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A NEWSLETTER ABOUT LAW AND DIVERSITY

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## Migrant Farm Workers Pursue American Dream

by Cheryl Baisden

**When it comes to growing fruits and vegetables in the United States, the most important part of the process is handled not by American farmers but by illegal aliens.**

Approximately 99 percent of all farm hands in this country are illegal aliens, according to Meaghan Tuohey-Kay, an attorney from the Catholic Legal Immigration Network, an organization that provides legal help to low-income immigrants.

“While it may be against the law for them to be here, they are an integral part of the farming process in the United States,” Tuohey-Kay said.

### Doing the jobs Americans don't want

Known as migrant farm workers, these temporary farm hands are mostly young Mexican men who are employed by farmers around the country to plant, tend and harvest crops. In Southern New Jersey alone there are between 10,000 and 15,000 migrant workers employed during the growing season. Many of them travel from one region to another, following the crops from the spring through the fall.

“Farmers hire migrant workers to do these jobs because they have to be done and no one else wants to do them,” said Tuohey-Kay. “The work is hard and the pay is poor. Americans don't want to do these jobs, but the migrant workers are actually thrilled to have them. For them, the pay is a fortune compared to what they would make in Mexico, and while the work is extremely hard, it's better than no work at all. And,

they send a large portion of that money home to support their families in Mexico,” she said.

While this employment situation may seem great for everyone concerned and it keeps the cost of produce down for U.S. consumers, the life of a migrant farm worker is difficult and, according to Nelson Carrasquillo, demeaning as well. Carrasquillo is the director of CATA, a community-based migrant farm worker support organization in Southern New Jersey.

“In addition to pathetic pay and terrible living and working conditions, migrant farm workers face barriers because of language and culture, and they experience intentional isolation that keeps them trapped in this bad situation,” said Carrasquillo. [>continued on page 2](#)

## Unfair Laws of the Past Still Resonate Today

by Barbara Sheehan

**When most people think of laws, they think of rules designed to protect people and safeguard their rights. Imagine a law that actually serves to discriminate against others or even takes from them what is rightfully theirs.**

Laws such as this have been enacted at various times in the past and were especially prominent in Germany when Adolph Hitler reigned in the years leading up to and during World War II. While this may seem like ancient history to many, the ramifications of the Nazi era continue to haunt Newfield, NJ resident, Barbara Principe.

Regulations enacted under Hitler, which were aimed at weakening and ultimately destroying the Jewish race, also cost Principe and her relatives millions of dollars and changed their lives forever.

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## Farm Workers *continued from page 1*

Some migrant workers live on the farms where they work, in cramped conditions and rundown housing equipped with inadequate plumbing. Others live in poor sections of the farm community, often cramming as many as 10 people into a motel room designed for three or four people, according to Carrasquillo.

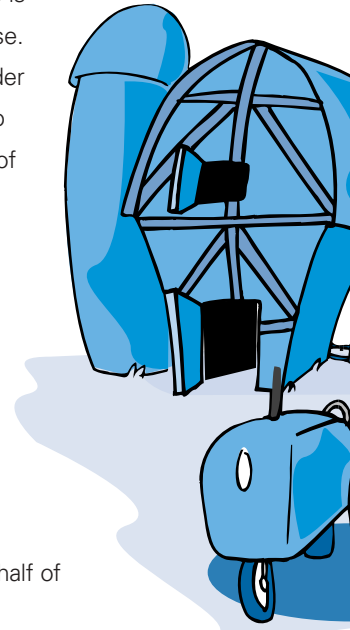
"Because they live in these bad conditions, and usually don't have any transportation and can't speak the language well, they are really trapped, with no one to help them, and no way out," Carrasquillo said. "They work at these seasonal jobs until they are too old or too sick to handle them, and then they are cast aside for younger workers."

Working in the hot sun, hunched over picking crops, often with few breaks and no bathroom or drinking facilities in the fields, most migrant workers are paid at or below the legal minimum wage of \$5.15 an hour, noted Carrasquillo. Since they work well over 40 hours a week, legally they would be

entitled to at least one and a half times their regular pay for anything over 40 hours. Because they are in the country illegally, however, they have no choice but to accept what the farmers offer them, Carrasquillo maintains.

