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Do We Really Need Guest Farmworkers?

An Open Letter to Representative Elton Gallegly

By Linda Thom

I understand that you support a guest worker program. I hope to convince you that such a proposal is a bad idea for the people you represent in Ventura County. I do not know much about agriculture but I do know a great deal about immigration and its effects on California. The facts are abundant and clear.

Immigrant agricultural workers are poor. Many have moved here with their families and have a significant negative socio-economic impact on the communities where they work and reside. Your neighboring county to the north, Santa Barbara, is where I live and work. I am a budget analyst in the Office of the Santa Barbara County Administrator. While I do not speak for Santa Barbara County, I do have access to data and I do understand public finance and public programs. This letter contains data on Ventura, Santa Barbara, Monterey and Tulare Counties because they all have large agricultural industries. Obviously I have more data from Santa Barbara County available to me.

Is There a Shortage of Farmworkers?

First, I repeatedly hear that a shortage of farmworkers exists. Perhaps growers in Ventura are telling you that we need a guest worker program because there are not enough farmworkers. There is, in fact, an abundance of farmworkers in Ventura County. Santa Barbara County Job Training Network recently received a Job Training Partnership Act grant of \$511,605. The purpose is to retrain farmworkers for the tri-counties of Ventura, Santa Barbara and San Luis Obispo Counties. The application states in part, "Since IRCA was passed in 1986 the ranks of farmworkers has dramatically increased. ...The population eligible to receive these benefits [unemployment

insurance] is estimated to exceed 76,500 workers [in the tri-counties]."

As the grant is for \$511,605 to retrain 84 farmworkers, the cost is \$6,091 per worker. To retrain all 76,500 workers in the three counties would, therefore, cost \$466 million and that is just three counties in the whole nation. I understand from the Center for Immigration Studies that the Department of Labor has \$82 million available nationally to retrain unemployed agricultural workers. If there are 76,500 unemployed farmworkers in three counties and only \$82 million to retrain farmworkers for the whole nation, why would we want to add more guestworkers to the current oversupply of farm labor helping to insure the continued unemployment of the people who already live here?

As you may know, in Santa Barbara County the majority of labor-intensive agriculture is in the Santa Maria Valley, and the biggest employers of seasonal labor are the strawberry growers. Currently, broccoli, strawberries, grapes and avocados are Santa Barbara's top crops. All these crops are labor intensive and most of it is seasonal. In an April 1993 survey of growers conducted by the University of California Cooperative Extension Service and published in *Central Coast Agriculture Highlights*, the harvest rates ranged between \$4.50 and \$5.00 per hour for strawberry pickers. If a worker was employed full time at \$5 per hour, his or her annual earnings would be \$10,400. These workers are not employed full time, however. They are seasonal.

The article on wages also stated, "More important, growers also indicated the labor problems encountered: 1. high turnover (33%); 2. insubordination (22%); 3. higher unemployment tax rates (22%); 4. absenteeism

(17%)." Apparently farmworkers, whether legal or illegal, do not think much of these jobs; nevertheless, Richard Quandt of the Western Grower-Shipper Vegetable Association stated last year in a public forum that illegal aliens comprise 50 percent of the agriculture work force in Santa Maria. Perhaps if wages and work conditions were better, fewer labor problems would occur and fewer illegal aliens would be needed because legal residents would be willing to perform all the available work.

Some suggest that guest workers could solve a labor shortage caused by too few citizens willing to work in agriculture. Guest workers would come from Mexico and then go home after the season ends. The trouble is that they do not go home. Moreover, they bring their families with them. What penalty exists for them if they bring their families? None. A proposal is currently circulating that they would be paid in their home country with the logic that they will have to go home to get their money. With the current porous nature of our borders, what is to keep them and their families from returning? With the current economic and political crisis in Mexico, every incentive exists to head north.

