

OLLI Week 4. Migration Regimes as Labor Control

Again, this is a VERY preliminary draft as I think out my ideas. This section I want to explore here is the idea of Migration systems as ways of controlling the labor force. We will start with 1924 and the way it never actually halted migration – just made it more vulnerable. We can see that in the Bracero and later guest worker programs as well as the heavy use of undocumented labor in the U.S.. These are not “free labor” but we tolerate it mostly by not seeing it. I also want to explore the idea of what “free labor” and note how it emerged in opposition to enslaved labor. The abuse of slavery made industrial workers accept their lot as it was better than that of the enslaved. In the same way, today’s color line is now the document line. It is a way of dividing the labor force, but also yields both financial (cheap food, etc) and cultural benefits (confidence in being legal and rightful owners of the country) to the legal working class, while also serving as an easy scapegoat.

msjames@yahoo.com

Last Week: 1924 Immigration Act Quotas as Ethno-Cultural Controls

We stopped last week with a mention of the Bracero Program in 1942. The Bracero program made the refusal to alter the quota system that kept European refugees from reaching safety in the U.S. during WWII appear even more obscene. The U.S. was in the midst of a labor shortage during the war, and pushing women to leave their children and enter the factories (the Rosie the Riveter campaigns), as well as negotiating labor contracts with Mexico and the Caribbean nations of the Bahamas, Jamaica and Barbados, but the U.S. still refused to relax the quota system to allow Jewish refugees from Europe to enter. There were more than 200,000 on applying to escape Germany, but only 27,000 visas. In 1939 the Congress rejected a proposal to issue 20,000 emergency visas to children, just as they rejected proposals to drop the requirement to prove one would not be a “public charge” by demonstrating adequate means. Jewish organizations in the U.S. lobbied that they would sponsor refugees, but it was years before that was approved--years too late. This enforcement of the 1924 Act is consistent with the cultural anxieties that drove its passage in 1924. The Quota system was always about protecting the racist illusion that “superior” Northern Europeans were the key to American success and that the country could scientifically engineer its demographics.



Bracero program, 1942-64

Created to address wartime labor shortage—where do Braceros fit in the romantic narrative of the “good immigrant”?



Braceros arriving in El Paso, 1942

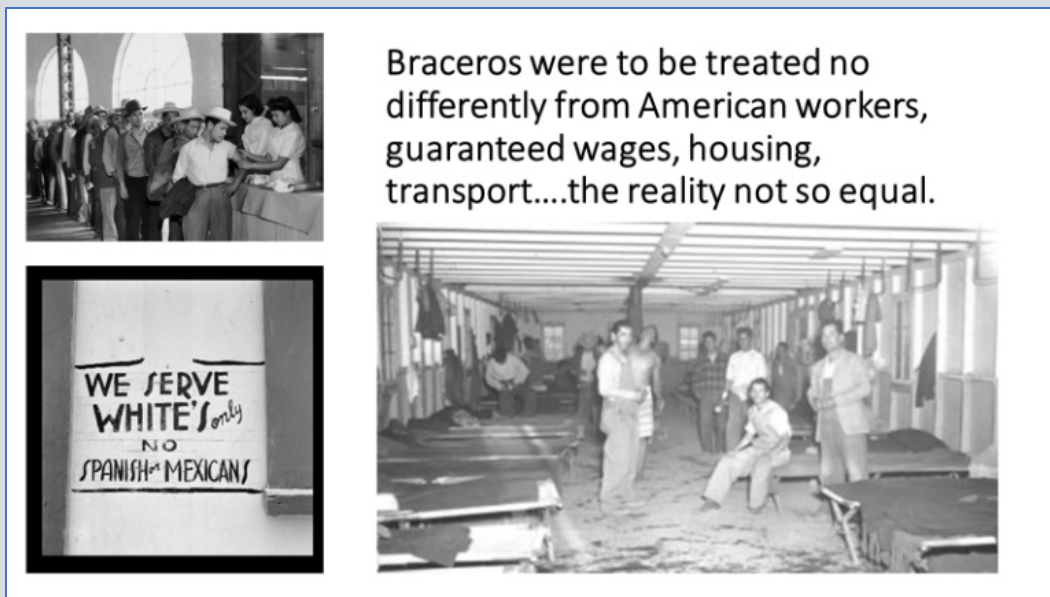
The other thing that the Bracero program illustrated was the way in which 1924 did not end migration, it just pushed immigrants into a category that was precarious by legal definition. The U.S. continued to take in needed workers as immigrants throughout the twentieth century as the economy expanded. The need became even more pronounced by the late 20th century as the U.S. population growth slowed. But during the twentieth century the U.S. has consistently refused to recognize the labor it uses as potential citizens of the U.S. They are subject to harassment, deportation or jail, despite the fact that the U.S. economy has a shrinking work force in need of labor. Keeping workers in a state of legal vulnerability is an effective tactic for limiting labor activism. The creation of a marginalized, stigmatized labor force also reduces labor conflict from documented laborers who have an easy scapegoat for their economic frustrations.

[Stigmatizing the racially marginalized undocumented also serves the purpose of giving white/legal labor a way to psychologically profit from their belief in their own status as law abiding workers. I am thinking here about Cedric Robinson’s arguments about Racial Capitalism and will have to develop this more

in regards to ideas about both free/unfree labor and legal/undocumented framing].

One of the most consistent ways the U.S. has profited from labor it exploits inside U.S. geographic boundaries but keeps outside the citizenship boundaries are guest worker programs, the most famous of which is the Bracero Program of 1942-64. The Bracero program was marketed in 1942 as way in which Mexico would contribute to the U.S. war effort by sending laborers to harvest U.S. crops. Framing the program as a patriotic war measure made it difficult to critique, it also allowed the U.S. to ignore the fact that it was Mexican immigration that had kept U.S. agriculture on American tables beginning before and continuing through the imposition of the 1924 Act. Ultimately it was a way to create a path for this labor to travel in to the country, but keep it firmly outside the American citizenship system.

The Mexican government voiced concerns. Mexico noted that Mexican and Mexican-American workers had faced a long history of exploitation, intimidation and even deadly violence in the U.S., and negotiated for the opportunity to expand the ability of its consuls to monitor work conditions. Mexico also did not want Braceros serving in Texas, and closely monitored the terms in the legislation which guaranteed Mexican workers the same wages and conditions as American workers. The Mexican government allowed the U.S. to draft Mexican nationals living in the U.S. into the military, but also expected to receive the recognition and benefits that came to other allies (military training and material), which they never received.



