

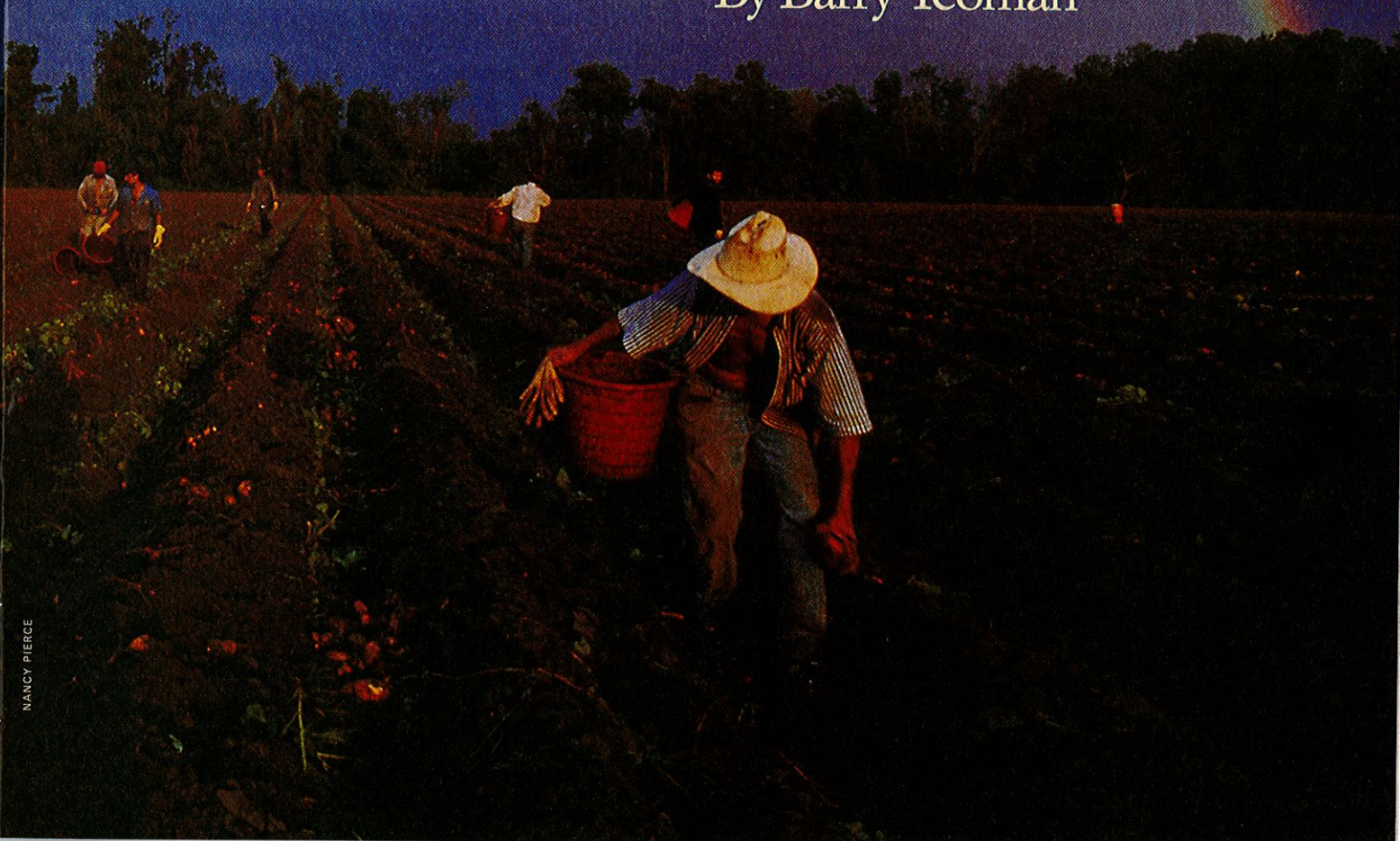
Silence in the Fields



The U.S. government is allowing farmers to fill thousands of jobs with foreign “guestworkers.”

The conditions are hardly hospitable—but those who speak out can be sent straight back home.

By Barry Yeoman



The Greyhound pulls up to a two-story metal warehouse in the tiny town of Vass, North Carolina. Efraín Madrigal gets off the bus. It's only 10 o'clock in the morning, but the 24-year-old already feels exhausted. Madrigal has been traveling nonstop for four days. Since he left the ranch where his family lives in Nayarit, Mexico, there's been barely a chance to sleep, and he knows he won't be allowed to rest anytime soon.

Madrigal and passengers from six identical buses are herded into the warehouse. Except for the concrete floor, there's no place to sit. In one corner, a local merchant sells beef and tongue tacos. A small sign proclaims, "Bienvenidos. Mi casa es su casa." One adobe-red wall is decorated like the Disney version of a Mexican street scene: terra-cotta roof tiles, a balcony draped with a woven blanket, a shrine to the Virgin Mary. But the other three walls are tin gray, a reminder that this is indeed a warehouse—and Madrigal and his fellow workers are the merchandise.

