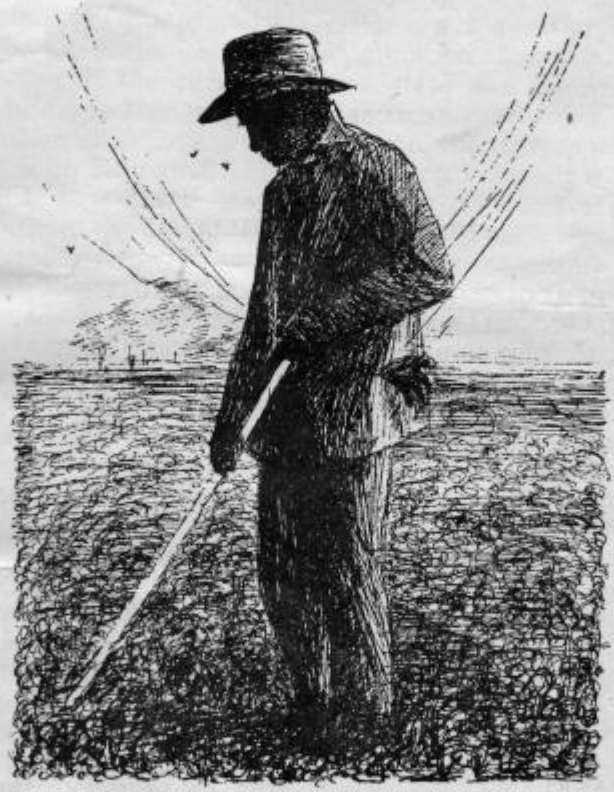
Hurst

WI-OF
A
GORI.
2:
M5
c.2

Migratory Agricultural Workers in Wisconsin

A Problem in Human Rights



Governor's Commission on Human Rights

STATE CAPITOL
MADISON, WISCONSIN
June, 1950

THE STATE OF WISCONSIN

GOVERNOR'S COMMISSION ON HUMAN RIGHTS

OSCAR RENNEBOHM
Governor

DR. ROBERT C. WILLIAMS
Chairman

DR. L. H. ADOLFSON
G. W. BANNERMAN
RABBI JOSEPH L. BARON
BRUNO V. BITKER
BERT C. BROUDE
JOHN B. CHAPPLE
MISS MARGARET CHENOWETH
MRS. PAULINE COGGS
JAMES W. DORSEY
FRED M. EVANS
PROF. JOHN GUY FOWLKES
DR. E. B. FRED
SIDNEY L. GOLDSTINE
Vice-Chairman
REV. T. PARRY JONES
FR. FRANKLYN J. KENNEDY
LEONARD J. KLECZKA
MRS. HERBERT KOHLER
DR. A. E. KUEHN
DR. ED LEVITAS
ALLAN McANDREWS
FR. FRANCIS L. McDONNELL
L. F. NELSON
Treasurer
PROF. SELIG PERLMAN
DR. NATHAN PUSEY
FRANK RANNEY
AUGUST REISWEBER
Vice-Chairman
HENRY REUSS
VICTOR M. STAMM
HERMAN STEFFES
REV. ALFRED W. SWAN
MAURICE H. TERRY
MRS. GEORGE THOMPSON
Secretary
A. W. ZELLMER

REBECCA CHALMERS BARTON
Director

LETTER OF TRANSMITTAL

The Honorable Oscar Rennebohm
Governor of Wisconsin
Madison, Wisconsin

Dear Governor Rennebohm:

Your Commission on Human Rights has been established by statute as an educational agency "to make Wisconsin a better place in which to live". Its function is to promote understanding and fair play between people, regardless of differences in race, creed, color, or national origin, and thus to increase opportunities for a full life for members of minority groups, whose lives are too often circumscribed by prejudice and discrimination. Essential to the education of the citizens of this state is a knowledge of fact as distinct from rumor or hearsay concerning conflict or tension situations. For this reason, the Governor's Commission on Human Rights is initiating research whenever possible as a sound basis for solving problems of human relations in the state.

In the present study the Governor's Commission on Human Rights has attempted to make an objective analysis of the situation of migratory workers in Wisconsin, touching upon their problems of employment, health, housing, education and discrimination, and showing both the bright and dark side of their adjustments. No printed data of an evaluative nature has been available for state-wide distribution prior to this time. Because of considerable interest and desire for information on the part of many groups, our Commission hopes to render a public service by issuing this report to you.

At the present time Wisconsin has an average record in its treatment of these workers. But problems of adjustment are likely to become more acute in the coming years without adequate planning and protective legislation to insure satisfactory conditions for these agricultural workers. Indispensable to the economy of the state, they are entitled to human rights. Many state and private agencies are already alerted to their needs, as well as to the needs of their employers. It is the hope of the Governor's Commission on Human Rights that this report may stimulate both interagency cooperation and community organization to the end that these migratory people will no longer be considered the displaced persons of America.

Respectfully yours,

DR. ROBERT C. WILLIAMS, *Chairman*
Governor's Commission on Human Rights

ACKNOWLEDGMENTS

The information contained in this report has come from many sources. The Legislative Reference Library has given essential aid in collecting and providing data to the Governor's Commission on Human Rights. Agencies in other states have been prompt in answering inquiries of the Commission. In Wisconsin, both the Industrial Commission and the Canners' Association have cooperated by submitting facts. Various departments of the University have contributed information and suggestions.

The Governor's Commission on Human Rights is especially indebted to Mrs. and Prof. Erven Long of the Department of Agricultural Economics, and to Victor Wahl and James Haight of the Board of Editors of the Wisconsin Law Review for their invaluable help in research and writing. The finished manuscript or portions of the manuscript has received the benefit of critical comment from August Reisweber of Milwaukee; Professor Edwin Witte, Professor Selig Perlman and Lecturer Elizabeth Brandeis of the Department of Economics, Professor George Hill of the Department of Rural Sociology, Professor Willard Hurst of the Law School, Professor David Fellman of the Department of Political Science, University of Wisconsin; and Dr. L. H. Adolfson, Director, University of Wisconsin Extension.

CONTENTS

	Page
PREFACE	6
HISTORICAL BACKGROUND	7
CURRENT USE OF MIGRANT LABOR IN WISCONSIN	9
OUTLOOK FOR FUTURE EMPLOYMENT OF MIGRANT WORKERS IN WISCONSIN	12
For 1950	12
Beyond 1950	13
Sugar beets	13
Canning crops	14
Cherries	16
Market gardening and truck farming	16
Pickles	16
PROBLEMS OF MIGRATORY LABOR IN WISCONSIN	17
Who these people are	17
Problems of matching size of migrant labor influx with labor requirements of state	19
Unequal bargaining position of worker and employer	21
Education of migrant children and adults	25
Housing	30
Health	32
Discrimination	34
CONCLUSION	37
BIBLIOGRAPHY	38
APPENDIX	39
Wisconsin Laws and Regulations Regarding Migrant Labor	39
Migrant Labor Legislation in the United States	42
Tentative Outline of Possible Alternative Proposals	48

PREFACE

This is a report of a problem in human rights needing attention and study in Wisconsin. It deals with the plight of the several thousand migrant agricultural workers who come each year to work on Wisconsin farms. These nomadic people are often unobserved by public officials and unaware of their rights.

At this moment, the problem can be stated only in general terms; a more precise statement must await more extended inquiries by the various agencies of government and by voluntary associations of citizens. By drawing upon such scanty data as is now available, this report aims to point up the problems needing further systematic study, and perhaps tentatively to suggest possible courses of remedial public action. Although policy recommendations must await further study of a quite neglected problem, it is hoped that this report may be of substantial service to this end.

Hurst

HISTORICAL BACKGROUND

The mass production and processing of several specialized crops has made Wisconsin agriculture a major employer of seasonal migratory agricultural workers.

During the 1949 agricultural and food processing season, there were an estimated 8,700 migratory workers employed in Wisconsin during the peak season—approximately 2,700 more than the previous year.* Although these migratory workers came from Missouri, Arkansas, Oklahoma, Louisiana, Kentucky, Illinois, and Georgia, at least 75% of them came from Texas. In addition to this group 1,893 workers from the British West Indies were employed under contract.

For the United States, the seasonal migration of agricultural workers is an old story. Prior to World War II, about one-quarter of a million workers followed the wheat harvests annually. The general pattern was to start with the first harvest in Texas and work northward to the end of the harvest seasons in the Northern Plain States and Canada. After World War I, fruit and winter vegetable growing industries in California, South Texas, and Florida expanded greatly, requiring large supplies of seasonal labor. The same was true of cotton growing in West Texas, Oklahoma, Arizona, and Southern California. These crops were not very susceptible to mechanization so the demand for seasonal workers grew. Large scale farms, operated as incorporated businesses, began to draw upon the migrant workers for their labor supply.**

The first out-of-state migratory agricultural workers to come to work in important numbers in Wisconsin were recruited by the sugar beet companies in the early 1900's. These workers were chiefly of Belgian birth or descent. They were gradually replaced largely by German-Russians some of whom, like the Belgians before them, acquired their own farms and settled in Wisconsin. The subsequent recruitment of Texas–Mexicans, starting in the early 1930's, proved very satisfactory. These workers were brought into Wisconsin in increasing numbers and now represent our largest group of agricultural migratory labor.

Throughout the 1930's and up until 1942, the employment of out-of-state seasonal agricultural workers was limited almost entirely to these "Texas–Mexicans" (Texas people of

---

* Herbert H. Smith, Wisconsin State Employment Service, Dec. 22, 1949.

** *Mexican Migratory Workers of South Texas*, Federal Works Agency, W.P.A. Division of Research, 1941, p. IX.

Mexican descent, often referred to also as "Spanish Americans"). They worked almost exclusively in the sugar beet fields of the state, although a few families worked in the pickle harvest and on truck and market garden farms. The other agricultural industries which now employ large quantities of migrant workers were at that time relying mainly upon local labor supplies.

By 1942, however, war conditions had begun to create great pressure upon local labor supplies, and some 4,000 foreign workers were brought into the United States under the auspices of the United States Employment Service. None of these, however, reached Wisconsin.

Starting in 1943 an emergency farm labor program was established, administered jointly by appropriate federal agencies and the state offices of the agricultural extension services. Between 1943 and 1947 this program brought into Wisconsin several thousand agricultural workers from outside the state. Most of these workers were natives of countries other than the United States. Their terms of contract were controlled under specific agreements between the governments of the United States and the respective countries, and responsibility for enforcement was incumbent upon the Office of Labor as a condition of the international agreement. The number of these foreign workers in Wisconsin during those years is as follows:

NUMBER OF FOREIGN WORKERS IN WISCONSIN AGRICULTURE*

	1943	1944	1945	1946	1947
Jamaicans	1300	1700	1900	1509	69
Mexicans	------	800	1300	1921	2638
Barbadians	------	500	0	287	0
Bahamians	------	0	45	113	125
Hondurans	------	0	0	5	2
Prisoners of War (Germans plus a few Italians)	100	275	3500	98	0

* L. G. Sorden; Erven Long; and Mrs. Margaret Salick, *Wisconsin Farm Labor Program, 1943-1947*, Agricultural Extension Service, University of Wisconsin, Madison, January 1948, p. 31 (processed).

During all these years, the Texas–Mexicans continued to migrate to Wisconsin, the number in the state usually ranging from 2,500 to 4,500. In addition, a few Wisconsin employers had begun to recruit workers in other southern states. The Wisconsin Agricultural Extension Service attempted one trial recruitment effort of inter-state workers in Missouri and Kansas which, however, netted them only 24 workers. In general, the number of migrants,

especially those from Texas, continued to climb throughout the emergency period reaching a counted total of 4,423 in July, 1947. Since this was an actual count, and undoubtedly all the migrants were not located, the actual number in the state probably approached 5,000.* The increase in numbers of out-of-state migrant workers to the conservatively estimated total of 8,700 in 1949 reflects in large part the filling of the vacuum created when the war-time importation of foreign workers and prisoners-of-war was discontinued.