The reality is that there were countless complaints about un or underpaid wages, substandard housing and food, and social isolation. Mexican workers were being treated the same as U.S. workers—but few U.S. workers in agriculture enjoyed legal protections. Agricultural workers all over the U.S. had been left out of 1933 labor protections, and in the South many faced Jim Crow segregation and violent intimidation. Both Braceros and American workers faced jail or fines if they left agricultural contracts. Not surprisingly, many Mexican Braceros and African American and other rural laborers moved during the war years to industrial areas for better opportunities in the labor starved war industries.

THURSDAY, NOVEMBER 5, 1942.

PEONAGE CHARGED TO SUGAR GROWER

Florida District Attorney Says
Federal Grand Jury Acts to
Free Negro Hands

ACCUSED OF FORCING WORK

Indictment Asserts Men Who
Tried to Flee Were Caught
and Returned to Fields

TAMPA, Fla., Nov. 4 (AP)—District Attorney Herbert S. Phillips announced today that Federal grand jury indictments had been returned against the United States Sugar Corporation, its personnel manager and three of its camp superintendents charging them

with holding Negro sugar cane workers in conditions of peonage.

An indictment also was returned against Sheriff Jeff Wiggins of Glades County charging him with working county prisoners on his own farm without pay, in violation of the Federal civil rights and anti-peonage statutes, Mr. Phillips said.

The indictment in the sugar cane workers case named as defendants the sugar corporation, M. E. Von Mach, personnel manager at the company's Clewiston (Fla.) office; Evan Ward McLeod, superintendent of the Bear Beach Camp; Oliver Shephard, superintendent of the South Shore Camp, and a man named Neal, whose first name Mr. Phillips did not know, superintendent of the Miami Locks camp.

One count of the indictment charged that the defendants "injured, oppressed, threatened and intimidated" Negro field workers to prevent the free exercise of their rights under the Thirteenth Amendment to the Constitution

and held them in involuntary servitude.

The second count charged that they conspired to violate Federal anti-peonage statutes.

The District Attorney said the indictments grew out of an investigation directed by Assistant Attorney General Wendell Berge following complaints received by the Justice Department that the Sugar Corporation recruited Negro workers in southern States for employment on its plantations near Clewiston, offering free transportation.

Upon arrival, Mr. Phillips related, the Negroes said they were notified that they were indebted to the company for the cost of transportation and that the debt had to be worked out before they could leave. Workers who attempted to escape were caught and returned to the plantation, he declared.

At Clewiston Jay W. Moran, vice president of the concern, expressed amazement at the indictments and declared that the corporation "always has maintained the highest working and living conditions" for its laborers. Go

NYT
11-5-1942



Labor was also contracted from the Philippines, Bahamas, Jamaica and Barbados in 1942. Employed at Sugar mills, up and down the East coast, except for South Carolina...

Mexicans were not the only workers brought in during the war. The U.S. and Great Britain worked out a system for workers from British colonies

(Bahamas, Jamaica, Barbados) to come into the U.S. to help with the agricultural harvest. The workers were brought to sugar plantations and refineries and other agricultural sites in the East (except for South Carolina, which did not want to host any workers from the Caribbean). Again, they endured deplorable conditions. Work on sugar plantations and at sugar refineries, for example, was notoriously dangerous and ill paid and often the workforce was filled by recruiting out of state or prison labor. If a worker tried to leave they could be arrested and imprisoned.



Britain and France also recruiting labor and military personnel from colonies during WWII

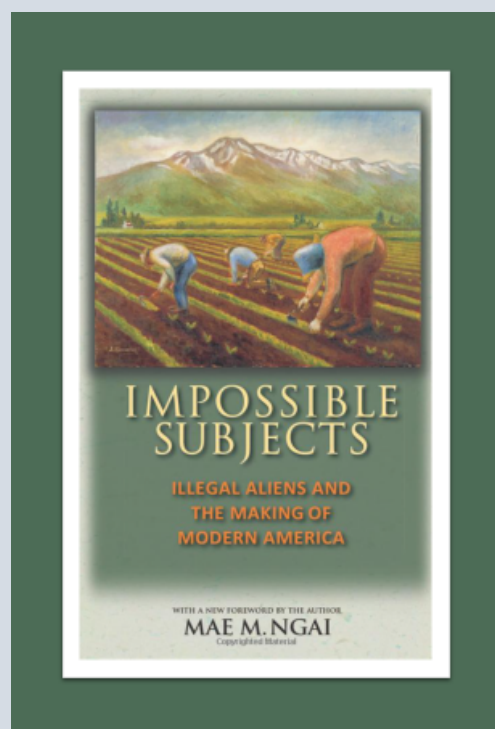
Britain and France also incorporated labor from their colonies into the war effort. Military units formed from colonial soldiers faced harassment, disrespect, short supplies, and dangerous but unrecognized assignments. In Britain, Caribbean wartime labor recruits were seldom welcomed as allies.

One way to see this use of colonial labor and temporary labor contracts during the war would be that it gave people from struggling neighboring countries an opportunity to both earn money and contribute to the war effort. A different way to see it is that the U.S. and its allies benefitted from the labor, but that laborers were denied the rights and protections of other war participants. Just as most African Americans in the segregated army were restricted to service that

allowed them to develop fewer skills and were often unable to use education benefits after the war, Braceros and other foreign laborers faced discrimination, and violent imposition of Jim Crow segregation. They were provisional – and could be deported if they made any trouble. Wartime solidarity was limited. The wartime experience, however, opened up a new legal category in the U.S. – the temporary contracted foreign worker. It was explicitly a non-immigration solution to the labor crisis that remains in effect today.

Unacknowledged Immigrants

Apart from the gap between the patriotic solidarity in the publicity surrounding the Bracero program and the imperfect reality, the WWII guest worker programs signaled an institutionalization of a migration/labor arrangement that was implicit in the 1924 Immigration Act. The labor of outsiders was needed in the U.S., but the laborers were not welcome to become Americans. Nowhere was this clearer than in the situation of Mexican Americans.



1924 had also re-categorized the Mexican labor force

- 1924 Act allowed no quota for Mexican workers, ignored earlier migrants and long history of cross border movement
- 1925 Border Patrol established
- Criminalizing migration meant accused had no access to court system
- 1920s-30s large scale farming increased in the South – shift from sharecropping to ‘migrant’ labor, left out of new labor legislation
- Mexican-Americans reconceptualized as alien labor force.

Mae M. Ngai: The Bracero Program completed the racial and legal separation of farm workers from the American public. A racialized, stigmatized labor force. “illegals” lower all wages not because they are there, but because the category of “illegal” keeps the wages low.

