

# I DREAMED I SAW JOE HILL LAST NIGHT

FALL SEMESTER, 2017

## PART 3: IMMIGRANT LABOR, AN AMERICAN QUANDARY

### Material from the reading by Bada

1. Know whether or not **unionized workers** are still concentrated in **Illinois and California**, and the share of Mexican-born workforce in those states is **declining**. Know whether or not it is difficult for immigrant workers to access government jobs because many **positions require citizenship**. Know whether or not Mexican workers have been **rapidly dispersing** towards **non-traditional destinations** where union density is much **higher**, such as North Carolina. Know whether or not **Mexican-born workers** are disproportionately concentrated in sectors of the economy where **union density is relatively low**. Know whether or not Mexican migrant workers are developing **innovative ways** of workplace organizing, with **varying degrees** of public visibility. Know whether or not the **plight** of all immigrant workers is becoming **very similar** in both rural and urban areas due to **subcontracting and outsourcing**. Know whether or not **organizing and participating** in the workplace to improve their conditions is something **foreign to immigrant workers**. Know whether or not panelists stressed that it is important for **labor organizations** to invest in **consciousness-raising** within labor struggles. Know whether or not sometimes workers believe that if they participate, they could be **kidnapped, jailed, and killed** as is expected in their countries of origin. Know whether or not panelists mentioned that it is important to **change the perception** of what happens when workers organize a **public protest**. Know whether or not Mexicans working in the United States are as likely as **any other ethnic group** to participate in collective bargaining efforts and **non-union organizations**, such as **independent worker centers** or **day laborer centers**. Know whether or not several panelists observed that workers are **increasingly treated** as economic **commodities** instead of as human beings and **growing anti-immigrant sentiment** further compounds this. Know whether or not all the panelists agreed that one of the factors **preventing immigrant workers** from organizing is their **vulnerability** and fear associated with their **undocumented status** in this country. Know whether or not **agricultural workers** face the same difficult situation despite all the laws that were approved during the **Cesar Chavez era**. Know whether or not **Durazo** said that there is nothing that motivates workers to organize more than the fact that they have **more poverty**, more **lack of health insurance**, **more disrespect** on the job, and a **greater workload** than anybody else. (p. 015-017)
2. Know whether or not **Ramirez** mentioned that a European delegation visiting Oregon in 2004 had commended that the **conditions in Oregon** were **worse** than those of **Ugandan workers living in Tanzania**. Know whether or not **Durazo** said that her union was **unable** to make any changes to fulfill the **special needs** of immigrant workers. Know whether or not, according to **Avendano**, organizing campaigns to elect a union is **not a good experience** for any worker. Know whether or not, in America, **over half** of the workers who get on organizing campaigns through the NLRB **get fired**. Know whether or not the needs of agricultural workers in Oregon are **beyond labor concerns** because workers face **housing issues** such as sleeping on the fields and inside their cars. Know whether or not workers are becoming aware of the **importance of electoral participation** in their communities. Know whether or not, according to **Avendano**, the **former AFL-CIO** played an important role in **transforming its leadership** towards a more inclusive environment for all workers **regardless of their immigration status**. Know whether or not **UNITE HERE!** has been **highly effective** in mobilizing immigrants to **get into electoral politics** in California. Know whether or not, despite the difficulties, **undocumented workers** are organizing themselves both through **NLRB contracts** and **outside of the NLRB**. Know whether or not the difficulty for organizing undocumented workers has **more to do** with their **lack of papers** than with their **high mobility**, or the **other way around**. Know whether or not several panelists said that once undocumented workers realize that it is **possible to win a contract**, they become very **motivated and empowered**. Know whether or not **ninety percent** of workers need to have a **one-on-one negotiation** with their employer and it is common that the employer will **threaten them** with cutting all benefits and oblige them to listen to **lengthy explanations** of why **unions hurt the workplace**. Know whether or not **wildcat strikes** are common at the workplace and unions are learning that workers are going to collective action if they **disagree** with the conditions of their union contract. Know whether or not several panelists made clear that **undocumented workers** have fears

because they **do not understand labor laws**. Know whether or not producing **materials in Spanish** and conducting bilingual union meetings has **increased worker participation**. (p. 017-019)