Current Use of Migrant Labor in Wisconsin

Historically, the largest single user of migrant workers in Wisconsin has been the sugar beet industry. During the war, however, several new industries emerged as important employers of out-of-state labor (foreign or interstate migrants.) Most of these continue to employ substantial numbers of migrant workers.

All during the 1943 to 1947 emergency period, the canning industry used many times more foreign workers than did the sugar beet industry; in 1945, for example, about 2,400 foreign workers were employed in the harvest of canning crops, while only 600 were used in the production of sugar beets. Also, the bulk of Prisoners-of-War was required in connection with canning crops. The sugar beet industry, however, continued to lead in the demand for Texas–Mexican workers. In the meantime, the Door County cherry orchards has emerged as a very heavy, though somewhat erratic, employer of out-of-state labor, requiring as many as 2,450 foreign and several hundred out-of-state migrant workers to harvest the bumper 1946 crop of cherries.** Vegetable growers of both the fresh market garden and truck variety had also come to need considerable numbers of out-of-state laborers, while the pickle growers increased substantially the numbers of such workers hired.

Following the discontinuance of the war time Emergency Farm Labor Program, responsibilities for agricultural labor reverted to the State Employment Services. With the necessary sharp reduction in the number of foreign nationals available to them, the canning and other agricultural industries began to increase their demand for migrant workers. By 1949, the canning industry had emerged as the largest source of employment for migrant labor in Wisconsin, having now surpassed even the sugar beet industry as is shown in the following table:

---

* *Ibid.*, p. 23.

** The cherry orchards, in addition, use many *intra*-state migrants especially women and children from surrounding counties as well as Indian families from Central and Northern Wisconsin.

ESTIMATED PEAK NUMBERS OF OUT-OF-STATE MIGRATORY WORKERS IN WISCONSIN, BY CROP, 1949*

Type of Crop	Number of Migratory Workers at peak of season
Canning peas	5,000 to 6,000
Canning corn	4,000 to 4,500
Sugar beets	1,800 to 2,200
Pickles	900 to 1,200
Truck and Market Garden Vegetables	1,200 to 1,500

* Estimates provided by Herbert H. Smith, Wisconsin State Employment Service.

This heavy current demand for seasonal labor in Wisconsin for the harvesting of vegetables for canning is understandable since it is the leading state in acreage for this purpose. A total of over 26,000,000 cases of canned vegetables was packed in Wisconsin in 1949. Wisconsin's relative position as a canning crop producer is shown in the following table:

Crop for Canning	Acreage in 1949	Wisconsin's Rank Among States in Nation in Number of cases packed, 1949	Fraction of the Nation's Total Grown & Canned in Wisconsin
Peas	115,400	1	1/3
Red Beets	7,600	1	1/3
Sweet Corn	99,800	1	1/5
Kraut	4,500	2	1/5
Carrots	(not available)	1	1/4
Snap Beans	12,100	4	1/12 to 1/15
Lima Beans	7,700	4	1/12 to 1/15
Cucumbers for pickles	22,700	2	1/5

It must be understood that migrant workers are not employed in all these industries at once. If that were true, it would take many times the 8,700 workers now employed to satisfy the demand. In general, peas and corn are canned in the same plants, the former in the early summer, the latter in late summer. Between the pea and corn canning seasons there are several weeks when most canning plants are idle or operating at only partial capacity. Fortunately, it is during this slack season, between the pea and corn canning, that the Door County cherry harvest begins. Most of the foreign workers used in the cherry orchards during the war, and of the migrant workers used there since, were employed both before and after the cherry harvest season in harvesting canning crops.

A similar break between the spring and fall work occurs in the production of sugar beets. The spring hand-labor season, consisting of thinning and hoeing of the young plants, lasts from about May 25 to mid-July. The fall work usually begins around September 25 and continues into early November. Historically, it has been rather difficult to provide adequate employment for the migrant during the slack midsummer season. Many of the workers left for neighboring states, especially for the Indiana tomato harvest. Getting enough workers to return for the fall harvest was always difficult. More recently, Wisconsin's developing pickle industry has fairly well absorbed these laborers between the early and late work in sugar beets.

The market garden and truck crop industries ordinarily provide adequate employment for their migrant workers. Sometimes during the fall harvest season a demand develops for extra workers.

Thus it is evident that the migration of the out-of-state worker does not end for the summer when he reaches Wisconsin. In order to find reasonably continuous employment while he is here, he must move with the crop seasons. Unfortunately, this usually means moving his family, not only from job to job, but from locality to locality. In the standard case, these migrant families must establish themselves in a "home-away-from-home" three times during their summer's stay in Wisconsin—first in quarters provided by canning or sugar beet companies, then away for interim employment in the cherry or pickle growing areas, and then back again to their original quarters. Though migratory agricultural workers are dispersed quite widely throughout the state, they are in greatest demand in the area from Green Bay to Madison, and southeast to Lake Michigan.

Up to the present time, Wisconsin agriculture has continued to bring in foreign national workers, principally from the British West Indies, under terms of international agreement between the respective governments. These workers are now under the general jurisdiction of the State Employment Service. In 1949, the number of workers, all Jamaicans, brought into Wisconsin under this arrangement totaled 1,893.

It is not the purpose of this report to comment at length upon this program, except to indicate the additional strain that will be placed upon the migratory labor program by the discontinuance of the importation of foreign workers, if and when it occurs.

The harvesting of peas and corn for canning requires mature male workers, which accounts for the fact that 25% more male than female migrant workers are employed in

Wisconsin. It is difficult to obtain male workers who are not encumbered by wives and children; they, in turn, may wish to find employment. Family groups, including children of 10 years and over, are better suited to the harvesting of sugar beets, carrots, red beets and onions, cherries, and cucumbers, than they are to the harvesting of peas and corn.

Outlook for Future Employment of Migrant Workers in Wisconsin

Predicting the shape of future events is always risky. This appears especially true of the attempt to foresee future needs for migrant agricultural workers in Wisconsin. Among the speculations there is a very wide range of estimate. At one extreme, one hears such statements as this: "Before the war, practically the only out-of-state labor employed in Wisconsin agriculture was in the production of sugar beets. These new employers of migrant labor will soon get back their original labor supply; and mechanization is rapidly eliminating the need for beet workers. In a few years, Wisconsin will get along without migrant agricultural labor." At the other extreme we have the fact that the number of out-of-state workers in Wisconsin did not decline sharply at the end of the war nor in the years following, but sharply increased.

Statements like the one quoted above were frequently encountered about the time the war emergency program was being brought to a close; yet in 1949 there were upwards of 8,700 migrant workers plus an additional 1,893 Jamaicans in the state. This represented an increase of 2,700 migratory workers over the number used in the previous year. Does this mean that the need for these workers is becoming permanent—that the state is likely to continue to employ many thousands of these people for years to come? Or is this but a very temporary circumstance—a last spurt of energy from a dying social phenomenon? Obviously, these are questions of paramount importance as we try to think through the unique problems of human rights involving these migratory workers. Unfortunately, these questions are as difficult to answer as they are important!

For 1950

For the immediate future, however, the case seems quite clear. Tentative calculations by the Wisconsin Employment Service, based upon preliminary requests from prospective employers for assistance in recruiting migrant workers, indicate that there is likely to be no significant decline in the number of workers needed in 1950.

ANTICIPATED NEEDS FOR OUT-OF-STATE WORKERS IN WISCONSIN AGRICULTURE, 1950*

Month	Out-of-state migrants needed	Principal Source of Employment	Foreign workers needed
April	67	Market veg. and truck crops	0
May	1,107	Truck crops, sugar beets	0
June	4,281	Sugar beets, truck crops, peas	1,000
July	5,242	Peas, cherries, truck crops	1,000
August	8,845	Cherries, canning corn, pickles, truck crops	1,000
September	8,015	Canning corn, beans, apples, sugar beets	1,000
October	1,388	Sugar beets, apples, truck crops	200
November	150	Sugar beets, truck crops	0
December	100	Truck crops	0

* Adapted from data provided by Herbert H. Smith, Wisconsin State Employment Service.

Beyond 1950

As we attempt to look more distantly into the future, the picture becomes less distinct. The only recourse is to single out the important factors likely to determine the future labor needs, crop by crop or industry by industry. These factors would seem to be:

1. Probability of expansion or contraction of the industry.
2. Probability of replacing migrant labor through mechanization or other technological developments.
3. Probability of replacing migrant labor through use of local labor.

We shall examine those agricultural industries which now use important amounts of migrant labor with these three points in mind, in the attempt to determine what, in a general way, the future outlook seems to be.

Sugar Beets

This is a crop for which Wisconsin has used out-of-state migrant labor for nearly half a century—Texas–Mexicans for the last two decades. It is an industry probably not destined to expand much, due to the favorable competitive position of imported cane sugar. Acreage had dropped in 1949 to about 9,000 acres, as compared to the high of 20,600 acres in 1940. However, all indications are that the acreage is leveling off at about the present figure, heavy processing plant investment requiring a fairly substantial acreage to carry the fixed costs. Acreage in Wisconsin has always been highly irregular averaging about 13,700 acres during the war years. Acreage in 1949 was over 2,000 acres higher than in

1948.* Sharply increased acreage is in prospect for 1950, due principally to the lessened competition for land from canning corn, whose acreage is being greatly curtailed.

During the last few years mechanization has developed in such a way as to make possible considerable replacement of hand labor, especially during the harvest season. Several beet harvesting machines were used in Wisconsin in 1949. Development of new planting practices, by which the compound seeds are broken up into single seeds, promises, along with new thinning machines, appreciably to lessen the spring work as well. In certain states, especially in the west, considerable replacement of hand labor has already taken place. However, the questions of the relative costs of migrant labor as against the new mechanical methods, and the adaptability of the latter to the contour of Wisconsin farm lands, especially in the small plots in which beets are grown in this state, seem not yet to be settled. At any rate, sugar beets in Wisconsin are mainly still produced by the same hand labor methods as have been used for decades.

As for replacing migrant labor through use of local labor, we can expect no changes. Local labor, farm or non-farm, does not adapt itself to this kind of "stoop" work as it is usually called. Even during the depression, considerable migrant labor was employed for this purpose. Given any reasonable employment alternatives, local people will not accept this kind of employment.

Canning Crops

A detailed, crop-by-crop account cannot be given here. This is not necessary for our purposes, however, as the bulk of the migrant labor is employed for harvesting two canning crops, peas and corn. Although Wisconsin has long led the states of the nation in the production of canning peas, and vies with Minnesota for top rank in the production of sweet corn for canning, it appears that she has reached her peak, especially in pea production. Pea acreage in Wisconsin has fluctuated between 75,000 and 127,000 acres during the 1920's and 1930's. It hit its all time peak of 150,000 in 1945. Since then it has been gradually decreasing to the 1949 total of 115,000 acres. Competition from the rising frozen foods industry, and from the increasingly important North Pacific states, will probably keep Wisconsin pea acreage at about its present figure for some years to come.

Canning corn acreage in Wisconsin, however, has been climbing rapidly until 1946, at which time it leveled off and has remained at almost exactly 100,000 acres per year.**

---

* Source: *Wisconsin Crop and Livestock Reporting System*, Unpublished data.

** Source: *Wisconsin Crop and Livestock Reporting System.*

Excess supplies of canned corn are on hand at present, however, and will result in sharp acreage reduction in 1950. Long-run predictions of acreage of this crop are difficult; but some evidence appears to indicate that further growth, if any, will be slow. Acreage of some of the minor canning crops—lima beans, for example, gives evidence of possible increase.

Mechanization may quite importantly affect the need for migrant labor. Improved harvesting machines and methods make it more possible for the farmers to cut and load their own pea vines. On the other hand, however, farmers are increasingly disinclined to use their time on this job as it conflicts with other important farm work. Most of the migrant labor is now used unloading pea vines into the viners which separate the peas from the pods and vines. This is heavy work requiring mature male labor. As yet no practically feasible substitute for hand labor has suggested itself, although experimental attempts are being made with field combines.

