anything to survive, you look at Americans now and it's a philosophy it's a mindset and American society...kids don't have to work anymore. To get them to go out there and pick apples, and cherries, they're too good; they won't stoop to that level. They're too Americanized. People are too good for that.

II. 11/06/08 Interview with Executive Director of the Washington Growers League and President of the National Council of Agriculture, Mike Gempler, 45min

Becky Avila: *Could you tell me a little bit about the Washington Growers League? What is it that you do?*

Mike Gempler: The Washington Growers League started in 87 and we are a voluntary membership assoc. And we're non profit, we're organized to assist agricultural employers with

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labor and employment issues and so we do advocacy, politics, lobbying at the state and federal level. We provide services such as information and training education for their members and their employees, human resources, everything from supervisory skills to compliance with laws and regulations. We provide some solutions with are members' problems and we provide housing for migrant workers. We run the rent a tent program for cherry harvest.

B. A. *What is the incentive for providing housing for these workers are there benefits that come for the employers as well?*

M. G. The growers pay for it. It's part of the recruitment and retention of labor, seasonal labor. In order to find a qualified committed group of people to do the work on your farm and you have to offer some incentives these days and offering housing a place to land that's safe and comfortable where you can keep your stuff secure while your working that's a pretty powerful incentive for people who do migrant farm work, travel from permanent home to make money. Then the farmers don't have to worry about building it or managing it, they can just pay the lease and their guys have a place to stay.

B. A. *Could you give me a sense of the role the agricultural industry plays in WA state and specifically eastern WA?*

M. G. First of all, I think its important to separate agriculture into the labor-intensive and the non-labor intensive segments... The non-labor intensive segments its not an issue, its not much of an issue for non-labor intensive. Although you'd be surprised how many key employees in a lot of places are Mexican immigrants in particular who are undocumented. You'd be surprised. Even on grain farms and meat packing. Even though it's not particularly labor intensive that's how it is. It has an impact but not nearly as much of an impact as it does on the specialty crop industry which is labor intensive, that's fruits and vegetables, apples, pears, cherries, peaches particularly for harvest but also for pruning and then um... in other crops like the nursing industry, the dairy industry, The reforestation business which is a big business in the pacific northwest; they are almost entirely dependent on Latino crews...most of which are undocumented I'm estimating.

They determined that all the about 54% of all the agricultural workers that were interviewed one on one by a person working for the federal government self-identified as being here illegally so the guess is that there is probably more than that, some people probably lied. We're really exposed as an industry' they're s a large number of people using false documents and we as employers cant easily tell whether there false documents or not, that sounds like a phony excuse, we know we're reliant on this workforce so we don't want to find out, really and so on the other hand, very very stridently council my members that they cant accept fake documents, mutilated documents, they cant accept documents that don't appear to ...because you'll get slammed if you do. It will come around and bite you so...the people who work in agriculture come up from Mexico and they've gotten pretty sophisticated with this black market for black market documents. Its very soph. I think that will come to an end. Technology is going to change everything; technology is going to be the enforcement mechanism. It's not going to be immigration agents coming to your business or farm, there will never be enough agents. This is key is the mandatory electronic verification of documents at the time of hire. When they make it

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mandatory it's a seat change, see its not mandatory and if every cherry orchard had to take those documents that was given to them every time and at the beginning of the season and run them through an online or telephone check or a card reader they wouldn't have enough pickers. Everybody says "oh there's not a shortage of farm workers" well, this year generally there wasn't but there is one hell of a shortage of legal farm workers. I've talked to people off of the record, trying to get a sense of it, talk to Mexican American foreman, and I'll say "if you had a friend with an orchard exactly like yours how many of there employees would they say are bona-fide legal" I get really low numbers like ten percent. There's a lot of turnover in agriculture because the jobs are relatively low paying and they're hard work and so...even though they're making, I think the average earning of cherry harvest last year was a little over 14 bucks an hour, but still u don't get benefits you work you but still your tail off, your outside; it takes a physically fit person to do that, a physically able person.

