THE LAND OF MILK AND HONEY? EMBODIED DEPORTABILITY, PRODUCTION, AND SOCIAL REPRODUCTION ON NEW YORK DAIRIES

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This dissertation provides a nuanced account of the subjective and embodied experiences of precarity in everyday life for immigrant farmworkers on New York dairies. It examines how worker precarity is shaped at multiple and inter-related scales of individual activity, collective behavior, and the law. By situating farmworkers in this web of relationships and actors, and framing my analysis with the lens of deportability, it examines how an objectively exploitative and repressive set of immigration laws, employment regulations, and socio-economic conditions are filtered through the everyday discretionary work of law enforcement agents, employers, labor contractors, and community members, and internalized as a particular subjective and embodied experience for individual workers. This analysis makes important contributions to several bodies of sociological literature, namely the scholarship examining the local enforcement of immigration law, deportability studies, precarious work, employment of immigrants, gender and migration studies, and new rural immigrant destinations.

To understand the labor experiences of immigrant farmworkers on these levels, and the factors that shape those experiences, the dissertation uses a qualitative research approach attuned to identifying objective conditions of work as well as the ways they

are internalized. This approach included a close reading of immigration laws and employment regulations, ethnographic analysis of the labor patterns and social relations of individual farms, and in-depth interviewing about the ways they are experienced by individual workers. In total, 66 immigrant farmworkers on 26 different farms, and 25 interviews with farm owners on 22 different farms, were conducted for this project throughout Western, Northern, and Central New York. The objective of this multi-scalar analysis was to defetishize the commodity milk – as well as the agrarian myths that prop up the dairy industry – in terms of both the objective and subjective relations of production.

The first chapter contextualizes key concepts of "deportability in everyday life" (De Genova, 2005) and the criminalization of immigrants (Stump, 2006) in terms of the everyday lives of farmworkers. The second chapter examines the decision to hire undocumented immigrant workers from dairy farmers' own perspectives, and shows that they face deep internal struggle over their roles and obligations. Chapter Three looks closely at the division of dairy farm labor and the labor process for immigrant workers, finding that workers demonstrate skill and agency in these jobs usually deemed "unskilled". Yet, working conditions impose violence on their bodies in terms of hunger, inadequate sleep, and significant risk of accident and injury. Chapter Four describes and analyzes systems of social reproduction on farms to help explain why workers consent to the devastating consequences of industrial milking work. The final chapter reflects on the structure of production and reproduction, and analyzes its implications for worker agency and resistance.

BIOGRAPHICAL SKETCH

Kathleen Sexsmith holds an MPhil in Development Studies from the University of Oxford and a B.A. (Honours) in Economics from the University of Manitoba. She was born and raised in Winnipeg, Manitoba and has lived and worked in Peru, the U.K., Mexico, and the U.S.A. Her research interests include farmworkers, gender in agriculture, migration and transnational studies, sustainable development, and service-learning.

This dissertation is dedicated to Mary Jo Dudley, for her support at every step of the way. Her passionate work is a constant inspiration to me, and so many others.

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Two national research organizations provided research funding for this dissertation. This material is based upon work supported by the National Science Foundation under Award No 1333367, obtained as a Sociology Program Doctoral Dissertation Research Improvement Grant. These NSF funds largely made this research possible. I also obtained funding from the Social Science Research Council through the Dissertation Proposal Development Fellowship program, when I participated in the *New Approaches to Transnationalism and Migratory Circulation* workshops in 2012. The grant funded pre-dissertation research in Veracruz, Mexico.

Several programs and units at Cornell provided generous support to this research. In 2014, I received a travel grant from the College of Agriculture and Life Sciences Alumni Association's Academic Enrichment Program. In 2013 and in 2011, I received

summer research travel grants from the Department of Development Sociology. In 2013, I also received research travel funds from Engaged Learning + Research and from the Graduate School. In 2011 and 2012, I was awarded research funding from the Institute for Social Studies Theme Project on Immigration: Settlement, Integration and Membership. In 2012, I received research travel support from the Einaudi Center for International Studies. In 2011, I received research travel funds from the Tinker Foundation / Latin American Studies Program, and from the Latino Studies Program. Throughout my time at Cornell I received generous in-kind resources, and worked on several research and extension projects both paid and unpaid for the Cornell Farmworker Program (CFP).

Several undergraduate research participants worked on transcribing farmworker interviews. They are Gabriela Canales, Melania Mora, Albaro Tutasig, and Chris Liendo. Several WJCNY interns also transcribed interviews. I am grateful for their patience and dedication to seeing this project through.

The ideas expressed here were greatly influenced by the intellectual community I enjoyed during my time at Cornell. First and foremost, my advisor Phil McMichael continually reminded me of the bigger questions at stake. His academic rigor is matched by a levity that brought a smile to every meeting throughout my graduate school career. Michael Jones-Correa and Wendy Wolford were always available to discuss ideas, and my conversations with them were invaluable to honing my methods and theoretical contributions. Shannon Gleeson also quickly became a close advisor, providing incredible mentorship and support for my professional activities.

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My Development Sociology graduate student colleagues provided a strong intellectual community. DSOC is a truly unique space where we celebrated each other's achievements as if each one was our own. We came together through unimaginable loss on three occasions. Val, Lisa, and Laurie live on through our beautiful but all-too-brief memories. I am grateful for the wonderful friendship of Justine Lindemann, Tess Pendergrast, Youjin Chung, Tim Gorman, and Brian Thiede. I also thank my cohort at the SSRC 2012 *New Approaches to Transnationalism and Migratory Circulation* workshops for coming together in a matter of days as an intellectual community, as if we had known each other for years.

Several people on the frontlines of farmworker support and advocacy encouraged me to believe that research can contribute to meaningful change. They are Mary Jo Dudley, Carly Fox, Rebecca Fuentes, Fabiola Ortiz Valdez, Gretchen Purser, Gonzalo Martínez de Vedia, Lew Papenfuse, and Leanne Tory-Murphy. Sarah Valentinetti turned an often lonely research experience into a wonderful shared learning experience for several months. Tom Maloney opened doors for my research with farm owners.

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grounded, well-nourished, and feeling loved. Mi esposo, el amor de mi vida, Adrián Nava Ordoñez, ha estado conmigo en cada paso y me ayuda a tener esperanza siempre. Nuestro futuro es grande.

Finally, and above all, I express my gratitude to the farmworkers and farmers who opened up a space for me in their lives over the years. A los trabajadores, ha sido un enorme privilegio escuchar sus historias y llegar a conocerlos. Más que nada, mi esperanza para este proyecto es que ayude a mejorar las condiciones de sus vidas.

This dissertation makes transformative use of limited sections of two of my sole-authored publications. These are:

Sexsmith, K. (2017). "'But we can't call 911': undocumented immigrant farmworkers and access to social protection in New York." *Oxford Development Studies* Vol. 45, Issue 1: 96-111. The article can be accessed at the journals' website: http://www.tandfonline.com/doi/full/10.1080/13600818.2016.1193130

Sexsmith, K. (forthcoming 2017) "Milking Networks for All They're Worth: Precarious Migrant Life and the Process of Consent on New York Dairies". Ch. 11 in *Food Across Borders* (Eds) Matt Garcia, E. Melanie Dupuis, and Don Mitchell. Rutgers University Press. The publisher's website for the book is: https://www.rutgersuniversitypress.org/food-across-borders/9780813591971

Any errors of interpretation contained in this dissertation are mine alone.

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INTRODUCTION

"We are truly a family farm. And we care about our animals. … We don't work 14 hours a day to mistreat our animals. …They are our extended family. Without them, we don't have a lifestyle."[1] (Upstate Niagara Dairy Cooperative promotional video)

"They know we're here. They'd have to have their eyes closed and ears covered to not know that there are 20 of us Mexicans on this farm. If the sheriff does anything against us, he'll be affecting his people's economy. If they took all of us away, the farm would come to an absolute stop. The cows that don't get milked, they'll be dead."[2] (Rigoberto, undocumented dairy farmworker, from Veracruz, Mexico)

I. The Labor Question

The ideals expressed in Upstate Niagara dairy producers' cooperative promotional video are compelling: happy families working hard together to care for their animals, and to keep a generations-long farming tradition alive. As a supporter of small, family farming looking for research topics upon arriving to Cornell in 2009, I wanted to do a dissertation project that would help promote these ideals. But as I became more familiar with the rural Upstate New York area, I began to feel uneasy: wasn't there something – someone – absent from this picture? With several readings about precarious migrant farmworkers and their employers them under my belt

[1] "See how we care for our cows." http://www.upstateniagara.com/farms
[2] In-person interview, April 9, 2012, Central New York.

(Griffith, 2009: Preibisch & Encalada Grez, 2010), I set out to discover the stories of – as one of my undergraduate students once succinctly put it – the dairy workers who are "missing from the milk carton".[3]

This dissertation reflects the trajectory of my efforts to de-mystify the commodity "milk" and the 'agrarian dreams' (Guthman, 2014) that surround its production. Indeed, as I learned, behind these bucolic images of American dairy farming lie a disturbing truth. This is not only that dairy farming has evolved into a competitive, consolidated, and modernized industry, hardly recognizable in the promotional materials of the Upstate Niagara video. It is that dairy farmers would not have been able to modernize to this extent without access to a constantly available, and highly skilled, undocumented Latino workforce that lives in semi-captivity on their farms. As Rigoberto suggested to me during our interview cited above, the presence of these farmworkers is a "public secret" (Taussig, 1999): the rural dairying communities that host undocumented dairy workers are well-aware of their presence, but collectively deny and ignore them in order to protect a cherished narrative about their struggles as farmers. To keep this "secret" from getting too far out, a vast legal machinery, which operates in personalistic and discretionary way, turns farmworkers into "crimmigrants", and thus keeps them in the shadows, often fearful to step off the farm property (Chapter One).

I was angered, even enraged, to learn through my interviewees about the "deportation regime" (De Genova, 2010) and the ways it represses their abilities to claim their rights (c.f. Gleeson, 2010). Their difficult experiences as young immigrants in the U.S. struck me as particularly

[3] Thanks to Lizzi Gorman for an aptly titled and well written paper.

unfair when contrasted to my relatively privileged one, as a student similar to them in age, but having had the good luck of arriving from the other side of the border. I discovered several other dark ironies behind contemporary milk production under the deportation regime. Immigrant workers are crowded into dirty and exhausting jobs inside milking parlors and barns, but their extreme precarity is naturalized within the bounds of labor law (Chapter Three). They live in indecent housing on the farm property– often quite literally in the shadows of milking parlors and stables -- while farmers bend over backwards to maximize "cow comfort" as a means of keeping milk production high (Chapters Three & Four). Perhaps worst of all, as they labor to produce this essential symbol of American family unity, their own social reproduction needs often go unmet (Chapter Four).

Yet, over the course of my farm visits, I became acutely aware that this picture of farm life was still incomplete. I was asked over and over by anyone I told about my research whether I thought that dairy farm labor relations are a modern version of slavery – a question that always evoked a resounding "no". The simplistic dichotomy of farmer as villain, and farmworker as victim, did not reflect the realities I was seeing on the ground. Taking an open mind to sensitive and highly politicized questions required reflecting on *why* farmers had turned to an undocumented immigrant workforce in the first place. I take agrarian values seriously as a means of understanding farmers' ethical struggles over the decision to employ a workforce that can hardly ever leave their farms (Chapter Two). Moreover, as Rigoberto's introductory quote suggests, I found that even though farmworkers often keep quiet, they are acutely aware of their own silent force. While clearly victims of the structural violence of the neo-liberal agri-food system (Holmes, 2013), these farmworkers also contest that fate by willfully enclosing themselves for

further economic gain (Chapter Two), and by finding meaning in socially denigrated work (Chapter Three). Moreover, they break the silence through collective uses of voice that are helping to change the state-level regulations that oppress them (Chapter Five).

But the picture still felt incomplete. Because if farmworkers are agents, not victims, this implies an uncomfortable truth: enacting agency sometimes means making victims out of others (Chapter Four). The farmworkers I met sometimes behaved opportunistically by making a profit off newly arrived immigrants. I heard more stories than I cared to admit about workers being picked on, beaten, threatened, and ostracized by their immigrant co-workers. They also turned to the darkest places of the underground economy to seek sexual intimacy denied to them by confinement on the farm. Thus, I realized, the cycle of embodied structural violence (Holmes, 2013) does not stop with the individual farmworker, but often continues to be pushed onto others more vulnerable than them.

In the end, I found, farmers and farmworkers can both be portrayed as victimizer and as victimized, depending on the questions I asked, and the personalities of the people I talked to. Ultimately, although I had set out to de-fetishize "milk", the real fetish turned out to be the one I held myself. The subjects of this dissertation are neither heroes nor villains, neither helpless members of the "deserving poor" (Bletzer, 2004) nor cold-hearted aggressors; they are simply people who struggle against extremely difficult odds, and are forced to make difficult choices in the process.

II. New York: The "Silicon Valley of Yogurt"[4]

New York is a major dairy state. In 2015, it ranked fourth nationally in terms of milk production (at 14.1 billion lbs of fluid milk)[5,6] and third nationally in terms of the number of dairy farms (5,427 milk cow farm operations, of a total 46,000 dairy farms nationwide).[7, 8] Dairy farming holds great economic importance to the Upstate New York region, with milk sales representing 50% of total agricultural sales. In fact, New York is more economically dependent on dairy farming than its major competitor states (Gates & Palacios, 2016).

A rapidly consolidating sector

"Even dairy farming has a 1 percent."[9]

New York dairy farming has undergone significant consolidation in recent decades, reflecting a national trend towards consolidation of milk production among fewer and larger farms.[10] The number of large dairy farms (those with a milking herd of 500 or more) and very large farms (with a milking herd above 1,000) has increased significantly. That is, New York has at least 103 very large dairy farms (1,000 or more milking cows); but just 15 years earlier, in 1997, there

[4] Some of the data used in this section was first published in Fox et al (2017) in an introductory section to that report for which I conducted most of the background research. Because the data is publicly available, I do not cite the report here, but rather the original sources.
[5] http://www.progressivepublish.com/downloads/2016/general/2015_pd_stats_lowres.pdf
[6] Note that New York was ranked third nationally in 2013, production levels are close overall to Idaho.
[7] http://nyfvi.org/default.aspx?PageID=2441
[8] This number is for farms whose milk sales account for more than half of all sales; there are 64,098 farms with dairy cattle altogether. Data from the 2012 Census of Agriculture. Given consolidation trends in the dairy farm sector, it is likely that the total number of dairy farms has since declined. https://www.agcensus.usda.gov/Publications/2012/Online_Resources/Highlights/Dairy_Cattle_Milk_Prod/Dairy_Cattle_and_Milk_Production_Highlights.pdf
[9] Mattias Adolfsson, "Even Dairy Farming Has a 1 Percent," *New York Times*, March 6, 2012, http://www.nytimes.com/2012/03/11/magazine/dairy-farming-economy-adam-davidson.html.
[10] https://www.ers.usda.gov/amber-waves/2014/december/milk-production-continues-shifting-to-large-scale-farms/

were only 21.[11] Larger farms (with 500 or more milking cows) are concentrated in three industrial dairy pockets around the state: Western NY (Wyoming, Genesee, and Livingston, and Ontario Counties), Central NY (Cayuga and Onondaga Counties), and the North Country (Jefferson, St. Lawrence, and Clinton Counties).

Large farms account for a disproportionate share of total milk sales in the state because they are more efficient milk producers. Dairies with 500 or more milking cows account for 10% of New York farms (246 farms) but generate 50% of milk sales.[12] Farms with under 100 milking cows, about 75% of all New York dairies, generate 25% of milk sales.[13] Yet industry observers note that the New York dairy sector is still less consolidated than several other states (Gates & Palacios, 2016).

Yet, the state has lost nearly half of its dairy farms since 1997. The economic impacts of neo-liberal policies in the national and global agricultural sectors, in combination with the consolidation pressures of an agro-industrial vision of dairying, have contributed to the evisceration of many of the state's smaller dairies. Since the 1980s, dairy farmers across traditional dairying regions in the Midwest and Northeast have faced the combined threats of rising feed costs, diminished federal price supports, and the opening of US dairy markets to foreign competition (Knutson, Romain, Anderson, & Richardson, 1997). New York dairy farmers have been hard-hit. Statewide, the total number of dairy farms dropped by 30 percent between 2000 and 2010, with just over 5,000 dairy farms remaining today; meanwhile, the

[11] 2012 Census Data. In 2015-2016 Agricultural Statistics Annual Bulletin, NY.
[12] Estimated from Census data presented at: http://nyfvi.org/default.aspx?PageID=2441
[13] Estimated from Census data presented at: http://nyfvi.org/default.aspx?PageID=2441

average number of milking cows per farm grew by 26 percent.[14] Moreover, as the prices of feedstuffs like corn and soybeans have risen, the average cost of production for New York farmers is rising to its highest levels ever (in 2014, $20 per hundredweight—just over 11 gallons—of milk produced). Hence, producers have become more sensitive to fluctuations in supply and demand precisely as milk prices (their income) have become more volatile. For example, while the milk price soared to $25.52 per hundredweight in 2014—a significant increase over its previous five-year average of $18.81—by spring of 2015 it had fallen below the cost of production for many New York farmers.[15] Given the unpredictability of their economic position, farmers typically strive to maximize output during peak price periods to generate savings that help them to weather the low points.

The effects are manifest not only in terms of shrinking margins, but also as the emotional devastation wreaked by the risk of losing a livelihood that has been in their families for sometimes as many as six or seven generations. For example, I interviewed Applewood dairy owner Thomas, whose farm has been in his family since the late 19th century. His wife, Agnes, says that when she and her husband came into the partnership in the early 1980s, they were milking only sixty cows. She says that, "as our family grew we realized that a sixty-cow farm was not going to be able to put our children through school and college that we wanted to provide. So it meant growing." Providing for their children's futures meant expanding the dairy herd and constructing a new housing facility for their cattle. Today, they are one of the 103 New

[14] Calculated from National Agricultural Statistics Service data.
[15] Chris Laughton, "Northeast Dairy Farm Summary, 2014," Farm Credit East, https://www.farmcrediteast.com/~/media/Files/Knowledge%20Exchange/Dairy%20Farm%20Summary/FCE_NEDFS_2014_FINAL.ashx, 7; "Low Milk Prices, Glutted Market Put Strain on Dairy Farmers," New York Times, May 3, 2015, http://www.nytimes.com/aponline/2015/05/03/us/ap-us-dairy-farmers-milk-prices.html?_r=0.

York dairy farmers (less than 2 percent of dairy farms in the state) to have a milk cow herd over 1,000 cows.[16]

As the remaining farms have gotten larger,[17] dairy cattle have also become more productive.[18] This reflects changes to the production process designed to maximize the efficiency of milk production, changes that have also had significant implications for the organization of labor and the labor process on dairy farms, as Chapter Three explains in detail.

New York dairy farmers generally expect the consolidation trend to continue. Given their heavy dependence on an undocumented immigrant workforce, in an enforcement environment that only exacerbates rhetoric and policies that criminalize undocumented workers (Chapter One), they expect to observe an increased in the use of robotic milking equipment to replace many of the "hardiest and dirtiest" jobs on dairy farms (Maloney & Eiholzer, 2017). This technology shift will undoubtedly intensify consolidation pressures given the huge capital investments necessary for robotic milking equipment.

Where the milk goes

[16] Data on size of New York dairy farms obtained from the USDA 2012 Census of Agriculture for New York, http://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1_State_Level/New_York/st36_1_017_019.pdf.
[17] According to the USDA NASS, there were 699,404 dairy cattle in New York in 1997; in 2012 this figure was 610,712. Thus the decline in the number of farms far exceeds the decline in the state dairying herd.
[18] Annual milk production per cow has risen steadily. Annual Agricultural Statistics Bulletin, New York 2015-2016. USDA National Agricultural Statistics Service.

Most dairy farmers are members of dairy cooperatives, which purchase milk from farmers to either process it themselves, or sell it on to a dairy manufacturer. The largest cooperatives with membership in New York State and their major brands are shown in the table below.[19]

Table 1: Major Dairy Farmer Cooperatives Operating in New York State

Cooperative	Headquarters	Total members	Major brands
Dairy Farmers of America	MO	14,000 (national)	Hiland Dairy, Dean Foods, Borden (cheese), Cache Valley (cheese), Keller's Creamery (butter), Plugra (butter), Kemps (various), California Gold (milk), Sport Shake (sports beverage), La Vaquita (cheese), Guida's Dairy (various), Dairy maid (various)
Upstate Niagara	Buffalo, NY	Approx. 400 (New York)	Upstate Farms (various), Valley Farms (milk, cream), Intense Milk (flavored milk), Bison Foods (sour cream, dips)
Agri-Mark	MA	1,200 (New England and New York)	McCadam (cheese), Cabot (cheese), Agri-Mark
Organic Valley	WI	1,800 (national)	Organic Valley (yogurt, milk, butter, cheese, protein drinks, cream, cream cheese)
Lowville Producers	Lowville, NY	165 (New York)	McCadam (cheese), own brand cheese curd

Table reproduced from: Fox et al (2017)

As the table above shows, most cooperatives market own-brand products ranging from fresh milk to yogurt, sour cream, and processes dairy products like dips and ice cream bars. In addition, several cooperatives sell their members' product on to the large global corporations that produce yogurt in New York State. For example, many of the farmers in this study are members of the Dairy Farmers of America (DFA) cooperative – formerly Dairylea – which is the main

[19] This table is reproduced from the report *Milked* (Fox et al, 2017) which I co-authored. I created the table for use in that report.

supplier of fresh milk to Norwich, NY-based Chobani LLC. Seven of the top 100 dairy processors in North America are headquartered in New York State: Danone Co., Chobani, Upstate Niagara Cooperative, Fage USA, Byrne Dairy, Fieldbrook Foods Corp, and Stewart's Ice Cream.[20] Cooperatives also sell milk to the many small dairy manufacturing companies in New York (Gates & Palacio, 2016).

The move into these more highly processed dairy products is a necessary reaction by the dairy processing industry to a national decline in fluid milk consumption (Stewart, Dong, & Carlson, 2013). New York has played a significant role in the rise of manufactured dairy products. The state became the number one yogurt producer in the country in 2012, having tripled its production from 2007 levels.[21] New York also produces more sour cream, cream cheese and cottage cheese than any other state.[22]

Another approach in the search for new milk markets has been aggressive international market expansion (a cause taken up by President Trump, as I note in the Conclusion). Dairy exports have risen from 8% of milk production in 2009 to 14% in 2015.[23] New York state ranked third in the country for exports in 2013, with an export value of $375.1 (of the national $5.2 billion in dairy exports).[24] However, this incredible growth and expansion was not the work of the private sector alone.

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[20] http://www.dairyfoods.com/2016-dairy-100

[21] https://www.governor.ny.gov/news/governor-cuomo-announces-new-york-state-reclaims-its-status-third-highest-producer-milk-nation cited in Gates and Palacios, 2016.

[22] https://votesmart.org/public-statement/927268/governor-cuomo-highlights-the-2014-new-york-state-yogurt-summit#.WIJ60rYrKCQ

[23] US Dairy Export Council, Dec 9 2016. "U.S. Dairy Exports continue to improve." Global Dairy Market Outlook. Available at: http://www.usdec.org/research-and-data/market-information/us-export-data/historical-data

[24] This number represents a decrease from $500.3 million in exports in 2014 and $474.6 million in 2013. Source: USDA Economic Research Service: https://www.ers.usda.gov/data-products/state-export-data.aspx

Dairy processing and the economic revival of rural Upstate New York

> "Our state government is working closer together with the private sector than ever before, rolling back bureaucratic red tape and addressing the burdens that are facing job creators. With New York State officially being crowned the Yogurt Capital of America, it is clear that our approach to growing the economy and creating an entrepreneurial government is paying off." (New York Governor Andrew Cuomo)

The dairy industry is worth a total $14.1 billion to the New York economy and provides many jobs for struggling rust belt towns. With milk sales of $3.48 billion in 2014, dairy farming is New York's leading agricultural sector, and boasts the highest community economic multiplier of all major industries in the state: for each new job created in dairy processing, 4.72 jobs are created in other industries.[25] As such, dairy production and processing is seen as a promising vector through which Cuomo's self-described "entrepreneurial government" can attract corporate investment and create local jobs. Incentives to the dairy manufacturing industry, including millions of dollars in tax credits to large national and multinational corporations and grants for local producers, helped to double the production of yogurt between 2005 and 2011 (cited in Hamilton & Dudley, 2013). Indeed, his plans to remake upstate New York's pastoral landscape into the "Silicon Valley of Yogurt" have been a resounding success.

[25] Ag Facts," New York State Department of Agriculture and Marketshttp://www.agriculture.ny.gov/agfacts.html; "New York Milk Cash Receipts Increase 22 Percent in 2014," United States Department of Agriculture National Agricultural Statistics Service, http://www.nass.usda.gov/Statistics_by_State/New_York/Latest_Releases/Latest_Releases/NY%202014%20Milk%20PDI%20News%20Release.pdf; "Governor Cuomo Hosts First New York State Yogurt Summit," August 15, 2012, New York State Governor Andrew M. Cuomo News, https://www.governor.ny.gov/press/08152012-nys-yogurt-summit

Yet, this aggressive dairy processing industry expansion requires significant increases in the milk supply—by some estimates, a 15 percent increase over five years (Dudley, 2014). Hence, technical solutions and regulatory reforms designed to boost milk production at the farm level have been heavily promoted. For example, the state government announced plans in 2012 to invest hundreds of thousands of dollars in a Dairy Acceleration Program that "provides business assistance to farmers looking to expand their operations".[26] It has also eased environmental regulations for some farmers through a controversial move lifting CAFO (Concentrated Animal Feeding Operation) permit requirements from farms with 200 milking cows to those with 300 or more, defying most analysts' definitions of a "small dairy" and thus environmentally innocuous farming.[27,28] As this dissertation goes on to explain, the other variable input on which the industry's success depends is the one most difficult to obtain: labor.

Undocumented immigrants in the dairy sector

Historically, Western and Southwestern dairy production has depended heavily on immigrant labor. Only recently has attention has been drawn to the rising dependence of farms in the traditional dairybelt on undocumented labor, including South Dakota, Wisconsin, Vermont, and Upstate New York on immigrant labor (Adock et al, 2015; Harrison & Lloyd, 2012; Mares, 2017; O'Brien, Kruse, and Kruse, 2014). Nationally, immigrant labor is estimated to account for 51% of all dairy labor (Adcock et al, 2015). Although exact data on the percentage that is undocumented is unavailable, more than three quarters of dairy farmers report medium or high

[26] https://www.governor.ny.gov/news/governor-cuomo-announces-new-york-state-now-top-yogurt-producer-nation-delivers-key-promises
[27] http://www.riverkeeper.org/wp-content/uploads/2013/01/Appendix-A-Lithochimeia-Report.pdf
[28] A New York State Energy Research and Development Authority program to install anaerobic digesters, which convert agricultural waste, including cow manure, into electricity, lowering energy costs particularly for larger dairies, but at of the time of writing has been closed.

concern about the possibility of an Immigration and Customs Enforcement raid on their farm (Adock et al, 2015). The dairy industry is extremely dependent on undocumented workers, just as in other agricultural sectors. One study estimated that if all immigrant dairy workers in the U.S. were suddenly to be gone, the national economy would lose more than 200,000 jobs and milk prices would rise by 90% (Adcock et al, 2015).

Employing immigrant workers as milkers is a relatively recent phenomenon in New York dairies: one survey found that 72% of dairy farmers who employ Hispanic workers had hired their first immigrant employee sometime since January 2000 (Maloney & Grusenmeyer, 2005). Cornell researchers estimated in 2009 that there are 2,600 immigrant farmworkers from Mexico and Central America working on New York dairies (Maloney & Bills, 2011). However, the lapse of time, and my fieldwork experience, suggests that the numbers are far higher.

As Chapters Two and Three explains in more detail, industrial dairying is a labor-intensive process that requires a labor force with a unique blend of qualities. For one, workers must be available around the clock, because cows on high-protein diets and/ or receiving production-boosting hormone injections must be milked three times per day. Moreover, workers must have the emotional and physical intelligence to keep animals calm when they are undergoing such stress to their bodies. Farmers say they have difficulty finding a local force both willing and capable of working under such conditions, and that Mexican and Central American immigrants have become a preferred solution to the milking labour shortage (Chapter Two). As the owners of Applewood Dairy, a 1,200 cow farm in Northern New York, explained to me:

> … if we weren't able to hire Hispanic help … I don't know if we'd still be here or not …. We certainly wouldn't have expanded as far as we have. … the bottom line was the reliability … [because] they're on the farm. And their work ethic is different from the labour force that we were dealing with. They want to work, they want to get a paycheck, they want to send that money home.[29]

My research takes off from this point in the story of the modernization of the New York dairy industry. The remainder of this introduction explains the objectives of my research, the methods I used, and provides an overview of the sample of farmers and farmworkers included in my study.

III. Research Objectives

This project was designed as an ethnographic study of everyday life on New York dairy farms. The constant threat of deportation combines with incessant production schedules to keep workers almost completely confined to the farm. Thus, following Mitchell, Marston & Katz (2004), I recognized that dairy farms are like many other modern workplaces, in that production and social reproduction are intricately and inseparably intertwined. I was armed with a rural sociology background that gave me a theoretical framework for understanding the interpenetration of the productive and reproductive spheres on small family farms, and the forms of exploitation this situation enables (Chayanov, 1966; Friedmann, 1978). Moreover, I was aware that pre-modern labor relations, including sharecropping and personalistic labor ties, continue to undergird agricultural industrialization (Wells, 1996).

[29] In-person interview, April 4, 2014, North Country.

Yet, the context I encountered on the ground was a peculiar one. These workers were not "unfree" in the sense of being owned and held captive by their employers. They earned wages and held pride in farm jobs that they considered lucrative. Sometimes, they left their jobs at the drop of a hat when a better opportunity turned up elsewhere (see Chapter Five). Moreover, they described strategies of willful self-enclosure on the farm in order to prevent deportation before their economic goals in their home countries had been achieved (Chapter One). On the other hand, I also get the sense that they did not feel entirely free to go. The farm to them was a totalizing structure that shaped every aspect of their working and social lives, with the farm employer – *patrón or patrona* --- an omnipotent figure looming over their access to almost every need and desire.

My research was motivated by an interest to understand how power works in this context. I found that farmers leverage access to better wages and to social reproduction as means of labor control. However, workers levy the constant threat of withdrawing their labor at any moment --- potentially costing farmers thousands of dollars of milk revenue even for a single missed shift. They also sometimes engage in clandestine activities that help them secure their futures by controlling other immigrants' access to jobs. Given this constant interaction between farm actors over every detail of work and life, perceptions of the morality of others become the arbiter of consent to the industrial labor process (c.f. Scott, 1976, 1985).

Norberto, for example, had left Guatemala one month after his fourteenth birthday with a straightforward motivation: "I saw that my father [who was working at Applewood] had money,

and I decided that I would go, too." Norberto explained that he was earning 350 Guatemalan Quetzales (about $50 at the time) per week working in the construction industry when he left home; thus, the $600 per week he was soon earning at Applewood (in cold, hard cash) felt like a windfall in comparison. In exchange for his economic gain, however, he lives under conditions of social enclosure: Norberto said he had not set foot beyond the perimeter of the Applewood farm property for two full years.

Norberto says that "when I started to build a house [in my home country via the remittances I was sending], I stopped going out because I had a responsibility now." What Norberto meant was that Border Patrol agents regularly circle the farm property, sometimes parking their cars on the road within the line of sight from the milking parlor where he usually works. Since the farm is located within 25 miles of an international border, Border Patrol agents have broad powers to stop, search, and investigate those they suspect of committing immigration crimes (Chapter One). Entering the public roadway entails the risk of being detained and deported. Thus, Norberto and his coworkers are instead kept alive by their employers, who bring them groceries and other basic necessities, which are then deducted from their weekly pay.

Because of the support they receive, Norberto and his co-workers told me they do not ever ask for a raise from the $8 wages their earned. Yet Norberto did not perceive his conditions on Applewood as insecure. On the contrary, he made the deliberate choice to stay put on the farm to make sure he was not prematurely forced to leave the country. His constant hours – 88 per week – gave him further assurance that his home construction project could be completed. Moreover, he knew that the next worker to take his place, like all others to arrive at Applewood, would pay

him back the approximately $1,000 he had invested to secure his job from the employee who occupied the job before him. Exploitation was thus imposed on his body, and the bodies of others, through a combination of the structural violence of industrial dairying, the "deportation regime" (De Genova, 2010), and his own willful choice.

The research questions arising from this context are the following. Do immigrant workers like Norberto consider their situation on New York dairy farms to be fair? What actions do they take when they do not? How do these workers manage to achieve their basic needs for physical subsistence, friendship, and intimacy? How does proximity to an international border shape the dynamics of everyday life on dairy farms? And how do farm employers justify to themselves their reliance on a semi-captive labor force?

As a brief explanatory note, this dissertation refers to these workers as immigrants, not "migrants" for several reasons. In the first place, they often live on the same farm for years at a time. Dairy farm employers argue that the migrant labor terminology is more apt because dairy workers have no interest to stay long-term in the U.S. Yet, a deeper reflection suggests that these workers feel so excluded from everyday life that long-term settlement with their families is literally "unthinkable" to them. Under better conditions they might very well want to stay. By avoiding the "migrant" label I hope to denaturalize the assumptions that hold a discriminatory and exclusionary immigration system in place.

IV. Methodology

This section describes how I used ethnographic methods in several carefully selected field sites to answer my research questions about the impacts of industrial production and immigration enforcement on everyday life on dairy farms.

Research sites

This research was conducted in the three pockets of industrial dairying described earlier in this introductory chapter: Western, Central, and Northern New York. To protect the confidentiality of the farmers I visited, I do not disclose the exact counties where I conducted my interviews. The combination of farm size and county location could reveal their identities in some cases. The purpose of focusing on these regions was to highlight the labor process required in industrial dairy farming, while also making comparisons with smaller farms (see Chapter Three).

To gain a deeper understanding of the impacts of border enforcement activity on farm labor relations, I lived in the North Country (Canadian border) region of New York for three months in 2014, and made a return visit in the summer of 2015. The North Country is the region covering the state's six northernmost counties but excluding the Adirondack mountain range. Due to the heightened presence and powers of Border Patrol agents in this area (see Chapter One), I was able to examine the impacts of immigration enforcement activity on farmworkers' perceptions of their own "deportability" (Chapter One) and their access to social reproduction (Chapter Four). In Central and Western New York, where immigration enforcement pressures are reduced, I was able to study the (limited) emergence of off-farm social networks to help workers meet their basic needs.

Overview of research participants

Farmworkers

This dissertation is based on formal and informal interviews with 66 workers. They were interviewed on 26 different farms. Of these 66 workers, 27 were in Central New York, 22 were in Northern New York, and 13 were in Western New York. Several of my interviewees are not identified with a specific farm or region because they were ex-workers and interviewed by telephone after leaving their jobs. All names of farmworkers have been changed in this dissertation to protect workers' confidentiality.

Because of some slight variance in the questions asked during my semi-structured interviews, I indicate the number of respondents for each data point presented in the chapters that follow. It is important to note that there are no databases against which my sample can be compared to assess representativeness against the broader population, but my extensive fieldwork suggests that I have captured a representative range of nationalities, ages, and experience in the industry.

Legal status: All of the workers I interviewed were undocumented except for one worker who obtained a Deferred Action for Childhood Arrivals permit (with the help of the Cornell Farmworker Program) over the course of my research. Four workers had entered the U.S. with an H2A or a tourist visa which they had over-stayed; the rest had entered the country by crossing the border "without inspection". Three workers were in immigration proceedings, meaning they had been detained and released by immigration officials and were awaiting a court date to determine their fates.

Nationality: The table below summarizes the places of origins for of my 66 farmworker research participants. The national breakdown is: 24 from Guatemala (36%), 40 from Mexico (61%), and 1 worker from each of Honduras and El Salvador. (By means of comparison, Maloney and Grusenmeyer (2005)'s survey of immigrant dairy farmworkers in New York, found that 75% were of Mexican nationality, 24% Guatemalan, and 1% Honduran.)

Table 2: Farmworker places of origin

Country	**State / Department**	**Municipality**	
Guatemala			**24**
	Suchitepequez	San Pablo Jocopilas	7
	Quetzaltenango	Olintepeque	7
		La Esperanza	2
	San Marcos	Tacana	1
		Not identified	1
	Huehuetenango	Malacatancito	1
		Cuilco	3
		Jacaltenango	1
	Not identified		1
Mexico			**40**
	Chiapas	Huixtla	1
		Not identified	1
		Comitán de Dominguez	1
		San Cristóbal de las Casas	1
	Guerrero	Chicelco	1
		Not identified	1
	Mexico City	Mexico City	4
	Morelos	Tepoztlán	1
		Tepalcingo	1
	Oaxaca	Teposcolula	1
		Monteverde	1
	Tabasco	Choapas	1
	Veracruz	Altotonga	19
		Tlapacoyan	2
		Martínez de la Torre	1
		Papantla	1
		Atzálan	1
		Jalacingo	1
Honduras			**1**

	Comayagua	Not identified	1
El Salvador			**1**
	La Libertad	San Juan Opico	1

Language: While all of the workers spoke fluent Spanish, several spoke an indigenous language in their community of origin. Of 51 workers whom I asked about indigenous languages, 23 said that an indigenous language was regularly spoken in their home community. These languages included: Mam, Maya Patil, and Quiché in Guatemala, and Mixteco and Otomi in Mexico. However workers described how these languages are rapidly being lost. Only 13 of the 22 spoke the language fluently; 5 said they understood or spoke a few words; 2 said they did not speak the language even though their parents did; and 3 did not describe whether or not they spoke the language.

Age: My sample captures a broad variation in worker ages. The youngest worker in my study was 18 years old, and the oldest was 55 years old. (This worker once told me that he had lied about his age and died his hair darker so that farm employers would not discriminate against him based on age). The average age is 30 years old, and the median is 28. Read another way, 26 workers (39%) were aged 18 to 25, 24 workers (46%) were between the ages of 26 and 35, and 16 workers (24%) were between the ages of 36 and 55.

Gender: Only 5 of the workers (8%) are women. This may seem low but is higher than the findings of Maloney and Grusenmeyer (2005) that 2% of immigrant dairy farmworkers were female. I had the opportunity to interact with several other female workers in informal settings to enrich my understanding of their daily lives.

Family: Of 65 participants who provided their marital status, a little over half (57%, or 37 workers) were in a committed relationship. I did not distinguish between married and civil-law partnerships because it is common practice in rural Latin America to consider oneself married but not be married by the church. Of these workers in a relationship, 9 lived with their partners on the farm, and 2 more had an American citizen partner who lived off the farm. A significant majority of workers in a committed relationship had left their spouse behind in their home country (27 workers, or 70% of those in a relationship). Another 4 workers were separated from their partners. The remaining 24 workers (37%) were single.

Most workers (36 of 65, or 55%) have children, ranging from 1 child to 8 children. The average number of children was 2.7. Of these, 3 had young children that lived with them on the farm; 2 more had young adult children who had also migrated to the U.S.

It's important to note that workers tend to come from large families and younger workers with no children at home were often responsible for supporting their siblings, whether the day to day costs of younger siblings, or sometimes their secondary and post-secondary schooling of any siblings. Of 46 workers who told me how many full siblings were in their families, the number ranged from 2 to 13. The average number of full siblings in the family was 6.3 and the median was 5.5. In fact, of these 46 workers, 17 (37%) were from families with 8 or more children. This is an important indication of the economic pressure they face.

Farm size: Most of my interviews work on large and very large farms. Of 60 workers who provided the number of cows on the farms where they work, 28 (47%) worked on farms with

1000 or more cows, 21 (35%) worked on farms with 500 to 999 cows, and 11 (18%) worked on farms with less than 500 cows.

Table 3: Distribution of farmworkers by farm size

# milking cows	# workers in sample
Up to 299	3
300 to 499	8
500 to 999	21
1000 +	28

Thus it makes sense that they tend to work with at least several other immigrant farmworkers. Of 59 participants who told me how many immigrants work on their farms, 40 (61%) worked on farms with 6 or more immigrant workers. These numbers are important for analyzing the capacity to use collective voice to obtain a raise (Chapter Three).

Table 4: Distribution of farmworkers by number of immigrant co-workers

# immigrant workers on farm	# workers in sample
Works alone	1
2 or 3	6
4 or 5	12
6 or 7	20
8 or 9	6
10 or more	14

Farmers

I conducted 25 interviews with dairy farm owners on 22 different farms (on 3 occasions I interviewed partners or spouses separately). Of these, 14 farms were located in the North Country, 6 farms were located in Central New York, and 2 farms were in Western New York. I was able to capture a range of farm sizes, including 5 small farms (less than 300 cows), and 9 very large farms (1000 or more cows), which helped me to deepen my understanding of the

industrial dairy labor experience. All names of farmers have been changed to protect their confidentiality.

Table 5: Distribution of farmers by farm size

# milking cows	# farms in sample
Up to 299	5
300 to 499	2
500 to 999	6
1000 +	9

Methods

Farmworkers

I used several qualitative methods in my research with farmworkers. The primary method was in-depth, semi-structured interviews. Interviews were recorded and took place in the safety of their own homes. In only one case, a worker requested not to be recorded. During interviews, participants were asked to describe key moments in their migration journeys to the US, the labor conditions on the dairy farms where they had worked, their access to social support networks in upstate New York, their encounters with and attitudes towards police and immigration enforcement agents, and the ways they are embedded in 'transnational social fields' (Levitt & Glick Schiller, 2007) via financial and emotional ties to their communities of origin. Most interviews lasted between one and a half and three hours. All were conducted entirely in Spanish; translations in this dissertation are my own.[30] I personally conducted all interviews. Of my 66 total interviews, 15 were conducted through my research role in the *Milked* report project (Fox et al, 2017). For that report I helped design the questionnaire, conduct interviews, and transcribe

[30] In one case a professional transcriber translated the transcript into English although I did not request this.

and analyze findings. That project held a broader set of questions but I was able to cover my core dissertation research interests in all interviews.

In addition, I used participant observation with farmworkers in their homes and on the job. I visited farmworkers in their homes to share meals and informal conversations, and to receive tours of their farm workplaces when they were off-duty in order to understand better their daily labour activity. In a few cases, I also provided transportation and translation for appointments with doctors, medical outreach workers, and lawyers, and at a federal immigration court. After these interactions, I recorded field notes as soon as possible, to recreate conversations with the greatest possibly accuracy.

The sensitive nature of my research topic required carefully designed recruitment methods and techniques for protecting the confidentiality of my participants, which received approval from the Institutional Review Board of Cornell University. Since probability sampling is not possible when conducting research with 'hidden' populations (Bernard, 2006), research access in Central and Northern New York was gained by establishing an initial connection through the labour advocates and outreach workers that farmworkers already knew. The organizations that supported me were the Cornell Farmworker Program, Worker Justice Center of New York, and Workers' Center of Central New York. Once I had obtained my initial farmworker contacts, I used snowball methods in order to meet new interviewees amongst their social networks. In northern New York, where the presence of farm labour advocacy organizations and extension agents is extremely limited, I first met with dairy farm owners, who then introduced me to their employees.

A careful strategy for gaining trust is essential when asking undocumented immigrants to discuss their daily lives and challenges (Cornelius 1982; van Liempt & Bilger, 2012). The depth and quality of information provided during my interviews was strengthened by my efforts to develop specific skills for working with undocumented immigrants – e.g., a sensitivity to the precarious conditions of their lives, and prudence when approaching delicate topics (Cornelius, 1982) – by volunteering for a Cornell University extension program which provides English language tutoring and 'know your rights' workshops to New York farmworkers. In most cases, I visited farms before and/or after interviews to tour the working facilities and share meals and informal conversation. My roles helping farmworkers with transportation and translation assistance for their appointments with doctors, lawyers, and at the Federal Immigration Court also helped to build friendly and trusting relationships.

Interviews were transcribed by myself, professional transcribers, and undergraduate student transcribers. I then analyzed transcriptions using NVivo software for qualitative data analysis, using an iterative coding process. I also created a database of farmworkers' socio-demographic characteristics in Microsoft Excel. Field notes were analyzed using Filemaker Pro.

Farmers

For my study of farm employers, I conducted in-person semi-structured interviews. Most lasted between one and two hours and were usually recorded. (No farm employer refused to be recorded when asked). These interviews covered several topics, including their decisions to hire undocumented workers (or not to), their economic struggles and successes in the dairy industry,

and the roles of immigrant and non-immigrant workers on the farm. Most of these interviews were conducted with the male farm owner; several were conducted with their spouse.

I personally transcribed all interviews with farm employers. I then analyzed these transcriptions using an iterative coding process with NVivo software. I also maintained a database in Microsoft Excel of basic farm characteristics.