Most migrant labor in canning corn harvest is used for "snapping" the corn ears off the stalks and tossing them into wagons. This, also, is hard work requiring mature male labor. Sweet corn harvesting machines have been devised and used experimentally in several states including Wisconsin. Altogether, in 1949, there were between seventy and eighty of these canning corn harvesting machines in Wisconsin. Only twenty of these, however, were of the new type which have proven practicable under Wisconsin conditions. The older models were often not used as they were too destructive of quality. About 20% of the 1949 acreage was mechanically harvested.

It appears that for the 1950 canning corn harvesting season, there will be a total of sixty or seventy of these new-type machines in the state. Under good conditions, one of these machines will harvest about sixty acres of corn per day, as compared to about one acre per man day of hand picking. It would seem that within a relatively few years, harvesting machines should eliminate the need for migrant labor in canning corn, especially since machine harvesting costs are lower than when hand labor is used. The same process may occur in the harvest of canning peas, but it is not in such immediate prospect.*

Both peas and corn canning face the same problem in the sense that they are both seasonal in nature and require, for the field work in harvest time, mature male labor. This field work is less popular with local townspeople than is in-plant

* Information by courtesy of Mr. Marvin Verhulst, Executive Secretary, Wisconsin Canners' Association.

work, which is done largely by women. This is mainly because local male labor is not interested in seasonal employment. Before the war, local small towns and farm areas contained large reservoirs of unemployed and underemployed workers, men as well as women, who welcomed even seasonal employment. In our present more nearly full-employment economy, seasonal work has little appeal to men. The only important exception to this is among college and high school students, who have always provided an important part of canning factory labor. These men also, however, seem greatly to prefer in-plant to field work.

Cherries

Future total demand for labor in cherry picking is not likely to diminish greatly. Though yields vary greatly from year to year, the total acreage cannot be decreased easily, as to do so would require the abandonment of existing orchards. Also mechanization gives almost no promise of replacing hand labor for cherry picking.

The extent to which migrant workers will be replaced by within-state labor is difficult to predict. The pre-war labor supply was made up largly of women and children who came to the orchards from other Wisconsin counties to "vacation while they worked." The supply of such workers has greatly diminished, probably because of better alternatives at home. The extent to which the orchardists can and will offer sufficient inducements, pecuniary and recreational, to attract an adequate supply of such labor is at best uncertain.

Market Gardening and Truck Farming

These industries seem to be especially well adapted to the migrant laborer since the possibilities of mechanization are quite limited in certain phases of this type of farming. The tendency toward further restrictions upon the employment of child labor would appear to limit the substitution of children for migrant workers. Also truck farms are not always in sufficiently close proximity with the larger cities necessary to provide a large enough supply of children. Furthermore, acreage in this kind of agriculture seems to be on the increase in Wisconsin.

Pickles

The migrant worker is our chief source of labor supply for cucumber picking. If pickles become less in demand in the future, or if more pickle harvesting work were to be done by farm families, there would result a gradual decrease in employment of Texas–Mexicans. Both pickle acreage and the proportion of the picking done by farm family labor are dependent upon the relative alternatives of the farmers in

the use of their land and labor resources. This is hard to calculate in advance.

* * *

We cannot easily place all of the above cross-tendencies into one comprehensive judgment as to the probable long-run future needs in Wisconsin for out-of-state agricultural labor. We must remember, however, that Wisconsin is one of the nation's greater producers of the kind of specialized farm crops that require group or "gang" labor of the type furnished by migratory workers. In general, with the exception of canning corn, and perhaps peas, these crops appear to be yielding rather slowly to further mechanization at costs low enough actively to displace migrant labor.

Even more important is the fact that this work is highly seasonal. As such it cannot hope to compete with steady, year-around employment for local labor supplies. It would be a very inefficient use of our labor resources were this to be the case. Historically, this fact has been largely obscured by the great backing-up of under-employed people in our rural areas. With the present avowed public policy interest of maintaining effectively full employment, it is to be expected (or hoped) that adequate supplies of local male labor for these seasonal jobs will not be available.

Actually, efficient use of the nation's labor resources requires that these seasonal jobs be done by some form of migrant labor that can take advantage of its mobility to piece together a full year's employment. It is in response to this requirement for mobility, no doubt, that the present pattern of agricultural labor migrations from south to north and back to the south again has evolved. In the long run, if we have the tight labor market implied by a full-employment economy, these seasonal industries must expect to develop wage scales such as to support this added cost of labor mobility. *To the extent that a demand for seasonal agricultural labor continues to exist, and that we as a nation are able to maintain our economy of full employment, we may expect, in the interest of efficient use of our labor resources, to continue to employ migrant agricultural labor.*

Problems of Migratory Labor in Wisconsin

Who These People Are

The Texas–Mexican migratory workers are descendants of early Spanish colonizers and the native Indian population of Mexico. Some are of pure Indian descent. These "Spanish-Americans" as they are often called are the most important group of out-of-state laborers in Wisconsin. Originally, they migrated to Wisconsin for summer work in sugar beet fields in the early 1930's. Gradually they began to find employment

in cucumbers and other vegetables to fill the time between sugar beet planting and harvest. Texas–Mexicans usually travel in family groups and migrate at will wherever employment opportunities are most attractive. In 1946, about 3,500 Texas–Mexicans worked in Wisconsin—the bulk of them in sugar beet fields (about 2,000) and the rest in vegetable crops. By now this number has increased to about 6,500.

The following figures show the anticipated number of workers which will be recruited from the states listed for 1950.*

State	Number Needed at Peak of Season
Texas	6,740
Oklahoma	350
Arkansas	225
Louisiana	100
Missouri	200
Tennessee	100
Kentucky	100
Illinois	200
Puerto Rico	200
Jamaicans and Barbadians	1,000

* Herbert H. Smith, Wisconsin State Employment Service, Madison, Wisconsin.

The above number of workers will be recruited from the respective states in June except for those in Texas. A portion of these will be recruited later for the harvest of cherries and pickles.

Texas–Mexican workers come largely from a three county area of southern Texas, with San Antonio as the contracting center.

In studying a sample of 105 Texas–Mexican families in Wisconsin in 1947, Prof. George W. Hill of the Department of Rural Sociology of the University of Wisconsin found the following facts about the composition of these families:

AGE, SEX, AND NATIVITY OF FAMILY HEADS

Nativity	Total		Under 30		30–34		35–39		40–44		45–49		50–54		55+		Unknown	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Born in Mexico	45	6	0	0	2	0	5	0	11	3	11	2	5	1	9	0	2	0
Born in Texas	50	4	13	0	8	1	9	0	6	1	6	0	2	0	4	1	2	1
Totals	95	10	13	0	10	1	14	0	17	4	17	2	7	1	13	1	4	1

Of the new group of workers from the same sample of 105 families coming to Wisconsin in 1947, most of them had never worked outside of Texas. Only 3 families became permanent residents, as shown in the following table:

MIGRATORY HISTORY OF FAMILY HEADS

Migratory History	Number of Families
1947 was first year in Wisconsin—14	
(a) Previously worked in some other state—31	45
1947 was second year of work in Wisconsin	21
1947 was third year of work in Wisconsin	17
1947 was renewal of migration stopped several years earlier	10
Worked in Wisconsin from 5 to 7 years	9
Worked in Wisconsin year-round	3

Problem of Matching Size of Migrant Labor Influx with Labor Requirements of State

This is one of the most difficult problems facing Wisconsin in the proper treatment of the migrant workers coming here each summer. Anyone who has read John Steinbeck's novel, *Grapes of Wrath,* or Carey McWilliams' history, *Factories in the Field,* can appreciate the desperate plight of migratory workers who have been recruited in overly large numbers for seasonal agricultural work. The misery described by these two men resulted in large part from the hand bill trickery, and legally permissible but fraudulent misrepresentation of opportunities for earnings on the part of unscrupulously selfish employers. We have no adequate safeguards against similar practices by Wisconsin employers, and such practices are undoubtedly engaged in on occasion. But there are certain natural ingredients in the problem which tend to lead to improper balancing of labor supplies with labor requirements, even when recruiting is in the hands of conscientious, unselfish employers.

A natural consistent pressure in the direction of over-recruitment results from the interaction of the following factors:

(a) Uncertainty on the part of employers with respect to local labor supplies that will turn out for work. As one canning company official put it: "We never know for sure how many people will turn up for work until the whistle blows the first morning of the season—and then we don't know how many new ones will show up, or how long these first people will stick with us."

(b) Lack of control over the migrant workers by the employers to assure themselves that "recruited" migratory workers will actually show up for work.

(c) Uncertainty on the part of employers at the time recruitment is being carried out as to the yields they may expect from their crops several months hence. The highly specialized crops which use the bulk of the migrant labor in the state are, in general, subject to great fluctuations in yield. Good crops require many more workers than do poor crops; but the size of crop or the speed with which it must be harvested cannot very well be predicted at the time the workers are being recruited.

Superimposed upon the above three considerations is the fact that although over-recruitment may lead to inconvenience for the employer, under-recruitment of labor will result in actual economic loss due to inability to harvest the crops on time. In fact, in many states over-recruitment is an established method of holding down wage rates. Although this is probably not a common practice in Wisconsin, one would expect it to increase in the absence of careful public supervision of recruitment practices.

A comparable problem arises from the difficulty of predicting the timing of needs for labor. Weather is a capricious factor, which makes the exact prediction of harvest dates of many crops impossible. To be on the safe side, employers are more or less obliged to assume an early starting date, and accordingly, the migrants frequently arrive several days, sometimes weeks, before operations begin. Time lost in this way is usually at the migrant's expense.

Nor is continuous work throughout the harvest season for the particular crop assured, once work has begun. A few cold days, or a badly timed drought, and the pickle crop in a given area, for example, will drop off sharply. The particular workers engaged in picking pickles are hard hit as they have a fairly large proportion of their total earnings wrapped up in those few days of actual harvest season. Similar difficulties arise in most other crops for which migratory agricultural labor is hired in Wisconsin. If we add the time lost due to these factors to the time lost because of bad weather, we may easily see how vulnerable is the position of the average migratory worker. The work season for him in Wisconsin is only about five months at most. During that time he usually makes three or four moves within the state, losing some time in the process. A little bad timing and a little bad weather, and his total earnings have been diminished considerably.

During the war program, with its elaborate machinery for keeping such time lost to a minimum, we find the following figures with respect to time lost by foreign workers due to all factors:

PERCENT OF TOTAL POTENTIAL MAN-DAYS LOST DUE TO ALL CAUSES*

	1944 %	1945 %
Vegetable and truck crops	19.8	17.1
Canning crops	16.6	21.1
Cherries	13.0	27.2
Apples	6.0	3.9
Pickles	13.6	18.4
Sugar beets	.....	39.0

* Adapted from *The Wisconsin Farm Labor Program*, op.cit., Appendix 0–1 to 0–7.

In the absence of such vigorous government machinery as was devised during the war program, the amount of time now lost could be anticipated as higher than is shown in the above figures. As a general rule, the cost of this lost time is borne entirely by the migrant worker.

Unequal Bargaining Position of Worker and Employer

Much of the unequal bargaining position of the worker is caused by the over-recruitment, as discussed above. Anything which makes the job more needed by the worker than his services are needed by the employer militates against the worker's general bargaining position.

Other factors than these, however, put him in a poor bargaining position. He is a long way from "home", little as "home" may mean to these nomadic people. His cash assets are usually small, his credits virtually nil. He is adapted for and interested in a very small range of job-types. He usually has with him a family, often of several children, for whom he must provide; frequently they have been underfed for several days while "on the road" to Wisconsin. All this adds up to one thing: the worker is almost obliged to take employment on terms offered him by the employer; he cannot ordinarily "shop around" the community for a better job. If he is too dissatisfied by what he finds, however, and if he has a few spare funds, he may pull out of Wisconsin for a more hospitable area.