3. Know whether or not Mexican workers, especially in industries that **do not have unions**, have **seldom received support** from **worker centers**. Know whether or not farm workers in **Immokalee** speak six or seven **different languages**, which has **prevented them** from working together. Know whether or not, in **California**, the most important accomplishments of worker centers have been their involvement in **obtaining an amendment** to the law that **tripled the damages** for wage and hour **violations** in the state. Know whether or not the situation of **Farmingville** workers is **very different** from the **Immokalee workers**. Know whether or not, during the roundtable, participants discussed the advantages of a **community-based approach** to labor organizations. Know whether or not the **Workplace Project** started in **Hampstead, New York** in 1992 as a center serving **mostly Central American workers**. Know whether or not, **against all odds**, Farmingville workers are **currently organizing** for building projects to **improve the lives** of their communities back home while **simultaneously engaging** in labor issues that affect their local situation. Know whether or not **being aware of their labor rights** is the most important strategy for **avoiding labor abuses and overcoming fear**. Know whether or not **levels of participation** increased in part as a collective response to the **brutal beating** of two Mexican workers in the town of Farmingville in September 2000. Know whether or not workers in Immokalee need to pick **four hundred pounds of tomatoes** to make **fifty dollars a day**. (p. 020-021)

### Material from the reading by Bustamante

1. Know whether or not an **intense interaction** of more than **12 million people** from the **two sides** of the U.S.-Mexico border has made border people live in many instances **as if the border does not exist**. Know whether or not an **international border** can be the same during **conditions of war** as during **conditions of peace**. Know whether or not the immediate U.S. reaction of **closing its doors** has been **gradually substituted** by strict controls over **everything that crosses its border**, but border life is not **what it used to be** before September 11. Know whether or not the border might be **changing** from being something that **unites** to something that **divides**. Know whether or not taking care of the **integrity of the national sovereignty** is something that a country could **delegate to a neighboring country**. (p. 161-163)
2. Know whether or not the **diagram** starts from the **Marxian notion of dialectics**. Know whether or not the two exercises of sovereignty are **dialectically opposed**. Know whether or not **Hegel's dialectic** is viewed as a **social process**, one that is taking place between **two opposite exercises of sovereignty**. Know whether or not, in the past, as **human societies** have confronted **problems of power and authority**, the source or locus of authority has moved **from God**, to the **State**, to the **people**. Know whether or not **Miley** implies a **power structure** wherein nationals are more likely to **occupy dominant positions** vis-a-vis foreigners, and the **latter** are more likely to **occupy subordinate positions**. Know whether or not the **bracero agreements** were thought to be a **rational solution** to the migrant worker question by the **political leaders of the two countries**. Know whether or not, in **Mexican government circles**, for many years the notion existed that the **bracero agreements** were a **model** to be followed to regulate the **migratory situation**. Know whether or not, early in the **20th century**, the United States developed a **basic ambivalence** about the presence of **immigrants from Mexico**. Know whether or not **Pete Wilson** was less dramatic in his use of **racist ideologies** for political purposes, but **no less inclined** to appeal to **anti-Mexican prejudices**. Know whether or not in a state where INS statistics show that more than **90 percent of apprehensions** have consisted of **Mexican nationals** for decades, the term **"illegal alien"** is **socially synonymous with Mexican**. (p. 163-172)
3. Know whether or not emigration from Mexico to the United States became an **"escape valve"** that was viewed by **Mexican elites** as **necessary** to alleviate the pressures and costs of the **abandonment of the peasant social class**. Know whether or not, **before 1964**, the Mexican government was **too busy lobbying** for renewed versions of the **bracero agreements** with an increasing indifference about the **distance** between the written terms of these agreement and the **realities** lived by **Mexican migrant workers**. Know whether or not it was not until the **"Chiapas rebellion" of 1994** that the question of Mexican racism virtually **"came out of the closet,"** from a **deeply entrenched** part of the Mexican culture. Know whether or not the long-term **indifference** of the Mexican civil society about the plight of the Mexican migrants has been **extensively studied**. Know whether or not, through several decades, the **AFL-CIO** was one of the most important **anti-immigrant forces** in the United States. (p. 172-176)