Third party actors

I also constructed a social mapping of non-farm actors in farmworkers' lives. I conducted participant observation, and where possible also interviews, with these actors. This allowed me to understand how worker precarity is shaped by many actors other than their farm employers. These actors included:

- Veterinarians (2)
- Immigration lawyers (several)
- *Rieteros* (local ride provider) (2)
- Migrant health clinic staff (2)
- Cornell Farmworker Program director
- Cornell co-operative extension professionals (several)
- Safe house for victims of domestic violence (1)
- Labor advocates (several)
- Mobile consulates of Mexico and Guatemala
- North Country Human Trafficking Task Force

Archives

I went to the archives of the Historical Association of the Northern New York county where my border region case study was carried out, as well as the archives of the Cornell Migrant Program at Cornell University. Media materials in these archives helped to enrich my understanding of community attitudes when immigrants first began settling on dairy farms.

Pre-dissertation fieldwork in Mexico

Finally, I visited the home communities of dairy farmworkers in rural Veracruz on three occasions between 2011 and 2013 to understand the economic circumstances that farmworkers faced in their home communities. Several interviews with returned farmworkers and the parents of dairy workers in New York were conducted. Ultimately, because of the non-systematic nature of this research, I have decided not to include it in this dissertation. Nevertheless, the field visits had a significant influence on my understanding of farmworker transnationalism, and their basis of comparison when arguing that dairy farm work is a lucrative endeavor.

Reflecting on research with a vulnerable population

My positionality in this project, as a white woman from Canada, not far from workers' own age, was beneficial to the research process. They saw me as supportive, and they often asked me questions about my own immigration experiences in the U.S. These interactions helped me to break the ice with workers. In the early days (2011), I spent a Thanksgiving dinner with a farmworker and the family that employed him when neither of us had anywhere else to go. However, these interactions were always framed by an unspoken understanding of my significantly more privileged immigrant status.

Conducting research locally had its advantages and disadvantages. By living near to my participants year-round, I was able to develop long-term relationships, and felt I was understanding the struggles (and triumphs) my participants were going through in a fairly robust way. But building these relationships was not without its challenges. It was often difficult to balance my role in the farmworker community with the demands of my graduate program. I found myself spending hours on end serving as a (sufficiently bilingual) intermediary between immigration lawyers and workers, and providing them rides for urgent appointments when they had no one else to call. I reached a point where I was pestering an immigration lawyer from a legal aid society so often that he suggested I drop out of my sociology program and sign up for law school.[31] I paid for rental cars for long trips to immigration court, fearful that my own, unreliable vehicle would konk out on the way --- missed court dates sometimes result in deportation. And I sweated through stressful moments passing police cars when taking workers to the clinic or hospital when they got sick.[32] Regardless of these challenges, the hope that I was giving something back to the community made it more than worthwhile.

V. Overview of Chapters

This dissertation is structured around five key chapters, each with its own conceptual contributions. These contributions are then discussed as a whole in the conclusion.

Chapter One

[31] Field notes, informal conversation with lawyer, October 18, 2012.
[32] All of these activities, of course, took place in Central New York. In the North Country, the risk of deportation was too great. Thankfully, no such requests for help came up.

The first chapter frames the key concepts of "deportability in everyday life" (De Genova, 2005) and the criminalization of immigrants (Stump, 2006), which overshadow and shape the labor relations discussed in the remainder of the dissertation. I look at the involvement of local police and sheriffs in the enforcement of immigration laws (e.g. Varsanyi et al, 2012) and compare how these discretionary, "local migration states" (Coleman, 2012) work in Central and Northern New York. Moreover, I show that the very process of migration and job-seeking criminalizes undocumented farmworkers and enhances their "deportability". Using ethnographic evidence, I also argue that deportability is not an immutable condition of fear, but rather that farmworkers re-interpret their enclosure on the farm as an economic choice that helps sustain families at home.

Chapter Two

In this chapter I examine the decision to hire undocumented immigrant workers from dairy farmers' own perspectives. I find that farm employers almost universally explain their hiring decisions in terms of the "reliability" of immigrant farmworkers to work around the clock in automated milking parlors, in comparison to a local workforce they describe as unreliable, uneducated, and unmotivated. Moreover, hiring this "reliably deportable" labor force means farmers can finally "get off the farm", making an uneasy tradeoff of workers' mobility for their own. These decisions are made in the context of serious difficulties keeping their businesses running and meeting the needs of their families, which they attribute to the inadequacy of the alternative labor pool of white, Amish, and Puerto Rican workers. In contrast to the literature that depicts farmers as having simple, racist motivations for hiring immigrants (e.g. Maldonado, 2009; Harrison & Lloyd, 2013), I find that face deep internal struggle over their roles and

obligations. Ultimately, they resolve their struggles by projecting the agrarian value of "hard work" onto the new immigrant workforce.

Chapter Three

Chapter Three looks more closely at the division of labor on the dairy and the labor process for immigrant workers. I show that legal status intersects with English language skills to shape a strict division of dairy farm labor that places immigrant workers at the bottom of the hierarchy in milking parlor jobs. However, promotions are not impossible: workers demonstrate the willingness to learn and apply new skills, and in the process help to deconstruct problematic dichotomies of "skilled" and "unskilled" work (Iskander & Lowe, forthcoming). The chapter also argues against agrarian romanticism by showing that, from the perspectives of farmworkers, small farms are more unstable workplaces than large farms (c.f. Gray, 2013). Despite their agency on the job, workers face structural conditions that impose significant violence on their bodies in terms of hunger, inadequate sleep, and significant risk of accident and injury. The chapter shows that the under-reproduction of working bodies is the human cost of cheap milk (c.f. Araghi, 2009).

Chapter Four

The next chapter turns from production to social reproduction. I describe and analyze systems of social reproduction on farms to help explain why workers consent to the devastating consequences of industrial milking work. Most workers come to depend on farm employers (and their families) for access to basic needs. Thus, social reproduction becomes a tool of power that employers can leverage over workers, in a reversal of its usual economically devalued role.

Moreover, men must also care for each other in the home, challenging Latin American masculinities. I find that in worker homes, friendship and intimacy is sometimes reinforced through familial ties. However, solidarity is sometimes undermined in the home, when workers create clandestine markets for jobs. They also push their vulnerabilities onto others when they look to commodified forms of intimacy.

Chapter Five

The final chapter reflects on the structure of production and reproduction, and analyzes its implications for worker agency and resistance. I develop Hirschman's conceptual framework of Exit, Voice, and Loyalty to understand when and why workers press for better conditions or even leave the farm. The concept of "entrapment" helps explain why workers sometimes cannot resist, particularly when their social networks are poorly developed. Moreover, dependence on farmers for basic needs creates a situation of "constrained loyalty" whereby the use of voice is diminished. Regardless, workers can often exit harmful farm situations. Several collaborative efforts between farmworkers and labor advocates to use collective voice to change the labor laws that repress workers' are underway, and documented in this final piece.

CHAPTER 1

TURNING FARMWORKERS INTO 'CRIMMIGRANTS'

I. Introduction

This chapter examines how undocumented dairy farmworkers are rendered deportable through immigration laws, and the social practices through which they are enforced, in Upstate New York. It also examines their experiences of "deportability in everyday life" (De Genova, 2005) on dairy farms and in rural communities. First, I look at the national and local legal infrastructures that together comprise the U.S. "deportation regime". This includes the empowerment of local police and county sheriffs to enforce immigration law, creating a "local migration state" (Coleman, 2012) with its own specific form in Upstate New York. The deportation regime also includes the "criminalization" of immigrants and of immigration law (Stumpf, 2006). Using examples from my fieldwork, I show how the most basic aspects of the migration process – obtaining work papers and re-crossing the border – have been made egregious crimes with hefty penalties, exacerbating immigrant workers' vulnerability in everyday life. Finally, I provide two case studies of Northern and Central New York which show how the local migration state operates in different ways, in different proximities to the international border. These case studies show how workers' sense of their own deportability is shaped by the contingent ways that international borders are negotiated by immigration law enforcement agents and farm employers. My findings contribute to theories of embodied deportability, by showing how farmworkers internalize their enclosure not only as fear, but also as a form of agency, enabling them to save more money to send to families at home.

II. The U.S. "Deportation Regime"

> "What, in the end, is movement – and therefore the freedom of movement – if not a figure par excellence of life, indeed, life in its barest essential condition?" (De Genova, 2010, p. 39)

Nicholas De Genova theorizes the freedom of movement – the biological capacity of human beings to exert movement, including the crossing of international borders – as a basic human quality and a condition for the realization of one's humanity. Attaching physical movement to the concept of rights connects it to specific political systems, which denies its transcendent humanness (De Genova, 2010). Yet, on a global level, states have entrenched deportation in immigration law as a tool for controlling the human capacity for movement (Peutz and De Genova, 2010). In fact, the notion that deportation is an appropriate response to the legally unauthorized presence of one country's national in the territory of another has become an unquestioned element of Western immigration laws (Peutz and De Genova, 2010). As such, a global "deportation regime" today allows the world's most affluent nations to protect and reproduce their economic privilege, identities, and sense of racial superiority, under the guise of protecting the sovereignty of borders and the public safety (Peutz and De Genova, 2010). In this section I explain the embedding of the U.S. deportation regime in law enforcement practices, and explain how this has taken shape in Upstate New York. I further argue that the deportation regime operates not only by threatening farmworkers with expulsion, but also by excluding them

from recent programs that have provided relief from deportation for other immigrant groups in the U.S.

The national deportation infrastructure

Deportations in the U.S. are realized through a leviathan of an immigration law enforcement system, which only continues to grow in its size and reach. Responsibility for deportation is held by the Department of Homeland Security, which has three main operational branches: U.S. Customs and Border Protection (CBP), U.S. Immigration and Customs Enforcement (ICE), and U.S. Citizenship and Immigration Services (CIS). This organizational structure was implemented in 2002 with the Homeland Security Act, replacing the Immigration and Naturalization Service (INS).[33] The combined annual budgets for Immigration and Customs Enforcement and for Customs and Border Protection in 2016 was $19.3 billion, roughly double their combined 2003 budgets.[34] Despite their vast resources, their ability to identify potential deportees depends on close cooperation with local-level criminal law enforcers, who are usually not compensated for their roles in enforcing immigration laws (Graber & Marquez, 2016).

ICE and CBP operate in extremely similar ways to criminal law enforcement, even though immigration law lies in the realm of civil law (Stumpf, 2006). ICE enforces laws related to border control, customs, trade and immigration. There are at present more than 6,000 ICE Enforcement and Removal Operations officers with jurisdiction to "take enforcement action against any removable alien encountered in the course of their duties who is present in the U.S.

[33] http://www.borderimmigrationlawyer.com/overview-of-federal-immigratio/
[34] American Immigration Council. "The Cost of Immigration Enforcement and Border Security Factsheet." https://www.americanimmigrationcouncil.org/research/the-cost-of-immigration-enforcement-and-border-security

in violation of immigration law".[35] On any given day, the lives of close to 2 million people are being decided by ICE officials, whether in ICE detention, monitored under alternatives to detention, having received a final removal order, or in proceedings in immigration court.[36]

The function of Customs and Border Protection (CBP), meanwhile, is to 'protect the 325 ports of entry to the U.S'. Its officers enforce immigration laws, along with other laws related to trade and security.[37] Border Patrol is a division of CBP whose specific mission is to "detect and prevent the illegal entry of aliens into the United States."[38] Under the Bush and Obama presidencies, the number of Border Patrol agents rose from 10,000 to 21,000; President Trump intends to add at least 5,000 more.[39]

The U.S. Border Patrol has extensive powers within a vast territory surrounding international land and coastal borders to stop, question, and detain anyone whom they suspect of violating immigration laws. Within a 100-mile zone from any international land or coastal border – an area that covers two-thirds of the U.S. population – Border Patrol has "extra-constitutional powers", including to operate checkpoints on highways leading from ports of entry, and to pull over and

[35] Written testimony of ICE Acting Director Thomas Homan before the House Subcommittee on Homeland Security: https://www.dhs.gov/news/2017/06/13/written-testimony-ice-acting-director-house-appropriations-subcommittee-homeland

[36] Authors calculation. The average daily population of immigrants under detention is 39,610 with another 70,044 in the Alternatives to Detention program. In addition, as of June 3 2017 there were nearly 1 million individuals not currently under ICE detention who had been issued final removal orders, only approximately 177,496 of whom were convicted criminals. At the end of FY2016, there were 520,000 cases pending in U.S. immigration courts. From the written testimony of ICE Acting Director Thomas Homan.

[37] Murphy, Sarah. "Federal Immigration Agencies Overview." http://www.borderimmigrationlawyer.com/overview-of-federal-immigratio/

[38] U.S. Customs and Border Protection. "Border Patrol Overview." https://www.cbp.gov/border-security/along-us-borders/overview

[39] Naylor, Brian. February 23, 2017. "Trump's Plan To Hire 15,000 Border Patrol And ICE Agents Won't Be Easy." http://www.npr.org/2017/02/23/516712980/trumps-plan-to-hire-15-000-border-patrol-and-ice-agents-wont-be-easy-to-fulfill

search anyone they have "probable cause" to believe may have committed an immigration related crime.[40] The ACLU argues that Border Patrol regularly over-step their powers in this zone by committing illegal stops that violate Fourth Amendment rights against unreasonable searches and seizures.[41] Moreover, within 25 miles of an international border, Border Patrol agents may stop and search vehicles when they have "reasonable suspicion" that an immigration crime has been committed, and they may enter private property, other than dwellings, without a warrant.[42]

There have been no exceptions for the Northern border region from the ramping up of Border Patrol activities since 9/11. In New York, the number of Border Patrol agents has risen at least tenfold (from 39 to 400) since 2002 alone, an even higher increase than the 558 percent growth in agents across the U.S. northern border more widely (Graybill, 2012; NYCLU, 2011). One study found that the "flooding" of the region with Border Patrol agents has coincided with a decrease in the number of actual deportations, suggesting "there is not enough work for them to do" (Graybill, 2012). As a result, agents make work for themselves—for example, by providing interpretation services at the scenes of accidents, which enables them to identify undocumented immigrants (Graybill, 2012).

Dairy farmers in Northern New York regularly described how over-eager Border Patrol agents made the lives of their employees extremely difficult. Tom, the owner of one of the largest local

[40] American Civil Liberties Union. "The Constitution in the 100-mile border zone." https://www.aclu.org/other/constitution-100-mile-border-zone?redirect=constitution-100-mile-border-zone
[41] American Civil Liberties Union. "The Constitution in the 100-mile border zone."
[42] "Customs and Border Protection's (CBP's) 100-Mile Rule" American Civil Liberties Union, http://legalactioncenter.org/sites/default/files/CBP%2010,0%20Mile%20Rule.pdf

dairies, told me that one of his workers was picked up by Border Patrol upon leaving the local hospital, after the doctors had called Border Patrol for translation help.[43] Another farmer told me that after a disastrous fire in farmworker housing, in which one employee died, Border Patrol promptly detained the others when they were released from hospital.[44] Several farmers reported that Border Patrol agents, both on and off duty, surveil public spaces like stores to identify potential undocumented immigrants. Tom also said that another Guatemalan employee was picked up by Border Patrol at a store, and he was explicitly told by the Border Patrol chief when he called to inquire about the incident, was that 'the suspicious activity was, he was at a grocery store and one of the employees reported he had dark skin, didn't talk, and had broken English.'[45] A female farmer described that when her own workers were detained in a grocery store parking lot, the agents became aggressive, threatening her and throwing the workers' documents across the parking lot after requesting them and claiming they were false.[46] As described in more detail in the case study below, this pervasive threat of deportation has lead North Country farmworkers to withdraw themselves from public spaces.

Embedding the deportation regime in local level law enforcement

The cornerstone of the U.S. deportation regime is the entrenchment of ICE and BP activities in local law enforcement agencies (Varsanyi 2008; Varsanyi et al 2012; Coleman 2012). The devolution of immigration law enforcement from the federal to the local level has created overlapping and sometimes ambiguous responsibilities between local police, county sheriffs, state troopers, and federal authorities (Varsanyi et al 2012). Coleman (2012) refers to this

[43] In-person interview, April 8, 2014, North Country region of New York.
[44] In-person interview, April 10, 2014, North Country region of New York.
[45] In-person interview, April 8, 2014, North Country region of New York.
[46] In-person interview, May 18, 2014, North Country region of New York.

intertwining of local law enforcement with federal immigration agents as the "local migration state". The local migration state has several defining criteria: it is "spatially uneven", in terms of the different intensity of immigration enforcement practices even between spatially proximate counties; it empowers criminal law enforcers to take on an enforcement role in civil immigration matters, such as sharing information that may lead to deportation; and it leaves room for discretionary practices by local law enforcement agents, creating an unstable and unpredictable environment for undocumented immigrants (Coleman, 2012). Importantly, local law enforcement agencies cannot legally be obliged to cooperate with ICE or CBO. Rather, the local migration state is a voluntary phenomenon, created when local police, sheriffs, and state troopers willingly share information and access to jails with federal immigration enforcement officials – albeit when this occurs it is often under pressure from ICE.[47] While important research has focused on the variation among medium and large city police departments in their cooperation with immigration enforcement (Lewis et al, 2012), the section below focuses on the county level because the farmworkers in this study so rarely frequent medium and large cities.

287(g)

Local law enforcement agencies are most closely involved in immigration law enforcement through the 287(g) program and the Secure Communities program. 287(g) refers to the Delegation of Immigration Authority Section (287(g)) of the Immigration and Nationality Act. This program allows local law enforcement officials to receive training and to be delegated powers to enforce immigration law in their jurisdictions, under the supervision of ICE officials. They become “authorized to interview, arrest, and detain any person who may be in violation of

[47] Graber, and Marquez, 2016.

immigration laws."[48] There are currently 45 active 287(g) agreements with local law enforcement agencies in 18 U.S. states.[49]

Secure Communities

The second key piece of the "multijurisdictional patchwork" (Varsanyi et al, 2012) is the Secure Communities program. This program allows local law enforcement agents to submit the fingerprints of everyone they arrest to the Department of Homeland Security via an FBI database. ICE can then issue a detainer (request to hold the individual in the local jail), and soon after pick up any individual found to be eligible for removal from the U.S.[50] The program commenced in 2008 but was suspended in November 2014 by President Obama in response to widespread concerns that the program undermined the safety of immigrants and others by making them fearful to report crimes. The Priority Enforcement Program,[51] which had attempted to prioritize the removal of criminal immigrants, took its place. However, in his Executive Order on immigration in January 2017, President Trump cancelled the Priority Enforcement Program and reinstated Secure Communities. Cumulatively, Secure Communities information-sharing has resulted in the removal of over 300 thousand "criminal aliens".[52]

[48] Sakuma, Amanda. February 18, 2017. "Donald Trump's Plan to Outsource Immigration Enforcement to Local Cops." The Atlantic. https://www.theatlantic.com/politics/archive/2017/02/trump-immigration-enforcement/517071/

[49] U.S. Immigration and Customs Enforcement. "Delegation of Immigration Authority Section 287(g) Immigration and Nationality Act Fact Sheet." https://www.ice.gov/factsheets/287g

[50] U.S. Immigration and Customs Enforcement. "Secure Communities." https://www.ice.gov/secure-communities#wcm-survey-target-id

[51] The White House Office of the Press Secretary. January 25, 2017. "Executive Order: Enhancing Public Safety in the Interior of the United States." https://www.whitehouse.gov/the-press-office/2017/01/25/presidential-executive-order-enhancing-public-safety-interior-united

[52] U.S. Immigration and Customs Enforcement. "Secure Communities."

Informal cooperation

However, these formal agreements with local law enforcers are relatively limited compared to overwhelming levels of informal cooperation and information-sharing with ICE. Nationally, on a voluntary basis, 75% of counties agree to hold immigrants on ICE detainers; 94% will notify ICE when immigrants are to be released from custody; 97% place no restrictions on ICE's ability to interact with detainees; and 99% allow law enforcement agents to ask individuals about their immigration status (Graber & Marquez, 2016).

The local migration state in Upstate New York

Roadways appear to be a preferred site for detection of undocumented immigrant farmworkers in Upstate New York. This reflects a national phenomenon in which immigrants' "automobility" has been severely constrained through the targeting of roadways as a site for immigration law enforcement (Steusse & Coleman, 2014). In the borderlands, both Northern (Graybill, 2012) and Southern (Nuñez and Heyman, 2007), Border Patrol agents constrain immigrants' mobility by setting up checkpoints and pulling over vehicles on the whim of a suspicion that an undocumented driver or passenger is in the car. Further into the interior, local law enforcement is known to patrol roadways to detain undocumented immigrants for traffic infractions and then transfer them to ICE custody (Coleman, 2012).

Undocumented Latino farmworkers are easily identified in this heavily Caucasian and English-language speaking area by their physical appearances, style of dress, and tendency to speak in Spanish in public. In many cases, they are detected in vehicles and detained, for simply riding as

passengers.[53] These practices are legally permitted to the extent that New York State law does not bar civil detainers – in other words, the law allows "stopping or detaining people based solely on the suspicion that they are in the United States illegally".[54] Significant activism against the "poli-migra" (referring to a police force involved in immigration matters) from within and outside farm advocacy groups has led to the introduction of New York State Assembly Bill AO4879,[55] which "Prohibits police officers from using racial and ethnic profiling; requires that a procedure be established for the taking and review of complaints against police officers for racial and ethnic profiling; allows an action for injunctive relief and/or damages to be brought against a law enforcement agency, any agent of a law enforcement agency and the supervisor of an agent." This bill is being backed by the New York Farm Bureau.[56]

Nevertheless, the State of New York does try to limit the involvement of local police in immigration matters in other ways. A high-level guidance documented issued in January 2017 from the Office of the New York State Attorney General Eric T. Schneiderman clearly and strongly reminds local governments and authorities not to comply with ICE detainers, requests for sensitive information, or requests to access detainees for immigration related questioning, and to ensure non-discrimination in access to services.[57] Moreover, the guidance note provides model clauses for developing sanctuary city environments.

[53] In Summer 2011, the Cornell Farmworker Program sent FOIL requests to all of the Sheriffs in New York State requesting arrest and detention statistics as well as information on policy and procedures, but a majority of the requests were met by denial or simply went unanswered.
[54] Genia Blaser, Immigration Attorney for Immigration Defense Project. quoted in Frank, Michael. "Can America's Farms Survive the Threat of Deportations?" The Atlantic. June 6, 2017.
[55] http://nyassembly.gov/leg/?bn=A04879&term=2017#jump_to_Summary
[56] http://www.nystateofpolitics.com/2017/06/puerto-ricanhispanic-task-force-farm-bureau-protect-migrant-workers/
[57] Executive Office of New York State Attorney General Eric T. Schneiderman. "Guidance Concerning Local Authority Participation In Immigration Enforcement And Model Sanctuary Provisions." Albany.

Extensive analysis of cooperation with ICE by the Immigrant Legal Resource Center shows that most New York counties do not comply with ICE detainers (a request from to continue detaining a prisoner after their release date for transfer to ICE – an act widely agreed to be unconstitutional).[58] However, they will provide ICE with information about inmate populations, and also notify ICE when undocumented immigrants are about to be released – a de facto detainer, given that with this information, ICE can wait outside the jail to take immigrants into custody immediately upon their release.[59] A handful of counties in the Upstate region will comply with ICE detainers, including Chautaqua, Allegany, Ontario, Wayne, Clinton, and Albany.[60] No counties in the state of New York have signed a 287(g) agreement with ICE.

Some locales in New York State are adopting local level ordinances and sanctuary city status that help protect the rights of undocumented immigrants to certain government services and ensure the ability to contact police without fear of retaliation. The small New York cities of Hudson, Kingston, and Newburgh have adopted sanctuary city status.[61] For Kingston, for example, this means that the city's Common Council has officially declared the city "welcoming and inclusive" towards undocumented immigrants, and that police cannot ask for immigration paperwork the first time they encounter a potential undocumented immigrant.[62] New Paltz has

[58] Graber, and Marquez, 2016.
[59] Graber, and Marquez, 2016.
[60] Immigrant Legal Resource Center. "National Map of Local Entanglement with ICE." https://www.ilrc.org/local-enforcement-map
[61] Frank, Michael. "Can America's Farms Survive the Threat of Deportations?" The Atlantic. June 6, 2017. And: William Kemble. April 21, 2017. "Town of New Paltz bars its police from enforcing U.S. immigration laws." Daily Freeman News: http://www.dailyfreeman.com/general-news/20170421/town-of-new-paltz-bars-its-police-from-enforcing-us-immigration-laws
[62] Kemble, William. January 11, 2016. "'Sanctuary City': Kingston council adopts resolution declaring city 'welcoming and inclusive' to immigrants." Daily Freeman News. http://www.dailyfreeman.com/general-news/20170111/sanctuary-city-kingston-council-adopts-resolution-declaring-city-welcoming-and-inclusive-to-immigrants

put in place a law governing what questions police can ask regarding citizenship status when interacting with the public.[63] Under this law, police cannot detain an individual whose only crime is being present in the country without documentation.[64] Yet, this urban protective movement can do very little to protect undocumented immigrants on the rural highways and roads where the majority are spotted and detained.

Exclusion from deportation relief

The deportation regime has been theorized to work through the legalization of exclusions of specific immigrant groups. I argue that this system also works by rendering them ineligible for deportation relief – and keeping them available for socially denigrated jobs. There are several salient guestworker and deportation relief programs that disqualify dairy farmworkers by virtue of their socioeconomic circumstances and these form an important element of the deportation regime in Upstate New York.

First, it's common knowledge among those close to the New York dairy industry that the vast majority of immigrant farmworkers are undocumented. Dairy farm employers are barred from the national agricultural guestworker (H-2A) visa program, because milking cows is a non-seasonal (year-round) job. Under H-2A rules, only temporary, seasonal jobs can be offered to immigrants. Indeed, immigrant workers tend to stay on the same farm for more than a year.[65] 100% of the immigrant dairy farmworkers interviewed for this study were undocumented, as revealed either explicitly or implicitly during conversations, and my extensive experience on

[63] Frank, Michael. "Can America's Farms Survive the Threat of Deportations?" The Atlantic. June 6, 2017.
[64] Frank, Michael. "Can America's Farms Survive the Threat of Deportations?" The Atlantic. June 6, 2017.
[65] A survey of 111 Hispanic immigrant workers on New York dairies found that 56% had worked on the same farm for at least 1 year (Maloney and Grusenmeyer, 2005).

dozens of New York dairy farms suggests that almost none of these immigrant workers have legal working papers. In another recent survey of immigrant dairy farmworkers in New York, 93% were undocumented (Fox et al, 2017). Similar trends have been observed by dairy industry researchers in other states with small Latino immigrant populations, including Wisconsin (Harrison & Lloyd, 2012) and Vermont (Baker & Chappelle, 2012).

Yet, the ineligibility of farmworkers for certain forms of relief from the risk of deportation also maintains their deportability. A salient example is the DACA (Deferred Action for Childhood Arrivals) program, created in 2012 as a large-scale act of prosecutorial discretion to relieve certain undocumented immigrant youth from the risk of deportation. DACA recipients are provided with a temporary reprieve from deportation; in other words, if they are detected by federal immigration authorities, they cannot be placed in deportation proceedings solely on the grounds of "illegal" presence in the U.S. Moreover, DACA recipients can apply for a Social Security Number, and therefore work legally in the U.S. As of January 2017, more than 750,000 undocumented immigrants had benefitted from DACA.[66]

Yet, both the legal structure and social context of their lives and migration maintain the ineligibility of this group of immigrants for deportation relief through DACA. This is because, among other criteria, undocumented youth must be currently enrolled in, or have completed, either school or a state-approved adult education or vocational training program to be eligible.[67] This renders the vast majority of New York dairy farmworkers – who are generally cut off from

[66] Krogstad, Jens Manuel. January 5, 2017. "Unauthorized immigrants covered by DACA face uncertain future." http://www.pewresearch.org/fact-tank/2017/01/05/unauthorized-immigrants-covered-by-daca-face-uncertain-future/
[67] For complete guidelines, see USCIS webpage at: http://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca.

access to educational institutions in the U.S. – ineligible, and keeps their youthful labor constantly available for industrial dairy farms.[68]

Moreover, most farmworkers fleeing poverty and violence in home countries are not recognized as refugees under U.S. immigration law. The concepts of refugees and migrants emerged as mutually exclusive categories in the Cold War period, contrasting "forced" (political) from "voluntary" (economic) movement, to feed support for U.S. opposition to the Eastern bloc (Karatani, 2005). At present, the INA defines a refugee as a person outside the country of their nationality who cannot or will not return to, nor obtain the protection of, their home country, due to "persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion".[69] The terrorizing activities of organized criminal groups in rural Latin America fall outside the qualifying conditions for refugee status. For example, in June, 2017, *The Atlantic* told the story of Luis, who works on a Hudson Valley apple farm, and who was threatened at gunpoint by warlords in his Mexican home state of Guerrero. Threatened with death if he didn't pay his dues, Luis migrated to New York agriculture, only to be harassed by immigration enforcement officials, and to face the fear of being deported to a place where there was essentially a price on his head.[70] The criminalization of undocumented immigrants fleeing violent criminals at home is among the cruelest ironies of the deportation regime.

III. **Criminalizing Undocumented Workers**

[68] A paper on this topic has been under preparation between myself and Mary Jo Dudley for several years.
[69] U.S. Citizenship and Immigration Services. "Immigration and Nationality Act: 101(a)15P – Definitions." https://www.uscis.gov/ilink/docView/SLB/HTML/SLB/0-0-0-1/0-0-0-29/0-0-0-101/0-0-0-195.html
[70] Frank, Michael. "Can America's Farms Survive the Threat of Deportations?" The Atlantic. June 6, 2017.

> "Most of the criminal aliens we find in the interior of the United States, they entered as a non-criminal …if we wait for them to violate yet another law against a citizen of this country, then it's too late. We shouldn't wait for them to become a criminal." (ICE Acting Director Thomas Homan, June 13, 2017)[71]

The testimony of ICE Acting Director Homan is representative of popular anti-immigrant rhetoric that depicts undocumented immigrants, particularly Latinos, as "criminals in waiting". This portrayal continues to gain force even though it lies in stark contrast to the facts: rates of crime and violence tend to be lower in neighborhoods with immigrant populations, and young immigrant men (ages 18 to 39) are incarcerated at 25% the rate of young citizen men (National Academies of Sciences, Engineering, and Medicine, 2016).

The idea that undocumented immigrants are criminals-in-waiting is deeply embedded not only in mainstream political attitudes, but also in federal immigration law. Legal scholar Juliet Stumpf has argued that U.S. immigration law has come to develop such close parallels and connections to criminal law that the two systems have become "merely nominally separate" (Stumpf, 2006). Immigration law has been "criminalized" not only in its content but also in terms of the procedures for carrying it out (Stumpf, 2006). The resulting "crimmigration crisis", she argues, has empowered the state to punish a growing pool of noncitizens through physical and social

[71] Testimony before the House Appropriations Committee's Homeland Security Subcommittee, cited in the Huffington Post: https://www.dhs.gov/news/2017/06/13/written-testimony-ice-acting-director-house-appropriations-subcommittee-homeland

exclusions, and thus from basic rights. This section explains how the crimmigration crisis shapes everyday vulnerabilities of undocumented dairy farmworkers in Upstate New York.

Criminalized by the nature of the migration process

Immigration law has been criminalized through the vast expansion of criminal grounds for the deportation of noncitizens (Stumpf, 2006). Whereas immigrants historically could only be deported for certain serious crimes, such as drug trafficking, several acts of Congress in the 1990s expanded the list of "aggravated felonies" that render non-citizens deportable. Today, there are more than 30 crimes that fall under the definition of aggravated felony under the Immigration and Nationality Act (INA), including relatively minor misdemeanors such as filing a false tax return or failing to appear in court.[72] Thus, an "aggravated felony" must not necessarily be "either aggravated or a felony" to render immigrants deportable and permanently inadmissible to the U.S.[73] Furthermore, noncitizens convicted of a "crime of moral turpitude" may also become immediately subject to removal and/ or permanently ineligible for readmission to the U.S, depending on the nature of the crime, its associated sentence, and the period of time elapsed since it was committed.[74] The concept of "crimes of moral turpitude" is ambiguously defined as "a depraved or immoral act, or a violation of the basic duties toward fellow man", and has usually been applied to crimes that involve committing or intending to commit acts of fraud, theft, recklessness, maliciousness, or lewdness.[75]

[72] American Immigration Council. "§ N.6 Aggravated Felonies: An Overview." https://www.americanimmigrationcouncil.org/sites/default/files/research/aggravated_felonies.pdf
[73] American Immigration Council. "Aggravated Felonies: An Overview."
[74] Immigrant Legal Resource Center. "§ N.7 Crimes Involving Moral Turpitude". January 2013. https://www.ilrc.org/sites/default/files/resources/n.7-crimes_involving_moral_turpitude.pdf
[75] Immigrant Legal Resource Center. "Crimes Involving Moral Turpitude".

Some undocumented immigrants are posited as worthier than others (Chauvin & Garces, 2012), and the criminalization of immigration law stacks the deck against job-seekers like farmworkers. This is because some of the most basic acts of migration and accessing work are qualified as these so-called egregious crimes.

The first is the use of false documents – defined under the INA as "using or creating false documents, if the term of imprisonment is at least twelve months". This is considered an aggravated felony under the INA,[76] and depending on the circumstances and the discretion of the judge, may be considered a crime of moral turpitude. Through my interviews, I learned over and over that undocumented immigrants must present potential farm employers with what they call *papeles chuecos* (dodgy papers) – usually a falsified alien work permit – to fill out their employment eligibility verification (I-9) form.

Legally, completion of the I-9 form places the burden on the potential employee to "attest to his or her employment authorization", while employers "must examine the employment eligibility and identity document(s) an employee presents to determine whether the document(s) reasonably appear to be genuine".[77] Indeed, under the Illegal Immigration Reform and Immigrant Responsibility Act, passed in 1996, it is only a crime to hire undocumented immigrants if there is traceable proof of the employer's knowledge of their illegal status (Stumpf, 2006). A Department of Homeland Security program that allows employers to check the Social Security Numbers of potential employees against a federal database is currently voluntary; New York dairy farm say they would be "crippled" if this program became mandatory without also legalizing their

[76] Immigrant Legal Resource Center. "Aggravated Felonies".
[77] U.S. Citizenship and Immigration Services. "I-9, Employment Eligibility Verification." https://www.uscis.gov/i-9

workforce (Maloney & Eiholzer, 2017). Employers, once having looked at the *papeles chuecos*, can claim the papers appeared "reasonable" and bear no further responsibility for the unauthorized employment relation. Relatively few dairy farmer employers of undocumented migrants in upstate New York have faced any legal repercussions.

The dairy farmworkers I interviewed usually obtained their *papeles chuecos* through their social networks, usually a contact located in an urban center. Although I did not systematically ask workers what they had paid for these false IDs, during an informal conversation I was told that immigrants are typically charged a few hundred dollars. With the possible exception of some smaller farms that pay their workers in cash off the books, these IDs are understood as a condition of access to dairy farm jobs. One worker who did not have the necessary contact to obtain these papers when he first arrived to Upstate New York at age 14 said that the farm employer insisted he could not pay him for 6 months straight –7 thousand dollars of wages -- until he presented him with his work ID.[78] Horton (2016) also found that fake social security numbers are essential for farmworkers to access jobs, noting that workers in California's Central Valley engage in "identity loans" by exchanging these cards with each other, or they obtain them through their supervisors, who leverage these false identities to deny them basic protections.

The charges associated with using a fake or stolen Social Security Number are ""aggravated identity theft" and "Social Security fraud" (Horton, 2016). Workers usually have no way of knowing how the SSN they received was totally fictitious, or whether it already exists and does or has belonged to somebody else. One case I became closely familiar with helps illustrate

[78] In-person interview, Central New York, May 6, 2013.

workers' lack of awareness of the gravity of their crime, until it is too late. On the request of a farmworker, in spring 2013 I helped a Guatemalan farmworker named Jorge, 31, obtain legal support for his identity theft case. Jorge was picked up by local police for having crashed his car while driving in Central New York and had ran from the site of the accident.[79] The police called his farm employer, gained access to his I-9 form, and Jorge was charged with misuse of a social security number. Jorge was transferred to the Batavia federal immigrant detention center after serving his sentence of time-served (three weeks).[80] At his bail hearing, opposing council argued that identity theft is a crime of moral turpitude, and that Jorge should be considered ineligible for bail because this crime carries a mandatory holding clause.[81] At the subsequent deportation hearing, the judge sided with the government, and ordered Jorge deported from the U.S.[82] As of May 2013 Jorge was back with his family in Guatemala; I did not hear further from his or his friends to know if he attempted to re-cross the border.

A second way that immigrants are criminalized by nature of the migration process relates to the consequences of re-entering the U.S. without inspection (in other words, without legal authorization to enter the country) after having been removed. So-called illegal re-entry is considered a felony and often results in federal prosecution and jail time, even if no crime was committed during the first stay in the U.S. (other than the uninspected entry).[83] Moreover, illegal re-entry following a deportation for conviction of an aggravated felony is itself also an

[79] Field notes, May 11, 2013.
[80] Field notes, March 28, 2013.
[81] Field notes, March 28, 2013.
[82] Field notes, April 22, 2013.
[83] Immigrant Legal Resource Center. "§ N.1 Overview Establishing Defense Goals; Immigration Status; Deportability, Inadmissibility, and an Aggravated Felony; The Problem of Illegal Re-entry; and The Ten-Step Checklist for Defending a Non-Citizen." January 2013. https://www.ilrc.org/sites/default/files/resources/n.1-overview.pdf

aggravated felony, often leading to a federal prison sentence of several years, deportation, and a 10 to 20-year bar on re-entering the U.S.[84] Thus, undocumented immigrants who wish to come and go from the U.S. must remain undetected (Coutin, 2003).

Over the course of several years of interviews and conversations with Enrique, a Veracruz migrant currently on his fourth trip to New York for dairy farm work, I learned about the consequences of this rule for immigrant farmworkers who face serious economic hardship at home. Enrique had first worked on a dairy farm in Western New York from about 2005 to 2007, where he had an unlucky run-in with Border Patrol and took a voluntary departure option to return to Mexico.[85] On his second trip, very shortly thereafter, he worked on a large farm in Central New York for 4 years and returned of his own accord to be with his teenage children. While he was in Veracruz, I visited for pre-dissertation fieldwork, where I met his new wife, who was pregnant with Enrique's third child. The economic pressure to care for his growing family compelled Enrique to come to Upstate New York a third time, where he once again had an unfortunate run-in with local law enforcement officials, who promptly turned him over to ICE, who charged him with illegal re-entry before his 10-year bar on reentry had elapsed.[86] Enrique was, fortunately, only sentenced to time already served in the county jail rather than several years, and was deported back to Mexico.[87] Despite the legal risks, in 2016 he returned to Upstate New York again, due to his economic responsibility for his now four children.

[84] Immigrant Legal Resource Center. "Aggravated Felonies".
[85] Field notes, July 3, 2011.
[86] Field notes, November 8, 2014.
[87] Field notes, November 21, 2014.

Finally, it is important to note that the isolated circumstances of life in Upstate New York reinforce the difficulty of their circumstances. Court proceedings for immigration cases bear a striking resemblance to criminal proceedings, particularly in deportation cases, in terms of the judge's ultimate authority over the individual's "physical liberty", the presentation of evidence for and against in a hearing, and extensive powers to physically detain noncitizens (Stump, 2006). However, because immigration law officially lies in the civil realm – despite its increasingly criminal nature -- undocumented immigrants whose only offense is their unauthorized presence and work in the country do not have the right to a public defender, nor do they have the right to a hearing in court.[88] After taking several farmworkers for intake interviews with a charitable legal service organization, I learned that they reject most farmworker clients, specifically because of the harshness of the law and the likelihood that their cases will be lost.

These findings show that some felonies and aggravated felonies are committed as part and parcel of the simple process of finding work. The law thus criminalizes undocumented workers going about their daily business of milking cows and sending money to families at home. This contributes to the exacerbated sense of deportability, and, as the next section shows, disciplines workers to remain constantly on the farm, away from immigration law enforcers.

IV. The Social Life of Immigration Law on Upstate New York Dairies

The preceding section has demonstrated how criminal law has penetrated immigration law, rendering basic aspects of life and work serious enough crimes to lead to deportation. Yet the exacerbated vulnerability of farmworkers is also shaped by immigration enforcement practices

[88] Graber, Lena and Nikki Marquez. December, 2016. *Searching for Sanctuary: An Analysis of America's Counties & Their Voluntary Assistance with Deportation*. San Francisco: Immigration Legal Resource Center.

outside the bounds of codified law. This section examines how the deportation regime shapes embodied deportability among farmworkers in Upstate New York. It compares the social life of immigration law in Northern New York, in close proximity to the border and thus Border Patrol officials, to daily realities in Central New York, where workers face a different set of risks from local police, sheriffs, and state troopers.

Embodied deportability and labor discipline

A key function of the global deportation regime is to instill a sense of "deportability in everyday life" into economic migrants (De Genova, 2002). Scholars of deportability refer to the ontological insecurity that becomes internalized under the constant threat of detection and deportation (Bibler Coutin 2003, 2007; De Genova, 2002, 2005; Talavera, Núñez-Mchiri, and Heyman, 2010). Importantly, therefore, it is the pervasive risk of deportation -- rather than the act of deportation itself -- that produces deportability. Deportability becomes embodied when immigrants are forced to engage in "clandestine" behaviors and spaces that carry enormous physical and emotional risks (Coutin, 2007).

Separate bodies of literature have developed around the consequences of deportability for settled immigrant families (Abrego & Gonzales, 2010; Abrego, 2014; Dreby, 2015; Gonzales, 2011; Gonzales & Chavez, 2012), and for temporary migrant workers. The latter literature has shown that embodied deportability is both productive for, and a product of, late industrial capitalism, as migrant workers are disciplined as a willing and subordinate workforce for jobs that are arduous, dangerous, dirty, or otherwise physically and emotionally stressful (De Genova, 2002; Rouse,

1992). Taken together, this work reveals how the immigration enforcement regime enables the "super-exploitation" of migrant workers (Gomberg-Muñoz & Nussbaum-Barberena, 2011).

More specifically, scholars have analyzed how undocumented status interacts with the conditions of production (and reproduction) in individual labor market niches to shape compliant migrant workforces. In domestic work, deportability combines with undocumented immigrant women's transnational longing for their families at home to produce a feminized workforce that is constantly available, both physically and emotionally, for the work of raising the children of more affluent families (Hondagneu-Sotelo, 2001). In the day labor market, the repressed masculinity of socially excluded male migrants, combined with the scarcity of paid work, shapes a labor force willing to take enormous risks to personal safety and health on the job (Ordóñez, 2012; Walter, Bourgois, & Loinaz, 2004). The meat-processing industry's insatiable appetite for raw human energy to operate fast-paced, dangerous processing lines is only possible with a regular supply deportable laborers with few other job options (Oxfam America, 2015; Smith-Nonini, 2011).

Deportability studies have also been applied to the North American agricultural labor force. Scholars have long observed that citizenship status interacts with race to make a primarily undocumented Latino workforce available for some of society's most poorly remunerated and physically arduous jobs (Basok, 1999; Holmes, 2013; Preibisch & Otero, 2014; Thomas, 1985; Wells, 1996). Mostly focusing on fruit and vegetable harvests, they have observed that undocumented immigrant working bodies participating in annual migrant circuits provide the ideal source of temporary labor for jobs performed in high-stress conditions (and positions) for

bursts of seasonal work. In the West Coast fruit harvest, for example, those farm employees with the most precarious legal status, and the darkest skin, are relegated to berry harvesting jobs, which create the most physical stress on the body – and they, in turn, naturalize and even take pride in this suffering (Holmes, 2007).

In the dairy industry, the conditions of production are distinct from fruit and vegetable harvests, because labor is required around the clock and throughout the year. In contrast to seasonal agriculture, which places heavy demands for short periods of time on migratory bodies, industrial dairying physically secures working bodies in place, behind milking machines, for days and years on end (see Chapter Two). Deportability thus benefits industrial dairy farming by keeping undocumented immigrants constantly available for round-the-clock milking work, for low compensation, and with the benefit of scant labor protections (Harrison & Lloyd, 2012). Yet, I also argue that workers defy their deportability when they willfully accept their confinement (Núñez & Heyman, 2007) as a means of achieving greater economic gain. In what follows I explain how deportability is inculcated among New York dairy farmworkers, including their acts of agency when turning conditions of enclosure into transnational economic gain.

