

**Don't Let Them Make You Feel You Did A
Crime: Immigration Law, Labor Rights,
And Farmworker Testimony**

**"Don't let them make you feel you
did a crime": immigration law,
labor rights, and farmworker
testimony.**

by Anne Shea

"Now as farmworker women, we're educating ourselves. We're helping other farmworker women to know their rights. We have conferences where we teach women how to defend themselves, how to get legal assistance, how to sue.... We also have conferences on domestic violence, sexual harassment, pesticides, and AIDS" (Rothenberg 57). Maria Carmona, one of the founders of the Women's Leadership Project, illustrates how migrant workers deploy various strategies of resistance through which they struggle against forms of coercion exercised by the state and transnational capital. The Farmworker Women's Leadership Project, as well as unions such as the United Farm Workers (UFW) and the Farm Labor Organizing Committee (FLOC), represents strategies of formal, organized opposition. The struggle for a safe working environment, a living wage, and a measure of control over the workplace has been at the center of migrant laborers' political battles.

Yet, these battles are waged not only through the picket line, the strike, and the ballot box but also through the production of narratives that articulate forms of oppositional knowledge and identity. Transnational capital generates discursive strategies that create racial, national, and gendered divisions of labor that target specific bodies for specific kinds of work. Producing truth claims, these discourses seek to contain resistance and coerce workers into compliance. In worker testimony, we witness how farm laborers analyze, critique, and resist these discourses. Through narrative, workers engage in struggle over the truth claims produced by power. Migrant laborers not only generate oppositional knowledge about the workplace and their labor, but also redefine "the family" and "the self." In this essay I analyze hegemonic narratives about migrant labor, and I consider the forms of cultural resistance produced by workers through testimony. (1) I discuss the novel *Under the Feet of Jesus*, arguing that Helena Maria Viramontes not only critiques the prevailing discourses of criminality that serve to legitimize the exploitation of migrant labor but also offers tools for intervention into the current legal and representational practices that seek to define migrant workers through essentializing race and gender stereotypes.

Contemporary narratives featuring the stereotype of the "illegal alien"

suppress the long history of migration between the United States and Mexico. Putting aside for a moment the larger issues raised by the Treaty of Guadalupe Hidalgo and the United States appropriation of land formerly owned by Mexico, the United States has relied upon labor from Mexico throughout the twentieth century. In the first quarter of the last century, agricultural interests began to pressure the US government to facilitate the use of Mexican agricultural workers in the fields. In 1925, one year after the Border Patrol was created, the Department of Labor and the Immigration Bureau initiated programs attempting to restrict Mexican immigration to those who were either already employed or guaranteed employment on US farms. Some of the very same immigration laws which had been used to exclude the Chinese in the nineteenth century (the head tax, literacy requirements, public charge provisions, and the Alien Contract Labor Law) were waived to ensure the flow of Mexican farm workers into the fields. During the Depression, these immigration laws, still on the books, were used to restrict Mexican immigration, and, in Los Angeles from 1929 to 1935, 80,000 people of Mexican descent, regardless of their legal right to be in the United States, were deported to Mexico.

In 1942, as World War II produced another labor shortage, an Executive Order initiated the bracero program which recruited four to five million Mexicans to work in the United States. At the end of the war, while employers were still bringing in workers, the federal government instituted large-scale expulsions of Mexican immigrants in the mass militarized roundups of 1954 and 1955. The labor shortage was exacerbated by the fact that the United States government incarcerated people of Japanese descent, many of whom were farm workers, in concentration camps. (2)

The history of immigration and alienage laws within the United States demonstrate, as Stephen Shie-Wei Fan has argued, that "issues of race and alienage are often intimately interrelated where immigration law and policy are concerned" (Fan 1202). The anti-immigrant proponents of California's 1994 Proposition 187 (3) exemplify only one recent manifestation of the logic that links race to "alien" status. (4) The 1790 federal naturalization statute permitted only "free white persons" to become naturalized as citizens. The Fourteenth Amendment and the subsequent amendment of the naturalization statute extended naturalization to persons of African "nativity or descent," leaving Asians ineligible for citizenship (Chang 1292). The case of *Chae Chan Ping v United States* (1889) challenged the law but the court held that the "license of Chinese laborers to return to the United States is revocable at any time at the will of the United States Government" (Fan 1220). Far from exceptional, Proposition 187 represents a long history of discriminatory immigration and naturalization legislation.

The H-2A visa classifies farm laborers as non-citizens and "non-immigrants." (5) This classification bars workers from the status of both

"citizen" and "immigrant," effectively ensuring their continued alien status within the United States, and establishing formal barriers to naturalization. Greg Schell, a Legal Services attorney who has worked on a number of lawsuits against sugar companies in southern Florida that recruit Caribbean laborers, describes the H-2 programs this way:

The H-2 program is essentially a system of mail-order workers. It's perfect for growers because it keeps them from having to recruit domestic workers or raise wages to keep workers from going to another farmer who might pay more. The regulations designed to protect domestic workers from the adverse effects of the program have not been enforced. The growers never suffered any lasting repercussions for violating these regulations, even though the law prescribes a whole range of penalties for such actions." (Rothenberg 232)