The 1924 immigration Act did not include a quota for Mexicans, although Mexicans were among immigrants to the U.S. in the late 1800s. Mexicans crossed the border for multiple reasons, visiting relatives, taking seasonal jobs, or resettling in the U.S. like other migrants. Migrants crossing the southern border

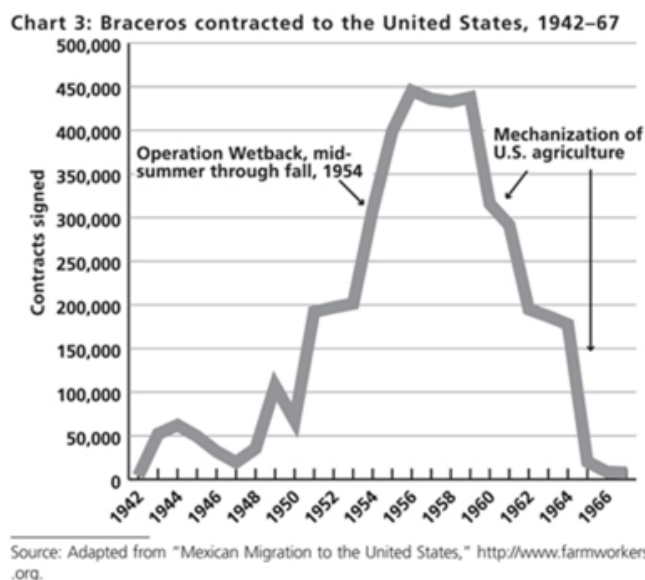
faces even fewer formalities than migrants entering through sites like Ellis Island. Often there was no record of their entry, let alone a health or literacy evaluation. There were no barriers to establishing residence in the U.S., but for most there were also no records of when individuals migrated. Thus, there were no numbers from 1890 to base the 1924 Quota on for Mexicans. Thus there was no quota for Mexican migration, and suddenly all Mexican crossing the border were illegal.

Despite this, Mexicans continued to cross the border to work and were seldom restricted. However, the 1924 Act also established the Border patrol which intimidated both Mexican and Mexican-American farm laborers who complained about conditions. American farms were using Mexican labor just as they had before 1924, but this labor was increasingly framed as illegal and physically distinct. Mexican and Mexican American farmworkers were doubly marginalized by their legal and racial categories.

American agriculture's need for wage laborers grew during this era of the 1920s-30s years as farm consolidation and mechanization meant there were fewer family farms with fewer family members in the fields. Many of these families joined the rural-to-urban migration of the era, leaving even more of a labor crisis behind. Although Mexican laborers had been legislated out of the immigration system by the 1924 Act, their labor was still needed for work that could not be mechanized.

Free labor?

- 10-12 hour days – no overtime
- Wages often not paid in full
- Housing substandard
- Social isolation – Jim Crow regulations
- No benefits, social security or pension
- No families permitted.



The need for farm labor combined with new legal delegitimization of Mexican laborers combined to create a legally vulnerable, disposable, and racialized labor force. This began in 1924, was aggravated by leaving farm labor out of 1933 Labor protections and was institutionalized in the Bracero and later H2A Guest worker programs. It feeds the myth that workers don't deserve status because they are only "helping out" in emergencies.

[At the same time South Africa developing a labor system of Apartheid – a way of excluding workers from the polity by redefining them as "immigrants"]

"It must be OK if they keep coming..."

The illusion that Braceros were benefitting from the great opportunity of work in the U.S. is a convenient one for Americans uncomfortable with recognizing how much our standard of living depends on the cheap labor harvesting our food. Thinking of it as an opportunity for the poor of other countries is more palatable than seeing it as exploitation. Their labor contributes to the U.S. economy and low food prices, but they were not allowed to participate in US life. Many Braceros returned year after year, but the mythology was always that they were "temporary". They were not allowed to bring their spouses or have children, and

unlike other employment, accrued no credit towards social security. Only the laborer, not the human, was welcome in the U.S.

1952 H-2 Visas for Temporary Labor introduced

Estimated number of H-2A, H-2B, and J-1 workers employed in low-wage occupations in the United States, 2016

	Number of workers
<i>Estimated number of H-2A workers employed in the United States, 2016</i>	134,344
<i>Estimated number of H-2B workers employed in the United States, 2016</i>	135,886
<i>Estimated number of J-1 workers employed in the United States in low wage occupations, 2016*</i>	167,960
Total H-2A, H-2B, and J-1 guestworkers in low-wage occupations	438,190

Note: *Number of J-1 workers is estimated for 2016 and based on actual total for 2015.

Source: See sources for Tables 1 and 2.

Economic Policy Institute

2A Agricultural Work
2B Other work
J-1 Educational, training
(nannies, high school students...)

Visas tied to the employer
– limits ability to complain
of abuse

Bracero program phased
out 1964, but H-2 replace it

The H2 visa system, introduced in 1952, has gradually replaced the Bracero Program and expanded the contract system to other sectors. The H2A visas (for seasonal agriculture work) and H2B (for seasonal other jobs – waiters at summer resorts, ski resorts, but also construction, etc.,) together bring more than 200,000 workers to the U.S. each year for jobs which are supposedly hard to fill. Employers are supposed to prove they have advertised the job at prevailing wage rates, received no applicants, and can then petition to use labor contractors to find applicants in other countries.

The system is rife with corruption at every level from advertising the job at “prevailing rates” (jobs are often not widely advertised, or the pay is too low), to the use of job contractors, (who often “sell” the free visas to workers and then arrange for transport across the dangerous border and housing in the U.S. for a significant portion of the pay), to the employer (who now has a dependent labor force whose visa is linked only to that employer). If the employee tries to negotiate or move to a better situation they can be reported and deported. And

of course, the work is nominally temporary, no family can accompany them, and they do not accrue social security benefits.

In some ways there is little difference to being in the U.S. on an H2 visa and being undocumented. In both cases you would be worried about complaining about bad work conditions, and in neither case can you plan to become part of the society in which you work. It is merely a means of keeping the family at home afloat. One's identity is merely as a wage earner, not a community member.

[The J-1 Visa is slightly different. it was introduced by Senator Fulbright in 1961 as part of an effort to promote exchange among young people and commonly used to staff camps, provide for a year of post high school work in the U.S. or for visiting scholars. It was introduced in the same spirit as the Peace Corps or Fulbright Program – to provide opportunities for youth diplomacy and cultural exchange.]