Central New York

> "The deputies know the farms, and how valuable [the immigrant employees] are to the farms." (John, Central New York farm employer)

In Central New York farm owners and farmworkers face immigration enforcement pressure from the "local migration state" (Coleman, 2012). My interviewees described unpredictability in the

ways that immigration law is enforced at the local level. For example, Hannah, whose husband hires nine Guatemalan workers, said that her first employee to be detained had been driving in a car with dark windows in the county over. The police had accused him of watching a DVD player while driving, which the worker denied. The employee had been transferred to ICE detention in Batavia and deported to Guatemala.[89] She explained that in her own county, however, a state trooper had been "good and kind", driving her employee back to the form, and bringing a translator, when another worker was caught speeding and with his headlights out. This insecure environment greats anxiety for both farm owners and farmworkers when leaving the farm.

Yet, some farmers also described how personal relationships and community ties to local law enforcement agents were useful in preventing them from giving employees over to ICE. John, a Central dairy farmer with 5 Mexican employees, said he has had private conversations with the sheriff, whom he knows personally. The sheriff had explained to him that "they will do whatever they can to avoid situations, unless it's in a motor vehicle, when they have to call ICE." However, he said that the Sheriff once called his neighbor to pick up a worker when his officer picked him up on the road. Whether or not those favors are performed, John said, "depends on the deputy and how well he knows the farmer."[90] Doris, whose husband has a small farm with only 1 Mexican milker, said that the sheriff goes hunting on their land. She said the sheriff is "well aware that migrant Hispanic help isn't necessarily legal."[91] Hannah said that: 'If someone gets picked up by the police, we'll always call and say this is our worker, we will be responsible

[89] In-person interview, April 17, 2013, Central New York.
[90] In-person interview, April 5, 2012, Central New York.
[91] In-person interview, March 14, 2012.

for him."[92] These farm employers suggested that their undocumented workforce is a "public secret" (Taussig, 1999), one that local law enforcement agents are happy to help them keep by refraining from turning detained undocumented immigrants over to ICE.

The North Country

> "I look at these guys, these migrant workers, especially in this northern border here, as being economic refugees. You know? So they're like in a refugee camp … they're here because of the economy in Mexico. And they want to be here. They want to be here!" (Jane, spouse of dairy farm owner, Northern New York)

Jane, whose farm was among the first to hire undocumented immigrants in New York's North Country around the year 2000, aptly describes the enclosure of undocumented immigrants working on dairy farms as a context of constrained choice. While these workers willfully come and stay on North Country farms to better their lives, they are also not entirely free to leave, due to intensive Border Patrol activity in the area – in some cases, just a few miles from the Canadian border. In contrast to Central New York, there is very little question about whether leaving the farm will result in an encounter with an immigration enforcement official. My findings from the North Country region suggest that farm owners and Border Patrol agents work in quiet concert to negotiate the farm perimeter as the border between the public space, where they experience extreme deportability, and the sanctity of their clandestinity on the farm. Farmers also recounted how their personal relationships with Border Patrol agents in their communities had sometimes been instrumental in re-claiming workers once they had been picked up. In these ways, they

[92] In-person interview, April 17, 2013, Central New York.

negotiate an imagined international border around the perimeter of the farm, to protect workers, but also enclosing them on the dairies where they work and live.

Of the 11 dairy farms with experience hiring undocumented immigrants that I interviewed in the North Country, three voluntarily described a group meeting that was held between several area farmers and Border Patrol agents. Agnes, an owner at Applewood dairy, provided a detailed explanation of the meeting in the early 2000s:

> What was happening was Border Patrol was coming onto the farms say like at 2 in the morning, they might drive up to the front of our milking parlor. . . . And they would sit outside the door, blow their horn, and one of the guys who come out, and once they're out they're off the premise, they would get them. So a couple other farms organized this meeting with Border Patrol and our government representation was there, to say, you know, this is the issue we're facing. We're only trying to milk cows, what can we do to help resolve this? Can you understand what we're doing? … Since that meeting, I think there was some understanding of maybe backing off a little bit. Because that type of presence stopped. They didn't do that 2 a.m. call anymore.[93]

Several farmers corroborated that Border Patrol agents seemed to have silently "backed off" from harassing migrants at work. However, their patrol cars are still often seen parked on public roadways adjacent to farm properties. John says that, particularly during the spring and summer

[93] In-person interview, April 4, 2014, North Country region of New York.

months, he sees Border Patrol cars on the roads near his property at least 15 times per day.[94] Several farmers noted that Border Patrol agents appear to be waiting for someone to exit the farm property driving a tractor, whom they will stop. John told me that they park at a nearby dead-end intersection, "watching to see the tractor cross the road, and then they zip out as fast as they can and just pull them over, check to see if it's a dark skin person."[95] Tom, the owner of a 1,200-cow dairy, with 9 Guatemalan workers, said that "if we're driving with a tractor down the driveway, they'll slow down and try to time it to see if they can see who's on the tractor … as they go across the road because then they're fair game."[96] Ed's wife explained that, after their worker was nearly deported, a Border Patrol vehicle sat parked in their driveway for two weeks. As she put it, they "somewhat try to respect property lines, but they had no respect for human people whatsoever … they would never approach our workers while they were working on our farm. They were waiting for them to make the mistake of driving a four-wheeler, or UTV out of our driveway and onto the road."[97]

These dairy farmers described several other strategies for negotiating their farm property line as a dividing line between the public domain that rendered workers deportable, and a sanctuary space where they were not. Two farmers had built a private road from the farmworker housing to the milking parlors so that their immigrant employees would never have to set foot on public roadways.[98] Another put up "biohazard" signs outside the milking parlor, thinking it would help send a signal to Border Patrol that his farm was not a public area. "You know, bio-security. Stay

[94] In-person interview, April 23, 2014, North Country region of New York.
[95] In-person interview, April 23, 2014, North Country region of New York.
[96] In-person interview, April 8, 2014, North Country region of New York.
[97] In-person interview, April 16, 2014, North Country region of New York.
[98] In-person interviews, April 22 and April 23, 2014, North Country region of New York.

out", he said.[99] Others have clear policies that Latino workers cannot drive tractors on public roads.

North Country farmers also described how community ties with Border Patrol agents had enabled them to claim their workers who had been detained. Thus, while the literature has emphasized the discretionary role of local law enforcement in the local migration state (Coleman, 2012), my data shows that national immigration law enforcers are also engaged in informal practices. Ed, the middle-aged owner of a 300-cow dairy, said that an off-duty Border Patrol agent questioned his worker at a Wal-Mart store and called his colleagues when he "didn't like the answer".[100] The man fled, while his wife was detained. Ed called the Border Patrol chief, who he described as a friend who had lived in the community for many years, and they struck an agreement whereby Ed would turn in the worker, and he would later be returned to him rather than deported. The worker's wife, however, was not given the option to be released on bond, and was deported back to her home country of Guatemala. Eventually, the family relocated to another state without the mother, and the farm employers were unsure if the young children ever saw her again.

John, who maintains a two-person immigrant workforce, described how he used moral pressure to encourage a Border Patrol agent with a reputation for violent behavior to ease pressure on local farms. He described how the local school board brought the agent in for questioning when he "picked his son up by the ears" in front of teachers. However, the farmer said, out of fear of "retaliation" he helped ensure the matter was kept completely private. As described to me, the

[99] In-person interview, April 8, 2014, North Country region of New York.
[100] In-person interview, April 16, 2014, North Country region of New York.

farmer later told the Border Patrol chief: "All your agents aren't sweet as pie. We keep things quiet, we do you favors. … there needs to be some reciprocity." [101]

Another farmer with 8 undocumented Mexican workers described the tensions in his relationship with a Border Patrol agent who was a long-time neighbor. When I asked if he had openly discussed the presence of immigrant workers on his farm with the neighbor, he explained: "It's just one of those things we don't talk about. He definitely saw them in my parlor. But we try to buy lots of stuff from his kids when they have a high school fundraiser. We make sure to buy from them and yes we do this because it's at the back of my mind that I need to buy from him to keep him happy because he's a border patrol agent who lives one half mile down the road."[102]

The result for workers, as described to me over and over again in the North Country, is the naturalization of the farm property as the perimeter of deportable and safe spaces. The risk of encountering a Border Patrol agent creates extraordinary apprehension amongst workers, in some cases even too much fear to cross the road in front of the farm. Norberto, from Guatemala, says he hadn't left Applewood farm in months. Roberto, 42, from Mexico, had not left the farm to go anywhere other than a doctor or dentist appointment since his first month on the farm, nearly 11 years before. The farm employers had even constructed a half-mile path from the old farm house where he lives to the milking parlor, so that he can avoid ever having to live the confines of the farm property. Roberto says that his life is spent "from the house to work, and from work to the house … when I have my day off, I'm here in the house all day". Roberto says he has lost all

[101] In-person interview, April 23, 2014, North Country region of New York.
[102] In-person interview, May 27, 2014, North Country region of New York.

interest in going out.[103] In this sense, the fear of deportation creates an imagined border around the farm perimeter itself, one that workers dare not cross so long as they want to avoid deportation.

Defying deportability

As Núñez & Heyman (2007) remind us, willful enclosure is a demonstration of agency. North Country farmworkers described their decision to continue working on these farms – as compared to another industry, or even a farm in a less intensely patrolled area – as a means of controlling their temptations and thus achieving their economic goals. Norberto, for example, told me that he for a time had taken the risk of leaving the farm to go shopping and eat out at restaurants. However, he said: "When I started to build a house [in my home country via the remittances I was sending], I stopped going out, because I had a responsibility now."[104] In other words, he deliberately restricted his own freedom of movement in order to reduce the risk of being deported, and thus unable finish his dream project of building his own house in Guatemala. Another worker, Roberto, said that part of the reason for his loss of interest in leaving the farm was "I came to do something, not to spend money .. for example, to go to the pubs, or to buy beer, or with women … one comes here to really do something, not to have fun." Similarly, Horacio, from Guatemala, said that, in comparison to the Central New York farm where he had worker, "I prefer to be here [in the North Country] because I don't want to spend money. I've been on other farms, and I can go out and I go to the store and everything. And when I look I don't have any money anymore. I've spent it all. Here, because I don't go out, I don't spend."[105]

[103] In-person interview, May 20, 2014, Northern New York.
[104] In-person interview, May 21, 2014, Northern New York.
[105] In-person interview, May 23, 2014, Northern New York.

Immobility and invisibility of undocumented workers are usually analyzed as impositions by the deportation regime which deny them their full social rights (Coutin, 2003; Licona & Maldonado, 2014). But these North Country farmworkers remind us that enclosure on a dairy farm – safely within an imagined de-nationalized territory where Border Patrol agents tacitly agree not to set foot – is an act of constrained choice. On the one hand, their deportability is experienced as the fear of expulsion, and they embody it by reducing their mobility to the extremely confined space of the farm property. On the other hand, they redefine their confinement as a choice, one that empowers them to improve the lives of their families and their futures at home. These acts of self-invisibilization from the watching eyes of Border Patrol demonstrate that the internalization of deportability is never complete.

V. Conclusions

This chapter has shown how the U.S. "deportation regime" (De Genova, 2010) is created through both a socially constructed immigration law regime, and by the social practices through which it is enforced at the local level. This regime has become incredibly effective by criminalizing farmworkers for their everyday acts of migration and work, and by decentralizing authority for enforcing laws to local level actors. On the other hand, the rationality of this legal framework is undermined in farming communities in practice by the discretionary decisions of local cops and Border Patrol agents alike. Through informal arrangements, they silently collude with farmers to protect the labor force by negotiating an invisible barrier between the sanctuary of the farm and the borderlands that lie just outside it. This helps us to see the border as a set of practices that either supports or constraints mobility (Cunningham & Heyman, 2004). Indeed, Chapter Four I

show that farmers' work to negotiate the farm as a sanctuary space also achieves a tradeoff of farmworkers' immobility for their own expanded freedom of movement off the farm and into the civic arena.

CHAPTER 2

THE LAZY, THE CRAZY, AND THE RELIABLY DEPORTABLE: FARMERS' ASSESSMENTS OF THE LABOR POOL

I. Introduction

> "What would it mean … to take seriously…the lived experiences of the bad guys?" (Bobrow-Strain, 2007, p. 18)

Farmers are national heroes. Farm employers are racist exploiters. Unfortunately, both the scholarly literature and the public discourse have tended too far to either side of this gross simplification. For New York dairy farmers and their lobby organizations, farming is emblematic of American ideals of hard work, self-sacrifice, and freedom. For labor advocates and critical scholars, however, the behaviors of farm employers towards their employees represent some of the worst forms of modern-day slavery. Another critical body of scholarship, on which I build in this chapter, lies somewhere in the middle. It examines the experiences of farm owners from all angles to show how they are both victims and victimizers in the cycle of structural violence produced by the contemporary neo-liberal agri-food system (Holmes, 2013). Chapter Four further breaks down the "good farmer, bad farmer" dichotomy from the eyes of undocumented farmworkers, who rely on their employers to meet their social reproduction needs.

This chapter engages in a critical analysis of these competing agrarian and anti-agrarian narratives. I weave references to these literatures throughout the chapter and use my findings to show that both sides present a caricature of actual farmer behavior, because they inadequately

analyze the broader cultural and socio-economic contexts that shape farmer behavior. The chapter has three key arguments. One, dairy farm employers preserve key symbols of agrarian mythology, most importantly the ethic of "hard work", and project these same values onto their immigrant workforce. Yet this culturally coded praise also serves as an uncomfortable justification for crowding workers into low-paid, unsafe, and arduous jobs. Second, farmers are neither guiltless beneficiaries nor heartless profiteers when they rely on immigrants' self-replacing recruitment networks, but rather make constrained choices and reflect on the ethical complications of their decisions. Finally, I argue that New York dairy farmworkers explicitly reject another key symbol of agrarian mythology – their "blissful" attachment to the land – in their pursuit of a better quality of life. The unfortunate consequence is that, given their constrained labor options, the "good life" can only be pursued if they rely on an undocumented and immobilized labor force. In these ways I show that the "bad guys" are regular people – albeit ones who face more ethically challenging dilemmas than most -- seeking to rationalize the intended and unintended consequences of their everyday livelihood decisions.

II. Agrarian Mythology

Agrarian ideology in the contemporary New York dairy industry

> "[Romantic agrarianism] may never be relevant to American society. It will always be relevant to American mind." (Danbom, 1991, p. 12).

U.S. agrarianism postulates that farming is unlike any other profession, because it is not a profession at all; rather, it is a way of life. The farming lifestyle is rooted in a direct interaction

with nature that transforms it into food. Therefore, and following the democratic ideals of Jefferson, the heart of agrarianism is the belief that agriculture is the sector on which the national economy, well-being, and identity depend. The logic follows that farmers are inherently virtuous actors because they are self-reliant and hardworking, they labor "blissfully" in nature, their interests are non-pecuniary, and their fates are tied up with those of the nation (Wood Renck, 2002). These narratives have survived the American experience since colonization mostly intact, though they have been articulated in different ways as the U.S. has been socially transformed from a rural, to an urban industrial, to a neo-liberal society over time. Their durability is attributed to their close affiliation with the "hegemonic American values" of religion, family, progress, democracy, and individual success (Dalecki and Coughenour, 1992). The remainder of this chapter is concerned with highlighting the aspects of agrarian ideology that pertain to farmer behavior and morality, recognizing that a vast and rich discussion of agrarianism lies beyond the scope of this analysis.

Central to the romantic agrarian discourse is the idea of farmers' "blissful" relationship with nature through the agricultural labor process. The farmer's physical connection to the land was the centerpiece of his citizenship par excellence, because it tied his interests up tightly with those of the nation (Wood Renck, 2002). Moreover, according to prevalent Lockean thought, landed property was the basis for attaining economic and political rights. Farmers' physical ties to the farm property, and their acts of communing with nature through agricultural labor, were idealized as a form of self-sacrifice to benefit the broader community.

Certain elements of the agrarian myth are alive and well in the contemporary New York dairy industry. Writing in the context of his opposition to a dairy farmworker's 2016 lawsuit against the State of New York for the unconstitutional exclusion of farmworkers from the right to collective bargaining (see Chapter Five), New York Farm Bureau President Dean Norton declared in a July 4, 2016 address:

> "On July Fourth, the United States marks a major milestone in our great country's history. It is the day we recognize our independence from tyranny and celebrate the freedoms we deeply value as Americans. … New York Farm Bureau was largely founded on having an organization, made up of farmers, that will stand up for the same values and freedoms that we care about. … All of us who farm know that we must take care of our employees. Abuse of any kind is unacceptable. Plus, there are a myriad of state and federal laws in place offering all kinds of protections. However, for Farm Bureau, imposing factory like rules will only make it harder and costlier to stay in business. … Without our farms, there are no farm jobs and there is no local food. … encourage others to join Farm Bureau, an organization that has New York farmers' backs and stands up for their rights … Let Freedom Ring."[106]

Several key tenets of agrarian ideology are loud and clear in Norton's statement. First, farmers represent the "freedom" on which American identity is based. Second, that farming is a special sector rooted in nature, meriting exemption from the onerous rules

[106] Norton, Dean. "The President's Message: Fighting for Our Rights." *Grassroots*. New York Farm Bureau.

designed for factory settings. Third, that farmers are inherently virtuous and require no regulatory oversight to ensure they treat their workers well. Fourth, that the survival of the local community– in terms of its nourishment – depends on farm production, which is currently being threatened by unfreedoms such as regulations. Such agrarian ideology is heavily propagated by dairy lobby organizations to secure "over-protections" such as federal subsidies and state financial incentives (see Introduction and Chapter Three).

There are also several examples of the recurrent force of agrarianism in the public imaginary. Sociological studies in the latter half of the 20th century showed that romantic notions about farmers had staying power in rural society (Beus and Dunlap, 1994; Buttel and Flinn, 1975), particularly among the less educated (Molnar & Wu, 1989). More recently, a New York State social movement has cropped up to protest the dramatic expansion of the prison economy in rural communities (see below), arguing that "milk, not jails" will save the rural Upstate region. This movement has formed a milk marketing and distribution company that links farmers directly to consumers in cities "willing to pay farmers what it costs to actually produce their milk" with the purpose of "helping farmers survive".[107] The group's promotional materials explicitly link dairy farming with the saving of local communities from the morally bereft encroaching urban "outside". Absent from their campaign is any discussion of the impact of the dairy crisis on the hired immigrant workers who often face the brunt of these economic pressures when farmers fail to pay them on time or steal wages (see Fox et al, 2017).

[107] Video presentation. https://milknotjails.wordpress.com/dairy-vs-prison-industries/

Deconstructing "agrarian myths"

The "mythic" nature of agrarianism (Nash Smith, 1950) has been exposed by several authors since the mid-20th century. Nash Smith (1950) argued that the claims to moral superiority held in these ideas were undermined once they were used to justify colonial expansion and urbanization across the American West. Hofstadter (1955) argued that the low profits of the yeoman were imposed, not voluntary; he suffered from poor access to improved inputs and markets, but was beheld by the commercial zeitgeist as actors in any other sector. Griswold (1948) undermined the idea of farming as the "good life", by highlighting economic and social decline in the rural U.S., and blaming New Deal policies for exacerbating inequality and small farmers' ill fate. Moreover, the notion of large farms as "family businesses" has been exposed as a useless descriptor for large agribusinesses, even if factually correct (Gray, 2013).

As farms became industrialized agribusinesses, Steinbeck and McWilliams revealed the misuse of romantic agrarianism to justify excluding migrant laborers from the most basic labor protections in the Jim Crow era (Kelsey, 1994; Thompson, 2000) – as Chapter Three describes in detail. Proponents of the alternative food movement have pursued this line of critique, by pointing out the cruel carelessness of pushing for environmental sustainability and localism while overlooking egregious labor abuses of the undocumented workforce on which such small and organic farms still depend (Gray, 2013; Guthman, 2004; Minkoff-Zern, 2017; Sbicca, 2015).

Blissful escape from the farm

I add to this critical literature by arguing that the notion of farmers' "blissful" attachment to their land is also a myth in need of critical dissection. My research shows that New York dairy

farmers see their boundedness to the land as a hindrance, not a joy. Several farmers explicitly described the decision to hire immigrant workers in terms of the freedoms it would provide them to live a better quality of life. John, a North Country farmer with two young children and a wife who is not from a farming background, said that he first hired an immigrant worker in 2007 "because I started having a family, and in order to be a better husband and father I needed to work less … it was just to improve the quality of life."[108] Similarly, Caroline, a middle-aged woman managing a four-person Guatemalan workforce in the North Country, began hiring immigrant workers in the late 1990s because her stress levels were putting her family peace at risk. She said: "I had two young children and a husband and I was doing all the milkings, and at one point, my husband said to me, "you are not very pleasant to live with", and he walked out. I took it as a wake-up call that my marriage was in jeopardy….So, frankly, the people in your life are what matter, right?"[109] Robert, a small-scale farmer whose children had all grown and left the farm was contemplating switching from local (including Amish) workers to Guatemalan workers at the time of our interview. When I prompted him as to why, his reason was: "We have a camp up in the Adirondacks, a really nice camp, and I was up there 3 nights last year. .. I'd like to go up there now, some of the time. … The truth of the matter is I'm gonna have some time off and my wife and I are gonna start doing some things on Saturday and Sunday. Our kids are spread out somewhat now and I'd like to go see them. So I don't know any other way to do it. [my local workers] don't work on Sundays. …. [Guatemalan workers] will work 7 days a week."[110]

[108] In-person interview, April 23, 2014, North Country of New York.
[109] In-person interview, May 18, 2014, North Country of New York.
[110] In-person interview, June 5, 2014, North Country of New York.

These findings confirm those of Wisconsin dairy industry researchers who find that dairy farmers aspire to urban, middle class values, including the desire to travel and spend time with family (Harrison & Lloyd, 2013). In fact, Wisconsin dairy industry researchers found that farmers "despise" milking, and avoiding this task was among their primary reasons for hiring an immigrant workforce (Harrison & Lloyd, 2013). This work has argued that farmers pursue middle-class values as a form of "quietly constructing and defending privilege" (Harrison & Lloyd, 2013). Yet, such a view tends to trivialize the very human problems that farmers face, in terms of finding a labor source that allows them to maintain both their livelihoods and build meaningful relationships with their spouses and children.

The remainder of this chapter seeks to provide a more holistic explanation of why and how farmers came to rely on an undocumented, immobilized labor force. It explains how the changing economic geography of Upstate New York induced them to seek out undocumented workers, and how agrarian values of "hard work" were projected onto these workers as a means of keeping them in place. The uneasy conclusion is that under incredible consolidation pressures in the dairy sector, farmers can only achieve their own freedom of mobility at the expense of a labor force denied the same freedoms by the deportation regime.

III. The Turn to Immigrant Labor

Industrialization and changing labor demands

Under the pressures of dairy sector consolidation, dairy farmers have faced the need to boost their milk output to keep their business alive. Increasing the production capacity of individual cows has entailed the introduction over several decades of new technologies and practices. High-

protein cattle feed, productivity-enhancing hormone injections, and automated milking equipment have generated a scale and efficiency of production that would hardly be recognizable to their counterparts just a few generations before (DuPuis, 2002). Most importantly for labor demand, many, particularly large-scale farmers, have moved from two to three milkings per cow each day, to maximize output and reduce the risk of cows falling ill. Official statistics on daily milking frequency are not available, but Cornell University Dairy Farm Business Summary reports show that the percentage of farmers in their studies milking three times per day increased from 25% to 50% between 2000 and 2011.[111] As a result of these and other production-enhancing solutions, the average New York dairy cow now produces 22,330 pounds of milk per year, a 29 percent increase in per cow productivity over 2000 levels.[112] Those who cannot keep up with these impressive advancements, nor diversify their activities, succumb to the crushing pressures of the structural violence of the neo-liberal global food system.

Modernized barns, milking equipment, cow health and nutrition technologies, and the land to feed growing herds cannot be achieved without incurring significant debt. The debt-to-asset ratio of a the average large (1,200 cows) dairy is approximately 0.36 (or $3,592 per cow).[113] As this

[111] These farms are estimated to be larger, more productive, and more efficient than those farms where cows are milked only twice per day. On average, these farms were larger by fifty-two cows, and produced more milk (33 percent more per cow, and 52 percent more per worker), than farms that milked only twice per day. Their operating costs were also lower, by $0.07 per hundredweight of milk. (Wayne Knoblauch, Linda D. Putnam, Jason Karszes, Richard Overton, and Cathryn Dymond, Business Summary New York State, 2011, Dairy Farm Management (Charles H. Dyson School of Applied Economics and Management, College of Agriculture and Life Sciences, Cornell University, 2012); and Wayne Knoblauch, Linda D. Putnam, and Jason Karszes, Business Summary New York State, 2000, Dairy Farm Management (Charles H. Dyson School of Applied Economics and Management, College of Agriculture and Life Sciences, Cornell University, 2001)).

[112] Calculated using from National Agricultural Statistics Services data.

[113] Debt statistics for dairy farm with 900 cattle or more. This data was gathered in 2012 from 112 farms of 300 cows or more in New York. (Jason Karszes, Wayne Knoblauch, and Cathryn Dymond, New York Large Herd Farms, 300 Cows or Larger, 2013, Dairy Farm Business Summary (Charles H. Dyson School of Applied Economics and Management, College of Agriculture and Life Sciences, Cornell University, 2014), 38). See also Wayne A. Knoblauch, George J. Conneman, and Cathryn Dymond, "Ch. 7: Dairy Farm Management," Published Proceedings

debt rises, so does the urgency of generating the "white gold" needed to pay it off. Seen in this light, finding the manual labor to milk cows three times a day—and hence to keep the farm's main source of income flowing—is a matter of both economic survival and cultural reproduction.

For example, Applewood dairy farmers Agnes and Thomas grew their farm from 60 to 1,200 cows since taking it over from Thomas' parents, requiring them to acquire significant new acreage and to build a new barn and milking parlor. Agnes explained that, by around year 2000, the reengineering of their production system had dramatically reshaped the labor requirements and occupational structure of the farm. Specifically, tasks became more specialized, and a labor hierarchy emerged. She said that, "as we got bigger, we needed more higher-trained employee . . . in driving trucks, being able to use computers, knowing animal health issues more . . . You can't hire anyone off the street to do that."[114] Harrison and Lloyd (2012) have also observed the creation of a demarcated labor hierarchy under dairy industrialization.

The associated transformations in the production process – particularly the introduction of large, automated milking parlors, and the shift to 3 milkings per day – have altered the labor process in fundamental ways. As Chapter Three explains in detail, milking work under these conditions has become monotonous, impersonal, fast-paced, and tiring. Moreover, dietary changes, plus the installation of free-stall barns with ditch drainage systems, induced the conversion of dairy cow manure from solid to a liquid state – earning milking the title of a "brown-collar job" (cited in Harrison & Lloyd, 2013). Most consequentially for labor demand, milking must be performed 17

of the Cornell University Charles H. Dyson School of Applied Economics and Management 2014 Agribusiness Economic Outlook Conference, http://dyson.cornell.edu/outreach/outlook/2015/Chap7FrmMgt_2015.pdf, 7–2.

[114] In-person interview, April 4, 2014, North Country of New York.

to 23 hours per day to achieve maximum efficiency.[115] Under these conditions, from the perspective of farmers, "time is money" in a very literal sense.[116] As described below, dairy farmers quickly discovered the difficulties of maintaining the local workforce under these conditions.

The turn to an immigrant workforce

The modernist theory of agro-industrialization around which this modernist dream of dairying had been designed had one significant flaw: it assumed an unlimited and easily accessible labor supply. Yet finding workers for long hours and arduous, dirty tasks turned out to be a complicated task.

New York farmers claim it is nearly impossible to find a local labor source to milk cows.[117] It is impossible to pinpoint the exact reasons for their difficulties recruiting and retaining local residents for milking jobs. The answer partially lies in the changing economic geography of rural Upstate New York. Over the last 30 years, the region has seen a dramatic transformation of its upstate economy, with the state prison system expanding to reach $2.5 billion dollars per year, with over 31,000 staff – the largest budget of any public service offered by New York State.[118] Fully 90% of the New York State prison population is in rural Upstate New York, clustered in the Western New York and Adirondack regions, in the same towns once reliant on dairies and other small-scale business.[119] At least three North Country dairy farmers told me that the

[115] Interview with Cornell dairy extension professional, May 2, 2014.
[116] Hal F. Schulte III, "Parlor Efficiency," Cornell University College of Veterinary Medicine, Quality Milk Production Services, https://ahdc.vet.cornell.edu/Sects/QMPS/FarmServices/parlorefficiency.cfm.
[117] Maloney, Thomas & David Grusenmeyer. 2005. Survey of Hispanic dairy workers in New York State. Ithaca, NY: Cornell University, Dyson School of Economics and Management.
[118] "The Facts". https://milknotjails.wordpress.com/dairy-vs-prison-industries/
[119] "The Facts." & video presentation: https://milknotjails.wordpress.com/dairy-vs-prison-industries/

expansion of the prison system undermined their access to local labor.[120] These economic changes interact with the above-mentioned transformations of the milking labor process, to make jobs undesirable to local employees. The result is a "carceral landscape" in a dual sense --- the increasing visibility of jails goes hand in hand with the enclosure on farms of undocumented immigrants who perform milking jobs once held by locals now employed as prison guards (c.f. McCandless, 2008).

My research, and corroborating reports by other Cornell researchers, show that New York dairy farmers began hiring immigrant workers in the early 1990s. [121] The table below summarizes my findings surrounding immigrant hiring practices for the 16 farmers I interviewed who were currently employing immigrant workers. The earliest hiring of immigrant workers reported by farmers in my study was a large farm in Cayuga County, which started hiring immigrant workers in 1994.[122] The table below shows that 11 of the 16 farmers with immigrant employees I formally interviewed had started hiring immigrant workers between the late 1990s and 2004. Of the other five farms, four began hiring workers between 2006 and 2009. The remaining, small farm hired its first immigrant worker in 2011, a year after the farm began operating. I have removed from the table the region where each farm was located to protect the identities of farmers, particularly large farmers. Although my data for my specific sample of farms did not necessarily show it, New York dairy industry observers generally concur that large farms in the

[120] In-person interviews, April 8, 2014, June 3, 2014, and June 5, 2014, all North Country of New York.
[121] Maloney, T. Libby Eiholzer and Brooke Ryan. 2016. Survey of hispanic dairy workers in New York State 2016. Ithaca, NY: Cornell University, Dyson School of Economics and Management.
[122] Informal interview, August 1, 2011. Because of the informal nature of the interview, the information gathered was not systematic and therefore not included in the table.

Western and Central regions of the state were the first to hire immigrants, followed several years later by North Country farmers.

Table 6: Immigrant employees: Farmer means of finding first employees, total #, and home countries

# milking cows	Year first hired immigrants	How first immigrant employees found	# Immigrant employees	Home countries of immigrant employees[123]	Interview date
570	2002	Farmer	5	Mexico (5)	July 2011
180	2011	Wife of local farm employee	1	Mexico	March 2012
440	early 2000s	Farmer	6	Mexico (6)	April 2011
600	Approx. 2002	Farmer	5	Mexico (5)	April 2012
650	2000	Labor contractor	6	Mexico (6)	August 2011
1,200	approx. 2003	Showed up asking for work	9	Guatemala	April 2013
150	2007	Farmer	2	Mexico (2)	April 2014
300	2008 or 2009	Farmer	3	Guatemala (3)	April 2014
570	2008 or 2009	Farmer	8	Guatemala (8)	May 2014
approx. 600	late 1990s	Showed up asking for work, & NYS Department of Labor	5	Guatemala (5)	May 2014
1,000	2006	(not addressed)	8	Mexico	May 2014
1,200	early 2000s	Legal immigrant employee showed up asking for work, and brought undocumented	9	Guatemala (9)	April 2014
1,200	2002	Farmer (contacted via NYS Department of Labor)	6	Guatemala (6)	April 2014
1,425	2000	Labor contractor (contacted via cooperative)	2	Mexico (2)	June 2014
1,850	approx. 2004	Farmer	8	Mexico & Puerto Rico	April 2014
2,750	2003 or 2004	NYS Department of Labor	approx. 20	Puerto Rico (20)	April 2014

Today, the New York dairy industry is heavily dependent on immigrant workers. A 2009 Cornell University study estimated that approximately one quarter of the state's dairy farmworkers, at least 2,900 altogether, are immigrants, although other studies have produced higher estimates.[124] Another 2016 study conducted on primarily large, New York dairy farms (over 500 milking

[123] Dominant nationalities. Where numbers of employees from each country are not listed, it may be possible that a small number of employees were of another nationality from the one listed.
[124] Maloney, T. and Nelson Bills. 2011. Survey of New York Dairy Farm Employers 2009. Ithaca, NY: Cornell University, Dyson School of Economics and Management.

cattle) found that in the majority of cases, Latino immigrants are a larger share of their workforce than U.S. citizens.[125] Unfortunately, because in my interviews I did not systematically distinguish between payroll sizes at peak (summer) and non-peak employment periods, it is not possible to make definite comparisons across farms of the percentage of all workers who are immigrants. However, a rough comparison of my data shows that the number of immigrant workers matched, or came close to matching, the number of full-time local workers on all but a couple of the farms where I conducted interviews. As Chapter Three describes in detail, these immigrant workers are crowded into milking parlor jobs where the demand for their labor is heavy.

Making the "first contact"

As the table and my qualitative data shows, dairy farmers had several methods for hiring their first immigrant workers. The majority (eight of the fourteen who were directly asked this question, plus one more not included in the table who said the same in an informal interview) found their first immigrant worker by asking a farmer to ask their own employees to find a friend or family neighbor to send to their farm. While most contacted a close neighbor, others were more selective in asking a close friend. This method was described as very efficient: as one farmer said, "I looked through my phone and chose 20 numbers in my phone … and they were here faster than UPS."[126] Robert, the farmer contemplating hiring Guatemalan workers very soon, said that he could call his friend, the owner of a large dairy nearby, who said "if you want em I can have them here in 2 to 3 days … there's a woman from Syracuse or somewhere, I'm not

[125] Maloney, Eiholzer and Ryan, 2016.
[126] In-person interview, April 16, 2014, North Country of New York.

sure where, and then everybody has her phone number. And then, they call, and I need 2 people, I need this, I need that, and the next morning they're at your place."[127]

There were several other means of getting in touch for the first time with immigrant workers. In three cases, the first immigrant employees simply showed up at their farms and asked if they needed help. In two others, a labor contractor (worker placement service) was contacted for help. Rick, who first hired immigrant workers in the year 2000, said that they first found immigrant workers through a program offered by their dairy cooperative, the former Dairylea (now merged with Dairy Farmers of America). He described the program as a "more policed thing than just getting the next guy off the street, so you had to do certain things, take them to town once a week and that kind of thing." The first two workers he found through this program were detained on one of these visits to town and promptly deported. Rick assumed this was a "fluke" and got two more workers through the same program, whom he said "didn't even speak very good Spanish, they spoke Indian dialect", and wound up confronting the very same fate.[128]

And finally, three farmers mentioned that the New York State Department of Labor had either offered their help, or been contacted for help finding an immigrant worker. Caroline, one of the farmers who voluntarily participated in the program, said that she was given a business card for the Department of Labor recruiter at a conference. After they inspected her farm, she was approved, and said she went to the bus station in a nearby city and picked up two young men spoke English and had been picking vegetables in Florida. Through an unpleasant interaction with two "unnecessarily aggressive" Border Patrol agents in a grocery store shopping lot,

[127] In-person interview, June 5, 2014, North Country of New York.
[128] In-person interview, April 22, 2014, North Country of New York.

Caroline learned that these workers did not in fact have the appropriate papers to work on her farm. She said that she and her husband promptly went to see the Border Patrol who "listened to us and then he set us straight. That when NYS had that program, that all they're saying is they are people with documents. Doesn't mean the documents are any good. And for all you know you just hired a serial killer."[129] What Caroline aptly described as a "bizarre" program appears to have been terminated in the early 2000s, as no interviewees mentioned any subsequent contact with the Department of Labor for the purpose of placing immigrant workers on their farms.

Regardless of the "bizarre" nature of these state and cooperative programs, in which confusion over the workers' legal status left farmers in an awkward position, they had the significant advantage of creating formalized protections for farmworkers by inspecting farms before workers arrived. The informal, self-replacing recruitment systems that subsequently developed leave farm owners and farmworkers to assess the adequacy of workplaces through their own devices, as discussed below.

IV. Farmers' Assessments of the Labor Pool

The literature has explored how farmers construct undocumented workers as an ideal compliant labor force through comparisons to the local white and ethnic minority populations (Harrison & Lloyd, 2012, 2013; Maldonado, 2006, 2009). It has also described the naturalization of labor hierarchies through the reproduction of Mexican social hierarchies on U.S. farms (Holmes, 2013). However, some New York dairy farmers explored (or continue to explore) other options before turning to the immigrant labor force including local white workers, refugees, Puerto

[129] In-person interview, May 18, 2014, North Country of New York.

Ricans, and Amish people. Below I analyze how New York dairy farmers use culturally coded language about work ethic to devalue local white, local Amish, refugees, and Puerto Rican groups. I contribute to the literature by analyzing these multiple inter-group comparison, and by showing that freedom of movement also forms an important criterion around which farmers' make assessments of these different groups.

Local white workers: Suffering from "weekenditis"

In my interviews, farmers spoke with fervor and at length about their struggles with local white workers in milking jobs, currently or prior to hiring immigrant workers.[130] The table below presents the results of my coding of farmers' characterizations about the local workforce. The 'number of farmer mentions' column refers to individual interviewees, not to individual farms (in some cases, husbands and wives were interviewed separately and their comments are noted separately; most farmers listed several reasons). Their comments were made in context of my questions about why they had turned from the local to immigrant labor pool, or what it has been like hiring local white workers.

Table 7: Farmers' characterizations of local U.S.-born farmworkers

Local farmworker characteristic	**# farmer mentions (N=27)**	**Representative quote**
Regularly late or don't show up to shifts	15	"When he's here he's very capable. He just has reliability issues, you can never rely on him to be here. … Mondays are really hard days for him. Tuesdays are questionable days. Then he gets over the weekend by Wednesday. … Thursday, Friday's payday. And then we start again next week."[131] "You can't just hire somebody for minimum wage and say, show up at 9 at night and milk the cows, and expect them to do it. You might wake up at midnight and they're not being milked."[132]

[130] In this heavily Caucasian rural area, no farmers discussed any group other than whites when referencing "local labor". If structural discrimination exists against African Americans, it was not explored in my research.
[131] In-person interview, April 16, 2014, North Country.
[132] In-person interview, June 9, 2014, North Country.

		"I started trying to employ locals. I started having the fun of getting a person, and train them, and then get a call, collect call, would I bail him out so he can come milk?"[133]
Use drugs or alcohol	7	"Then the other guy that's in the parlor he's the local one with no license who has like 4 brain cells left. … I'd have a big open hole in some of my shifts if I started [drug] testing."[134]
Uneducated, illiterate, or unskilled	6	"We have two people that are 'supposedly English' … [what I mean by that is] they're not highly educated"[135] "It's people who, by and large, didn't know what they were gonna try to do with themselves when they got out of high school, or even in high school they dropped out or whatever."[136]
Poor work ethic	6	"Can someone actually live on [minimum wage]? Not at 40 hours a week. That doesn't work. I've never worked 40 hours a week, not since I was 16. So I don't know, I have trouble feeling compassion [for someone] who can't make a living on 40 hours a week."[137] "And really young ones don't work quite as well. Somebody in their 20s is better. Usually they've gotten their butts kicked a couple times, and they're more ready to try to work."[138] "The American guys only work 50 to 60 hours. If we didn't have hispanics we'd have to hire more people."[139]
Prefer to depend on government	4	"Locals just tend to walk off. Hahaha. You know, I mean, there isn't, with the safety net, the social safety net, there isn't a fear of walking off the job. They leave and there still gonna eat tomorrow and all the rest. … Good or bad, I think these [Guatemalan workers] need the money, they need the job."[140]
Partiers / want weekends off	4	"The locals who work on the farms seem to have all grown up together. They partied together. They're in their mid-20s. It's a sub-culture."[141]
Complain about pay or conditions	4	"I mean the one guy, he was arguing about procedure the second day at work. So I gave him 100 bucks for his time and said, get outta here."[142]
High turnover	4	"Some of the local white guys just have a bad day, bad attitude, get into an argument, just quit and go to another farm and get another job."[143] "And you start 'em at 10 [dollars per hour] and 2 years later they've come up to 14, and the next thing they're gonna go be a herdsman. Or they get sick of working 60 hours a week and getting kicked by cows, and getting crushed up by cows, and getting manure on 'em."[144]
Aspire to better jobs	3	"Nobody wants to work on a farm like this. You get up every day a little after 4, we work 'til you're done. And there's a lot of hand labor. Nobody

[133] In-person interview, May 18, 2014, North Country.
[134] In-person interview, April 22, 2014, North Country.
[135] In-person interview, April 16, 2014, North Country.
[136] In-person interview, April 22, 2014, North Country.
[137] In-person interview, May 22, 2014, North Country.
[138] In-person interview, April 22, 2014, North Country.
[139] In-person interview, April 17, 2013, North Country.
[140] In-person interview, April 8, 2014, North Country.
[141] In-person interview, April 16, 2014, North Country.
[142] In-person interview, April 22, 2014, North Country.
[143] In-person interview, June 5, 2014, North Country
[144] In-person interview, May 22, 2014, North Country

		wants to do that anymore. The way the social being is, you don't have to do it."[145] "The people who used to work for me that would've in the early days here, all went to the prison system because they could make twice as much money and get benefits."[146]
Poor social skills	3	"You think to yourself, well, what else would they do? They aren't people, as far as being in a Wal-Mart or anything like that. They don't necessarily dress like they need to dress to be in some other kind of a job, cause they're just not that kind of person."[147] "Also not professional. For example, they would swear during interviews, saying things like "I quit on that SOB" when they didn't like previous boss, and I'm thinking, why would you say that in a job interview with me?"[148]
Slow-moving	2	"Older ones just can't maintain that kind of pace."[149] "I'm using white people, who are slow. There's no two ways about it."[150]
Not worldly	2	"We have two guys, one guy who's first child is living part time with the other guy who's with that girlfriend now. You can't make this stuff up!"[151]
Generate too much paperwork	2	"They have wage garnishments that are a real hassle. … And if they're not paying child support then we get the phone calls, and where is so and so, it's just an unreal amount of, we're not human resources professionals."[152] "If you fire them, then you have to pay unemployment."[153]
Criminals / Steal from farmers	2	"One of the young men who applied for work here … He kidnapped and raped a young Amish woman in this county, and he was on my farm that Friday looking for work. .. And here's the Border Patrol telling me that the immigrants are the risk!"[154]
Other	4	Violent at work (1), Careless at work (1), Do not seek promotions (1), History of being unemployed (1)

By far, the most significant critique of local white workers is that they were regularly late to, or missed shifts (15 of 27 individuals made this comment). Another seven comments were made about workers being "druggers", often with reference to smoking marijuana on the job. Moreover, four farmers made the specific comment that local workers "partied" too much or always wanted the weekends off. And four separate comments were made about the high

[145] In-person interview, June 5, 2014, North Country.
[146] In-person interview, June 5, 2014, North Country
[147] In-person interview, April 26, 2014, North Country.
[148] In-person interview, May 27, 2014, North Country.
[149] In-person interview, April 8, 2014, North Country.
[150] In-person interview, April 22, 2014, North Country.
[151] In-person interview, April 10, 2014, North Country.
[152] In-person interview, April 23, 2014, North Country
[153] In-person interview, April 26, 2014, North Country
[154] In-person interview, May 18, 2014, North Country

turnover rate within this population, including, as the second quote under "high turnover" in the table shows, for the very reason of the difficult and dirty conditions of the job.

For all of these reasons, farmers were clearly exasperated with a local workforce they saw as "unreliable." The owners of Applewood dairy put a vivid spin on local workers' 'unreliability':

> "We called it 'weekend-itis'. They'll work Monday through Friday afternoon, when they paycheck is handed over you don't see them again until Monday . . . [but] cows cannot be turned off. You have to milk cows no matter if somebody calls in on a Friday night . . . . We had worked all day long and then we'd have to go to the barn at 8 p.m. and work all night long, and then we'd go to bed and sleep for four hours and get up and do the same thing again."