His position is made even more unfavorable by the "leader" or *troquero* system by which many of these people come to Wisconsin. Under this system, the employer deals only with this "leader" who in turn recruits the workers. He furnishes the workers to the employer for a given fee. He owns the truck in which the migrants are hauled up into the state. Employers pay him for the transportation charges, which are in turn deducted from the

worker's earnings. The wages are usually paid directly to the *troquero,* who disperses them, minus his commission, among the workers according to their performance. The workers seldom get to know their employer even in the most casual way; they make their complaints to the leader.

Such a system leads to many abuses including the almost inhumane conditions of travel from Texas. Fearful lest his workers change trucks or get away from him in some other way, the leader is reluctant to halt enroute. Consequently, the trip is usually made on an essentially non-stop basis. Since his transportation fee is on a per head basis, and his commission later determined by the number of persons under his "leadership," the *troquero* wishes to crowd as many workers as possible, with their families, into his truck. As one *troquero,* whose two trucks brought 37 workers to Wisconsin, put it, "The trip is terrible, I cannot tell you how bad."* Furthermore, the leader is more interested in taking his workers to the state and to the employer where his commission and other terms are best, rather than where the workers under his care will be the best paid and accommodated.

But the most direct effect of this system of employment on the bargaining position of the migrant workers derives from the fact that they cannot leave an employer to go elsewhere to work unless they can convince their "leader". He has the truck—if his commission terms are favorable, and if he has steady work for his truck, he may be rather hard to convince. Also, the system provides an excellent device for delaying action on a real or imagined wrong suffered by the worker.

Fortunately, these abuses are gradually bringing about a decline in the *troquero system.* Only the conscientious leaders, who really have a service to render, are likely to survive the drift in the direction of individual family migration. Jalopies are replacing the trucks. Intrinsically, the Texas–Mexican would probably prefer to continue the system. Since he is able to speak English only poorly at best, and sometimes not at all, he probably feels even less inclined to entrust his fortunes to his employer than to his *troquero.* But the system is too easily adapted to abuses, especially in undermining what little bargaining power the worker possesses.

Outright fraud and deception are old characters in the literature on migratory labor. Wisconsin's record is cer-

* From a mimeographed report on the migratory labor program made by the League of Women Voters, Waupun, Wisconsin, Jan. 13, 1950.

tainly not as black as that of some states,* partially, perhaps because we are relative new-comers on the scene. We cannot assume, however, that this will continue to be the case. In fact, such vicious abuses would almost be expected to develop if we go too long without developing adequate preventive measures.

Such abuses in the employment of migratory labor are not, however, unknown here. Witness the following letter written to the State Extension Service Emergency Farm Labor Office by a County Farm Labor Assistant to the county agent. The writer (now deceased) was a retired farmer who worked as County Farm Labor assistant as his contribution to the war effort. Asked to check on reported abuses by a Wisconsin employer of Jamaican workers, he made the following tentative report of the conditions of employment of these Jamaicans and of several families of migrant laborers, largely recruited from South Eastern United States, which he also found on the employer's premises.

"A REPORT OF ONE OF MY TRIPS TO THE _____ FARM**

(This letter is a copy of a report sent by Mr. C_____ to the State Office, while he was Farm Labor Assistant in _____ County. This is in reference to a hearing held on the _____ Farm of _____ for the purpose of deciding whether to remove 26 Jamaicans from the farm or to command them to continue to work.) 9–4–46.

"On August 15, 1946, Mr. Woodruff from the State Office called this office and informed me that they were having trouble at the _____ Farm with the Jamaicans, and asked me if I would go down there with him. We arrived at the farm about 10:00 A.M. The _____ county sheriff and one of his deputies were holding a consultation when we arrived.

"Mr. D_____, or Mr. B_____, as they called him at the farm, was strutting around with a 38 caliber pistol in its holster strapped to his huge body. He informed us that he was boss around there, and also told us that if any of those black devils would threaten him he did not intend to die first.

"From the information that we gathered, and the testimony given by both parties, the day before, Mr. B_____ and one of his big southern foremen went down into the cabbage field where the Jamaicans were working and B_____ gave his pistol to the foreman and told him to try it out. The foreman fired the pistol several times into the air. The Jamaicans resented this action, as they said that the foreman was somewhat careless about which way he pointed the gun. The Jamaicans also said, with B_____'s acknowledgement,

* See, for example, Carey McWilliams' *Factories in the Field*, op.cit., which tells the story of agricultural labor in California, and *Ill Fares The Land*, by the same author which describes conditions in other states, principally in the midwest.

** Copied from letter supplied from the files of the Wisconsin Agricultural Extension Service, Emergency Farm Labor Program, Courtesy of L. G. Sorden and E. J. Long.

that this big southern foreman, _____ _____ as they called him, had threatened to strike one of the Jamaicans with a piece of board about three feet long. B_____ stated that he had stayed the hand of the foreman from striking the Jamaican, whose name as I recall, was M_____. It was also brought out by questioning these Jamaicans, that this southern foreman had told them that if they were down in the state of Georgia they would be taken care of in a different way.

"The Jamaicans, 26 of them, were unanimous in their decision about wanting to leave the farm immediately. They stated that they were afraid for their lives, and they were not satisfied with the new rules Mr. B_____ had laid down since he assumed lordship over all.

"Mr. B_____ said that he wanted to keep some of the Jamaicans, but said that a part of them, including the ring leaders, as he called them, must leave. The Jamaicans were unanimous in their determination to leave the farm. They also said they were willing to go anywhere that Mr. Woodruff would place them, even back to their native land, rather than stay at the _____ Farm. It was decided by Mr. Woodruff that these boys, for the benefit of all concerned, were to be removed from the farm.

"In connection, we have had at this office several complaints of late about the regulations, promises, and treatment the help receives at the _____ Farm. One man, by the name of E_____ R_____, was in this office August 30, 1946, reporting that he was recruited in St. Louis by one of Mr. B_____'s agents, who stated that the help was making as high as $20 per day picking pickles. After arriving at the _____ Farm, he worked a day and a half, and made $12 picking pickles. Then he was laid off. He also stated that he saw Mr. B_____ point a gun at some of the help."

This was a tentative report, written in the form of a letter. Unfortunately the Labor Assistant's sudden death prevented his making a final, formal statement.

Against such unscrupulous employers, the conscientious and unselfish employers, as well as the workers, need protection.

In this connection, it is encouraging to note the recent constructive suggestions by the Labor Supply Committee of the Wisconsin Canners Association to the Wisconsin State Employment Service of the Industrial Commission. The following is an excerpt of the letter written on March 8, 1950 by Marvin P. Verhulst, Executive Secretary of the Wisconsin Canners Association to Herbert H. Smith, Farm Placement Supervisor of the Wisconsin State Employment Service:

"The Committee is desirous of avoiding some of the difficulties and misunderstandings that have arisen in the past in connection with the recruitment and use of non-local workers, and to that end suggests the following procedures:

When an employer asks for a clearance order to recruit non-local workers:

1. The local office representative should inspect the housing facilities to determine whether they comply with the new Standards for Industrial Camps issued by the State Board of Health last fall. If

there is a question about their compliance, he should check with the Board of Health's district sanitary engineer.

2. The employer should be required to file with the local office a written statement of the terms of employment including the wage rates, approximate length of employment, charges for transportation, charges for living quarters and food, and bonus if any for staying until the end of the season.

3. The employer should be required to sign a statement agreeing to furnish each recruit at the time he is recruited a copy of said terms of employment and to obtain the recruit's signature acknowledging receipt thereof.

Steps No. 2 and 3 could possibly be applied only to instances where the employer undertakes positive recruiting, although it may be possible with the cooperation of Employment Offices in other states to employ the No. 3 step where the employer wants the Employment Service to do the recruiting for him.

As we indicated to Mr. Wrabetz at the Committee meeting, it appears that it will be necessary to use large numbers of non-local workers for seasonal agricultural and canning jobs each year even though the war emergency has passed. We are therefore very much interested in getting the recruitment and use of such workers on a sound basis."

Education of Migrant Children and Adults

The education of the Texas–Mexican adult is extremely inadequate according to the sample studied in Wisconsin. About two-fifths had no education whatever. Only 26 of a total of 184 adults from whom this information was obtained had had more than four years of schooling, which is usually considered to be the dividing line between literacy and illiteracy. It is imperative that the children of these people be provided with a starting point more equal to other children than their parents had in their generation. Most of the family heads and their wives are, by standard classification, illiterate.

EDUCATION OF FAMILY HEADS AND WIVES*

	Grades Completed								
	None	1	2	3	4	5	6	6+	Unknown
Family Heads (Includes 6 females)	38	6	12	15	9	5	4	2	14
Wives	39	6	9	13	11	3	3	9	3
Total	77	12	21	28	20	8	7	11	17

* George W. Hill, *Texas-Mexican Migratory Agricultural Workers in Wisconsin*, Wisconsin Agricultural Experiment Station Stencil Bulletin 6, May 1948, Table 3, page 6.

This table is considered to be somewhat of an overstatement of the facts because degree of illiteracy is quite hard to admit to an interviewer. Also, it is doubtful if a year of

schooling obtained under the conditions characteristic of the education of these people approaches, in its contribution to literacy, a year of schooling obtained under more normal circumstances.

While it is recognized that the education of the majority of adult migratory workers is extremely inadequate, it will not be easy to implement a program of adult education for these people. Two important factors must be taken into consideration:

1. Participation in an adult education program is based upon voluntary attendance. This means that these people must be sufficiently motivated before they will participate in a program of adult literacy education. A recreational program could well serve as a starting point.
2. The hours spent at work during the busy crop season are long and hard. This might lessen enthusiasm for devoting whatever free time is available to be spent in an educational activity unless counteracted by positive conditioning.

In cases where it is found advisable and feasible for migratory workers to engage in an adult literacy education program, it must be remembered that Wisconsin communities are able to call on the varied resources of the University of Wisconsin Extension Service.

In addition, Wisconsin schools of vocational and adult education are traditionally responsive to adult education needs as they arise. These schools have qualified and capable instructors in 57 centers, able to conduct an educational program to meet the individual needs of the migratory workers. Their adult educational opportunities are enhanced through a flexible program which does not designate rigid semester opening and closing dates, but becomes available as desired.

While it is impossible for these city schools of vocational and adult education to render service to non-residents without charge since they are tax supported by citizens of a given municipality, nothing prevents a school from rendering this service to non-residents if tuition covering the cost of instruction is made available. The tuition can be paid to the local board of vocational and adult education by the employer, for example, if he is willing to do so, or by interested civic and church groups, or by the individual concerned, if he can afford it.

Tuition costs are reasonably small since they are governed by law not to exceed 50¢ for each evening attendance, with the amount based upon actual cost of instruction. Further-

more, the cost of instruction is reduced because state aid is made available through the State Board of Vocational and Adult Education to cover about 1/3 the cost of instruction for such an adult education program.*

The children of migratory workers are handicapped by too early employment and the consequent lack of educational opportunities, as their labor is needed to supplement the family income. The season for work begins in early spring before school closes and continues through late fall after school has reopened. As these workers move from state to state during the spring, summer, and autumn months in pursuit of agricultural employment, their women and children are largely without standard labor law protection since agriculture is virtually exempt from the wage and hour provisions of the Fair Labor Standards Act.

The only exception to this is the new prohibition in the Fair Labor Standards Act against the employment of child labor in agriculture during the times schools are in session.

School attendance is subject only to State laws and varies from state to state. Laws of California, Indiana, Kentucky, Maine, Ohio, Pennsylvania, New Jersey, and Washington, D. C. have taken into specific consideration the educational needs of these children belonging to migratory and transient families.

In 1921, California passed a law which provided for special classes for children of migratory workers. The general school attendance laws of that State also apply to migratory and transient children. Special funds to help counties in providing emergency schools for these children are also provided.

Pennsylvania requires every migratory child of school age to attend school while schools of the districts in which he is located are in session.