This unimposing building, which serves as the headquarters of the North Carolina Growers Association, is the nation's largest distribution point for Third World farm labor. Each year the warehouse receives and parcels out more than 10,000 Mexican men to farmers who need hands to pick tobacco, dig sweet potatoes, or harvest Christmas trees. Unlike other migrant workers, however, the men are not free to sell their labor to growers who offer the best wages and the fairest conditions. They have been imported by Stan Eury, a businessman who runs the asso-

ciation, under an obscure federal program known as H-2A. The program allows Eury to determine where Madrigal and the other "guestworkers" will live and work throughout the growing season. Members of Eury's association pay him \$498 a head—nearly \$5 million a year—for the wage laborers, who are then often forced to work as many hours as required, under degrading and sometimes dangerous conditions. Those who fall sick or complain about unfair treatment risk getting deported. A separate company run by Eury imports 4,000 more workers in 20 states.

Launched after World War II and fine-tuned during the 1980s, the H-2A program was designed to allow farmers to temporarily employ foreign workers during periods of labor shortage. In reality, farmers are increasingly using H-2A to permanently replace American workers with a captive labor force. With little official oversight, growers simply

turn away domestic workers, or offer wages so low that flipping burgers becomes more appealing. In effect, H-2A has turned NAFTA inside out: Since U.S. farms can't go to the Third World, the federal government

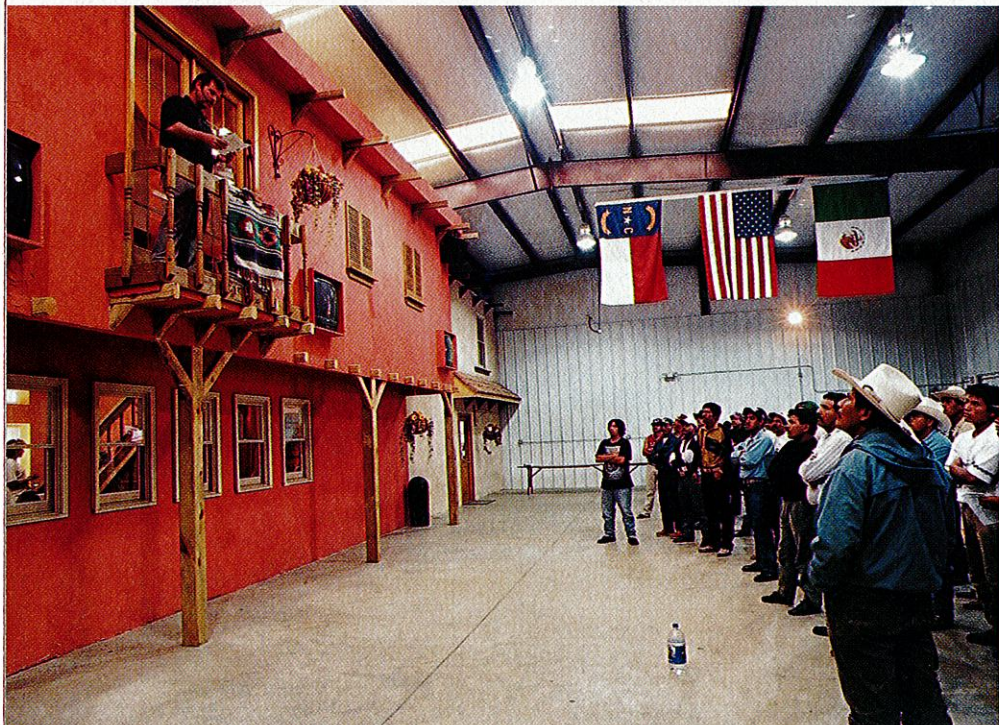
From the balcony of a mock hacienda (below), a company employee welcomes men arriving under the H-2A program—and warns them not to talk to farmworker advocates.


allows agribusiness to bring the Third World to U.S. farms. Some 42,000 workers on H-2A visas—mainly from Mexico, Jamaica, and Peru—now harvest tobacco in Virginia, clip onions in Georgia, pick apples in New England, cut sugarcane in Arkansas and Louisiana, herd sheep in Idaho and Nevada, and operate combines throughout the Midwest. A related program called H-1B allows employers to import 195,000 skilled workers a year, bringing computer programmers to Silicon Valley and other high-tech hot spots.