Similarly, Tom said "I mean, it used to be, we'd go back to the house in the evening, and until you went to bed at 11:00 or so you were terrified of every phone call because [maybe] someone just walked off the job or didn't show up. You'd be scrambling to try to find somebody to milk the cows"[155]

The 'unreliability' of workers is a significant problem under industrial milking because of the strict timing of the milking schedule. As Tom's wife clarified to me, when I asked what kind of person they needed to fill milking jobs when they moved to automated equipment, "They had to be reliable, you always want somebody that's reliable." She confirmed that it wasn't any

[155] In-person interview, April 8, 2014, North Country.

particular kind of worker that was needed, just someone who would be there to work the machines.[156] The Applewood owners similarly suggested that they are not looking for particular skills, but simply the fact of bodies being present on the production line. "Milking parlor, that type of job, I would think that almost anybody that stops by to ask for work could be probably trained. Is my guess. It's the issue of reliability."[157]

Moreover, it was not only the ability to be punctual for all shifts, but also the willingness to work long hours on end, and to allow the production schedule to take priority over their personal lives, that mattered most. As the Applewood owners put it: "[if] I have to have a break, and I can't show up for work because my girlfriend's uncle's cousin passed away.... We gave up on that." Another farmer mocked a worker who often provide personal reasons for being unable to come to work. "He'll have every reason why he can't get to work, or why he can't be here. From his wife's not feeling well, to one of the kids is having a baby, to his grandmother's niece's nephew had a funeral for a cousin, for the third time. I don't know, whatever. And the immigrants don't give you that. They don't give you the idea that, 'I can't work tomorrow because it's a national holiday'."[158] And Frank said: "They have local interests that pull them away from the job. When you're a single guy living on the farm and your nearest relative is 2,000 miles away, I suppose you can text them or call them on the phone, but that doesn't matter to you whether it's 4 in the afternoon or 6 in the evening."[159]

[156] In-person interview, April 26, 2014, North Country.
[157] In-person interview, April 4, 2014, North Country.
[158] In-person interview, April 16, 2014, North Country.
[159] In-person interview, April 11, 2014, North Country.

In fact, farmers held perceptions that local workers, with a weaker work ethic and limited education, were of a lower social class than them. A recent college graduate who was preparing to become a partner in his father's dairy farm business said: "You shouldn't ever really say, but the truth is there's classes of people to some degree. The type of men we're hiring are not, a lot of them are illiterate. … Some of the are just not very smart."[160]

Crucially, mobility, calculated in terms of the distance that local employees live from the farm, is an important factor in their longevity on the job and in employers' hiring decisions. Several of the employers I interviewed were offering their local white (non-Amish) employees housing on the farm to circumvent the reliability problems that are created when local workers live far away. Four employers offered housing to regular local barn crew, and did not express that it caused any significant difficulties. One noted he would only provide housing for "good guys", particularly if they live too far away (one and a half hours) to be reliably punctual.[161] Three others were or would only provide housing to what they considered more skilled workers, including a mechanic, a veterinarian, and a student veterinary intern. Yet the general feeling was that providing housing to local workers was a "headache" because workers might not actually move out if they left or lost their jobs – whereas immigrant workers will usually depart from worker housing within hours.[162] As Rick put it: "We used to do it, it's a bad idea. … Because it starts blurring the line of what you're doing with people. I want to hire them, treat 'em well with the job, and have that be the business relationship. Employer, employee. I don't want to add landlord to that."[163]

[160] In-person interview, April 17, 2014, North Country.
[161] In-person interview, May 27, 2014, North Country.
[162] In-person interview, April 8, 2014, North Country.
[163] In-person interview, April 22, 2014, North Country.

Given the difficulties of providing housing to local workers, the proximity of their homes to the job were important to farmers' decisions over whether to hire someone, and to how reliable of a worker they would be. Caroline had a milking parlor worker who lived as far as 35 minutes away. She did not have geographical limits in her hiring decisions, but "the people I employed successfully, I haven't had anybody coming from very far for a milking job that I can recall."[164] Andrew, who is responsible for hiring decisions on his father's farm, said "We really try and hire people from not very far … In terms of actual miles, 15 maybe 20 tops. That's a far piece. We found they just don't last."[165] His father later added that if someone applied to the job who lived a 40-minute drive away, he would feel compelled to ask, "are you sure you want to drive that far?"[166] Tom corroborated this view, saying "Typically you don't want them driving too far, I think most of our help is within a half hour drive."[167]. His wife Jacqueline confirmed that they have a preference for people who live closer. "Reliability, you know. When the weather is bad, roads are bad."[168] Simply put, "They just come late. If it's milking I want you on time."[169]

Several farmers said it is not only geographic distance, but also access to a car, or at least to a ride, that matters when hiring local milkers. Susan said she has milkers who live 20 miles away but that driving conditions in the winter sometimes create reliability issues.[170] She said they sometimes turned people away who lived too far – which she defined in terms of a 20 or 30

[164] In-person interview, May 18, 2014, North Country.
[165] In-person interview, April 17, 2014, North Country.
[166] In-person interview, April 26, 2014, North Country.
[167] In-person interview, April 8, 2014, North Country.
[168] In-person interview, April 26, 2014, North Country.
[169] In-person interview, April 26, 2014, North Country.
[170] In-person interview, April 10, 2014, North Country.

minute city away -- or who didn't have a driver's license. Robert's driving radius from his farm for local hires was only 12 miles because he will pick up his workers if, for example, their cars won't start. "If they're not too far away, then it's hard to make up so many excuses", he said.[171] For Rick, he preferred hiring workers who live closer than 15 miles because it is more likely they can get someone close to them to give them a ride if need be.[172] For Clive, it wasn't distance, but access to transportation – driver's license and a car – that sometimes holds him back from hiring locals.[173] And for Frank, the owner of the largest dairy in the area, "if they don't have a car and live 20 miles away it's just not even worth it."[174]

In sum, farmers perceive local workers as creating more problems than they solve. They have very specific understandings of what makes for a reliable and a hard worker: someone who puts their job above personal priorities to achieve economic self-improvement. These characterizations directly reflect the agrarian values of self-sacrifice and hard work as signs of individual virtue, as described above. The local white workers who do not demonstrate these values are denigrated as belonging to a lower social class of the 'non-ambitious' (c.f. Harrison & Lloyd, 2013). Furthermore, the workers' geographic proximity to the farm is a crucial factor in determinations of their reliability, given both uncontrollable factors like winter weather, and their suspicion that workers will use travel distance to the farm as an excuse for not showing up. Thus both culture and mobility are deployed in sometimes discriminatory ways to decide who merits a milking parlor job.

[171] In-person interview, June 5, 2014, North Country.
[172] In-person interview, April 22, 2014, North Country.
[173] In-person interview, May 22, 2014, North Country.
[174] In-person interview, April 11, 2014, North Country.

Yet, although their language and tone can be disparaging – often leaving a bad taste after my interviews – from a business owner's standpoint the objective facts behind their concerns are legitimate. When cows are not milked according to a strict schedule, their bloated udders develop mastitis infections, and whole tanks of milk, worth thousands of dollars, might go to waste. Moreover, as one farmer noted, if under-educated employees cannot read instructions to deliver medicines, or follow safety guidelines, their own well-being and that of the farm will be at risk. Under these conditions, reliable – because reliably deportable – undocumented immigrants are the next best choice. As Ed says, "If I could hire local people that were dependable, and that were here long-term, I would do that in a minute. No questions asked."[175] But in the reality of the labor market that farmers face, the immobility of undocumented immigrants, sometimes in housing just steps away from milking parlors (see Chapter Four), is a magic bullet if uncomfortable solution.

Refugees

A few Western New York dairy farmers have hired Bhutanese refugees for milking work through a combined New York State Office of New Americans and Cornell Cooperative Extension immigrant integration program.[176] There is little available information on this program. This $400,000 pilot program had trained and placed 23 Bhutanese refugees on large dairies in Wyoming County as of January 2016. The program has been characterized as a form of "insurance" against the immigration raids that undermine the stability of the farm labor force.[177]

[175] In-person interview, April 16, 2014, North Country.
[176] Koslowski, Rey. May 5, 2015. "Refugees an asset to state farms." Albany Times Union. http://www.timesunion.com/tuplus-opinion/article/Refugees-an-asset-to-state-farms-6243847.php. & Robbins, Liz. January 26, 2016. "From Bhutan to New York's Dairy Heartland." The New York Times. https://www.nytimes.com/2016/01/27/nyregion/from-bhutan-to-new-yorks-dairy-heartland.html?_r=0
[177] Robbins, Liz. "From Bhutan to New York's Dairy Heartland."

Yet the labor needs of the dairy industry dramatically exceed the capacity of such a program. Moreover, given the significant costs of the program in comparison to undocumented workers' self-replacing recruitment networks (see below), it is unlikely that the refugee hiring program will catch on at a large scale.

Puerto Ricans: On "Island People Time"

Other farmers, particularly in the North Country, have increasingly worked with labor contractors to place Puerto Rican workers in milking jobs on their farms. Similar to those participating in the refugee program, they turned to this option in the hopes of reducing their turnover rates and the pervasive threat of deportations. Susan and Barry, the owners of a large dairy in Northern New York, said that they first began looking towards the Puerto Rican workforce because of their greater "reliability" and the fact that "they can do their own shopping".[178] Frank, who has approximately 20 Puerto Rican employees, says that after recurrent run-ins between his Mexican workforce and Border Patrol agents, his farm decided to work with an agricultural worker placement service to hire Puerto Rican milkers. He says that there were several initial run-ins with Border Patrol when his Puerto Rican staff were seen out in the community by members of the public who "didn't know the difference". "We had guys walking down the road wearing saggy jeans, and Border Patrol pulling them over and asked them what they were doing. And the guys were like … what are you doin? Haha."[179] Frank says that immigration enforcement officials now leave him and his workforce alone.

[178] In-person interview, April 10, 2014, North Country of New York.
[179] In-person interview, April 11, 2014, North Country of New York.

Yet farmers who have hired Puerto Rican workers (or who know farmers who hire them) expressed several strong reservations about them. One major concern is that workers do not stay put on the farm for extended periods. For example, Susan and Barry's hopes for a more permanent labor force had not been borne out. After approximately two years of hiring Puerto Rican milkers, they said that they "come with the intention of staying a year, taking their two weeks vacation and coming back. So far we've had yet to have one who's made it that far successfully."[180] Another perceived problem is the tendency of these workers to move by the rhythms of a culturally foreign clock, not according to the strictly timed imperatives of industrial dairying. John said: "they're on island people time … it's a real thing. And it's because, why would I leave 15 minutes early, think of all the 15 minutes I could use? So why would I be 15 minutes early? And they're all like that."[181] Farmers also expressed concern about the quality of their work performance compared to the undocumented population. David, who hires 8 Guatemalan workers, says that "I know a farm around here that went from Hispanics to Puerto Ricans, I would bet they're not that happy with it. … I kind of know that they threw out 5 or 6 tanks of milk when it first happened."[182]

Farmers also expressed dissatisfaction with Puerto Ricans specifically because of their similarities to the local, U.S. population. Susan said, "Puerto Ricans are a little bit more like our Americans and sometimes my own children. They want the paycheck but they might not necessarily always do a consistently good job."[183] Frank, who runs a very large dairy, was upset about a Puerto Rican employee who had gone home and claimed Employment Insurance four

[180] In-person interview, April 10, 2014, North Country of New York.
[181] In-person interview, April 23, 2014, North Country of New York.
[182] In-person interview, May 22, 2014, North Country of New York.
[183] In-person interview, April 10, 2014, North Country of New York.

months after developing high blood pressure. Frank blamed the worker for having delayed seeing a doctor, which exacerbated his health problem and ultimately increased his insurance rates as a farm employer.[184] Thus the Puerto Rican workforce carries the same "burdens" as the local born population in terms of their eligibility for certain government programs, and the time-consuming paperwork they generate. In sum, these farmers describe their dissatisfaction with Puerto Rican workers in several ways that make them undesirably similar to American workers. These reasons include their weaker work ethic, their ease of mobility to leave the farm, and the "headaches" they create through their eligibility for social programs.

Local Amish: "They said they were religious. They were crazy."[185]

The final alternative source of labor for farmers unwilling to staff their milking parlors with either refugees or Puerto Rican, U.S. citizens is the Amish population. As Ed succinctly put it, this is a topic that, for North Country dairy farmers, "really gets their dander up".[186] This alternative is only available to farmers in the North Country, where the local Amish population lives in close proximity to farms. My findings show that dairy farmers are dissatisfied with the Amish workforce because they present similar legal obstacles to their undocumented population, yet without the advantage of providing constantly available labor. They present the cultural differences of the Amish, including their religious habits, and occasional bursts of defiance, as justifications for replacing them with the undocumented immigrants whose freedom of movement off the farm is significantly more constrained.

[184] In-person interview, April 11, 2014, North Country of New York.
[185] In-person interview, April 16, 2014, North Country of New York.
[186] In-person interview, April 16, 2014, North Country of New York.

Farmers who turned to this labor source said they did so because they found this workforce to be free of the character flaws they perceived in the average local white population: they tend not to have addiction problems that impede them from coming to work on time; and they often live on the farm itself. As John said: "The Amish don't come to work with domestic disputes. There's no alcohol abuse. They're very stable workforce, in that regard. So they're wonderful. Which is the same reason we hire Hispanics too."[187] Another commented that of all of his different labor sources (local, local Amish, and Mexican), the Amish had the lowest turnover rate.[188] The same farmer also said that he can pay the Amish a lower starting wage, because "they don't ask for it".

Yet, the list of drawbacks to hiring Amish people that farmers gave is extensive. In the first place, several farmers observed that Amish community members do not have social security numbers. Some farmers assumed that hiring Amish workers was, quite simply, illegal; one commented that employing the Amish is a "gray area" because they are religiously exempt from paying Social Security, and had received legal advice to "them a 1099 (tax form) with zeros for the number and then figure it out."[189] Susan and Barry had held back from hiring Amish people because "you can't employ them any more legally than anybody else … not even as close to legal as anything else. They have no photo IDs, no Socials."[190] Clive, a young farmer who had hired Amish workers in the past, said: "The Amish were probably the biggest disaster we had for labor. … they are very illegal. They needed to be paid cash under the table, and then they wanted to be paid in kerosene."[191] For Ed, who hired several Amish workers over the year, this creates

[187] In-person interview, April 23, 2014, North Country of New York.
[188] In-person interview, April 11, 2014, North Country of New York.
[189] In-person interview, April 22, 2014, North Country of New York
[190] In-person interview, April 10, 2014, North Country of New York.
[191] In-person interview, May 22, 2014, North Country of New York.

the exact same legality concerns as he has for his undocumented Guatemalan workers. He said: "Pure black and white, there isn't a lot of difference. Neither one of them have social security numbers. Neither one of them would be eligible for tax withholdings, or benefits with social security, and all that. But because they wear a straw hat and drive a horse, they're allowed to."[192] Ed's sense of the arbitrariness and injustice of being able to hire one undocumented group but not the other reflects an implicit negative comparison between the Amish and his Guatemalan employees, whose labor is more valuable because it is more easily tied to the farm.

Another similarity between these two workforces which creates problems for farmers is that they must take responsibility for many aspects of their workers' social reproduction. For one, the fact that the Amish are religiously prohibited from driving motor vehicles means that they must reside in farm-provided housing. Farmers described the provision of housing to the Amish as tedious and frustrating, because they must be built to accommodate their many religious prohibitions. Frank said: "The Amish houses are just for Amish. … you could live there if you don't mind splitting wood and not having running water!"[193] Clive further noted that, "you need to supply water, and firewood, and this and that and build them houses – I spent 25 thousand on a house."[194] The Amish also ask for favors in providing rides because of their mobility constraints. Robert said that he is regularly asked in emergencies (such as a woman stranded in town) to "truck them all over the place."[195] Finally, John, who had employed an Amish family for a five-year period, said: "it was uncomfortable for my wife because she felt like she couldn't be herself. She likes to wear pink and bright colors and tank tops and shorts and that the Amish

[192] In-person interview, April 16, 2014, North Country of New York.
[193] In-person interview, April 11, 2014, North Country of New York.
[194] In-person interview, May 22, 2014, North Country of New York.
[195] In-person interview, June 5, 2014, North Country of New York.

employee who lives on the farm with his wife and kids, and you just felt like they were not approving. So you can't be comfortable in your own home."[196] John felt that the mother of the Amish family had "no regard for the safety" of her children, whom he often found playing right by the road, because he interpreted her religion as dictating that "something happens it was meant to happen." He says this caused him "tremendous stress" in going about his daily business at the farm. These cultural clashes between the Amish and dairy farmers arise because employees and employers share the same spaces of social reproduction.

Farmers also discussed the Amish as having a problem with vulgarity and outbursts of defiance. Caroline said that one Amish worker once "slammed the manure fork into the shit and said, 'you had better work my horse shit because I'm not going to do it', and he stormed off." She was astonished by his language and actions, and the worker soon departed.[197] Rick said the Amish are "so mouthy … if it pops into their head, it pops out their mouth. … I've had more problems with the Amish getting along with the white guys, than with the Hispanics."[198] He added, "they don't mean to be rude, it's just the way they are. It's a different culture. Like talking to Hispanics." Robert said that when he caught a "little Amish guy" punching a cow in a fit of rage, "I grabbed his hand like that and I said, 'I told you not to do that'. So he tried to take another pound. I hit him right in the face with his own hand and that's the last time he's done it. And then they just look at you like they wanna kill you. They have a lot of bottled up anger and stuff."[199]

[196] In-person interview, April 23, 2014, North Country of New York.
[197] In-person interview, May 18, 2014, North Country of New York.
[198] In-person interview, April 22, 2014, North Country of New York.
[199] In-person interview, June 5, 2014, North Country of New York.

In fact, several farmers went out of their way to highlight what they perceived as the racist tendencies of their Amish workers. John said: "The Amish had a superiority complex. They're extremely racist. They throw the N word around, like …. it's like going back in time. don't know history, they're just so uninformed. That drove me crazy. The Amish guy … he was not going to be second to a Mexican. That wasn't happening."[200] Yet sometimes farmers used just as explicitly "othering" language as the Amish were accused of using. For example, Robert casually told me that he usually has four employees, "two Amish, and two normal".[201] These concerns demonstrate that employers perceived the Amish as mentally unstable, as presenting a danger to their animals, as uneducated, and prone to conflicts.

Yet, the most critical reason that farmers gave for not pursuing Amish workers is the religious constraints on their availability to work. This problem was manifest in several ways. One was the constraints the Amish face on performing all the duties their jobs demand. Ed's wife was "dying to tell" me a "funny story" about an Amish woman who "couldn't work during her menstrual cycle … She needed a week off every month from feeding calves. And feeding calves is one of the most important jobs on the farm. You need somebody to be there morning, and night, and checking on them. And the same person if you're going to have a successful calving program. So that was just ridiculous."[202] Robert, who had blatantly told his one Amish employee that he would be out of a job as soon as he brought on the two Guatemalan workers, said that "they can't operate tractors, they can't use an electric drill. A lot of things that you need some help with and they can't do."[203] Another farmer said with a smirk that the Amish take these constraints on their

[200] In-person interview, April 23, 2014, North Country of New York.
[201] In-person interview, June 5, 2014, North Country of New York.
[202] In-person interview, April 16, 2014, North Country of New York.
[203] In-person interview, June 5, 2014, North Country of New York.

ability to operate equipment seriously the punishment could be to sit with the women at church.[204] Rick said he would never hire an all-Amish workforce because "They're not really supposed to be under cameras, so I turn them off when they're in here. I don't think I would want a whole crew of them because I think they're smart enough business wise to take advantage of that if they felt they had."[205]

Another source of their perceived weak work ethic were the scheduling conflicts imposed by the Amish church. Several farmers noted that the Amish are prohibited from working on Sundays because of their church commitments. Clive said: "When half your labor force is off on Sundays, that's not gonna happen."[206] In addition to Sunday requirements, several farmers also noted that the closeness of the Amish community means their workers frequently ask for days off to attend religious and social events. Susan said she had heard that "they always want Sunday off. And maybe Thursday or Friday."[207] Moreover, the very stability of the dairy farm job paradoxically renders the Amish labor force more unstable, because of the risk the church will "pull them out if they get too far along with it and make too much money."[208] Another farmer told me that the Amish church obligated their employees to quit their jobs because their children were becoming too acculturated to the ways of the non-Amish local population.[209]

In these ways, farmers depict the Amish as having a poor work ethic, due to the imperatives of their religion. Ultimately, for these farmers, the Amish present the same problems (lack of work

[204] In-person interview, April 10, 2014, North Country of New York.
[205] In-person interview, April 22, 2014, North Country of New York.
[206] In-person interview, May 22, 2014, North Country of New York.
[207] In-person interview, April 10, 2014, North Country of New York.
[208] In-person interview, April 22, 2014, North Country of New York.
[209] In-person interview, May 18, 2014, North Country of New York.

authorization, and the need for support with social reproduction) as the undocumented workers. Yet, they also bring defiant attitudes, pose risks of conflict on the farm, and most egregiously, have demanding personal lives that requires them to take time off. Thus farmers' last-ditch efforts to hire locally instead of undocumented immigrants have, for the most part, failed.

Undocumented Latino Immigrants

> "I lean on 'em, I can't do my job without them in the parlor where they are harvesting the product that pays for everything else".[210]

There is a small sociological literature seeking to explain why and how U.S. employers hire undocumented immigrants. Recent contributions have focused on employer discourses to show how white farmers naturalize racial inequalities to keep undocumented immigrants – particularly of indigenous backgrounds – at the bottom of labor hierarchies (Harrison, 2013; Holmes, 2013; Maldonado, 2009; Sbicca, 2015). A study of farmworkers in the San Diego borderlands shows that even organic farmers and sustainable food activists reproduce these racial boundaries, in part because their romantic ideas about agriculture reproduce hierarchies of race and class (Sbicca, 2015). In these ways, these studies contributed to earlier work showing that employers' hiring practices are based on deep-seated assumptions about race as a marker for individual qualities and skills (Tilly & Moss, 2001; Waldinger & Lichter, 2003)

A recent study with Wisconsin dairy farmers took a different approach by looking at employers' own values and goals, and how they are reflected in their decisions to hire undocumented

[210] In-person interview, May 27, 2014, North Country of New York.

immigrants (Harrison & Lloyd, 2013). They cite Wisconsin dairy farmers who say they have "died and gone to heaven" thanks to their immigrant employees' work ethic, noting that another even had to send a worker home, who continued to milk cows "while throwing up" (Harrison & Lloyd, 2013, p. 291). They say these dairy farmers "succumb to racist stereotypes and seek to maximize their own income" all in the name of defending their middle-class identities and duties as parents (2013, p. 298). Their findings characterize dairy farmers as self-conscious, prejudiced, middle-class men who denigrate both immigrants and the milking work they perform in order to appease their own greed, personal insecurities, and masculinity. In another piece these authors argue that farmers profit handsomely from the deportability of farmworkers, which keeps them constantly available for work (Harrison & Lloyd, 2012). Contrasting evidence by Cornell extension researchers with 12 dairy farmers found that they were concerned about immigrant employees' desire to work every day of the week and not take time off (Maloney & Eiholzer, 2017).

I seek to provide a more complex picture of dairy farmers' motivations when hiring undocumented immigrants. While the reliability of their labor certainly derives from their deportability, some farmers revealed a deeply personal inner struggle over the ethics of their hiring practices given their employees enclosure on the farm. Several imposed limits on the number of hours their employees were allowed to work. Moreover, they described these workers as having several positive attributes that align with the demands of milking work. Yet ultimately, they naturalize the ardor of milker parlor jobs by projecting discourses about the virtues of hard work they seem in themselves onto their Latino employees.

The table below summarizes the different ways that dairy farmers either positively or negatively characterized the Latino immigrant workforce, usually in response to my questions about why they had begun to hire them over local white or Amish workers.

Table 8: Farmers' characterizations of Latino immigrant farmworkers

Immigrant farmworker characteristic	**# farmer mentions (N= 27)**	**Representative quote**
Positive traits		
Strong work ethic / request hours	17	"They want to get that work done, they want to work maximum hours, do a good job because we get paid."[211] "Mexicans always want to work. And they want to do a good job."[212] "And it took a couple years to realize that it's unreasonable expectations to think that someone could look at working 12 or 14 hours a day, 7 days a week, as being normal. And we have adjusted expectations down. Down with Americans, but the Guatemalans get a lot of respect. Because they are extremely willing."[213] "I remember it was like skies open up overhead. Somebody actually wanted to work. You can't give them enough hours. It's just amazing."[214]
Reliable	12	"A major difference between the white and Hispanic workers is that you know where they are. They'll either be in the house or in the barn. They're not like the locals who get cars and go out drinking."[215] "Cows have to be milked 365 days per year. You never worry about them not being here unless immigration comes. Holidays and weekends are different to you because you know that you might actually get them. Before the Mexicans the workers might not be here."[216] "With these guys, they're really reliable. One of them gets sick a lot of times they'll trade off among themselves. And the work gets done. So it's been wonderful."[217]
Good at job	10	"He has worked himself up to a key person in the dairy. He's a constant in the parlor. He thinks about things, how to improve his job performance and the farm performance. Nobody before him had this interest in making this better.[218]

[211] In-person interview, June 9, 2014, North Country.
[212] In-person interview, April 10, 2014, North Country.
[213] In-person interview, May 22, 2014, North Country.
[214] In-person interview, April 23, 2014, North Country.
[215] In-person interview, March 14, 2012, Central New York.
[216] In-person interview, April 5, 2012, Central New York
[217] In-person interview, April 8, 2014, North Country.
[218] In-person interview, March 14, 2012, Central New York.

		"But when we switched to Mexican labour the quality of the milk improved and the output…. because the routine was, they were milking them the way they were supposed to. Routines were being followed. "[219]
Treat cows well	7	"The local employees did not necessarily pay the same attention to the cows. [Immigrant worker] has "favorite cows" and he always scratches their heads when they come up to him."[220] "I've never seen a Mexican be abusive to a cow. Some Americans have been caught being abusive in the past. From their handling of the cows you can tell they have experience. You can tell that the cows are comfortable with them."[221] "The measure of a person can be assessed really very simple and straightforward. How you interact with someone under your dominion. In essence all of these cows are at the command of my employees. If they are gentle and kind with my cows I am comfortable with them … that milk check puts food in my mouth!"[222]
Positive or respectful attitude	3	"It's just amazing. Always in a good mood, always smiling. Thankful for the work."[223] "The thing that amazes me about them is that here they are, they're confined to this place, they never get to go anywhere, they don't get to see their families or anything, and they're always smiling when you come in. they're not complaining."[224]
Pride or enjoyment in work	2	"Sometimes I feel like the English look for reasons to get out of work, and the immigrants just want to work. Whether it's right, wrong or indifferent, they just wanna work."[225]
Follow orders	2	"They take criticism very well. The Americans don't. We've never had luck with Americans. We really don't have to speak to the Mexicans often."[226] "They're a little bit insecure and they just have a need to please, probably because of that insecurity. So they're just awesome. They're so much fun."[227]
Willing to do repetitive task	2	"I shouldn't even tell you, but my buddy in college used to manage a pretty sizeable crew of Hispanics and he said the thing with Hispanic workers is they're just like a computer. If they do something wrong, it's not the computer's fault, it's whoever programmed 'em. Because they will do exactly what you tell 'em."[228] "(Him) They're more habit forming and regimented. (Her) Change is harder for them. (Him) They don't want to have to think or deal with adversity."[229]

[219] In-person interview, April 5, 2012, Central New York.
[220] In-person interview, March 14, 2012, Central New York.
[221] In-person interview, April 5, 2012, Central New York.
[222] In-person interview, May 18, 2014, North Country.
[223] In-person interview, April 23, 2014, North Country.
[224] In-person interview, June 3, 2014, North Country.
[225] In-person interview, April 16, 2014, North Country.
[226] In-person interview, April 5, 2012, Central New York.
[227] In-person interview, April 23, 2014, North Country.
[228] In-person interview, April 17, 2014, North Country.
[229] In-person interview, April 10, 2014, North Country.

Fast	2	"To be able to float and help and step in. frankly, I used to feel like I could, like I owned the parlor. I could really make that thing hum. … And I'm moving as fast as I can .. ll I know is they can milk circles around me. And it's humbling."[230]
Dislike hierarchy	2	"They don't want to supervise everybody else."[231]
Biological attributes	2	"I'm too tall. You've gotta be like 5 foot 2, really strong arms, and willing to do a repetitive task day after day after day. Exactly the same. … solid. Strong hands."[232] "The Guatemalans stick to milking, they're good at that. They are good with their hands. It sounds racist or something but they are good with small motor skills, good at milking, good with animals."[233]
Do not require government services	1	"With the immigrants you don't usually have that problem [of applying for workmen's compensation]. If they get hurt they usually either get better or get shipped back to wherever they came from."[234]
Negative traits		
Limited capacity to learn new tasks	3	"But on the task of feeding, they wouldn't know. Because that's not their mental makeup."[235] "A lot of Guatemalans seem to be more comfortable milking. Like they don't want to stick their neck out and not have it work out."[236]
Americanized	2	"The guys here become Americanized. They don't want to pick stones. They used to mow the lawn."[237]
Work quality	2	"I'm not saying they're all good. They go through issues. If one does something bad then they all do it. Poking cows in the legs with needles, that stuff goes on sometimes. … If one starts it, they all do it."[238]
Suspicious	1	"He started spending a lot of time on his phone while he was working. I think maybe he was in the mule business. Bringing people up. He was the night guy so we didn't see as much. There was a lot of stuff you didn't know with these guys."[239]

<u>Reliable, hard workers</u>

As discussed above, "unreliability" is an extremely common trope used by dairy farmers to explain why local white workers are not up to milking parlor jobs. The flip side has been to portray undocumented immigrant workers as desirable for providing the extreme opposite: because they live on farms and fear going into town, they are the most "reliable" as labor can

[230] In-person interview, May 18, 2014, North Country.
[231] In-person interview, April 10, 2014, North Country.
[232] In-person interview, April 16, 2014, North Country.
[233] In-person interview, April 17, 2013, Central New York.
[234] In-person interview, June 9, 2014, North Country.
[235] In-person interview, April 16, 2014, North Country.
[236] In-person interview, May 22, 2014, North Country.
[237] In-person interview, August 5, 2011, Central New York.
[238] In-person interview, April 26, 2014, North Country.
[239] In-person interview, April 17, 2012, Central New York.

come. In Wisconsin, and nationally, the reliability discourse has also been deployed by dairy farmers to explain preferences for immigrant workers who are for the most part undocumented (Harrison & Lloyd, 2013).

Dairy farmers overwhelming characterized the undocumented Latino workforce as "hard workers" and "reliable": 17 farmers mentioned their desire to work hard, and 12 noted that they are very reliable in turning up for their shifts. By "reliable", these farmers meant that their immigrant workers almost never missed a shift. As the quotes in the table demonstrate, the primary reason for workers' reliability is that they reside on the farm itself and hardly leave. If they do not show up for a shift, they can be easily found. Moreover, if someone is sick or unable to work for a personal reason, farmers noted that their co-workers will step in for them, particularly when they are friends or family members. Thus, unless immigration comes to pick several of the workers up at the same time, farmers say that milking parlor shifts have rarely gone uncovered once the Latino workforce was hired. They choose to replace a mobile, white local workforce with one that is tied to the farm by virtue of the deportation regime. Most farmers do what they can to facilitate workers' social reproduction, a system in which workers willingly engage in order to avoid the risk of deportation when they leave the farm (Chapter Four). As discussed above, farmers feel much more able to entrust the farm to their immigrant workers, than they ever did with their white local workforce, and feel themselves better able to pursue a more well-rounded lifestyle, including time with family. By hiring these reliably deportable workers, therefore, farmers upend the agrarian myth of their "blissful" boundedness to the land.

Moreover, by "hard work" or "good work ethic", farmers consistently referenced the fact their immigrant employees were extremely eager to increase their work hours, with most noting that the job was consistently done well despite long hours. As Rick said, "the Hispanics are here to work, that's all they want is to work. They want 65, 70 hours. The local guys need to spend some time with their family and other activities or it doesn't work for them."[240] In fact, farmers worry that if they can't meet the work hour demands of their employees, they simply won't take the job. As Tom said, "these guys want to work a minimum of 60 hours. If we don't give them at least 60 hours they'll be gone."[241] Although she thought it was not a good practice, Hannah agreed that she had talked with other dairy farmers who all agreed that immigrant workers "demand 70 hours per week".[242] Susan said that her workers wanted more than the 60 hours per week she was giving them, telling her that they "get bored". She said that some workers had rejected jobs when she offered 60 hours per week, because they had wanted to work 70. [243] Two farmers used the striking metaphor of "hunger" to describe this work ethic. Stanley, a partner in a successful 1,250 cow dairy that had managed to achieve growth without hiring immigrant workers, felt that: "I think they come from a lot tougher conditions and they're a lot hungrier to do well. A lot more hungry to do well than an American person. An American person had it pretty easy, parents didn't make em do much, kinda got a bad attitude."[244]

Other scholars have similarly found that employers construct Latino workers as "hard-working" in contrast to the poor work ethic of white employees (Maldonado, 2009; Harrison & Lloyd,

[240] In-person interview, April 22, 2014, North Country of New York.
[241] In-person interview, April 8, 2014, North Country of New York.
[242] In-person interview, April 17, 2013, North Country of New York.
[243] In-person interview, April 10, 2014, North Country of New York.
[244] In-person interview, April 26, 2014, North Country of New York.

2013. Maldonado argues that culturally coded arguments about undocumented immigrant agricultural workers' suitability to low-skilled jobs depoliticizes deep-seated racism and turns the worst jobs into "Latino jobs" (Maldonado, 2006, 2009). But I argue that dairy farm employers are more complex. They make difficult ethical decisions every day in finding an appropriate balance between their financial goals as business owners, and their concerns for their immigrant staff.

More specifically, several farmers told me that they put limits on the number of hours they can work per week. Some gave reasons from a business owner's perspective. Tom and his wife try to limit the number of hours their Guatemalan workers get at 70, because "if they get above that the quality of the work goes down."[245] And Caroline noted, "We had to force people … to have at least 1 day off a week. And [he said] no no no. And I said, yeah you do. .. Frankly from hard-core employer point of view, you are not productive with that many hours, period."[246] Another farmer had an 80 hour per week, 12 hour-shift, limit for his Guatemalan employees. He said that they often ask for more but he says no because the quality of their work goes down. Perhaps perversely, for this farmer's immigrant workers, getting less than 80 hours per week is a sanction, not a help. "Giving more hours, or being allowed to not have a day off is more of a reward. If work slips, I force people to take time off. That's kind of the punishment. And I think from their point of view in this area, why do you want to sit in the house and not accomplish anything?"[247]

[245] In-person interview, April 8, 2014, North Country of New York.
[246] In-person interview, May 18, 2014, North Country of New York.
[247] In-person interview, May 22, 2014, North Country of New York.

Others expressed concern for workers' welfare for working so many hours. Susan said that, should workers get the 70 hours per week that they want, "That's a safety issue for us. It's a tiredness issue for them, whether they know it or not."[248] Her and her business partner were planning to cut their workers hours back from 6 shifts per week to 5, or 5 and a half, although she was worried about "how that's gonna go". On another occasions, when I translated milking procedures for a farm owner to his staff, he asked me to also tell them they had the right to say no when his son requested extra shifts from them. He told me that he was worried that his employees were "over-worked".[249] And finally, John, a very reflective farm employer, said that sometimes he "feels guilty …maybe they're working too many hours or something like that. Or I'm exploiting them somehow, right? Makes me wonder."[250] His workers' hours were capped at 70 because he could not afford to pay them more, even though they sometimes wanted more hours.

Thus, dairy farmers everyday decisions about their workers' schedules were not simple calculations of how much work they could extract from this vulnerable workforce, as the literature has sometimes tended to imply. Rather, they were keenly aware that their workers' desire to work long hours stemmed from their economic conditions at home – their "hunger" – and their boredom created by their immobility on the farm. While their great pleasure at finding a workforce willing to work so hard may be an uncomfortable truth, they also tried to place reasonable limits on their employees' schedules in acts of concern for both their workers and for their businesses.

[248] In-person interview, April 10, 2014, North Country of New York.
[249] In-person interview, April 13, 2011, North Country of New York.
[250] In-person interview, April 23, 2014, North Country of New York.

Successful on the job

The literature on agricultural employers has tended to emphasize the above-discussed qualities of "reliability" and a good "work ethic" as primary reasons for hiring immigrant workers; my findings corroborate the importance of these traits to employers' valuations. Yet, the dairy farmworkers I interviewed went much further in describing positive traits about immigrant workers that made them suitable for these jobs. As the table demonstrates, farmers believe their workers to be careful and calm around cows, which is essential for them to maintain high milk productivity. One farmer nicknamed his worker from Veracruz the "cow-whisperer" because they seem to listen to him, he speaks to them gently and keeps them calm.[251] Several others mentioned that immigrant workers take pride in their work and express a real enjoyment of working around animals, a view often corroborated by workers (see Chapter Three). It has also been argued that, apart from their deportability, farmers use racially coded language about workers' biological qualities to explain why they hire them; that is, that they can move faster, and that they are more apt for operating milking machinery because of their smaller size. (Harrison & Lloyd, 2013). I found that this racially coded language was used relatively rarely – only two farmers discussed their "speed" at milking, and two mentioned their "smaller size" as making them good milkers.

V. Employer Participation in Worker Recruitment Networks

Recent literature has engaged in a critical re-assessment of Massey's concept of the "migration network" (Krissman, 2005). This important work used several Mexico-U.S. migration case

[251] In-person interview, October 18, 2012, Northern New York.

studies to propose that new migrant networks pivot on migrant "pioneers" who discover lucrative labor market niches, and then, through self-propelling traditional community mechanisms, facilitate mass economically motivated resettlement (Massey et al, 1990). Yet, this concept erroneously leaves employers, who are the ultimate gatekeepers to these new jobs, almost completely out of the picture (Krissman, 2005). Rather, employers play a pivotal role in "anchoring" these networks, but do so in a way that minimizes direct connections to worker recruitment in order to evade criminal responsibility for the unauthorized employment relationship (see Chapter One; Krissman, 2002, 2005). Moreover, several researchers have argued that agricultural employers are also able to protect their privilege by relying on workers' own recruitment networks and thus easily tapping a vulnerable and cheap labor force, at no cost of their own (Maldonado, 2009; Harrison & Lloyd, 2013; Johnson-Webb, 2002).

My findings confirm that dairy farm employers prefer to rely on their workers' own social networks for recruitment purposes. Yet, I also find that employer motivations for doing so are more complex than evading criminal charges and taking advantage of compliant laborers. Rather, they suggested that they trust workers to be selective in choosing responsible individuals, they recognize the important to workers of living with family and friends, and that alternative recruitment methods – labor contractors – are undependable and suspicious. Moreover, while the employer literature depicts agricultural employers as passively dependent on workers to do the recruitment work, I find that they engage actively in recruitment activities by helping other farmers to find new workers. In these recruitment networks, they sometimes try to protect workers from abusive working environments, but more often, they stay silent. I conclude that

their motivations to depend on worker self-recruitment dynamics are ethically more complex than the literature suggests, and ultimately come down to the individual farm workplace.

Reasons for relying on worker "self-replacement"

Once the initial hire had been made, all of the farmers in my study say that their primary (if not only) method for recruiting new immigrant workers is to rely on their existing workforce to find replacements when someone leaves. Indeed, the advantage of hiring immigrant workers is in large part rooted in the ease of finding new workers given the high turnover rate they said they experienced with the local workforce. This was confirmed by the focus group research of Maloney & Eiholzer (2017). One farmer said that after he had hired his first immigrant employee from a neighboring farm, "from there it was a domino effect", with the workers bringing their family members and friends shortly after.[252] Another said that, after the first worker who had showed up at his door asking for work "convinced us to hire him", it was all "pretty much a process of word of mouth" as that worker brought his friends to the farm.[253] As things developed over time, "Usually your Guatemalan will find you another Guatemalan."[254]

Farmers overwhelmingly agreed that they are willing to hire the people that their employees recommend. However, some farmers put screening mechanisms in place. Two farmers said they try to get a sense of workers' experience before offering them the job by asking the recommender about them. Robert, who was thinking of hiring two Guatemalan workers, had specific hiring criteria: that they had milking experience, were at least 25 years old, and spoke

[252] In-person interview, July 14, 2011, Central New York.
[253] In-person interview, April 8, 2014, Northern New York.
[254] In-person interview, April 13, 2013, Central New York.

English.[255] Susan has a "four hour working interview" for anyone, local or immigrant, to see if they like the work, and if the workers like the new person.[256] She also sends the potential new hires recommended by her Mexicans to be interviewed by the labor contracting service she hires.[257] Another farmer interviews them himself and only decides after their training if they can stay, depending on whether they followed direction. He said he likes to try to determine "Are they just here because they need money or are they really interested?"[258] Caroline explained this to me vividly: "You read all these articles, all talk about interviewing and screening. You gotta be kidding me. I'm fortunate that there's somebody. I'm fortunate when I have a body. … [when a worker left and offered his own replacement] all I could do was hope that he was a good fellow and that the guys got along."[259] Workers' perspectives on this self-replacing recruitment dynamics are explored in more depth in Chapter Four.

The primary reason for relying on workers' own recruitment networks was to prevent personal conflicts in worker housing from contributing to workplace conflicts. A farmer who relied on migrants from the same family in Veracruz said "it keeps the peace that way".[260] Ed said, "If it's okay with them, it's okay with me. … they have more at risk than I have."[261] Doris said that when her first immigrant worker eventually left, she wanted him to pick his own replacement because: "It's important to know that I can trust this guy with my girls".[262] Since she would have been unable to communicate directly to interview new workers due to language barriers, she

[255] In-person interview, June 5, 2014, Northern New York.
[256] In-person interview, April 10, 2014, Northern New York.
[257] In-person interview, April 10, 2014, Northern New York.
[258] In-person interview, April 27, 2014, Northern New York.
[259] In-person interview, May 18, 2014, Northern New York.
[260] In-person interview, July 14, 2014, Northern New York.
[261] In-person interview, April 16, 2014, Northern New York.
[262] In-person interview, March 14, 2012, Central New York.

placed her trust in this (English-speaking) worker to find another trustworthy person, like himself. Similarly, when I asked John if he ever interviewed the potential new employees his workers recommended, he said: "I just totally trust them. Because we have this relationship and I feel like they would never bring somebody in that they knew I wouldn't like."[263] Interestingly, Tom and Jacqueline (spouses) both said that they will place a limit on how many workers they will hire from the same immediate family. As Jacqueline explained to me: "You got too many of one family if something happens everybody quits at the same time. So not only that, but it's like a power thing too. A lot of family members, they can feel like they're a powerful group with the other ones." She noted that sometimes this created a dynamic where workers living in the same trailer would not even speak to each other, and wanted to present these unequal dynamics.[264] Clive said he takes into consideration the schedule of the open position and tries to prevent bringing in a worker through someone who doesn't get along with a co-worker on that shift.[265]

A principal reason why farmers prefer workers to recruit their own replacements it that labor contractors are very expensive, and often cause for suspicion. Chris had found his first immigrant worker through a labor contracting service, to whom he had paid $1,700 for the initial search, plus $1,500 for a replacement (to find a new Latino immigrant worker if that one left) and maintenance (including monthly translation services). When this employee offered to bring him his cousin for free, Chris gladly accepted and never used the contracting service after that.[266] Another had heard from his employees that the labor contractors continue to "pay a commission

[263] In-person interview, April 23, 2014, North Country of New York.
[264] In-person interview, April 26, 2014, North Country of New York.
[265] In-person interview, May 22, 2014, Northern New York.
[266] In-person interview, August 5, 2011, Central New York.

forever" for the job placement and preferred not to use the service because of their discontent.[267] Two farmers seemed to think labor contractors were dishonest. And one questioned the value of the service altogether: "I had the impression that every guy they brought us would have completely legitimate paperwork, and I don't think it was that much different. The first time I asked him to find me an employee, their first move was to call every one of my employees the same way I would have done it."[268]

Moral policing – in silence

I found that employers' engagement with these worker self-replacement networks involved a silent form of moral policing. While farmers observe and decry the mistreatment of undocumented immigrants when they hear of it on other farms, they feel there is little they can do about it or write the incidents off as a few "bad eggs". More specifically, some farmers told me that they refrain from sending an undocumented worker into an environment they know could be abusive or otherwise harmful. The owners of Applewood had lied to a farmer known to strike his workers when he asked them if they could ask their workers for a recommendation.[269] Doris was incredibly upset at the way her first immigrant worker had been treated at the farm where he left, and explained carefully to her herdsman that he had to "treat him well" or else the worker would leave.[270] One said his neighbors refer to him as the "Mexican thief" because every time someone leaves a job, several new workers show up from other local farms hoping to get the opening because of his reputation for providing such good housing and treatment.[271]

[267] In-person interview, April 23, 2014, Northern New York.
[268] In-person interview, May 22, 2014, Northern New York.
[269] In-person interview, April 4, 2014, North Country of New York.
[270] In-person interview, March 14, 2012, Central New York.
[271] In-person interview, April 13, 2012, Western New York.

