

## 4 ♫ WHIP THAT HOEDAD IN THE GROUND

### Undocumented Workers in the National Forest

For many Mexican immigrants the Forest Service provided work during the winter months. Farmworkers spent the rainy season thinning, replanting, and digging fire lines in the remote mountains of the Northwest. The work was arduous and dangerous but typically paid well and negated the risk of traveling south to look for work or having no work. Conditions in the forest, however, were far worse than anything farmworkers faced in the fields. Project members soon began hearing whispered reports about the horrible working conditions in the reforestation industry. Reforestation workers complained about sixteen-hour days without a rest break, low wages, or even no wages at all. Contractors charged them exorbitant fees for equipment and supplies. Workers were isolated and faced harsh weather. Worst of all, they had to fear being entirely abandoned in the mountains. Like the nurseries and mushroom plants, reforestation provided farmworkers with employment during the winter. But reforestation workers encountered extremely difficult conditions and rampant exploitation, as well as nativist attacks by white reforestation workers.

After the initial confrontations with the Immigration and Naturalization Service, the Willamette Valley Immigration Project decided to become involved in labor organizing. Kleinman recalled, "It is kind of a guerrilla war that is pretty marginal. It is righteous but we can see this thing going on ad infinitum. It was Cip [Ferre] that said 'we really need to dig into labor organizing.'"<sup>3</sup> Chasing immigration agents across the state, a tedious task punctuated by dramatic moments, did not develop a community base for the organization or stimulate the growth of a movement. The WVIP responded to the INS raids as an immigrant rights organization, but came to see the shortcomings of that approach. WVIP staff eventually became convinced that even if they adjusted the status

of every worker, working conditions would not improve without a union. The project started organizing the most vulnerable group of workers in Oregon agriculture, undocumented reforestation workers. The WVIP chose to organize reforestation for three reasons. First, the level of exploitation in the forests, where the workers' isolation made the exploitation more systematic and common, was more severe than in the fields; second, organizers believed that since most of the work was being done on federal and state land, the federal and state government would be more responsive to the level of abuse; and finally, they knew that most of the reforestation workers were also farmworkers, and they believed that if they could organize the forests, the fields would easily follow.<sup>4</sup>

Americans often romanticize the forest, imagining it as a pristine wilderness. The labor that goes into maintaining the forest, however, is often invisible. Tree planting is amazingly labor-intensive and hazardous. Replanting is done primarily from November to May. Depending on the altitude, workers encounter heavy rain or deep snow, and only the vigorous physical effort that tree planting requires keeps them warm. Workers trudge up the steep slopes of the mountainsides for as many as fifteen hours a day while carrying a forty to sixty-pound sack of seedlings.<sup>5</sup> The seedlings that they carry in their bags average about three feet from root to tip and are planted in the ground with the aid of a hoedad, a specialized tree-planting hoe.

The hoedad handle is around thirty-six inches in length and has a blade between fifteen and eighteen inches long.<sup>6</sup> Workers whip the hoedad blade into the ground and pull up on the handle to break up the soil. If they lift the handle more than a few inches, the hole will fill with topsoil and the seedling will die. After making the hole, the planter rolls the seedling into it with his free hand and simultaneously removes the hoedad. He or she then whips the hoedad into the ground a few inches behind the seedling and pushes the soil back towards the seedling to add stability. The worker can use their feet to firm up the soil around the seedling while being careful not to bruise or damage it in any way. Spacing is also very important: seedlings cannot be too close together or too far apart. Workers have to have specialized knowledge of the needs of different species of trees in order to plant properly. Douglas fir, for instance, cannot tolerate shade, so the seedlings must not be planted too closely together. Tree planters, like their counterparts in the fields, work in rows followed closely from behind by a whistle-blowing foreman who keeps the crew working at a constant rhythm. In each long day, a good worker can plant as many as 1,500 trees.

As early as the 1940s, Mexican immigrants worked in Oregon's forest as planters, seeders, thinners, and even firefighters. Braceros planted trees, thinned mountainsides, and dug fire lines in the national forest and on private timber holdings. By the 1970s, environmental concerns led to massive campaigns to replant areas that had been clear-cut. Environmentalists objected to clear-cutting

in particular because it denuded large swathes of land, which resulted not only in the loss of trees but in severe erosion and loss of wildlife habitat. Initially much of the replanting was done quite badly by amateurs. According to veteran tree planter Hal Hartzell, there was very little oversight of tree-planting operations, which led to every imaginable shortcut. Planters were paid by the tree, which encouraged workers to burn, stash, and bury saplings.<sup>5</sup>

As word of the shoddy efforts came out, many environmentalists based out of Eugene, Oregon, felt compelled to go to the forests and do the work. They regarded working in reforestation as politically righteous. The nature of the work appealed to them and their anticapitalist leanings. Replanting required being independent, having a good work ethic, and being far from society for long periods of time. Most importantly, the environmentalists could form a crew without a contractor and be their own boss. What began as a small experiment with a handful of tree planter crews, exploded into a full-fledged cooperative. Over the course of the 1970s the cooperatives planted "millions of trees on thousands of acres in ten western states."<sup>6</sup> These white environmental activists dominated the tree-planting industry for much of the decade until the advent of an unexpected competitor, undocumented immigrants. Contractors attempting to undermine the foothold that environmental cooperatives established in tree planting began to hire undocumented workers and pay them poor wages in order to win reforestation contracts.

### TREEPLANTERS, REFORESTATION, AND THE HOEDADS

In Oregon, the creation of sustainable forests required repairing the damage done by decades of clear cutting. In the late nineteenth century most commentators saw the lush forest of the Pacific Northwest as inexhaustible. This attitude persisted well into the twentieth century until the nation witnessed numerous devastating forest fires, which forced loggers and politicians to reexamine their practices.<sup>7</sup> Sustained-yield practices and legislation requiring reforestation began to make headway before the Second World War, but the postwar building boom generated a huge demand for lumber, and builders delayed any effort to reforest. By the late 1970s, nearly three million of Oregon's fifteen million acres lay bare. Despite the creation of a "super" trust fund in 1985, the US Forest Service fell behind in its ambitious plan to reduce the one million-acre backlog on federally owned land. Despite a sharp decline in logging, the amount of clear-cut land in need of reforestation continued to increase by 55,000 acres a year.<sup>8</sup> The backlog pushed the timber industry to reevaluate its approach to tree planting. Efforts in the 1970s were inefficient, ineffective, amateurish, and sometimes fraudulent. According to one former forestry worker, "tree planters were considered the lowest of the low. . . . Contractors hired skid row bums to stuff, kill, and bury seedlings."<sup>9</sup> The 1985 law and government benchmark required skilled and efficient

workers. The answer to the Department of Forestry's need for proficient laborers came in the form of the Hoedads.

Named after the tree-planting tool, the Eugene, Oregon-based collective of white male and a handful of female workers began as a group of like-minded leftists. The three founders, Jerry Rust, John Sundquist, and John Corbin, had all graduated from college. According to the Hoedads' biographer, Hal Hartzell Jr., "most of the members were well-educated. Money wasn't the attraction."<sup>10</sup> What attracted them was the opportunity to create a work environment consistent with the political ideas they had adopted in the 1960s. Only a few had any experience in reforestation. Those who did sought out other left-wing activists in the community to join with them in their cooperative effort. They trained others not only in the skills of tree planting but also in the practice of running a cooperative. Former member Roscoe Caron recalled the important role played by a "Wobbly" (a member of the International Workers of the World, an anarcho-syndicalist labor union that had included many lumber and dock workers in the 1910s), who in typical Eugene fashion was known as "Stupid." Caron stated, "Stupid taught us how to run meetings."<sup>11</sup>

The social experiment seemed to be working for the Hoedads. Within a few years of their founding they had expanded to fourteen crews and received a majority of the lucrative tree-planting contracts on both federal and private lands. They had quickly grown to dominate the industry. The original Hoedads created a coordinating committee, the Northwest Forest Workers Association (NFWA), to link all of the crews together and discourage competition between them. Contracts for reforestation work from the federal government were handled through a bidding process; whoever placed the lowest bid secured the contract to reforest acreage. The formation of the NFWA maintained minimum standards among member crews.