"The farmers hold all of the power," said Carrasquillo. "And while there is not a lot of reported physical abuse there is constant verbal abuse. The workers are under constant pressure to meet the demands of the crew leader or farmer to pick more and pick faster."

Because they earn such low pay, usually have no medical benefits and are out of work during the winter months, more than half of



## Hate Goes to College

by Dale Frost Stillman

**Several weeks after classes started at Rutgers University this past fall, members of Alpha Epsilon Pi, a Jewish fraternity, found swastikas painted on the door and walkway leading to their house. Unfortunately, the incident at Rutgers is not unique. Bias incidents and hate crimes are becoming common occurrences on many college campuses.**

According to Tolerance.org, a Web site maintained by the Southern Poverty Law Center, two Morehouse College students in Atlanta were charged with assault in an attack involving baseball bats last November. The incident was described as having "homophobic overtones." At Northwestern University someone wrote racial epithets and drew a picture of a person being hanged. The graffiti was discovered on the doors of three African-American students. Last May, at Bethel College and Seminary in St. Paul, Minnesota, "graffiti threatening death to

blacks and Latinos was found in a restroom." And, according to the site, in 1999, 26 African-American, Asian and Latino students at Penn State University received racist emails containing threats and insults.

### What is a hate crime?

According to the U.S. federal definition, a hate crime is a crime that is motivated by the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person." A hate crime can be a criminal offense against a person, property or society. In accordance with New Jersey law, punishment for a crime committed where bias or hate is a motivating factor will carry stiffer penalties than the same crime committed with no hate involved.

While incidents on our nation's college campuses sometimes escalate to the level of a hate crime, a more common occurrence is what the

the migrant workers live below the poverty level, Carrasquillo said.

According to 1995 U.S. Census Bureau estimates, a family of four lives below the poverty level if they earn less than \$15,569 a year. A recent National Agricultural Workers Survey showed the average personal income of farm workers to be between \$5,000 and \$7,500 a year.

### Slave wages for slave labor

In rare cases, migrant farm workers even find themselves in slavery-type situations created by what are referred to as **peonage arrangements**. Under these illegal arrangements workers are smuggled into the country and then expected to work off their debt. While they may work 60 to 100 hours a week, their debt is never paid off.

In Southwest Florida, a group called the Coalition of

Immokalee Workers helped prosecutors convict the owners of two major slavery operations, one that was holding more than 400 men and women in debt bondage and forcing them to work long hours under constant armed guard. The offenders are currently serving 30-year jail terms.

"Peonage arrangements are very rare these days," said Tuohey-Kay. "Today most migrant farm workers pay a smuggler to take them across the border at a flat fee that's paid upfront. Recently drug smugglers have been getting into the act of bringing these people into the country."

### Farmer's point of view

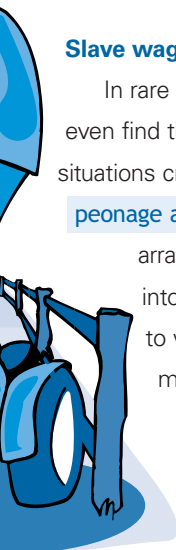
While there are some disreputable farm owners around the country, most farmers recognize the enormous contribution that migrant farm workers make to the produce industry, which allows them to keep their prices competitive. John Rigolizzo, owner of a farm

in Berlin Township in Camden County and a former president of the New Jersey Farm Bureau, told *The Courier-Post* he feels farmers and migrant workers have "cultivated a rewarding relationship for both parties." He has a "healthy respect" for his workers, creating a good place for them to work so that they keep returning from year to year to work on his farm.

In Southern New Jersey, where most migrant farm workers are employed in the state, there is also concern for the children of migrant farm workers. Medical care and schooling are offered to those children during the growing season through the Gloucester County Special Services School District-Migrant Education Program. The program serves approximately 2,000 students in South Jersey's nine counties.

### Relief in sight?

In January 2004, President George Bush addressed the illegal immigration problem and



Prejudice Institute in Baltimore calls ethno-violence. The Institute has been studying ethno-violence on college and university campuses for over 15 years and characterizes it as including racially and ethnically-motivated name-calling, emails, phone calls, verbal aggression and psychological intimidation. Hate mail, for instance, slipped under a dorm room door could be considered an act of ethno-violence if it was racially motivated. The Prejudice Institute conservatively estimates that between 850,000 and one million students across the country are targets of ethno-violence on college campuses every year.