Ohio, Kentucky, and Maine require all children living in these states to attend school and provide further that neither the fact of their seasonal residence nor their parents' being residents of another state exempts migratory children from conformance with this requirement.

The Indiana law applies to children of migratory families who have lived or plan to live three months in the state. The District of Columbia law requires that "permanent or temporary" children attend school.

Wisconsin law makes no specific mention of migratory children, although it is presumed that its general provisions for compulsory education apply to children of migratory families. The 1949 legislature amended the compulsory edu-

---

* Information by courtesy of C. L. Greiber, Director, State Board of Vocational and Adult Education.

cation law to make the 16-year-old minimum apply to children of farm families, which minimum would presumably apply as well to children of migratory agricultural workers.

In actual practice, however, very few of these children attend school in Wisconsin. At most, they are in Wisconsin only four or five weeks in the spring while school is in session; then again in the fall they are here a couple of months after schools begin. It is easy to understand the diffidence of truant officers in enforcing school attendance upon these children—it would frequently serve no important purpose, anyway. It is impossible to integrate such children into any school program on such a hit-and-run basis. Furthermore, it is hard to locate the migrant children. They are quite widely scattered and keep to themselves. Frequently only a very few people in the community know of their presence, and fewer still know their names or ages.

An indirect mode of enforcing school attendance would be that of preventing school age children from working while school is in session. Under provisions of Wisconsin's child labor law, Section 103.67 (1)

> "No minor under sixteen years of age shall be employed or permitted to work in any gainful occupation during school hours while the public schools in the school district or city of his residence are in session unless he has completed the most advanced course of study available to him in the public schools as provided in section 103.71;*

However, Section 103.77 (1) specifically exempts agricultural workers from the provisions of this law, except that (2) of the same section lists certain types of agricultural employment as those for which the Industrial Commission of Wisconsin "shall have power, jurisdiction and authority to investigate, determine and fix, by general or special orders, reasonable regulations relative to the employment of children under 16 years of age . . . for the purposes of protecting the life, safety and welfare of such children." Specifically mentioned are "cherry orchards, market gardening, gardening conducted or controlled by canning companies, and the culture of sugar beets and cranberries . . ." The Commission's powers are construed to include that of prohibiting the employment of migrant children (since most of them work in the "commercialized agriculture" employments listed) during times when school is in session. In fact, the Industrial Commission has issued specific instructions to parents of school age children "who have not finished the eighth grade in school," stating that they "must not be permitted to work in sugar beet fields during hours

---

* Industrial Commission of Wisconsin, *Child Labor Law*, Section 103.67 pg. 3; Section 103.77 pgs. 14 & 15.

when the school in the district in which they are living is in session." *

The core of the problem of providing proper educational facilities for the children of migrant families consists in (1) the difficulty of enforcing either employment or compulsory education laws, and (2) the inability of our regular educational facilities to provide for the needs of these children, even if compulsory school attendance were enforced.

The first of the above points need not be dwelt upon long. The pitifully few migrant children who attend our public schools while they are here stand as mute though ample testimony to our failure to enforce compulsory school laws. Just exactly how complete this failure is cannot be determined without further research, nor can we know how much of it is due to local indifference, and how much to the great natural difficulties inherent in the problem. We do know, however, that these inherent difficulties are great.

In the first place, as has been mentioned, local people know little about these migrant children; who they are, where they are, when they come or when they are likely to go! Also, local truant officers know that enforcing school attendance won't, under the circumstances, assure these children an education. Thirdly, parents of these children work "by the piece"—usually being paid by the acre harvested or weeded. The successful family head, financially, is the one with several children to help work in the fields. Whenever the investigators come around, the children are merely "playing" in the field; but strangely enough, the man with the most children "playing" in the field with him gets the most work done.

More important than the difficulty of enforcement, and in a sense a cause of this difficulty, is the fact that migrant children present a special problem in education which cannot be met by our regular educational facilities. Frequently they are in their home state only a few months in mid-winter, then they take to the road in very early spring, working northward to Wisconsin. *They usually reside in Wisconsin more months of the year than they do in any other one state.* Convention has it, however, that schools should not be in session during the summer months. *This otherwise acceptable convention simply does not fit the needs of these migrant children.* Their timing of entry and exit from the state is such that they could get little good out of the two or three months' schooling they would get here were their attendance in our schools enforced. Actually, the period they are here provides their best opportunity for con-

* Industrial Commission of Wisconsin, Form B–19.

tinuous study, were our facilities adapted to their peculiar needs. The problem is further complicated, however, by the fact that they do not stay permanently located even while they are in Wisconsin, being forced to move as the locations of the various harvests dictate.

Certainly this presents Wisconsin with a genuine problem for research and discussion as to means of providing these children with the opportunity for an elementary education. This problem calls for quite drastic revision of our general laws on education, if they are to be meaningfully translated into serving the educational needs of such children.

Housing

Migratory workers have little choice in the selection of housing and consequently accept whatever is provided for them by the employers. Two types of housing are most commonly provided for these people. The first, and generally most desirable, is the "barracks" type of accommodations originally built (or adapted from other structures) for the Jamaicans and Mexican Nationals during the War Emergency Program. These accommodations range from fair to good in terms of their basic construction. In almost all cases they have, at one time, been inspected by U.S.D.A. officials and held to comply with minimum housing specifications laid down by this organization as well as with the state and local codes or regulations applicable to the housing of agricultural workers.* Three circumstances combine, however, to make many housing accommodations of this type not as adequate in their present use as the fact that they have passed these rather rigid inspection requirements might suggest.

First, many of the buildings were of an extremely temporary construction. Rough lumber covered by tarpaper or some other kind of building paper was a favorite method of construction. These buildings were quite adequate originally —but four or five years, during much of which the buildings are abandoned, heavily depreciates structures of this type. By no means all of these "barracks" are of this type construction, however; many are much better with good lumber siding and other such permanent features.

Second, the original inspection requirements were always in terms of a specific maximum number of workers for the particular building in question. At present, there can be no assurance that this maximum might not be greatly exceeded

---

* For a summary of these relevant state and local codes see appendix T–1 through T–5, and for certain of the U.S.D.A. specifications, appendix U–1 through U–7, of the *Wisconsin Farm Labor Program, 1943–1947*, op.cit.

when these accommodations are used to house migratory worker families. A building perfectly suitable for fifteen persons might be grossly unfit to house thirty or thirty five.

Third, these buildings were originally built to accommodate only single men. They usually consist of a large, single dormitory room. Cooking and eating facilities were usually in a separate building. These buildings now must accommodate families, for which use they are very poorly suited. Partitions to separate one family from another, if they exist at all, are very makeshift. Seldom can arrangements be made to provide separate sleeping quarters for individual members of a family. Furthermore, ventilation and lighting facilities, though adequate when the interior of the building was in the form of one big room, are frequently badly inadequate now when the interior is divided up into several rooms.

Housing facilities of this type, adapted from barracks, are most prevalent in the canning crop and truck crop areas. While a good many of these employers have gone to great efforts to provide good housing for their migratory workers, conditions like those described above are all too common.

The second common form of housing for migratory families is abandoned farm buildings. The gradual combination and occasional abandonment of farms in Wisconsin have left standing quite a number of abandoned farm houses and other buildings. These are a favorite source of housing accommodations provided for sugar beet workers. Some of them are in fairly good condition, and with a little repair (if they aren't overcrowded) provided excellent facilities for migrant families. Too frequently, however, they are in an extremely bad state of repair—having glassless and screenless windows, plaster-crumbled walls, leaky roofs, and all the other symptoms of deterioration of old abandoned buildings.

Even more serious than the poor quality of the buildings is the frequent over-crowding. Three, four or even five families have been found in one such farm house. In many cases both eating and sleeping by any one family are necessarily confined to one room. Sleeping facilities are usually bunks or straw thrown upon the floor. In a study of 105 Texas–Mexican families in Wisconsin in 1947, it was stated that "one third of the housing . . . was classified undesirable and unfit for human occupancy." The descriptive term, "sub-human housing", was used to describe many of the housing accommodations provided by these abandoned buildings for which "any type of shack, worn-out building, abandoned dwelling might do. It made no difference if it stood in

an undrainable area of the farm, had no drinking water, had no windows. . . ." *

One factor in favor of the "barracks" type housing as compared to these abandoned farm structures is that they are usually on or very near the premises of the employer, which is in turn usually in or near a village or city. This has the effect of making the employer somewhat more conscious of his obligations in keeping a semblance of respectability in this housing, in the interest of local good will and other such considerations. Also, because he is in closer contact with his workers, he is less likely to neglect or ignore their needs than if they are living out in the country where he rarely sees them and his friends do not identify him with his workers.

There is a "direct relationship to be observed between the prevalence of sub-human housing and the farmer who had no contact with his labor family . . ."** Furthermore, isolated farmhouses seldom have adequate garbage and sewage disposal, toilet, bath and other sanitation facilities such as have usually been built in connection with housing of the "barracks" type.

A third type of housing, usually much better than either of the other two but unfortunately much too uncommon, is the semi-permanent dwellings built by employers specifically for use by migrant families. Generally, these are just a little too modest in size for the purpose they must serve; but otherwise most of them fairly adequately serve the needs of the migrant families.

Unfortunately, accurate data on housing, as well as most other phases of the migratory farm labor situation, are not available, emphasizing the need for an all-out research effort on this problem. However, it is apparent that there is much room for improvement in housing for these workers, as well as in the supplementary factors of garbage and sewage disposal. Safe water supplies for drinking and washing purposes are necessary not only to the health of the worker but also to the health of the community in which these workers live and with whose citizens they must come in contact.

Health

"Migratory workers and their families have more illnesses and less medical care than the rest of the community. The health hazards to which they are exposed are a menace not only to themselves and to their children, but also to the people and families with whom they

---

* *Texas–Mexican Migratory Agricultural Workers in Wisconsin*, op.cit., p. 15.

** *Ibid*, p. 15.

come in contact all along the march. The human waste resulting from this lack of health protection can and must be stopped." *

The United States Public Health Service made a study which showed that migrant workers have more disabling illnesses than do members of a stable population; that there is a high degree of malnutrition among migrant children. A nation-wide survey showed that migrant families receive less medical care than even the lowest income group among families with a settled residence. Moreover, many Texas-Mexicans have no knowledge as to the procedure for securing medical attention for themselves and their families—or what course of action to take regarding compensation in case of injury.

The deplorable condition of much of their housing and sanitation facilities combines with the extreme exhaustion from hardships suffered in traveling north to cause an especially high frequency of "exposure" diseases. Their failure to obtain proper medical services, whether due to ignorance, lack of funds, lack of travel facilities to get to town, or general non-availability of adequate medical services, often results in diseases developing far beyond their normal severity and often spreading to an unnecessarily large number of other members of the migrant community.

A mere mention of these causes suggests the courses of action required to counteract them. Improved housing, sanitation, conditions of travel and specific arrangements by employers to provide medical attention will go far toward improving the health of these workers. In addition, however, Wisconsin should attempt to adopt measures to screen out workers who will be a health menace while in the state.

The Emergency Farm Labor Program developed programs for examining all foreign workers brought into Wisconsin for such diseases as tuberculosis, venereal disease, and malaria. In the interest of the proper functioning of the program, it also screened out cases of hernia and other such afflictions as might cause workers to lose a good deal of work because of illness. In addition, it provided for preventive innoculation or vaccination against such communicable diseases as smallpox and typhoid fever.

With these precautions, plus the fact that housing, sanitation, and nutrition of these workers generally were considerably better than for the present migratory workers, these people lost only from 1 to 1.7% of their time because

* From A Report to the President by the U.S. Interdepartmental Committee to Coordinate Health and Welfare Activities, July, 1940, printed in *Migrant Labor . . . A Human Problem*, Federal Interagency Committee on Migrant Labor, U. S. Department of Labor, Retraining and Re-employment Administration, March 1947, p. 28–29.

of illness. This is an enviable record and shows what can be done by such preventive procedures. It must be borne in mind in interpreting these figures, however, (1) that these workers were all young men in the prime of life, and (2) that if a worker was injured or contracted an illness of reasonably long duration, he was removed from the employer's charge, and his time thus was not included as "time lost due to sickness."