And seasonally you really don't know where your next job is coming from. You know the seasons over. Guys who are good farm workers, harvest workers, they're in high demand. But still you have winter unless you go somewhere else; you cant none of those kinds of jobs year round. So...the industry is reliant on foreign labor, that's what it comes down to and as soon as the technology kicks in to control documents there's going to be a huge hit though the industry and we will be...we will lose a huge percentage of our workforce will become illegal to employ and so when you say recent immigration policies IRCA, I was here when we did IRCA back in 1986 and we ran the growers hotline...we ran this hotline for growers to learn how to legalize workers back then, you had the amnesty program and we sponsored that and we hired people to come up and we opened up offices all up the west coast to legalize farm workers who were here illegally and we got a lot of people here legally with the SAW program. That kind of amnesty does encourage more people to come up illegally and hope for the next one you know hope on the next one so they establish an employment record so they'll be eligible when the next one comes around, once they have the tech in place the mandatory e-verify if we do successfully get another amnesty, if we do get that, that will be the last time. Because up until then/now, anybody who is able to sneak across the border can buy documents that work. Once that is controlled, everything changes. And I think that is going to change in every major piece of immigration legislation over ht last few years, including the ones backed by liberals like senator Kennedy and big organized labor even those bills, co-sponsored by McCain, even those bills had electronic verification in the, that concept is supported even by laborers and big labor. Not all liberals, but there are some labor advocates and civil rights advocates who think that , on the liberal side, that think its going to lead to discriminatory practices, and they'll be too many false negatives and people will be skewed out when they shouldn't be. On the right side, there are people who really want that to control things but there are also the real right wings that think that that kind of system is big brother and so it's kind of interesting that some of the more strident liberal civil rights advocates that there only allies on this are the red wing kooks. You have to get enough votes in the middle and I think they're going to get that in particular in the new makeup of congress the middle has moved a little to the left. I've been hearing and I know that legislation is lining up for... that immigration to be dealt with early in the new administration. Now, with the economy the way it is there's going to be a hell a lot of resistance for any kind of amnesty or legalization. People are going to be worried about flooding the labor market but hell on the other hand, you know people are already here, they're all ready here working we probably have close to ten million people who are working, who are here illegally. And so I'm very concerned about

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damaging the economy and certainly the agricultural economy so I guess to sum it up we're almost completely dependent on the foreign workforce, most of whom are apparently illegal, any immigration law that comes to pass will affect us drastically, um, the ag.jobs bill which we have developed with labor, we negotiated with labor about six years ago and trying to pass that would reform the H2A program and make it easier and cheaper to use and also would grant legal status to the people who are working in agriculture illegally.

B. A. *Is that what employers are going to be pushed towards, given the mandatory use of the e-verify program?*

M. G. Ultimately, or some kind of temporary visa program. Long term that's the only answer. Short term there are probably 600,000+ farm workers in the U.S. who are illegal that if we have the adjustment of status provisions passed in our bill then nobody legalize and that will give us kind of a bridge to get from here to there from to you know build housing. We can participate in ...but that's going to be the last. You're not going to continue you to see the constant filtering of people coming across because of the document control in the U.S. people will still try to come across but they will have to come black market. Maybe some time in your lifetime we'll have a North American visa, like they have a European community one, where you can work in any country, a know, I can see that. I can see the free movement of labor between the North American countries but it's a long way off. Until then, we're going to be using a temporary visa program.

Its more expensive H2A- by far the cheapest and easiest thing is for these people to come on your farm on their own dime, and they're living wherever they're living on their own, they have documents that appear to be genuine, their experienced, as long as they can do that there is no incentive to us H2A but when u cant do that and that situation is not reliable because there is not enough of them, they cant get across the border, they are working in other industries, who knows what then there is incentive to move into H2A so u can stabilize your workforce and you have a reliable workforce when u have millions of dollars of perishable fruit hanging on the tree you cant screw around. You got to know you have people to get them off the tree, so I think we have deterioration work force and will continue to over the long run as the enforcement gets tight and it is getting tighter both border enforcement and interior enforcement and then when the technology controls it then that will be a big shock to the system and there will be a great increase and demand for H2A use.