4. Know whether or not the **Mexican reaction** defining the phenomenon of undocumented immigration of Mexicans in the United States as basically a **labor phenomenon** contradicted the predominant definition of the same phenomenon in **U.S. government circles**. Know whether or not President **Zedillo** owed so much politically to **Clinton** that he couldn't find room for **any criticism** in spite of the **deaths of Mexican migrants** due to the beginning of "**operation gatekeeper**" in **1994**. Know whether or not the **number of migrants** dying showed clearly that the assumption on which "**operation gatekeeper**" was designed **was correct**. Know whether or not **Zedillo** declared that the deaths of migrants due to "operation gatekeeper" were **neither a responsibility of the United States nor that of Mexico**. Know whether or not, from the first 20th-century **economic recession** in the United States in 1907, to all the **subsequent ones**, until now, a **pattern has always appeared**. Know whether or not the **recession** that came as a result of the **oil cartel action** in 1974 was an **exception to the general pattern**. Know whether or not Vicente **Fox** coined the phrase "**silent invasion**" in reference to the presence of undocumented immigrants from Mexico. Know whether or not **Zedillo** saw that **whatever degrees of freedom** he had in negotiating with the United States were **enhanced** very early in his administration by the Mexican **economic boom of 1994**. Know whether or not "operation gatekeeper" was designed to **stop the routes** of entry of undocumented immigrants, **not to deviate those routes**, or the **other way around**. Know whether or not the design of "operation gatekeeper" was made under the assumption that **undocumented immigrants** were going **get discouraged** by the **risk of death**. (p. 176-179)
  
5. Know whether or not the first U.S. anti-immigrant laws had succeeded in expelling the Chinese first, and then the Japanese, and then the Filipinos. Know whether or not American recruiters were sent south to Mexico with the goal of attracting Mexican workers to fill the vacuums of cheap labor left with the immigration restrictions against immigrants from Asia. Know whether or not, no matter what the solution to the U.S. immigration phenomenon from Mexico is, it should be bilaterally approached. Know whether or not Vicente Fox confirmed the expectations of many Mexicans when he said that the deaths of migrants at the border would be "intolerable" in his administration. Know whether or not it is true that none of the U.S. presidents before George W. Bush, including his father, had deviated from the notion that "illegal aliens" were criminals. Know whether or not Hegel viewed dialectic as an avenue to respond to the challenge of explaining history. Know whether or not it has become increasingly clear that international labor migrations touch on every aspect of the social, economic, and cultural elements of the development of a nation. Know whether or not international migration from Mexico to the United States is a human phenomenon with too many facets, and is therefore difficult to explain. Know whether or not Socrates recommended postponing the study of dialectics until the age of 50. Know whether or not the integration of immigrants to the receiving nation is more a hypothesis than a reality. (p. 179-190)

#### **Material from the reading by du Fresne et al.**

1. Know whether or not an examination of migrant camp conditions reveals a **life of poverty and deprivation** totally **incongruous** with the general level of **affluence** throughout the nation. Know whether or not it is **understandable** that many Americans have only very recently become **even barely cognizant** of the **desperate existence** of migrant farm workers. Know whether or not, possessing **virtually no political impact**, the migrant workers have, more often than not, been **both neglected and forgotten** by the **federal and state governments**. Know whether or not a **lower percentage** of accidents occur **on farm jobs** than in most other occupations. Know whether or not the migrant farm worker ranks among the **lowest paid, least educated, worst fed, and worst housed** persons in the United States. (p. 279-284)
  
2. Know whether or not most of the **housing provided** in migrant camps is, by **contemporary standards, uninhabitable**. Know whether or not many of the labor camps are "**closed camps**," composed of a cluster of houses, are encircled by **barbed wire and numerous "No Trespassing" signs**. Know whether or not the **barriers** which the prospective visitor encounters with **regard to ingress** are **paralleled** by the difficulties the migrant meets in **seeking to leave the camp**. Know whether or not labor organizations may **offer a tool to dismember the barriers** to access, but the probability of organizational success is **uncertain under current laws**. Know whether or not, since the **laborers** are often housed **far from population centers**, the decision to bar visitors from the camps may result in a **virtual elimination** of all contact with the **outside world**. (p. 284-286)
  