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their families with them."***

Further, why would illegal aliens stop coming and why would they stop bringing their families with them? And why would growers quit hiring illegal aliens? Employers get a 4-percent-of-payroll benefit from hiring illegal workers. How does this happen? Unemployment insurance rates for employers are based on the number of workers who have filed for unemployment. The difference in rates is 4 percent. That is, if an employer has few workers who file claims, then that employer's unemployment insurance rates are 4 percent lower than another employer who has a high incidence of unemployment claims. Illegal aliens are not eligible for unemployment benefits, therefore a laid off illegal alien does not count against the employer. Of course, this applies to all employers of illegal aliens, not just agricultural employers, but the nature of seasonal agriculture is such that there are many layoffs so this constitutes a significant incentive

to hire illegal aliens.

All of these are mere details. The most important factor in the farm labor supply equation is the nature of California agriculture. *Vision 2010: California Agriculture* by the California Department of Food and Agriculture (1990) puts it this way:

California agriculture has mechanized many tasks ... but labor demand is still high because acreage of the most labor-intensive crops — fruits, berries, vegetables, and grapes — has been increasing. ...California agriculture must hire some 900,000 workers each year to bring in its rich harvest of crops. But two thirds of them will do farm work for only a few weeks out of the year. When they are needed, as during the peak summer and fall harvests, they are needed badly. Only about one third have stable, year-round jobs on farms and ranches. Many follow the crops from area to area and state to state. ...An increasing number have settled down to stay in one area and supplement farm work with what other jobs may be found."

What does this mean? Growers have a large labor surplus made possible by the passage of the 1986 Immigration Reform and Control Act (IRCA) and the continuing flow of illegal aliens across our borders. This labor surplus has made possible the conversion of their crops from low-labor intensive, less profitable crops to high-labor intensive, very profitable crops such as strawberries. The low paying, seasonal jobs and abundant labor supply guarantee poverty among the farmworkers.

And what does "not enough workers" mean? It means that growers want 300 workers for one day, then 500 the next, then after one week, they do not want any at all. When do they want the workers? — when the strawberries need to be picked. When is that? Growers do not know. So what is "enough" in the eyes of the growers? 500 workers, not on the payroll, not in grower-owned housing, waiting around to work on the day the growers want them to work, which may be tomorrow or next week or two weeks from now. Would there be "enough" workers if growers provided housing and wages until the crop is ready to pick? I think so. What would happen if growers converted to less labor intensive crops which they grew prior to the passage of IRCA? They would make smaller profits. They do not want to do that. They want politicians to

Table 1 Ethnic/Racial Composition of Santa Maria-Bonita School District Enrollment Change from 1990 to 1995						
Year	Native Am	Asian/Pac.Is.	Hispanic	Black	White	Total
1990-91	89	481	5,668	211	2,455	8,904
1994-95	102	453	7,012	219	1,945	9,735
Change	13	-28	1,344	8	-510	831

Source: California Basic Educational Data System, Enrollment in Public Schools of Santa Barbara County, County Education Office

guarantee them "enough" cheap, third-world laborers, so they can continue as at present.

What is the price of this? Guaranteeing growers "enough" farmworkers may be good for the growers but the effects on the workers and the local communities are devastating.

Local Socio-Economic Effects

As stated previously, strawberries are one of the top crops in Santa Barbara County. Santa Barbara has not always grown so many strawberries. According to a *Santa Maria Times* series on strawberries in May 1995, between 1986 and 1993, strawberry acreage went from 1,850 to 6,744; that is almost a four-fold increase in acreage. Strawberries are immensely profitable but they are risky and growing them is only possible if a huge supply of farm labor exists at the time the berries need to be picked. The only way to guarantee this is to have hundreds in reserve waiting around for employment. You can see, then, that your and my definition of "enough" is quite different from the growers' definition of "enough." The passage of IRCA supplied enough labor (as the 76,500 unemployed farmworkers demonstrate) and growers converted their fields from low labor intensity crops which were less profitable to big ticket strawberries.