For some the H-2 Visa is a good deal. For the 23 year old waiter from Poland a summer of work on Lake Michigan is a great opportunity to earn some money and practice English. For the Mexicans employed to work in remote farms, it is merely hard work in a socially isolated setting. Many of the H2 visa holders arrive already in significant debt to the labor contractor (I have heard from \$5-7,000 recently as the fee to get an H-2 Visa) and they may need to overstay their visas to pay off the debt and begin to finally be able to send money back home. Not surprisingly many stay because once the family has invested in getting them across the border with a labor contractor (much safer than traveling alone), it makes more sense that that family member stay and send money home.

2017 General Builders applied for 900 H-2B visas in S.D.

(on right, letter accompanying application for 25 visas for construction project)



PO BOX 360
301 S. Hwy 81
Arlington, SD 57212
Ph (605) 983-4716
Fax (605) 983-4751

Conclusion

According to the Bureau of Labor Statistics October 2016 Monthly Unemployment Rate Report, the state of Minnesota has a 4.0% unemployment rate, which is one of the lowest unemployment rate in the nation. With the current labor statistics it has become increasingly difficult to secure temporary help in Minnesota each year. We apply for multiple H-2B temporary labor certifications annually that encompass different area of intended employment where we have jobs lined up and do not expect to meet our labor needs domestically. This request is for a major contract lined up in Marshall, Minnesota. We do not anticipate that we will be able to recruit enough local workers to meet our labor needs and therefore are seeking certification once again under the H-2B program.

In summary, Genuine Builders Inc.'s seasonal shortage of construction laborers is severe and recruitment efforts in the United States have failed to meet our needs. It has been a challenge for Genuine Builders, Inc. to find sufficient concrete finishers who are willing to perform this work, especially when the work is of a temporary, seasonal nature. Therefore, we respectfully request that you approve our temporary labor certification application for twenty-five (25) H-2B temporary construction laborers to help fill this temporary, seasonal need. If you have any questions please do not hesitate to call Aaron Bernard at (515) 232-4444. Thank you for your favorable consideration in this matter.

[Many H2Visa employers have replaced full year workers with temporary H2 visa holders as a way to have a more compliant labor force. General Builders part of a labor suit for H2 Abuse. <https://d3ciwvs59ifrt8.cloudfront.net/3aca1f8d-b4f4-469c-a765-9d2ef85a4a69/4ee34e54-7795-4c3d-933f-0c6f8485f0e8.pdf>

Global use of contract labor – 100 million in 2020? “Guest” workers are socially isolated, unable to bring families, and often their visas link them to a specific employer, limiting their ability to bargain.



Most Americans, if they think about “guest workers” at all, justify it by pointing out that people would not do it unless it was a good opportunity for them, but it’s unlikely they would accept the same job conditions unless there were no other choices for family survival. The issue isn’t so much the wages, but would Americans accept a job that informed them they had no right to marry, or if they were married, had no right to see their family for years (the condition for most undocumented)? In this the Bracero and H2 system resemble the system that has come to characterize guest workers around the world since the 1970s. Most contract labor around the world live far from their families because families are forbidden. The job is taken because it seen as the only option to aid a family back home. It is the grossest form of capitalism that has literally separated the laborer as economic element from the laborer as a human member of a community. Americans are quick to condemn the inhumane guest worker exploitation in situations like the Gulf states, where up to 90% of the residents may be “guest workers” with no rights despite years in the country, but few Americans see their own use of international contract labor In this way.

Another way that Americans tend to frame the debate over temporary/or undocumented workers is to see the work opportunity as if it were a gift to the laborer that allows them to better the situation of their family at home. On an individual level this is true; remittances are an important part of poverty alleviation. But another way to think of this is that the destination or host country is benefitting from laborers that are in their prime working years. Another country has undertaken the expense of providing the infrastructure – the medical clinics, the schools, the roads and utilities that were investments into the creation of this laborer. Guest worker programs essentially have managed to transfer the cost of producing a labor force to another country, benefitting from the laborer during their peak working years without guaranteeing any support for old age, and yet maintaining the illusion that allowing or tolerating temporary workers is an act of charity.

Int'l Contract labor satisfies a multitude of needs:

- Provides a labor pool with limited rights, limited ability to organize, cultural and social isolation,
- Uses migration status to deny full participation (no ability to bring spouse, 'temporary' stay, social isolation)
- Outsources the reproduction of the labor supply to the origin country – labor in educating, medical treatment of laborer before they are productive, (usually paid by laborer from their remittances)
- Preserves myth of sovereign national communities – economic realities of trade hidden behind a screen of visas [everything can move except humans]
- Preserves myth of America as a desired destination country, not a site of exploitation (really more like a gated community here, where workers leave at night)
- All the benefits of making labor force temporary as well as legally vulnerable.

Any use of labor without allowing the worker to become a full member of society is a form of unfree labor. It exploits the needs of some in the global community, but denies them the rights of citizens. It uses their labor, but commits nothing to the social costs of maintaining that labor force. Rather than asking if it is a good deal for “them” (while ignoring the ways in which our intertwined trade and food markets often contribute to the declining food security in other regions)

we should be asking how we feel about living in a country where our standard of living – our ability to eat out, to buy cheap food and to have our lawns cut and our roofs replaced – is low because of a labor supply that cannot advocate for itself or plan a future in the country. We want the labor, not the laborer. It is a racialized system of labor control originated in the 1924 Quota system that ended legal access to the American polity, not immigration.

Gig workers and Guest workers.

The growth of the myth of the “temporary worker” is present not just in international labor migration, but among those who have citizenship rights as well. The reclassification of many jobs as “temporary” allows companies to avoid expensive investment in training or pensions, and certainly grants flexibility. It is partly a response to a shift in management styles that focuses on short term returns rather than long term strategic thinking. However, it also allows employers to keep employees off guard and replaceable with few tools to respond as they are working temporary contracts.

“Independent Worker” or “Indentured Worker”?