H-2A guestworkers pay up to \$500 dollars to be part of this program, ostensibly for the chance to earn wages substantially higher than they could garner in impoverished areas of Mexico whose economies were devastated by structural adjustment programs and NAFTA. Once in the H-2A program, workers are given few choices, few rights. The Growers' Association assigns them employers. Wages and hours are set. Although employers are required to provide housing, landlord-tenant laws and regulations do not govern H-2A housing. Workers must rely on employers for transportation to the store and church. According to farmworker advocates, part of the Growers' Association orientation for new workers includes strong warnings against filing complaints. One worker reported that a North Carolina recruiter stated that if workers sought legal assistance they would be "sent back to Mexico" (Ward 1999). Working under the threat of being sent home to Mexico, or not hired back the following year, workers are reluctant to complain about working or living conditions. "H-2A absolutely echoes bracero," said Joel Najjar, an immigration expert for the National Council of La Raza (Ward 1999). After Carmelo Fuentes, a guestworker, suffered brain damage as a result of heat stroke while working in a North Carolina tomato field, state investigators found that the supervisor had ignored signs of heat stress. Farm worker advocates have used Fuentes' case to demonstrate how employers seek to keep guestworkers "silent and productive" (Ward 1999).

At times pressuring the state to open borders and at other times calling for increased enforcement, agricultural interests have had their hand in immigration legislation throughout the twentieth century. Likewise, they have sought to craft labor legislation to their interests. Responding to pressure by these agricultural interests, farmworkers were excluded from coverage under the 1935 National Labor Relations Act. When labor laws cover farmworkers, the standards are reduced, or very difficult to enforce, for a variety of reasons. Federal law excludes agricultural workers from wage and hour laws that protect other US workers. David Craig, of the Wage and Hour Division at the North Carolina Department of Labor, explains that under current law

employers of farmworkers are not required to pay them for overtime, and there are no requirements that workers be given breaks during the workday (Smith-Nonini 7). As a result, it is not unusual for farmworkers to labor ten to twelve hours a day, seven days a week, without adequate breaks, food, water, or sanitation facilities. Farm labor is exempt from laws governing the use of child labor. Fourteen-year olds can work in the fields with no restrictions and thirteen-year olds may work with parental permission. If a child works on a small farm, she is not covered by labor regulation.

While agricultural profits have soared over the last decade, the wages of farm workers in real terms have plummeted. The increase in profit has come primarily as a result of the federal government's assistance in the securing of overseas markets for US agricultural products. From 1988 to 1999, the value of fruits, vegetables, and other horticultural products rose from 4.01 billion to 10.27 billion (Goldstein). Meanwhile, the US General Accounting Office delivered a report to Congress announcing that since the late 1980s there had been a decline in the real wage rates of farm workers. (6) This study concurs with the Department of Labor findings that three out of five farmworkers live below the poverty line. While it is commonplace to hear that there is a shortage of available farm labor--a claim that serves to justify the recruitment of foreign guestworkers--there is in fact no shortage of available farm workers. A recent Congressional Research Report issued in December of 1999 finds that the unemployment rate for farmworkers from 1994-1998 was 11% to 14% or "at least twice the average unemployment rate in the nation." (7) Dolores Huerta, of the United Farm Workers, argued this case in an editorial in the Washington Post, in October of 1998: "There is no shortage of domestic farmworkers ... [but] there is a shortage of decent wages and treatment of farmworkers" (Smith-Nonini 11).

Immigration and labor law work together to create a legal space which excludes the voices of guestworkers. Despite a well-documented record of workplace abuses by farmworker advocates, no H-2A worker has ever registered a complaint with government regulators. Through the exclusion of the farmworkers' narratives, the law becomes a univocal script written by lawmakers and employers, and serving their interests. Because labor and immigration laws make it difficult and dangerous for farmworkers to register complaints, legal recourse against unjust employers becomes merely a legal, myth of just recourse.

Outside of legal discourse, worker testimonies are a site where we can read not only the terms of reality as written by workers themselves, but also how these workers analyze, interpret, and critique the narratives that seek to determine their lives. Gerald Lopez contends that workers

must have a handle on their superiors. To achieve this "handle," janitors, secretaries, and farm workers need to determine how their superiors make sense of the workplace--where mandated

terms and actual practice converge. They must devise and deploy provisional strategies that will enable them (at least to appear) to work within the stories their superiors are living. (qtd. in Gutierrez-Jones 167)

These analytical and interpretive skills, Lopez argues, are missed by academics and professionals who emphasize "what those subordinated by political and social life don't know how to do" (167). Testimonies demonstrate how laborers interpret, negotiate, and contest concrete forms of power and legal "mechanisms of control" (Higginbotham qtd. in Barton 3). Individual testimonies by workers are, to quote Lowe, "not merely representations disconnected from 'real' political life" (Lowe 156). That is, these narratives ought not to be pitted against the work of the union in a manner that reduces the testimonies to an isolated realm of the personal while locating political agency solely within the union. Rather, personal testimony, as a cultural and political instrument, is the means through which individual subjects produce social meaning. The terms "illegal alien" and "legal immigrant" determine the parameters of public discourse on the status of immigrants within the US, rendering invisible the economic, social, and political conditions that give rise to the movement of people across national borders. The illegal/legal dichotomy serves to justify the militarization of the border in a very publicly orchestrated "crackdown" on "illegal immigrants" while the nearly invisible guestworkers, classified as legal "non-immigrants" and noncitizens, labor in great numbers within the US without the benefits of labor protection, civil rights, or representation. The very visible "illegal" immigrant and the nearly invisible guestworker both play immigrant and the nearly invisible guestworker both play key roles in the dominant narrative of immigration within the United States. If the guestworker labors without voice, then her story poses no threat to the hegemonic narrative that casts all "legal" immigrants in a Horatio Alger heroic climb upward from rags to riches, from oppression to liberty. The visibility of the "illegal alien" serves to justify increased militarization of the border. Visibly enforcing the border, the state represents itself as guarantor of civil order, casting the undocumented immigrant as sign of social chaos.

