

Estimate of the number of migrant and seasonal farmworkers in the United States and the commonwealth of Puerto Rico : a report prepared.....

AN ESTIMATE OF THE NUMBER OF
MIGRANT AND SEASONAL FARMWORKERS
IN THE UNITED STATES AND THE
COMMONWEALTH OF PUERTO RICO

A Report Prepared
for the
LEGAL SERVICES CORPORATION

May 1977

by

David Lillesand
Linda Kravitz
Joan McClellan

TABLE OF CONTENTS

Table of Contents	i
List of Tables and Maps	iii
INTRODUCTION	1
General approaches to the data	2
Delivery of legal services	4
Definitions and acronyms	5
EXISTING SOURCES OF FARMWORKER DATA	7
U.S. Department of Commerce, Bureau of the Census	7
<u>Decennial Census</u>	7
<u>Agricultural Census</u>	14
U.S. Department of Agriculture	15
<u>Current Population Survey</u>	15
<u>Farm Labor</u>	20
U.S. Department of Labor	22
<u>In-Season Farm Labor Reports</u>	22
<u>Employment Security Automated Reporting System</u>	31
<u>Comprehensive Employment and Training Act</u>	32
<u>Certified foreign workers</u>	33
U.S. Department of Health, Education and Welfare	35
<u>Office of Education-Migrant Programs Branch</u>	35

<u>Migrant Health Program</u>	36
Other Studies of Farmworkers	40
PRESENTATION OF DATA	43
Attempting to Integrate the Data - the Problem of Definitions	43
Farmworker Legal Services Study	50
<u>Methodology</u>	50
<u>Seasonal Farmworkers</u>	53
<u>The Data</u>	56
SOCIO-ECONOMIC CHARACTERISTICS OF FARMWORKERS	76
<u>Racial-ethnic characteristics</u>	76
<u>Wages and annual income</u>	77
<u>Age and sex</u>	80
<u>Flow-the migrant streams</u>	82
LEGAL SERVICES FOR FARMWORKERS	89
<u>Funding</u>	89
<u>Elements of effective delivery</u>	95
<u>Costs</u>	103
<u>Alternative delivery</u>	104
APPENDICES	105
Survey Instruments	105
Bibliography	123
Maps of Peak Month Demand	178

LIST OF TABLES AND MAPS

Total 1976 ES-223 Reports	27
Certified Foreign Workers by Year	33
1976 Certified Foreign Workers by State and Crop	34
Seasonal Farmworkers	54
Number of Migrant and Seasonal Farmworkers and Dependents	57
Number of Migrants and Dependents by State and Month, and Total Person/Months by State	60-69
Rank of States and State's Total Annual Person/ Months as Percent of National Total	72
Migrant Peak Month, Span and Length of Season in Months	73
Farmworker Racial-Ethnic Characteristics	77
Wages and Annual Income	78
Average Number of Days Worked and Wages Earned at Farm and Non-Farm Wamework, 1973 (USDA)	79
Distribution of Migratory Workers by Age and Sex (USDA)	81
Travel Patterns of Seasonal Migratory Agricultural Workers (traditional flow)	83
Map of Migrants' Home Base or State of Origin	85
Map of Migrants' Last and Next State of Employment	86
Legal Services Corporation Migrant Programs	90
Ranking of States from Largest to Smallest Migrant Population and Funding Levels at \$4.90 and \$7.00 Per Migrant	92
Length of Migrant Labor Season by States	97

INTRODUCTION

The Legal Services Corporation has been successful in securing additional funds to enlarge existing legal services projects and to establish new programs where none have existed in the past. The Corporation has used the 1970 Census count of poor persons as the basis for determining the amount of funds each program should receive. However, dollars per poor person as enumerated in the Census is not an appropriate tool for planning, budgeting and implementing farmworker legal services programs. The census does not provide data on the number of migrant and seasonal farmworkers. As a result, the Legal Services Corporation funded this short term study to determine the numbers and location of farmworkers in the United States. A secondary purpose of the study was to describe the essential elements of effective delivery systems for farmworkers.