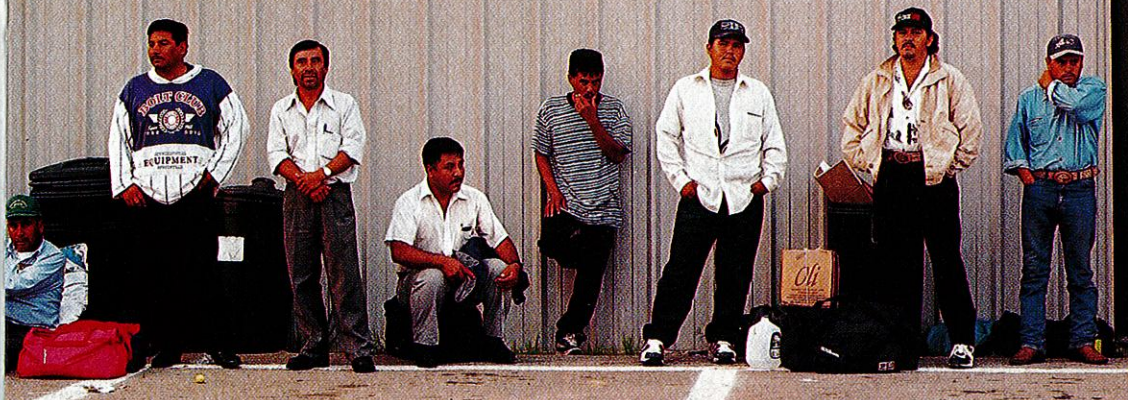
Although the federal government oversees wages and working conditions, farmers often mistreat H-2A workers without fear of being penalized. A six-month investigation of the program by *Mother Jones* reveals widespread complaints that growers have threatened workers at gunpoint, refused them water in the fields, housed them in crumbling, rat-infested buildings where sewage bubbles up through the drains, and denied them medical care after exposing them to pesticides. Farmers control their visitors, their mail, even their weekly shopping trips. A study by the U.S. General Accounting Office notes that H-2A workers, knowing they can be deported at any time, "are unlikely to complain about worker protection violations, fearing they will lose their jobs or will not be hired in the future." Workers say they have adopted several unwritten rules: Don't gripe about wages and working conditions. Don't seek the benefits you're entitled to. Don't make noise, even when your health is in jeopardy. "What you see, you must remain silent," says a Jamaican H-2A worker assigned to a Massachusetts vegetable farm. "What you hear, remain silent."

At the warehouse in Vass, Madrigal remains silent during an orientation for newcomers. Each time another shipment of men arrives, one of Stan Eury's employees appears on the second-floor balcony, like a Mexican padrone, to welcome them in Spanish—and to warn them not to talk with farmworker advocates. "When the attorneys from Legal Services show up, watch out," says Jay Hill of the Growers Association. "They want to take your job away from you." Instead, Hill urges the men to call the association if they have concerns. "Your problem is my problem," he says. "I can't rest until the problems are solved."

But after two seasons in the fields, experience has taught Madrigal not to trust his concerns to anyone with the H-2A program. "If



NORTH CAROLINA

GROWERS ASSOCIATION



Farmers import 42,000 workers on H-2A visas to harvest crops from Georgia to Idaho. In effect, the program has turned NAFTA inside out: Since U.S. farms can't go to the Third World, the federal government lets agribusiness bring the Third World to U.S. farms.

I talk to the boss and say we're in need of something, he could turn against me and fire me," he says. Like his fellow workers, Madrigal has traveled thousands of miles to earn money for his family back home, and he's not about to jeopardize his job by speaking up, even if things get bad. When the orientation ends, he boards another bus, this time bound for the farm that has purchased his labor for the next seven months. "They say it's the Mexican's dream to be here," he says privately. "But many times it isn't true. There's a lot of suffering here."

IN THEORY, Madrigal and his co-workers are being brought to the United States because there's no one else to do the job. Before receiving H-2A workers, farmers must advertise for American workers both locally and nationally, and then receive certification from the U.S. Department of Labor that there's a scarcity of available labor. Even after guestworkers arrive, employers must hire any qualified, legal U.S. resident who applies for a job during the first half of the growing season.

Although the process is designed to ensure American workers get first crack at any jobs, only a handful wind up being hired. According to growers, that's because few apply. "The unemployment rate is at a 30-year low," says Stan Eury. "It doesn't take an analyst to show you there's a labor short-

Workers from Mexico arrive at the Growers Association warehouse in Vass, North Carolina (above), the nation's largest distribution point for Third World farm labor.

age. Anyone who says there's not is an absolute idiot." Farmwork, he adds, "operates at the bottom rung of the job ladder, and in a time of strong employment, those bottom rungs are the first vacated."

In fact, study after study of the H-2A program concludes that there's actually a surplus of agricultural labor, not a shortage. "Unemployment and underemployment are endemic among farmworkers," says one Labor Department report. "Even at the seasonal peak in September, one-third of farmworkers are still not working in U.S. agriculture." In studies and congressional testimony about the program, the General Accounting Office also dismisses the idea of a labor shortage. "Agricultural employers in most of the United States have had adequate supplies of labor for many years and continue to do so," the GAO reports.