For Stanley, he tried to avoid the topic of how his farm had managed to be successful without hiring immigrant workers, because he felt he couldn't answer the question to his farmer peers without raising the fact that he felt they sometimes treated their employees poorly. He described having seen, on other farms, workers living right by manure pits, a lack of potable running water, talking down to employees, failing to say a simple hello. "I mean even people that have pets, you're good to your pet right? You wouldn't treat a human being like that either."[272] Hannah felt upset about hearing that on other farms, the conditions can be bad, and farmers can be "mean". She said that sometimes when she asks her employees how things went on other farms, "I think culturally they often tell me what they think I want to hear. That everything is okay. It's both a culture and a language thing.[273] And Rick was critical of a local farm where the workers had been housed right above the milking parlor, which he said was full of cockroaches and an incredible fire hazard.[274]

On the other hand, several farmers would not say they had ever observed bad treatment of workers on other farms, perhaps out of suspicion regarding my question. As the retired owner of a 60-cow dairy who had never hired an immigrant put it: "It's an accepted norm. A majority of the large farms have them, they're doing it, so you can't blame 'em for doing it."[275] And as Susan told me: "Yeah and there are, there are bad actors everywhere in the world. In any business. You know."[276] Rick said that, although he is aware of some farms that "pay different,

[272] In-person interview, April 26, 2014, North Country of New York.
[273] In-person interview, April 17, 2013, Central New York.
[274] In-person interview, April 22, 2014, Northern New York.
[275] In-person interview, June 9, 2014, North Country of New York.
[276] In-person interview, April 10, 2014, North Country of New York.

have different shifts, that kind of thing that I don't do," overall, I think most of the farm owners genuinely do care about their employees. And want it to be a good working, both ways, business relationship. And treat them kind of as such."[277]

VI. Conclusions

This chapter has tried to show that, when it comes to farmers who hire undocumented immigrants, the ethics are not black and white. Farmers are both subject to vicious cycles of structural violence and pivotal actors in its reproduction (Bobrow-Strain, 2007; Holmes, 2013). They have simultaneously seen the stability of their traditional labor sources decline, at the same time as the economic pressure to become more efficient or lose the farm has ramped up. In the process of responding, they rework and project culturally significant categories of "hard work" and sacrifice onto their immigrant workers. They form opinions of each other's labor practices, yet do little to act upon the information they hear. The consequences of their actions are to relegate these employees to the bottom rung of the occupational ladder, as Chapter Three discusses from workers' own perspectives.

[277] In-person interview, April 22, 2014, North Country of New York.

CHAPTER 3

EMPLOYMENT CONDITIONS, THE LABOR PROCESS, AND THE OCCUPATIONAL LADDER

I. Introduction

> "'Oh, but these are monsters!' When I looked at their huge udders, I thought, I have never seen such animals."[278] (Juanito, 22, Mexico)

This chapter analyzes how labor laws, immigration status, and the production structure of dairy farming come together to shape employment conditions and the work experiences of undocumented immigrants. The first section reviews the legal framework that exempts farmworkers from many basic labor protections, pushing them into precarious work. I use ethnographic evidence to show how workers both internalize and contest the conditions of their precarity. Next, I use data from interviews with both farmers and farmworkers to explain how legal status, English language skills, and the motivation to learn new skills shape the occupational hierarchy on New York dairies. Immigrant workers feel they have little prospect for mobility beyond the milking and cow herding jobs they usually start out with. However, they achieve significant learning on the job, challenging conventional assumptions that they are "unskilled" laborers. The third and final section uses the concept of embodied structural violence to examine how workers experience and endure the physical and emotional difficulties of their jobs. This structural violence is the human cost of cheap, mass produced industrial milk.

[278] In-person interview, June 10, 2014, North Country.

II. Precarity and Conditions of Employment

Pre·car·i·ous

1. "Not securely held or in position; dangerously likely to fall or collapse."
2. "Subject to chance or unknown conditions."
3. "Dependent on the will or favor of another."

Immigration scholars have offered a rich theoretical framework for assessing the structural factors that shape migrant worker precarity in contemporary Western societies. Building from a tradition in migration studies that highlights the shifting boundaries of membership categories (Ngai, 2014), they have argued that conditions of employment are also shaped by these socially constructed immigration laws (Anderson, 2010). That is, immigration law increasingly regulates the workplace by targeting workers, not employers, for criminal employment situations. These "immployment" laws effectively reduce workers' ability to make claims to basic rights (Griffith, 2011, 2012). Specific immigration controls like electronic verification of social security numbers, and SSN "no match" letters, become effective tools for employer control (Gomberg-Muñoz & Nussbaum-Barberena, 2011). Other researchers have focused on the particularities of the precarious job itself. The useful concept of the "work-citizenship matrix" has been offered to provide a framework for analyzing how precarity is shaped at the intersection of the conditions of work in specific jobs and workers' legal status (Goldring et al, 2009; Goldring & Landolt, 2011). In fact, the analysis has been brought to the level of individual employers and their employees, to show how they together manipulate immigration law through "semi-compliance" to achieve their respective economic ends (Ruhs & Anderson, 2010).

This section contributes to the literature on precarious immigrant workers in several ways. I show that, as in other industries, workers' sense of ability to claim labor rights is strongly shaped by undocumented status (Gleeson, 2010). Workers accept long hours, and often express reluctance to request raises, because of their sense that they do not have rights. Moreover, I show that the most common forms of worker precarity --- exceedingly long hours without overtime pay – are sanctioned by employment law that has long condoned agricultural exceptionalism from basic labor rights. Indeed, federal and New York State employment regulations legalize the exemption of farmworkers from many aspects of compensation law: under both the federal Fair Labor Standards Act and the New York State Labor Relations Act, farmworkers are legally exempt from receiving a day of rest, overtime pay, disability insurance, and collective bargaining rights.[279] Third, I introduce the farm production structure as a variable in shaping worker precarity, going a level below the particular industry. This is because the farm size determines schedules, and the number of immigrant co-workers shapes the sense of opportunity to collectively demand a raise. Fourth, and based on these exceptions, I argue that it is the gaps in the law, rather than its strength, that make workers precarious. Thus, as the definition of precarious above suggests, dairy farmworkers are precarious not just because of the lack of protections, but because of their extreme dependence on farm employers to treat them well.

Schedules

> "What may work in a factory doesn't fit on a farm where Mother Nature is our time clock." (Dean Norton, President, New York Farm Bureau)[280]

[279] New York Civil Liberties Union. Retrieved October 9, 2015, from http://www.nyclu.org/files/releases/2012.5.22_Myths%20and%20Facts.pdf

[280] Norton, Dean. June 4, 2013. "Letter: Mother Nature the Farm's Clock." Albany Times Union. http://www.timesunion.com/opinion/article/Letter-Mother-Nature-the-farm-s-clock-4576557.php

The comments of New York Farm Bureau President Dean Norton reflect the agrarian myth that farming is an exceptional industry whose production schedule is governed by nature. Yet, as this chapter goes on to show, industrial dairy farming follows highly unnatural, 24-hour rhythms that are closely controlled by dairy farm owners. Regardless, this agrarian myth continues to be reflected in New York State labor law, which places no legal limits on the number of hours farmworkers can work on any day, or over the course of the week. Moreover, under the federal Fair Labor Standards Act of 1938 and the New York State Labor Relations Act, farmworkers are legally exempt from receiving one day of rest per week. These gaps in the regulatory framework create significant variation in the number of hours worked by immigrant farmworkers. Below I analyze workers' total working hours and daily schedules, and how they vary depending on the size of the farm.

The table below summarizes the number of weekly hours worked by farmworkers on farms of different sizes. The average hours worked per week for all full-time farmworkers (N=50) was 70 hours.[281] The table shows that the total number of hours worked per week tends to be marginally higher on large farms (500 to 999 cows) and very large farms (over 1,000 cows). However, the sample on small farms was very small. Several workers on larger farms told me that they had left smaller farms because they do not offer enough hours. Julietta, for example, had worked on a 300-cow dairy where she said "there weren't many hours". She described working from 4am to 9am, and again from 2pm to 6pm; she considered these 9 hours per day inadequate.[282]

[281] One part-time worker (raising a child) who worked only 12.5 hours per week was excluded from a sample of 51 workers asked about their weekly hours.
[282] In-person interview, April 17, 2014, North Country.

Table 9: Average hours worked by per week by immigrants, by farm size

Farm (milking herd) size	# farmworkers	Average hours / week
<300	2	64.25
300 to 499	7	67.4
500 to 999	17	70.2
>1,000	24	70.8

These figures can be compared to other studies of New York dairy farmworkers. A 2009 survey conducted with New York dairy farm employers found that approximately 52% of milkers and general labors (both migrants and locally-born) worked more than 50 h per week, and that 21% worked more than 70 h per week (Maloney and Bills, 2011). My study suggests that the portion of workers in milking positions – almost always migrants – working 70 or more hours per week is much higher. Of the 50 respondents to this question, 24 farmworkers (48%) worked 70 or more hours per week.

The daily schedules that make up these long hours vary widely. Long shifts of 12 straight hours are more common on large and very large dairies. Workers on small and medium sized farms are more likely to work several shorter shifts throughout the day and night. The table below summarizes the number of farmworkers working one shift and the number working a split shift, for each farm size category. Most workers working one long shift received 30 minutes to an hour for a meal break. However, as discussed below, some workers do not receive sufficient time for a meal break, and the impacts on their exhausted bodies are discussed below. A split shift is defined in terms of a minimum two-hour break between shifts (ie more time than a one-hour meal break). The "representative shift" columns demonstrate typical working hours I heard about from my interviewees. A handful of workers describing working a split shift only once or twice per week, in which cases they were counted as working one long shift.

Table 10: Typical shifts worked by immigrants, by farm size

Farm (milking herd) size	# Farmworkers	# Working one shift	Representative single shift	# Working split shift	Representative split shift
<300	2	0	n/a	2	4am-7:30am; 2pm-7:30pm
300 to 499	7	1	5:30pm-6am	6	3am to 9am; 3pm to 9pm 8:30pm-1:30am; 5:30am-10:30am
500 to 999	17	13	3:00am-1:00pm 7:00am-5:00pm 8:00pm-8:00am	4	10:00am-4pm; 6:30pm-12am 2am-9am; 11am-2pm
>1,000	24	15	6:00am-6:00pm 6:00pm-6:00am	9	3:30am-7:30am; 2pm-6pm

My data shows that on small and medium farms (up to 499 cows), a greater share of immigrant employees were working split shifts than were working one single shift. In fact, of 9 farmworkers on farms of these sizes who responded to questions about shift times, only 1 was working a 12-hour shift. Conversely, on farmers with more than 500 cows, immigrant employees were more likely to work one single shift than a split shift. On farms with 500 to 999 cows, they were about three times more likely to work a single long shift than a split shift.

On farms with more than 1,000 cows, they were about 2.5 times more likely to work a single long shift than a split shift. However, the data in this farm size category includes six workers from Applewood dairy where an "8 hours on, 8 hours off" system had long been in place. Shifts start at 3:30am, 12pm, and 7:30pm on this farm. Therefore, every second day, workers put in 16 hours in total. Three of the workers on this farm took one day off to recover; three others

maintained this "eight-on, eight-off" schedule seven days in a row and rested only every third Sunday. The employees explained to me that things had simply always been this way. While the farm owners had offered to transition to 12 hour shifts, at least one employee thought that would be "unfair" because "it would be more beneficial to the person who works in the day. But the other group, at night you feel more sleepy, you lose more sleep."[283] In other words, it is more fair for everyone to suffer from an irregular schedule that almost never leaves more than about a six hour period for sleep (see below). This farm was an anomaly in comparison to the other large dairies I visited where 12 hour shifts are more common.

As discussed in Chapter Two, farmers often place limits on the number of hours their immigrant employees work in a given week. Moreover, the vast majority of farmworkers I interviewed receive one day per week of rest. The lack of a legal limit on working hours means workers are compelled to work long hours to maximize earnings and go home. Jorge, aged 22 years, says he once quit a dairy farm job because it provided only 50 h of work per week. He says that 70–75 h would be more adequate. When I asked Jorge if his schedule was not too much for him, he said: 'Well you do feel it a bit. But when you see the payday, the tired feeling goes away'.[284] Another worker, 20-year-old Ignacio, works 88 h per week. Ignacio could rest more often but described his schedule as 'super good', because 'this way I make more money.' He claimed that although he feels physically okay, 'when you don't sleep, that's when the tiredness bothers you.'[285] These workers are willing to take on more hours despite the impact on their sleep patterns. A study conducted with Latino poultry workers similarly found that they were willing to continue work

[283] In-person interview, May 21, 2014, North Country.
[284] Interview, in-person, North Country region of upstate New York, 10 June 2014.
[285] Interview, in-person, North Country region of upstate New York, 21 May 2014.

practices with known detrimental physical impacts, in order to support their families (Arcury, Mora, & Quandt, 2015).

However, the lack of a legal limit means that farmers have discretion to ask their workers to perform extremely long shifts even if they do not want to --- legitimized by the unpredictability of "mother nature" as Dean Norton would remind us. During an informal visit with several Mexican brothers working together on a North Country dairy, they said that their *patrona* "just gives orders for the sake of them being followed", and they were sometimes required to work for 24 hours straight without compensation.[286] Jaime worked seven days per week on a small farm where "the farm thought everything was find and didn't ask you if you wanted a change".[287] Alfredo said that having no choice but to work 7 days per week was part of his motivation for leaving a previous farm.[288] Eduardo said that, on a small farm where he had previously worked, the other workers were happy with their weeklong (up to 90 hour) work schedule, but he really wanted to take a rest. "The one who doesn't want to keep working like that, leaves."[289]

Compensation

> "Working with animals isn't hard. The hard part is dealing with the *patrón*."[290] (Alan, Guatemalan worker in Northern New York)

[286] In-person interview, November 12, 2011, North Country.
[287] In-person interview, May 6, 2013, Central New York.
[288] In-person interview, May 18, 2013, Central New York.
[289] In-person interview, May 20, 2014, North Country.
[290] In-person interview, May 28, 2014, North Country.

As Alan's implied to me in our interview, wages are a sensitive issue to farmworkers, and negotiating raises are no easy task. New York farm employers are required to pay the minimum wage for each hour worked --- regardless of how many hours workers put in per week. This is because all U.S. farmworkers are legally exempt from overtime pay under the federal Fair Labor Standards Act of 1938. In this context, it is up to state legislatures to pass laws over-riding those exclusions. The New York State Labor Relations Act maintains farmworker exemptions, despite a 20-year campaign to overturn them (see Chapter Five).[291] It is important to note that some states, after almost 100 years of agricultural exemptions from basic labor rights, are taking remedial action. California, for example, recently approved legislation that will provide overtime pay for work beyond 8 hours per day by 2022.[292] This section shows that most farmers comply with the law by paying minimum wage. However, because compensation protections are so minimal, farmers can use compensation as a means of labor control without straying beyond the bounds of compensation law. Specifically, they do not pay overtime or discriminate by paying overtime to U.S. employees only, and they gave small and infrequent raises that leave workers with the sense that they have no right to ask for more money. Nevertheless some do, demonstrating significant agency and the value they place in their own work.

Wages

The table below reports minimum, maximum, average, and median pay reported by my interviewees, and compares the data to legal New York State minimum wages for that period. 44

[291] New York Civil Liberties Union. Retrieved October 9, 2015, from http://www.nyclu.org/files/releases/2012.5.22_Myths%20and%20Facts.pdf

[292] Ulloa, Jazmine and John Myers. September 12, 2016. "In historic move, Gov. Jerry Brown expands overtime pay for California farmworkers." Los Angeles Times. http://www.latimes.com/politics/la-pol-sac-farmworkers-overtime-signed-20160912-snap-story.html

of my participants responded to questions about how much they are paid.[293] 35 provided an hourly rate; the other 9 were either paid as a weekly salary, or were only able to report their weekly earnings and not the hourly rate.

Table 11: Average, median, and range of pay rates for immigrant workers

Year of interview	Number of interviews	Pay range (min $/hour to max $/hour)	Average pay ($/hour)	Median pay ($/hour)	NYS minimum wage[294] ($/hour)
2015	9	6 to 10 (8.5 to 10)	8.78 (9.14)	9 (9.13)	8.75
2014	22	8 to 10.85	8.78	8.58	8.00
2011-2013	4	7.25 to 8.5	7.75	7.63	7.25

The table shows that in all cases except one, workers reported hourly wages at or above the legal minimum. One worker reported being paid only $6 per hour at a large dairy, which he left after one month later due to a severe injury while milking. Other research has confirmed that most dairy farm employers do comply with minimum wage laws. A recent (2016) larger-scale study of immigrant dairy farmworkers in New York asked 205 workers about their hourly wage and found that they are paid $10.30 on average (Maloney, Eiholzer, & Ryan, 2016). The authors note that "at least one worker" reported earning less than the legal minimum but did not state how many (Maloney, Eiholzer, & Ryan, 2016, p. 31). Their research suggests that the average pay is about $1.30 above the legal minimum (which was $9.00 in 2016), whereas for the three periods covered in my study, the average pay did not exceed the minimum by more than $0.78. However, the Maloney et al (2016) study had a larger sample size.

[293] From this sample I excluded the part-time worker taking part-time shifts for her co-workers. She was being paid $7.50 directly from their paychecks, while they earned $8.00 per hour.

[294] On December 31, 2015 the minimum wage was increased to $9.00. On December 31, 2016 it was increased again to $9.70. https://labor.ny.gov/stats/minimum_wage.shtm

Additionally, 9 workers reported their pay rates to me in terms of a net weekly salary. This form of compensation raises concerns about wage theft that are impossible to verify. Since the tax rate varies per individual (depending primarily on how many dependents employees claim), it is not possible to calculate the workers' pre-tax hourly rate. Moreover, while New York State labor law requires employers to provide detailed information about deductions on a pay stub, [295] many farmworkers have difficulty interpreting their pay stubs in English, which raises further concerns about wage theft (Fox et al, 2017). In 2013, I interviewed 5 workers who were making between $430 and $575 per week. In 2014, 3 workers reported making between $525 and $550 per week. In 2015, one worker was making 430 per week. This worker was working 72 hours per week for a post tax rate of $6/hour, which raises suspicions of wage theft. Ricardo left a farm after 6 months where he worked two 6 hour shifts, 7 days per week, and was paid only $400 per week.[296] On Applewood, workers were paid in a weekly salary instead of an hourly rate, and no list of deductions is provided to workers (other than for weekly groceries, which the farmer brings to them). One of their workers thought he was being paid only $7 per hour (at a time when the legal minimum was $8) but had no way of verifying: "The *patrona* says that she's paying $8 per hour but I don't know how she's taking off that other dollar, because the taxes, everything else, I don't know."[297]

Overtime pay

[295] Legally the paystub must include: Employee name; Dates covered by the payment; Basis of payment (hourly or salary); Rates paid (regular and overtime rates); Hours worked (regular and overtime hours); Allowances or credits; Gross wages; Deductions from wages; Net wages. Presentation by WJCNY at New York State Workers' Congress, June 7, 2015.
[296] In-person interview, July 22, 2014, Central New York.
[297] In-person interview, April 25, 2014, North Country.

Most dairy farm employers do not provide overtime pay. Farm owners argue not only that paying overtime would be economically devastating, but that they would then be required to cut back hours, forcing their employees to top up their incomes with second jobs elsewhere (Maloney & Eiholzer, 2017). Caroline provided this exact argument, and added, "when I look around, I'm employing reasonably … I supply all the appliances when the washer, dryer, fridge, stove, furnace, the pump, the whatever, we just take care of it."[298] Robert expressed a desire to pay overtime but was not confident he could do it without winding up "out of business". He said: "it seems like you should. It seems like you oughta be able to, but there's just not enough margins in it."[299] When I asked John if he had ever considered paying overtime, he reminded me that "we're making food for everybody, and it's at a total loss, a big time loss. I can't afford [overtime]."[300] Based on arguments about the exceptional nature of farming – it's exceptional financial volatility, and the financial commitments farmers make to provide for workers' social reproduction – these farmers felt that overtime pay was an unreasonable request.

I encountered two farm employers who paid overtime to U.S. citizen workers only. Jacqueline and Tom said this was because during the summer, they suddenly had to ask more hours of their local employees, where as their "barn crew" is on a "set schedule" year-round.[301] Whereas the "Americans need an incentive to work extra hours …. If the Guatemalans don't get enough hours they complain."[302] Jacqueline also asked me not to tell her Guatemalan employees that her American citizen workers got overtime pay. Frank, whose dairy with more than 2,000 cows was

[298] In-person interview, May 18, 2014, North Country.
[299] In-person interview, June 5, 2014, North Country.
[300] In-person interview, April 23, 2014, North Country.
[301] In-person interview, April 8, 2014, North Country.
[302] In-person interview, April 26, 2014, North Country.

a successful enough business to afford overtime for all employees, was only paying overtime to his indoor, American crew. His explanation for excluding the milkers from this benefit was straightforward: "they haven't asked for it". When I asked if he would pay them overtime, should they ask, he said yes.[303] These farmers excluded immigrant workers from overtime pay for the simple reason that -- due the workers' fear and lack of information to ask for more rights -- they could.

Finally, I encountered two dairy farm owners who give overtime pay (beyond 50 hours and 55 hours, respectively) to all workers on their farms. Susan and Barry were forward-thinking. They had put overtime pay into place because they felt "something's gonna happen [in terms of a state level overtime pay law for farmworkers] so we might as well get started."[304] They were able to afford it because their milking crew is only working 55 to 60 hours, anyway --- less than the average for the farmworkers I interviewed. On another farm, farm workers were paid one dollar extra per hour for their night time shifts.[305] I asked Erik, a Guatemalan worker who receives overtime pay after 50 hours per week on Ed's farm, if this was a reason for staying on this farm. He said: "yes, I feel good here. Other jobs have come up but I stay here." He also said that he stays put because of the respectful treatment of his boss.[306]

Raises

The wages table above also shows that immigrants' wages rise very little above the New York State legal minimum wage. The highest earning worker in my study was making $10.85 per

[303] In-person interview, April 11, 2014, North Country.
[304] In-person interview, April 10, 2014, North Country.
[305] In-person interview, June 16, 2014, Western New York.
[306] In-person interview, April 19, 2014, Northern New York.

hour. Indeed, raises are small and infrequent on dairy farms. The amounts that workers reported being raised ranged between $10 cents per hour and $1 per hour.

The table below summarizes the reasons that workers provided to me when I asked them either why they had asked for a raise, or under what conditions a raise would be justified.

Table 12: Immigrant workers' reasons for asking for a raise

Reason for Asking for Raise	**# Farmworker Mentions**
Working a long time on farm	7
Asked to do more work / Long hours	4
Importance of work to farm / Doing good job	4
Wage too low / Wages higher on other farms	3
Personal need for more money	2
Cannot get reimbursed for taxes	1

When workers do ask for a raise, they justify their requests on the basis of their commitment and contributions to the success of the farm. The primary reason workers gave justifying a raise was that they had worked for a long time on the farm. Most workers I spoke with described receiving raises at unpredictable intervals, as infrequent as every two or three years. Juanito had worked on 7 dairy farms altogether and described how surprised he was to receive an automatic raise every 6 months on the large farm where I met him. "On other farms, it's not like that. You have to do an excellent job so that the boss will give you any raise. Otherwise he won't give you a raise and you stay always earning the same. Or at some places, you simply do the job that you do and whether you do it good or bad, you won't get a raise."[307] Another common reason provided for requesting a raise was that the amount of work had increased, or simply that work hours were very long. Moreover, several workers were well aware that their work made an important

[307] In-person interview, June 10, 2014, North Country.

contribution to the farm's success that was not being recognized through their wages. Armando, 31, said that he "always, always" asked his farm employer Ed for a raise. He said, "they're always telling me I'm such a good worker, the quality of the milk had improved… and they always showed the recognition of quality from the milk company." He said his efforts were usually in vain. "Then they start to throw in your face that you have a house, you don't suffer anything here."[308] These workers attempted to remind employers of their importance to the farm business success as a means of leveraging better pay.

When workers do receive a raise, it is usually without having requested it. Most had no idea a raise was coming, nor the reason for receiving it. Samuel jokingly told me, when I asked why he never inquired into the reason for his raise, "maybe they'll take it away from me!"[309] However, others had had clarifying conversations with their employers. One worker said he was told he was being rewarded because his employers were "happy with his work" when he received a raise from $7.50 to $8.00.[310] Another worker felt that his raises were only offered when it became clear to his supervisor that he was ready to switch jobs because of being treated so poorly -- and admitted that the supervisor's strategy had worked.[311] Ricardo, who had experience on several farms, observed that his co-workers often became excited about a raise when they were simply being raised to match the minimum wage.[312] Farmers thus leave workers in doubt over whether a raise is coming, and this uncertainty keeps workers on edge, motivating hard work.

[308] In-person interview, April 23, 2014, Northern New York.
[309] In-person interview, March 7, 2015, Western New York.
[310] In-person interview, April 23, 2014, Northern New York.
[311] In-person interview, June 13, 2015, Western New York.
[312] In-person interview, July 22, 2015, Central New York.

Regardless of whether raises are requested or impromptu, they tend to be minimal. Marcos said he once received a raise of only 10 cents, which for him, was an "insult".[313] Several other workers expressed extreme satisfaction when receiving a raise of $1 per hour. No worker in the study reported receiving any one-time rise above $1 per hour.

It was more common for the workers I interviewed to not ask for a raise, even when they felt it was justified. The table below summarizes the reasons they provided for not requesting raises.

Table 13: Immigrant workers' reasons for not asking for a raise

Reason for Not Asking for Raise	**# Farmworker Mentions**
Farmers said they don't give raises / Haven't followed through in past	9
Waiting to request raise collectively	4
Fear of farmer becoming angry, getting fired, or calling immigration	4
Farmers should only give raise for good job performance	3
Did not speak enough English to ask	2
Farmer treats me well and provides housing	2
Already paid more than co-workers	2
On other farms pay is worse	1
Waiting for a new worker to ask for raise and suffer any blowback	1

Workers gave several reasons for not having received a raise. The number one reason, by far, was an implied or explicit understanding that immigrant workers simply do not get raises. One worker explained to me, when I asked why he had never asked for a raise after four and a half years on the farm, that "the way it is, they don't give raises. And we haven't asked."[314] On another farm, Benito said that, "I don't know why I haven't asked. Here they don't give

[313] In-person interview, June 10, 2015, Western New York.
[314] In-person interview, April 13, 2014, North Country.

raises."[315] These workers had internalized a sense of complacency about the rigidity of the occupational hierarchy on these farms.

Several more workers described that they were not asking for a raise quite yet because it would be more effective to ask as a group. Benito, on the previous farm where he worked, said that he and 5 co-workers had gone to the boss to request a raise together. He said, "that way, yes they'll give you a raise, because there is no way to get more people fast."[316] Another worker on Caroline's farm described how, Geraldo, who had worked there the longest, went to speak with Caroline's husband on behalf of his four Guatemalan co-workers. "We had all agreed … Geraldo went to speak with the boss and found him alone -- he usually sticks to the American workers -- and took advantage of the moment to speak for all of us." [317] In this case, the reason for requesting a raise was that once person had left and was not replaced, thus the workers felt they were putting in longer hours and deserved a raise for their effort. However, some workers wait indefinitely for this collective activity to happen. Marcos, for example, says that some of his co-workers are paid better than others, and for that reason do not want to participate in a group effort to request a raise. Instead of trying alone, he decided not to ask for a raise, recognizing his chances would have been much better with a group.[318]

Relatively few workers expressed fear that asking for a raise could lead to employer retaliation. Julietta emphasized that she did not believe she had the right to ask for a raise because of the possibility that the farmer could call immigration. Her statement merits quoting at length:

[315] In-person interview, September 25, 2014, Western New York.
[316] In-person interview, September 25, 2014, Western New York.
[317] In-person interview, June 16, 2014, North Country.
[318] In-person interview, June 10, 2015, Western New York.

> "My uncle told me when I got here that here, we're not going to make special request, it's not like in one's own country that you can say, "I want more" or "you could pay me more for my work" because here we aren't worth anything, he said. We don't even have a paper that says we're from this country. So if the bosses say, 'I can get immigration after you right away', they can get immigration after you whenever they want. And there have been a lot of farms like that, that they've put immigration after people sometimes for asking for a raise. So, my uncle told me, 'if you want to keep your jobs you have to accept what they tell you there or look somewhere else'. So I accepted that condition because I needed the money."[319]

Similarly, when I asked Felipe if he and his co-workers had thought of requesting a raise, he said, "no, I don't think they'd give it to us … because we're here as illegals, I don't think we have the means to fight for it". Instead, they practically begged their employer, Agnes, for more hours, and eventually she moved an American employee to an outdoor position to give them more hours. Felipe said she gave them more hours but warned that "if you get sick, it's not my fault."[320] At the time, Felipe was working 80 hours per week. Workers like Julietta, Felipe, and many others believe the only way they can earn more money is to request more hours, because that is the only variable under their control.

[319] In-person interview, April 17, 2014, North Country.
[320] In-person interview, April 20, 2014, North Country.

Finally, employer paternalism was a strong reason for not requesting a raise. On Stephen's farm in Central New York, the five-person immigrant workforce were all friends and family from the same *rancho* in rural Veracruz. Here, all the workers were paid the same rate, regardless of how long they had been there – although the paychecks still varied due to differences in the number of hours worked. One employee told me the farmer did this so they would "all be happy" and said this arrangement was perfectly fine. They had all received a raise at the same time. These workers expressed extreme satisfaction with Stephen, who brought them a fast food breakfast every day, and made sure he was available to take care of all of their social reproduction needs (Chapter Four). It was clear to me that their satisfaction with Stephen was a significant factor in accepting the same rate of pay regardless of the number of years one had worked on the farm.

Another farmworker, Pancho, was the only immigrant worker on Doris's farm in Central New York, and had developed a close relationship with her and her family. When I asked why, after a year and a half, he had not requested a raise, he said: "I don't have any desire to ask for a raise because I think they give me too many opportunities, I'm fine here. … I earn little, but I have some opportunities that they give me … I share many things with them, like eating dinner together, they treat me well, and I don't spend money on food. I'm grateful to them for that. Because nowhere will you find a Mexican that eats dinner with his bosses, in their home."[321] Thus personal, paternalistic ties with workers impede them from requesting raises because of the feeling that it would be inappropriate to raise a potential conflict with someone who takes care of them.

[321] In-person interview, April 1, 2012, Central New York.

Wage theft

> "The bosses underestimate us so much. They think we're really ignorant. … Sometimes they treat us worse than the cows."[322] (Hugo, 55)

Wage theft is a recurrent problem on New York dairies. Fox et al (2017) found that 28% of the New York dairy farmworkers they surveyed had knowingly experienced wage theft. This problem takes place through several forms. The most direct way is to pay workers less than the legal minimum wage. As noted above, this form of wage theft is rare because it is so obvious, although it is often hidden behind weekly net salaries that obscure the gross pay rate. Alan spent six months working for a boss he called "very exploitative": there were days we worked 16 hours, and he only paid 300 or 325 dollars per week.[323] Hugo said when he started his current job, he was being paid $7.50, but the mínimum wage had already been raised to $8. Hence his strong statement, quoted above, about the lack of respect he felt on behalf of his employers. At the time of the interview he was making $8.75 on the same farm.

Wage theft is easy for employers when newly arrived workers have no information about the legal minimum wage. Venustiano described how when he first arrived to a New York dairy after being paid 10.50 at a chicken processing plant, he had no idea if the 7.25 per hour he was offered was legal (it was). "The truth is that that time I didn't even know because I had just got here, and my friends who were there didn't know either, because no one oriented them to the minimum wage laws."[324]

[322] Telephone interview, July 21, 2015.
[323] In-person interview, May 28, 2014, North Country.
[324] In-person interview, June 13, 2015, Western New York.

He did experience wage theft on that farm, but in a more discrete, and more common way: when he put in extra hours, they simply did not appear on his check. His friends told him: "Here they only pay you for 9 hours. Here they don't pay the hours you've worked, it doesn't matter if you worked 2 or 3 hours more." On a North Country farm where I met informally with four brothers from Veracruz, I was told that they were working 65 hours per week but only being paid for 55. The employers had told the workers that the farm was experiencing economic problems and they couldn't afford to pay them as much as before.[325] Umberto worked for nearly two years at a farm where his weekly salary was falling over time even though he was working the same hours. He said: "When I started I was getting paid $518. Then they lowered me to $470. At the end he was paying $425. But the hours I was putting in were the same. That's why I left."[326] Sometimes he worked 83 hours but was only paid for 60.

In another case, the farmer used the workers lack of "working papers" against his employee (Chapter One). Jaime, 20, couldn't find a job for the first 3 months after he arrived to upstate New York. Dairy farmers resisted hiring him due to his young age. Eventually, a farm owner whose business was suffering from a rapid labor turnover rate brought him on. Jaime quickly discovered why this farm was such an undesirable workplace: he didn't receive a single cent of his pay for six months. The farmer claimed that he couldn't process his paycheck, because Jaime didn't have any form of identification. During this time, he survived by getting a weekly ride from the farm owner to pick up food from his father. One week after he finally obtained his "papers", the farmer took him to the bank to cash a $7,000 check for his backpay.

[325] In-person interview, November 12, 2011, North Country.
[326] In-person interview, September 5, 2014, Western New York.

Wage theft concerns are more acute when farmworkers are placed in their jobs by labor contractors (contratistas). Contratistas frequently profit from farmworkers' vulnerability by taking a cut of their pay, and providing services (such as transportation) at a fee (Oxfam America 2004, p. 20). Jaime found his second job through the services of a labor contractor. He said that even in comparison with the farmer who had withheld his wages, 'with the contratista things went much worse'. The contratista regularly took a $100 or $150 cut from his bi-weekly paycheck for "food" deliveries, which usually included nothing more than some cans of beans and soft drinks. When he eventually quit the position, the contractor held on to his entire final paycheck, about $1,500. When he returned to the farm soon after to try to get his paychecks, accompanied by Stephen, his cousin's employer, and a bilingual employee of Stephen's farm, he was told that the contrasista had already cashed the checks. The money was never recovered. Oxfam finds that, even though 'violations of farmworkers' rights are rampant' the US Department of Labor has reduced the resources dedicated to enforcing employment laws on farms (2004, 47). This leaves farmworkers feeling unprotected, and allows farmers and contratistas to become repeat offenders (Oxfam America, 2004).

Finally, farmers sometimes commit wage theft by taking money workers "owe them" directly from their paychecks. One way they can do this is by charging employees for damaged buildings or equipment. One worker told me he had been charged $325 because he backed into a gate and smashed it into pieces when he accidentally backed into it in a tractor while pushing food to cows in the snow. This worker said that the farmer had the gate fixed the very same night.

Nevertheless, he said he felt ashamed, and "it was fine" for him to have to pay for the gate.[327] Also, I heard from interviewees and labor advocates that employers sometimes take a one week "down payment" from workers in case they suddenly disappear from their jobs. A supervisor had told Umberto: "Here they do pay you but when someone leaves and gives notice. For example, if I had left for Mexico I would have told him, I'm leaving in a month or two months and I'll need my week that I worked when I got here. But since I left and came to this farm, they didn't pay me for it."[328] In this way, farmers attempt to use their control over workers paychecks as a way of restricting their mobility and keeping them committed to the farm.

III. The Meanings of "Unskilled Work"

> "I've liked it a lot. I have a few cows in Guatemala and I wish I could take care of them. I don't know why, but since I was really young, my wish was to have cows. And now that I'm involved in this, I feel good. I feel that it's a good quality to work in cows." (Erik, 25 years old, Guatemala)[329]

This statement by Erik, and many similar conversations with immigrant farmworkers, gave me pause throughout my research. Conventional immigration categories of "high" and "low" skilled workers would place him and others who milk cows firmly in the latter category, and particularly in a socially denigrated job. Yet he described his work in terms of a step towards the future he desired, not only thanks to the wages, but specifically because of what he was learning on the

[327] In-person interview, April 23, 2014, North Country.
[328] In-person interview, September 5, 2014, Western New York.
[329] In-person interview, April 24, 2014, North Country.2

job. How would Erik feel if I were to refer to a job he found so meaningful as "low-skilled work"?

Iskander and Lowe (forthcoming) remind us that "skill" is political. Immigration laws, and the scholarship that informs them, are rigidly structured around categories of "high" and "low" skilled work. In broadly accepted theories of international migration, low-skilled workers "link" their migration to high-skilled workers to provide them with services and manual labor at low rates of compensation (Nelson & Nelson, 2010; Nelson, Nelson & Trautman, 2014). The segmented labor market that emerges segregates immigrant workers based on their potential economic contributions, as measured by years of formal education (Piore, 1977). Receiving country governments assign political and social rights, including mobility, according to "skill" level which is believed to reflect the social value of one's labor. These notions were reflected in my every day Ithaca life. As an F-1 student visa holder at an elite university, I traveled freely from farm to farm, where I interviewed low-paid undocumented workers hardly able to leave their homes. The even greater injustice was that these research activities reinforced my "skill" level, making the inequalities between us even greater.

An emerging literature has sought to question the "high" vs "low" skilled binary in immigration studies (Iskander & Lowe, forthcoming; Hagan et al, 2011; Hernandez-Romero, 2012). This analysis explicitly rejects the "victimization" narrative and focuses on creativity and agency in low-wage work. These scholars argue that the usual focus on the precarious conditions that so-called unskilled workers face has obscured the actual skills these workers utilize, and the ways they learned them (Hernandez-Romero, 2012). Rather, the concept of "skill" should be

decoupled from quantitative measures like years of formal education (Iskander & Lowe, forthcoming). Rather, in jobs like construction, significant skill is obtained through learning on the job. Immigrant workers bring these "tacit" skills with them to the U.S., where they further develop their abilities, discover new applications for them, and transfer them back to their home countries when they eventually return (Iskander & Lowe, forthcoming).

I build on this argument in several ways. First, dairy farming is also an embodied way of knowing and doing work: farmworkers describe how they learn by watching and doing, from the day they set foot on the farm. However, dairy farm work requires more than tacit skills (ways of knowing through the physical senses). It requires "mental" skills like memory, learning a second language, perceptiveness, emotional intelligence around animals, and good business sense. Second, I show how immigrant workers use their new skills not only in a transnational frame – which they indeed do – but also to achieve mobility, albeit limited, along the dairy farm occupational ladder in the U.S. In this way, they achieve a sense of membership and belonging through their work (Gordon and Lenhardt, 2008) --- albeit at the micro-level of the individual farm. Third, I show that sometimes farmworkers use these skills and their significant contributions to the farm as a means of leveraging negotiating power vis-à-vis their employers. These arguments contribute to the political motivations of this literature to demonstrate the agency and intelligence required for so-called low skill occupations.

The occupational ladder on large dairies

> "Sometimes the dairy farms don't even seem like farms, right? Sometimes they seem more like an assembly plant. Because, regretfully, the cows have been

> industrialized. They have them there lying down, eating, and producing milk. They're practically machines. But yes, we feel the natural contact, because we see them, we touch them, we live alongside them." (Ricardo, 50, El Salvador)[330]

The labor process on larger dairies is significantly different from that on small farms because of the greater degree of specialization. Below I describe the division of labor between the "indoor crew", usually immigrant workers, and the "outdoor crew", usually local, white U.S. citizens. I use ethnographic evidence to describe from immigrants' perspective what a typical working day is like. The analysis confirms the "clear patterns of occupational segregation by nativity and race" found on Wisconsin dairy farms by Harrison & Lloyd (2013). A racialized labor hierarchy keeps immigrant workers away from public view, in milking parlors and barns, while local workers continue to operate machinery in outdoors jobs. As in more heavily studied seasonal agriculture production, class system develops within the agricultural labor force shaped by gender, legality, and race (Wells, 1996; Thomas, 1985; Holmes, 2013).

This study of labor hierarchies in industrial agriculture makes several important contributions to the literature. Namely, I argue that individual characteristics shape opportunities for promotion that, to some extent, circumvent the glass ceiling imposed by legal status. Workers who learn sufficient English and demonstrate a self-motivated desire to learn tend to get offered more responsibilities and a reprieve from the milking parlor. Moreover, I show how regardless of the position or its status on the dairy farm "totem pole", they seek and find meaning in their daily

[330] In-person interview, July 22, 2015, Central New York.

work. These demonstrations of agency sometimes resist, and sometimes reproduce, the structural constraints on their empowerment as dairy farmworkers.

The "Outdoor Crew"

> "The Americans have the easiest jobs. They aren't that busy working."[331]

While milking cows is no longer subject to the whims of nature, due to scientific mastery of the dairy cow's reproductive system (DuPuis, 2002), the non-animal side of dairy farm businesses remains, to some extent, seasonal work. This is because dairy farmers are usually large-scale land owners (see Introduction) or, at least, renters of land, and employ large crews for outdoor work, particularly during the summer season. As farmers described to me, these jobs include planting, maintaining, harvesting corn and other feed crops. The demand for this labor increases significantly in the months of April (or May) through October. Non-barn jobs also include more regular work for mechanics, welders, and veterinarians.

Only one of the farmers I interviewed had an immigrant employee in any of these "non-barn" jobs --- a Mexican worker who drove a tractor in the North Country where the farmer said that the Border Patrol agent next door was a friend. Conversely, none of the farmworkers I interviewed performed any of these jobs, although a couple said they had driven tractors in the past before immigration pressure had gotten so intense. Farmers gave several reasons for keeping immigrant workers in "indoor jobs". Several were interested in having them do these tasks but were too afraid that their workers would be more easily detected by immigration enforcement

[331] In-person interview, May 21, 2014, North Country.

(c.f. Harrison & Lloyd, 2013). Most simply, John said, "I would teach them how to do fieldwork and tractor work but I'm too afraid to have them go on the road between, so that limits what they can do on my farm."[332] When I asked Tom if his Guatemalan workers had any chance of doing outdoor work, he said, "They can't here because of the border patrol. Initially when we started yeah we had some that we would go out and put in the bobcats and I'd love to be able to do that. But the risk is just too high."[333] Caroline said her longer-term employees knew how to drive her heavier equipment but only within the farm property. Two employers said that "Hispanic workers" don't have the "ambition" to do outdoor work. Frank said, "I've never had Hispanic help really say, boy I wanna go drive a tractor."[334] And Rick said that he tried in the past with some success, but often, "they can't even hold a straight line with a tractor, it's terrible."[335]

In these ways, legal status combined with the intensity of immigration enforcement activity creates a class divide on farm systems that relegates immigrant workers to "back of the house" jobs (Sachs et al, 2014) where they focus on milking and caring for animals. Farmworkers described to me how a quiet, non-antagonistic separation between them and the American workers seemed to form naturally on the farm. Sometimes American workers come to their aid to fix a piece of equipment or help with a difficult birth, but otherwise, as an Applewood worker put it, "they don't bother us, and we don't bother them. We just know they're there."[336] Workers almost unanimously described their American colleagues as "good people" with whom "I don't interact much at all."[337] Only on a couple of farms did I encounter a friendly relationship that

[332] In-person interview, April 21, 2014, North Country.
[333] In-person interview, April 8, 2014, North Country.
[334] In-person interview, April 11, 2014, North Country.
[335] In-person interview, April 22, 2014, North Country.
[336] In-person interview, April 13, 2014, North Country.
[337] In-person interview, June 10, 2013, Central New York.

extended outside the workplace between American and immigrant workers. Fernando said, "Maybe if they thought we had papers or spoke more English, they would talk with you."[338]

A small number of workers identify their U.S. citizen coworkers as "racist" or discriminating. Marcos said, "They think they're higher up than us, they're racist. They say, "you can't drive because you're not from here, or you have to do the hardest jobs. To them, we have no papers or license, and we're locked up in a hole."[339] In the worst cases, farmworkers describe how U.S. citizen colleagues threaten to call immigration on them or otherwise harass and discriminate. The brothers I met informally in the North Country said an American co-worker had threatened to call ICE if they complained about their working conditions. In another case, Jaime had recently tried to purchase a car from a U.S. citizen employee at a dairy farm where he had formerly worked. However, the man simply kept the car after taking Jaime's $1,100. Jaime says that the only factor restraining him from reporting the man to the police were the potential legal repercussions for his current and former dairy farmer employers:

> "I told the man that I was going to go to the police, and he said 'well they're going to send you to Mexico'. And I said, 'it doesn't matter to me if they send me to Mexico, because I'm already planning to leave. But in the meantime, I'm going to lay charges.' And so the American got scared and he told the bosses, 'If Jaime moves a finger, I'm going to accuse you of having undocumented workers.' And so the boss and the local raitero talked to me, and they said, 'it would be better if

[338] In-person interview, September 6, 2014, Central New York.
[339] In-person interview, June 10, 2015, Western New York.

you don't lay charges against him because it's going to get the bosses into trouble'. And so [I decided] it was better not to."[340]

Jaime's story reveals significant agency and resistance in the face of discrimination from his American co-worker.

The "Barn Crew"

The "barn crew" usually includes both immigrant and locally born, white workers. Higher-up roles – barn supervisors and herdsman – are more likely to be held by U.S. citizens but several farmers and farmworkers described immigrants moving into these roles.

The table below summarizes the positions on the farm of 58 immigrant workers who described to me their job on the farm, as well as how long they had worked on the farm. The "other" column reports the number of workers who reported doing any tasks beyond the typical job descriptions (as described immediately below), and lists these specific tasks.