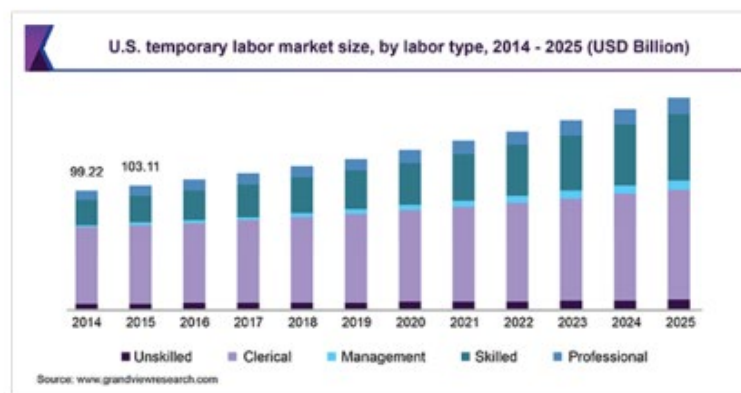
BROOKINGS



The positive depiction of this, as seen on the front page of this recent Brookings Institution report is the quintessential Millennial Gig Worker. Male, probably with tech skills that allow him to pick and choose jobs, privileged in the ability to dress for himself (the full cover included his tattooed chest). For young workers with

skills fresh from graduate school the bargaining power may be on their own side. But ten years later, when the cost of keeping their skills up is rising, or getting access to new projects that would allow them to expand their management skills is more difficult, or if they are female, or people of color, or have any other attribute that might shut them out of the word-of-mouth way many of the “Gigs” are apportioned, they may see it differently. Gig flexibility carries a high dose of gig anxiety, even for those workers at the most favored end of the employment spectrum.

For the majority of gig workers, however, the experience looks more like that depicted on the right. Whether they are citizens, H2 holders or undocumented, many workers are regarded as replaceable, limited to temporary or no contracts, and even those with legal work status may need to work several simultaneous jobs to stay afloat. The expansion of temporary work is good for many employers, but not for workers, whether they are documented or not.



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Organizations opting for temporary labor services can experience several benefits, such as reduction in cost hiring and savings on employee benefits costs and training costs. Moreover, organizations can opt for deploying these workers on non-core tasks and directing their resources towards core tasks. Such benefits are expected to prompt organizations to procure short-term labor services.

The claim that rights and benefits can be withheld because these are only “temporary” jobs is part of an overall shift to contingent labor (25% of global labor force)

(Business trends report on U.S. labor)

The Worker should be the focus of attention – not the Migrant Worker

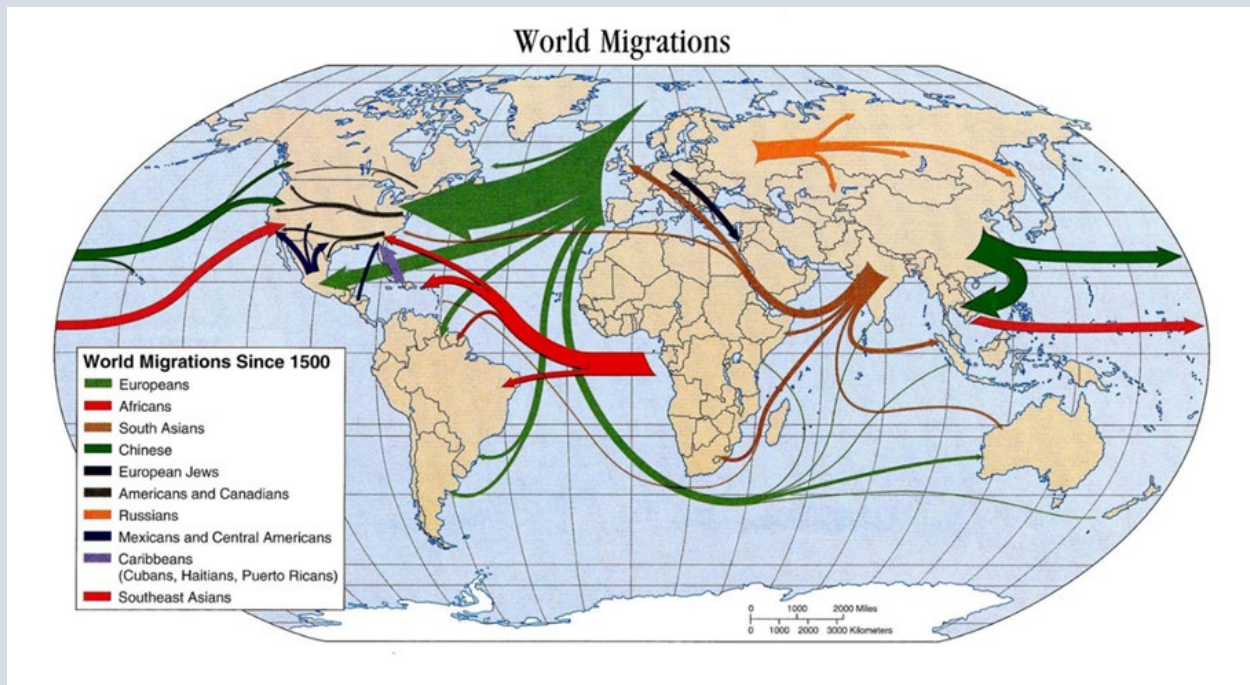
The mythology of “immigration” as the focus of the crisis distracts from the way in which the story of the migrant and all American labor intertwined.

Our romantic national image of the “good immigrant story” (they arrive the ‘right way’, they work hard, they assimilate and they “succeed” depends upon a lot of things. One, is a legal pathway to emigrate the right way. Or maybe, it is better to think of it in terms of the way this ideal has been limited. After 1924 there were far fewer paths to immigrate the ‘right way,” especially for those who wanted to immigrate. European immigration had fallen off as the population stabilized, and those who wanted to work in the U.S. had no quota options. And yet, their labor was needed so their illegal presence was tolerated. The history of the American working class since 1924 is the history of a class artificially divided and weakened by the imposition of a category of documented vs undocumented.

Assimilation is also a more distant dream. The school system – engine of assimilation, is being defunded. In addition, the guest worker system creates a laboring force that can never plan on a future, and without children, misses out on the classical generational transition that previous American migrants have undergone. And finally, “success” seems equally out of reach for immigrants and working class Americans as wealth inequality grows.

Back to the Big Picture of Human Movement

We need to step back out of the frame we use of “immigration” (which tends look only at the immigration wave that began with industrialization in the mid 1800s, ignoring the long history of human movement and the way many move and labor today but are left out of the immigration system”. Instead, we should think about the larger history of human movement and labor. After the first great age of human migration out of Africa, across Eurasia and into the Americas, (spread over tens of thousands of years from 80-50 thousand years ago?) the next great age of human movement was at the emergence of the world maritime empires, from 1500-1800s), with the creation of settler colonies desperate for human labor. This is also a migration story and illustrates the long and intertwined history of human movement and the labor market.