The agency acknowledges that some regions do experience local shortages, but notes that those might be alleviated "with fairly modest wage increases." Instead, H-2A enables farmers—from small operators to corporate giants employing more than 600 workers—to effectively circumvent the free market, paying guestworkers as little as \$6.39 an hour rather than raising hourly wages to attract U.S. workers. "A lot of farmers say, 'I advertised for 300 jobs and no one applied,'" says Thom Myers, a farmworker advocate in Raleigh, North Carolina. "But

what about the guy who runs a hardware store who has the same argument? What about the guy who runs a restaurant? If this was any other industry, the government would say, 'Hey, raise your pay until the supply and demand curves cross.'"

Rather than pay market wages, H-2A growers have instead developed a litany of schemes to ward off domestic workers. In Idaho, the Snake River Farmer's Association urged its members to write backbreaking job descriptions to discourage Americans from applying. "Irrigators or pipe movers is a great job description because no one wants to move pipe," explains an association handout. Farmers in other states have turned away U.S. residents for being a few minutes late for interviews, or for not knowing the fine points of federal labor law. In North Carolina, the Growers Association says it hires domestic workers after a simple five-minute phone interview—but state officials describe the process as intentionally inefficient and even hostile. "They go out of their way to discourage local workers from seeking employment," Lee Albritton, a former



Like other H-2A workers, Alberto Velazquez (above) sleeps in a room crowded with other men. At his camp, 32 workers share four toilets (left). Workers at another North Carolina camp, who bought a washing machine with their own money to clean pesticides from their clothes (lower left), cook their meals in a cramped kitchen (below).



job-service employee, wrote in a memo to his supervisors. In 1999, the state found jobs on non-H-2A farms for 12,700 domestic workers. By contrast, on H-2A farms, the state found jobs for only seven workers.

To further discourage U.S. workers, growers often refuse to provide migrant crews the same kind of transportation they offer H-2A workers. "Farmers know that unless there's travel money involved, no large number of domestic workers will get to the job site," says Greg Schell, an attorney at Florida's Migrant Farmworker Justice Project. "If they send a bus to the Rio Grande Valley or Belle Glade, Florida, they can get thousands of experienced farmworkers. But without a bus, the job may as well be on Mars."

FARMERS WHO TAKE PART in the H-2A program must follow an inch-thick handbook full of regulations designed, in part, to ensure that foreign workers receive decent treatment. Guestworkers earn a government-set minimum wage, usually around \$7 an hour. They live in free housing. Growers pay for their transportation to and from their homes. If they last the season, they are guaranteed pay for at least three-quarters of the hours promised by their contracts. "On paper, it looks pretty amazing," says Cindy Hahamovitch, a historian at the College of William and Mary who has studied the program. "The standards are actually higher for guestworkers than for domestic workers." Yet on isolated farms—miles from the nearest crossroads communities—H-2A life is far worse than the written rules might suggest.

The clock says 4 a.m. when Efraín Madrigal starts stirring. He wakes up in an unpainted cinder-block room, where four rusting bed frames are crammed into a space smaller than a college dorm room. The mattresses are so worn, so moldy, that workers sometimes opt to sleep on the concrete floor. A small, quiet man with freckles and thick, dark hair, Madrigal puts a metal ID tag around his neck—a keepsake from his six-year-old nephew in Mexico—and removes his clothes from a metal locker. There's no room for furniture.

H-2A camps are approved by state inspectors, but the standards are primitive. In a camp not far from Madrigal's, 32 men share a house with no bathroom, forced to resort to a cinder-block outbuilding that contains four toilets without partitions. In

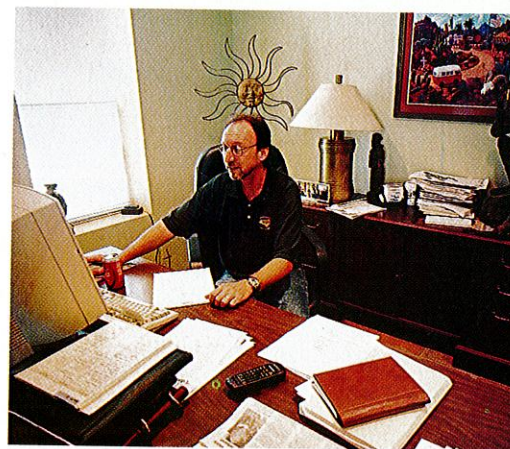
another camp, a dozen men sleep in a two-bedroom house so dilapidated that rats and even raccoons slip in through cracks in the crumbling walls.