Table 14: Jobs performed by immigrant workers, by length of employment

Time on job	Total workers	Milker only	Milker & other barn duties	Cow pusher only	Calf-feeder / Assistant calf-feeder	Supervisor	Other
< 1 year	10	5	5	0	0	0	
Completed 1 year	8	3	4	0	1	0	
Completed 2 years	12	2	7	0	1	2	
Completed 3 years	8	1	4	1	2	0	
Completed 4 years	5	0	3	0	2	0	
Completed 5 years	2	0	0	0	0	0	Herdsman (1)

[340] In-person interview, May 6, 2013, Central New York.

							Milker trainer (1)
Completed 6 years	4	0	4	0	0	0	
Completed 7 years	3	1	0	2	0	0	
Completed 8 or more years	6	0	3	0	2	0	Drives tractors (1)
TOTALS	**58**	**12**	**30**	**3**	**8**	**2**	**3**

The data shows that there is some correlation between time on the job and workers' roles on the farm, in terms of moving beyond the milking parlor. Of those who had been at their jobs for less than one year, 50% (5 of 10) were milkers only. After the three-year mark, only 2 workers (of 28 who had worked for at least three years at their jobs) said they did milking work only. Most of these workers moved into positions requiring both milking and other barn duties, which are described further below. The most common promotion beyond milker/cow pusher was to calf feeder or assistant calf-feeder: 8 of my 58 respondents worked full-time with calves. These workers had moved into the job relatively quickly, considering that several had only been on the job for one or two years. The data also shows that promotions beyond calf-feeder are rare. Two workers supervised the milking parlor, one of whom also worked in the maternity pen, and the other also worked mixing and delivering feed. Only three workers had higher position than supervisor: one herdsman, one milker trainer, and one who said he drives tractors.

The remainder of this section describes the specific jobs that immigrant workers perform. I include ethnographic evidence for each position demonstrating that workers find meaning, enjoyment, and future uses for the skills they use everyday in these jobs. I then return to the promotional structure to explain, from the perspectives of both workers and employers, how and when workers obtain promotions beyond the milking parlor.

***Picking Stones**:* This is technically an outdoors position but is also given to newly arrived immigrant or "barn" crew who are waiting for a milking parlor position to open up. Several workers described picking stones in the fields when no milking work was available. A young Veracruz worker who arrived to the farm before his 16th birthday said he spent about one year picking stones from 7am to 5pm, even when there was snow cover, before he became a milker.[341] Another worker, Alfredo, said that during the summer, he had picked stones from 7am until around 8pm (with a break for lunch) as the boss wanted to take advantage of the light. He said the process is very simple: workers pick the stones by hand from the fields and throw them into a wagon attached to the back of the tractor, driven, usually by an American worker or the farmer. Despite the total exhaustion of this work – particularly in the summer heat – Alfredo said "it was fun in the fields … it keeps you distracted, I enjoyed being outside, going to different places, new places."[342]

"Helping": Another task offered to immigrant workers waiting for a milking position is "helper" for a few hours per week. Several workers described how they were offered 20 to 30 hours per week doing odd jobs requested by the farmers when they first arrived. For example, when Eduardo asked his employer Jacqueline if his spouse Julietta could join him on the farm, she told him to bring her up, and gave her 25 to 30 hours of work each week putting lime down for cow beds, washing drinking stations for cows, or assisting with calf care.[343] Joselito worked helping his boss Agnes for a year while waiting for a milking shift to open up, earning $350 to $400 per

[341] In-person interview, July 26, 2011, Central New York.
[342] In-person interview, May 18, 2013, Central New York.
[343] In-person interview, April 17, 2014, North Country.

week. "The *señora* took me to clean, to cut grass, to maintain the calves, or to cover up food." [344] These workers expressed a lot of satisfaction with their positions, which they accepted, despite the low hours, to be able to live with close family on the farm.

Milking: Within the milking crew, some farms have an implied hierarchy according to the timing of the shifts. Ed and his wife explained to me that they have a night shift with an extremely high turnover. When I visited their farm, Nicolas (who did not stay on the farm much long after my visit) had taken that role. He started work at 8:30pm, and finished at 1:30am, but then started again at 5:30 to finish at 10:30am. His boss said that Nicolas and others in that shift "don't have the respect of all the other employees, because they're the low man on the totem pole."[345] On Caroline's farm, the newest worker fills a position that requires 22 hours of work straight one day per week. Adrian, who had worked there for only 4 months, explained to me that every Sunday he starts work at 3am, then comes for a meal break, then returns to work and continues until 5pm when he has another meal break, and then returns for a third shift that finishes at 1am on Monday. Then he gets up at 7am and works until 5am – "nothing more", he said --- on Mondays. Tuesdays, Wednesdays, and Thursdays, he starts at 3am and finishes at 5pm, and Friday he gets a day off. Rather than complain about his shift, Adrian had emotionally converted his endless work schedule into an opportunity. That is, he said things are "good this way … what one wants to do is save in Guatemala. Work here for a tiempo and then go back to one's country with a bit of savings, some land, and a house."[346]

[344] In-person interview, May 18, 2014, North Country.
[345] In-person interview, April 16, 2014, North Country.
[346] In-person interview, June 6, 2014, North Country.

The milking process itself, on large farms with automatic milking equipment, is an intricate series of carefully timed and highly precise movements and activities. Justiniano described at length the preparatory process, milking procedures, and follow-up cleaning that are involved in a milking shift:[347] "At night, I leave at 7:30, punch my card, and then go change my clothes while the machine is washing the milking equipment (suctions). When the machine is finished, we take them down and install them to begin the milking. We change the filters for the milk, and then the cows come in. While we are finishing the washing, the pusher brings the cows. Since we're two people milking, one starts to condition the cows (massage the teats to stimulate milk let-down) while the other person goes to install the machines, the pump, the piping, the filters. Then we start around 8:00pm. So it takes about a half hour to prepare."

The milking process itself is extremely precise and carefully timed. As a Cornell dairy specialist explained to me, each step in the milking process is carefully timed. "Stripping" (squirting a bit of milk manually to check for signs of a bacterial infection, and stimulating the teat to encourage milk let-down) and "wiping" (cleaning the teat, usually with iodine, and drying) should take 8 seconds per cow; attaching the suctions should also take 8 seconds.[348] The suctions are left on for about 5 minutes, and then automatically swing off once the cow is "dry". Workers must then disinfect the teats again using an iodine solution. At this point the gates re-open and the cows dutifully return to the barns. During a job shadow with two Guatemalan workers on Ed's farm, I observed (and attempted somewhat unsuccessfully to participate) in this procedure. In a 45

[347] In-person interview, April 24, 2014, North Country.
[348] Cornell University College of Veterinary Medicine handout, "Different Milking Routines", obtained May 2, 2014 from Cornell dairy extension professional.

minute period, I watched these steps performed for two rounds of 24 cows – and that timing was with me slowing them down significantly.[349]

One all the cows are milked, the shift is still not done. At 3am, "the machines come down, we hang them up, you turn off the milking machine, change the piping, and get ready for the automatic wash again. We also have to do the cleaning, clean everything. The person who pushes the cows has to clean everything in the room where they cows wait, the other person washes the floor with the hose, and the third washes the machines also with hoses. So we finish around 3:30am."

Despite the rushed, tedious, and repetitive nature of this work, the milkers I interviewed found several ways to break the monotony and make the work enjoyable. For example, as soon as I left Ed's farm, the workers started playing Latin music loudly from speakers in the barn. Another said that specifically because of the speed of the work, "in the whole day you never got bored, to the contrary."[350] Another said that he likes milking, and when I asked what exactly about it, he pushed back, "the very act of squeezing out milk with your fingers", challenging me as to why I would propose he might not like it. He added that while milking, "I'm there with my friends, we're all relaxed, making jokes."[351] Valentino said he is in admiration of "the technology, the speed, the owners, the animals."[352] Several others noted that milking jobs are better than outdoor

[349] Field notes, April 23, 2014, North Country.
[350] In-person interview, June 10, 2013, Central New York.
[351] In-person interview, June 7, 2015, Western New York.
[352] In-person interview, June 14, 2015, Central New York.

jobs because they feel protected from the cold. And Don Carlos, a worker in his 40s with 5 years experience as a milker on 3 different farms, said "I like milking, because I know it well."[353]

Several milkers described to me how they try to find ways to help each other to reduce the sense of pressure to work fast and create fun while performing a stressful task. Most of the farmworkers I interviewed described being on a milking production line that dairy specialists describe as "hop-skotch", meaning that a single worker takes responsibility for a cluster of 6 to 8 cows, starting with stripping and wiping the whole group and then returning to the first to begin attaching the suction equipment.[354] Several noted that their employers do not want them to help each other with the different steps of the milking process, because if they rush the cow before she is ready to let down milk, she will not produce as much. Adrian said he was told by a veterinarian to allow at least 1.5 minutes after stimulating the teats and not to help each other speed up the process.[355] Cornell extension materials corroborate that this lag time must be consistent for ideal milk output; stating "less than a minute or longer than two minutes can have a negative effect on milk yield".[356] Nevertheless he and his co-workers help each other anyway so that they can sit down and chat together, even if only for 5 minutes while the automatic suction equipment is attached.[357] Similarly, Eduardo had been told by Jacqueline not to help his co-workers in the milking parlor, but said they often do whenever the monitoring cameras are turned off. On Justiniano's farm, the pusher "always helps, whether to apply the iodino after the milking or to clean, or to wash the towels." These workers thus resist the tendencies of the

[353] In-person interview, March 23, 2015, Central New York.
[354] Interview with Cornell dairy specialist, May 2, 2014.
[355] Cornell extension materials provided to me confirm that 1.5 minutes is the ideal lag time between "teat preparation and the application of the milking machine".
[356] Quality Milk Production Services, "Factors Affecting Mastitis". Cornell University College of Veterinary Medecine. Received on May 2, 2014.
[357] In-person interview, June 6, 2014, North Country.

industrial production process, finding enjoyment and ways to cooperate on the job, and ultimately denying the individualizing effects of their working environments.

Milkers also described to me how they found ways to improve the production process. Felipa said that one day the milkers realized there was no process for checking the quality of milk teat by teat before beginning to disinfect and attach the automatic suction equipment. As a consequence they might have been missing mastitis infections. "They only told us that we had to check, but they didn't tell us how, or how to save time doing it. … So together we came up with the way to do it … and later there was a meeting and the boss said the quality (bacterial count= of the milk had improved a lot." Indeed, I heard regularly from farmers that the quality of the milk had improved with immigrant workers. One worker received a gift of $3600 from his boss when he returned to Mexico as a thank you for his careful work and contribution to milk quality. Others were not motivated financially. One farmer told me how his one immigrant employee had done such a nice job of milking his 80 cows that the farm had earned a premium of $50,000 one year for its low bacterial count. The reward that went to the worker was $200.[358]

Finally, milkers describe the significant emotional skills required to keep cows from kicking and to ensure they give a lot of milk. Erik describes how he helped a U.S. citizen co-worker learn to keep the cows calm. "As I always say, they're animals. They will never understand you. … There was an American woman who worked here but she brought them by shouting and they all started to kick in the milking parlor. … I told the boss, it's not okay, because they cows aren't like that. And he agreed with me. Eventually, she left."[359] Another worker described how he

[358] In-person interview, October 18, 2012, North Country.
[359] In-person interview, April 19, 2014, North Country.

learned from his co-workers how to be patient while attaching the machines and slowly but surely the cows stopped kicking when he milked them.[360] I was amazed when watching the workers at Ed's farm do their routine that Armando could individually identify each of the 200 cows. He said they all react differently to touch and some required manual milking, while others could go through the automatic procedures. He distinguished them (without looking at their numbers, which were not visible from the milking position) based on how they kicked, the colors in their legs, the position of the teats on their udders, and how stretched out the udder was. [361] If that degree of perceptibility and clarity of memory is not a skill, I thought, then I really don't know what is.

***Pushing cows**:* While the job title derives from the pusher's responsible to herd, or sometimes literally push, cows towards the milking parlor, the task involves a whole lot more. They must find a way to scare cows into moving forward without causing them any pain or harm. They must also be very careful that cows do not get mixed up: the dairy herd is carefully separated into "groups" based on how recently they "freshened" or gave birth, and thus how much milk they are expected to produce. When the cows do get mixed up, the pusher is usually responsible for putting them back where they belong, sometimes with a computerized system that tracks cows by a number. One worker described to me how the cow pusher has a coordinating role regarding the timing of milking parlor activities, to ensure that the milkers are keeping up to speed with the arrival of cows to be milked.

[360] In-person interview, June 12, 2013, Central New York.
[361] Field notes from job shadowing, April 23, 2014, North Country.

The pusher also has several other duties they are expected to perform during free moments while cows are undergoing the milking process. These include pushing up feed to feeding areas with a skidsteer, cleaning manure from cow "beds" and throwing new sand with a shovel, and checking if any cows are going to give birth to make sure they are moved to the correct (clean and dry) area. They might also assist with a difficult birth, or be responsible to notify another worker who can.

Commonly, workers are both milkers and cow pushers, alternating between these tasks on different shifts, or on different weeks. Some described this alternating as an advantage, to avoid boredom. Another said he preferred trading off because of the physical pain involved in each task: "milking hurts my back and pushing cows hurts my feet from walking a lot."[362] Thus workers learn a variety of tasks in the cow pushing position that helps to alleviate the sense of boredom performing a repetitive task.

Workers tend to enjoy pushing cows and the associated tasks because they believe they can use these skills in the future when they return home. Marcos, from Veracruz Mexico, says that he enjoys his job (which includes not only milking but cleaning stables and feeding calves), and is already buying cattle to contribute to his family's already existing dairy business.[363] Another worker, 24, says, "Whereas before in my town in Mexico you had to look for a veterinarian, possibly now you can do that job yourself, you have a Little more knowledge. What you didn't know before, you know now."[364] A worker I interviewed and his uncle told me they had plans to

[362] In-person interview, April 24, 2014, North Country.
[363] In-person interview, June 10, 2015, Western NY.
[364] In-person interview, April 18, 2013, Central New York.

build a house in the South of Veracruz when they go back, and plan to use their new skills inseminating cows to their business advantage. The uncle proudly told me he had a 100% insemination success rate on his first try.[365]

Sometimes, however, workers use their significant control over the well-being of animals as a means of leveraging power against their employers. Eduardo told me about his anger at some former Guatemalan colleagues who deliberately let calves die by taking poor care of them to retaliate against an American supervisor they perceived as bossy. "She was demanding more work, and when they demand more of you, you tend to get mad and mess up your job … The other guys got mad and said, 'if they fire us, they fire us', it meant nothing to them to see the cows like that. They didn't clean them, they'd lay down in their stables and there was a lot of bacteria on the teats, they all got infected, when one got mastitis he spread it to all the others. About 150 died. .. I told him, don't do that, if you don't like the job go look for another one because I'm working here and it's better for me when there are more cows because that's more hours I'm earning. … The little animals aren't guilty of anything."[366] Thus, well aware of the significant roles they plan on the farm, these workers sought to punish their boss by indirectly, but effectively, poisoning the operation.

Milking parlor supervisor: A final position that immigrant workers sometimes occupy is that of parlor supervisor, once they have been on the farm for some time. This job requires them to give recommendations to milkers on how to improve their procedure and comment to the farmer if someone is not doing a good job. However, those I met in this role expressed some discomfort

[365] In-person interview, April 12, 2012 Western NY.
[366] In-person interview, May 20, 2014, North Country.

with having to monitor and report on the work of their own housemates. Juanito, from Chiapas, Mexico, described how if something isn't going well in the parlor, he can only speak about it to the workers who are his good friends. "With the rest, I hardly get involved. I don't like telling them, "hey, this guy's not doing his job well!" … He's gonna get mad at me." [367] He said that he avoids making comments to the Puerto Ricans because he noticed that after telling them several times they didn't listen to him or made angry faces. Felipa described how the Mexican supervisor at her job mistreated the Guatemalan employees in terms of finding ways to fire them and bring in his own friends and family to the jobs.[368] This position is seen as undermining solidarity in the workforce.

Feeding and caring for calves: This task is sometimes offered to female workers as it is associated with feminized traits of gentility, patience, and care. Calves typically are tethered to tiny individual huts in rows in the fields near the main barn(s). Caring for them entails providing sufficient water, milk (and, for older calves, grain feed), and monitoring for any symptoms of illness in an effort to minimize mortality rates. Often, but not always, a small motorized cart is provided so that workers do not have to carry heavy buckets to huts. Workers also clean the calf stalls and other equipment using bleach.

Farmers described how their immigrant workers make good calf feeders because of their dedication and attention to detail. Several noted that their calf mortality rate had declined significantly once immigrant workers took over. Hannah said that the first Guatemalan worker

[367] In-person interview, June 10, 2014, North Country.
[368] In-person interview, August 7, 2014, Central New York.

who cared for her calves treated them "like his babies, he took care of them".[369] The calf feeder position requires one to be responsible and attentive, and it is generally not understood that just any worker can do it. However, this job is not necessarily a promotion above milking or cow pushing work, because it is performed almost entirely outdoors. As Clive noted, he had offered the position to many Guatemalans over the years, but most refused it because of the cold.[370]

Hector, 27, from Veracruz, had worked on the same farm for a cumulative nine years over two trips to the U.S. He had spent several years as the primary person responsible for the well-being of calves on the farm. He described getting significant enjoyment out of his position: "Sure I like it because I'm developing a lot of affection for them. When I see a calf that's sick I don't like it, and I try to help her get up so that she can be happy too."[371] Hector had a lot of pride in his position and the fact that he was outperforming the American worker before him. "I saw the American, he was obeying the boss' orders. … He wasn't putting in his own brain, no effort to do better… And I arrived … and now they don't get sick." By highlighting his own creativity and hard work in comparison to the American who worked in the position before him, he subtly challenged the racial segregation of workers on the farm.

Assistant Herdsman/Herdsman: Sometimes, particularly on large farms, immigrant workers with an affinity for cow work are promoted to herdsmen or assistant herdsmen. The herdsman is the care manager for the milking herd and other cattle on the farm. His or her duties involve overseeing the health of cattle, administering injections such as medication or growth hormones,

[369] In-person interview, April 17, 2013, Central New York.
[370] In-person interview, May 22, 2014, North Country.
[371] In-person interview, March 23, 2012, Central New York.

breeding or overseeing breeding, and managing other aspects of the herd's wellbeing related to cow comfort, barn cleanliness, and the milking process. This job is often paid as a weekly salary rather than per hour, because herdsmen are called at all hours to check on sick cattle or attend to urgent needs.

Among all of the positions listed above, herdsman is the only meaningful "vertical" move that immigrant workers can make, because it lies at the intersection of the barn crew and a managerial role on the farm. I asked farm owners whether or not there were opportunities for promotion to herdsman on the farm. They provided several reasons, ranging from workers' legal status and the possibility they might not stay on the farm for long, to the impression that they are not motivated enough. Stephen argued that if one of his Mexican workers was promoted to herdsman, he would want higher pay, and to do so would "endanger their culture" which he perceived to be based on egalitarianism.[372] Maldonado has also found that employers use cultural explanations, such as the reluctance to take on a supervisory role of other Latinos, to explain why they were not being promoted to higher responsibility jobs (Maldonado, 2006, 2009). Jacqueline said that the problem with promoting an immigrant worker to a head herdsman job is that "you don't know how long they're gonna be here, sometimes it's only 2 or 3 years".[373] She also said that sometimes it's impossible to know they are capable of the demands of this job because they don't "tell her" what they have learned to do on other farms. Clive and Susan were both under the impression that their immigrant employees did not seem interested in more complicated tasks, as Clive put it, "because they don't want to stick their neck out and have it not

[372] In-person interview, April 5, 2012, Central New York.
[373] In-person interview, April 26, 2014, North Country.

work out." Clive's farm operates at several sites and said he could not hire an immigrant as herdsperson because they would have to be able to move between farms for breeding.[374]

However, talking to workers yields a different understanding of how the promotional system works. Far from being disinterested or not capable of more complicated tasks, workers have significant motivation to learn new jobs, but believe they face a rigid glass ceiling beyond the activities normally undertaken by milkers, cow pushers, and those providing calf care. Osvaldo, 50, described his job as "pushing cows", which he said includes feeding cows, cleaning water tanks, cleaning stables, and helping the milker. He said, "there are no positions higher than this. I already have the highest position because I do everything, even clean the tanks."[375] Valentino, who had worked on the farm for 4 years, said that there was no chance for a promotion to another position because "we are all on the same level here".[376] He was already involved in a variety of tasks, including milking, feeding calves, cleaning stables with a skidsteer, washing tanks, washing walls, and cutting grass. The most common sense of a promotion that I identified was moving from milker to cow pusher, which often simply occurs because someone left the job and it needs to be filled. As another worker who said his job is to milk cows, and only milk cows, said that the only promotion he could achieve was pushing cows, not because of better pay or a better schedule, but because "you don't get as dirty" that way.[377]

Nevertheless, some workers are not satisfied with the rigidity of the occupational hierarchy and seek ways to reach the height of the glass ceiling, even if their legal status prevents them from

[374] In-person interview, May 22, 2014, North Country.
[375] In-person interview, March 13, 2015, Western New York.
[376] In-person interview, June 14, 2015, Central New York.
[377] In-person interview, March 7, 2015, Western New York.

breaking through it to the outdoor crew. The primary way of doing this is to learn enough English so that farm employers have confidence they can perform jobs that require regular communication with them. A 24-year old Mexican worker who had worked his way up to mixing and putting out the feed said he believed he had been able to achieve this because "I was milking and they saw I was learning a little bit of English, so maybe they thought I could do better things."[378] His co-worker confirmed that "the person who speaks English is the one who communicates with the boss".[379] On nearly all the farms I visited, this system was reflected whereby the worker with the most English was recognized as a leader either explicitly through a higher position like assistant herdsman, feeder, or parlor supervisor, or implicitly as the worker who gets the most respect from farmers. These workers had no additional access to English classes but rather simply took on an interest in the language and sought to develop it. Justiniano had had very little exposure to English learning in his home in Guatamala, and instead said he began to learn simply by speaking with the bosses when he got to the farm.[380] Pancho had learned English thanks to some classes from the farmer's daughter, but mostly because he was the only worker on their farm and was forced to interact in English all day. Interestingly, Alan theorized that farmworkers who speak an indigenous language as their native language and Spanish as their second have an easier time learning English because "they have more flexibility with their tongues … many people who come from speaking Quiché move well in English."[381]

Sometimes, workers achieved a more respected position on the farm even without significant English skills. In contrast to some farmers' perceptions that they do not have the interest or the

[378] In-person interview, April 8, 2012, Central New York.
[379] In-person interview, February 11, 2011, Central New York.
[380] In-person interview, April 24, 2014, North Country.
[381] In-person interview, May 28, 2014, North Country.

capability to learn more challenging tasks, workers described their significant self-motivated efforts to learn skills on the farm. In the first place, milkers have sometimes come from smaller farms where they have gained more experience, but they are unable to use on larger farms with a stricter labor hierarchy. Jaime said that on a farm with less than 100 cows he learned to drive tractors, fix machinery, and give injections to sick cows, but was unable to use that skill at his current job because there were American workers in those roles. Benito, who I met on a 1400 cow dairy, had learned to drive tractors on a smaller farm but was unable to use the skill in his position, which he described as "pure milking".[382] Felipe said that her boyfriend, who she lives and works with on the farm, has told her supervisor that "I can feed, inseminate cows, and I learned to drive the skidsteer."[383] Another worker said, "I learned (at my other job) to use almost all of the machines. I told him. And the boss said that an opportunity hasn't come up for a job like that, but if it does one day, he'll tell me."[384]

Several other workers described how they took an interest in more challenging tasks after seeing how their co-workers did it. Violetta said she learned how to give medicine to sick cows (presumably those with mastitis) "just watching the American, how he did it." Her brother, Tomás, had worked on 4 dairy farms and learned a wide range of skills, including operating machinery and giving injections. He said "when someone explains it to you, if you're smart, you'll learn." Learning new tasks is also a way to challenge the boredom of the milking routine, as a newly arrived milker told me. And finally I also learned that some workers take on new tasks to help a boss they perceive as a good person, without necessarily expecting reward. Erik

[382] In-person interview, September 25, 2014, Western NY.
[383] In-person interview, August 7, 2014, Central New York.
[384] In-person interview, August 7, 2014, Central New York.

said he began to help out with difficult births of new calves, even though the boss had never formally given him the responsibility. He told me, " I do it because I feel good here. … If someone is good to me, I try to help them. He's a good person so I try to take care of the cows as if they were mine."[385]

Thus, the factors believed to shape the vertical mobility of immigrant workers on dairy farms differ based on one's vantage point. On the one hand, farmers and farmworkers agree that "outdoor crew" positions requiring freedom of movement on public roads, and more advanced understanding of English, are unavailable to undocumented workers with limited language skills. However, farmers and farmworkers seem to have different perceptions of workers' ability and desire to move up another rung within the "barn crew". While farm owners often describe their workers as lacking ambition and skill, farmworkers describe their employers as imposing a de facto limit on their opportunities for advancement. Nevertheless, they sometimes seek to learn English, or simply take initiative and begin applying new skills themselves, to demonstrate their capabilities to their employers. Thus my findings differ from those of other researchers, who have argued that immigrant dairy farmworkers do not seek opportunities for advancement because they are too fearful to complain (Harrison & Lloyd, 2013). I find that the absence of promotion despite desire to achieve it occurs when workers have an internalized sense of immobility – that is, the 'unthinkability' of achieving a higher position due to the silence of employers about advancement. Thus structure and individual traits come together to shape a labor hierarchy that leaves most farmworkers on the bottom rung where, as I show below, extreme forms of structural violence on the body are experienced.

[385] In-person interview, April 19, 2014, North Country.

Small is beautiful?

> "A big farm is better known by people … a small farm … it's more of a secret."[386]
>
> (Leonardo, 32, Guatemala)

Immigrant workers on small dairies tend to be responsible for a larger range of tasks than those on larger farms. For example, Jaime, 20, works on a 150-cow dairy where he has one Mexican co-worker. He says that he has responsibilities for all of the following: milking cows, pushes cows, cleaning stables, spraying manure, moving cows, checking on cows ready to give birth, feeding calves, and putting down cow beds. He and his co-worker switch off between milking work and the other tasks one week at a time "to not get bored".[387] Pancho, the only worker on Doris' farm, has general responsibility for the barn area. He is responsible for milking, cleaning stables, feeding cows, putting down sand for cow beds, and other odd jobs when they come up.[388] In general, working on a small farm means learning and holding responsibility for a wider range of farm tasks.

Nevertheless, workers expressed several disadvantages to small farms. Several of these problems relate to the labor process itself. First, having responsibility for a wide range of jobs can be overwhelming and exhausting. Ricardo said that he had worked on a dairy with approximately 100 cows, where "you had to walk with the machines in the cow beds, waking up the cows there, 'it's time to get up!' And then connect them, milk them, do the whole thing from the veterinary

[386] In-person interview, July 19, 2015, Central New York.
[387] In-person interview, May 6, 2013, Central New York.
[388] In-person interview, April 11, 2012, Central New York.

work to the milking. Feed cows, milking, clean the groups, wash the machines, change the filters, and wash the milk tank. That is, the whole job, for one person only."[389]

Second, the labor process itself is extremely physically demanding. Milking equipment tends to be older, manual, and heavier to operate. It is also usually done in the barn itself rather than in a milking parlor. Hugo, who was working on a 250-cow farm, described how this created a whole new layer of safety risks: "We herd the cows manually. We walk right there in between the cows. And sometimes they push us, we slip, we run the risk that a cow can step on us. And further, they don't have doors. We have to lift the gates ourselves and they're very heavy."[390] Another worker, Erik, had worked on a 100-cow organic dairy with a boss he called "racist". He described pushing food with a pitchfork even though his boss owned a skidsteer because he thought his workers would break it. [391] Moreover, he was responsible for herding cows in from pasture, an exhausting process that sometimes took up to two hours. The farmer had tended to leave a bull in the pasture that worried him. He said he was never threatened by the bull, but he also described how once a bull had attacked the farmer out in the fields and had to be sold. Third, while it is possible to learn new tasks, there is the sense that small farms offer nowhere to go in terms of moving up the occupational ladder. Jaime, when asked if there was anything else he would like to learn on the farm, said "I already do almost everything that they do."[392]

Other reasons that workers provided for disliking small farms related to schedules and pay. As discussed above, shifts tend to be split throughout the day, which most workers agreed is more

[389] In-person interview, July 22, 2015, Central New York.
[390] In-person interview, July 19, 2015, Central New York.
[391] In-person interview, April 19, 2014, North Country.
[392] In-person interview, May 6, 2013, Central New York.

exhausting than a single long shift. Moreover, because of this split, the total number of hours tends to be lower. Julietta and Valentino both commented that they got few hours of work when working on a small farm. Moreover, some workers thought that small farms are more likely to commit wage theft. Emmanuel described how, after working on 11 different dairies, including 3 small farms, "they tend to pay by the week. So taking the average of the hours you work, they never pay even the minimum wage. The lowest I calculated was $5.25 per hour for a 67 hour week."[393]

And finally, working in a smaller crew makes for an extremely isolating experience for immigrant farmworkers. This has several drawbacks. Maria, the only employee on a 20-cow hobby farm, spent about 1 hour per day milking cows. However, her employer sometimes forgot to drive her back home to the farmhouse where she stayed with her father. Sometimes she would finish by 9am but the elderly man did not remember to pick her up until 4 in the afternoon. She had nowhere to wait and described feeling cold and hungry for hours. "I didn't speak any English and didn't know how to ask him to pick me up." The farmer's wife became angry when Maria, out of frustration, began to clock her hours spent waiting for her ride home. The job abruptly ended when the man simply stopped showing up to bring her to work.[394] From a labor relations standpoint, this creates difficult for workers to make collective demands, such as raises (as discussed above). As Leonardo, quoted above, says, "On a small farm there's only two, three workers … They're completely unprotected, abandoned." He was making the argument that any

[393] Telephone interview, December, 2013.
[394] In-person interview, June 13, 2013, Central New York.

effort by labor advocates to organize farmworkers should make a special effort to reach small farms because their workers are otherwise unconnected to sources of support. [395]

Thus, immigrant workers tend to favor working on large dairies because they offer greater opportunity for occupational mobility, more systematic health and safety training and protocol, a better chance of receiving their full pay and receiving pay on time, and more modernized management practices in terms of regular raises and performance reviews. This analysis has made several contributions to the literature on labor relations in industrial agriculture. One, it confirms the overall finding that larger farms are better places to work than small farms for immigrant laborers (Harrison & Getz, 2015). Two, it builds on work that has deconstructed the myth of idyllic, small farms and the associated assumption of farmer virtue (Gray, 2013). Third, I show that workers find ways to derive enjoyment and learning from work on large farms despite the monotony of the milking process. In this way, they both challenge those who degrade their work as "unskilled" and find ways to endure their extreme social confinement while saving money for better futures at home. The next section further elaborates on the under-regulation of small dairies with respect to safety and health regulations and the toll it takes on working bodies.

IV. **Embodying Structural Violence**

Being on the barn crew is exhausting work, both physically and emotionally. This final section analyzes the violence to the working migrant body of industrial dairy work. Scholars have opened up fruitful avenues for theorizing structural violence on the immigrant working body in

[395] In-person interview, July 19, 2015, Central New York.

the seasonal agriculture and day labor sectors (Holmes, 2013; Walter, Bourgois, & Loinaz, 2004). I look at the structural violence of a different production structure, industrial dairying, and argue that the reproduction of working bodies is systemically undermined by hunger, injury, and inadequate time for rest.

Hunger

In industrial milking parlors, workers are under pressure to work fast – and often, as farms grow, to continue to accelerate their pace. For efficiency, milking parlors should be in operation 17 to 23 hours per day.[396] Cornell University extension materials carefully explain that parlor "throughput" – the number of times a new group of cows enters the parlor for milking – should be four to five turnovers per hour. As described above (see "milker" job description), the milking procedure itself is timed to the second, to ensure all cows are milked three times per day and that each cow produces its maximum potential output in every milking.

In this fast-paced environment, workers often feel rushed to get their job done on time. The Fox et al (2017) study found that 45% of immigrant workers feel rushed on the job. Workers feel particularly rushed when farmers put on more cows to the daily milking routine without hiring an extra body to help in the milking parlor. One of the workers at Applewood said that the number of immigrant milkers has stayed constant at six workers since at least the time when Justiniano arrived over 9 years before, even though the number of cows that have to be milked every shift has increased from 840 to 1040 over that span of time. He thinks that can't possible put on anymore because the barns have literally run out of space. He also noted that he was not paid any

[396] Interview with Cornell dairy extension professional, May 2, 2014.

more per hour as more and more cows were added to his shift.[397] Valentino said that over a two-year period his employer had increased the number of cows from 600 to 800 but only added one milker, which was insufficient to compensate for the extra work.[398] Carlos had a similar experience: he estimated that the output of the farm had increased by 1.5 times since he arrived less than two years earlier because the farmers continually put on more cows. "They give us more work, but more salary, no."[399]

As farmers get bigger and the work more rushed, the pressure to milk cows for 7, and up to 12 hours straight, cuts into workers ability to recuperate their energy. Justiniano described how his three-person crew must finish milking the farm's 1040 cows between 8pm and 3am. He said there is not even time to stop for anything to eat during the entire 7 hour milking procedure. Venustiano said he got sick at a farm where he started his shift at 12pm and didn't have a chance to eat anything again until 10pm. "Sometimes we got way too hungry, we didn't even eat."[400] Eduardo described how he was so rushed on a previous farm job that he hardly had time to prepare food for his 12-hour shift. "You lose weight and not because you want to because it's so much work all day."[401] Emmanuel said that on a large farm where he worked, 1000 cows had to be milked in 10 hours. Technically the workers had a 30 minute lunch break but they usually couldn't take it because "the were so hurried … they took away their meal break because they had so much work." He described how they had to eat quickly in 5 or 10 minutes and run back to

[397] In-person interview, April 24, 2014, North Country.
[398] In-person interview, June 14, 2015, Central New York.
[399] In-person interview, March 23, 2013, Central New York.
[400] In-person interview, June 13, 2015, Western New York.
[401] In-person interview, May 2, 2014, North Country.

the job.[402] The dark underside of dairy parlor efficiency and maximizing milk output is therefore that it is being achieved by cutting into workers' abilities to meet their own daily caloric needs.

Sleep

"I got confused about the date, the time"[403]

In April 2014, I pulled up to a small, worn-out trailer on Applewood Dairy Farm, just a few miles from the Canadian border in the northernmost stretches of upstate New York. I waited in the shadows of the farm's enormous 1,200 cattle stables for a Guatemalan farmworker named Felipe, pondering the trailer's strategic invisibility from the road. I was about to turn back, dejected, when a young man appeared at the door, still beguiled by his early morning dreams. He appeared so tired that I nearly asked him how he had managed to walk across the trailer in his sleep. As our interview that day eventually revealed, a full night's rest was a luxury for Felipe: he works eighty hours per week, alternating between eight hours on-duty and eight hours off, six days in a row. Felipe says he used to work ninety hours per week, often requiring sixteen-hour shifts, but "you finish [your shift] without any desire to eat and you feel uncomfortable. You are completely exhausted and have no strength. It's something ugly."[404] His co-worker told me that it was difficult to adjust at first, but now, "we hardly feel anything".[405] With no more than four or five consecutive hours for rest at any given time, the daily work routine on this industrial dairy was literally milking his body dry, leaving only enough energy to drift like a sonámbulo (sleepwalker) between the milking parlor and the trailer after his shifts.

[402] Telephone interview, December 2013.
[403] Telephone interview, December 18, 2013.
[404] Interview, in-person, North Country region of upstate New York, 20 April 2014.
[405] In-person interview, April 13, 2014, North Country.

Amongst US farmworkers, a relationship has been found between working long hours (exceeding 40 h per week) and a decline in sleep quality (Sandberg et al., 2016). This is concerning because, among farmworkers, poor sleep quality is associated with higher anxiety (Sandberg et al., 2014), and daytime sleepiness is correlated with depression (Sandberg et al., 2012). Moreover, poor sleep quality could be a contributing factor in heightened risk of occupational injury (Sandberg et al., 2016). The responsibility for these bodily consequences is diffuse and lies at the confluence of factors described above including the legal framework, economic pressures on farmers, the economic pressures that farmworkers place, and, ultimately, the willingness of individual farmers to allow this cycle to go on.

Julietta works on 1,200-cow dairy in Northern New York where she feeds calves. Though still a tiring job, she was grateful for the relative comforts compared to her previous milking job. On a farm nearby, Julietta had worked 16 hours per day, from 4am to 8pm, 6 days per work, milking cows, leaving her only the hours of 9pm to 3am to sleep. She said with a dry laugh that "physically, in the afternoons I wanted to die, I could hardly bear it." But, she added, "if you want to make money, you have to work like this."[406]

Smith-Nonini (2011) argues that industrial meat processing systematically undermines workers' bodies of their energy through the impacts of fast paced production lines on their safety. An unequal exchange of energy for wages takes place, in which the cost of bodily degradations goes

[406] In-person interview, April 17, 2014, North Country.

unaccounted for. But in the dairy industry, the costs of this unequal exchange are even more literally hidden, not visible on bodies, but only perceptible behind sleep-deprived eyes.

The concept of embodied structural violence helps to illuminate the context of constrained choice in which workers like Julietta and Felipe find themselves working their bodies beyond self-recognized limits. The combined structural pressures of industrial dairying, and of economic destitution in home communities, compels workers to sacrifice their current biological reproduction in the aspiration of expanded access to social reproduction in the future.

Accidents and Injuries

The preventive framework for workplace injury and illness in the dairy sector is notoriously weak, due to the exclusion of small farms from OSHA regulations, some aspects of the job which cannot be covered by OSHA rules, and informal work safety practices in these workplaces. Below I discuss how the weakness of the regulatory framework and informality of farm safety protection procedures results has violent impacts on the bodies of my interviewees, in terms of extremely high incidence of accidents, injuries, and chronic pain.

The hazardous nature of dairy farming is well recognized by occupational safety and health experts. On average, more people are hurt or killed in US dairy farming than in other agricultural occupations in the country, and the non-fatal injury rate is much higher than the average across sectors (Douphrate, Stallones, et al., 2013). Dairy farming was among the few private sectors to exhibit an increase in the rate of injury and illness between 2010 and 2011 (Douphrate, Stallones, et al., 2013). The most significant causes of injury are operation of heavy machinery and those inflicted by animals, but others include exposure to chemicals, work in confined spaces, and

insufficient personal protection (Douphrate, Stallones, et al., 2013). OSHA has developed a list of hazards referred to as the 'dirty dozen' to cover many of these concerns (US Department of Labor, 2013). As mentioned, a Local Inspection Program was implemented in New York in early 2014 with the purpose of promoting OSHA compliance through random inspections and outreach to help farmers comply with safety guidelines (US Department of Labor, 2013).

The worker protections provided under the Occupational Health and Safety Act of 1970 include the right to file a confidential complaint and to request a workplace inspection; protection from employer retaliation where an immediate threat to worker safety is discovered; and the obligation of employers to pay fines to OSHA and fix safety threats when discovered.[407] However, agriculture has held a unique status under the Occupational Safety and Health Act ever since the Act's creation in 1970, which prohibits access to these protections for workers on smaller farms. David Michaels, Assistant Secretary of OSHA, explains the agricultural sector's unique status: 'An appropriation rider precludes OSHA from expending appropriated funds to conduct enforcement activities on any farming operation with ten or fewer employees that does not maintain a temporary labor camp.'[408] That is to say, while all dairy farms are technically subject to OSHA safety guidelines, federal OSHA funds cannot be spent on inspections or enforcement activities on dairy operations which in the previous 12 months employed 10 or fewer non-family employees and have not had an active 'temporary labor camp' (Reed et al., 2013). Thus, while all farms may be technically subject to OSHA regulations, the agency is literally powerless to enforce them in a majority of cases.

[407] Presentation by WJCNY at New York State Workers' Congress, June 7, 2015
[408] Letter from Dr. David Michaels, Assistant Secretary of the OSHA, US Department of Labor, to New York Congressman Richard Hanna. Published online, http://farmprogress.com/story-oshas-reply-new-york-dairyfarm-surveillance-9-112506 (accessed 8 October 2015).

Concrete data on the number of dairy farmworkers who work on these smaller, exempt farms has not been gathered for the whole of New York, but other evidence suggests the number is substantial: one survey of 346 New York dairy farms found that slightly less than half of New York's estimated 2,600 Hispanic dairy farmworkers are employed on farms with 10 or more workers of any nationality (Maloney & Bills, 2011, Figure 18). Hispanic dairy farmworkers on farms with 10 or fewer non-family employees are exempt from OSHA enforcement mechanisms unless they reside in 'temporary labour camps'. However, because dairy farming is permanent work, it requires year-round housing. Immigrant farmworkers most often live year-round in trailers and farm houses located on the farm property itself. Therefore, a significant share of dairy farmworkers in the state of New York live and work on farms exempt from OSHA inspections and enforcement activities.

Many aspects of the daily performance of dairy farm work expose farmworkers to the risk of chronic physical stress and injury, but which lie beyond OSHA rules. A survey of research on the ergonomics of dairy farm work found that modern farm infrastructure often results in 'awkward postures, high muscle forces, high movement velocities and repetitions, and minimal opportunity for rest' (Douphrate, Lunner Kolstrup, et al., 2013, p. 206). Another survey of the self-reported health status of 70 immigrant dairy farmworkers in Vermont found that back or neck pains were their most common current health concern (Baker & Chappelle, 2012). Cattle are the major source of injuries on US dairy farms, due to behaviours including 'kicks, bites, and being pinned between animals and fixed objects' (Douphrate, Stallones, et al., 2013, p. 259; see also Lindahl et al., 2013). Fox et al (2017) found that cattle are the number one source of risk as perceived by

dairy farmworkers, followed by tractors, chemicals, and slippery parlor conditions. The inherent requirement for physical interaction with cattle to perform this job means that many of the injuries are not preventable, even under strict compliance with OSHA rules.

Informal practices in the workplace sometimes also undermine worker safety. There are significant language barriers between locally born managers and Spanish-speaking employees on New York dairies (Maloney & Bills, 2011). Such language barriers can create health risks for dairy farmworkers when safety information is miscommunicated (Baker & Chappelle, 2012, p. 284). Moreover, approximately one quarter of New York immigrant dairy farmworkers say they do not have access to the protective equipment they need--- a figure that might be higher given that workers may not have full awareness of the safety hazards they face (Fox et al, 2017). For example, Marcos told me that he and his colleagues had to request several times gloves, protective mouth covers, and fire extinguishers before the boss provided them.[409]

Finally, training is extremely informal and most workers consider it inadequate. Fox et al (2017) found that one-third of dairy farmworkers receive no training at all, and most of the rest were "trained" by co-workers with no special expertise in either safety matters or in training other than having already worked some time in the job. In other farm contexts, farmer attitudes were documented as creating a weak work safety climate for Latino farmworkers (Arcury et al., 2012). The lack of training can have severe consequences. For example, In February 2013, Hugo was attacked by a bull that, for unknown reasons, was mixed with the cows in the waiting room to go into the milking parlor. He said the bull attacked him "everywhere … my stomach, my shoulder,

[409] In-person interview, June 10, 2015, Western New York.

and he really messed up my neck". The attacked lasted about 5 minutes and after he could hardly walk. He said: "We never knew they were bulls on that farm. I had worked on three farms and none of them had bulls. In our training they never mentioned that there were bulls, and that they are dangerous. At other farms they tell, but not on that one."[410] As another example, Reynaldo, aged 23 years, says that during his first week of work on a large dairy farm under OSHA jurisdiction, he was asked to use a chemical to remove fungus from calf hooves. However, instead of receiving any formal training for the task, he was simply brought to the worksite by a co-worker and told that 'you have to use this liquid, and if you have contact with it, you'll be screwed.' The next day, he was working alone at 3 am when the liquid fell into his eyes and he temporarily lost his vision. Reynaldo decided the night of his accident that 'I can't lose my life for the $7.25 I'm making here' and soon after quit his job.[411] He never learned the name of the blinding chemical. In such situations, farmers, farmworkers, and those who supervise and train them all face inadequate worker-training.

Given the weakness of the regulatory framework, it is no surprise that the rate of accidents, injuries, and chronic pain reported by the workers in my study is extremely high. Of 48 farmworkers who were asked if they had ever suffered a workplace accident, 34 workers (71%) said yes. Moreover, several of the other workers who said they had not suffered a serious accident had been kicked by a cow, sometimes causing pain lasting for several days. Of those 34 who suffered an accident, 28 (82%) required medical attention; most were able to receive it, but 3 workers did not go the hospital or clinic when they felt it was necessary either because transportation was refused from their boss, or because they were afraid to ask for help.

[410] Telephone interview, May 27, 2014.
[411] Interview, by telephone, 18 December 2013.