[Some flows from this map are familiar (out of Europe as settler movements, out of Africa as unfree labor involuntarily moved) but other flows less familiar. The eastern movements out of Russia and Asia were also driven by the population bulge seeking land. The U.S. expansion Westward was a migration movement resembling European division of Africa in its arrogance a few years later. The map really illustrates how we need to think about U.S., or any countries experience with population flows in a global context.]

We are going to spend a few minutes thinking about human movement in the early part of the maritime system – in particular the interrelationship between labor markets of native, African and European peoples.

Free and Unfree labor

For most colonial residents in the Americas, migration systems also developed in as a way to address labor needs. The English labor system was carried to the colonies with English social systems, but it then developed differently.

In England in the 1600s few laborer could be described as “free” in the sense of having the right to choose or reject a job, or leave it if they did not care for it, or even have control over their private lives.. At the bottom of the work freedom

scale were servants, who signed a year contract during which time they were at the orders of their master 24 hours a day, with perhaps a holiday at Christmas. There was no recognition of a private life; servants could not marry, undertake extra work for pay on their own (although the Master could rent them out to others and keep the pay). In short, their lives were at the disposition of the Master night and day. Most slept in the Master's home or barn to be available. It was common to enter "service" at about age 14, if they were lucky and able to save they might leave to establish their own residence and marry at about age 27. At that point one had graduated to being a day laborer. One could sign short contracts to work for a day or a week at harvest time, but the rest of one's time was one's own. However, if anyone had "no visible means of support" (ie, no land or skill) or if there was a need for labor for a road or harvest project, the court could compel labor. Laborers could also be punished, including jail or whipping, for leaving a contract. A missed day of work would result in work added to the term of the contract. [Apprentices also 'belonged' to the master for their term of training, but the master had an obligation to share the skills and entry into the profession.]

Free and Unfree Labor in the British Tradition

- High servants (bailiffs, etc)
- Apprentices
- Laborers – day or week work
- Domestic servants – multi year contract, singles

Master has total rights over body and labor of servant
– corporal punishment, can hire out or sell contract

Any individual without visible means of support (land or skilled craft) can be required to work

Can be imprisoned if contract unfilled

The British legal system recognized the rights of the householder to maintain order in the house and a master was permitted not just to beat his wife and children, but his servants as well. Nor did they as dependents enjoy full rights – a vision that carried over into the American constitution as well, which restricted the vote to propertied males.

As Europeans expanded into North America they carried their vision of labor control with them. In England workers belonged to the Master, and laborers could be compelled to work – even using the whip. The need to control an imported labor force determined human movement politics during the Colonial period.

During the 1600s colonial success depended upon developing a reliable source of labor. Disease, resistance and Native flight made the use of native peoples fail as a labor source. And some ships began to carry a human cargo to the colonies. Even before African laborers were carried to the Americas in 1619, ship owners began to carry indentured servants and auction them off to their new Masters. Some of the indentured may have indeed chosen to emigrate and escape poverty in England, others were purchased for their debt from workhouses or jails. On arriving in America the buyer paid the cost of their passage to the ship owner, and the expectation was that they would work seven years to pay off the debt. Their reward (if they lived) was a new set of clothes and a pass to carry to show they had completed their contract.

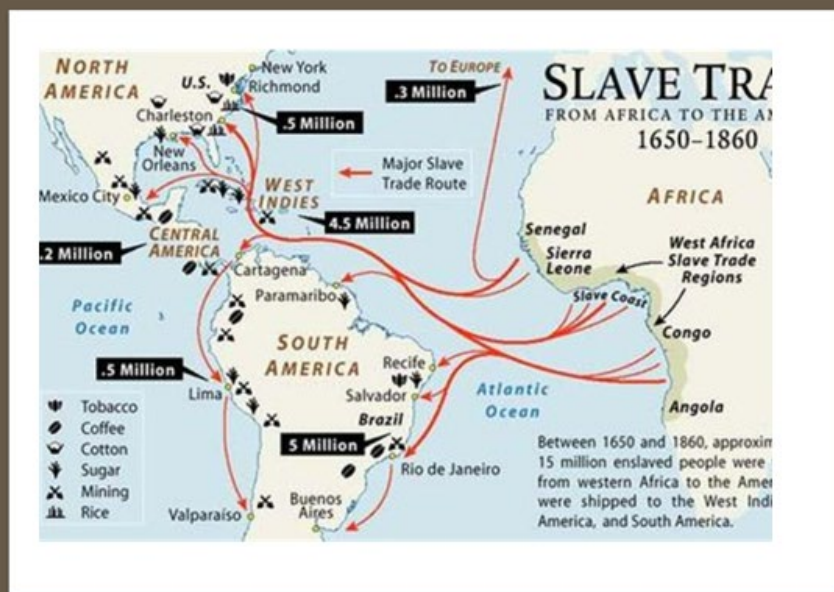
Despite images of “free labor”, 50-75% of all colonists arriving from England came under the indenture system.

Unfree Labor in the New World

- Contracts were longer (In England common servant contract 1 year, in America 2-5 or more years) to repay transportation debt – and a servant could not leave a master – even a violent one.
- Servants and apprentices could be sold to other Masters
- Court could require additional time or whipping for failure to fulfill contract
- Pass system required to show the indenture filled
- Female servants who got pregnant (even if it was rape) had their contracts extended to pay for the child.
- Labor “sold” at dockside in Chesapeake, 1600s. **50-75% of all migrants arrive under indenture.** Many forcibly deported from England.
- Political vision – servants under authority of the household, the “little commonwealth,” but in America a condition, not a status for whites.

As in Britain, the punishment for failing to complete the contract was jail or the whip, but in the Americas the contracts were more dangerous. Seven years with a sadistic master, who had no social restraints on how hard you were worked, and nothing to gain from a servant that lived through the experience, meant abuse was far worse than in England. If a female servant became pregnant more years were added to the contract – even if the cause of the pregnancy was rape by the Master. In the 1600s Masters regularly advertised for runaway servants, and the dangers of life beyond the settled regions limited a servant's ability to escape.

This was the situation into which Africans were brought first in 1619, to also be auctioned at the dock. Some of these early African arrivals were freed after the contract was completed, but by the 1650s it was clear that the expectation that the Africans were not only to serve their own lifetime but their children were to serve as well. A combination of racism that tolerated higher levels of control and violence against African servants and the greater vulnerability of Africans due to language differences, transformed the system.