B. A. *Can we talk about domestic workers; do you have any thoughts as to why they are less prone to seek employment in the agricultural industry?*

M. G. Because I think they can get jobs they consider better. First of all, there's a status thing, farm work is pretty low status even though u can make more money and its less stressful in a lot of way than working in other industries or scenarios, working outside, not a lot of complex responsibility and so fourth and farm work historically has been pretty casual. The, we have that phenomenon occur now where we get guys who are offered a job in the warehouse you know at 50cents above minimum wage, driving a forklift or re-lifting bins for 9bucks an hours and then they have the option of doing that or making 14bucks an hour picking and they'll take the warehouse job because its just higher status and its less money, significantly less but its higher

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status. That's one thing but I think the biggest thing is if you are literate in English and half way educated you can get jobs that are more stable which is a big thing and ultimately supply benefits that last all year long, I think that's a big thing. I think stability and employment if they try to build careers and we hire seasonal crews and it's kind of a mix of Caucasians and Mexican Americans, young men, kind of like some of the guys have been working on all kinds of seasonal work. Usually, they can make more money with limited skills than they could in retail or the service industry. If they have education however, a high school degree and they're literate there probably going to be able to find something more stable and a job letter attached to it where they can go there way up into higher paying more stable positions and seasonal farm work by and large doesn't offer that, occasionally yes, someone can secure a year round job but ...that's not a regular thing.

B. A. This year, were employers able to find the employees they needed to harvest their crops?

M. G. In Washington, yes.

B. A. *But do you think with the implementation of E-verify that labor shortages are likely to occur in the future?*

M. G. Oh absolutely, definitely; it's severe, severe.

B. A. *What kind of impact do you see happening?*

M. G. Just apples alone are a \$1.5 billion crop in the state and all the jobs that come off of that—trucking, warehouses. Billions of dollars for this economy it's a huge employer if not the largest employer of the state so if our fruit industry were to fail because of lack of labor it would hurt a lot of people. Central WA is extremely dependent on the fruit industry.

Mismatch letter is a letter you get from the social security admin. After you send in your tax payments your W-3 they'll say you know these names and social security numbers didn't match and then you're expected to send letters to the employees and ultimately take action to correct them and that will slowly but slowly screen people out but it doesn't have near the impact that e-verify would and at the end of 90 days if the docs they produce don't match then they have the opportunity under the law to produce to make new documents and it starts the cycle all over again. It's the e-verify thing that would really do it and they are trying to force people into that.

III. 11/13/08, Interview with Trevor Broetje (1 hr) and Roger Bairstow (1 hr and 30min) from Broetje Orchards

Becky Avila: *Can you give me a sense of the role of immigrant labor and really, some of the issues at hand for local employers?*

Roger Bairstow: The issue of 1970's migrant labor cycle really started shifting primarily seeing much more Latinos than what was traditional more the regional Caucasian labor that was really sort of folks coming in from 50-60 miles radius area come do the seasonal work and come back home every night. Kids would take off school for that period of harvest and that shifted entirely

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to that sort of migrant labor that was there but in this are things are changing... so far more Latinos in the 1970's coming in and as the story goes here that was about the same time that one of the big crashes that Ralph and Sheryl have experienced, they have basically gone from struggling greatly and then you know, sort of achieving the American dream.

So when they started this place and this orchard was planted originally in 79 it was the only thing they had left by 1981.

This whole migrant cycle they really looked into that and one of the first things they realize was that if they restructured the business they could actually affect the way in which families were living, the Latinos that were coming in were very much part of that circuit.

It was purely based upon their economic situation. These families were all moving around and Ralph and Sheryl saw that and they said you know what we have set amount of acreage if we fix the amount of work every year we have fewer people than what typically is done at that time was you have a bunch of people they come in they work for a couple weeks a month or so you let them all go until the next big round of employment and the next big need, since we don't have to do that we can hire the same round of people and just spread that work out for a number of month and what it did was just create stable employment for those families. So that's the migrant situation here.