### Why college campuses?

Speaking to a group of Rhode Island College students, criminologist and hate crime expert Dr. Jack Levin said that hate begins "in the silence of ordinary people." The author of many books including *Hate Crimes: The Rising Tide of Bigotry and Bloodshed and Killer on Campus*, Dr. Levin believes that college settings are ripe for hate crimes because it is the first time some students are exposed to diversity and individuals that are unlike themselves.

"Under conditions of increasing diversity, the differences between groups become **salient** on an everyday basis, and that is where the conflict arises for the first time, when students are forced to deal with

a classmate, roommate or schoolmate who is different from them," Dr. Levin said.

### How to combat the problem

In 1997, President Bill Clinton held a conference at the White House to examine hate crimes. Hate crimes on college campuses received particular attention at that conference. In addition to calling for zero tolerance of hate crimes on campus, the conference emphasized the importance of improving the method of reporting criminal activities, offering assistance to victims and starting early prevention programs to stop hate crimes.

Perhaps in response to the former president's conference, in 1997 legislation was introduced in New York affecting policies on hate crimes at colleges and universities. The new law, which takes effect in March 2004, requires colleges and universities to provide incoming students with information related to bias incidents, including procedures for reporting the incidents and support services for victims.

### What's happening on campus?

In recent years, Halloween has become an excuse for intolerance on many college campuses with some fraternities donning racially offensive

proposed a temporary worker program, which would provide immigrant workers with temporary work visas, allowing them to legally enter the country and earn at least a minimum-wage living. Under the president's proposed plan, immigrants already working in the U.S. illegally and new foreign applicants would be given renewable, three-year visas and would be required to return to their home countries when their work in the U.S. is finished.

While businesses that struggle to fill unskilled labor positions were receptive to the new proposal, many labor unions and immigration organizations are not, saying that the proposal would leave undocumented immigrants unprotected.

Terence O'Sullivan, president of the Laborers' International Union of North America, told *The New York Times*, "As presented so far, it appears the Bush proposal protects the often abusive

behavior of employers who hire undocumented workers, but leaves the workers themselves vulnerable and beholden to those employers for the right to stay here."

Organized labor officials also fear what the proposal might mean for American workers and are urging a wage floor incorporated into the proposal. The fear is that American workers would be overlooked in favor of their lower paid foreign counterparts. In the construction industry, for example, a business that pays an American construction worker \$11 an hour could lower its pay to \$6 an hour, knowing that very few Americans would take such a low-paying job for the amount of work required, but that temporary, immigrant workers would jump at the opportunity.

"If you don't have these protections, you're going to have a race to the bottom," Frank Sharry, executive director of the National Immigration Forum, explained to *The New York Times*. "You'll have \$12-an-hour hotel workers

undermined by the \$7-an-hour temporary worker from overseas," he said.

In a statement on its Web site, CATA indicated that the president's proposal may be a positive step since it would mean that undocumented workers would no longer be pursued as criminals. However, CATA outlined several disadvantages to the proposal including the fact that "there is no indication as to how the proposal would pertain to those workers who are employed in seasonal work, such as agriculture."

At this time it is unclear what provisions or changes Congress will make to the president's proposal. For the migrant farm worker and Nelson Carrasquillo at CATA the issue boils down to basic human dignity.

"Everyone deserves to have their dignity," Carrasquillo said. "To be forced to work and live in horrible conditions, for very little money, is simply unjust. Something must be done to correct it," he said. ■

costumes. Last fall the North American Interfraternity Conference (NIC) and the National Pan-Hellenic Council developed a campaign known as "Show Your True Face" in an effort to combat this growing trend. This year the NIC distributed 6,000 copies of "Show Your True Face" posters to colleges around the country. Featuring alternative ideas for weekly activities prior to Halloween, the poster advised "holding discussions among fraternity and sorority undergraduate officers about inappropriate events and facilitating a campus-wide education program addressing diversity and inclusion."

At the University of North Carolina at Chapel Hill, Students for the Advancement of Race Relations sponsored an event called "Race Relations Week" a few weeks after classes started. The purpose of the week was to increase awareness about race and ethnicity.