3. Know whether or not many migrant camps are **quite similar**, if not identical, in their basic structure to the **company town in Marsh**. Know whether or not the **doctrine enunciated in Shelley** will often **aid those seeking access** to migrant camps. Know whether or not there is **often state regulation** of many facets of

migrant **camp life**. Know whether or not the original **Bill of Rights** was added to the Constitution because of the general fear that **power** is often **abused** at the expense of the **citizenry**. Know whether or not the prohibitory language of the **13th amendment** is absolute and is **not restricted** in its dictates to a specified **type of transgressor**. Know whether or not, of the **three categories** in which the worker might be classified the **designation of "servant"** allows the least amount of arbitrary action by the **grower**. Know whether or not the designation of the farm **worker as tenant** can similarly be founded on the distinct separation between **work performed** and **place of habitation**. Know whether or not some labor camps obviously come closer to **traditional notions of tenancy** than do **others**. Know whether or not **ownership** is, in effect, merely a concept indicative of a **collection of intangible rights** which society has **determined to be permissible** for the owner to exercise. Know whether or not, recently, the recognition of the **non-absolute nature of property rights** has been even more **vociferously advocated**. (p. 286-298)

4. Know whether or not **the more closed the camp**, the **less likely** are the chances of forming the migrants into a **strong unit** capable of **effective collective bargaining**. Know whether or not, by the **end of the summer of 1970**, the great majority of **table grape growers**, as well as many of the **lettuce, nut, and citrus growers**, had **signed union contracts**. Know whether or not the **migrant farm workers in California** are, for the most part, **Chicanos**. Know whether or not the results of the **Chavez initiatives** appear to be **typical**. Know whether or not the use of **closed camps** does not appear to be **as prevalent in California**, where many of the migrants form **more permanent bases** and the range of migration is **somewhat shorter**. Know whether or not the United States **Department of Justice** has become increasingly involved in attempts to **insure access** to the **camps**. Know whether or not the decision in **Folgueras** firmly established that the migrant farm workers **were servants**. Know whether or not In the camp cited in **People v. Rewald**, the owner exercised a **discriminatory control** over visitors. Know whether or not, in the past couple of years, activity designed to **eliminate the barriers** to access to and from the migrant labor camps has **increased tremendously**. Know whether or not it legislation has been enacted, both on the federal and state levels, which is **designed to improve** camp conditions. (p. 298-303)
5. Know whether or not the courts can **any longer ignore** the obvious **fictional quality** of the grower-owner's claim for **protection** of his "private" property. Know whether or not the **likelihood of success** in reforming migrants' status varies with **each method** and **each given set of circumstances**. Know whether or not the realities of the modern world **bear any resemblance** to ancient considerations, and the law should attune itself **to the change**. Know whether or not decisions such as **Shack and Folgueras** indicate a **growing awareness** of the problem on the part of **progressive tribunals**. Know whether or not the **constitutional attacks** appear likely only when restrictions are **either very loose or very tight**. (p. 303-304)