The legal immigrants and the illegal aliens came with their families and settled. The image of single males who return to their families across the border at season's end no longer describes the majority of the farm work force. "According to figures provided by the Santa Maria-Bonita School District, the number of children of migrant farm workers in Central Coast schools has ballooned since the mid-1980's, now accounting for more than one-third of all students" (*Santa Maria Times*). Many of the families are not

migrant at all. They live in Santa Maria and Guadalupe. The numbers tell the story. Table 1 shows the ethnic and racial composition of school enrollment change for Santa Maria-Bonita Elementary School District between 1990-91 and 1994-95.

According to California Department of Education data (CBEDS), in these four school years the number of enrolled students increased by 831, Hispanic students increased by 1,344, while the number of white students declined by 510. Note that in the 1994-95 school year 72 percent of the students were Hispanic. In the same four-year period, the number of children on the federal lunch program increased by 1,819, and out of 9,735 children enrolled, 7,263 or 75 percent participate in the lunch program according to the Santa Barbara County Department of Social Services. In the 1994-95 school year, 44 percent of the children in Santa Maria-Bonita School District did not speak English.

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In the 1994-95 school year, in the Guadalupe School District, 93 percent of the students were Hispanic. Eighty-eight percent participated in the federal lunch program, and in the 1993-94 school year, 56 percent did not speak English. As Santa Maria and Guadalupe are the heart of the agricultural industry in Santa Barbara County, one must conclude that

Table 2 Change in School Enrollment and Limited English Proficiency (LEP) Students Monterey, Santa Barbara, Tulare and Ventura Counties, 1988 to 1995			
County	School Yr. 1988-89	School Yr. 1994-95	Change
Monterey Enrollment	56,782	61,844	5,062
LEP Students	12,921	20,341	7,420
LEP students accounted for 147% of the enrollment increase between 1988-89 and 1994-95.			
Santa Barbara Enroll.	50,536	58,533	7,997
LEP Students	7,692	14,410	6,718
LEP students accounted for 84% of the enrollment increase between 1988-89 and 1994-95.			
Tulare Enrollment	67,325	81,126	13,801
LEP Students	8,848	18,930	10,082
LEP students accounted for 73% of the enrollment increase between 1988-89 and 1994-95.			
Ventura Enrollment	111,328	120,733	9,405
LEP Students	12,899	23,732	10,833
LEP students accounted for 115% of the enrollment increase between 1988-89 and 1994-95.			

Source: California Department of Education

farmworkers, many of whom are immigrants, caused the Hispanic enrollment increase and the increased poverty as demonstrated by the increase in the subsidized lunch program.

Santa Barbara County draws immigrants to its southern area also, where many low-skilled service jobs exist in the tourist industry. Again, the numbers tell the story. Some statistics for the whole county demonstrate increasing numbers of limited English proficient students (LEP). Table 2 also includes data for Monterey, Tulare and Ventura counties (CA Dept. of Education). As you probably know, Ventura and Monterey have mixed economies but Tulare is heavily agricultural.

Are these added students poor? Yes, they are and the state income tax numbers tell that story. Table 3 shows the change in Ventura County, between 1987 and 1992, in the number of income tax returns filed and in the number of dependents claimed by income range (California Franchise Tax Board Annual Reports).

- Returns increased in the below-\$10,000 and above-\$50,000 income categories. The middle class returns declined.
- On incomes below \$10,000, returns increased by 4,109 of the total 4,886 added returns for the county and accounted for 84 percent of all the added returns.
- On incomes below \$10,000, dependents increased by 19,752 of the total 22,767 added dependents and accounted for 87 percent of all the added dependents claimed.
- On incomes between below \$20,000, there were 2,266 added returns and 27,154 added dependents, 12 added dependents per added return.