I don't know what that would be for our workforce. We've asked where there from in a survey, a lot are from Mexico. How long have they been here, that varies between 3-35 years or they were born and raised here. And that's also drastically different from are they undocumented because there were a number of amnesty bills that were passed over the past couple of decades and so families who were there/here before 1986 most I would say a vast majority took advantage of the amnesty bill so they are no longer undocumented but they still find themselves in this labor market. For our employees here, we have over 60% of our workforce has been with us for at least 3 years.

The folks that work in the warehouse, its year round work unless we run out of apples, which is something that's happened a few times but one of our practices out here is to recognize that just letting people off is something we consider socially responsible. Two years ago, 3 years ago, we los 30% of our crop due to an early freeze.

Trevor Broetje:

T. B. We pack about 22,000 boxes a day. All of the warehouse people are year round.

B. A. *How many employees do you have in the whole orchard?*

T.B. 1,995 workers. I'd say about 5000-6000 are seasonal workers. This year we have a lot this is the biggest we had this year.

B. A. *How many did u hire this year for harvest?*

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T. B. We were doing about 200 hires a day so this year I think it's about 5000 or 6000, we have such a large crop this year, we're still picking today everybody else was done about 2-3 weeks ago so we're a month longer and we have another week to go.

B. A. *Where do you find most of your labor for seasonal work like harvest? How do you go about finding your labor for harvest?*

T. B. They show up here in our front office. You know in the past, like 3-4 years we did radio advertising, put up signs on the road, we'll let other farmers/orchardists know because some farmers only grow certain variety and are done earlier than we are so we'll ask them to send them over here if they need them to keep working. It's mostly word of mouth. We did radio ad and bus shuttling and it just doesn't work so this year we just did word of mouth.

B. A. *It doesn't sound like you have a problem with getting employees?*

T. A. It has been. For the last 2 years we had a small crop we got hit by a hail storm and last year we only had a 40% crop so it wasn't an issue. This year, we just happened to get I think for the first time in 5 years we actually had enough workers but 3-4 years ago it was kind of calling it close and one year we were short and so we had to leave some apples on the trees, so it just depends. I think it's a yearly thing.

B. A. *Why do you think you were particularly short that year?*

T. A. I think that was the 2nd year we started seeing it, really it can be a number of things a lot of people don't want to drive this far out, there not much housing available out here and there wasn't much housing or rentals. It just can be a number of factors.

B. A. *Are most of the people showing up are you noticing any patterns in the demographics? Do they tend to be Latino?*

T. B. Ye, 99.9 percent are Latino I'd say. Most of them we have them here yearly, they come around yearly we know they are coming back. They come for the time we need them then they leave again but their consistent. This years its been a bit differently we have a little bit of both we have some new hires, people we haven't had here before, the only thing I've noticed this year especially, is I don't speak much Spanish, a lot of them this year, everyone speaks really good English this year. And that's easier for me to go out there.

The last 2 years we had a small crop so it wasn't such a big issue for us and this year we had a large crop but we had people showing up everyday so it really wasn't a big issue for us.

B. A. *Do you think you're going to continue to find employees coming with new immigration policies like e-verify. Are you currently using e-verify?*

T. B. What we do is what the state requires minimum, I-9 and W2 forms; that are all we do. We just have them fill it out. That's a good question. It's out of our hands; it's the federal government so...I guess time will tell.

If it becomes an issue, the H2A program, we've tried that um...it's kind of worked its kind of not, we did a work source.

B.A. *Are you guys reluctant to use the H2A program? Is that a good program?*

T. B. We've tried it and we had some Puerto Ricans come in and they just didn't want to work it was too labor intensive so they quit and so I think we've only tried it a couple of times because they have to choose to work and it's a long drive and its just too much work. We have one guy that actually stayed. Hopefully, not much more you can do, it's really out of our hands.

B. A. *How many people when you decide you have to rely on that how many people do you get in?*

T. B. One time we had thirty people. So it's really almost non-significant. If we lose our work labor force and went to that than no. No way and that a lot of the problem it's so much paper work. A lot of them are from Tahiti so language is hard; the language is hard and you know a lot them have probably never done this kind of work before so they've never been trained and trying to communicate with the other workers is difficult and give them the details of what needs to happen. So you got to re-train them, where a lot of these people they've done some sort of work. So they didn't last long. The other side of the H2A program is you come in you do your work and you leave. So they don't come back the next year. You can't rely on them the next year.