Derwin Dubose, a sophomore at the University and co-chair of the event, told Tolerance.org, "We can't force people to change, but the goal for this week is to provide something through the many programs to make someone look inside and challenge their own biases and stereotypes and then want to change themselves."

Many institutions of higher learning in New Jersey have official policies regarding hate crimes and bias incidents. Dr. Jack Gentul, Dean of Students at New Jersey Institute of Technology, contends that while



every campus has issues between groups, the issues that his college has have not been racially or ethnically motivated. According to Dr. Gentul, even though the college has policies and practices to deal with hate crimes, they "have not had any such incidents for quite some time." Efforts at NJIT to combat hate and bias are directed to developing a community which values acceptance and understanding, Dr. Gentul explained.

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### Family loses fortune

Now a 71-year-old grandmother, Principe spent her earliest childhood years in Germany. There, she and her relatives reportedly enjoyed a life of wealth and prosperity supported by her family's successful department store chain, which in 1930s Europe was worth millions of dollars and would be worth billions today.

During Hitler's rule, however, Principe's father and other family members were forced to surrender their stores and properties because of the **Aryanization** regulations that were in place at the time. These regulations banned Jews from owning or operating businesses. As a result, many people like Principe's father lost their livelihood and all they had worked for in exchange for little or no compensation.

After fleeing with his family to America, Principe's father, Gunther Wertheim, was forced to start over. Settling in New Jersey, he earned a modest living as a chicken farmer but never realized even a fraction of the wealth he had left behind.

Years later, Principe's father and his brother, Fritz Wertheim, pursued the shares in the business they had lost through Aryanization. Adding another chapter to this real-life story, however, they were reportedly told that their shares to the family business were worthless, and were paid a modest sum of \$9,200 each to drop their claims.

For decades after that, the Wertheim heirs believed their fortune lost to the war. After the fall of the Berlin Wall in 1989 and the reunification of Germany, however, new documents and information were uncovered that revealed the Wertheim properties to be worth millions, reigniting the Wertheim heirs' case to reclaim their fortune.

### Legal battle ensues

Today, Principe remains deeply engrained in what is reportedly one of the largest Holocaust-era claims made to date — 85 Berlin properties worth as much as \$500 million.

Principe said her family has not yet been compensated. "But that will come, because the German government has **rescinded** on a couple of properties already," she said, noting a victorious case in November 2002.

Principe points out that her family's situation is different and more complicated than other restitution cases because of the alleged deception that took place years after the Wertheim business was taken over and the resulting lawsuit that ensued.

"It is a very deep, thick book," Principe says.

Through it all, she remains determined to help write the final chapter. While there is considerable money at stake, the driving force behind Principe's determination transcends dollars.

"My father died a broken man at the age of 52," Principe says. "I am going after what they denied my father."

### What about unfair American laws?

While the laws involved in Principe's case pertained to Germany and did not apply here, American history also bears examples of discriminatory laws that were eventually deemed unconstitutional by the courts and removed from the books.

Dr. Paul B. Winkler, executive director of the New Jersey Commission on Holocaust Education, noted the similarities between the Aryanization regulations in Germany and the Jim Crow laws that imposed racial **segregation**, which existed in the U.S. well into the mid-1900s.

### What was it like?

Imagine seeing signs that read, "Whites Only" or "Colored" outside of public restrooms, drinking fountains, waiting rooms, and other facilities. Imagine separate parks, separate train cars, even separate schools for whites and blacks.

These are just a few examples of the laws, named after a black minstrel character, Jim Crow, who was portrayed by a white actor during a popular comedy act in the 1800s, that set blacks — and the entire country — a giant step back from the gains achieved through the Civil Rights Act of 1875.

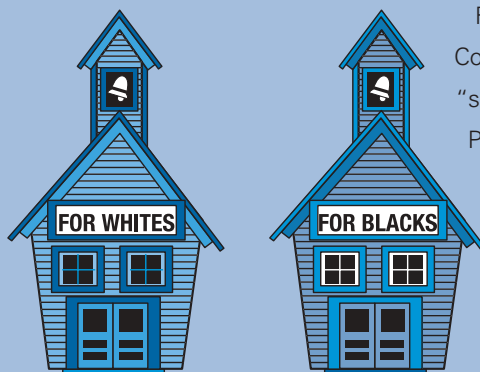
Before the courts eventually overturned them, the Jim Crow laws were first strengthened by a number of U.S. Supreme Court rulings. Perhaps the most notable of these involved a Louisiana carpenter named Homer Plessy.