The table below summarizes the injuries that workers suffered on the job as reported to me during interviews. The table shows that cows are by far the greatest source of danger to immigrant farmworkers who interact with them constantly for milking parlor and cow pushing work (see job descriptions below). Taken together, the table shows that injury is inherent to the job because the sources of accident identified by workers are part of the daily working environment: operating heavy machinery, gates and doors that help control the flow of cows, and slippery floors, presents an inherent danger to workers. These accidents are of course preventable with improved training, safety equipment, and better control of one's sleep, but become naturalized as part of the job because of the weakness of regulations over these aspects of the job.

The second most frequently mentioned job-related health problem was chronic pain that arises indirectly from the nature of the work itself, as opposed to a specific accident or injury. Migraine headaches, gastritis, fever, and pneumonia were all mentioned, and are almost certainly under-reported because workers were asked about accidents as opposed to general symptoms of pain. Long hours and lack of sleep contribute to these forms of pain. One problem I heard of on several occasions was gastritis – an inflammation of the stomach lining – which can be caused by both stress and over-consumption of irritant foods, such as coffee and coca cola. Workers regularly described drinking coffee, red bull, and "Monster" energy drinks to stay awake during their overnight shifts. Joselito works 88 hours per week, never off the clock for more than an 8-hour stretch, and says he drinks coffee to keep from getting tired.[412] Felipe said he drinks coca

[412] In-person interview, May 18, 2014, North Country.

cola, one of his co-workers drinks red bull, and another drinks coffee to stay awake for their exhausting 8 hours on, 8 hours off schedules at Applewood.[413] Venustiano suffered from gastritis and said that the pills he was given to remedy the "acid in my stomach" simply did not work. Eventually he had to leave his farm job and stay with family members in Delaware while he recovered from his illness.[414] These extremely uncomfortable and damaging conditions are part and parcel of the structural violence on the body of the job (Holmes, 2013), and often severe enough that workers must leave their jobs, but will not be represented in any official agricultural worker injury statistics.

Table 15: Accidents and injuries experienced by immigrant workers

Accident type	# Mentions	Summary of accidents
Cows	13	• Lung damage when kicked by cow while milking • Pulled muscle in back lifting calf, long-term pain • Hand crushed against metal bar by cow • Cow stepped on hand • Cow kicked leg, knocked over onto knee • Body crushed by cow against metal pipe (two farmworkers) • Crushed by cow when herding to milking parlor, several fractured ribs • Kicked in face (at least two farmworkers) • Calf kicked and pushed face into metal hook • Kicked by cow while milking and thrown to floor • Crushed by calves when moving them into trailer, collapsed lung • Cow stepped on and twisted foot, unable to work for two months
Chronic pain not caused by specific accident	9	• Severe headaches (at least three farmworkers) • Pneumonia • Gastritis (at least three farmworkers) • Lost feeling in arm and ability to move it • Chronic fever
Farm floors and environment	8	• Slipped and cut knee on stones • Tripped on cord and fell onto shoulder while feeding calves • Slipped on wet parlor floor • Cracked head on metal piping when pushing cows to parlor • Broke finger against metal piping when injecting cow • Crushed fingers against metal piping • Slipped on parlor floor onto shoulder • Slipped on ice while running to connect milk hose, pinched nerve in hips
Tractors	6	• Knee damage when pinned by tractor

[413] In-person interview, April 20, 2014, North Country.
[414] In-person interview, June 13, 2015, Western New York.

		• Tractor flipped when crashed into ceiling fan in barn • Fell one meter from a tractor • Tractor rolled while driving, worker fell out and left unconscious • Trapped underneath broken tractor • Fell from tractor that had slipped on ice, collapsed lung
Gates and doors	6	• Spinal column damage from pushing hard on gates • Co-worker closed hook of gate onto hand • Finger stuck when closing gates, tip cut off (three farmworkers) • Split forehead and nose when cow kicked gate into face
Bulls	2	• Rushed by bull in barn (while pregnant) • Rushed by bull while pushing cows
Milking equipment	2	• Smacked in face by automatic take-offs (suction) • Finger pressed against jagged blade in parlor
Chemicals	1	• Temporarily blinded when applying chemical to hoof fungus

Injuries and chronic pain are worsened when farm employers do not attend to workers' medical concerns. Venustiano suffered several major accidents on the same farm where his supervisors and employers repeatedly refused his requests for rides to the hospital, or even for a day off. Once, with his nose and forehead bleeding after a cow kicked a heavy gate into his face, his employer told him he could try to get a ride the next day or two days later to the hospital. He never went, and self-treated his wounds. On another occasion, his face was smashed by an energetic calf into a wooden post containing several large metal hooks. He was thrown to the ground and remained unconscious for 5 minutes. He said that the supervisor's wife watched, but did nothing to help him, not even to lift him up once he regained consciousness. "They were more worried for the calf, and I was lying there on the floor." Once he had gotten up, his supervisors asked him to continue working – with his face swollen, and deafness in one ear. He refused to work and asked for a ride to the doctor, and they told him to find someone else to take him. Several months later, he lost all feeling in his arm and was no longer able to perform all of his farm duties. He was told to gather his things and be gone within a week because he was no longer of any use to the farm – and to be sure to train someone to take his place. [415] Eduardo

[415] In-person interview, June 13, 2015, Western New York.

sums up how it feels when farmers ignore pain and injury: "What matters to them is that you work and work, they don't care if you're tired, they don't care if something is causing you pain, they don't care. What matters to them is that you're standing there working."[416]

V. Conclusions

This chapter has sought to understand core concepts in immigration and labor studies of -- precarity, skill, and embodied deportability -- from the eyes of farmworkers and their employers. While the significant gaps that exist in state-level labor law fail to provide them with basic protections, farmworkers often find ways to challenge their precarity by reminding employers of the value of their work. Moreover, they achieve promotions to the extent possible by taking it on themselves to find new opportunities to enjoy their work and contribute to the farm. Nevertheless, legal status and worker deportability continue to place strong constraints on their movement both around the farm and up the occupational ladder. Confined to milking parlors and barns, they are vulnerable to significant forms of embodied violence. The next chapter discusses systems of social reproduction on dairy farms in an effort to explain why they even consider staying on the farm under these conditions.

CHAPTER 4

[416] In-person interview, May 2, 2014, North Country.

CRISES OF SOCIAL REPRODUCTION

I. Introduction

My first encounter with Roberto, 42 years old, on a 1,400 cow dairy in Northern New York, about 20 miles from the Canadian border, raised a puzzle that I dedicated much of my research efforts to figuring out. Roberto is originally from a small town in the state of Puebla, Mexico. At nine years of age his parents sent him to live in the outskirts of Mexico City to work, and he never learned to read or to write. Roberto has a wife and two adult children in Mexico, whom he left in 1999 to earn a higher wage in the U.S. Another reason for migrating, he admitted, was a bad habit of spending the meagre earnings he could make as a chef in a *taquería* on "partying, with women, and all that".

This farm lies in the Northern New York borderlands where farmworkers and their employers live under the close scrutiny of border patrol agents, who have expanded powers to stop and search anyone they suspect of committing an immigration crime – which, in this heavily Caucasian region, usually amounts to the color of their skin (see Chapter One). In fact, just a few months earlier, four of Roberto's Mexican co-workers had gone out to eat at a Chinese restaurant in a nearby town, but they never came home.

Roberto says he long ago accustomed himself to the situation and lost interest in going out. Incredibly, he had not set foot off the farm to go anywhere other than a doctor or dentist since his first few weeks on the farm, nearly 11 years before. Roberto says that his life is spent "from the house to work, and from work to the house … when I have my day off, I'm here in the house all

day".[417] I was baffled by Roberto's situation. Under these conditions of total immobility on the farm, and utterly disconnected from the community and his family, how did Roberto meet his everyday needs for food, clothing, friendship, and intimacy? Moreover, under these conditions of enclosure, why did he stay?

This chapter analyzes systems of social reproduction among undocumented immigrant farmworkers facing social enclosure on dairy farms. The next section provides a brief overviewof applications of the concept of social reproduction in gender and migration studies. I explain how I apply the concept in new ways to shed light on the ways that single immigrant men and women meet their material and emotional needs under the imminent threat of deportation in this new rural immigrant destination. Next, I present my findings which I frame in terms of access to subsistence, making a home, access to healthcare, and meeting needs for intimacy. Throughout the chapter I compare the different roles that employers, local actors, and other workers play in these social reproduction networks, and how these roles are shaped by the degree of pressure from immigration enforcement activity. My findings point to the unsettling fact that immigrant farmworkers' basic material and affective needs sometimes go unmet.

II. Gender, Migration, and Social Reproduction

This section reviews the concept of social reproduction in feminist Marxist theorizing and its applications to gender and migration studies. By referring to key contributions in this vast literature, I aim to show how this concept has come to provide a crucial analytic onto the gendering of social inequalities historically and under contemporary globalization. I also aim to

[417] In-person interview, May 20, 2014, North Country.

show how it can be productively applied to understand the structural vulnerabilities of both women and men in isolated new rural immigrant destinations of the U.S.

Briefly, the Marxist origins of the concept of social reproduction merit noting, though a review of its evolution remains beyond the scope of this dissertation. Marx theorized in *Capital* that the genesis of capitalism is the process of primitive accumulation, in peasants, first men, are coerced from their land, forcing them to sell their socially productive labor-power on the labor market, and severing their lifeworlds into separate spheres: production and reproduction (Marx, 1977). Under capitalism, the process of reproduction is subordinate to the process of production, and also takes on a capitalist form. Reproduction here means not only the biological production of new workers, but also the material reproduction of current workers in terms of providing for their physical needs for food, clothing, and shelter, providing for their emotional needs, and finally, the education of new workers through institutions that allocate them to different positions in the social division of labor. Althusser (1970) later theorized the role of the "Ideological State Apparatus" in reproducing the institutions, from schools, to the law, to the family, that perpetuate social inequalities over time. While the structuralism of the argument has been the subject of significant philosophical debate beyond the scope of this dissertation, the important point here is that applications of social reproduction in contemporary social theory remain firmly rooted in Marx's original definition, including the institutional dimension. Here I use the term to refer to the work of providing for the physical and emotional survival needs of workers, non-workers, and children, carried out by unpaid domestic work, in markets, and by government and non-government institutions, on a daily basis and over time.

The work of social reproduction, and the ideologies of race and gender that shape its organization, are "constitutive" of intensified globalization (Bakker & Gill, 2003). Scholars of

gender and migration have made crucial contributions to our understanding of how the patriarchal and racialized dimensions of contemporary capitalism work. Below I summarize key contributions in this field, and situates my research in relation to them.

A first major contribution is from scholars who have shown that categories of gender, race, and legality are drawn upon to systematically devalue the work of social reproduction. Pioneering work on "global care chains" traced the transnational organization of care when migrant women work as domestic helpers for usually white women in developed countries, while their family members care for their own children at home (Ehrenreich & Hochschild, 2003; Hondagneu-Sotelo, 2001; Salazar Parreñas, 2001; Yeates, 2012). These authors show that a single home is a microcosm for the uneven development of capitalism on a global scale.

A newer branch of this research, mostly focused on Filipino and Middle Eastern men in Europe, has pointed out that migrant men also perform this "women's work". Domestic employers emphasize the feminine qualities of these jobs to emasculate, and thus subordinate, their male employees (Haile & Sigmann, 2014; Scrinzi, 2010). The fact that men are becoming incorporated into domestic work shows the flexibility of gender expectations under globalization, and furthermore how gender identities shape the "social status" of occupations (Kilkey et al, 2013). Indeed, these men negotiate their masculinities to emphasize their role as economic provider to families at home as a way to endure these conditions (Batnizky, 2009).

This chapters builds from this approach. I show that, while gender, race, and legal status shape the organization of social reproductive work, the outcome is not to devalue the social reproductive work of immigrants for the wealthy. Rather, the situation is reversed: granting workers access to basic needs is deployed by farmers as an instrument of labor control. Young

undocumented Latino men become dependent on middle-class white farm women to meet their everyday needs. I also show that gender identities are flexible, and farmworkers negotiate their hegemonic masculinities in the home when they must perform care work for each other.

Another branch of social reproduction theorizing in migration studies asks how undocumented immigrants, who are denied basic state protections, achieve their social reproduction when they arrive to their destination communities. Martin (2010) and Fine (2005) have highlighted the role of urban community organizations in helping migrant workers and families obtain access to work, basic needs. In her research with Mexican immigrants in Chicago, Martin (2010) points out that crises of social reproduction among workers paid less than a living wage are assuaged by two "survival strategies": their abilities to pool resources with other families, and to access neighborhood non-profit organizations that provide child care, clothing, and information about government assistance. But on the dairy farms of Upstate New York, migrant men, women, and families are extremely isolated from each other, and from the nearest town where basic services could be obtained. This context presents a different puzzle: under this degree of isolation from family, friends, community groups, and government agencies, how do dairy farmworkers meet their social reproduction needs at all?

Finally, scholars have looked at the emotional consequences of undocumented immigrants' dependence on others for their social reproduction. Single male migration undermines intimacy in transnational families among lone Mexican male migrant day laborers in California (Ordóñez, 2012). Napolitano (2005) argues that transient male migrants experience an affront to their masculinity as they come to feel weak and feminized by their dependence on the state. By contrast, Bangladeshi migrant men living in South Africa enact "hyper masculinity" to salvage their masculine identities in a context of total disempowerment (Pande, 2017). My research

builds on this approach by mapping the actors in migrants' social networks that help them to achieve their social reproduction in dairying communities. Moreover, I look at the affective and embodied consequences of gaps in their social reproduction networks when they occur.

Thus, the research in these chapter seeks to fill two theoretical and empirical gaps in the literature on gender, migration and social reproduction. First, there is a bias in this field towards analyzing the affective dimensions of women's migration, and the rational, productive dimensions of men's. I ask who cares for men, and how they negotiate their identities in situations where they must care for each other. Second, the emergence and the consequences of crises of social reproduction for migrant men and women remain theoretically underdeveloped. This is because the literature has focused on urban and semi-urban settings where traditional sites of social reproduction, including other migrant families, communities, and government agencies, are available, even if scarce. But the isolated and contingent nature of social reproduction networks in my study shows that sometimes, social reproduction cannot be guaranteed. In industrial dairying, to use the words of Nancy Fraser (2016), "destroying its own conditions of possibility, capital's accumulation dynamic effectively eats its own tail".

III. Subsistence

> "As he needs me, I need him too." (Jorge, Mexico)[418]

Jorge made this statement about mutual dependence with his boss Rick when I asked him how he meets his everyday needs given that he resides in the borderlands of the North Country where border patrol regularly waits just beyond the farm perimeter. Rick had told him he cannot leave the farm. Jorge said if he were to go out to the store, the shopkeepers know Rick, and will tell

[418] In-person interview, June 17, 2014, Northern New York.

him that he had been there, potentially getting him into trouble. Jorge had never –not one time, not even for a medical reason – left the farm in 7 full years of work. But Jorge did not express resentment. To the contrary, he expressed throughout the interview that "the boss is a very good person". Rick's mother helped make sure Jorge had food in his fridge, his money was safetly delivered to Mexico, and any other basic necessities could be acquired through catalogues.

Mitchell, Marston & Katz (2004) observe that, in late capitalism, the Marxist production / reproduction binary is increasingly untenable. They argue that contemporary capitalism makes "life workers" out of hyper-flexible work arrangements, such as mobile offices, and home sweatshops. On Northern dairy farms, these two areas of life are indeed inextricably bound, but by the opposite of flexibility – rather, a paternalistic and maternalistic system of labor control in which farmers provide access to subsistence and protection for their workers (Bobrow-Strain, 2007). It is for access to these benefits that workers give their consent to the unequal terms of exchange in which their bodies are pushed beyond limits (Chapter Three).

My findings show how proximity to the border shapes the dimensions of employer paternalism. I found that, of 58 workers who responded to a question about how they access food, only 3 workers went themselves to the grocery store (two with a car lent to them by the farmer, and one with a friend). The majority -- 32 workers (55%) -- depended on someone from the farm for access to groceries. Of the remaining 26 workers, 14 relied on paid services from a local *rietero* or ride provider. Another 8 workers obtained food through co-workers, usually U.S. citizens (6 workers), but sometimes legal immigrants or a co-worker able to leave the farm because he was already in immigration court proceedings.

I also found that farm-level systems of food provisioning are gendered. Of the 32 workers who rely on someone from the farm, only 5 said that the male farmer is the person on whom they rely most. The remaining 26 said that a woman either brings them food or takes them shopping, usually the farmer's wife (17 workers), but also sometimes the farmer's mother (6 workers), or their daughter (3 workers (all of whom were on the same farm)).

Finally, the means of accessing food depends on proximity to the border. Of 21 North Country workers who responded to my question about how they got access to food, 17 said that their groceries are brought to them. This way, they don't every have to leave the farm. Among the remaining workers, whom I interviewed in Central and Western New York, literally all of them left the farm themselves to buy their food.

In the intensely surveilled North Country border region, the wives and spouses of farm owners take responsibility for delivering food and clothing items to farmworkers directly to their trailers. Agnes, the employer at Applewood does the weekly grocery shopping for her employees, which she deducts from their pay. She says that "we grocery shop for them because they don't leave … we don't tell them they can't leave the farm, just that they shouldn't."[419] Through these acts of protection and support, dairy farmers reduce the risk of their workforce being deported – and thus of losing thousands of dollars of milk revenue if their cows suddenly cannot be milked. In this way they profit from helping their workers to remain immobile on the farm.

Some women farm owners provide this help with a maternalistic flair. For example, Roberto's employer, Janet, says that she doesn't mind going out of her way to do favors for her workers. She sends her niece to cut their hair. She also says that, before Roberto's co-workers were

[419] In-person interview, April 4, 2014, North Country.

deported, she kept six distinct shopping lists every single week when doing their grocery shopping. She says, "some farmers wouldn't do that … take that extra step to do that for them. But I just feel like I'm their mom or something." [420] Another farm employer, Caroline, arranged for a nutritional seminar for her Guatemalan employees from the County migrant health clinic, when she became concerned about the lack of fiber in their diets.[421]

In Central New York, where immigration enforcement pressure is less, workers usually leave the farm every week or two weeks to buy their groceries themselves. In these cases, they often rely on local ride-providers, or *rieteros*, who charge a fee for the service. Maria describes how the daughter-in-law of her farm employers used to give her rides to the store, for which she would leave a gratuity of $20. Suddenly, the *rietera* began to demand $30 per hour. Maria says she was no longer able to pick up diapers for her 2-year old daughter in an emergency, because the $20 purchase had suddenly tripled in cost.[422] Although she was lucky to have a farm employer who stepped in and began to provide rides for free, not all workers, and particularly those on very large farms with many immigrant employees needing rides, have the same luck. Marcos, for example, says that he has never asked his employer for a single favor, because "there is no trust, no communication. They listen to you, but they don't do anything."[423]

For farmworkers able to leave the farm premises, shopping trips become the central point of engagement with the outside world, and a way to replenish their mental energy for work. As Platon told me, "sometimes we go out to eat at Taco Bell, or for hamburgers, or to the Mexican

[420] In-person interview, June 3, 2014, North Country.
[421] In-person interview, May 18, 2014, North Country.
[422] In-person interview, July 13, 2013, Central New York.
[423] In-person interview, June 10, 2015, Western New York.

restaurant. It helps us to distract ourselves. Because … all day we're locked up, (if we stay home) it's as if we were still at work. But when we go out, it clears our heads."[424]

In this context, the "behavior" or *trato* of a farm employer is workers' most important consideration when deciding whether or not to stay on a farm. Farmers' *trato* is morally evaluated by workers not only in terms of dignity and respect, but also their support in achieving their social reproduction needs. As Felipe explained it, "Sometimes the bosses aren't good people. They look at you, you don't do it well, and they throw you to the street in the same moment. There are things you have to take into account before changing your job. Maybe because of looking for a better job, you encounter something even worse." Employers who offer "help" are seen as protectors because they bring workers what they need from stores, where they are too afraid to set foot. Thomas and Agnes described the elaborate system of provisioning for their workers that they have put into place: weekly grocery shopping services, free housing, utilities, cable TV, and occasional gifts of pizza dinners on holidays. They say, "You know we understand that they're here, they're away from home, and because of our location they're not able to go out for entertainment. They're not able to go to the store and buy their own needs. So we try to ease that lifestyle the best we can by providing some other perks for them." The workers at Applewood confirmed this system: "[The bosses] say they will bring us whatever we need . . . there is no need for us to go out and put ourselves into risk." Although Justiniano noted they are charged $5 for the satellite TV, $5 for the phone, and $5 for use of laundry machines, out of every check.[425] In this way, the intensity of border patrolling creates a "moral alibi" (Doty, 2011) for farmers, that is, a justification for workers to stay on the farm, where they can evade

[424] In-person interview, March 23, 2013.
[425] In-person interview, April 24, 2014, North Country.

unwanted attention from immigration law enforcement, while staying constantly available for milking parlor work.

This dependence on employers for access to basic needs is shaped by power dynamics of gender, legality, and class. Undocumented Latino men come to depend on their white, middle-aged women employers for access to their most essential needs. The social reproduction that these farm women perform for immigrant men thus becomes a gendered instrument of power, in contrast to social reproduction's usually devalued social role. They convince workers to stay put, in effect negotiating an international border around the property of the farm itself.

The result, for workers, is the sense of a carceral environment, but one in which they are safely held. As one worker said, "you get used to it. I imagine that prisoners in jail get desperate in the first months, but you get used to living there. (It feels like a jail) because we can't go out, go anywhere, without the risk of being stopped by the police, that there will be a raid and take you away. At any moment." [426] But workers feel safe when they stay put. As a North Country employee told me, "when they cross in front of the street and I'm in the parlor, I put my hands up, as if giving myself in, but to play with them. To joke."[427]And away from the close vigilance of border patrol in Central and Western New York, workers often feel protected by their association to the farm. As one worker told me, "if anything happens, if the police stops us, the boss gave us his card and said "call me".[428]

[426] In-person interview, October 16, 2014, Western New York.
[427] In-person interview, May 21, 2014, North Country.
[428] In-person interview, October 23, 2014, Western New York.

IV. Making a Home

Making a home has a dual meaning in social reproduction theory. In the first place, it provides a place to rest, for the material reproduction of one's labor power. On another level it is the site of the production of gender identities and of values, on which production also depends (Folbre, 2001). Here I considered both of these aspects of making a home.

Farmers as landlords

> "A friend told me that he's paying rent, that he has no bed, and all that. Here the lady even gives us a bed. It's like a hotel." [429] (Joselito, 18, Guatemala)

Undocumented dairy farmworkers, with extreme constraints on their mobility, almost always live in farm-provided housing. One Cornell survey found that over 80% of immigrant dairy farmworkers live in housing provided free by the farmer (Maloney, 2016). Dairy farmers reluctantly accept their dual responsibility as landlords (Maloney & Eiholzer, 2017). They believe their workers are unhygienic, and that the problem stems from workers' poor understanding of the "value" of the free housing they are provided (Maloney & Eiholzer, 2017). They characterize housing as "free" and thus a "benefit" that can choose to withdraw by charging rent (Maloney & Eiholzer, 2017).

Farmers' control over the space where their workforce lives is a significant tool for labor control and making employees into the "other" (Benson, 2008; Nelson, 2007). Keeping workers close to the milking parlor – sometimes less than a minute's walk, as I witnessed on several North Country farms – helps ensure they won't miss work. And workers gladly accept these terms, in

[429] In-person interview, May 18, 2014, North Country.

order to avoid long walks in the cold in the middle of the night on their way to and from a shift. Victor, for example, said when he worked on a small farm the housing was too far at a 15 minute walk away because the trip cut into his rest time between shifts.[430]

On rare occasions, farmworkers live with farmers in their homes, in an exaggerated intertwining of the spheres of production and social reproduction. Carlos found this uncomfortable. He said, "they would be talking and I felt bad because I didn't understand, I thought they were talking about me. I never got used to their food … I only ate the tortillas my friends gave me." Eventually he lost this job because the farmer's wife accused him of inappropriate behavior towards her daughter when he believed he was simply reciprocating the girl's interest in practicing her Spanish with him after school.[431] In Erik's case, living in his employer's home became uncomfortable when his employers stopped paying him on time. After getting over his initial discomfort, he said things were find, but "the only problem was that I couldn't speak any English.. and after three months when they stopped paying me well, or he would stop taking me to deposit the check, it became a problem".[432] For another worker, he really enjoyed the experience of living with one Latino co-worker in the farmer's home, a single elderly woman, in Massachusetts before he arrived to New York. He described with bright eyes how she gave them a shared bedroom, invited them to family gatherings, "when we were resting, she wanted us with her", and when it was time for dinner, she "called to us, 'come to eat!'". [433] His vivid description brought sadness to my mind, above all, as this farmer seemed to use her immigrant workers to fill her sense of an empty nest. Regardless of the type of relationship that develops between

[430] In-person interview, April 25, 2014, North Country.
[431] In-person interview, March 23, 2013, Central New York.
[432] In-person interview, April 19, 2014, North Country.
[433] In-person interview, June 13, 2013, Central New York.

workers and employees, their residence under farmers' roofs creates an extreme form of dependence for social reproduction that makes resistance to the terms of work nearly impossible.

Farmworker housing

While a few live with employers, most dairy workers are provided housing on the farm property in trailers, old farmhouses, makeshift lodgings above the barn, or the farmer's own home. Farmworkers benefit from accessing housing rent-free, and from avoiding the need to drive to work. This is particularly important considering undocumented migrants cannot apply for a driver's license under New York State law.[434]

However, the close proximity of housing and the worksite deprives farmworkers of their privacy (Benson 2008). Furthermore, because most dairy farm housing is not 'temporary', it is exempt from OSHA inspections, and instead subject to New York State Housing and Sanitation codes. Indeed, farmworker housing in the US is far more likely to be rated 'severely inadequate' for reasons such as holes in walls and ceilings, plumbing leaks, and overcrowding (Oxfam America 2004, 21–23). Verification of compliance falls under the jurisdiction of local-level inspectors, but my fieldwork revealed these visits to be rare and usually sparked by an emergency.

I visited dozens of farmworker housing units during my research and gained a good sense of the range of housing conditions that farm employers provide. Some farmworker housing is well

[434] New York State Senate Bill S3607 progress webpage: http://www.nysenate.gov/legislation/bills/2015/s3607

maintained. One successful farmer had built a brand new modern dormitory where each worker had their own room with lock and key. Unfortunately, such comfortable housing is scarcely seen.

On one farm I visited regularly in 2012 and 2013, 10 inhabitants were crowded into a 3-bedroom trailer where they shared beds, and the newest arrival slept on a mattress in a leaky bathtub. Ricardo, 50, from El Salvador, slept on the floor, attacked by cockroaches, and suffered fevers from the lack of protective clothing. Andres left a farm after working there for only 16 hours due to the indecent conditions of the housing he was offered. He said "it was a trailer, but an old one, there were cockroaches, no electricity, they had replaced the kitchen sink with a pot, you couldn't even cook. The beld was old, there was no light in the bathroom … and the guys who were there said the electricity problem had gone on for a long time and no one had fixed it. So I said, "I'm not going to work here! And I left." [435]

Farmworkers also feel unsafe, sometimes, in their homes. Several, like, Marcos commented that there are no locks on the doors where he lives.[436] Joel, from Chiapas, Mexico, suffered harassment from a violent Mexican supervisor who punched him in the face so hard – without provocation – that he required medical attention. After Joel told his boss, the supervisor said he would kill him and "tear him apart". Not long after, the man tried to break into the house where Joel lives with his girlfriend, and she had to call her English teacher to scare him away. The supervisor returned to work with a broken hand from putting his hand through the glass, trying to open the door.[437] In such conditions the bodily depravations caused by industrial dairying work schedules are exacerbated, as workers are unable to have a proper rest.

[435] In-person interview, April 23, 2014, North Country.
[436] In-person interview, June 10, 2015, Western New York.
[437] In-person interview, August 23, 2014, Western NY.

Negotiating masculinites in the reproductive sphere

Farmworkers usually work alongside family members, and therefore contacts from home, or people with similar migration backgrounds. Their co-workers become their principal (sometimes only) social ties (Pfeffer and Parra 2009). Often, the only visitors to the farm, apart from myself, that farmworkers could recall were an occasional English teacher and a nurse who provides seasonal flu shots. Social enclosure in all-male migrant households can lead to alcohol abuse, drug use, risky sexual behaviors, and depression (Zavella 2011, 159–163). But farmworker housing is also a site where gender identities are negotiated, as male immigrants come to provide care for each other.

On several farms I visited, young men organized the work of home-making amongst themselves. In fact, learning to cook, after being cooked for by their mothers for their entire lives, became a main source of humor that helped break the ice for my interviews. Julio, 19, says that a strict rule is upheld in his house of 5 male immigrants, where each worker cleans and cooks for the others on his one day off per week. Another worker, Alan, says, "I have no obligation to cook for them. It's not out of obligation, it's my conscience." He says that his co-worker makes all the men *atole*, a traditional corn flour drink served hot, before they go off to work. I got the sense as he spoke that this simple act was nourishing not only his body, but a lonely soul. On this farm, and the farm where Justiniano worked nearby, the men even bought *maseca* (corn) flour to made tortillas by hand, despite the extremely short time they have for a break, to recreate a sense of home. This system of men performing housework for each other breaks with hegemonic masculinities of rural Latin America, positioning solidarity as a key element of their masculine identities.

However, these solidarities do not always form. In fact, sometimes male farmworkers rework their gender identities in the opposite direction, by enacting "hyper-masculinities" (Pande, 2017). This is more likely to happen when workers end up on farms where they do not have close relationships with any of their co-workers. In one case a 50-year old Mexican worker told me that his co-workers, whom he didn't have any personal relationships with prior to arriving, "were getting drunk and looking for problems". There was a fight at the house between two workers and one ended up in the hospital, and the other was taken away by immigration after the police were called. So he left the job after only 4 months for another dairy farm.[438] particularly when there are differences of age and nationality amongst workers. A Guatemalan worker said that a co-worker "put a knife to my uncle's chest and threatened to kill him" and his uncle felt no choice but to change to another dairy farm.[439] Jorge said that, when he became completely fed up with his housemates playing loud music and getting drunk when he was trying to sleep: "I said "I'm not a little boy, I have to endure this because this is not my house". I had to endure it and I never told the boss how things were here. Said nothing, why would I want to get in trouble."[440] And on yet another farm, Ricardo, the older, Salvadoran man, worked on a large dairy where he had no friends or family. He had a difficult time forging any kind of connection with his young Mexican co-workers. In fact, on several occasions they hit him, and mocked his age, leaving him in such fear that he would sleep with a machete under his bed. In such conditions, the home is the site of the production of fear, and its role in producing values of mutual care is undermined.

[438] In-person interview, March 13, 2015, Western New York.
[439] In-person interview, July 19, 2015, Central New York.
[440] In-person interview, June 17, 2014, Northern New York.

Home as the basis for community?

As a site from which community can be built, farmworker housing is a double-edged sword. On the one hand, it is a site where migrant solidarities can be built. For example, Alfredo explained to me that, for a time in the mid-2000s, dozens of people arrived to the farm where he worked looking for jobs in the dairy industry. "They were friends, or family members of friends … we would give them permission to stay here while they waited for a job. And while they were here looking for work, we covered their expenses. From the same food that we bought for ourselves, they would eat, no problem." [441] He said that these newcomers were never asked to pay, nor did they leave a thank you gift, because everyone understood they didn't have the means to do so – having been through the same themselves. Rather, it is a chain of support that each migrant passes through.

However, this support is not always free. Like other migration scholars, I find that sometimes, solidarity ties between migrants breaks down under economic pressure (Guarnizo et al, 1999; Mahler, 1995). When Roberto first arrived to an Upstate New York dairy region shortly after 9/11, a friend of a friend who worked on a farm allowed him to stay for two months and provided food and taught him how to milk. Roberto said he was quoted $2000 for the ride to the Buffalo area from California, but ended up paying him back $2,500, and so assumed he had been charged for the food and place to stay. He said, "you never know that you're going to be charged."[442] Whether or not the support is commodified, migrants express appreciate for a place to stay, food, and training to learn the ropes of milking to help them prepare for a dairy farm job.

[441] In-person interview May 18, 2013, Central New York.
[442] In-person interview May 20, 2014, North Country.

The commodification of social reproduction amongst workers sometimes goes beyond these markets for a place to stay while waiting for a job. That is, on several of the farms I visited, access to the job itself had its price. Of 51 farmworkers who responded to a question about whether they had currently, or in the past, paid for a dairy farm job, 14 said yes, the vast majority from a co-worker as opposed to a labor contractor. (Still others paid for the services of a *rietero* to drive them from one job to another.) Their fellow migrants had charged between $400 and $1500 for the positions, with $815 being the average (for the 13 who provided me with the exact price they paid). This system was far more common in the North Country, borderlands region, given that 11 of the 14 people who had paid for their job were in this region.

For example, both of the times Felipe arrived to Applewood Dairy, he was asked by the departing Guatemalan worker he replaced to pay $1,000 for a ninety-hour per week job. He said:

> It's a chain that goes back to the first person who was here [on this farm]. I don't know if that person was charged for his job or not, but the person who came after him had to pay for the job. So, the [next person] has to pay him. So it becomes a chain. To not lose the money you have invested in that job, you tell the next person who will stay there working, "I need you to return my money to me because I paid so much for this." The person who goes has their money returned to them, and the other one stays working. It's like a guarantee, nothing more, that the job is for sure.

Felipe expressed no moral troubles with this system. He implied that it was completely justified because the person was not simply "changing jobs" to make a profit, but rather would be returning to Guatemala, and was therefore completely in his or her right to recuperate his or her "investment." A "job-changer" would, on the other hand, be seen as taking advantage of newly

arrived workers to turn a profit. Joselito described how he was asked to pay $1,000 for his eighty-hour per week job when a Guatemalan worker left for home. The worker who asked him to pay? His own father. Other farmworkers I interviewed confirmed that $1,000 was the going rate for a full-time posting, but that a *garantía* of work could range between about $500 and $1,500. One Guatemalan informant on a farm nearby told me he had paid $1,500 for his job; while he felt that this price was unjust, he said he had no choice in the matter. Often, newly arrived workers are only told about these charges once they arrive to the farm. With nowhere else to stay, they cannot refuse to pay.

Migration theorists have begun to pay more attention to the role of such risks in the reformulation of moral norms around money and debt in migrant communities. Stoll (2013) shows that a vicious cycle of "debt-migration" degrades social relations in Guatemalan sending towns; my research shows that this pattern is replayed among those who seek to offset the risk of their journeys when they land in the United States. In these upstate New York cases, migrants who have been in the United States for longer, have already paid off their migration loans, and have greater financial freedom, become implicated in holding deeply indebted migrants captive in these labor markets. In this way, those workers who are economically better off participate in producing the financial precarity of their newly arrived coworkers.

Importantly, this is a labor system with counterhegemonic intentions, in the sense that it has formed autonomously, in defiance of the farmers' paternalistic social system. That is, workers explained that farm employers are deliberately kept in the dark about these clandestine job markets because "they wouldn't like it." Indeed, one farm employer told me he had discovered one worker charging a "finder's fee" for jobs on his farm, and promptly fired him, believing he had stamped out the problem for good. I later discovered through my interviews with the

employees that the practice had continued, maintained in a more diffuse way by multiple participants who had since learned the trick of the trade. It is through the crowding of farmworkers in secluded housing and their ability to conduct such "business" in Spanish, or even in a Guatemalan indigenous language, that these underground economies continue to thrive right under the eyes and ears of employers. Hence, these independent, clandestine labor markets are created as a way to undermine the social control of paternalism. Yet, by further indebting them, and bonding them to the farm to pay off those debts, these counterhegemonic intentions reinforce the precarity of everyday life on borderlands farms.

V. Healthcare

Undocumented dairy farmworkers in New York are, for the most part, ineligible for public and market-based forms of health insurance. Since the federal welfare reform bill of 1996, 'unless they have a specific, verifiable immigration status, immigrants in the U.S. are only allowed coverage for emergency care' (Park, 2011). This means that pregnant women, and those suffering an emergency medical condition, are the only members of the undocumented population who may apply for MedicAid benefits.[443] In New York, undocumented pregnant women are eligible to apply to extend their MedicAid coverage for family planning services for up to 26 months. The Patient Protection and Affordable Care Act, a significant overhaul of the US healthcare system signed by President Obama in 2010, did not improve undocumented immigrants' access to care: they continued to be barred from purchasing private healthcare

[443] New York State Department of Health. Medicaid for the Treatment of An Emergency Medical Condition Fact Sheet. Retrieved October 9, 2015, from https://www.health.ny.gov/health_care/medicaid/emergency_medical_condition_faq.htm

through government-sponsored market-places.[444] A survey of 60 dairy farms found that no employers offered their immigrant employees health insurance (Maloney & Grusenmeyer, 2005).

In the context of restricted access to public and private health insurance, many dairy farmworkers turn to third-party providers who provide general care free of charge and referrals to specialists. Third-sector actors, such as charitable organizations who treat undocumented immigrants when they cannot afford hospital care, are more likely than insurance mechanisms to enable farmworkers' access to medical care. The principal provider of third-party healthcare to New York farmworkers is the Finger Lakes Migrant Health Project (FLMHP). This network of care providers offers farmworkers medical, dental, and mental healthcare services at six New York clinics, and more limited services through a mobile programme which visits farmworkers across 22 counties in their homes.[445] Eligible farmworkers who reside beyond the Finger Lakes region may still benefit from the organization's 'voucher program', which operates in 42 New York counties through a network of 150 operators.[446] Most direct FLMHP services are free of charge, and the clinic also supports voucher programme beneficiaries through reimbursements and the negotiation of reduced rates with the care provider.[447] Recognizing the mobility constraints which undocumented immigrants face on New York roadways, FLMHP outreach workers often provide them with rides to clinics. This organization facilitates access to care by providing financial support and transportation, but farmworkers in remote locations (such as the North Country region) still face significant constraints on access to services.

[444] National Immigration Law Center. Uninsured Immigrants and the Health Care Safety Net. Retrieved October 9, 2015, from http://www.nilc.org/uninsured.html
[445] Finger Lakes Community Health. Retrieved October 8, 2015, from http://flchealth.org/
[446] Finger Lakes Community Health. Migrant Voucher Program. Retrieved October 8, 2015, from http://flchealth.org/your-experience/migrant-voucher-program/
[447] Personal communication with FLMHP employee, 4 February 2014.

In this socially isolated context, their on-farm networks with colleagues and employers are the most important component of the informal dimension of their resource environment. New York farmworkers are likely to form close, paternalistic relationships with employers, who '[help them] meet a variety of needs' (Pfeffer & Parra, 2009, p. 263).

The experiences of Nicolás, aged 42 years, from Guatemala, illustrate how these information, resource, and mobility constraints develop when farmworkers have weak community ties, and must rely on their farm employers. I interviewed Nicolás on 1 May 2014 on a farm just a few miles from the Canadian border, where he had arrived three months before. Over the course of the conversation, Nicolás mentioned he had a number of undiagnosed medical concerns: an unidentifiable rash on his hands, which had recently appeared for the first time; severe pain in his knee, which was first caused when he got caught between the skidsteer (a small, engine-powered machine used for loading and lifting) and the stable wall; and, most worryingly, a sensation of a clenched heart and pains shooting down his arm, which he had been experiencing since the previous day. I called the FLMHP hotline with Nicolás beside me, and when he spoke with the nurse, he was advised to go to an urgent care provider immediately.

His farm employer was out of town that day, and so I called the farmer's elderly mother who came immediately to attend to the situation. When I explained that Nicolás could negotiate a reduced fee through the FLMHP voucher programme, she responded: 'Money is no problem.' Dairy farm owners sometimes pay for medical expenses out-of-pocket rather than submit a workmen's compensation claim. Indeed, a survey of 60 New York dairy farm employers noted that some included 'written comments [on the surveys] that said they paid all or part of the employees' medical bills' (Maloney & Grusenmeyer, 2005, p. 2). I explained to the dairy farmer's mother that the nurse had recommended Nicolás seek care immediately at an urgent

care facility, to which she responded: 'If he goes there, they'll send him back home.' In this community, under the watchful eyes of the Border Patrol, it was not uncommon for injured farmworkers to be detained after calling 911, or upon exiting hospitals after seeking treatment (see Chapter One). As a precaution, Nicolás was instead taken to the farm family's trusted general practitioner, whose offices were located close by.

The next day over the telephone, Nicolás explained to me that the local doctor's office was closed, so he had been taken to the hospital after all. He expressed relief that he had not experienced a run-in with Border Patrol, and that his tests were returned with no major complications. However, within a few days, my attempts to communicate with him on his employer-provided phone were met with silence. Eventually, his co-worker explained that Nicolás had left the farm for an urban location. In my field notes, I recorded that Nicolás had told his co-workers: 'If something were to go wrong, there is no medical help in this area. I'm afraid to go to the hospital. There is no one to take care of us here.'

Nicolás's story reveals how constraints on farmworkers' independence, access to information, and mobility can result in their heavy reliance on employers, who then determine their healthcare access. He did not have information about the FLMHP services until I told him about the organization. Moreover, in an urgent situation, he was dependent on the farm employers for transportation and the finances to cover his medical bills. While Nicolás' employers responded quickly to his needs, not all farm employers can be counted on for support.

A worker I met through advocacy activities, Rodrigo, had had his medical needs explicitly ignored by his farm employer after he was rushed by a bull. In fact, Rodrigo was fired because he could no longer work. A Worker Justice Center of New York (WJCNY) case worker helped

him find a place to stay at a New York charitable shelter for migrants for 3 months while he went to therapy and regained his ability to walk. He lived in a trailer park with a friend for the better part of a year while his shoulder recovered – he was unable to work because he could not lift anything heavy. At the time of the interview, WJCNY was helping him apply for his workers' compensation to cover his visits to a nerve specialist because the pain in his neck and shoulders still had not gone away. He had gone back to work, in the apple harvest, but says that because that work is only temporary, he would like to return to work on a dairy farm.

When farmers do not provide transportation for medical care, workers turn to commodified local transportation services. These informal market services blur the lines between the market and informal segments of farmworkers' resource environments. Horencio, aged 23 years, lost the tip of his little finger when it got caught in a trailer door while he was moving cattle. He told me that his boss 'sent me home to rest' when he showed him the wound; so he asked his co-workers for the name of a local woman who provides rides for a fee.[448] (Farmworkers refer to these Spanish-speaking women, who are either legal immigrants or US citizens, as rieteras). In another case, Manuel, aged 48 years, from El Salvador, described experiencing stomach discomfort so severe that 'I felt like I would die'.[449] He said his requests for transportation to a clinic were not met by anyone on the farm, and so he called a rietera who charged him $30 for a ride to a hospital 10 min away. Thus, in a context of weakly developed local social ties, immigrant workers often must turn to relatively expensive clandestine transportation services.

Failures in healthcare access networks

[448] Interview, by telephone, 21 December 2013.
[449] Interview, by telephone, 22 December 2013.

Migration scholars working from the "new rural destinations" tradition, while not always using the framing of social reproduction, show that such access to basic services for health and well-being is more challenged in contexts where Latino immigration is more recent and government and community networks are not yet developed (e.g. Marrow, 2011). Indeed, many of the workers I met did not have access to healthcare either through their farm employer or a labor advocate. The access problem is particularly acute for conditions "indirectly" caused by their jobs, like chronic headaches, or emotional troubles.

A salient example of this healthcare gap for dairy farmworkers is that of mental healthcare. Depression and anxiety are among the most common self-reported healthcare concerns of dairy farmworkers (Baker & Chappelle, 2012), due to their long-term social isolation, financial stresses, and difficult working conditions. Manuel, for example, described how he experienced night terrors following a farm accident when was caught underneath a tractor. 'I would wake up screaming at night that the tractor was on top of me. It had a strong mental impact, including nightmares.' Manuel said he suffered these nightmares for two straight weeks. He felt that such mental health concerns 'are something that are very rarely taken into consideration' by farm owners and farmworker service providers alike.[450]

Gaps in mental healthcare are further illustrated by the case of Jaime, who I came to know in 2013 when he was 20 years old. Jaime had first migrated to the US when he was 14 years old with his father to look for dairy farm work. When I met him, he had been receiving care through the FLMHP for a heart condition (the particulars of which never seemed clear to him) with a heart specialist, who had implanted a disposable tube in his heart. Jaime reported being

[450] Interview, by telephone, 22 December 2013.

extremely tired. In January 2014 he told me: 'I don't have las fuerzas (the energy)' but he nevertheless continued to work every day. When I interviewed him, he worked from 4:30 am until midday, and again from 3:30 pm to 8 pm, all week long, except Saturday mornings. As he put it, 'You know that us Mexicans work until you can work no longer'.[451] One possible cause of his tiredness is overwork, which was exacerbated by his heart condition. Another possible explanation for Jaime's tiredness is the fact that he drank alcohol, so much that the FLMHP outreach worker assigned to his case told me he was considering staging an intervention with Jaime's family members, who worked on a farm nearby.[452]

Alcohol consumption has been observed among farmworkers suffering from mental health consequences of geographical and social isolation in the southern US. (Connor et al., 2010, p. 164). One study found an alcohol dependence rate of 30% among surveyed farmworkers, along with high rates of anxiety and depression (Hiott et al., 2008). While it is not possible to know the degree to which each element of his work schedule, heart condition, and alcohol consumption contributed to his tiredness, it is clear that a gap in the local social protection environment existed where more rigorous counselling for alcohol abuse was direly needed.