Santa Barbara and Monterey Counties' distributions of change look a little better than Ventura's but they started with more poverty. Tulare County's distribution of change almost exactly reflects Ventura's. Unfortunately for Tulare County, in 1992, 44.2 percent of all dependents claimed were on income tax returns with less than \$10,000 income. According

Table 3 Changes in State Income Tax Returns Filed and Dependents Claimed Ventura County, 1987 to 1992		
Income Range	Change, Tax Returns Filed	Change, Dependents Claimed
Less than \$10,000	4,109	19,752
\$10,000 to \$19,999	-1,843	7,402
\$20,000 to \$29,999	-1,887	-1,200
\$30,000 to \$39,999	-3,728	-6,374
\$40,000 to \$49,999	-2,367	-6,008
\$50,000 to \$99,999	6,576	4,862
Over \$100,000	4,026	4,333
Total Change, Ventura County	4,886	22,767

Source: California Franchise Tax Board Annual Reports, 1988, 1993

to the Assistant County Administrator of Tulare, as of fiscal year 1995-96, one third of the county population is on welfare! Tulare County ranks second in the state after Fresno in the total value of agricultural production — and have you been to Fresno lately?

***"Unfortunately for Tulare County...
[in] fiscal year 1995-96 one third
of the entire population of the
county is on welfare!"***

Did all of these poor children come from other countries? No. Long time agricultural counties such as Fresno and Kern have many second generation immigrants who work in agriculture. Tulare has many second generation farm workers also. However, many immigrants and illegal aliens were here in 1987 and after IRCA passed in 1986, they brought in their dependents from outside the state and moved to areas where unskilled jobs, such as in agriculture, were increasing. Ventura, Santa Barbara and Monterey Counties fall into this group.

In addition, many legal immigrants and illegal aliens are having babies here and as you know well, they are United States citizens at birth. In 1993, 40 percent of Ventura County births were to foreign-born women; 42 percent in Tulare; 45 percent in Santa Barbara and 50 percent in Monterey. For the state as

a whole, 45 percent of the births were to foreign-born women (CA Dept. of Health, Birth Records).

If the parents are legal but poor immigrants who have applied for amnesty under IRCA, the family qualifies for Aid to Families with Dependent Children (AFDC). But if the parents are illegal aliens, only the US-born children qualify for AFDC and they are counted in the "child-only" caseload. According to Governor Wilson's Summary Budget for 1994-95, about 10 percent of the child-only cases have caretaker adults who are recipients of Supplementary Security Income (SSI) or they are non-parent relatives. Ninety percent of the child-only cases have parents who are ineligible for aid based on immigration status. The child-only cases between 1985 and 1992 accounted for almost half of California's caseload increase. After 1992, illegal aliens who applied for amnesty started to qualify for AFDC. Recall that they had a waiting period before they could apply. The "experts" said that the number of child-only cases would decline and the number of whole families on assistance would increase. This would only be true if illegal aliens quit coming and having babies. I am sorry to say that the number of IRCA-amnesty families on AFDC has increased, and the number of illegal aliens having babies has increased also, because illegal aliens continue to arrive.

Aid to Families with Dependent Children-Unemployed (AFDC-U) cases are comprised of two-parent families. AFDC-Family Group (AFDC-FG) are

Table 4 Change in AFDC-U, AFDC-FG & Child-only cases between October 1986 and October 1992				
County	AFDC-U Change	Child-Only Change	Change in Child-only cases as a % of all AFDC-U cases	Child-only increase as a % of all AFDC-U caseload increase
Monterey	230	173	14% to 30%	75%
Santa Barbara	707	287	14% to 32%	41%
Tulare	1,514	955	10% to 33%	63%
Ventura	572	351	9% to 32%	61%
	AFDC-FG			
Monterey	1,922	1,030	16% to 28%	54%
Santa Barbara	1,781	554	13% to 20%	31%
Tulare	3,652	1,498	15% to 23%	41%
Ventura	1,767	1,503	12% to 28%	85%