At Madrigal's camp, dozens of men jockey for bathroom and kitchen space, getting dressed, washing up, making lunch. The kitchen is dark—illuminated by bare, low-wattage bulbs—and the men consider the water undrinkable, relying instead on cases of spring water handed out by a local priest. At six, the supervisors show up to transport the workers to the fields. Today's task is digging sweet potatoes, and Madrigal will spend the next 10 hours on his knees, knife in hand, cutting off the roots and filling a red pail with tubers. He makes 35 cents for every pail he empties onto his grower's truck, which means he must fill and dump at least 20 pails an hour if he wants to earn more than his base wage of \$6.98. He works so fast that he keeps gouging himself with the knife, and his leathery hands are a cluster of scars. His back hurts constantly. Madrigal says supervisors sometimes curse them with names like "motherfucker" and "son of a bitch"—some of the only English words he has learned during three seasons here.

Still, cutting sweet potatoes beats working in the tobacco fields. The year before, after a wet morning cutting tobacco with no protective clothing, Madrigal's body began itching. Then his hands shook and everything started spinning. "I started to vomit, all day, all during the night," he recalls. Madrigal asked for a ride to the clinic, but his boss refused. Growers blame such symptoms on the nicotine in the plants, but Madrigal believes he was poisoned by chemicals sprayed on the crops. Whatever the cause, he has seen what happens to some of his co-workers after a day in the fields. Dizzy and delirious, they skip dinner and go to bed early—but rest doesn't come. "Sometimes during the night they have nightmares," he says. "They wake up screaming. It's like living in hell."

REPORTS OF DANGEROUS working conditions, substandard housing, and verbal abuse are common at H-2A camps. Sandra Hoyle, a professional translator in Pilot Mountain, North Carolina, ran into several workers fleeing from the farm of her neighbor, Jimmy Pike, their belongings stuffed into garbage bags.

The Growers Association, run by Stan Eury (right), receives \$498 for each "guestworker."



When guestworkers quit, or get fired, they're required to return to their home country. That gives farmers a weapon usually reserved for the government: the power to order nonresidents to leave the country.

"They looked like little Santa Clauses walking down the road," Hoyle says. "They said they were leaving the farmer because he had drawn a pistol on them in the field." Pike denies the allegations, saying he doesn't even own a pistol. "I've got happy guys," he says. "They're making \$400 a week, clear money." But during a state investigation, his workers painted a dismal picture of life in the fields. "Sometimes blood comes out of our feet, and even like this, the boss wants more work done," a worker named Juan Araujo reported to investigators. Another complained that, because of contact with farm chemicals, "my hands get very white and my fingers thin and weak, as if acid had spilled on them." Pike admitted he had not provided workers with protective clothing or even portable toilets.

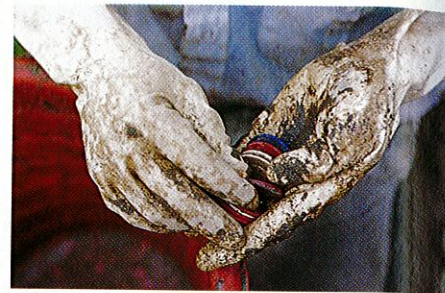
Government regulators also report that many farmers find ways to short workers on their wages. "You know how we cheat them?" a state employee recalls one North Carolina farmer boasting. "We fuck 'em on the hours." Shaving 2 hours off a 10-hour workday effectively lowers the wage rate from \$6.98 to \$5.58. In other cases, according to the

Defenders of H-2A are quick to note that guestworkers enjoy more protections than undocumented migrants. "All of our workers enter the country legally," says Stan Eury of the Growers Association. "They ride across the border on an air-conditioned Greyhound bus with a legal work visa in their hand, on their way to an approved house and a contract that guarantees their rate of pay, workers' compensation, and transportation reimbursement."

But while migrants can find another job if farmers abuse them, guestworkers are essentially indentured to a single employer. When workers on H-2A visas quit, or get fired, they're required to return to their home country. That gives farmers a weapon usually reserved for the government: the power to order nonresidents to leave the country.

Ventura Gutierrez, president of the farmworker group Union Sin Fronteras, was visiting a Virginia H-2A camp when several workers took their concerns about pesticides to the grower. "The owner told them they were no-good workers, that they should get their stuff ready because he was going to take them to the Greyhound bus station to go home," he says. Gutierrez went to his car for some complaint forms, but by the time he returned, the workers were gone.