Immigration enforcement activities in the upstate New York border region can impede farmworkers' mobility off the farm, potentially making it impossible to get needed care. Workers are sometimes reluctant to seek help even when facing a potentially urgent health condition. It is in this context that during a meeting about farm safety I attended with farmworkers, labour advocates and an OSHA representative, a dairy farmworker turned to his translator and asked: 'But does he know we can't call 911?' This farmworker's fear of calling an ambulance in a

[451] Interview, in-person, Central region of upstate New York, 6 May 2013.
[452] Personal communication with FLMHP employee, 4 February 2014.

medical emergency signals the type of social protection failure which can arise under the risk of detention and deportation. For farmworkers living in the 'shadows' (Chavez, 1992), access to public services is constrained by the risk of detection, meaning that their resource environment is only as strong as their informal networks.

Finally, farmworkers are extremely dependent on one another for information about where to obtain healthcare services, and who to call for transportation at a fee. However, sometimes, such as when immigrant workers have recently arrived in the area, their social networks are too weakly developed to provide them with the information they need. Ricardo describes how when he first arrived at a very large farm, he had not yet purchased protective clothing for the tough New York winters. Upon arrival he was assigned the job of operating a skidsteer, which unfortunately had a broken roof. Without even a jacket to wear, he froze in the rain and snow, returning every night to a trailer where he slept without a mattress on the floor. Ricardo experienced a fever every night for weeks but had not been made aware of the migrant clinic where he could have received medical help. 'There was no help to take me to the doctor, or economic support for people left without resources [if they took a day off]. I started to … feel incompetent, because I didn't have recourse to help from anybody.'[453] Ricardo survived by 'self-medicating' with over-the-counter pills. He fell through the cracks of the occupational health system because he had newly arrived in the upstate New York dairy industry and did not have sufficient access to information about available care.

[453] Interview, by telephone, 20 December 2013.

VI. Intimate Relationships

Ahmad (2013) has pointed to a paradox in conventional academic and mainstream discourse about undocumented male migrants. While migration is assumed to enhance certain forms of their masculinity, by demonstrating their roles as economic providers, they are also expected to be asexual "embodiments of puritanical patience", who self-deny their sexuality while away from home. My research shows that workers' desires for familial intimacy are repressed and shaped by their deportability.

In strong demonstrations of agency, some men form intimate relationships with women on the farm. While still rare in a migrant population for which many employers express an explicit preference for single men, women and men do raise children, both U.S. born and brought with them from their home countries, on dairy farms. Four of the women I interviewed had or were raising small children on a dairy farm. It is through their children that undocumented farmworker women become more connected to the web of state agencies that can contribute to their welfare in several dimensions. Maria, whose U.S.-born daughter was two years old at the time of our interview, says she gained food stamps, the Women, Infants and Children (WIC) nutritional supplement, and participation in an educational and leisure group for women after her child was born.

Yet, they face great difficulty over the decision to have families and how to provide for them. Julietta met Eduardo on a New York dairy, and within a few years of living together, she became pregnant. She said that her friends and family told her to have her baby in the U.S. so that he would have "papers". But ultimately, "we decided I would go back to Guatemala to have him, because we can't go out. If the baby were to get sick one day, where would we take him?"

Julietta had intended to stay in Guatemala and raise her child, but out of economic necessity, she made the difficult decision to leave her baby with her mother at three months of age to return to the dairy farm to work. In an extreme denial of familial intimacy, Eduardo has never met his 7 year old son. He told me, "sometimes I think that the first words my son spoke, I never heard them, or his first steps, when he was sick, so many things I've lost. Sometimes I think about going back but then I remember that there are things I haven't accomplished yet. I don't want my son to have to go through what I did one day. I want him to have schooling so that one day he can defend himself … because those of us here, we're not worth anything." [454] After our interview they showed me a prized picture of their son, standing alone in a village in Quetzaltenango Guatemala, holding up a sign that said: *solidaridad* (solidarity).

Usually, however, young men live and work together with almost no exposure to women their age. Geraldo, 30, says that he would stay on the farm where he works, undocumented, forever, "if you would give me more money and a woman". He says that "the average age to marry in Guatemala is 20 to 25 years, but I've passed that age … so much time without a girlfriend, without anyone to share my life with." [455]

Other men turn to commodified forms of intimacy. Their involvement in illicit activities raises challenges to the conventional narrative of farmworkers as victims and hapless members of the "deserving poor" (Bletzer, 2004). One farm owner said she fired an employee who was receiving money from other employees to bring them women, whose origins were unknown to her, although Latinas. Another said he recently discovered what he called "paid prostitutes" on his farm. I attended a meeting of the North Country Human Trafficking Taskforce in spring of 2014,

[454] In-person interview, April 17, 2014, North Country.
[455] In-person interview, May 24, 2014, North Country.

a group created by the Worker Justice Center of New York to train local law enforcement on how to identify victims of labor and sex trafficking.[456] Here we learned that victims of sex trafficking, often immigrant women coerced into their captivity, are often brought onto dairy farms to service workers in familiar white vans that sometimes bring workers ethnic food products. In this way they slip undetected, at least for a time, by farmers.

It is not clear whether workers know whether the women brought over in vans are captives; asking the question would have made workers suspicious of me. It can be said that Ricardo, the older worker from El Salvador, bravely worked with the Taskforce to bring down a human trafficking ring by taking down the license plate of the vans that brought women to his co-workers.

Thus, the cycle of embodied structural violence does not end with migrant workers, as proposed by Holmes (2013) and others. Rather, it is reproduced and intensified among women integrated into clandestine global circuits, those who Sassen (2000) defines as the protagonists of the new feminized survival. Their social reproduction needs are severely neglected so that the needs of other vulnerable migrants can be achieved.

VII. Conclusions

This chapter has sought to provide a realistic, if bleak, picture of everyday life under the "deportation regime" (De Genova, 2010) on Upstate New York dairies in the borderlands and in the Central region of the state. The ways they access their social reproduction can be characterized using the metaphor of chains of oppression. Power dynamics of gender, legal status, and class shape immigrant men's disempowerment relative to white women farm owners,

[456] Field notes, March 12, 2014, North Country.

who help them get food and travel for emergency medical needs. Yet, these Latino men sometimes play significant roles in the oppression of trafficked women of color. Moreover, in the process of making a home, migrant workers build solidarities through chains of support in accessing food and a job when others first arrive. Yet, they also sometimes use their greater access to resources as a form of power, in making more vulnerable, newly arrived workers, pay for their entry to lucrative farm jobs. The chapter has also shown that gender identities are both challenged and reproduced in these chains of subordination. But ultimately, the insufficient access to social reproduction that workers face can only be delayed and intensified, until farmworkers get fed up and go home.

CHAPTER 5

EXIT, VOICE, CONSTRAINED LOYALTY, AND ENTRAPMENT

Chapter 5 of this dissertation, a sole-authored publication by the dissertation author, has been published in the following source:

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Abstract:

This paper analyzes how undocumented migrant farmworkers on New York dairies respond to workplace grievances. In the absence of meaningful recourse to formal labor protections, undocumented Mexican and Guatemalan farmworkers express their dissatisfaction on a moral terrain. Building on Hirschman's "Exit, Voice, and Loyalty" framework, I argue that their responses reveal a gradation of agency, from entrapment on farms with unsupportive employers, constrained loyalty to paternalistic farmers, exit from farms and the dairy sector, to the private and public use of voice. Immigration enforcement pressures, farmer paternalism, and transnational economic obligations to their families at home limit the use of exit and voice. Nevertheless, some farmworkers are re-scaling their use of voice beyond the farm, calling on the public and policy-makers to implement systemic changes that improve their precarious conditions of work and life.

CONCLUSION

I. Introduction

In this concluding chapter, I endeavor to show how the conceptual contributions highlighted in each of the preceding chapters come together to form my theoretical intervention in the study of precarious labor. As I explain below, the overarching contribution of this dissertation is a nuanced explanation of how worker precarity is shaped by multiple and inter-related scales of individual activity, collective behavior, and the law. By situating farmworkers in this web of relationships and actors, and framing my analysis with the lens of deportability, I am able to construct a nuanced account of the subjective and embodied experiences of precarity in everyday life. I also take this opportunity to explain my methodological approach in analyzing worker precarity, and to reflect critically on the limitations of my methods. I conclude the dissertation by returning to the theme of the agrarian myth, and pose the question of whether a current lawsuit against the government of New York may have the power to expose its tenuous claims.

II. Theoretical Contributions

This section ties together the main findings of the dissertation. First, I synthesize the theoretical contribution to the literature on worker precarity that is achieved across the chapters. Then, I summarize the conceptual contributions that have been made to the specific literatures in which this dissertation has been grounded.

A multi-scalar account of worker precarity

Bringing together the findings of my chapters reveals that embodied worker precarity is shaped by multiple interacting scales. I have examined how an objectively exploitative and repressive

set of immigration laws, employment regulations, and socio-economic conditions (macro level forces) are filtered through the everyday discretionary work of law enforcement agents, employers, labor contractors, and community members (meso-level), and internalized as a particular subjective and embodied experience for individual workers (micro level). In what follows, I account for this theoretical intervention by showing how these macro, meso, and micro level factors interact in shaping worker precarity.

The objective conditions of labor repression heavily documented in the literature on farmworkers must be understood as an interaction of national laws, state-level regulations, international capital, and farm-level practices. As discussed in detail in Chapter Three, the Fair Labor Standards Act continues to exempt farmworkers from significant labor rights, leaving state legislatures to compensate at their own volition. At the time of writing, New York State labor law does not provide for several of the labor rights denied to farmworkers under national legislation, specifically the federal Fair Labor Practices Act of 1938 (like overtime pay) and under the National Labor Relations Act of 1935 (collective organizing). This failure to provide the rights that national legislation denies cannot, however, be understood in isolation from the national and international contexts. Rather, it is the product of the interaction of state-level factors with these broader forces. That is, a strong (and ever strengthening) state-level farm lobby, powered by rapidly industrializing farms, the Governor's economically supportive rural development office, and led by the New York Farm Bureau, opposes the passage of labor rights for farmworkers. At the same time, this state-level lobby depends heavily on national and international funding, including corporate investments in the "yogurt boom" and extensive federal subsidies. New York labor law is thus embedded in a global political economy that brings

powerful actors at multiple scales together to naturalize the exemption of farmworkers from basic labor rights under the mythical pretext of obeying "nature's clock" (Chapter Two).

At the meso level of the individual farm, these objectively exploitative labor regulations take on distinct forms. As explained in detail in Chapter Three, the conditions of work, including schedules, the occupational ladder, the possibility of raises, and health and safety conditions varying according to farm size. Moreover, amongst farms of a similar size, the labor process can still vary significantly depending on the throughput rate of cows in the milking parlor. For individual workers, their embodied experiences of dairy labor, including hunger, filth, a lack of sleep, and injury, are refracted through these variations in farm structure and the speed of the milking production line. However, and most critically, they are not passive providers of energy to an agro-industrial machine. As my careful questioning into their own interpretations of their labor experiences has shown, they reinterpret the bodily violence of endless hours and occupational stagnation into a point of pride and achievement (c.f. Holmes, 2013).

What's more, this pride in the damage on the body cannot be explained without reference to the transnational scale on which they make economic decisions and comparisons. It is for this reason that immigrant labor, and only immigrant labor, can provide the labor source that the dairy industry relies on: one that is not only physically capable of enduring arduous conditions, but one that willfully exploits the body for economic ends. This is Foucauldian self-discipline, but not in its pure sense; workers are simultaneously cogs in the capitalist system while consciously manipulating that system to their own financial ends.

Thus a full understanding of embodied precarity also requires analysis of the ways that the "deportation regime" is refracted through meso level structures and individual actors. Immigration laws, like labor laws, are constructed at the national level but only enforceable with state-level cooperation. As Chapter One explains, the Secure Communities and 287 (g) programs are important pieces of the national immigration infrastructure but can only exist insofar as local police and sheriffs agree to their implementation in the territories under their jurisdiction. Moreover, informal local level participation in immigration enforcement is often determined at the discretion of individual enforcement officers, given the common absence of guiding policies on these matters (Varsanyi et al, 2012). My research has shown that these interactions are also filtered through farm level dynamics. That is, immigration laws are not only interpreted and enacted by law enforcement agents, but also by the farmers who deal with them, and manage to negotiate the international border at the level of the farm perimeter (Chapter Four). In this way, the macro-level structure of the deportation regime interacts with the meso-level of the farm unit and farmers' community networks, to shape a particular experience of worker precarity defined by uncertainty, entrapment, and constrained loyalty (Chapter Five).

A final piece of this multi-scalar puzzle is the interaction of migrant social networks (a meso level conceptual device) with their individual participants. Migration scholars have long theorized that migrant networks are informally structured through ethical codes learned in the place of origin (Massey et al, 1990), themselves shaped by the receiving community context (Mahler, 1995; Guarnizo et al, 1999), and by legal status (Flores-Yeffal, 2013). Yet, these norms are, of course, built by individual migrants, who experience integration (or the lack thereof) in their hosts societies in different ways, depending on the farm environment. In this dissertation, I

have shown that migrant network ethics (collective understandings of right and wrong) are not a perfect reflection of individual migrants' morals (individual principles). Rather, the social networks in which workers are embedded are constructed through individual actors who contest and shape them. The very newness of Upstate New York as a migrant destination makes this all the more possible, as the ethical ties in migrant networks are clearly still in flux.

For example, Julietta, who came to the dairy industry via her Guatemalan social networks, took a deliberate choice not to participate in worker self-recruitment networks to avoid the naturalized tendency on Applewood farm to charge incoming workers for a job. Should several workers agreeing with Julietta arrive to Applewood in quick succession, a practice seemingly deeply embedded in the social fabric of the farm could be quickly overturned. As another example, workers are just as likely to describe the importance of cooking for each other on their day off, as they are to describe how they are not. This shows that the norms and ethics on which systems of social reproduction are based are in constant negotiation between individuals and the emergent social systems they encounter when they arrive to farms (Chapter Four). It also shows that precarity is the product of the micro-level contingencies of farmworker relationships as much as it is the outcome of the law and of routine employment practice on farms.

This multi-scalar approach makes several important contributions to theorizing the shaping of worker precarity under the "deportation regime" (De Genova, 2010). First, I argue that immigrant worker precarity is best understood by analyzing several overlapping fields, from global capital, to transnational family ties, federal legislation, state-level regulations, individual law enforcement actors, farm production structures, and individual working bodies and minds.

By looking at how macro forces are refracted through to the micro level of the body, and how workers reinterpret this embodied structural violence as pride, I have theorized precarity as both a product of, and constitutive in the process of agro-industrialization. Moreover, I have theorized uncertainty as a critical factor in shaping the embodiment of deportability. These global political economic forces are refracted through contingent meso level structures of the farm and the community, making space for contingency as a form of power over working bodies. Finally, I have illustrated the ways that precarious workers give consent to these processes in their efforts to reinterpret their own precarity as power. In so doing they both contest and inadvertently reproduce a hegemonic global neo-liberal system (c.f. Wolford, 2010).

Summary of Conceptual Contributions

This section describes my contributions to five key bodies of sociological literature: the local enforcement of immigration law, deportability studies, precarious work, employer practices, gender and migration studies, and new rural immigrant destinations.

"Local migration state"

As explained in Chapter One, a recent body of literature has emphasized the empowerment of local immigration enforcement actors to enforce national immigration law (Varsanyi et al, 2012). This literature has emphasized the uncertainty for undocumented immigrants that is produced when immigration enforcement policy caries even across neighboring county lines (Coleman, 2012). The significant gray areas in the law around local criminal law enforcers with national immigration law has created significant room for discretionary activity by both local police and county sheriff departments (Decker et al, 2008, 2010). The sheer unpredictability of the situation

is an effective disciplinary force and undermines, though never completely, immigrants' mobility on rural roadways (Steusse & Coleman, 2014).

My findings have made several important contributions to this literature. In my research I have pushed for a deeper analysis of the local migration state through a comparison of two proximate sites within the same State, and by considering the roles of actors outside of the law enforcement arena. While the literature has emphasized the power of discretion enacted by local law enforcers, my case studies of the North Country and Central New York show that Border Patrol agents act with discretionary power and under the influence of personalistic ties, too. Outcomes in these two regions, one where the law is mostly enforced by national immigration enforcement agents, and the other where it is filtered through local level law enforcers, are surprisingly similar. In both cases, farmers are able to negotiate for the release of their workers often enough that a sense of relative safety is cultivated on the farm. This highlights a second important contribution, namely that farmers, too, are important agents of the local migration state. While the literature has tended to emphasize the unilateral power of law enforcement agents, I show that a negotiation between farmers and law enforcement takes place.

Deportability studies

A second body of literature I build on is that of immigrant "deportability". This literature shows that the border continues to be inhabited long after it has been crossed, as a result of the empowerment of immigration enforcement actors in the interior of the country (Chavez, 1992; Coutin, 2007; De Genova, 2002). Indeed the border looms as a constant threat in this New York

State based study, creating an exacerbated sense of deportability which shapes the unequal terms of exchange between milking parlor labor power and basic social support.

My work makes several contributions to deportability studies. For one, most of this literature associates deportability with fear, uncertainty, and being forced into "underground" or "shadowy" spaces (Coutin, 2007). Some more recent work with undocumented youth has begun to disentangle the emotions associated with deportability, by noting that they are more likely to feel shame whereas their parents experience fear (Abrego, 2011). I contribute to these efforts to show that deportability can be a fractured ontological condition where several competing emotions are experienced at once. That is, the workers in my study feel pride and satisfaction with their choices even as they continue to experience the fear of leaving the farm. In other words, it has an element of choice: people enter it in a context of constrained choice, and demonstrate agency in choosing to stay in a deportable condition when other job opportunities are available elsewhere. This finding does not contravene, however, the central idea of De Genova (2010) that deportability is an effective mode of labor discipline.

Moreover, I have argued that the "deportation regime" is an uneven and partial project. My case studies described in Chapter One show that an imagined international border can be negotiated by farmers and workers at the perimeter of the farm itself, creating some spaces where workers are more deportable than others. This highlights a further contribution, namely that the deportation regime works both through and on farm employers themselves. While the deportability literature has focused on undocumented immigrants, my case study of a sector where the lives and livelihoods of employers and workers are so closely bound together shows

that farmers experience ontological insecurity due to the deportation regime, too. Clearly, however, they experience it in far less severe ways, reinforcing the unevenness of its effects.

Precarity

In the preceding sub-section I have described my overarching contribution that precarity is shaped at the conjuncture of multiple interacting scales of law and of social practice. I have described how precarity is both an objective condition, but also a state of mind that workers seek to control to endure the deportable conditions they face.

Several other contributions to the literature focusing on precarious work can be identified from this dissertation. First, worker precarity is shaped by multiple factors beyond the workplace. Like other scholars I find that employer behaviors shape precarity (Ruhs & Anderson, 2010). However I have also highlighted that actors beyond the employer-employee dyad have a significant impact on these forms of vulnerability. Labor contractors and *rieteros* play a mixed role, facilitating access to work on the one hand, but often at extractive prices. Moreover, other workers also behave in erratic ways that contribute to precarity because of the instability of everyday life. They threaten violence and ask for payments for jobs, making newcomers to dairy farm workplaces particularly vulnerable. But they also serve as a buffer for exploitation by providing mutual care, and helping workers learn the ropes in the absence of formal training systems. The inconsistent behavior of these other actors contributes to precarity as the lived experience of contingency in the workplace.

Second, I have shown that the role of employers in worker precarity includes, but is more complex than their control over pay, working hours, and safety conditions. Employers give access to social reproduction, including subsistence, housing, and healthcare as a means of ensuring the reproduction of labor power for their farms. But they can also take access to these basic needs away. This study has therefore shown that the dynamics of both production and social reproduction are critical in shaping worker precarity in this case.

Third, I have highlighted the more subtle workings of the deportation regime in shaping worker precarity. While I agree that immigration laws infiltrate workers' legal consciousness in ways that repress their claims for rights (Gleeson, 2010; Griffith, 2011; Steusse, 2010), I show that this sometimes works through more indirect ways. For example, Chapter Three describes how workers often internalize and accept the "unthinkability" of raises and promotions because of their deportable status. Their legal consciousness is one of occupational immobility (vertical immobility along the occupational ladder) and this has the effect of keeping their labor cheap. Moreover, deportable workers are well aware of the deportability of others, and sometimes use this knowledge to make a profit. Thus in the web of relationships that shapes worker precarity, workers must be positioned against each other in both supportive and unsupportive roles.

Finally, I have shown how precarity can be contested on different levels. For one, workers contest their precarity by showing there is skill in precarious work, as Chapter Three describes. Moreover, this is not just "tacit" skill (Iskander and Lowe, forthcoming) but emotional and mental skills including precision, memory, English language, and creative thinking about

improving the production process. I also look at the ways workers contest precarity by looking at their organizing efforts and the power of collective voice in Chapter Five.

Employers of immigrants

The literature seeking to understand employer motivations for hiring immigrants is relatively thin. I identify two streams of analysis based on the degree of employer intentionality in these exploitative outcomes. The "soft" approach argues that employers' implicit racial bias attributes particular "soft skills" to immigrants and African Americans, relegating them to jobs in low-paid sectors (Moss & Tilly, 2001; Waldinger & Lichter, 2003). The "hard" stance, which has focused on farm employers, argues that farmers are more intentional exploiters who deliberately hire economically vulnerable workers and cheaply access more through worker self-recruiting (Maldonado 2006, 2009; Harrison & Lloyd, 2013; Smith-Nonini, 2011).

I have tried to occupy a middle ground position, carved out by Holmes (2013), that sees farmers as both victims and perpetrators of the structural violence of the neo-liberal agri-food system. I have contributed to this approach by problematizing the question of intentionality, looking closely at the values farmers express when making particular claims about their hiring decisions. That is, I look at the value of "hard work" as one farmers take seriously through their agrarian upbringing. They admire it in themselves, and project it onto their immigrant workforce. On the other hand, they are very intentional about drawing on this "hard work" in order to expand their own freedom of movement at workers' expense.

Moreover, I question the "hard" position's assumption that employers only emphasize immigrant workers' reliability, deportability, and vulnerability as reasons for hiring them – all negative traits. I find that employers see themselves as hiring the most skilled amongst a broad and multi-racial category of "unskilled" workers; in others words, they identify immigrants with positive contributions to their farms. Furthermore, they tend not to stereotype skill level across entire immigrant groups, but rather to distinguish between workers deserving of a promotion, and those who aren't. By looking only at the structural traits of immigrant workers (deportability, reliability), the "hard" line scholars inadvertently participate in devaluing immigrants' work.

Gender and migration studies

This research has contributed to gender and migration studies from an unusual but necessary point of view. The global feminization of migration has induced a theoretical turn in migration theory towards analyzing the transnational lives of women, and care arrangements for the family members they leave behind (Ehrenreich & Hochschild, 2003; Sassen, 2000; Salazar Parreñas, 2001). However, my contribution comes from the perspective of a still-masculinized niche of migrant work. In these unusual circumstances of semi-permanent settlement in a hostile new context of immigration reception, I ask, who cares for the men?

I find that men dairy workers negotiate their masculinities by caring for each other or, conversely, enacting hyper-masculinity in terms of 'working hard', and sometimes engaging in violent or damaging behavior towards their co-workers. This makes an important contribution to our understanding of the affective dimensions of male migration, in a field that usually focuses on male migrants as rational economic actors (Ahmad, 2013). Moreover, by looking at the

extremely hostile and isolated conditions of rural farms, we are reminded that sometimes care networks do not fall into place. My findings show that crises of social reproduction are not always resolved and points to an important area for future new destinations research.

New rural immigrant destinations

Finally, although not emphasized as framing device for this project, I have contributed to the field of new rural immigrant destination studies (Massey, 2008; Cravey, 2003; Smith-Nonini, 2011; Marrow, 2011; Schmalzbauer, 2014). My evidence provides a badly needed case study of the rural northeast, which has largely been overlooked because of its proximity to traditional "immigrant gateways" along the Eastern seaboard. Moreover, while much of this literature has focused on the question of whether, and how, new Latino immigrants will achieve assimilation in their new destinations, my case study contributes the perspective of those who live their entire U.S. lives deeply embedded in transnational social fields. In their case, the question of how they get access to basic needs, as opposed to long-term integration goals, has been more apt. Moreover, I have shown that for workers such as my study participants, it is not the level of region (e.g. South vs Midwest) nor even the level of the state that matters most to the analysis, but rather that opportunities to access any local services vary at the micro-level of the county or even the farm itself. Introducing these contingencies to the study has contributed to our understanding of immigrant experiences in such locations where access to basic needs is uneven and partial at best.

III. Methodological Reflections

The Introduction described the socio-demographic characteristics of my research sample, compared that sample to the characteristics of another study with New York dairy farmworkers to ascertain representativeness (in a context where no database is available to make concrete determinations), and the research methods used for this project. Here I reflect on the tools used to analyze the relational production of worker precarity and the factors that shape it at multiple scales. I then explain the other cases and contexts both in the U.S. and internationally to which my findings and approach can help shed light. Finally, I reflect on the limitations of my methods and the data I have presented in the preceding chapters, including the representativeness of the labor relations cases I have described.

Tracing worker precarity on multiple scales

As explained above, the overarching purpose of this dissertation has been to understand the subjective and embodied experiences of worker precarity. Understanding the labor experience on these levels and the factors that shape it requires a robust set of research tools, which can grasp the objective conditions of work as well as the ways they are internalized by those who experience them. To accomplish this I approached my research from several angles, including the objective conditions laid out in the law (macro level), the labor and social patterns of individual farms (meso level), and the ways they are internalized and understood by individual workers (micro level). Together, the objective of this multi-scalar analysis has been to holistically defetishize the commodity milk – as well as the agrarian myths that prop up the dairy industry – in terms of both the objective and subjective relations of production.

The macro level analysis of immigration and employment law was carried out through a close reading of the law and of secondary materials. I looked at the text of the Immigration and Nationality Act (available online) related to several topics, including the conditions and crimes that render one inadmissible to the U.S., and the definition of "refugee" (see Chapter One). I also read U.S. Department of Homeland Security webpages regarding the operations and breadth of partnership programs with community level law enforcement (Secure Communities, and 287 (g)) as a means of understanding how they were framed and legitimated by the government. I then turned to several immigration law online forums and the work of legal sociologists (e.g. Griffith, 2011) who interpret that law to ensure my understanding was adequate and fit with the scholarly literature on the topic. I also reviewed advocacy materials I had gathered over the course of my project to ensure my understanding of New York labor laws vis-à-vis farmworkers was accurate.

This close reading of legal sources helped me to identify the structural factors that define objective conditions of farmworker precarity. Moreover, reading the advocacy materials helped indicate that there may be a gap between these objectively exploitative conditions and the sentiments my participants expressed over the pride they often took in their work.

The meso level of analysis is the farm unit. In many cases, particularly in the North Country and Central New York, I was able to interview both the farm owner and his

immigrant employees to construct a holistic picture of schedules, the work that is performed, routines on days off, and impressions of the *patrón* from the eyes of several different workers. This helped me to see the individual farm as a meso-level structure in and of itself – one with a specific production environment depending on the number of cows, workers, and type of milking equipment, as well as its own social life with respect to getting food for workers and any kind of personal ties between farmers and workers. This level of analysis is critical to the understanding of factors that shape worker precarity, because of significant variation from farm to farm, and because newly arrived workers often expressed entering this environment and having little or no opportunity to change it. They often simply accepted their work schedule, the lack of raises, the presence or absence of safety training protocols, and the involvement or lack of involvement of the farmer in meeting basic needs, as the status quo. Moreover, the fact that farmworkers hardly leave the farm elevates its importance to that of a totalizing, structure in shaping the conditions of not only work but also everyday life.

The micro level of analysis is that of individual workers and their subjective and embodied experiences of these macro and meso structures of precarity. To achieve this I have used a form of qualitative inquiry that has been informed by, but not completely immersed in ethnographic methods. These methods included both interviewing, which helped bring out subjective interpretations of precarious conditions, and participant observation, which gave me a much more robust understanding of the embodied experience of precarity on dairy farms.

I have relied more heavily on interviewing in order to remove myself as a filter, to the extent possible, which I feel necessary to showing the subjectivity of their precarity and their own interpretations of their conditions. In fact, workers' consent to the extreme precarity of their working conditions does not seem credible unless quoted from workers directly, such as cases where workers have stayed up to 10 years on a farm without leaving except for emergencies. Moreover, relying on workers' own voices is an appropriate method for a study of the theoretical concept of worker "voice" (Chapters Three and Five) on the farm and in the broader public arena.

While I relied on interviewing primarily, my participant observation in everyday life on the farm made several invaluable contributions that I could not have achieved through interviews alone. These forms of participation were critical to understanding embodied experiences of precarity that could not always be adequately explained through words alone. For example, by driving workers to appointments and observing their reactions when passing police cars on the road, I gained an understanding of the intensity of worker deportability – and the circumstances under which they are willing to defy it. As another example, the visceral qualities of dairy farm work, like the smell and spray of urine and feces in the parlor, and the sheer size of animals, and the risks that workers encountered every day on the job, were only fully understood to me once I had toured their workplaces with them. A final example is that of home-making in objectively decrepit working housing. The degree and importance of their efforts was only discernable once I had spent sufficient time around farmworker housing to understand its centrality in workers' social lives.

Generalizability of the findings

To what extent can this case study of dairy farmworkers in New York State be said to speak for the experiences of precarious workers elsewhere? There are several axes of comparison for this research, which I discuss below in order of the closeness of the comparison: U.S. farmworkers, undocumented U.S. workers more broadly, and precarious immigrant labor in the global context.

This case study holds important lessons for farmworkers exempt from labor laws in most other states. This is because New York is among the majority of states that have not passed any legislation to override the federal Fair Labor Practices Act and thereby fail to provide basic labor rights. California is an important exception, with the passage of overtime pay for work beyond 8 hours per day, as I have described in Chapter Three. Only a handful of states, with California again being the most important example, have passed legislation specifically granting farmworkers the right to organize, unionize, and engage in collective bargaining.[457] It is thus likely that farmworkers elsewhere similarly force themselves into over-work as a means to raise their incomes.

Moreover, New York is a Northern border state. Research has shown that Border Patrol agents along the northern border have over-indulged in enforcement activity given the absence of criminal cases with which to deal (Graybill, 2012). My case study of the extreme dependence of farmworkers in the North Country of Upstate New York on their employers due to extreme enclosure on the farm is known to be comparable to dairy

[457] National Farm Worker Ministry. "Exclusion from Basic Protections". http://nfwm.org/education-center/farm-worker-issues/labor-laws/

workers in Vermont (Mares, 2017) and it is reasonable to expect that newly arrived undocumented workers to agricultural regions in this border zone (like Washington State) are facing similar forms of deportability as my study participants.

It also holds lessons for the experience of deportability in everyday life (De Genova, 2002) for immigrants in other sectors. Sex work, domestic work, and some workplaces in the construction and restaurant industries are similarly structured around paternalistic ties where some elements of social reproduction are provided as a means of keeping labor cheap. My findings on the subjective experiences of these workplaces are likely to be found in these other sectors, specifically with relation to the fact that workers under extremely controlling forms of paternalism contest both their conditions of precarity and the widespread assumption that precarity is all that they feel.

My work might also offer methodological lessons for researchers of those comparable sectors. Indeed, the recent drastic increase in international migration and its concomitant crises of social reproduction for migrant workers has led to a growing field of inquiry around the meaning and experience of unfree labor in contemporary global capitalism (c.f. Strauss, 2013). Tracing the values that lie behind paternalism, the networks that diffuse them, and the legal frameworks that support them, can be useful to these other areas of research. Ultimately, this can contribute to a nuanced understanding of the complicated combination of freedoms (such as disappearing from a job overnight) and unfreedoms (such as the inability to physically leave the workplace) that emerge under such extreme reliance on employers.

Finally, it is important to note that this dissertation has emphasized the radically contingent outcomes of the deportation regime for labor discipline. Thus, in some sense, the findings cannot be directly generalized or compared to the operation of the "deportation regime" elsewhere. On the other hand, as De Genova (2010) argues, this uncertainty is precisely the power of the contemporary deportation regime, not only in the U.S. but in a global context. Thus, this case is representative of the ways immigrant labor is disciplined through an immigration enforcement system that becomes filtered through the highly discretionary behaviors of individual agents, employers, and workers. As Marx would say, there is "unity in diversity" of such instances across a global economy increasingly tied together through a global division of labor.

Limitations of the methods

This research was based on a robust assessment of dairy farm life, but the methods had several limitations. I reflect below on the information that may have been missing from my analysis, and on the potential limitations of the data I did gather.

First, I sought to observe and/or interview various actors in the social networks of farmworkers and farm owners. Researching these actors provided different perspectives on the contingent workings of the law and the extreme precarity of dairy farmworkers' lives. For example, my understanding of the workings of the local migration state vis-à-vis farmworkers was greatly enhanced by talking with immigration lawyers, who helped to point out the susceptibility of immigrant workers to detection by local law

enforcement on roadways, compared to other less visible immigrant groups. Moreover, observing and speaking with veterinarians who often must step in to provide translation support helped me to understand the extreme language barriers farmworkers face to expressing their needs and demanding rights. An afternoon of volunteer work at a migrant health clinic exposed me to the wide range of the ailments workers face, both directly and indirectly related to their jobs, and the severe shortage of resources for helping them to cope with these problems.

Nevertheless, the perspectives of some additional actors are missing from the analysis. The most significant gap is the local law enforcement actors and federal immigration agents that enact the "deportation regime" in their daily work. While my extensive conversations with farm employers provided me with a rich account of the personalistic nature of immigration law enforcement, the picture is not complete. For example, while farmers explained the discretionary decisions over whether a worker will get released to him or not in terms of his social capital in the community, a local or immigration law enforcement agent may very likely provide a different explanation such as their own sympathies towards immigrants. These actors were not included in the present project due to concern that farmers and farmworkers – my primary participants – would fear speaking with me if they associate me with law enforcement. However important research questions about discretion in immigration law enforcement, and particularly comparing the degree of discretion used by Border Patrol and local agents, is a rich area of research for a future project.

Another missing perspective from my social mapping of the actors influencing farmworker precarity is that of the local (usually U.S. citizen) ride providers or *rieteros* who serve as secondary gatekeepers (after farmers) to the world beyond the farm. On several instances I was able to ask *rieteros* who were also hanging around farmworker housing straightforward questions such as how far they take workers, and if they have ever been stopped by the police. Farmworkers sometimes describe these actors as taking advantage of them by charging high prices to move from one job to the next, but more often, when discussing their weekly outings to the grocery store, they express gratitude for the service and sometimes even develop personal relationships to the person who drives them around. Thus while the objective facts suggest exploitation of a vulnerable, immobile population, I would expect to find that the motives of *rieteros* are more complex than simple profiteering. With the opportunity, I would have inquired into their determinations over how much to charge workers for different services, with the hypothesis that at least some *rieteros* charge less for medical or other emergencies. I debated pursuing this line of research but ultimately decided not to, due to the potential personal risks of digging too deep into the "underground" economy. I expect that a more robust analysis of these actors might have suggested their roles in alleviating precarity to be more important than one might otherwise assume.

Third, and last, I did not incorporate interview or observation material with U.S. born local workers in this dissertation, although I completed six interviews with white workers in milking parlor jobs. The reason for not including this material was the very small size of the sample, itself due to my more limited access to local workers, which

was entirely dependent on farm owners. Interviews with local workers might have elicited more complete information on the apparent labor drain from dairy farms to other sectors and locations. It would also have added another layer to my relational analysis of precarity to the extent that local workers enjoy a higher position in the occupational hierarchy, and that they sometimes participate in the social reproduction systems by bringing workers food (whether as part of their farm jobs, or separately, for a fee). On the other hand, farmworkers almost unanimously described a physical and emotional distance from local white workers, and rarely said they had felt discriminated or abused by them. This suggested to me they were not major actors in shaping immigrant worker precarity, other than these clear acts of distancing.

Second, the depth of my ethnography was limited by the fact I was unable to live and work on a dairy farm myself. Rather than focus on a single farm or handful of farms, I preferred to gather data from a broad sample of farms, and thus to analyze how the production environment and contingencies of farmer personalities shape precarity. However, some of the nuances of everyday life might have been lost in my efforts to obtain and compare information across farms. As one example, with a longer-term time investment on a particular farm, I would have investigated more of the ways that workers challenge the monotony of their milking parlor work (or conversely, whether they simply accept it). I almost certainly would have come to identify more conflicts among workers with respect to the collaborative maintenance of their homes, cooking meals, and having guests. Although this kind of deeper ethnography would have enriched my data, I nevertheless believe that my interviews and participant observation

managed to capture significant and sufficient data on this and related dimensions of farmworker life.

In addition to highlighting the data I was not able to gather, it is important to assess the quality of the data I did gather and work with. Since my research is primarily based on interviews, I have relied heavily on taking the word of my participants at face value. This method of relying on farmers' and farmworkers' own voices was critical to reconstructing their subjective experiences of precarity, as discussed above. Yet, my data is (necessarily) refracted through my own positionality in the research process. Farmers were aware that I was not raised on a dairy farm and, although they were usually receptive and friendly, may have seen me as an outsider who would be unlikely to understand their struggles. It is possible that their descriptions of their roles in caring for workers may have therefore been colored in an optimistic light. For this reason, I was sure to gather as many stories from workers as possible about how their current and former employers treated them. Conversely, farmworkers often saw me as an ally in their legal challenges and personal struggles, and may have felt compelled to draw out the most negative aspects of their dairy farm working experience to gain support. However, given the surprising extent to which they described their jobs as satisfying, I do not believe this latter concern to have biased my findings.

Finally, it is important to note the representativeness of the individual farm cases I studied in terms patterns of labor treatment in this industry. By using a range of means of gaining access to farms, I was able to gather information on a complete spectrum of

labor relations cases. In several cases, I met employers directly through the Cornell Farmworker Program and, in the North Country, by simply calling them up. These employers then gave me permission and telephone numbers to interview their workers. This introduces a potential bias towards the best cases of labor treatment (those who feel they have something to "hide" would be unlikely to respond and participate in an interview). There is a possibility (that would be impossible to confirm) that my research methods led to an oversampling of farms with positive labor relations.

However, this allowed me to carefully trace the dimensions of employer paternalism, a critical object of analysis in this dissertation. Moreover, I also worked closely with labor advocates who were familiar with some of the worst forms of worker abuse, and by meeting workers directly through them, I was able to compensate for any favorable bias towards employers. Moreover, workers often discussed their working experiences on previous farms, sometimes explaining the extremely challenging situations that made them want to leave. Finally, the sample of workers I interviewed (66) is sufficiently large to assume that through this range of methods for gaining access, a variation in forms of labor treatment would be captured.

IV. Exposing agrarian myths?

"Every hour that passes, that's money, right?"[458]

[458] In-person interview, April 1, 2012, Central New York.

At the heart of the agrarian myth that farms are exceptional workspaces meriting exception from regulatory oversight is the notion that time is the master of all things. More specifically, it is that nature's time – the change in seasons, or the short timeframe in which a ripe apple must be harvested, or the need to milk a lactating cow on short order -- exists outside human control.

A close look at industrial dairying, as this dissertation has done, suggests that farmers have in fact done precisely the opposite, in attempting to control the natural "clocks" of cows as a means of maximizing economic gain. As two examples, cows are put on a strict thrice daily milking schedule, and they are artificially inseminated at regular intervals to keep their bodies pumping fresh milk throughout their lives. A far cry from "mother nature's clock", it is instead this artificial temporal regimen that dictates the terms of farmworkers' labor process. The strict temporal imperatives of the industrial milking parlor – a second by second calculation of every step– dictate farmers' need for fast and effective labor. This same offbeat clock wreaks havoc on working bodies that have insufficient time to eat and to sleep. Instead of nature controlling agricultural production time, agro-industrial production time controls the nature of cows. In so doing it also naturalizes the ardor of the daily work experience for immigrant farm employees.

A further reflection suggests that workers are not entirely subject to power of industrial dairying time over the bodies, but rather that they attempt to control the clock of industrial dairying for their own personal gain. Farmworkers calculate units of time in dollars and cents. They manipulate hours of work as a means to shorten the time from the present day until they can live out the lives they actually want in their home countries. In this way, they are turning the agrarian myth on its head. At the micro level, they expose the profit motives of industrial dairying and

actively pursue them to modernize their lives as smallholder farmers at home (which come far closer to the basic assumptions of the myth to begin with).

Yet farmworkers are also actively working to expose the macro level tenets of the agrarian myth. A farmworker who has mounted a significant challenge to repressive New York State labor laws, has rejected the notion that structures cannot be changed. On July 21, 2017, Crispín Hernández and his allies argued in an Albany courtroom that his firing from one of the state's largest farms for efforts to organize co-workers to deal with health and safety issues on the farm was unconstitutional, and that worker organizing is a basic labor right. Governor Andrew Cuomo immediately accepted that he would not contest the legality of the farmworker exclusion in court. Nevertheless, the New York Farm Bureau stepped up to the challenge, inserting itself into the case to defend the law, based on the assumption that "a walk-off the job could jeopardize a season's crop and place livestock health at risk". At the time of writing it remains to be seen whether New York State farmworkers will gain the right to collective bargaining thanks to the efforts of Hernández, although regardless of the outcome, the mythical basis of arguments against the right to organize have been put directly in the public spotlight.

On the other hand, at the national level the dairy farmers of New York now have a Trump card in their pocket. The President has taken on the issue of dairy farmer livelihoods and announced aggressive efforts to retaliate against Canadian dairy producers for heavy subsidies and a supply control system under the terms of NAFTA. He recently made the following promise:

> "Some very unfair things have happened to our dairy farmers and others. … What's happened to you is very unfair, and it's not going to be happening for long. … We're going to get working on it immediately, starting today." (President Trump, April 25, 2017)[459]

The irony of Trump's quote is thick, given that the U.S. dairy industry is itself propped up by billions of dollars in federal funds. [460] Even more ironic is that the U.S. currently has a $400 million trade surplus with Canada for the dairy sector.[461] More importantly, it shows that the agrarian myth that farmers are in a structurally weakened position, and interested only in a "fair livelihood", is alive and well. In this new world of alternative facts, it seems unlikely that deeply internalized myths like that of agrarian exceptionalism are unlikely to be brought to light.

Indeed, the notion that farmworkers are a separate working class to whom basic labor rights do not apply remains deeply entrenched in the U.S. politics. A recent Senate Judiciary Committee bill, supported by the UFW, is a case in point. The Agricultural Worker Program Act of 2017, sponsored by Senator Dianne Feinstein – and co-sponsored by, among others, Senator Kirsten Gilligrand of New York's 20th District – would provide a path to legalization and citizenship for farmworkers who had worked at least 100 days in agriculture in the last two years, and who continue to work in agriculture for 100 days over the next 5 years or 150 days for the next 3

[459] Dewey, C. "Trump's sudden preoccupation with Canadian milk explained." April 25, 2017. The Washington Post. http://www.businessinsider.com/heres-whats-behind-the-us-canada-dairy-battle-that-trump-waded-into-2017-4

[460] https://www.fsa.usda.gov/Assets/USDA-FSA-Public/usdafiles/MPP-Dairy/mpp-dairy_summary_graphics_110415.pdf

[461] Mark, M. "Here's what's behind the US-Canada dairy spat that has Chuck Schumer agreeing with Trump." April 22, 2017. Business Insider. http://www.businessinsider.com/heres-whats-behind-the-us-canada-dairy-battle-that-trump-waded-into-2017-4/#where-did-the-dispute-begin-1

years.[462] The bill ties access to citizenship rights to a commitment to the agricultural sector. The agrarian myth of agricultural labor as a service to the nation, and the classic American immigration narrative of deservingness through hard work, are neatly tied together in this proposed bill.

But as Crispín reminded me, there is nothing inevitable about farmworker exclusions from the law. He told me he stays motivated to organize because, in the end, "it's not fair, we are human beings too… just treat us with respect".[463] His demands are simple and this dissertation's examination of farmers' roles in social reproduction suggests they are well within the realm of the possible. Systemic change, with workers like Crispín at the helm, might be possible to build from the ground up.

[462] Senate Bill 1034. Text available at: https://www.congress.gov/bill/115th-congress/senate-bill/1034/text
[463] In-person interview, June 4, 2015, North Country of New York.

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