Competition for contracts came, instead, from unscrupulous contractors who employed undocumented laborers, whom they either underpaid or did not pay at all. The terms of the contract required the company to pay State Industrial Accident Insurance premiums, which cost as much as \$29 for every \$100 in payroll.<sup>12</sup> Contractors who hired undocumented workers rarely if ever paid the insurance premiums. These companies undercut the leverage that the Hoedads had once held. By the winter of 1979 the presence of undocumented workers in the forest had a drastic effect on the NFWA's bottom line. Speaking to reporters, one member asserted, "Last year we did three spring contracts worth \$150,000. . . . This year we were prepared to do up to \$200,000 worth of planting. Instead we've got \$36,000 in contracts."<sup>13</sup> The severe decline in employment contracts created discord within the NFWA.

The membership became embroiled in a debate over what to do about the undocumented workers. Rick Koven, an official spokesman for the NFWA,

articulated the conflicting feelings of the cooperative's members: "We are owners of our business and we want to get a fair price for our work. . . . On the other hand, we are workers and we are sympathetic to Mexican workers. We feel they are in this country because they haven't got good jobs at home, and we don't want to go around and try to get them arrested and deported. If we believed they were getting full wages and benefits, we wouldn't feel that they are unfair competitors." Koven told a group convened by the Clergy and Laity Concerned that his co-op had lost forty straight bids in the previous year.<sup>14</sup> The NFWA demanded that the Forest Service investigate the suspiciously low bids of certain contractors, but their request fell on deaf ears. Forest Service officials implied that low bidders were simply making bad business decisions. One quipped, "The government does not have the right to tell a contractor he can't lose money."<sup>15</sup> Officials refused to investigate allegations of labor law violations.

Although many of the NFWA members were ambivalent about the surge of undocumented workers into the industry, NFWA president Gerry Mackie held a definite opinion. In fact, Mackie had articulated a protectionist ideology even before companies exploiting undocumented workers began to compete with the Hoedads. After the first meeting of the NFWA, Mackie expressed concerns about the group's desire to incorporate other cooperatives by ensuring that local cooperatives were awarded contracts for work in their vicinity. According to the minutes of meetings printed in the NFWA newsletter *Together*, Mackie explained, "Again, I would like to refer to the law of supply and demand. There is only so much tree planting. The more people who want it, the less they'll get out of it."<sup>16</sup> Mackie voiced the contradiction at the heart of the NFWA: they wanted to be a cooperative but functioned within a capitalist economy. Mackie asked rhetorically, "The concern for local workers is admirable, but where does our altruism end and our self-interest begin? Are we to sit idle for two months because we refuse to take work from 'local' people? People we in the meantime have helped to organize? And what does 'local' mean? Someone who moved here three years ago? What is our locality? I just don't want to starve because of its [NFWA's] noble attitude. As far as we can go to help other people is good, as long as we don't endanger our own existence."<sup>17</sup> Mackie and the contractors he later demonized shared similar concerns; the contractors who undercut "local" workers were also acting in their own self-interest. Other members of the co-op followed Mackie's contention and began holding small protests at various government agencies. Dean Pihlstrom told the *Eugene-Register Guard* that about "7,000 tree planters have their jobs in jeopardy" because 57 percent of the contracts were awarded to "known employers of illegals." Pihlstrom blamed the problem on the US attorney general, who had directed the INS not to arrest any undocumented immigrants so that they could be counted in the 1980 census.<sup>18</sup>

Despite Mackie's leadership, the NFWA's course regarding undocumented immigrant workers was still up for grabs. The NFWA newsletter published a letter from one cooperative member, Laurie, suggesting a more measured response to the growing number of Mexican immigrants in the forests: "I'm hoping we can deal constructively with the fact that Mexican tree planters are doing, I'll bet[,] at least a third of the reforestation work here." Laurie pointed out that the NFWA had included Los Broncos, a team of local Mexican American tree planters: "Everyone seems to be avoiding the subject these days, but I think we had a good direction with Los Broncos." Nevertheless, Laurie's letter indicates that the membership was at a loss about how to deal with Mexicans: "Unions are obviously not the answer for these folks and if we start thinking in terms of 'alien competition' we are not going to help them either." The NFWA believed that undocumented workers were not organizable and that unions provided no hope of recourse.

The rift within the NFWA prompted a three-day conference aimed at clarifying the organization's future direction.<sup>19</sup> The organization adopted a resolution stating that their fight was not with the Mexican workers but with the contractors:

The Northwest Forest Workers Association affirms that undocumented workers should be accorded full Civil Rights that are guaranteed to all workers in our country. We recognize that they help produce the wealth that all of us enjoy.

We reject the underlying racism that focus[es] on the undocumented workers as the cause of unemployment and lower reforestation prices. We understand that those problems are the direct result of unscrupulous contractors that exploit and use Mexican workers for their own gain. Corporations that knowingly contract their reforestation work to contractors that employ undocumented workers in order to keep their own labor costs down, also play a part in this exploitation.

There has been a specific history of immigration from Mexico to the United States. Mexicans workers have historically been used to undercut existing labor markets in the United States.

The NFWA opposes a national work card system or any system that attempts to curtail Civil Rights of workers in our country.

We acknowledge that several of our companies in NFWA have been economically hurt by lowered contract prices due to the use of undocumented workers. We support moves that get to the root of the problem and do not penalize undocumented workers for trying to feed themselves.

NFWA supports the right of undocumented workers to organize themselves. Workers in this country have a basic right of job protection from corrupt employers that try to undercut existing labor relations.<sup>20</sup>



The strongly worded resolution demonstrated a sophisticated understanding of immigration reforms and proposals. Few if any workers' groups at the time understood immigration rights in the same context as civil rights. Like CASA, the NFWA acknowledged that immigrant workers created wealth that the rest of the nation enjoys. They explicitly rejected nativist<sup>21</sup> and racist attitudes towards Mexicans and underscored the historical forces that precipitated Mexican immigration to the United States. The NFWA also expressed an understanding of the exploitative nature of guest worker programs. Finally, despite Laurie's belief that unions would be of no use to Mexicans, the statement admitted that they had a right to unionize. Few organizations had worked with undocumented Mexican workers or made any effort to understand their plight. The resolution demonstrated that the NFWA could potentially be an ally.

In the end, however, the resolution might have been the final wedge that broke the NFWA apart. It passed by a narrow margin and caused an even greater rift among the members. The idealism on which the organization was founded gave way to self-interest. Headed by Mackie, some members on the losing side of the vote felt that the group no longer represented them and sought help from congressional representative Jim Weaver. Mackie and other members of the NFWA failed to see the connection between themselves and the undocumented reforestation workers. Both labored under difficult working conditions and both sought to improve those conditions, but instead of seeing a potential partnership, many members of the NFWA saw only "unfair" competition. The other injustice, however, could be seen in the exploitation of the undocumented reforestation workers.