Source: California Department of Social Services

single-parent families and these cases account for about 83 percent of the total cases in the state. For agricultural counties, the child-only cases have exploded. The increase is especially large in the AFDC-U caseload but it is also bad in the AFDC-FG caseload. In tracking the AFDC-U, child-only cases in Santa Barbara County, the Spanish-speaking caseload increase is almost identical to the AFDC-U child-only caseload. When graphed, the cases go up and down together and they coincide with the agricultural season (Schultz, Santa Barbara County Administrative Office). This means that the parents are out of work and they do not qualify for unemployment insurance, but their citizen children qualify for AFDC which is clearly supporting the whole family during the off season. AFDC has become a substitute for unemployment insurance. Employers have to pay for unemployment insurance — the public pays for AFDC.

Table 4 shows the changes in AFDC-U, AFDC-FG and child-only cases for Monterey, Santa Barbara, Tulare and Ventura Counties for the period October 1986 to October 1992 (CA Dept. of Social Services).

Please note, Representative Gallegly, that in Ventura County, the number of AFDC-U, child-only

cases comprised 9 percent of the caseload in 1986, and by October 1992 they comprised 32 percent of all cases and made up 61 percent of the increased cases in that period. The AFDC-FG, child-only cases, accounted for 85 percent of the caseload growth. This demonstrates that illegal aliens are here with their families. Why would they go home or quit coming?

***"For the state as a whole,
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foreign-born women."***

That is bad enough, but the Medicaid caseload change is worse. Between July 1987 and July 1994, the Spanish-speaking, Hispanic caseload increased from 550 cases to 6,845 cases for a 1,145 percent increase and accounted for 64 percent of all the added cases in this period. In both the AFDC and Medicaid caseload increase, the North County agricultural area increased more than the South County, where low-skilled jobs are mainly in the service industry.

The same is true for Santa Barbara County.

Table 5 Change in Adult & Juvenile Felony Arrests by Race and Ethnicity Santa Barbara County, 1986 to 1992				
Adult Arrest Change	White	Hispanic	Black	Other
807	-26	681	149	3
Percent of all change	-3%	84%	18%	0%
Juvenile Arrest Change	White	Hispanic	Black	Other
269	-101	337	20	13
Percent of all change	-38%	125%	7%	5%

Source: California Department of Justice, Criminal Justice Profiles
Unpublished data, available from the Bureau of Criminal Statistics

According to Santa Barbara County Department of Social Services data, between July 1987 and July 1994 the Spanish-speaking, Hispanic AFDC caseload increased from 372 cases to 1,666 cases for a 348 percent increase and accounted for 41 percent of all the AFDC caseload increase in this period.

***"Cheap labor
is too expensive."***

Representative Gallegly, I know the horse is dead but I am going to beat it one more time. The crime statistics are deplorable. Table 5 shows the change in adult and juvenile felony arrests by race and ethnicity for the period 1986 through 1992. Santa Barbara County data are derived from the California Department of Justice figures.

Crime statistics for the state show generally the same trends except that the category "other," which is mostly Asian/Pacific Islander, shows larger increases in crime in the state because Santa Barbara has a relatively smaller population of Asians compared to the state as a whole.

**Conclusion: Cheap Labor
Is Too Expensive**

The *Vision 2010: California Agriculture* report states,

At present, nothing indicates that California agriculture's need for workers, and for hand labor, will diminish substantially by the year

2010. Not, certainly, if the irrigated high-value specialty crops continue to be so important. ...It is reasonable to assume, however, that agriculture will face a less abundant supply of labor. Farmers and ranchers may respond to that situation by offering workers better terms of employment. But labor cost is a major expense. California growers are in competition with others around the world who pay far lower wages and far fewer benefits such as pensions and insurance. The question then arises, how far can California growers afford to go in order to assure their labor supply?