Certainly Wisconsin citizens and the employers of migrant workers have a common interest in improving the health of these people. What is required is adequate social action to handle this problem, and to pass the costs on in an equitable way to the employers in accordance with the extent to which they use migrant labor.

Discrimination

The successful assimilation of the migrant worker and his family into the community to which he has come presents virtually the same problems as the acceptance into the community of other minority groups. Having migrated in order to better his economic status, he is often disillusioned to find that he has no friends, no familiarity with the culture outside his own group. Consequently these workers are "clannish" because they feel more "at home" among their own people, they feel protected, they are understood not only in their speech, but also in the countless number of more subtle things that make for "companionship."

Recently, the League of Women Voters made the following statement after having studied some of the social problems of migratory agricultural workers near Waupun, Wisconsin.

"We received the impression that the greatest service we performed for these people was that of helping them feel that they were welcome here and among friends. While they are receptive and eager to learn and to cooperate, they are also proud and sensitive and cannot understand why they are sometimes ostracized." *

People already comfortably settled are prone to regard these workers and their families as someone else's problem. The minority are refused acceptance because they are in some respects different; the majority refuse to try to understand these differences.

For example, Texas–Mexicans are inclined to put much more emphasis upon the sheer enjoyment of living. This is evident in the frequency of their *fiestas* which are so much

* From a local survey conducted by the League of Women Voters, Waupun, Wisconsin, January 13, 1950.

a part of their culture.** In general they are not, as many of us are, so interested in the future that they forget to live in the present. Yet they are hard working; they are thrifty people who have learned to enjoy the simple pleasure in life.

It is a common sight to see Texas–Mexican women, after having worked hard in the fields or orchards all day, spend their spare time cooking, washing clothes, and scrubbing floors, hoping for a decent home if only for a short time. When the children go to school they are clean and neatly dressed; they have been found to be "interesting" additions to the classroom, though discriminatory practices often earn them the name of "beanpicker." These people have been known, in spite of their rather low economic status, to be extremely loyal to employers who have been kind to them and their families, even when opportunities elsewhere have been much more attractive in terms of wages.

In 1948, there were hundreds of southern Negroes in Door County harvesting the bumper cherry crop. The following statement appeared in the Milwaukee Journal, August 18, 1948: "A segregation policy is already being instituted. Many eating establishments display a sign which says, 'We cater only to whites'."

Allegations about conditions of employment of southern migratory workers in Wisconsin were picked up by southern newspapers. The New Orleans (La.) States ridiculed Wisconsin's political stand on civil rights in the face of the alleged discrimination against migratory Negro workers. The Bogalusa (La.) Daily News accused Wisconsin employers of treating them "more like prisoners than workers." The McComb (Miss.) Enterprise Journal quoted a local Negro worker as saying that "the Negroes [in Wisconsin] were guarded with men armed with guns during the day" and alleged they were locked up at night.

The letter from a Wisconsin County Farm Labor Assistant quoted earlier reported conditions of employment of migratory workers bordering on peonage. It is to be expected that such discriminatory abuses may continue to arise in the future in connection with Texas–Mexicans and other migrants unless adequate public safeguards are instituted.

Reverend Ellis Marshburn, Midwest Migrant Supervisor of the Home Missions Council of North America, made the following statement in a speech in Milwaukee after having interviewed hundreds of migrant workers:

"Wisconsin employs about 12,000 migrant workers from May to October of each year. They are often satisfied with

** Complaints were received in 1946 that some employers did not give time for fiestas and others forbade them entirely.

wages, housing and treatment from their employers but they do not like the mistreatment in retail stores, social rejection and general attitude of unfriendliness with which they meet at the hands of the nonagricultural residents."

These conditions of discrimination and ostracization under which our migratory workers and their families are expected to live and develop are not peculiar to Wisconsin. Unfortunately, they appear in greater or lesser degree wherever there are crops to be planted, harvested, and processed. These people are subject to the same stresses and strains as settled groups, minus, however, their comforts, and with the added threat of "never belonging."

Mrs. Agnes E. Meyer of *The Washington Post* has written extensively on the human side of the picture. "The migrant is treated like an outcast consciously and unconsciously by every community from one end of our country to the other . . . We cannot afford to continue our indifference toward these homeless wanderers who know that they are deprived of every basic American right of citizenship, educational opportunity, the possibility of self-help, and of the most elementary standards for healthful, constructive living . . . If migrants must continue to perform an essential service to the nation's economy, they should not be obliged to sacrifice their economic security, and a decent standard of living. Yet that is the prospect they face once more now that they are deprived of the protection given them during the war by the Federal Extension Service." *

Fortunately, the needs of these workers are being recognized and acted upon by people of vision who feel the acuteness of the situation and refuse to let it continue. The problems of these people are pressing on all fronts—consequently such things as education, housing, sanitation, health, conditions of recruitment, social security, workmen's compensation, wage and hour laws, and discrimination must be dealt with systematically if their lot is to be improved.

The Special Farm Labor Committee of the Bureau of Employment Security, United States Department of Labor, held a meeting this year in Washington, D.C. The minutes of the meeting included the following statement as to the placement of migrant workers.

"As a general conclusion, it was felt that careful selection, adequate wages, reasonable housing, and other factors are desirable and necessary, but are not sufficient of themselves in creating the successful placement of a satisfied

* From a series of articles by Agnes E. Meyer, reprinted from *The Washington Post*, October 6 to October 12, 1947.

worker, that it is of equal importance to see that the worker or the worker and his family are brought into the full life of the community." *

Conclusion

The unfortunate position of the migrant worker in Wisconsin can best be explained by one unhappy circumstance: he represents a special problem to virtually all the public agencies established to protect the public welfare. Compulsory education applies, in theory, to him as well as to the rest of the state's citizens—but enforcement, if done through ordinary channels, would be very difficult and ineffective, at best. Public health provisions are enforceable if situations in violation of the laws are brought to the attention of the authorities, but the scattered and transient character of the migrants' residence in Wisconsin causes most cases of sub-legal health conditions to escape notice. The fact that they are recruited outside the state of Wisconsin frequently lifts from the migrants the meager protection the state could otherwise provide them against unfair recruitment practices.

Effectively to correct a situation of general abuse of the rights of migratory laborers would frequently require the participation of several state and local (and possibly, Federal) agencies, *for each of which the migrant worker's problem is in some sense a special case.* During the war emergency period, health, sanitation, housing, conditions of employment, wage payment, discrimination and other possible sources of abuse were under the constant scrutiny of a unified agency. Thus problems requiring the participation of other special agencies—e.g., the Board of Health, or the Attorney General—would be brought promptly and systematically to their attention and corrective action thus be assured. In the present absence of any unifying public agency, most of these highly special problems in basic human rights surrounding the lives of these migrant workers in Wisconsin pass unnoticed through the web of a highly parcelized and specialized administration of our public programs. Any action designed to control possible abuses of the rights of these people must recognize and in some way deal with this basic fact.

---

* From the *Minutes of Special Farm Labor Committee Meeting in Washington, D.C., January 17–18, 1950*, U. S. Department of Labor, Washington, D. C., February 15, 1950.

BIBLIOGRAPHY

"Child Labor Enforcement in Agriculture", *The American Child*, April 1949.

Child Labor Law, Wisconsin Industrial Commission, January 1948.

"Church Group Plans Migrant Labor Aid", *New York Times*, September 30, 1949.

Ducoff, Louis J., *Socio-Economic Backgrounds of the Migratory Agricultural Labor Situation*, Home Missions Council of North America, September 27–29, 1949.

Fifth Annual Report, State of New Jersey Department of Labor, Migrant Labor Division, Trenton, June 1949.

Fourth Annual Report, State of New Jersey Department of Labor, Migrant Labor Division, Trenton, June 1948.

A Guide to Farm Jobs From Gulf to Great Lakes, Extension Farm Labor Program, U.S. Department of Agriculture, Washington, D. C., May 1947.

Hill, George W., *Texas-Mexican Migratory Agricultural Workers in Wisconsin*, Wisconsin Agricultural Experiment Station Stencil Bulletin 6, Madison, May 1948.

Lauer, Ralph, "Legislation for Agricultural Labor", *Wisconsin Law Review*, University of Wisconsin, May 1949.

McWilliams, Carey, *Factories in the Field*, Boston, Little, Brown & Company, 1939.

McWilliams, Carey, *Ill Fares the Land*, Boston, Little, Brown & Company, 1942.

The Mexican in Minnesota, Governor's Interracial Commission of Minnesota, St. Paul, August 15, 1948.

Mexican Migratory Workers of South Texas, Federal Works Agency, Works Project Administration, Division of Research, Washington, D. C., 1941.

Meyer, Agnes E., *The Washington Post*, October 6–12, 1947.

Migrant Labor . . . A Human Problem, Federal Interagency Committee on Migrant Labor, U. S. Department of Labor, Retraining and Re-employment Administration, March 1947.

Minimum Standards for Wisconsin Industrial Camps, Wisconsin State Board of Health, September 16, 1949.

Minimum Wage Regulations for Minors and Adult Women, Wisconsin Industrial Commission, February 10, 1947.

Minutes of Special Farm Labor Committee Meeting in Washington, D. C., January 17–18, 1950, U. S. Department of Labor, Washington, D. C., February 15, 1950.

New York's Harvest Labor, Interdepartmental Commission on Farm and Food Processing Labor, Albany, New York.

Recommendations on the Education of Children of Migrant Workers, Federal Interagency Committee on Migrant Labor, Report VII, U. S. Department of Labor, Washington, D. C., 1946.

Report of the Findings Committee of the Home Missions Congress, Columbus, Ohio, January 24–27, 1950.

Sorden, L. G.; Long, Erven; and Salick, Mrs. Margaret, *Wisconsin Farm Labor Program, 1943–1947*, Agricultural Extension Service, University of Wisconsin, Madison, January 1948.

Two and A Half Million Homeless, Home Missions Council of North America, New York.

Wisconsin Crop and Livestock Reporting Systems. (Unpublished data.)

APPENDIX

I. Wisconsin Laws and Regulations Regarding Migrant Labor
II. Migrant Labor Legislation in the United States
III. Tentative Outline of Possible Alternative Proposals

Prepared for

THE GOVERNOR'S COMMISSION ON HUMAN RIGHTS

By

VICTOR T. WAHL and JAMES T. HAIGHT
of the Board of Editors of the *Wisconsin Law Review*

I. Wisconsin Laws and Regulations Regarding Migrant Labor

The important chink filled in Wisconsin's farm economy by migratory labor, and this group's peculiar problems, were detailed in the preceding section. What, one asks, are the official attempts made by the state's legal agencies to cope with those special problems?

This part of the report deals with presently existing Wisconsin laws and regulations which have particular application to the migrant laborer. No effort is made here to determine the effectiveness of the enforcement of the present legislation, nor whether the legislation is being applied as comprehensively as it might be.

Throughout this report it is necessary to distinguish the problems and laws regarding the migrant farm laborer who is generally a "hired hand" doing field work for a small farm, from those regarding the migrant in industrialized agriculture such as cherry picking and large sugar beet farms, and from those concerning operating industries like canning. Many rights of these workers hinge on a definition here or there. Often the definition is obscure.

Unless otherwise noted, all citations are to the 1947 Wisconsin Statutes.

A. LABOR LEGISLATION

1. General Jurisdiction of the Industrial Commission

Industrial workers, broadly defined, are employees under the Industrial Commission's jurisdiction. However, in defining "place of employment" the statutes clearly exclude most customary farm operations from the special protection given workers. (101.01, 1b) Thus the safe place statute (101.06) requiring safe surroundings for employees does not apply to ordinary farm operations.