In addition, the "illegal alien" is constructed through discourses that implicitly and explicitly racialize "alien" status. Not only does this reflect a long history within the United States in which immigration law has been racially discriminatory but also the manner in which citizenship has been defined as white. When the stereotype of the "Mexican illegal alien" was used to rally support for California's Proposition 187, the effects extended far beyond Mexican and Latino immigrants, and Chicano and Latino citizens. While members of these communities experienced acts of discrimination and hate crimes, there was also an increase in hate crimes against Asian Americans. (8) In addition, the use of the phrase "international busing" by supporters of Proposition 187, comparing immigration to school integration, indicates how the racialization of alien status implicates African Americans and all people of

color within the United States (Fan 1221 n. 101). Proposition 187 is a recent case in which we can read not only the racialization of "alien" status but also the explicit construction of citizenship as white. These discourses impact not only those most immediately implicated by these stereotypes, such as Latino immigrants and citizens, but also all people of color within the United States.

On Tuesday, October 12, 1999, the ABC Evening News with Charles Gibson aired "A Closer Look" on the "shortage of workers" willing to labor in the fields and farmers' reliance on Mexican immigrants. Interviewing grape growers in California who stated that "Americans don't want this work," the piece implicitly built a case for the government's H-2A "guestworker" program. Experts testified for and against new federal programs that would "allow" growers to "import" laborers from elsewhere and, in the words of the report, "send them back when the harvest was over." The second half of the segment examined what reporter Brian Rooney claimed was an increasing trend in farming: white owners selling their farms to Latinos who formerly worked in the fields, "everyman's dream." One man who recently took over an apple orchard said, "Everyone comes from another country and wants to own something." The piece ended with this success story testifying to the American Dream, the "classlessness" of US society, and the absence of racial oppression.

Through explicit and implicit juxtaposition against the citizen/owner, the laborer comes to be conceptualized and categorized as a non-citizen. To oppose citizenship and "non-citizen labor" discursively and ideologically defines laborers as outside of the rights of citizenship, as outside of national definition. In the "Closer Look" piece, the worker who ended up buying the orchard was given voice within the narrative while the earlier workers who represented the "labor" were not. Their voices, untranslated into English, were heard in muted tones under the voice-over of the reporter, Brian Newman. The incorporation of the worker who bought the orchard depended upon his story's reinforcement of the mythic narrative of upward mobility central to US self-definition. The notion that all who work hard live well is deeply ingrained within the US and serves as a means to blame the poor for their poverty, deflecting attention from the structural inequalities inherent within the system.

In addition, as evident in the ABC piece, migrant farm labor must contend with a mythologizing narrative of the farmer as the "salt of the earth" and prototypically American. The current conditions of agribusiness in the United States bear little resemblance to this mythologized character, the hardworking, all-American farmer, yet growers have consistently used this rhetoric when pushing for exceptions to labor laws or when fighting unionizing efforts. In the words of Libby Whitley, a lobbyist for the American Farm Bureau: "Farming isn't a job, it's a way of life. It is hard not to get emotional because I see the potential for the end of this way of life, the end of an

industry that has made America great and still represents a lot of values which Americans hold dear. I see growers as victims.... Growers' suffering and pain ... motivates me" (Rothenberg 213). There is an interesting contradiction between representations of growers' labor and the labor of the farm workers. For the owner of the farm, work seems to ennoble. The growers' labor, read through the filter of American national identity construction, renders the growers as "industrious": the farmer's labor enriches himself and the nation. We might ask why, then, does the labor of the farmworker not ennoble the laborer? It is a commonplace to hear that farm work is demeaning for the hired hand. The conflicting constructions of the farmer and the farm laborer starkly reveal the manner in which bourgeois ideology constructs identity in relation to ownership. That is, selfhood is accorded to the one that owns rather than works the land, even if they both labor in the field.

The ABC Evening News represented growers sympathetically as people stretched to the breaking point and "forced" to break the law by hiring both documented and undocumented immigrant labor. In such a narrative, the guestworker program becomes a way to get repressive federal laws off the backs of put-upon growers, and to grant undocumented workers "legal" status. Within this storyline, the H-2A program emancipates both the farmer and the farm laborer.

Unlike the discourses that surround California's Proposition 187, the language of the H-2A programs does not appear to be "raced" or racially discriminatory. Yet the effects of the H-2A programs are both "raced" and racially discriminatory. In the H-2A program, the "mail-order worker" comes from Latin America and the Caribbean. This worker's legal position within the United States is one of permanent alien status. As H-2 programs have expanded over recent years, we have seen a growing population of people of color trapped within alien status. That is, they have no rights afforded citizens, and, according to most H-2 laws, they are not eligible for "immigrant" or "citizen" status. Thus, there is a growing population of people of color within the United States that does not have access to citizenship. Like the discourses that target the bodies of workers, designing an ideal worker for the needs of capital, immigration laws target specific bodies through apparently "neutral" language, constructing the alien as a person of color who is not accorded the rights of citizenship. H-2 programs, like nineteenth- and early twentieth-century literacy laws, produce social inequalities and maintain white privilege through rhetorics cloaked in neutrality.