In Mexico, H-2A recruiters maintain *listas negras*—blacklists—of those considered troublesome. In 1996, a worker named Samuel de Jesus sued the North Carolina Growers Association after he injured his



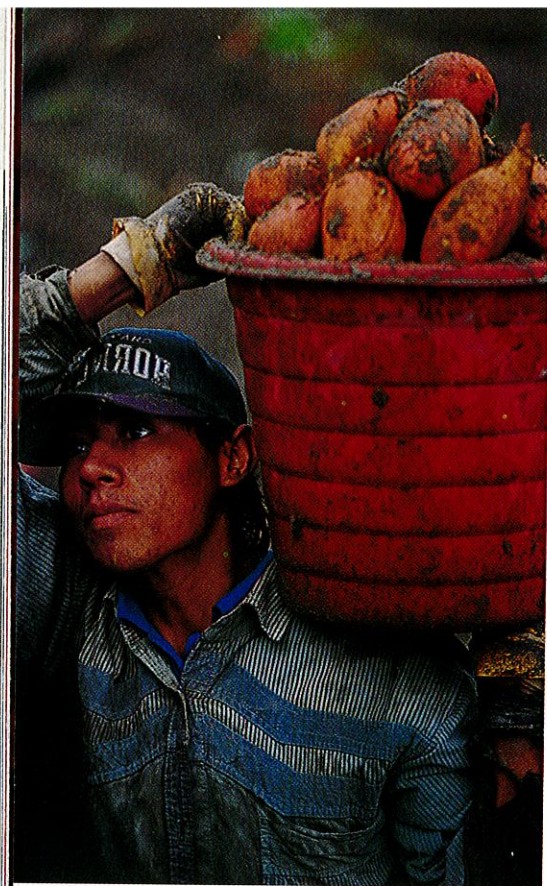
Rather than raise hourly wages and improve working conditions to attract U.S. job seekers, many H-2A growers "go out of their way to discourage local workers from seeking employment," a former state employee noted.

GAO, farmers request workers for longer contract periods than necessary. When the work runs out, the men are forced to return home early—meaning growers don't have to pay transportation costs and other guaranteed benefits. One North Carolina internal document estimates that 85 percent of all H-2A work dries up five months into the seven-month season.

back in the tobacco fields. When he returned home to Mexico, the lawsuit says, a recruiter told him he was blacklisted for the following season for complaining about the injury and seeking workers' compensation. The growers said de Jesus was a poor worker, but a judge ruled against the Growers Association after it produced incomplete documents. The organization paid de Jesus an estimated \$8,000 in damages.

Because the climate of intimidation keeps workers from speaking out, such victories are rare. A few miles down the road from the farm where Efraín Madrigal works, several workers considered complaining about the lack of protective clothing to prevent pesticide exposure, and housing that forces 11 men to sleep side by side on mildewed mattresses in a stifling hot tin building. In the end, though, they decided it would be too risky to air their grievances. "They have never said anything to the boss because they're afraid they'd be fired," says Alberto Velazquez, a 22-year-old worker from Mexico.

Some workers are even afraid to talk among themselves. In





Massachusetts, Jamaican guest-workers say farmers plant spies among their work crews to report co-workers who complain. "If the boss tries to work you over your limit and you speak of it, someone will tell the boss," says a worker who asked not to be identified. "If there's a chemical sprayed in the field and you think that if you go into that field you would maybe get poisoned, you can't say anything."

Not that saying anything would help. Although the federal government has the power to suspend growers from the program for substantially violating workers' rights, the Labor Department cannot specify a single instance when a farmer was kicked out, even for a season, for that reason. "The ag interests are very effective at keeping the enforcers at bay," says Jena Matzen, former staff attorney for the North Carolina Justice and Community Development Center. "If you have a rule on the books that people wink at, it's worse than having no rule at all."

Some officials who discover illegal prac-

Workers in North Carolina (opposite) fill a pail of sweet potatoes to earn a chip worth 35 cents. Sandra Arizmendi of Georgia (above) says she lost her job to imported workers.

tics have been discouraged from investigating. Lee Albritton, the former job-service employee, received a phone call from a North Carolina pastor in 1998 notifying him that several dozen H-2A workers had escaped their farm during a late-night hailstorm. Albritton met with the men, who said they were being worked 15 hours a day with only one break for lunch and no drinking water, and then cheated of their pay by an unorthodox accounting system. "One of the workers became ill after lunch and was spitting up blood," Albritton wrote in a follow-up report. "He was required to continue picking until the field was finished. He was not offered medical attention."

Wanting to hear the grower's side of the story, Albritton called the farm to schedule an interview. But before he could investigate further, the Labor Department ordered him to cancel the meeting. Instead, the state allowed the Growers Association to investigate its own member. The conclusion: After "seriously" reviewing the situation, the state

reported, the association "did not find any problems." The Labor Department also investigated, but by then most of the workers had fled. The feds cleared the farmer, who continues to receive H-2A workers.

AS THE SUMMER wears on, Efraín Madrigal looks wearier and wearier. His knees hurt. Rashes have erupted all over his body. Sometimes he works 10 hours a day in heat that leaves him exhausted. Other days there's no work at all, which means no pay. The weekends don't offer much rest: Crew leaders sell beer at his camp, and the cramped housing offers no escape from drunken celebrations that extend late into the night.