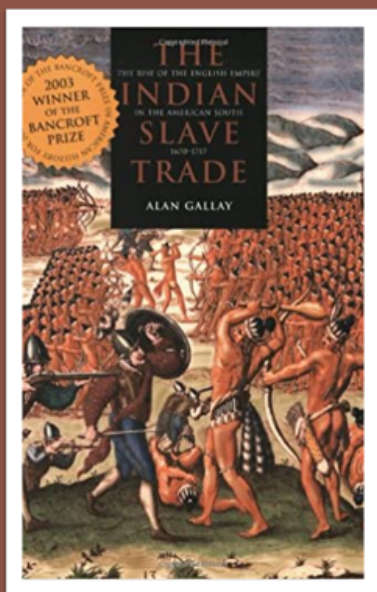


Indenture and Enslavement closely related in Colonial "Migration"

Indenture model used with first Africans in 1619, but by 1650s slavery status extended to children of Africans, not European indentured servants.

After the Revolution some northern states passing abolition laws, but slaves required to sign indenture contracts to repay owners for the loss of their "property." (In 1815 an Illinois court nullified a 40 year indenture of a slave)

(I'm not doing justice to the horrors of Race based chattel slavery that emerges at this time with the plantation, intensive cash crop system. Here I really want to think about the ways in which both black and white labor were controlled and moved for the convenience of the employers. For neither group was the direction of their migration set by themselves. Obviously, if a white servant lived through their indenture they had the ability to then direct their own life, an advantage not shared by Africans moved to the New world by the mid 1600s. But both these groups in early years had their lives and their movement determined by the economics system, not their personal choice.)



2-4 million Native people sold out of North America to Caribbean markets

- Enslaved Indians sold into the C1670-1715 Caribbean (2-4 million) outnumbered the African slaves imported in 1670-1715
- Just as in Africa, existing bondage systems among the Native Americans used to justify enslavement – but distorted in chattel slavery (native tribes often captured other tribes' members who 'served' the new tribe, but were often incorporated as full members if captured young.
- Selling off Natives was a way of 'clearing the land' for British expansion

In the American south Africans were preferred – they were more vulnerable and mistreatment of the labor force more socially accepted. Mistreatment of Natives would also have been accepted, but native peoples were more likely to run away and be able to survive. One way that Colonists in the South paid for Africans during the 1600-early 1700s was by capturing or more often buying Natives and selling them to the Caribbean, and then buying Africans to bring back to the plantations as a workforce.

The Rise of Slavery and the End of the Indenture System

European migration resumed again after the end of the Napoleonic Wars but it was a different kind of emigration. Indentures were more difficult to enforce. First, contracts signed (say between the passenger and the ship) in Europe were difficult to enforce in the U.S. after independence. In addition, there was tremendous competition for labor from railroads, new factories, and canals, and workers could quickly negotiate the sale of their contract to a higher bidder. By the 1840s more passages were being paid for by family already established in the country who were sending money back to Europe.

There was also a shift in the arrivals. Fewer came from England, more from Ireland, Germany or the Nordic areas. Those were the areas experiencing the population boom and rural deprivation in the mid century. There had also been improvements in ship design and new transatlantic commerce in humans sprang up – carrying migrants from northern Europe on faster, larger boats to the Americas.

1815 – era of the “New Immigration” Begins

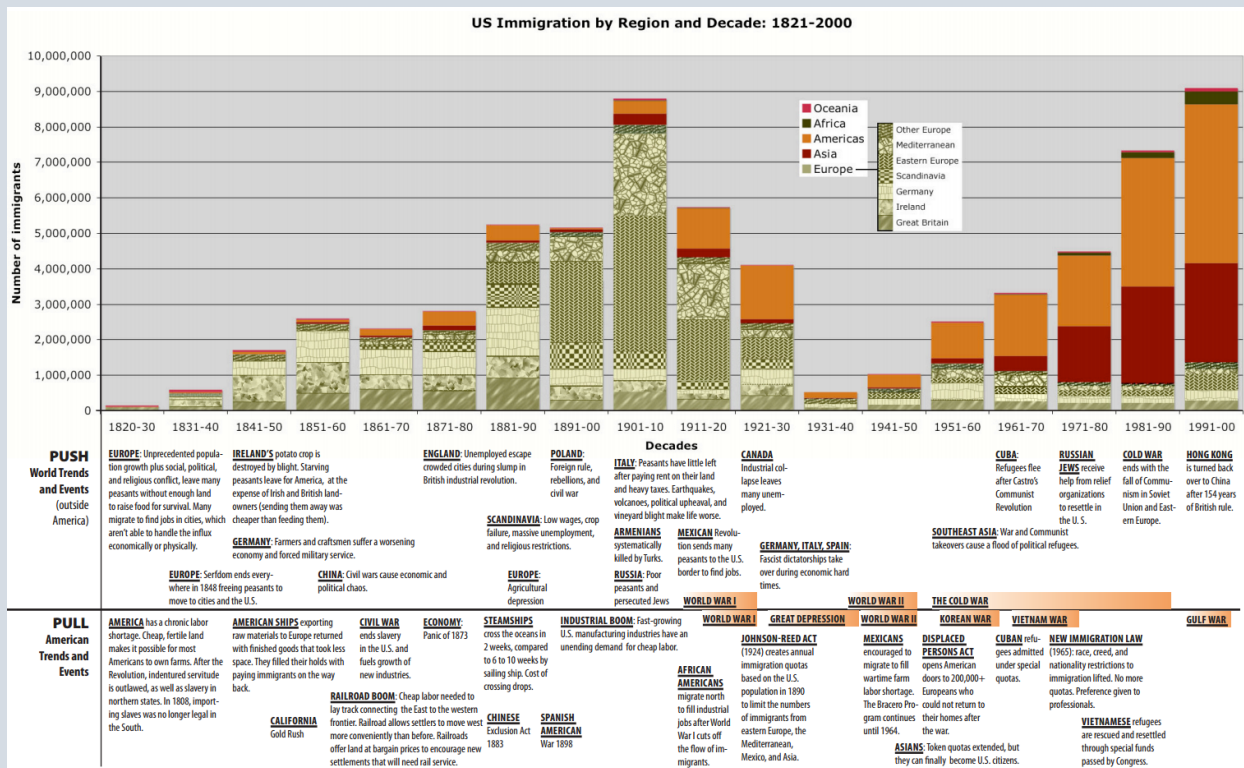
After the 1780s it was increasingly hard for indentures signed in Britain to be enforced by owners in American courts.

Germans, British, Irish, Northern European – white worker’s seeking out better contracts. Labor recruiters stealing contracted servants for the mills, canals, the Railroads...

Population boom in Europe driving exodus to America (also driving exodus from rural to urban areas within Europe).

Improvements in Ship manufacturing creates ability to carry greater numbers of migrants more quickly – a growing commercial venture. 1st generation paying passage for relatives.