In addition, the ABC news piece completely erases the woman farmworker and her labor. While testimonies articulate the specificity of the

woman farmworker's experience, dominant images either erase her labor, as in this news story, or, romanticize her labor, as in images on raisin boxes. California's Proposition 187 campaign not only used racial stereotypes to

marshal support for its anti-immigration legislation but also misogynist discourses. While the United States relies upon the labor of immigrant women, the images produced by the Proposition 187 campaign invert this reality to construct the immigrant woman as dependent upon the social services of the United States. The racialization of alien status impacts all people of color within the United States and implies the manner in which people of color are imagined as marginal to the construction of national narratives. The racialized and misogynist discourses of Proposition 187 that construct images of immigrant women's so-called dependency upon social services bear a striking resemblance to the racialized stereotype of the African American "Welfare Queen." These stereotypes mask the contemporary conditions of women of color. Similarly, these images erase a history in which women of color have been defined primarily as workers rather than as mothers (Dill 2). Defined as workers, women of color have not been afforded "shelter" within the patriarchal family, but have been compelled to work outside the home (2). Thus, the family of color has consistently been subordinated to the needs of capital. At a time when large sectors of women of color work for substandard wages, the image of the dependent woman of color not only masks her exploitation within the workplace but also other forms of structural inequity.

Testimonies contest the narratives of immigration permissible within the public sphere. If the dominant narratives of immigration are structured by the tropes of upward mobility and equal opportunity in the absence of racial oppression and exploitation, then testimonies tell a different story. Hegemonic immigrant narratives posit the country of origin as a site of repression juxtaposed against the United States, represented as a space of personal liberation. Thus, immigrant's stories of exploitation produce a reality that is denied by the hegemonic narrative that depicts the United States as a place of equality, liberation, and personal freedom. Estela Solares says, "Life in Mexico is hard, but when you get here and find yourself sleeping in an orchard, it starts you thinking" (Rothenberg 22). Augustin Magana asserts that "in the United States, you need to ask permission from landowners to walk through the country ... the laws are strict. Even if you're just out walking, the police can stop and investigate you (Rothenberg 306). In the words of one worker, Norberto Herrera: "Whenever I was up north, I felt closed in, imprisoned. I never felt free" (Rothenberg 39). Images of imprisonment occur with frequency in relation, not to the country of origin, but to the United States. Migrant workers say they feel "imprisoned" within the United States, restricted not only by the overt forces of the border patrol, the police, and the law, but also by representations of themselves produced by the media, the growers, and the state.

It is no wonder that the words of migrant workers rarely make it into public discourse because they threaten to transform not only images of the workers themselves but also the image that the United States cultivates for itself.

Estela Solares represents her life in the US as a "struggle": "If you know what it's really like here, then you know that in the United States workers suffer. If you want to make money, you have to struggle. You've got to work hard to earn fifty dollars" (Rothenberg 23). Algimiro Morales, a migrant worker, indicates one ideological reason for the suppression of migrant testimony within the public sphere: "The worst part of all this is that we can't respond. Our words mean nothing to the Americans. They don't listen to us and we have no way of showing them that they're wrong, that the problems in this country come from inside their own society" (Rothenberg 29). This worker demonstrates how social problems within the United States become transferred onto the migrant worker, who must struggle to contest these representations within a public sphere that carefully controls narrative production.

Migrant workers, as persons occupying interstitial positions, often bear the burden for the redrawing of spatial borders by transnational capital. Ong, in her analysis of the emergence of large numbers of female industrial workers in Asia and Mexico, has drawn on the work of the anthropologist Mary Douglas who theorizes that "persons in interstitial positions" are often symbolized as "dangerous and filthy, since they suggest a poorly articulated social system" (qtd. in Ong 74). Douglas' work offers one frame through which to view the racist and xenophobic narratives that depict immigrant workers as criminals, particularly "thieves." The discourse of criminality serves, in part, to figure social disorder: the changing economies, laws, and nature of the state within the restructuring by transnational capital become displaced onto the migrant worker who is seen as transgressing traditional social boundaries. Border patrol agent William King exemplifies this rhetoric: "I see illegal aliens as similar to burglars. Burglary is a crime; illegal entry is a crime. In both cases, there's trespass with criminal intent. The burglar who gets in your house is going after your personal possessions. The illegal alien who makes it into the United States is going after your job, your education. He's going after welfare" (Rothenberg 147). Here we can see an extension of the logic that opposes the "citizen" and the "non-citizen labor." For the laborer-immigrant, defined in opposition to the "authentic" citizen, all acts are "fraudulent." Since the 'non-citizen' has no 'legitimate' position within the state, all acts are delegitimized and criminalized. If alien status has been racialized, both implicitly and explicitly, then King's rhetoric reveals that "criminal" status within the United States is also a racialized position. Once again, this demonstrates how the racialization of alien status impacts not only immigrants, but also all people of color.