One Sunday, Madrigal shows up at a nearby open-air Episcopal Mass bleary-eyed and angry. After another sleepless night, he's on the brink of calling the Growers Association to report the unbearable living conditions. "I know that if the supervisor finds out, he will get me fired, but that doesn't scare me," he says. "I've already made up my mind—if they fire me, [continued on page 83]

eight years—plus the option to convert those royalties into shares in an initial public offering—in exchange for the right to use the schools' names in marketing jointly developed online courses.

The agreement has sparked controversy in part, the *Chronicle* noted, because Andrew Rosenfield, the head of UNext and a close friend of Milken's, happens to be a member of the University of Chicago's Board of Trustees, which approved the deal. Daniel Fischel, dean of the University of Chicago Law School, has also invested in UNext, as have two Nobel Prize-winning economists at the school.

Such ties have prompted some professors to question whether decisions will be made in the best interest of the university, or of UNext's shareholders. "We should not be setting up an incentive system that will tempt us in the wrong directions," Richard Shweder, a professor of human development, wrote to the academic committee reviewing the agreement. "I don't think it is healthy for members of our board (even when they are 'good guys' who love the university) to personally profit from their appointment as trustees of our intellectual heritage."

One of the dangers, according to critics, is that universities will diminish their reputations by lending their imprimatur to what remains an essentially untested commercial product. When customers enroll in one of UNext's "University of Chicago" courses, will the quality be comparable to classes taught on campus—or might people come to associate the university with a second-rate product more akin to the correspondence courses of an earlier era?

But universities rushing to embrace dot-com education may risk more than the potential dilution of their "brand." As former Harvard president Derek Bok once warned, when academic institutions grow too closely involved in commercial activities, "they appear less and less as charitable institutions seeking truth and serving students, and more and more as huge commercial operations that differ from corporations only because there are no shareholders and no dividends." Many universities seem to fear that if they don't keep pace with the distance-learning revolution, they will fall behind the times. There is an equal danger, however, that in rushing to profit from the business of online education, they could undermine the case for their own existence. ■

silence in the fields

[continued from page 47] then I'll go with my family; they're far away, in California. I don't know if they fire me, how I'll be able to get there, but I have to do it. I'm not afraid of that anymore."

But he doesn't call the association. Instead, unable to tolerate his situation any longer, Madrigal bolts. He and his brother-in-law flee the camp a few days after the church service, and a rumor spreads that they've found work in another Southern state. His co-workers take the escapes in stride; Madrigal and his relative are not the first to run away. Nor does his employer seem disturbed. "He just asks the association for two more," says Javier Ortiz, who worked alongside Madrigal. "I don't think it causes him much trouble. He requests however many extra people he needs."

Madrigal is hardly alone. Although Congress approved the H-2A program on the premise that it would reduce the need for undocumented workers, government officials openly acknowledge that the program has actually created a new conduit for illegal immigration. State reports show that growers sometimes ship in more workers than they need, and no one keeps track of how many workers return when the season ends. Billy Green, who monitors the H-2A program for the North Carolina Employment Security Commission, alerted the feds in 1998 that the 10,000 workers imported by growers were four times as many as required. "On the ground, you need 2,500," Green wrote in a memo to the Labor Department. "The others are bogus."

With plenty of extra labor on hand, the harvest never slows—no matter how many workers abandon their jobs. According to officials in North Carolina, the Growers Association reported that 4,164 workers didn't complete the 1999 season—suggesting an AWOL rate of 40 percent. (Eury, the association president, insists the report counts duplicate names and transfers between farms, but refuses to say exactly how many.) In private, many regulators use strong language to denounce the lack of accountability; one internal state memo refers to the association as "the largest alien smuggling ring in this nation's history."

While H-2A workers flee, growers continue to turn away U.S. farmworkers. Bland Farms, the nation's largest Vidalia onion grower, insists that no domestic workers

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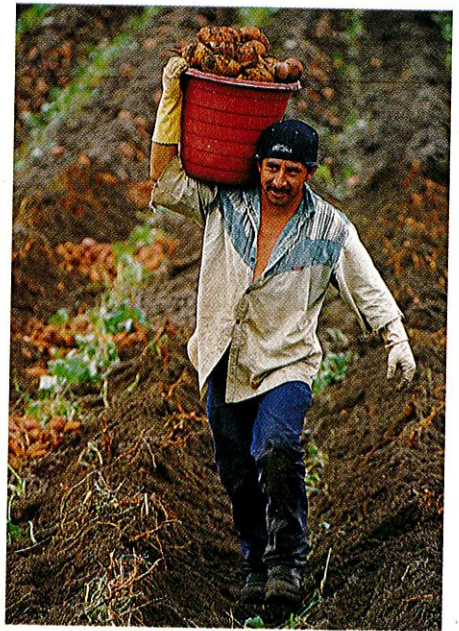
have lost jobs to the 600 guestworkers it now employs in Reidsville, Georgia. "Everyone that has filled out an application with us and is legal, we've hired," says Clarke Yearous, the company's chief operating officer. But 15 U.S. residents have filed complaints with the Justice Department saying that they were refused work.