### THE PLIGHT OF UNDOCUMENTED FOREST WORKERS

Reforestation work is so arduous and exploitative that citizen laborers felt it necessary to respond collectively to their abusive treatment. Without the protections offered by citizenship, undocumented workers suffered at the hands of employers to an even greater degree than their citizen counterparts. Undocumented workers faced maltreatment on the job, arbitrary reductions in pay, exorbitant and unnecessary fees, outright theft of their wages, deportation, and worst of all, the risk of being abandoned in the forest.<sup>22</sup>

Contractors found a multitude of ways to reduce the wages of undocumented workers. They paid piece rates, which meant that workers' earnings depended on the number of trees they were credited with planting, rather than their receiving the hourly wage guaranteed to them under federal contracts. Contractors also manipulated contract terms to punish workers by fining them. The U.S. Forest Service randomly reviewed replanted lands and penalized contractors for non-performance. In order to avoid fines, foremen inspected seedlings at the end of

the day. Deceitful contractors arbitrarily made deductions from workers' pay. The Hoedads and other cooperatives avoided this problem and maximized their earnings by inspecting one another's work and assuring that the work was done properly. At the end of the contract the money was evenly distributed among the members of the crew.<sup>23</sup> Undocumented workers could not hope for such an equitable result.

Contractors that sought to make as much money as possible developed numerous ways to scam workers. Tree planting required a wide array of specialized tools, clothing, and other accessories. The cooperatives in the NFWA brought their own equipment. Typically, contractors provided everything a crew would need over the course of the contract. Since the cooperatives were their own contractor, members shared, borrowed, and bought the necessary accoutrements to do the job properly. Undocumented workers, by contrast, came ill-prepared. Contractors forced undocumented immigrants to buy their own equipment. The hoedads, planting sacks, plot rope, knives, special boots, rain gear, snow gear, gloves, tents, and sleeping bags all came out of the worker's pay.

Staging areas are far away from any highway or major road and are accessible only by private logging roads. A long hike, from one to fifteen miles, then commences, with workers carrying hundreds of pounds of seedlings and work supplies. Since the work is done almost exclusively in isolated areas in stints lasting between two and eight weeks, workers also had to provide and lug their own shelter. All tree planters normally stayed in tents and sleeping bags while on the job, but only undocumented workers had the cost of "housing" deducted from their wages. The isolation also meant that workers had to depend on the contractor for food. The prohibitive cost of food often forced workers to go days without eating. One tree planter recalled, "For \$25 I received a jar of peanut butter, bread, canned beans, and a jar of Tang" (a powdered orange drink).<sup>24</sup>

By the early 1980s the NFWA had lost ground, and undocumented immigrants were doing most of the reforestation work. As Brigido Reyes discovered, however, being documented did not necessarily make life any easier. He earned only \$170 for 120 hours of work in his first tree-planting venture, a rate of \$1.42 an hour when the minimum wage in Oregon was \$2.90 an hour. Still, Reyes looked for more work in reforestation. His next stint proved too disheartening. After planting hundreds of acres near the Oregon-Washington border, Reyes and his coworkers received no pay. Believing that his being a resident alien with a green card would bolster their chances of getting paid, Reyes's coworkers urged him to take legal action. He heeded their call and complained to the US Department of Labor, but it did nothing. At that time the Labor Department only had two Spanish-speaking agents to investigate claims in the entire Pacific Northwest. Reyes continued working while his case remained unresolved. Over the next few months, he was twice the victim of nonpayment. Completely disheartened, he left the industry.

Undocumented workers faced exploitation in whatever line of work they chose. Harassment, wage theft, long hours, overwork, and payroll deductions for equipment were common. Reforestation workers sometimes were not paid, but undocumented reforestation workers faced the possibility of being abandoned. Foremen could deal with workers' insubordination by leaving them in the mountains. For the workers, simply walking off the job was not a viable option. One worker recalled, "We tried to leave several times but we couldn't find a way back."<sup>25</sup> After returning to civilization, he attempted to claim his unpaid wages: "We tried to locate him [the contractor] but it took us weeks to find him. Once we found him he gave us each \$150 in cash after he had promised us \$2,000."<sup>26</sup> Undocumented workers had little chance of challenging their bosses on the mountain and less of a chance of recouping wages directly from the contractor. According to the deputy district director of the INS, Carl Housenan, undocumented workers in the forest were widespread. In 1979, for instance, his office deported approximately 250 undocumented workers a month, and during the winter months 73 percent of those came from the forests, where they worked on tree planting projects.<sup>27</sup>

Fortunately, undocumented workers are entitled to sue employers for back wages.<sup>28</sup> By the spring of 1980, the Oregon Legal Services farmworker office had almost sixty pending cases of back wage claims for that year.<sup>29</sup> In Jackson County, for example, Ray Smith, a legal services attorney, sued reforestation contractor Alfonso Gonzales for withholding the pay of Ramon Ramos, Gabriel Gamboa, and Genaro Gamboa. Circuit Court Judge Merryman ordered Gonzales to pay \$500 in back wages to each of the three workers and an additional \$1,500 in fines. Smith told the local paper, "This is the first time the court has enforced a penalty against a migrant labor contractor in the Rogue Valley."<sup>30</sup> Smith's cocounsel, Jim Work, added, "Because the contractor has been paid by the State Forestry or by the US Forest Service for work done by the whole crew, he can easily pay back the wages of the few who complained and then pocket the rest."<sup>31</sup> Work went on to add that of the twenty contractors in the Medford area, they knew only three or four who were legitimate. Smith explained that violations took place more frequently in the reforestation industry than in the orchard industry. The case was an important victory for the workers and the attorneys, but Work's words pointed to the larger problem. Director J. L. Skolaut of the federal Wage and Hour division in Oregon estimated that anywhere from \$200,000 to \$300,000 in unpaid wages to reforestation workers was reported that year, but believed that it made up a small percentage of the actual violations because most went unreported.<sup>32</sup>

In addition to miserable living conditions, backbreaking work, nonpayment, and the possibility of abandonment, undocumented workers encountered a number of health risks. Like farmworkers, reforestation workers are constantly exposed to pesticides and herbicides.<sup>33</sup> The Environmental Protection Agency

turned a blind eye to the pesticides and herbicides being sprayed in the nation's forests. Dow Chemical Company had invented an herbicide, 2,4,5-T, to kill fast-growing hardwood in order to create more sunlight for the merchandisable Douglas fir. During the Vietnam War, 2,4,5-T and 2,4-D were combined to create the deadly toxin known as Agent Orange. Despite its harmful effects on humans, the EPA approved the use of 2,4,5-T for foresters. While the EPA restricted and prohibited the use of chemicals on "food crops intended for human consumption," it was not concerned about workers.<sup>34</sup> The lumber companies' unfettered use of 2,4,5-T spurred several legal challenges from citizens, environmental groups, and the Hoedads, but spraying 2,4,5-T remained commonplace. In 1980, several newspapers reported that women who lived near national forests had an inordinate number of miscarriages. After congressional hearings, the EPA placed a moratorium on 2,4,5-T. Still, several pesticides that have been prohibited or severely restricted on food crops are still allowed in the forestry industry, demonstrating that concern about toxic chemicals has more to do with consumer protection than with workers' health.<sup>35</sup>

Tree planters faced a variety of other physical, biological, chemical, and ergonomic hazards. Insect bites or stings, Lyme disease, rabies, allergic reactions to plants, and extreme temperatures all posed serious risks to workers. Chainsaws and other equipment used to thin acres for planting posed a safety risk, especially without proper training and precautions. If an undocumented worker fell ill or was injured there was little recourse, as the case of Francisco Diaz Bernal demonstrates. On April 11, 1978, this reforestation worker fell down a flight of stairs at the Holiday Village Motel in Beaver Marsh, Oregon, where the workers were staying. Diaz appeared to be paralyzed and was taken to Charles Medical Center in Bend, seventy miles away. When Diaz arrived at the hospital, Dr. John C. Bell came to the conclusion that Diaz was an undocumented immigrant and refused to treat the young man for his injuries.