Many workers reflect upon their interstitial position in a variety of ways, casting it both positively and negatively. For some, movement back and forth across the border permits them to maintain ties to family and community. Others, such as Algimiro Morales, reflect on the difficulty of living within multiple worlds: "As a migrant, you find yourself living in a different,

uncomfortable world. Because of this, you suffer. In the community where you were born and where you own land you're somebody.... When you leave home, you're often mistreated. This is difficult, especially if you're used to being treated with respect. There is so much rejection and hostility" (Rothenberg 28). Testimonies allow workers to enter into "symbolic struggles over social position, identity and self-determination" (Ong 82). "We haven't come here to take things away from Americans. We've come here to contribute.... Our people come here to work. The truth is, we don't really want to be in the United States. It's necessity which brings my people here" (Morales qtd. in Rothenberg 29).

Workers' bodies are physically coerced through systems of control regulating their movement, in the fields, in the camps, and across borders. Agribusiness, processors, and the state produce discourses that reduce, instrumentalize, and, in the words of Ong, "disassemble" workers' bodies (73). In these discourses workers become "hands," "tools," and "commodities." Testimonies directly resist these controlling and dehumanizing discourses. Dolores Huerta, co-founder of the UFW, says, "Growers view farmworkers as tools" (Rothenberg 243). Alberto Mosquera, a farmworker, contends, "We need to understand that migrants are not machines" (Rothenberg 316). Another worker, Gilberto Perez explains, "The bosses look at us as machines, things that are always supposed to be working. A machine works and works, but a person can't keep at it if he's tired or in pain" (Rothenberg 18).

Testimonies not only directly confront these fragmenting and commodifying discourses but also assert human worth through a rhetoric of family. Dominant discourses about the migrant tend to detach the worker from community and social meaning: "They see you as nothing, and then you begin to feel that, outside of your community, perhaps you really are worthless. You might be respected at home, but in the outside world, you are nothing, nobody" (Morales qtd. in Rothenberg 28). The family becomes a repository, not only for personal identity and wholeness, but also for cultural resistance: "I would like Americans to understand that living like this, in houses we've built on a hillside, is not the same as being ignorant. There is a great deal of wisdom in our communities. There are rules in our culture that are often superior to those in Anglo-Saxon society. We look at family differently. Children respect their parents. Mixtec revere their elders. (Morales qtd. in Rothenberg 29). Reina Quintanilla contends: "I'm an American citizen. I have the same rights as any other American citizen ... what really bothers me is that here they don't want us to get ahead. In our culture, we're taught that if I have something good, then hopefully you'll have something good, too. In their culture they believe that the more I've got, the better it is for me, and whatever happens to you is your problem" (Rothenberg 183). Maria Lucila Quintanilla, Reina's mother, adds: "If I have a nice house, I want you to have a nice house. If I eat well, I want you to eat well, too. If I have good children, then I hope that you'll also have good children.... The Americans in this town

live well. They have nice houses. So why don't they want Mexicans to live well and have nice houses, too?" (Rothenberg 183). In testimony migrant workers assert identity against the anonymity of migrant as "nobody," they resist the instrumentality of laborer as "hand," and they offer communal values which contest images of the migrant as "criminal."

While family rhetoric serves to create community and assert cultural meaning, it also serves to represent the effects of labor exploitation on family life. Migrants narrate instances of family damage: families split as members leave for work far from home and children working alongside parents at a young age. In each instance, we see how the forces of capital prioritize production over the personal bonds of the family, particularly in the absence of labor and civil rights (Lowe 367). Against the forces that seek to dissolve and de-prioritize family, migrant workers weave together family narratives that root members in personal, cultural, and social meaning. Farmworkers reclaim their bodies from use by capital for production and inscribe new meanings.

Dill, arguing that race has been fundamental in the construction of families from the country's inception, demonstrates how people of color were incorporated into the United States primarily to meet the need for cheap and exploitable labor (2). While both white women and women of color were subject to a patriarchal family structure, white women were removed from the arena of productive labor and protected within the family structure because their reproductive labor was seen as essential to the maintenance of family life (2). Programs such as H-2A, that grant "nonimmigrant" legal status to one member of the family, produce and maintain what Hondagneu-Sotelo has called the "transnational separation of work and family life" (300).

Maria Carmona, one of the founders of the Farmworker Women's Leadership Project, describes her own position as a woman farmworker:

Farmwork is hard. After working in the fields, you come home exhausted. As a woman, when you get home, you don't lay down and rest.... You have to keep on working. When you get home, you have to do all the housework--cleaning, sweeping, washing dishes, and cooking.... That's the experience that thousands of farmworker women live through everyday. (Rothenberg 55)

Carmona not only testifies against exploitation of women farmworkers but also articulates forms of collective identity and activism:

Now, as farmworker women, ... We analyzed our situation and we've realized that what affects us most of all are the low wages. We're mothers and we need to earn enough so we can provide for our families. We need the growers and contractors to pay us fairly. If I go out and work on a piece rate, I kill myself out there working and hardly earn enough for the baby-sitter. We're educating ourselves and other women about our rights, so that we can fight for justice. (Rothenberg 57)

While Carmona expresses resistance to the deprioritizing of her family for the needs of agribusiness, she also resists the double shift imposed on women farmworkers by gendered divisions of labor. Thus, farmworker women's testimony contends against a racist dominant culture that exploits the migrant worker and a sexist traditional division of labor that exploits the woman farmworker within the home. Testimonies disrupt the hegemonic narrative of immigration and fracture the romanticized images of farm work found on raisin boxes and in the nightly news. Similarly, the work of Chicano/a artists, like Helena Maria Viramontes, not only shatters stereotypical images of Mexicanos, Chicanos, and farm laborers but also creates a complementary narrative that can be read alongside worker testimonies. To place a novel alongside testimonies is not to eradicate the differences between the terms of their production and reception but to see them both as articulations that respond to a shared set of social conditions (Lowe 356). Lowe emphasizes the need to read various forms of cultural production together: "cultural forms of many kinds are important media in the formation of oppositional narratives and crucial to the imagination and rearticulation of new forms of political subjectivity, collectivity and practice" (Lowe 357).