B.A. *Who chooses the country of origin?*

The government does. So, not only that but on the other side of the business for us, what are business is about we do children first and family first, when you lose all your workers, they come and they leave that's not what we stand for so then we lose out on that. So that why we do this for our employees, all the housing. Its not what we're about...there's not community involved. WE don't want them to be just shipped in and out.

Most of the workers here have been here for 5-25years. With the H2-A program none of that will happen (scholarships and what not).

B. A. *Roger was telling me that most of the immigrant laborers are doing field work:*

T. B. Most of them just come here for seasonal work, most of them just come here and pick apples and then take off. Out on the field we have about 14-1500 just in the field picking.

B. A. *What majority of these apples stay in the local area?*

T. B. 20% international. Locally, smaller farms

B. A. *Have you guys had any problems with mismatching or fraudulent documents?*

We have. They don't require us to match them on the spot ...yet.

B. A. *Do you think your employee numbers will go down in the even that you have to start verifying?*

T. B. Oh yea. We'll lose a lot. We'll probably lose a lot of our seasonal workers.

A gentlemen here, 2 years ago he was driving his car home his light was out they pulled him over his license and social security number didn't match they took him to jail for six months. No reason no thing, he was born in the U.S. he's a U.S. citizen; they found that out they let him go.

B. A. *Do you think it's the right way to go about protecting employers? E-verify?*

T. B. No. because it's not just agriculture that's going to be affected...you're going to take out hospitality, you're going to take out delivery service, catering service you take all those people out of work, our economy is not the best as it is, what are you going to do when all the people are taking out when all the people are putting this money in the social security fund and not getting the benefits, so its going to be a drastic change for everyone.

B. A. *What industries in agriculture do you think are going to hurt the most?*

T. B. Everybody is going hurt. It just depends on labor intensive and how much hands on work one is going to need. With Hay, you can do that all by machines so you need one or 2 guys...it will affect them but for us, we don't have that technology or we don't have that technology yet so it would have a more drastic affect on us. Asparagus you got to pick by hand, onions you got to pick by hand, blueberries you got to pick by hand, and wine grapes you got to pick by hand. So yea, it's going to effect everybody.

B. A. *If the new immigration policies do shorten your workforce where are going to go do find your labor force?*

T.B. We'll have to go to H-2A or the worksorce programs. The worksorce try to advertise and bring the workers out here...people who are looking for jobs.

Take the workforce away, we wont need the housing, we wont need the daycare so it will it us and hit us hard and that's everybody apples, pears...it's a wide board of people that are affected; it would change lives drastically.

B. A. *Why do you think that the field work is heavily predominated by immigrants/immigrant labor? Why don't you see many domestic workers doing the fieldwork?*

T. B. Basically it's just the culture of it, its how it's been done. Late 60's 70's mostly white Caucasian working in the field and early 70's and late 80's its started changing fast to people from Mexico. That's the way it's been since, it hasn't really changed much. We've got a few African Americans. The opportunity for them to stay is here.

B. A. *Can you talk to me about any employment issues that you're having? Any shortages in labor? If not now, then do you see that happening especially with the mandatory use of e-verify what is that going to look like for your operation?*

R. B. This year we haven't had a labor shortage, past 3-4 years we have. We probably 600 employees short of what we need. The mismatch regulations and the e-verify, which two different things are, both are pretty serious issues for agricultural labor employers. The e-verify basically starts telling you when do you fire an employee for insubordination, specifically around issues of immigration. Right now employees are dead in the middle of a rock and a hard place. You are heavy handed in deciding whether someone is documented or undocumented you run the risk of accused of being discriminatory and you getting a civil law suit on that practice, on the other side if you are not deliberate and methodical about what u are required to do under law in terms of required paper work I-9's then your violating another federal law. The e-verify side of things trying to actually work with a flawed data base with no protections to the employer in terms of making a wrong judgment call so your getting something back from the federal government saying this persons undocumented you cant employ them and then it turns out that they are it was the data base that was wrong the federal government is not providing any protections for the employer right now of actually getting sued for discrimination so there is a huge flaw in that. The other side of it too is right now, its pretty widespread knowledge that there is a huge level of fraud going on just of people just providing fraudulent documentation. E-verify all its going to do is up the ante in having people actually going out and stealing doing identity theft where it's a real number and a real name, its just not theirs and then its not a misdemeanor it s an actual felony but nonetheless the employer is still in the dark as far as what do we do it's the right number is the right name, e-verify says its good so we hire them and this is what swift did it's a large meatpacker over in the Midwest and they followed every regulation under the sun they put major teeth on everything and they got raided about a year and half 2 years ago and basically what it found was that 75% of their employees were undocumented but using fraudulent information and swift was still sued by the federal government and fined. So what do you do?