A day later, Diaz was moved another seventy miles to Presbyterian Community Hospital in Klamath Falls, where he was diagnosed with a neck-level spinal fracture. The neurosurgeon who tended to him told the *Oregonian*: "When he arrived here, he was totally without function of arms or legs. . . . He had a distended abdomen from gases that had accumulated and a full bladder."<sup>36</sup> After twenty-four days, hospital officials decided to move him elsewhere for rehabilitation, claiming that they did not have the facilities to care for Diaz. One vocal administrator doubted that claim: "If he were able to pay, there wouldn't have been a squawk. Klamath Falls was perfectly able to rehabilitate."<sup>37</sup> Having been rejected from all the hospitals in the area, Diaz was put on a chartered flight back to Mexico. Six weeks later he died from his injuries.

The Diaz family filed a \$1.77 million wrongful death suit against Dr. John C. Bell and the hospital, the first of its kind in Oregon on behalf of an undocumented

immigrant. The suit claimed that Bell failed to "institute treatment" and that Diaz consequently "sustained further damage to the spinal cord, which resulted in a change from partial paraplegia to quadriplegia."<sup>38</sup> The case was settled out of court and the settlement remains sealed, but the suit was an important milestone on behalf of undocumented workers. A few days later a class action suit was filed in Ontario, Oregon, against Holy Rosary Hospital on behalf of "poor people and migrant workers" in Malheur County for failing to provide "a reasonable amount" of free health care. The hospital was obligated to provide care in return for federal construction assistance. The suit sparked a major controversy in Oregon over whether undocumented workers could receive health care, a debate that predated the California debate over Proposition 187 by fifteen years.<sup>39</sup>

Diaz's death demonstrates the many hazards faced by undocumented workers. Despite its difficulties, tree planting promised better wages and steadier work than agricultural labor. But the reality was more dreadful than anything workers encountered in the fields. They confronted the same hardships as field workers, but the isolation of forest work allowed abuses to go unchecked. It was very difficult for anyone to voice their grievances and nearly impossible for anyone to hear them. Dreams of lucrative wages and consistent employment quickly turned into a nightmare. The WVIP decided to begin its battle for unionization among reforestation workers.

## AGENTS OF CHANGE

In 1980, some members of the NFWA persuaded representative Jim Weaver, chairman of the forest subcommittee of the House Agriculture Committee, to hold hearings concerning the hiring of undocumented workers in the national forests. Jerry Rust, a former tree planter himself, testified to what many in the immigrant community already knew: "They [undocumented workers] are often arrested and deported before they are paid—to the benefit of the contractor. They are charged exorbitantly for their travel, for their room, and board. Often times they find themselves owing their soul to the company store. They have no health or accident insurance—and no unemployment benefits."<sup>40</sup> Rust made two other very important points in his testimony. First, he had observed that the importation and deportation of undocumented workers was systematic; many of the same workers were repeatedly imported and deported. Second, and most damningly, Rust stated, "It appears to me that the federal government through its contracts is quite possibly the largest single employer of undocumented workers in the Northwest."<sup>41</sup> Pointing the finger at the federal government and contractors, he argued that a methodical system of exploitation existed in reforestation. Rust's testimony was largely sympathetic to immigrant workers, but Representative Weaver took a decidedly less understanding stance. After the

hearing, Weaver told reporters, "If the recession [in the early '80s] deepens, we're going to have lots of people unemployed and I want Americans right here who would otherwise be on unemployment rolls to be able to get jobs."<sup>42</sup> Prior to being approached by the NFWA, Weaver had already made numerous public statements that were hostile to undocumented workers. Despite the NFWA's proclamation of solidarity with undocumented workers, some members launched their own campaign to save "their" jobs. At a tree planters' protest against government hiring practices, Weaver stood in the crowd holding a sign that read "Employ A U.S. Citizen, Not An Illegal Alien."<sup>43</sup> He gave an impromptu speech and promised to fight until the reforestation workers in the crowd got their jobs back. The rogue group of NFWA members prodded him to "do something about the illegals in the woods"<sup>44</sup> by stepping up deportations. The NFWA launched a letter-writing campaign and enlisted the aid of not only Weaver but forty members of the Oregon legislature, aimed at the Forest Service to pressure them into doing something.<sup>45</sup> The sudden change in attitude toward undocumented aliens, in particular the use of the term *illegal alien*, is marked by the appearance of Weaver as an ally. Prior to the hearings, the NFWA documentation, such as minutes, newsletters, and correspondence, does not use the term. This suggests that Weaver's politicization of the situation pushed the NFWA into more vehement racist and nativist attacks.

Weaver responded to these demands by creating an "interagency taskforce" comprised of the US Forest Service, Bureau of Land Management, Department of Labor, Immigration and Naturalization Service, and Oregon Bureau of Labor and Industries. The task force recommended that the Forest Service adopt new regulations intended to keep unscrupulous contractors from underbidding legitimate employers. They included a certified payroll, a 20 percent bond, bilingual contracts, and a requirement of a state labor license.<sup>46</sup> The task force operated under the premise that deporting workers could eliminate unscrupulous contractors. As a result, INS raids became the focal point for interagency cooperation. INS agents received all contract bids and award notices that were 10 percent below government estimates, reasoning that any bid that low must employ undocumented immigrants, making them targets for raids. This despite the fact that the NFWA's bids often came in well below the government estimate. But perhaps the most egregious and offensive regulation provided "training" to Forest Service and BLM planting inspectors on "how to spot an illegal alien."<sup>47</sup> President of the NFWA Gerry Macke applauded the changes and thanked the Forest Service for being responsive to their concerns.

Although immigration raids had taken place in the reforestation industry in Oregon since at least 1969, the number and frequency of apprehensions increased sharply. Later that year the INS began a series of raids of reforestation sites, using the 10 percent benchmark that Weaver had encouraged. In Waldport, Oregon, the



INS targeted a reforestation site because of the low bid won by Andres Sharipoff of Woodburn. Sharipoff had won the contract by bidding \$92 an acre for a 501-acre tract, while the next closest bid stood at \$225 an acre. The raid resulted in the deportation of thirty-seven undocumented workers, but the NFWA's Dean Pihlstrom was unimpressed; the bids, he said, "were too low to be done."<sup>48</sup> In other words Pihlstrom felt that the acreage of the awarded contract was too small to be consequential. A second raid a few weeks later "netted" twenty-seven more undocumented immigrants in Reedsport, elicited a similar response from Rick Koven and Bob Leach of the Hoedads, who both said it was too early to tell.<sup>49</sup> Led by NFWA president Gerry Mackie, the workers' cooperative developed a more intimate relationship with Representative Weaver. The NFWA became increasingly hostile towards undocumented workers, in striking contrast to their resolution of just a few years before. Despite the NFWA's claim that they were "not about the money," once the money stopped flowing everything changed.