In her novel *Under the Feet of Jesus* Viramontes emphasizes how hegemonic representations work to maintain oppressive conditions for migrant workers by constructing narratives that serve the interests of agribusiness and the state. Estrella, the central consciousness of the novel, reflects upon the disparity between public, sanctioned, representations of farm labor and the reality of the work:

Carrying the full basket to the paper was not like the picture on the red raisin boxes Estrella saw in the markets, not like the woman wearing a fluffy bonnet, holding out the grapes with her smiling, ruby lips, the sun a flat orange behind her.... The woman with the red bonnet did not know this. Her knees did not sink in the hot white soil, and she did not know how to pour the baskets of grapes inside the frame. (50)

The image on the raisin box, drawn with the consumer in mind, romanticizes farmwork and erases the labor required to produce the raisins, creating a consumer who "does not know" the reality behind the image. The "wholesome" image, designed for consumption, displaces the woman farmworker's experience. Viramontes' representations of women farmworkers foreground their labor as well as their subjectivity. In addition to offering complex representations of farm workers that contend with dominant representations, Viramontes explicitly engages with legal discourse throughout the novel. In its depiction of migrant workers, the novel demonstrates the inadequacy of the categories of legal and illegal as a means to describe the complexity of social, political, and economic conditions, that shape workers' lives. She asks readers to question the binaries established by law:

Perfecto lived a travesty of laws. He knew nothing of their source but it seemed his very existence contradicted the laws of others, so that everything he did like eat and sleep and work and love was prohibited. (83)

That Perfecto's very "existence" "contradicts the laws of others" points to the manner in which agribusiness, labor law, and state programs fragment the laborer, designing an ideal worker that is flexible and disposable, and subordinating all the needs and desires of the laborer as human: "to eat and sleep and work and love." Viramontes writes against the prevailing discourse of criminality that serves to legitimize the exploitation of the migrant worker by delegitimizing their very presence within the United States. The rhetoric of criminality justifies state and other forms of violence against migrants by claiming that they have always already violated the law. Early in the novel, Estrella's mother warns her against internalizing the dominant terms of "criminality" within the state:

Don't let them make you feel you did a crime for picking the vegetables they'll be eating for dinner. If they stop you, if they try to pull you into the green vans, you tell them the birth certificates are under the feet of Jesus, just tell them. (63)

Later in the novel, Estrella demonstrates she has learned her mother's lesson by refusing to obey a law that will result in the death of her friend, Alejo. In this scene, Estrella picks up a crowbar to frighten a clinic nurse into returning nine dollars that she has taken to "treat" Alejo. While the nurse merely states that he has dysentery and should be taken to the hospital, she refuses to return the money the family needs for gas to get to the hospital. The scene forces readers to question not only the categories defined through law but also the dominant conceptions of violence. While the white nurse sees Estrella's act as violent, she does not see the systemic violence that bears down on the migrant family because it is rendered invisible through its normalization. For the nurse, Alejo's pesticide poisoning does not appear to be an act of violence. That pesticides are routinely used--because they are cost effective in the preservation of the agricultural commodity despite the fact that they kill and poison the laborer--does not appear to be an act of violence. That most farm laborers live below the poverty line--because wages have declined while agricultural profits have risen over the last years does not appear to be an act of violence. That farm workers are in poor health--because few migrant laborers have health care--does not appear to be the result of a violent act. If dominant narratives tend to equate law with justice, Viramontes' novel shows this to be an ideological construction. Through this scene, the law is no longer equated with justice but is instead depicted as an instrument of power. Similarly, Viramontes upsets the equation of criminality with violence, and law with order. She represents law and order as violent, and potentially responsible for Alejo's death.

By bringing into visibility the systemic violence that bears down on the lives of

migrant workers, Viramontes denaturalizes it. Throughout the novel, Estrella struggles to see and to name that which threatens her. She says to her mother "Something's out there" (62), but she cannot name or see what she fears. She sits, with the crowbar in her hands, and waits. The crowbar, a tool of manual labor, represents the materiality of the laborers' struggle against the powerful forces that bear down on them. Estrella uses the tools that she has at hand, like the crowbar, to "devise and deploy provisional strategies" that will enable her to act (Lopez qtd. in Gutierrez-Jones 167).

But for Viramontes, the crowbar represents more than the materiality of struggle, it represents the power and leverage that one has once one has the ability to read, to interpret, and, to name. When Estrella first sees Perfecto's "red tool chest like a suitcase near the door," "she became very angry" (24). Abandoned by her natural father, Estrella is not pleased about Perfecto's arrival into the family. Opening the toolchest, Estrella thinks that "the funny shaped objects seemed as confusing and foreign as the alphabet she could not decipher" (24). While her teachers "were more concerned about the dirt under her fingernails" than teaching her to read, Perfecto Flores "taught her the names that went with the tools" (26).