2. Workmen's Compensation (c. 102)

The ordinary farm laborer is specifically excluded from the compulsory provisions of protection given by the Wisconsin Workmen's Compensation Act for injuries received at work. (102.04,4) Larger-scale industrialized farmers may, and often do, elect to become subject to the Act. (102.04,3; 102.05) Efforts to include farm labor within the Act failed in the 1949 Legislature by an Assembly vote of 56 to 36 (Bill 23 A, indef postponed May 19, 1949). The law is applicable to employment in canning factories (102.04,2). All injured farm workers not covered by the Act may claim damages under the common law rules of negligence (331.37).

3. Unemployment Compensation (c. 108)

No provision is made in the Wisconsin law for unemployment benefits for farm labor employed irregularly (108.02, 5g). Only in certain instances where he works outside of the active canning season does the migrant worker in the canning industry become eligible for benefits (108.02, 23).

4. Minimum Wages (c. 104)

Wisconsin is the only state which clearly includes farm and industrialized agricultural labor within the protection of the minimum wage law, applicable to women and minors only. The Industrial Commission on investigation determines a minimum "living wage" (104.06). Thus a special living wage has been set at 38¢ an hour for women and minors engaged in agriculture, other than industrialized agriculture. A similar rate is in effect for women and minors working in truck gardens, cherry orchards, canning company gardens, and sugar beet and cranberry gardening, with an adequate provision made so that if payment is by piece rates, the actual wage is generally not less than this minimum (Wis. Red Book, p. 28 (1948)). Furthermore, everyone employing three or more women or minors must register with the Industrial Commission, giving certain information regarding the employment of these persons (104.09).

5. Child Labor

Although all women and minors are protected by the minimum wage law, the safe standards of employment statute does not apply to them in farm work (103.65).

In respect to minimum ages and their hours of employment, minors working on their home farm or for their parent are not affected at all (103.67, 4). It should be noted that child labor laws are tied closely to laws respecting school attendance, and should be interpreted together.

The Industrial Commission has authority to regulate the employment of children under 16 in cherry orchards, market gardening, gardening conducted or controlled by canning companies, and the culture of sugar beets and cranberries, for the purpose of protecting the life, health, safety and welfare of these children (103.77,2). The law furthermore prohibits all work by children under 16 except under limited exceptions. (103.67, 2). Children 14 to 16 may work during vacation periods under certain conditions (103.68, 2). The hours of labor for minors between 16 and 18 who work in canning factories are controlled by Industrial Commission orders. (Wis. Red book, p. 222).

By orders adopted in 1926, the Industrial Commission has made rules regarding the hours of labor of children under 14 who work in the culture or harvesting of sugar beets. Beet manufacturers who arrange contracts between growers and migrant families are required to report the names, ages, and schools of children under 16 under their supervision (Wis. Red Book, p. 225). Commission regulations in occupations other than sugar beet growing have not been found.

6. Wage Payments

Working men, with the exception of farm labor, must be paid at least semi-monthly in Wisconsin (103.39). The Industrial Commission may take an assignment of a wage claim made by a farm employee and collect it for him (101.10, 14). A University of Wisconsin study of Texas workers here found that a piece rate was generally most satisfactory, and a weekly pay envelope most preferable. "There was almost unanimous discontent with pay coming at the end of a seasonal operation." There is presently no provision in the law to require the employer to specify the deductions made from the wage payment.

7. Collective Bargaining

The right of farm workers to organize is protected by law (103.46), and "yellow dog" contracts are void in Wisconsin (103.52). Agricultural workers do come within the provisions of the Wisconsin Employment Peace Act (111.01-.19). In ordinary farm work employees must give the Employment Relations Board a 10-day notice before going out on strike. Mediation and efforts to induce arbitration are to be made (111.11, 2).

8. Employment Agents and Misrepresentation

The state provides for licensing of private employment agents (105.05), and prohibits false statements regarding employment (105.-20). This statute is administered by the Industrial Commission (see Red Book, p. 216). The law does not apply to an employer soliciting his own help, nor to an agent working for only one employer (105.01).

There is a general prohibition, applicable to all, of false advertising for non-resident labor, to induce workmen to come to Wisconsin. Penalty for violation is actual damages sustained (103.43; Wis. Red Book, p. 217). Jurisdiction for most out-of-state violations would be extremely difficult to establish, however.

The 1948 University study declared, "It would be miraculous indeed if there was more than just an accidental resemblance between the actual job opportunity as it originally existed in Wisconsin and the conception of this potential job as it registered in the mental processes of the worker who has finally 'agreed' to a work contract and transportation agreement."

There is no state legislation regarding clear work contracts binding both employer and employee. Neither is there specific legislation regarding transportation of farm labor.

9. Wisconsin State Employment Service (101.10 (9))

The State Employment Service is directly involved in the recruitment and transfer of two-thirds of the migratory workers used in Wisconsin. As a division of the Industrial Commission, the W.S.E.S. is empowered to furnish free employment service for employers and employees, with offices throughout the state.

10. Fair Employment (111.31–.37)

State of Wisconsin frowns upon any discrimination by employers or unions because of race, color, creed, national origin, or ancestry. There is no penalty for violation of this policy, however.

B. EDUCATION

The compulsory school attendance law requires children from 7 to 16 to attend some school regularly to the end of the school term (40.70). Although state aid is given to elementary and high schools (40.87), it is not given to summer schools.

School boards are authorized to provide free lectures on educational subjects, and may purchase books and materials necessary to conduct the lectures (40.49; 40.16, 5).

The 1949 legislature enabled counties to appoint a county recreation director (59.87, 3a).

A study of migrant workers in their area, made within the past year by Waupun women, found that concerning the conditions needing corrections, ". . . outstanding among them was the deplorable lack of education or the possibilities for providing it under present circumstances." The migrant's first desire was for schooling, especially for the children.

The Fall River Canning Company reportedly had no difficulty in getting the children of migrant workers into the local schools, but this seems exceptional.

C. HEALTH AND HOUSING

Under wide authority granted it to make rules regarding the public health, (140.05, 3) the State Board of Health has made regulations for the operation of "industrial camps," which include seasonal workers' camps. The rules are detailed and extensive, dealing with camp construction, sanitary facilities, location, and living quarters. Action in case of disease breaking out is ordered. These rules were revised in 1949, and appellate procedure was added. (Wis. Red Book, pp. 190–192.)

The State Board of Health and local boards of health may order and enforce an abatement and removal of a nuisance, which is any source of filth or cause of sickness. However, only local officials are specifically authorized to enter and inspect premises (146.14). The general authority for state officials to investigate premises is probably broad enough, however, to include labor camps (140.05, 1).

D. DISCRIMINATION

It is a criminal offense in Wisconsin to discriminate by reason of race or color in furnishing service at inns, in conveyances, and in regard to all other public accommodations (340.75). Violators are liable in damages (not less than $25) to the person aggrieved, and may be punished by a fine of $100 and imprisonment not exceeding six months, or both.

State policy discourages similar discrimination in employment (111.31), but without punishment for violations.

Exclusion from or segregation of children in public schools because of religion, nationality or color is made a misdemeanor by Wisconsin statute (40.77). Board of Education members voting to exclude such children are subject to fine and imprisonment not exceeding six months.

E. PUBLIC ASSISTANCE

Legislation authorizes counties to administer relief to persons not having a legal settlement in any county, and less than one year's residence in Wisconsin (49.02, 2&3). Further provision is made to reimburse counties for relief so given (49.04, 1).

Wisconsin repealed in 1945 a statute (49.06) making it a misdemeanor to knowingly bring into the state an indigent. A similar California statute was declared unconstitutional by the U. S. Supreme Court (*Edwards v. California*, 62 Sup. Ct. 1164 (1941)).

* * *

With this sketch of Wisconsin's laws and regulations concerning migratory labor, the question naturally arises, What are other states doing about the problems?

New Jersey and New York are the two states singled out for special attention in the following section of this report. It is suggested that one read of their methods, keeping in mind Wisconsin's problem and the existent legislative remedies.

(Note: Wis. Red Book is subtitled "Administrative Rules and Orders," Fifth Edition, 1948, published by the State of Wis.)

II. Migrant Labor Legislation in the United States

The estimated two million migrant laborers who annually set out to harvest the crops in the United States present a problem in almost every state. California has in the past decades absorbed the greatest influx of these migrants, and has a great deal of legislation relating to them. However, the climate of California encourages more nearly year-round employment, and hence most migrants to California make permanent settlement there. Therefore the problems faced by California are not similar to those facing Wisconsin.

Of the states with an annual influx and departure of labor forces necessary for the harvest of cannery, truck garden, and orchard crops, New Jersey and New York have situations most similar to that in Wisconsin. In number of workers, type of crops, and length of stay, their migrant farm labor pattern is nearly identical to ours. Moreover, these two states have recognized the problem created by migrant labor, have devised machinery to attack it, and have had the experience of several years of operation to test the practical results of their programs. Therefore, the legislation of these states is most important to the establishment of migrant labor legislation in Wisconsin.

1. New Jersey Legislation

In 1945 the Governor of New Jersey referred the problems presented by migrant labor to the State Commission on Post-War Economic Welfare. In its report this Commission recognized that the root of the difficulty was that the migrant worker had been nobody's responsibility, and, as the employer's problem, he had to accept whatever housing, working, and social conditions the employer chose to provide. The committee also emphasized that experience had shown migrant labor to be absolutely essential to the agricultural manpower problem of the state.

Upon these premises the committee in making its recommendations stated, "The migrant labor problem is first and fundamentally one of decent and minimum standards of shelter. Until the elementary physical facilities of shelter and sanitation are available, little more than superficial improvement can be made." The committee carefully considered such other factors as recruiting, transportation, policing, marketing facilities, child care, health, and schooling, but felt that so far-reaching a program without much more planning and research would meet strong opposition and would call for such expenditures as to be rejected. But the commission did recognize that housing and health measures could be effectively administered only by a centralized state agency; therefore it recommended establishment of a Division of Migrant Labor to enforce proposed laws regarding housing, inspection, and health measures for migrants, and to cooperate with other agencies of the government in further aid to the migrants.

The statute passed upon the basis of these recommendations (N.J.R.S. Cum. Supp. (1945): 34:9A—1–36) established a Division of Migrant Labor in the Department of Labor. A Migrant Labor Board, serving without pay, was established, consisting of the Commissioners of Education, Labor, Institutions and Agencies, Economic Development, the Secretary of Agriculture, Superintendent of the State Police, Director of Health, and five additional members, two of whom were from agriculture and one from labor. The duties of this board consist of establishing policies and rules, and surveying operations of the division in administering laws relating to migrant labor. A deputy Commissioner of Labor was authorized to be appointed by the board, and this deputy was to carry out the powers of the division. These powers include enforcing the standards for labor camps established by the act, enforcing all applicable labor laws with respect to migrant labor, and cooperating with employers, health officials, the Department of Education, and police officials in regard to assisting migrant labor in whatever ways feasible. The commissioner is given the power of a health officer with the right to enter upon and inspect migrant labor camps.

The act also provides for the certification of approved labor camps. The certificate indicates that the camp certified complies with

the standards established. Any camp failing to comply may be abated upon suit by the Attorney General. Persons violating the act are guilty of a misdemeanor and subject to $200 fine and 60 days imprisonment. The act appropriated $75,000 for administration, and $25,000 for planning and constructing labor camps.

The New Jersey Migrant Labor Act, summarized above, pertains mainly to housing of migrants. But its most important accomplishment is that it establishes a centralized agency whose sole purpose is to concern itself with migrant labor. In addition to the enforcement of the labor camp regulations, this agency has the authority to enforce existing, but often neglected, laws which cover migrant labor. Furthermore, this body is in a position to study other aspects of the migrant labor problem, to meet these problems in so far as they may be met without legislation, and to propose legislation where it is necessary. It is not a fully comprehensive law, but it does set up machinery which if vigorously administered could have fully comprehensive results with a minimum of expense to the taxpayer. It should also be noted that a fully comprehensive program might involve so much registration and application filling on the part of employers, and entail so much expense, that legislators would never accept it.