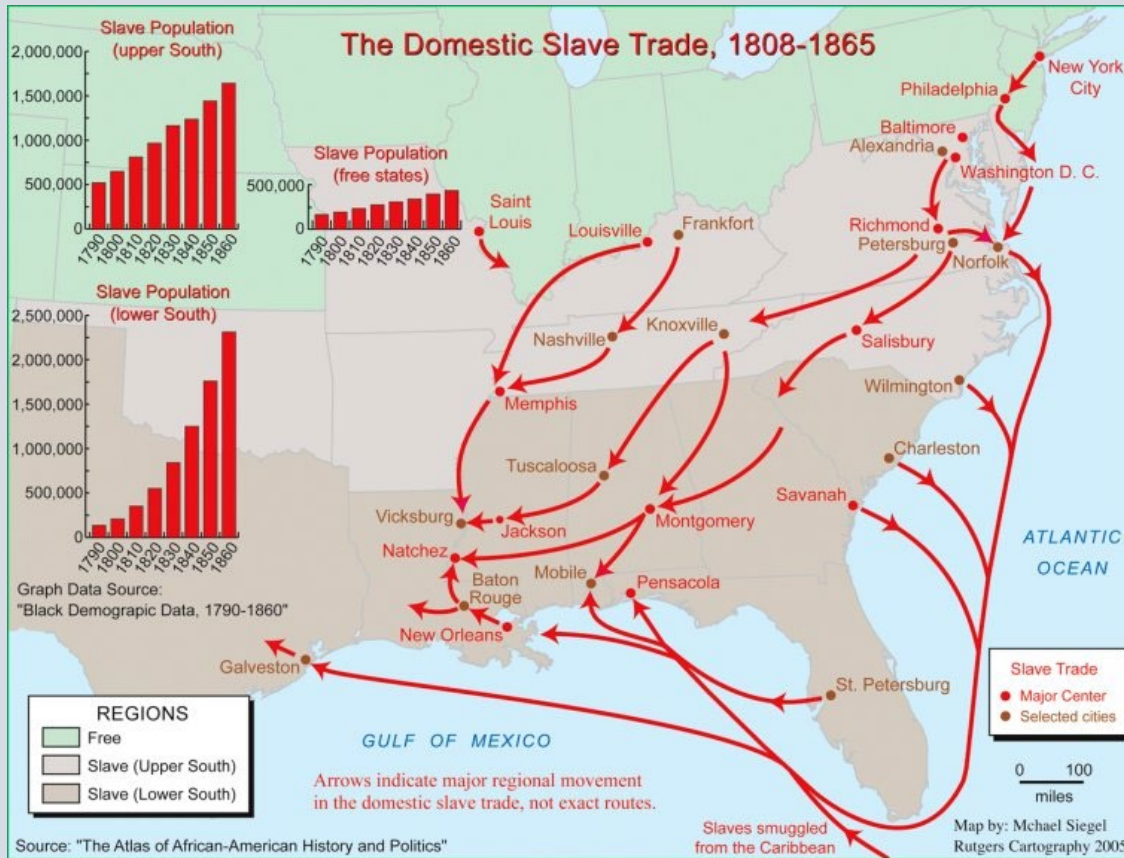
“Free Labor” defined in opposition to enslaved labor. Also, greater literacy, access to courts, helped them defend their ‘rights’. Rejection of the label servant for “laborer”



Sadly, improvements in conditions of migrants from Europe came about partly because of and in contrast to the situation of enslaved Africans in the south. The term “free labor” a direct contrast to enslaved labor of the south. And just as the commercialization of the migrant trade from Europe emerged, the commercialization of the human internal market matured. Below, a drawing of humans being “migrated” from Virginia to new markets; followed by a map of internal slave market routes.



https://commons.wikimedia.org/wiki/File:Slave_Trader,_Sold_to_Tennessee.jpg



Schomburg Center for Research in Black Culture, Jean Blackwell Hutson Research and Reference Division, The New York Public Library. "The Domestic Slave Trade 1808-1865" *The New York Public Library Digital Collections*. 2005. <https://digitalcollections.nypl.org/items/870d6ad4-9625-9a3a-e040-e00a1806516e>

I apologize for the lack of unity this essay has as of now. I am interested in the ways in which we divide up our vision of "migration" into certain kinds of human movement. Historically the U.S. has witnessed many kinds of human movement, much of it unfree to some degree and whose limits are determined by economic interests of those benefitting from the kinds of movement. In the 1600-1800s the primary category for controlling labor developed from English vision of a natural social order of the landed householder and their right to control the lives of laborers, to a more permanent form of control in the race based institution of slavery. "Free labor" in the Revolutionary era was not the historic experience, and described the situation of few. Our persistence in seeing the U.S. as a nation of immigrants is a very selective reading of the history, putting an attractive gloss on millions of lives who had little control over their movement.

To then look at the emergence of human movement in the 1800s and see it only through the prism of “migration” from an imagined state of misery to opportunity in the U.S. is to miss several sides of the story of human movement. It causes us to view the current state of economic migrants as an aberration from the tradition, rather than the norm. And to ignore the ways in which many methods (race, imperial subjects, ie Puerto Rico or the Philippines, Native tribes, or today, ‘undocumented’ or ‘guest workers’ (whose labor is needed but not acknowledged) are similarly defined out of the possibility of joining the community with full political voice.

Migration can be told as a romance of hard work, a ‘right way’ and a tale of assimilation, but the reality is that labor forces have been constituted by deliberate shaping of human movement since the birth of the imperial maritime empires. The migration framework of “documented vs undocumented” is part of a long history of creating a labor force that is outside of the community both legally and culturally.

This is the global trade in labor today. The average Migrant in U.S. on H2A visa or undocumented makes about \$10,000 a year. No share in the society. No ability to bargain for better conditions. Disposable. How do we live with it? Besides not seeing it, we convince ourselves they are better off than without the work. Putting them in a separate category from American labor a creative way of dismissing the injustice.



Colorado Onion Harvest. 2016. https://www.huffpost.com/entry/migrant-workers-us-food-production_n_56f01385e4b09bf44a9ddf38

Videos of interest on food, farms and temp labor

- <https://youtu.be/n5nSNIXWVj0> Mexican agricultural labor in Mexico
- <https://www.youtube.com/watch?v=NfEtO00DSvI> HRW child labor in the US
- <https://www.youtube.com/watch?v=waeMkka60po> Propublica on use of temp workers in industry. Minute 7:30-11 on Raiteros