Tools to build, bury, tear down, rearrange and repair, a box of reasons his hand took pride in. She lifted the pry bar in her hand, felt the coolness of iron and power of function, weighed the significance it awarded her and soon she came to understand how essential it was to know these things. That was when she began to read. (26)

While Alejo whispers to Estrella that her actions will only confirm white stereotypes that depict her as violent and criminal, Estrella rejects his interpretation. Estrella holds the crowbar; it is she who has the tools to "build, bury, tear down, rearrange and repair" (26). She "tear[s] down" the constructions of social justice imposed by the nurse and "builds" her own. Since Estrella views the definitions of "order," "rule," and "law" operating within the clinic as "fake[ry]" (we might say "constructed"), she is able to develop possibilities for action that extend beyond the boundary of their interpretations (141). Estrella's strength in this scene derives not so much from the crowbar as from her ability to read the law as unjust, to reject its determination, and to develop strategies to act against it. In the novel, natural imagery, particularly the emphasis on the earth/ground, not only represents the "place" of farmworkers but also contests the ideological construction of the nation. Petra, urging Estrella to resist the Border Patrol's questions, says "tell them que ties una madre aqui. You are not an orphan, and she pointed a red finger to the earth, Aqui" (63). Jane Blocker argues that Ana Mendieta uses earth in her art, not as an expression of an essentialist view of woman's connection to the natural world, but as a strategy to problematize the category of "nation" (Blocker 48). Since the earth/nation dichotomy operates within a binary system, "earth" can be used to call

attention to the ideological construction of nation. While most nationalist discourses rely on mythologies that naturalize the relationship between "the people" and "the land," the category of "earth" calls attention to the narrative construction of this relationship, and throws into question one particular group's claims to the land. Viramontes develops an implicit critique of nationalist rhetorics that construct borders and naturalize their enforcement. The novel's natural imagery, while appearing at one level to be a "realist" representation of the farmworker's environment, on another level serves to call attention to the political and ideological constructions of the nation.

Against national narratives that write out the migrant and immigrant laborer, *Under the Feet of Jesus* constructs a place for the migrant worker. Petra imagines a "void beneath" her "feet" (118) and is haunted by a sense of "weightless[ness]" (169). Representing the migrants' marginal position, these images recall the manner in which contemporary spatializations of power, such as the segregated work camps and farm fields, render the migrant laborer invisible. Viramontes offers "tools to build, bury, tear down, rearrange and repair" national narratives (26).

Memory represents one of the most powerful tools for "repair." Early in the novel, Petra, abandoned by her husband, imagines herself "falling, toppling over a freeway bridge, her eyes shut to the swamp-colored trash bags squatting full of the family's belonging scattered about the room" (17-18). With "nothing in the cabinet except the thick smell of Raid" to feed her children, Petra "poanded down the plaster stairs through the parking lot and out into the street" (19). Running into traffic she hears "shouts of anger, threats of some kind she could barely hear over the blasting horns" (20).

Then, she remembered her father who worked carrying sixty pounds of cement, the way he flung the sacks over his hunching shoulders for their daily meal, the weight bending his back like a mangled nail; and then she remembered her eldest daughter Estrella trying to feed the children with noise. (20)

Petra's working class and transgenerational memories allow her to act, to recover, and to "repair" herself. Within the novel, memory provides the resources necessary for survival, for personal healing, and for collective struggle. Estrella confronts the nurse only after she "remember[s]" what Alejo has told her about "how bones made oil and oil made gasoline"(148). Thus, memory contains the counter-narratives necessary to confront the discourses of power. After Estrella gets Alejo out of the clinic and into the hospital, she believes herself "powerful enough to summon home all who strayed" (176).

Notes

I wish to thank Christina Accomando and MELUS Editor Veronica Makowsky for their helpful criticism of this essay.

(1.) The notion of cultural resistance is derived from Ong (62). I am indebted to the scholarship of Ong and Lowe throughout this essay.

(2.) Much of this history is taken from sections of Olivas (13-16).

(3.) This ballot initiative "passed by a majority of California voters (59% to 41%) in November of 1994" sought "to deny undocumented aliens eligibility for federal programs, including Food Stamps, Medicaid, and Supplemental Security Income (SSI), as well as to exclude undocumented alien children from public schools" (Fan 1203 n 2). Fan argues that despite attention to Proposition 187 "current immigration scholarship ... fails to delineate sufficiently the background of pervasive discrimination that has dominated the debate over alien rights and entitlements"(Fan 1224).

(4.) Fan discusses the legal definitions of the terms "alien" and immigrant: "alien denotes a person within the borders of the United States who is not a United States citizen. (The INA merely defines "alien" as "any person not a citizen or national of the United States" 8 U.S.C. 1101 (a) (1994).) The term thus includes both permanent resident aliens (those "lawfully" in the country) and undocumented aliens. In general usage, "immigrant" is often synonymous with "alien," even though "immigrant" more specifically denotes a person, whether an alien or a naturalized citizen, who has at some point immigrated to the United States from another country. In certain circumstances, the distinction between "alien" and "immigrant" is crucial. For example, legislation like Proposition 187 affects aliens directly, but not all immigrants. (Naturalized citizens, though immigrants, would not be directly affected)" (Fan 1205). I use the terms alien and alienage to call attention to the ways in which the "non-citizen" has been defined against the citizen through racialized and gendered discourses.