### Who was Homer Plessy?

As told by HistoryNet.com, an on-line history source, Plessy was seven-eighths **Caucasian**. On June 7, 1892, in a direct challenge to the Jim Crow Laws, he boarded a train car reserved for whites and refused to move. He was arrested and a local judge ruled against him.

Four years after Plessy's arrest, the U.S. Supreme Court upheld the lower court's ruling, finding that "separate but equal" accommodations did not violate Plessy's rights and that the law did not stamp the "colored race with a badge of inferiority."

In a similar vein, the Court ruled in 1899 in a case known as *Cumming v. County Board of*



**Aryanization:** in the Nazi era, the process of “cleansing” Germany of the Jewish race. **Caucasian:** a white individual. **epithet:** a

negative word or phrase used to describe a person or thing. **homophobic:** derived from the word homophobia, which is an irrational

fear of homosexuals. **peonage arrangement:** the system of employing “peons” or laborers in servitude until their debt is paid off.

**rescind:** to void an act or an order. **salient:** stand out significantly. **segregation:** the act of separating a race or social class from

general society.

## Unfair Laws *continued from page 5*

*Education* that separate schools were valid even if comparable schools for blacks were not available.

### When did things begin to change?

According to HistoryNet.com, the Jim Crow Laws began to break down around 1915. Evidence of this came with a U.S. Supreme Court ruling that same year in a case known as *Guinn v. United States*, which found that an Oklahoma law denying some citizens, including black men, the right to vote was unconstitutional.

Later in 1954, with its ruling in the landmark case of *Brown v. Board of Education*, the U.S. Supreme Court determined that a law requiring separate schools for whites and blacks was unconstitutional. That case helped to spark the start of the Civil Rights movement and the end of racial segregation under the Jim Crow Laws.

### Could this happen again?

Looking back on stories like Barbara Principe’s and on the Jim Crow era, it’s hard to believe that the oppressive and discriminatory laws present at those times could have ever passed muster, and surely, with all the cultural awareness and talk of political correctness today, many believe nothing like that could ever happen again.

Dr. Winkler is not so sure. He believes that it could happen again if we, as citizens, forget the lessons of the past. Dr. Winkler recognizes that America differs considerably from Germany and

its rule under Hitler, perhaps most notably through our system of checks and balances, where the different branches of government are established to keep tabs on one another and ward off gross oversights or misjudgments.

“Hate can come on very quickly, however,” Dr. Winkler said, “if people stop being vigilant and fighting bias and bigotry.”

New Jersey lawyer Eugene McDonald, who lectures students on constitutional issues, echoes Dr. Winkler’s sentiment of vigilance. McDonald observes that Americans look to the U.S. Constitution for protection. However, he points out that the Constitution is only as reliable as the people backing it up. And, he recognizes that people in positions of power are motivated by different reasons, some of which may not always be just or pure.

Educating people about the Holocaust remains one of the key objectives for Dr. Winkler at the New Jersey Holocaust Commission. If there’s one lesson that he hopes students and others will take away from the teachings of the past, it is to pay close attention and not sit idly as bystanders in the face of injustice.

You don’t have to risk your life or stand in front of a bullet, he says. Taking a stand could take the form of not laughing at an ethnic joke, or of sitting next to a student in the cafeteria in a show of support. People have to stand up, Dr. Winkler says, when they see something unfair happening and say, “This is not right.” ■

## Hate Goes to College *continued from page 3*

### Becoming aware

How can a prospective college student learn the extent to which hate crimes have occurred on a particular campus? In 1990, President George Bush signed the Crime Awareness and Campus Security Act into law. Now known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the amended law requires all public and private institutions of higher education who participate in any federal student aid program

to publicly disclose three years of campus crime statistics as well as basic security policies. Named for Jeanne Clery, a Lehigh University freshman who was assaulted and murdered in her residence hall in 1986, the Act includes hate crimes on the list of campus crime statistics that must be reported to the federal Department of Education. Information may be obtained from Security on Campus Inc.’s Website, [www.securityoncampus.org/crimestats](http://www.securityoncampus.org/crimestats). ■