So, I mean we have apples on the tress. We're following every single employee employment process required under the law and the folks that are coming here are the folks that are coming here and they basically give us every piece of document we need and we hire them. It would be kind of silly for us to think that there isn't something going on here but we have no means of being able to find out one way or the other without serious risk and so we continue along the lines that we've always done of following what the federal government tells us to do. E-verify is not going to solve the problem and the mismatch if I can explain that a little bit and the mismatch is basically what happens is every year the IRS sends a report to employers saying ok this past year this is how many mismatch names numbers u had in your system and this is basically finally r getting back all your employee forms: I-9's W2, W4's it takes them a full year to get back to you and say "well there's a problem with that" and then basically all that we are allowed to do by law we cant take the report and say ok so and so on this report is undocumented because then again because there is such a level of database error that's not 100 percent for sure and we risk discriminating. The federal government says with this letter showing this mismatch names and

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numbers you cant do anything except tell them that there is a problem with their name and their number and they need to fix it so what do they do they go out and they fix it ...how they do that I don't know, we're not police we're not immigration. So that's the way it's been in the past. Now what this new DHS law is saying is in the event that u get this mismatch numbers the employer has 30days to notify the employee that there's a problem and they need to do something and that upon doing something they need to go through a whole series of processes using e-verify which is a flawed system but then you have to go through the process of e-verify and you get a notice back saying yes this is good no this is not good if the employee doesn't address the issue within the 90day period you are required by the DHA to fire them for insubordination based upon no other information than this other mismatch number and name thing which we already established is not 100percent sure so basically the DHS is putting the employer in the position of a lot of discriminatory lawsuits. The whole e-verify thing, for what it will do for those who are year round employees that are documented or undocumented all its going to do is shift them into seasonal laborers who work for 90days, I mean there's a 90day window there right so they can work for 90days before there fired for insubordination and then move onto the next job and so its not addressing any of the inherent issues. Its juts first of all hurting a bunch of employers and second of all really turning what I consider people who are here undocumented and who need to be found out controlled but at the same time a lot of then have probably been living here for 25years they have children in the school, they've been paying their taxes they contribute to the community in many different ways and no we're uprooting them not taking care of that issue we have with them but basically turning them into a seasonal migrant worker which is not a good thing for anybody. So that's the way I see these two particular regulations.

B. A. *What do you see as a workable system?*

R. B. I believe the 2006 The Comprehensive Immigration Reform Act as of 2006. That was a workable bill. I believe it's the most practical one given what our political situation is in the United States We need to control our borders and we need to know who's here we need to recognize that currently there is a huge amount of labor needed in the agricultural work force that are current workforce is not filling whether they want to or not.

Greenspan was traveling around the country for 4years while he was serving in his term and his big spiel was that the U.S. economy has been growing at this rate and our population rate has been growing at this rate and currently the amount of laborer we need to accommodate the kind of growth that our economy has done in the last 30years, are domestic population growth isn't enough to provide the labor that we need to keep the economic growth going so where does all this economic growth come from. Its from people who are immigrants coming from this country who are working and finding job so the is an inherent reality in Greenspan's presentation which says we need immigrants and from beyond just simple, I have a philosophy, that outside of that its just the economic reality and so if we have a law that recognizes that...you know immigrants are good, it's a good thing for our country we just need to find a way in which to make sure that people are coming in here in away that allows us to know who they are where they are; the other side of it is ...the estimate USDA says every year agricultural labor needs 400,000 agricultural workers every year.