(5.) The origins of the H-2A programs are described by Rothenberg:

Beginning in 1943, the United States government required European prisoners of war to labor in the fields. POWs lived in special camps managed by the federal government and generally located in the rural South. Growers were supposed to pay POWs prevailing wages, although most of their earnings went to the War Food Administration to defray the program's cost. The POW program was marred by spontaneous strikes and labor unrest and criticized for allowing foreign workers to displace domestic workers.... On the East Coast, the federal government established a guest worker program similar in structure to the bracero program, but smaller in size and overall impact. Like the bracero program, this temporary agricultural-worker program was brought on by the Second World War. In 1952, the program was revised and became known as the H-2 program, referring to the special visa issued to temporary agricultural workers. The program continues to this day, bringing thousands of West Indian and Mexican workers into the United States to labor in the fields. (39-40)

(6.) "Our analysis of agricultural wage data shows declining real wage rates. Since the late 1980s, annual average hourly wages for agricultural workers have been flat or have declined in real terms ... and real annual average hourly wages for piece workers fell" (qtd. in Goldstein 1999-00). (7.) In the fall of 1999 the California Rural Legal Assistance Foundation conducted a survey to test the claims of grape growers that their harvests were being threatened by a shortage of farm labor. The results concluded that "very high underemployment and unemployment of farm workers were occurring even at the height of the harvests" (Schact 2000).

(8.) Fan points out that the Asian American population most impacted by Proposition 187 was "not undocumented workers, but the elderly" who rely on public assistance (Fan 1232 n 157).

Works Cited

Barton, Craig Evan. "Duality and Invisibility: Race and Memory in the Urbanism of the American South." *Sites of Memory: Perspectives on Architecture and Race*. Ed. Craig Evan Barton. New York: Princeton Architectural Press, 2001. 1-12.

Blocker, Jane. *Where is Ana Mendieta? Identity, Performativity, and Exile*. Durham NC: Duke UP, 1999.

Chang, Robert S. "Toward an Asian American Legal Scholarship: Critical Race Theory, Post-Structuralism, and Narrative Space." *California Law Review* 81 (1993): 1243-1323.

"A Closer Look: Farming, Supply and Demand." ABC Evening News with Charles Gibson. 12 Oct. 1999.

Dill, Bonnie Thornton. "Fictive Kin, Paper Sons, and Compadrazgo: Women of Color and the Struggle for Family Survival." *American Families: A MultiCultural Reader*. Ed. Stephanie Coontz with Maya Parson and Gabrielle Raley. New York: Routledge, 1999. 2-19.

Fan, Stephen Shie-Wei. "Immigration Law and the Promise of Critical Race Theory: Opening the Academy to the Voices of Aliens and Immigrants." *Columbia Law Review* 97.4 (1997): 1202-1240.

Goldstein, Bruce. "The WTO: Will the U.S. Government Always Help Employers and Ignore Migrant Farmworkers?" *Farmworker Justice News*, Winter 1999-2000. <http://www.fwjjustice.org/farmworker.htm>.

Gutierrez-Jones, Carl. *Rethinking the Borderlands: Between Chicano Culture and Legal Discourse*. Berkeley: U of California, 1995.

Hondagneu-Sotelo, Pierrette. "Women and Children First: New Directions in Anti-Immigrant Politics." *American Families: A Multicultural Reader*. Ed. Stephanie Coontz with Maya Parson and Gabrielle Raley. New York: Routledge, 1999. 288-304.

Lowe, Lisa. "Work, Immigration, Gender: New Subjects of Cultural Politics." *The Politics of Culture in the Shadow of Capital*. Ed. Lisa Lowe and David Lloyd. Durham NC: Duke UP, 1997. 354-74.

Olivas, Michael A. "The Chronicles, My Grandfather's Stories, and Immigration Law: The Slave Traders Chronicle as Racial History." *Critical Race Theory: The Cutting Edge*. Ed. Richard Delgado. Philadelphia: Temple UP, 1995. 9-20.

Ong, Aihwa. "The Gender and Labor Politics of Postmodernity." *The Politics of Culture in the Shadow of Capital*. Ed. Lisa Lowe and David Lloyd. Durham NC: Duke UP, 1997. 61-97.

Rothenberg, Daniel. *With These Hands: The Hidden World of Migrant Farmworkers Today*. New York: Harcourt Brace, 1998.

Schact, M., Ramirez, E., Rosales, H., Rowe, K., Ventura, S. *The Availability of Farm Workers in the 1999 Central Raisin and Grape Harvests*. California: California Rural Legal Assistance Foundation, January 2000.
<http://www.crlaf.org.gworkers.htm>.

Smith-Nonini, Sandy. *Uprooting Injustice/Desarraigar a la Injusticia*. Durham NC: The Institute for Southern Studies, 1999.

Viramontes, Helena Maria. *Under the Feet of Jesus*. New York: Penguin, 1995.

Ward, Leah Beth. "Desperate Harvest: N.C. Growers' Trade in Foreign Farm Workers Draws Scrutiny." *Charlotte Observer* 31 October, 1999.
<http://www.charlotte.com/observer/special/immigrant/1031fuentes.htm>

Anne Shea teaches in the Writing Program at the University of Southern California. She has published work on women's travel writing.