Pursuant to the New Jersey statute, a Migrant Labor Code was established by the Division setting forth in detail the regulations for housing and sanitation in migrant labor camps. The details of this code are similar to the Wisconsin Board of Health regulations for industrial camps (Wis. Red Book, p. 190.) The New Jersey code, however, provides for regular inspection of camps by Division inspectors, registration of camps by the owners, and certification of approved camps. It is in the enforcement machinery that the New Jersey code is much superior to the Wisconsin regulations.

With four years of practical application of the law behind it, the results of the New Jersey legislation can in part be evaluated. The annual reports of the Division of Migrant Labor indicate that the problem of housing for migrants in New Jersey is well on its way to being solved. Inspectors have made thousands of visits to camps and have certified some, made suggestions for others which resulted in later certification, and have disapproved a few. It is significant that the Division reports a high degree of cooperation by employers, who apparently recognize the importance of good housing in helping to recruit an adequate supply of labor. The division has available plans for migrant camps which employers may use if they are constructing new camps.

Though the major work of the Division has been in housing, a migrant health program has been supervised. This is evidently financed by the New Jersey Board of Health, and consists of several migrant labor clinics which gave physical examinations to the migrants. The Division reported excellent cooperation with the Board of Health, and real progress in improving migrant health levels at an annual cost of only $12,000.

Also, an experimental school for children was operated for two summers, apparently with great success. The school was financed by an appropriation by the legislature at the request of the Migrant Labor Board. The school furnished bus service for the children, and two meals a day. It stressed fundamental skills in reading and sought to promise better health habits and social relationships among the children. The school was highly approved both by the parents of the children and by the residents of the community in which it was located (though community opposition forced removal of the project from its originally planned location). Continuation of this school

program is planned. Welfare service for migrants has been increased through the Migrant Labor Board's encouragement of churches and other nongovernmental bodies to take an interest in this group. The Home Missions Council had twelve field workers in the state, traveling in mobile units which provided recreational facilities to children, and provided instruction in home management and child care to parents.

It is apparent that the New Jersey program is a good one and is getting results. Whether it is the best sort of program possible is problematical. Perhaps it initially placed too much emphasis on the housing problem, and too little on the many other important problems connected with migrant labor. But it did establish a centralized agency whose sole purpose is to look after migrant labor, and this agency has taken great steps in publicizing the problem, seeking cooperation between other agencies, and in enforcing the law in areas where it has power to do so.

In his 1950 budget message, the New Jersey governor proposed a transfer in part of the functions of the Division of Migrant Labor to the Department of Health and to the Division of Labor. This proposal and the memorandum of the Consumers League of New Jersey opposing it help to indicate the divergent opinions in the state concerning their own law. The proposal itself shows executive disapproval of the Division's emphasis. on housing rather than health and labor measures. The opposing memorandum recognizes the failure of the health and welfare programs to keep pace with the housing program, and points up the need for more education with the complaint of many employers that the migrants, provided with good housing, must now be taught to appreciate it. But the memorandum upholds the soundness of having a centralized agency able to allocate its funds as the need requires. It points out that the proposed earmarking of the appropriations would in effect limit services to health and labor because the funds remaining for housing inspection and educational work would be negligible.

Another proposed law for New Jersey would put migrant children under compulsory education and would entitle the local schools to be reimbursed by the state for costs of these additional students. The sum of $94 a year per student is the minimum the state would pay, and this would be pro-rated according to the actual number of days they attend school. This proposal is not an extension of the experimental summer school for migrants; it merely provides state financial aid to communities having migrant children enrolled in their schools during the regular school year.

2. New York Legislation

The importance of migratory farm labor became apparent in New York during the severe manpower shortage of World War II. The Emergency Food Commission and Farm Manpower Service were created to coordinate and expedite all farm labor programs. Aware that migrant workers would be an even more important source of seasonal labor in the post-war period, the state took steps to improve their living and working conditions.

An interdepartmental committee on migrants had been originally established in 1942, and this was re-activated and enlarged in 1944. This Committee represents the State Departments of Health, Labor, Social Welfare, Education, and Agriculture, and also the state police and the Agricultural Extension Service. It is this committee, now called the Committee on Farm and Food Processing Labor, that today administers New York's laws relating to migratory farm labor.

New York has no single law setting up a coordinated system of regulating migrant labor. But it does have many laws on the books affecting these workers, and it does have this Interagency Committee to publicize and enforce them. The report of this committee indicates a great deal of progress in improving conditions for migrants.

Living facilities for migrants are prescribed by law only where groups in excess of ten persons are concerned. The state sanitary code, supervised by the Committee and enforced by Board of Health inspectors, provides that all camps with ten or more workers must be registered and approved before being occupied. Thus the operator of such a camp must send in an application well before the harvest season begins, in order that his camp may be inspected and approved by harvest time. The sanitary code covers such matters as water supply, sewage disposal, garbage disposal, screening, and disease reporting. The committee reports excellent cooperation by the camp operators because of their desire to provide housing which will attract and hold better class workers. Also, the Extension Service has employed a camp construction specialist to advise on repairing and locating camps, and a camp manager specialist to help operators train camp managers and to assist these managers with their day to day problems.

The Committee has also set out to bring about compliance with the Labor laws. A 1928 statute limits employment of minors on farms, except the home farm, to children 14 and over. Workers aged 14 to 15 must secure Farm Work Permits through their school authorities. The New York wage payment law covers migrants. It provides that payments must be weekly, in cash, and with no deductions. Most important to labor law enforcement was the passage of the Migrant Registration Act in 1946. By its terms all persons expecting to employ, recruit, or transport ten or more out of state workers must make application to the Department of Labor concerning housing and work contracts. The applications are accompanied by a digest of all laws applicable, and a letter urging compliance. With the camps registered, the administration of labor laws is simplified. Inspectors cover the camps in their area, point out violations, and make follow-up checks. Second violators are summoned for a hearing, and if this doesn't bring compliance, criminal action is instituted. In 1948 there were eight such criminal actions in which fines were imposed.

In the matter of schooling, the Committee works through the Bureau of Guidance of the Education Department. Local school officials are informed by letter of the requirements affecting migrant children, and similar letters are sent to camp owners. A survey of 35 camps after school opened in September showed that of almost 400 school age children, only ten were not attending school. No special provisions for summer schools for migrants have been enacted, nor is there any provision for special state financial aid to communities with heavy enrollment of migrants.

The health services available to migrants are in general the same as those provided to regular residents of the state. But the New York Committee recognizes that health service is not something that can be treated separately, since it is intimately related to the functions of many agencies outside of the Health Department. Thus the Committee feels that it can coordinate sanitation efforts along with disease control, and can encourage the Health Department to place special emphasis on treating diseases such as syphilis and tuberculosis which are particularly prevalent among the migrants.

The New York child care program is interesting. Initiated during the war with federal funds, the program is now largely state sup-

ported. It is based on the economic needs of the migrant family to have both parents free to work. A private agency was formed to operate the child care centers throughout the state. The state pays 85% of the costs, and the employer of the parents the remaining 15%. The budget for this program has been as high as $70,000 for a single year, and the cost per child day is over $3.00.

New York has enacted a requirement that in transporting workers by truck there must be firmly attached seats for two-thirds of the workers. Requirements are also set down for side racks and end gates. Though this statute applies particularly to day haul groups, it indicates an awareness of the need for transportation regulations and might benefit migrants being hauled into New York by truck.

It is difficult to evaulate the effectiveness of the New York interagency committee on migrant labor. It has no real enforcement mechanism of its own, but must, through publicity to employers and by urging various state agencies with enforcement powers, bring about compliance with the laws in effect. Toward that end it has an invaluable tool in the Migrant Registration Act. This statute, which is actually a labor measure, makes available an index of all labor camps in the state which aid the other departments in their sanitation inspections and health programs.

The Committee, with the excellent cooperation of every state Department, has stimulated and coordinated the migrant labor activities of these agencies, and has made substantial progress in improving conditions for New York's migrant laborers.

3. Michigan

A word in passing might be said about developments in our neighboring state of Michigan. A Committee on Education, Health, and Welfare of Migrant Workers has been in existence for almost five years. It is an interagency committee and has attempted to stimulate interest and to arouse action designed to benefit the families of migrant workers in Michigan.

The following statement, made by the Chief of the Division of Adult Education in the Department of Public Instruction on March 8, 1950 in answer to an inquiry from the Governor's Commission on Human Rights of Wisconsin, describes in general the activities of the committee:

"The Committee was organized by Dr. Eugene B. Elliott, State Superintendent of Public Instruction, with the thought in mind that several state agencies having special interests in migrant problems could very well work together in a sort of cooperating committee. The Michigan Departments of Health, Social Welfare, Labor and Industry, and Public Instruction are very active in the committee. Also represented are the Protestant and Catholic church groups which are working among migrants.

Three years ago the committee sponsored a series of regional conferences involving the teacher training institutions, committee officials, state agencies, sugar beet manufacturers, and employers of migrant labor. Some results were noticeable in that better living conditions were provided in some areas. Some communities were stimulated to provide recreational activities.

Last year the committee sponsored a survey of the health conditions among migrant labor in Michigan, which was conducted in May and June by Dr. Blankenship and Dr. Axelrod of the U. S. Public Health Service. The Department of Public Instruction is urging communities to organize summer schools for the children of migrants and has made provision for financial aid to such districts on a membership basis.

The committee in November 1949 was expanded to include members representing the State Departments of Agriculture and the Michigan Employment Service."

III. Tentative Outline of Possible Alternative Proposals

Other states have piece-meal legislation relating to limited phases of the migrant labor problem. This legislation may, however, contain some features applicable to Wisconsin. Further research should definitely be made. The Federal Government has recently shown great interest in the problem, and its laws and proposed laws, including Federal grants in aid to states, should be carefully investigated.

When all of this factual data is collected, Wisconsin's position will be clearer, and recommendations for a program in Wisconsin will be possible to formulate. Suggestions for Wisconsin's program should be encouraged from persons and groups interested within the state.

Meanwhile, the following possible alternatives or *combination* of alternatives are presented for consideration and discussion:

A. More adequate enforcement of existing legislation, taking advantage of existing authority and jurisdiction, and using positive publicity and encouragement.

But 1. Some legislation touches only on the fringes of the problem.
2. Difficulties of enforcement of existing laws.

B. Voluntary interagency cooperation, without legislation, with specified representatives of present state agencies.

But 1. Difficulties if one key agency is apathetic.
2. Deficiencies in the law itself.

C. Legislative encouragement of interagency cooperation.

But 1. Financing problems.
2. Potentiality limited by weakness in present laws.

D. Comprehensive New Jersey type legislation, setting up one responsible agency for administration and research.

But 1. Comparative cost in relation to other alternatives.
2. Over-lapping jurisidiction.

E. Gap-filling individualized legislation to solve specific problems.

But 1. Enforcement difficulties remaining.
2. Inapplicability to new types of problems as they arise.

F. Gap-filling individualized legislation plus interagency body with small budget to publicize problem and encourage enforcement, (corresponding somewhat to New York system). This would utilize present agencies and coordinate efforts.

G. Use of county agricultural agents as focus for local unit programs.

This would not require new legislation, but merely a recognition of need on the part of administrators and a willingness to take appropriate action. The county agent is by statute the representative of the College of Agriculture in certain educational activities among Wisconsin farm families. Just as he conducts forums and discussions and holds institutes on the eradication of Bang's disease or weeds, and for the propagation of improved farm practices, so he presumably could likewise function in the migratory labor field. By calling in "specialists" from the College of Agriculture as needed, county agents could help improve employer-employee relationships and worker housing, health, and transportation; they could stimulate community action on education for migratory children. All of this activity by county agents would be a part of their function to make farm life more attractive and lucrative.

But Migratory workers may be employed in industrial employment, such as canning plants, as well as in agricultural employment; consequently, over-lapping of jurisdiction with the Industrial Commission may arise if this duty is assigned to the agricultural county agent.