In response to the growing hostility from the taskforce and the NFWA, the WVVP took the offensive. Both Kleinman and Ferrel accused the NFWA publicly of instigating racist attacks on immigrants, by which they meant INS raids. Ferrel warned that white reforestation workers were ultimately setting the workers' struggle back. Michael Muniz, an attorney with Oregon Legal Services, added that his office continued to see the same number of complaints as before: "it's been our experience that the rules have had little, if any, effect."<sup>50</sup> The WVVP correctly predicted the increase of INS raids, as the following year saw raids in the Gifford Pinchot National Forest, Chelatchi Prairie, Carson, Hood River, Falls Creek, and the Olympic National Forest.<sup>51</sup>

One of the most public attacks on the contractors, the task force, and the NFWA came in a series of investigative articles in Salem, Oregon's *Statesman Journal*. The WVVP alerted *Statesman Journal* reporters Phil Manzano and Michael Walden to the horrific conditions that undocumented workers encountered in the reforestation industry. They followed a group of undocumented workers crossing the border and traveling to Oregon and related their experiences in reforestation. The hard-hitting exposé earned the duo a Bruce Baer award for excellence in the profession. The series sparked community organizations into action. The Lawyers Guild and other legal services agencies pursued back wage claims on behalf of reforestation workers, the Benedictine Sisters provided affordable housing at Mt. Angel College, and numerous other social services agencies provided assistance.

What the WVVP knew about the conditions in the forest was mainly anecdotal. Larry Kleinman recalled the horror stories that were brought to the organization. For example, "We heard persistent rumors of a Mexican crew being killed on Mount Saint Helens during the eruption but could never get anywhere trying to prove it."<sup>52</sup> This and other rumors attested to the terror that immigrant

workers felt, but WVVP needed more concrete evidence. Staffers decided to address the problem by starting the Reforestation Worker Education Project. The educational project served a dual purpose: to educate their supporters about working conditions in the forests and to educate each other about the reforestation industry. The WVVP consciously borrowed this tactic from the UFW, which had used it in its early organizing campaigns.<sup>53</sup>

The educational project confirmed the WVVP's suspicions. A survey they conducted of all the immigration cases that came across their desk revealed that reforestation workers made up the majority of the people seeking help. Staffers then interviewed three of the reforestation workers who came into the office. They also interviewed hundreds of additional workers at local hangouts and passed out the survey to other workers to fill out and bring back to the office. The questionnaire asked about workers' experiences, living conditions, pay, and job-related illness and injury. The results confirmed the stories of low wages, long hours, six-day workweeks, being injured in the forests with no access to health care, and being left in the middle of the forest with no way home. As the UFW had done with field workers, the WVVP used the survey results to address the most pressing demands of tree planters.

Fully 80 percent of Oregon's and Washington's estimated 15,000 reforestation workers were Mexican; 78 percent knew little or no English. Their average age was thirty. Most had been doing reforestation work for an average of three years, and 72 percent also worked in the fields. Most (71 percent) lived on the job site, in tents and campers or out in the open, while a few commuted. A majority (51 percent) worked six days a week and 19 percent worked seven days a week. Almost all (93 percent) were allowed less than half an hour for lunch, and almost one-third (30 percent) did not receive more than one break per day. Most were severely underpaid, paid late, or not paid at all. Others received cash payments with no record of deductions and were threatened with deportation if they complained. One-third of the workers had some type of work-related injury, and nearly one-half reported unusual illness (i.e., any sickness more severe than the flu or the common cold).<sup>54</sup>

These findings inspired the WVVP to combat the wave of immigration raids in the forest. Raids are inherently destructive and disruptive, but the isolation of the wilderness made them even more frightening and dangerous. Being caught by the INS meant deportation to Mexico and having to cross a perilous border and make the trek back to Oregon all over again. Trying to escape the INS entailed potentially life-threatening situations. Workers who managed to evade the agents faced hypothermia, starvation, dehydration, and sometimes death. Finding a way back to a main road or a town was nearly impossible.

The WVVP initially pursued a partnership with the NFWA in hopes of building a united front against the INS raids. Project managers believed that the

progressive politics of the NFWA made them a natural ally and that the group would be receptive to their proposals. The NFWA pointed out that in the previous year they had passed a strongly worded resolution at their annual conference in support of the rights of undocumented workers. But the WVVP found the resolution insufficient. WVVP members believed that the NFWA was actively working with the INS and pointed to certain members' relationship with Representative Weaver as evidence. The NFWA insisted that it did not intend to aid in the increasing numbers of immigration raids.

One incident after another drove the WVVP and the NFWA apart. For the NFWA these were misunderstandings, but the WVVP read them as blatant racism. According to the minutes from an NFWA meeting on February 21, 1983, the Hoedads placed an advertisement in the *Eugene Register Guard* for tree planters. Shortly thereafter Pat Brenner, a member of the Hoedads, received a call from the INS inquiring about the number of applications that had been submitted. Brenner reported the information to the INS, which used it to argue publicly that qualified American citizens had lost jobs to undocumented workers. When the WVVP discovered this "collaboration" between the Hoedads and the INS, the project demanded that the Hoedads explain themselves. Later, at a face-to-face meeting, the NFWA argued that it was a simple misunderstanding that resulted from a certain amount of naïveté. There was no way, they argued, that Brenner or any other member could have known what the INS was up to. The WVVP was dissatisfied with this explanation.<sup>55</sup>

The two groups also disagreed about legislative responses to undocumented workers in the forests. At the meeting Gerry Mackie explained the NFWA's legislative strategy and reiterated its support for full compliance with payroll certification.<sup>56</sup> Mackie believed that requiring contractors to operate with a state-issued license would deter them from hiring undocumented workers. If a contractor "knowingly" hired undocumented workers, its license would be revoked. The WVVP was not convinced that a license would keep contractors from exploiting workers. Members believed that even if a contractor had its license revoked, it could simply refile under a relative's or a corporation's name. The WVVP argued that this measure did little to affect undocumented workers other than potentially putting them out of work.

The WVVP insisted that the NFWA comply with three demands. First, the NFWA must decide where it stood on the issue of illegal immigration and clarify its position on cooperation with Weaver's interagency task force. Second, it must write a letter disclaiming the validity of the statistics Brenner provided to the INS. Finally, the NFWA should work closely with the WVVP to develop a long-term legislative fix for the contracting problem.<sup>57</sup> The NFWA passed resolutions disclaiming the statistics and on noncooperation with the INS, and agreed to work with the WVVP. There was only one no vote on the first two resolutions

and one abstention on the third. The WVVP had extracted the promises they demanded, but when the raids continued they continued to suspect the NFWA of cooperating with the INS.<sup>58</sup> Indeed, WVVP members began to suspect that the collaboration went far beyond sharing statistics. Rumors circulated that the NFWA had begun tipping off INS agents as to the location of work camps. Despite the NFWA's protestations of innocence, Kleinman was unmoved: "Of course they [NFWA] knew [about the INS]. They snitched them [immigrants] off. Who else knew where these workers were? The INS sure as hell didn't know. The Hoedads [NFWA] knew those mountains and where people were."<sup>59</sup> In subsequent years the NFWA worked against the stated goals of their resolutions, which made rumors of their cooperation with the INS increasingly believable.

Yet the WVVP continued to try and find common ground with the NFWA. In the fall of 1984, the NFWA and the WVVP jointly filed a mandamus action intended to force the Department of Labor to include reforestation workers under the Migrant Seasonal Agricultural Workers Act. The act protected workers by requiring employers to provide pay stubs, make certain disclosures about the type of work to be performed, and have the housing they provided for workers inspected. Attorneys Mary Lewis and Michael Dale successfully argued the case in front of Judge Burns in US District Court. On September 30, 1985, Judge Burns ruled that reforestation work was covered under "agricultural employment" and that the protections of the act should be extended to reforestation workers. He wrote, "These individuals have been victimized by contractor exaggeration of conditions of employment, deceived about the length of employment and wages, transported in unsafe vehicles to remote forestry camps, furnished with unsanitary and substandard housing and paid in cash, net of unexplained deduction. . . . I conclude that these are precisely the evils at which Congress was taking aim when it broadened the definition of agricultural employment in 1974 when it intended to include all contractors."<sup>60</sup> Burns identified forestry work with other forms of agriculture: "It is inconceivable that Congress intended to protect workers planting trees in orchards and to disregard workers planting trees on a hillside, when both groups suffer the same clearly identified harm."<sup>61</sup> Both the NFWA and WVVP viewed Judge Burns's ruling positively. Tree planters no longer lived in a legal limbo between industrial and agricultural work. The decision made it possible for advocates to challenge the treatment of reforestation workers.