Have growers offered workers better terms of employment? No. Instead, growers have convinced many politicians that they need more workers in the form of a guest worker program. If growers must rely on ever increasing sources of third-world labor, what advantage is there to the surrounding communities to subsidize this by picking up the tab in the form of schools overcrowded with impoverished children, increased crime and burgeoning welfare caseloads?

We cannot win a competition for cheap labor with third world countries. Moreover, this is a race to the bottom that we do not want to win. Let us tell employers to mechanize, convert back to less labor intensive crops or go out of business. We cannot afford any more poor, immigrant farmworkers.

Cheap labor is too expensive. ■

[Editor's Note: For a related article on strawberry farming, see the reference to "In the Strawberry Fields" by Eric Schlosser on page 156 of this journal.]

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Judicial Sabotage of Prop. 187

By Bruce Fein

Constitutional reasoning is an exceptionally elastic discipline. As Judge Learned Hand observed, the text of the Constitution and interpretive doctrines fashioned by the United States Supreme Court are weak barriers against judicial smuggling of personal biases into constitutional rulings. A prime example is the decision of United States District Judge Mariana R. Pfaelzer in *LULAC vs. Wilson* (Nov. 20, 1995) holding unconstitutional the major cornerstones of California's Proposition 187, a measure calculated to reinforce the prevailing congressional attack on illegal immigration.

Judge Pfaelzer brandished the doctrine of congressional preemption to reach bizarre conclusions. Generally speaking, the preemption doctrine prohibits state laws that would defeat or materially interfere with a federal policy. In *LULAC*, the mandates of Proposition 187 that state law enforcement officials cooperate with the federal Immigration and Naturalization Service in the identification and deportation of illegal aliens were held to war with congressional desires — in other words, that Congress exulted in circumvention of its immigration laws.

Section 4 of Proposition 187 requires state law enforcement agencies to verify the legal status of every arrestee suspected of undocumented status through interrogation, and a demand for documentation. If verification is not forthcoming, the arrestee must be informed of his apparent illegal status, and the necessity of either legalizing his presence or departing the country. State agencies must further notify the Attorney General of the United States and the INS of suspected illegal aliens, and must cooperate fully with federal officials in the enforcement of federal immigration laws.

Section 9 of the proposition directs the California Attorney General to alert the INS of all reports received from state agencies pertaining to persons who are "suspected of being present in the United States in violation of federal immigration laws." Companion sections require state agents to question all applicants

for medical and social services, students, and parents of students about their immigration status; to obtain and examine pertinent documents; and, to report suspected illegal aliens to state and federal authorities.

Unless they are creatures who have been hibernating for several years, can there be any reasonable doubt that the overwhelming majority in Congress welcomes state initiatives like Proposition 187 insofar as they strengthen the enforcement of federal immigration laws? It seems safe to presume that Congress wishes its laws against illegal aliens to be honored more in the observance than in the breach. Recently Congresses have tightened laws against illegal immigration and bolstered the federal enforcement arsenal by increasing border patrol agents and endorsing a proto-Chinese Wall in the proximity of the Mexican border. Congressional hectoring also prompted the INS to streamline the process for adjudicating asylum claims to deter evasion of immigration restrictions; and, members generally cheered the interdiction of would-be immigrants from Haiti and Cuba on the high seas ordered by Presidents George Bush and Bill Clinton. The congressional ensemble against illegals also includes ineligibility for Aid to Families with Dependent Children, Food Stamps, Medicaid, and Unemployment Compensation.

"It seems safe to presume that Congress wishes its laws against illegal aliens to be honored..."

Judge Pfaelzer insisted, nevertheless, that Congress intended to prevent states from assisting in the identification, apprehension and deportation of illegal aliens, an obtuseness that verifies Justice Oliver Wendell Holmes' quip that judges need education in the obvious. Judge Pfaelzer was unable to marshal a single reason to believe Congress would deplore such