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New people coming in what do we do , we have potentially 17-25million laborers or undocumented people in the U.S. the first thing people do is assume that all of them are Mexican which is not the case, I mean about 60-70% of them are. Many of them are tied in so many inextricably into this community. Take for instance Pasco, Pasco is the first majority Hispanic county, first county in the NW if we're just assuming that half of those people might be connected to agricultural labor and half of those people, these are conservative estimates and half of those people are undocumented what county can lose a quarter of its population? So this idea that we can sever ourselves of these people I think is absolutely foolish and misguided. The comprehensive report bill was basically saying that you got to recognize that you violated the law and there needs to be a penalty for that but once they pay that penalty we want to recognize that the fact that by and large you are great for us your great for our economy, that's what I consider a great program.

B. A. *How does one go about proving there are no domestic workers?*

R. B. The short of it is, as I understand it, what you need to do, you basically before you get authorization to open up a contract, because your setting up a contract for a number of laborers. You have to advertise for that specific job description for I think about a 60day period , it might be shorter, but a longer period in which u have to establish that u have tried every avenue you possibly can to employ people domestically now as your doing that and you say for instance we established that we need 600 seasonal workers next year, so basically we are saying that we are prepared to hire 600 H2A workers so we do this 60day advertising period trying to hire domestically and we get 100 and so basically what that does is it reduces our contract for H2A laborers by 500 that we're going to seek to bring in from outside the United States. These other 100 people that have been employed based on that job description are people that qualify under the H2A contract and regulations too and so you have to provide them all the same benefits as you would for those you are bringing in from other countries but then certain boundaries like for instance if they live outside of a 50mile radius you have to provide them with free housing like you would your H2A employees.

Part of the problem with running an H2A program here is that 1) they have a mandated required minimum wage pay that is higher than the minimum rate then people who are here employed in the United States in WA so you're starting a double standard. It becomes costly for us.

B. A. *Why do they get paid more?*

R. B. Because that's the H-2A regulation rule. What we don't like about it, we try to treat our employees right, you've seen what we're run here...on this H2A thing your relying on recruiters which brings back certain fears, unscrupulous people, coyotes which are telling this people they are brining from Mexico this and that, I mean there is a little less control about how our employers are being treated which is scary. The other side of it is too that because to have to provide housing you know a lot of growers don't have the where with all that a large orchard like this has so how do they do that? And try and also make sure they are at least providing some level of standard as far as the housing go. The H2A housing provided by the employer has to be documented but if that grower than goes instead and rents some bed in a hotel there is no regulation requiring that hotel to provide safe standard so you could put them in a rats nest. I

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mean just really kind of screwy processes that just really complicated. We have NAFTA it included everything except the free movement of labor, out of all the commodities out there that's a really big one so I would be far more interested if we were going to do a guestworker thing what wrong with doing what NAFTA was supposed to do.

Ok here's our proof we've tried everything and the Department of Labor (DOL) sits there and says hmm ok, yes you have, but how long does that take, I think they have at least a 30day review period...so now your 90 days out from the day you actually said you needed labor and lets just say 30 to be fair so 60days out than after the DOL then it goes to the department of State, the DOS every single person the first time you bring them in on a H-2A visa, they need to have an individual interview with the consulate. That's the interview which is another 30-60day process and once that person has been approved then it goes to the Department of Homeland Security (DHS) and lets them know that this person is ok, so that's the process and that whole duration could be between 90-120days so you have to right now, you have to be thinking about how many employees we need come spring and we have no indication...its very unyielding. Its easier for us, we can be more flexible but a smaller grower doesn't have that flexibility he can only afford to have them on when he can have them on. When you're actually a cherry farmer you have two weeks of harvest so you have to be able to time this to the 2weeks that you need and its a 120day process and so then there's all these things where growers are sitting there asking how can we share labor but the thing is an H2A contract is non transferrable so its between the grower and the employee that employee cannot work for anybody else on that contract except for this person say we have this 2week cherry harvest and they're about 4weeks behind that what a great partnership that would be. It meets the need of 2 growers instead of one and it makes it far more viable, fixed costs because the grower has to pay for these workers to come all the way from the host country. Obviously it would be far better with this partnership so there is this whole series of complicated factors and part of the reasons is that this a compromised bill between a 1,001 different interest groups, growers, DHS, farm worker advocates. That's what happens when you get 5 cooks cooking one dish. MK not a really popular program so many fixes that need to happen. There is no perfect solution to that program right now"