The brief moment of collaboration between the WVVP and NFWA temporarily reduced the gap between the two organizations, but in the spring of 1983 they clashed over proposed Senate Bill 325. The NFWA lobbied Margie Hendiksen, a state senator, to introduce a bill curbing the use of undocumented workers in the forest. The main point of contention was a provision that imposed large fines and jail sentences for contractors hiring undocumented workers. The NFWA



continued to contend that employer sanctions would discourage contractors from hiring undocumented workers and that depressed wages were caused by the contractors' hiring practices. Speaking to an *Oregonian* reporter, an NFWA spokesperson argued that "most of these contractors will only hire illegal aliens. . . . They want an exploitable work force. . . . Exploited illegal labor is displacing legally-paid labor."<sup>82</sup>

Conversely, the WVVP had long opposed employer sanctions that were already on the books, and in this case they characterized the proposed law as "super sanctions." In a letter to Margie Hendriksen, Ramon Ramirez reiterated this position: "In reality, the unscrupulous contractors exploitation and abuse of labor—US citizens, documented and undocumented alike—is the overwhelming cause of the industry's poor condition."<sup>83</sup> Ramirez explained that employer sanctions would lead to discrimination against Hispanics. To avoid prosecution without burdensome record keeping, he argued, employers would simply refuse to hire anyone who looked Hispanic or "foreign," and those workers would be left without recourse. Ramirez cited a General Accounting Office study that determined that in ten other states where employer sanctions had been introduced, sanctions "were unenforceable and ineffective. Yet their potential for fanning racial discrimination is immense."<sup>84</sup> A coalition of organizations that represented ethnic Mexican interests, including the WVVP, lobbied against the bill, which resulted in the removal of the "super sanctions." The removal was a success, but the WVVP pushed even further by trying to add an amendment that would repeal the employer sanctions already in existence. The original drafters of the bill, the Bureau of Labor and Industries and the NFWA, vehemently opposed the repeal of employer sanctions and Margie Hendriksen saw it as a "different issue."<sup>85</sup> The WVVP reasoned that ultimately an amendment would be an uphill battle and that they should focus their energies on the interagency task force. "In our opinion the present employer sanctions does not represent a threat anywhere near as great as the effects of the NFWA and Rep. Weaver. . . . for almost two years, the Bureau of Land Management, the US Forest Service, the Oregon Department of Forestry, and the Immigration and Naturalization Services have collaborated to step up raids against Mexican tree planters in Oregon and Washington."<sup>86</sup> The growing number of raids prompted the WVVP to begin gathering evidence of harassment of US-born Mexican workers by the INS. They thus shifted their focus from the bill to the dismantling of the interagency task force.

The WVVP accused the NFWA of being motivated by racist attitudes, while the NFWA was adamant that its actions were not motivated by race. The NFWA continued to lobby on behalf of employer sanctions, arguing the UFW was also in favor of employer sanctions, despite the fact the UFW was actively lobbying against them at the federal level.<sup>87</sup> In a memo to the Weaver task force, Mackie added, "I want to immediately dispel the impression that our concerns are

motivated by racism. That some of our people were out in the woods and saw some Mexicans and got mad."<sup>88</sup> The motivations of the NFWA were clearly more complicated than this, but the NFWA's stated intentions were inconsistent with its actions. The NFWA grew increasingly hostile towards undocumented workers. What began as a careful and measured response to undocumented workers, devolved into racist caricatures and abusive and dehumanizing images in their newsletters. Suddenly words such as "illegal" and "wetback" started making their way from NFWA members' mouths and into the public debate.<sup>89</sup>

A year after Jim Weaver's initial hearing, the group's concern for workers started to fade as its concern for jobs grew. Its arguments were couched in nativist rhetoric. Signs at protests read "Keep the hoedad in American Hands"; "American Citizens Si, Illegal Aliens No"; "Hire Americans to Plant Trees."<sup>90</sup> A Hoedad representative told the *Oregonian*, "With the high rate of unemployment here and tree planting already reduced to forty percent of normal, it is going to be increasingly difficult to tolerate the outlaw sort of contractor who hires illegal aliens and underpays them. . . . From our workers' observation, half the state's tree planters come from Mexico."<sup>91</sup> The NFWA even backtracked from its successful effort to classify reforestation workers as agricultural workers. The newsletter warned, "This is a different case than the farmer who hires illegal aliens, they often cannot find American workers who will work for the wages they pay. But Americans do want to plant trees. With wages running from \$8.50 to \$12.00 an hour, it is possible to make a living planting trees."<sup>92</sup>

While it was true that some American citizens worked and made a living planting trees, the reality was that the work was so difficult and strenuous that the turnover rate was enormous. The NFWA's numbers vacillated constantly, with the average tree planter lasting less than thirty days.<sup>93</sup> The original Hoedad members often bragged about the turnover rate and understood that not everyone was cut out for the job. In their office they proudly displayed a sign from the Oregon State Employment Service that testified to the rigors of the job:

"It is the hardest physical work known to this office. The most comparative physical requirement is that of a five-mile cross-country run, daily. If all body joints are very good condition, a person has excellent persistence and at four-and-a-half miles of your self-trial run, you know you can do it, and can persuade the foreman, you may make it the three weeks it takes to really learn how to be a team member on a planting crew. . . . of those who adequately persist to get on the two hour crummy [a dilapidated motor vehicle] ride for a trial, one person in fifty succeeds for the three week period. It actually is a good job for some."<sup>94</sup>

Members often remarked about all the difficulties that the announcement missed, the forty-pound sack of trees, the weather, and the wildlife, but agreed

that this was not a job for most. Yet when undocumented immigrants entered the tree-planting arena, the talk of lost jobs for Americans became a rallying cry. But in actuality very few people were cut out for the job and the State Employment Service had difficulty filling labor needs in the forest.

In the end the WVIP lamented the lost opportunity to build a multiracial movement of workers in the forests. As Anglo reforestation workers moved out of the sector, undocumented workers came to dominate.<sup>75</sup> Concurrently, the reforestation industry in Oregon declined as the recession plunged commercial spending on thinning and seedling planting; the percentage of acres replanted fell from 7.6 percent to 0.42 percent. As the recession ended the spending did not return; the never-ending quest for cheaper labor sent lumber companies fleeing to the American South.<sup>76</sup> At the same time the WVIP ceased to organize workers in the forest but did not give up on the workers themselves. In fact many of those workers went on to play a crucial role in the formation of Oregon's first farmworker union.