#### Material from the reading by Feldmann et al.

1. Know whether or not human rights **norms and practices** have been **institutionalized** in the **international realm** and **grown in stature**. Know whether or not states generally use the **same basic mechanisms** to **conceal human rights abuses**. Know whether or not **some states rely on other states** or **private actors** to perpetrate human rights violations as a means to **implement measures** designed to **contain the flow** of foreign nationals who attempt to reach their territories. Know whether or not states increasingly have turned to **sophisticated, deceitful strategies** aimed at **concealing their unlawful actions**. Know whether or not universal and regional human rights bodies and mechanisms have been created to **enforce compliance** with the **obligations** set forth in **several different instruments**. Know whether or not a **major factor** in the increase in migration was the **lifting of restrictions** on population movement in **communist countries** in Europe and Asia brought by the demise of the Soviet Union. Know whether or not some scholars suggest that the **increase** in the total number of migrants does **not necessarily mean** that we are witnessing a **significant boost** in the propensity of people to migrate; rather, this rise reflects **population growth**. Know whether or not the ILO indicates that between 1965 and 1990 the number of migrants **rose by nearly 50%**, from **75 to 120 million people**. Know whether or not, while disparities among rich and poor countries constitute a **historical feature**, over the last 20 years these gaps have **widened substantially**. Know whether or not one of the **most conspicuous elements** in increased migration concerns the **propensity of women** to migrate. (p. 066-071)
2. Know whether or not it is important to **underscore** that migrants constitute an **especially vulnerable** population prone to **suffer human rights abuses**. Know whether or not undocumented migrants are **unlikely to denounce** abuses for fear of calling attention to their **irregular status** and **being deported**. Know whether or not **international human rights treaties** specify that states are **not obliged** to guarantee

rights and **ensure the well-being** of all people under their jurisdiction, **irrespective** of their **nationality**. Know whether or not it is important to bear in mind **migrants often face deportation or expulsion proceedings** that do not meet the **minimal standards of due process**. Know whether or not, when it comes to **protecting migrants** international obligations, drafted as **standard-setting norms** in binding and non-binding instruments, limit the **sovereign power of states**. Know whether or not, following **Gramsci**, **discourse** can be conceived as part of a **structure of domination**. Know whether or not discourse can be employed as a **mechanism of repression**, used as part of a **denial and tactical concession** strategy to **deflect domestic and international pressure** concerning **human rights violations**. Know whether or not calling a person an **"illegal"**--not as a legislation **term of art** but rather as **speech recourse**--conveys the message that a person's **very existence** is in **violation of the law**. Know whether or not, in the United States, **immigration law fails** to differentiate between **"admitted"** and **"excludable aliens."** Know whether or not the so-called **dignified, safe, and orderly repatriation** is in reality a **massive deportation program for Central Americans**. Know whether or not states **often rely** on legal discourse to **tailor general perceptions** concerning immigrants. Know whether or not the **detention of non-citizens** who are undergoing deportation proceeding is a **relatively rare** practice in the Americas. Know whether or not the **IACHR** determined that the **guarantees** which protect human rights **cannot be suspended or limited** on the basis of the **migratory status** of a person. Know whether or not **albergues** are **guarded by policemen** and the migrants "sheltered" are **not free to leave and enter**. Know whether or not, while the term **"alien"** has **negative connotations**, it is a legal term of art that in a **nuanced fashion** lessens people's **human character and their rights**. (p. 071-077)

3. Know whether or not, according to the **IOM**, the United States admits every year approximately **three million immigrants**. Know whether or not the strategy devised by the American government to **frustrate the arrival** of unauthorized migrants **has been supplemented** with several measures in the **international arena**. Know whether or not **Mexico exposes persons** in administrative detention under its jurisdiction to inadequate conditions that **endanger their health and well-being**. Know whether or not, increasingly, **border areas** in some poor countries in the Americas have **become particularly dangerous places**. Know whether or not, by **forfeiting the responsibility** for enforcing the law within their territories and **refusing** to patrol portions of their border, some states are **effectively abrogating** their political and legal responsibility for **serious human rights violations**. (p.071-082)
4. Know whether or not **states manipulate discourse** to **de-humanize migrants** and to **disguise abusive practices**. Know whether or not discourse based on the **notion of domination** creates **concepts, institutions, and mechanisms** that foster **exclusion, discrimination and human rights violations**. Know whether or not the **patterns described** are very **worrisome** not only because they affect a **massive number of vulnerable people**, but also because they demonstrate that states are **resorting to increasingly sophisticated techniques** to **disguise their abuses**. Know whether or not **"homo sacer"** refers to people who are **embraced** by the human community. Know whether or not, resorting to **economic and political incentives** as well as **diplomatic pressure**, the United States has **subcontracted violations** to **Mexico and Guatemala**. (p. 082-083)