Ever since she was a little girl, Sandra Arizmendi and her family came up from Texas every spring and fall to work in Bland's onion fields. She met her husband on the farm, bought a blue-gray mobile home, and plunked it down on company land. "We worked year-round, in good and bad," recalls Arizmendi, a 28-year-old with henna-tinted hair. "Sometimes when it wanted to freeze at night, they would pick us up at two, three, four o'clock in the morning to cover the tobacco with plastic. Sundays, Saturdays—it didn't matter. We would work all the time."

Then, in 1999, after her family had arrived for the planting season, Arizmendi says she received a call from a company official. "This year I'm not going to be able to hire you all," she recalls the official telling her. Arizmendi asked why. "On account of H-2A," she says, "he was going to use new people." Evicted from company property and too broke to move their mobile home, Arizmendi and her husband now live in town. He works for a hog-processing plant. She's unemployed.

The government does have tools to crack down on H-2A employers who turn away U.S. residents—but it seldom uses them. "The fact is, when workers' rights are violated, no one gets sanctioned," wrote U.S. District Judge Michael Ponsor in a 1999 ruling against a Massachusetts berry farm. Even when state regulators point out abuses, according to the GAO, requests for more H-2A workers are rubber-stamped. During one 21-month period, the agency reported, federal officials approved 99 percent of all H-2A applications.

Joanne McLean, a former certification specialist for Massachusetts, says she routinely informed federal regulators that H-2A growers were refusing to hire Hispanic citizens. "Time and time again, we would say, 'I just talked to so-and-so. He said to me, 'I don't want any Spic. I want my Jamaican worker.'" I'd be told, 'Oh, he's an old man. He doesn't mean that.' You go to any state that has the H-2A program, you'll hear the same thing."



Under a new program now being considered by Congress, farmers could import up to 1 million foreign farmworkers each year—paying lower wages and avoiding most of the current requirements to recruit American farm laborers.

Federal officials admit they don't do much to follow up on such reports. "Certainly we have heard that U.S. workers are discouraged from applying for jobs," says John Fraser, a deputy administrator with the Labor Department. "I don't think we're in a position to say whether that's true or not."

On the rare occasions when officials do try to curb abuses, agribusiness is quick to flex its political muscle. In 1997, federal officials turned down a request for 45 workers from Eubanks Produce, a Mississippi watermelon grower. Stan Eury, who supplied Eubanks with guestworkers, immediately sprang into action, lining up the assistance of both the state's Republican senators, Trent Lott and Thad Cochran. Within three days of the original denial, the Labor Department authorized 75 workers—30 more than the farmer had originally requested.

The farm lobby and employers in other

industries are now flexing their muscle even more—hoping to expand the number of guestworkers and relax the rules currently in place. In October, responding to pressure from Silicon Valley, Congress nearly doubled the number of skilled workers in the H-1B program to 195,000. Lawmakers also considered a bill called the Agricultural Opportunities Act that would create a new program called H-2C to import up to 1 million foreign farmworkers each year. The measure would eliminate most of the requirements to recruit Americans, allow growers to pay lower wages to many foreign workers, and replace free housing with vouchers in some states.

The bill's sponsor, Rep. Richard Pombo (R-Calif.), says the measure would help growers obtain labor with fewer delays. "Farmers can't always find the workers they need," says Doug Heye, a spokesman for Pombo. "Crops are dying in the fields and on the vines rather than going to market."

But advocates for farmworkers fear the legislation will create a permanent underclass of workers. "These proposals would bring in up to a million people a year, most of whom will never get the opportunity to become immigrants," says Bruce Goldstein, co-director of the Farmworker Justice Fund in Washington, D.C. "They will have to work for the employers who arrange for their visas, and they will work in fear."

Thirty-six years ago, Congress faced a similar question about guestworkers: what to do with the Bracero program, a predecessor to H-2A. Five million braceros, imported from Mexico, endured makeshift shacks, pesticide exposure, and crippling labor. Like H-2A, they were bound to specific growers, giving them no recourse when conditions became intolerable. Embarrassed by Edward R. Murrow's 1960 CBS documentary "Harvest of Shame," Congress killed the program four years later. Today many farmworker advocates—along with agriculture experts and government officials—think H-2A should go the way of Bracero.

"We found then, as others have found since, that American employers can do quite well without such programs," insists David North, a former Labor Department official who helped dismantle Bracero during the Johnson administration. H-2A "simply transfers funds from American farmworkers to agribusiness." The program is, North contends, "a disgrace." ■

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