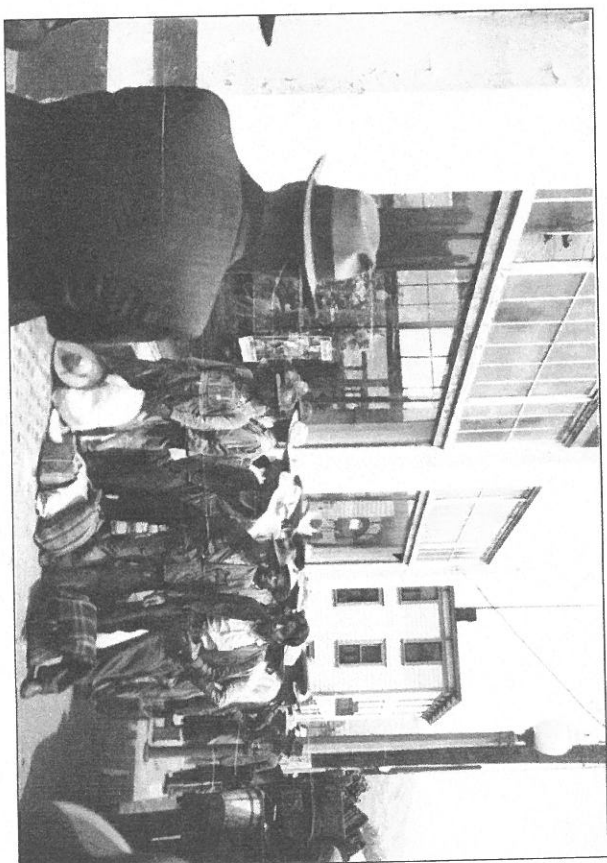


FIGURE 1. Mexicans lined up and waiting for registration and assignment to farmers in Hood River County. (From the Braceros in Oregon Photograph Collection, OSU Libraries Special Collections & Archives Research Center.)

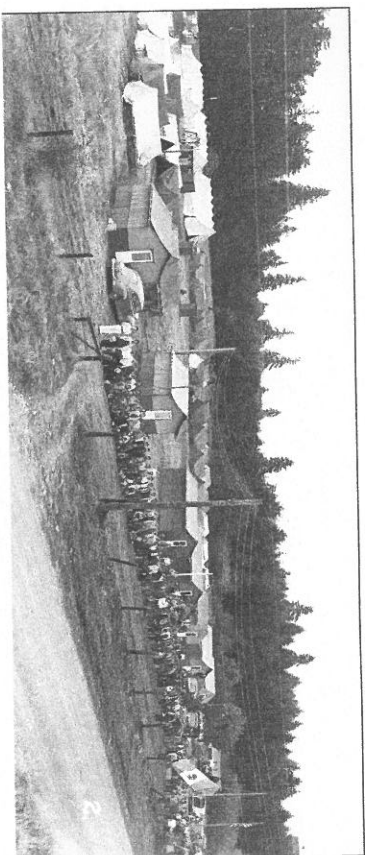


FIGURE 2. Flag-raising ceremony, Columbia County Mexican farm labor camp. (From the Braceros in Oregon Photograph Collection, OSU Libraries Special Collections & Archives Research Center.)

## CHAPTER 4 WHIP THAT HOEDAD IN THE GROUND

1. Interview with Larry Kleinman, July 24, 2007, in Woodburn, Oregon. Conducted by the author.
2. Interview with Larry Kleinman, August 28, 2009, in Woodburn, Oregon. Conducted by the author.
3. The terms *seedlings* and *saplings* are used interchangeably here.
4. The hoedad is also sometimes called a hoedag.
5. Hal Hartzell Jr., *Birth of a Cooperative: Hoedads, Inc.: A Worker Owned Forest Labor Co-op* (Eugene and Roseburg, OR: Huiologos'i Communications, 1987).
6. *Statesman Journal*, March 1, 1988.
7. William G. Robbins, *Landscapes of Conflict: The Oregon Story, 1940–2000* (Seattle: University of Washington Press, 2004).
8. *Ibid.*
9. Hartzell, *Birth of a Cooperative*.
10. *Ibid.*
11. Interview with Roscoe Caron, July 24, 2007, in Eugene, Oregon. Conducted by the author.
12. *Eugene Register-Guard*, May 11, 1980.
13. *Ibid.*
14. *Eugene Daily Emerald*, January 13, 1981.
15. *Ibid.*
16. *Together*, volume 3, no. 2 (October 1976).
17. *Ibid.*
18. *Eugene Register-Guard*, February 14, 1981.
19. *Eugene Register-Guard*, October 18, 1980.
20. *Together*, vol. 4, no. 2 (Summer 1977).
21. Nativism is the political position demanding a favored status for native-born workers as opposed to immigrant workers. Historically, nativism is differentiated from racism as it has primarily been aimed at white ethnic immigrants.
22. "Judge Orders Back Pay for Tree Planters," *Mail Tribune*, August 25, 1981.
23. Hartzell, *Birth of a Cooperative*.
24. Anonymous, interview conducted by the author, October 27, 2007. The subject asked not to be identified due to his immigration status. Subject worked as a tree planter in various locations for a two-year period 1980–1982. In addition to this worker's concern about his immigration status, the contractor whom he worked for in 1980–1981 is still a prominent contractor in the area.
25. Anonymous, interview.
26. *Ibid.*
27. *Springfield News*, February 14, 1981.
28. Author Pierrette Hondagneu-Sotelo highlights the recent efforts of undocumented domestic workers in Los Angeles to reclaim their wages. The same strategy was implemented by the Willamette Valley Immigration Project (WVIP) and Pineros y Campesinos Unidos Noroeste (PCUN) in the 1970s and 1980s.
29. *Oregonian*, May 16, 1980.
30. "Judge Orders Back Pay."
31. *Ibid.*
32. *Statesman Journal*, May 11, 1982.

33. The fight against pesticides on food crops is well chronicled. The struggle to ban pesticides and herbicides in the fields is by no means over, but the movement has made considerable headway. The arguments against using pesticides and herbicides on food crops drew sympathy from organized labor and environmentalists for farmworkers but it also had another very strong ally in its corner as well, health-conscious consumers. Less concerned about laborers, many consumers' refusal to buy fruits and vegetables that had possibly been sprayed with DDT or other pesticides and herbicides put an unyielding pressure on the producers to at least make it appear that their foodstuffs were healthy. The health of the middle-class consumer was at stake and that fact as much as any sympathy for workers was instrumental in the anti-pesticide movement.
34. Robbins, *Landscapes of Conflict*.
35. The Hoedad also had internal debates about taking contracts with Thiram-covered trees. Thiram is an anti-fungal chemical sprayed on trees. When inhaled it causes nausea, dizziness, fatigue, and diarrhea. Long-term exposure can interfere with speech and motor skills.
36. *Oregonian*, March 18, 1979.
37. *Ibid.*
38. *Ibid.*
39. *Eugene Register-Guard*, March 18, 1979.
40. "Use of Illegal Aliens in Government Reforestation Contracts," *Hearing before the Subcommittee on Forests of the Committee on Agriculture*, House of Representatives 96th Congress, Second Session, May 15, 1980, Eugene, OR.
41. *Ibid.*
42. *Oregonian*, May 16, 1980.
43. *Oregonian*, February 14, 1981.
44. "Use of Illegal Aliens."
45. *Eugene Register-Guard*, October 26, 1983.
46. *Eugene Register-Guard*, November 4, 1983.
47. Willamette Valley Immigration Project, "Reforestation Workers Education Project," n.d.; PCUN archives and internal memo from Larry Kleinman to signers of March 15 letter on Senate Bill 535, n.d.
48. *Springfield News*, February 14, 1982.
49. *Statesman Journal*, February 25, 1982.
50. *Ibid.*
51. *Oregonian*, May 17, 1985.
52. Interview with Larry Kleinman, August 28, 2009.
53. Cesar Chavez and the National Farm Workers Association (NFWA) began their organizing campaign through a farmworker survey. Chavez and his volunteers would visit farmworkers in their home and ask them about their needs. The "farmworker census" gave Chavez a sense of the needs and demands of farmworkers. Similarly, the WVIP used the idea of a census to assess the most pressing demands of tree planters.
54. Willamette Valley Immigration Project, "Reforestation Workers Education Project."
55. Cipriano Ferral to Roscoe Caron, January 24, 1983.
56. Payroll certification, now known as Employment Eligibility Verification, is a process conducted to ensure that all employees on the payroll are eligible to work in the United States.
57. Cipriano Ferral to Gerry Mackie, February 22, 1983; Cipriano Ferral to Roscoe Caron, February 22, 1983, PCUN archives.
58. Northwest Forest Workers Association, Minutes, February 21, 1983.
59. Interview with Larry Kleinman, August 28, 2009.