The sad thing is that labor shortage being what it is in WA is that farmers have to do it anyway. They hate it, but they have no choice, you got fruit on the trees, you have to do it.

Increased border enforcement has impeded people from coming up to work but nobody thinks about the fact that a lot of the people that do the seasonal work that go back to Mexico are being impeded from going back. People are fearful of traveling around and again people leave the agricultural labor pool and so it requires an influx of workers. You don't see too many domestic workers picking up the pruning sheers and doing agricultural labor so it's a pretty reliant industry on immigration. I think people take for granted the importance of agriculture and its economy and I also think they take for granted employment. I think there is a large disconnect from people.

I.V. 11/13/08 Interview with Bill Warren of Warren Orchards, 1 hr 45 min.

Becky Avila: *Tell me a bit about the laborers on your farm*

Bill Warren: Our farms about 100 acres, we have 2 full time employees year round. As far as for operation we have about 10-12 people we have during the winter time and in June we have 12-20 people pruning, I prefer a constant crew of 16-18. During harvest time we have about 16-24 people picking apples. It kind of depends what we're doing. I think 100percent of the people we have live in the Walla Walla Valley somewhere.

B.A. *Was it easy for you to find labor for harvest this year? Or in the past?*

B. W. Since about 2004 the labor supply has gotten pretty tight. During the winter time labor is fairly available because there is not that many jobs during the winter time so we didn't have a lot of trouble.

This year we needed to pick a lot of fruit and we needed more labor and we struggled to get it and after once you get a crew, the important this is you want to keep the crew, you don't really want to send those people down the road because they'll go to Broetje because Broetje's going to keep them busy. You have to have a steady work force. You have to be competitive. Really what it comes down to is supply and demand. Labor prices are continuously going up and so you have to be more efficient.

B. A. *How does recruitment work for you?*

B. W. It's done by word of mouth.

You see everything. You see documents that look they were made yesterday you see documents that had the same handwriting as the one before but...I just take it at face value I ask for the documents and they provide the documents and so that's all I need.

B. A. *How do you feel about the way this system works?*

B. W. It's a joke. I think agriculture realizes as much as anybody we need to have a stable, legal and affordable. What we have now is workforce that is not necessarily legal. It's not necessarily legal...

B. A. *Will your labor force be impacted if e-verify became mandatory?*

Oh I'm sure it would be. It's going to impact everybody. I actually expect it to happen someday. If we lose 30-50% of our labor force that's 30-50 percent of our laboring capacity. Get into a bidding war over people who have good papers. Bottom line is there has to be someday to pick, deliver, and get the fruit to everyone else down the line. Being the farthest away from the consumer, most people forget about these things. You still have to produce.

B. A. *Are you prepared for what it's going to do? Are you going to have enough domestic laborers to fill the jobs?*

B. W. NO! You're productive capacity is going to diminish when you lose that sector of the labor force.

B. A. *Would you consider using the H-2A program?*

B. W. No. I think the H-2A program, since the wage requirements are so much higher than the minimum wage and you have to provide so much other stuff your labor costs are going to be so high that I don't have enough production power, it would be easier for me to go out of business than it would be for me to participate in it. And the H-2A workers seemed to be less skilled, less stable, and less productive. It's really just more headaches and challenges. It just a challenge to make these programs work.

B. A. *What is a workable system?*

B. W. I think that...they use the word amnesty. We need a lot of agricultural workers. People don't know what it takes to get apples from Dayton to Naples, Florida. When you that pieces of fruit, do you think about who picked it, do you think about how it was harvested, do you think about who was handling, whether they had a family, do we think about all that stuff...I don't think we do.