60. *Bresgal v. E Brock*, Nos. 86–3996, 86–4072, United States Court of Appeals, Ninth Circuit.
61. *Ibid.*
62. *Oregonian*, February 16, 1981.
63. Ramon Ramirez to Gerry Mackie, February 21, 1981, PCUN archives.
64. Ramon Ramirez to Margie Hendriksen, March 15, 1983.
65. WVIP to Recipients of May 3 Letter, May 5, 1983.
66. Internal memo from Larry Kleinman to signers of March 15 letter on Senate Bill 535, n.d.
67. Ramon Ramirez to Dave Papen, March 22, 1983.
68. "Weaver Task Force Recommendations," *Northwest Forest Workers Association*, March 1983.
69. "Use of Illegal Aliens in Government Reforestation Contracts."
70. *Oregonian*, February 14, 1981; *Springfield News*, February 14, 1981.
71. *Together*, vol. 3, no. 3 (Winter 1976).
72. *Ibid.*
73. Hal Hartzell, *Birth of a Cooperative*.
74. *Ibid.*
75. Sarathy Brinda, *Pineros: Latino Labour and the Changing Face of Forestry in the Pacific Northwest* (Seattle: University of Washington Press, 2012).
76. *Ibid.*

## CHAPTER 5 "NOW I CAN HOLD MY OWN WITH ANYBODY"

1. Augustine Valle to Willamette Valley Immigration Project supporters and members, August 8, 1985.
2. Lynn Stephens, *The Story of PCUN and the Farm Worker Movement in Oregon* (Eugene: Department of Anthropology, University of Oregon, 2001).
3. Paul Koberstein, "INS Probes Fraud in 8 Illegal's Applications for Residency, Time for Warnings End as Companies, Individuals Face Law," *Oregonian*, November 6, 1987.
4. Robert Olmos, "Attorney Sees 'Good' and 'Bad' in Immigration Law," *Oregonian*, December 31, 1987.
5. See *Ayuda INC v. Meese; Catholic Social Services v. Meese; Zambiano v. Meese*.
6. Phil Manzano, "Years of Hiding End for Salem Man," *Oregonian*, August 20, 1987.
7. Southern Poverty Law Center, *Close to Slavery: Guest Worker Programs in the United States* (Montgomery, AL, 2007).
8. Unions that had workers under contract were allowed to sign the I-705s. For example, the UFW was able to sign affidavits for workers who belonged to the union and worked under contract. PCUN at the time had no union contracts and therefore did not sign any I-705s.
9. IRCA Sec. 210(3)(B).
10. There was no apparent intended irony in choosing "Cinco de Mayo" as the implementation date.
11. Manzano, "Years of Hiding End."
12. University of Oregon basketball star Greg Trapp was one of the literally hundreds of non-Mexicans to apply for amnesty in Oregon. Trapp, of Belizean birth, was unaware that he was undocumented until he applied for a passport to play basketball overseas. Trapp's parents had never informed him that he was born in Belize before moving to Los Angeles. Trapp qualified for Amnesty under the Registry Update provision of IRCA. Tony Frei, "Talk About Being Caught in a Trapp," *Oregonian*, September 9, 1987.
13. Robert Olmos, "Laborers Take Toll on Agencies Providing Food in Cornelius," *Oregonian*, March 31, 1988.

14. Robert Olmos, "Forest Grove Migrant Housing Project Deemed a Success; Expansion Sought," *Oregonian*, March 12, 1988.
15. *Oregonian*, December 29, 1991.
16. The Replenishment Agricultural Worker (RAW) provision sought to fill the purported shortage caused by the mass exodus of SAW workers. Through RAW, the Department of Labor was given special permission to determine in three years after the closing of legalization whether there was indeed a labor shortage.
17. "IRCA and Oregon Agricultural Industries: Nursery Crops, Christmas Trees, and Strawberries in the Willamette Valley and Pears in the Hood River Valley," Oregon State University Agricultural Experiment Station, Special Report no. 910, revised April 1993.
18. Phil Manzano, "Confusion Surrounds Immigration Rules," *Oregonian*, October 5, 1987.
19. "IRCA and Oregon Agricultural Industries."
20. Robert Olmos, "Aucoin Calls Agency Biased Against Farm Worker Program, Oregon Democrat Urges Farmers to Pinpoint the New Immigration Laws Ills," *Oregonian*, October 13, 1987.
21. *Ibid.*
22. Phil Manzano, "Growers Won't Face Slim Pickings for Labor," *Oregonian*, August 29, 1987.
23. Robert Olmos, "Worry Over Lack of Workers Keeps Strawberry Growers from Planting," *Oregonian*, January 7, 1988; Jim Kader, "Reforms Trouble Growers/Strawberry Farmers Face Labor Uncertainty Over Immigration Law," *Oregonian*, January 28, 1988; Eric Goranson, "Undocumented Aliens to Harvest Strawberries," *Oregonian*, February 23, 1988; "Forum Readied for Agricultural Employers," *Oregonian*, March 11, 1988; Ellis C. Barnes, "Oregon Growers Blast New Immigration Law," *Oregonian*, March 13, 1988.
24. Eric Goranson, "Chinese Labor Pool Studied: Strawberry Growers to Meet with NY Firm Importing Workers," *Oregonian*, February 18, 1988.
25. "IRCA and Oregon Agricultural Industries."
26. *Ibid.*
27. Lauren Cowen, "New Legals Find Struggle Continues," *Oregonian*, November 28, 1988; Ellis C. Barnes, "INS: Farmer Selling False Papers," *Oregonian*, April 29, 1988.
28. Cheryl Martinis, "Farm Worker Union Says Farmer Lured Migrants," *Oregonian*, June 4, 1988.
29. Paul Koberstein, "INS Probes Fraud," *Oregonian*, November 6, 1987. Washington State also faced large amounts of fraud that led to a few arrests. James Eng, "Immigration Fraud Probe Continues," *Oregonian*, December 17, 1987.
30. "IRCA and Oregon Agricultural Industries."
31. Phil Manzano, "Aucoin Assails Agency for Not Aiding Migrant Workers," *Oregonian*, May 7, 1988. Apparently the State of Oregon had a contentious relationship with FEMA. State officials refused to participate in civil defense drills to prepare them for a nuclear attack, and subsequently FEMA threatened to withhold over a million dollars in federal funding.
32. Jeff Grency, "Mexican Fact Finders Tour Migrant Farm Site," *Oregonian*, September 15, 1987; Sarah Ames, "Fact Finders Take Close Look at Migrants' Life on the Job," *Oregonian*, September 16, 1987.
33. Lauren Cowen, "New Legals Find Struggle Continues."
34. *Ibid.* IRCA had set aside an additional funding program for states that required additional resources through the State Legislation Impact Assistance Grant (SLIAG). It is unclear (to the author) if the money granted through the Legislative Emergency Board came from