A word here about what the study is not: it is not a political treatise or a description of the plight of the migrant and seasonal farmworker; it is not a catalogue or description of the legal problems peculiar to farmworkers, or the special legal techniques which must be employed to resolve those problems. All of those areas have been previously addressed. A quick perusal of the extensive bibliography will lead the reader to sources of general and

specific information about migrants. Instead, this report seeks to provide the Legal Services Corporation with sufficient information upon which to base future funding decisions.

General approaches to the data. We had neither time nor resources to do a complete census or even a sample survey in each of the 50 states and Puerto Rico over a twelve-month period. The general approach of the study was to look at existing data, the methodologies used to collect the data, the problems of definitions of the populations studied and other limits on the data, and to determine whether factors for correcting the limits and deficiencies could be developed. Finally, through the use of 600 survey questionnaires and some on-site visits, we attempted to measure whether and to what extent the data we were collecting from other sources or generating through the use of our formulas was describing the real numbers of potential legal services farmworker clients. As might be expected, it is easier to criticize and find deficiencies in other data than to arrive at a set of numbers that approximates the reality of the distribution of farmworkers in this country.

An Advisory Committee of farmworker legal services attorneys monitored the progress of the study. The members of the committee were Bruce Goldsmith, Rafael Gomez, James Herrmann, Theron O'Connor, Alberto Saldamando and Salvador Tio.

At a meeting of the Committee in March, it was decided to concentrate on the migrant rather than the local seasonal farmworker population. By our definition, a seasonal farmworker is a person who never leaves his home overnight to do farm work. Therefore, unlike migrants, a seasonal farmworker would theoretically be counted as an individual in the 1970 Census. Thus seasonals are already included in the LSC funding formula (the number of poor reported in the Census times a specific dollar amount set for all programs). Seasonals who reside full time in their permanent residence suffer the same problems of securing access to legal services programs as do other rural poor. Migrants, on the other hand, move from place to place, live in labor camps and other temporary quarters, and often lack both knowledge of the existence and location of legal services programs and their own transportation to seek help. Migrants have special access problems distinct from those of seasonals and the non-farm working rural poor. However, data on the number of seasonal farmworkers and dependents is also presented since the activities of migrant legal services programs impact favorably on the wages and working conditions of seasonal farmworkers as well. For this reason, where total funds are limited and given equal migrant populations in several areas, the Corporation may wish to fund the projects that have higher concentrations of seasonal farmworkers. In order to preserve

the Corporation's options, we have included both migrant and seasonal data. Another table presents the number of person-months of farm labor activity for each state. Person-months, like man-hours, indicate the degree of sustained activity and the relative impact of farmworker activity in that state compared to other states and as a percentage of the national total.

Delivery of legal services. Through the survey questionnaires we attempted to elicit information about the extent of services presently provided to farmworkers by legal services programs, and to identify the elements or components of an effective program for migrant farmworkers. Since there is no uniform management information or program reporting system, it was not possible to define exactly the number of farmworkers presently being served. There was surprising agreement from a wide variety of sources on the elements essential to effective delivery: outreach, bilingual/bicultural staff, coordination with farmworker groups and agencies, and supplementary staff during the season. Most legal services programs with experience serving farmworkers indicated they would use additional funds to increase outreach activities either through additional paralegal positions, satellite offices, or mobile vans. Both legal services programs and farmworker groups strongly opposed Judicare or private bar involvement in delivering services to

farmworkers in small rural towns where there were few lawyers and where growers represented a large part of the private bar's business. However, one program had initiated a special referral system to Spanish-speaking private attorneys for over-income or fee-generating cases.

Definitions and acronyms. A detailed discussion of the problem of different definitions for terms like "farmer," "migrant," and "seasonal worker" appears on pages 43 to 50. Unlike the Department of Labor, which defines a migrant as a subcategory of seasonal workers, we use the terms as though they were mutually exclusive:

A "seasonal agricultural laborer" is a person who is employed less than 250 days per year in field or food processing work who is not a migrant agricultural worker.

A "migrant agricultural worker" is a person who left home temporarily overnight to do hired field or food processing work with the expectation of eventually returning home.

"Base state" refers to a state which large concentrations of migrants "call home."

"Dependent" is used to refer to a person belonging to the household of a farmworker but who is not employed in farm work.

"Peak month" is the month of greatest migrant labor demand.

"Span of season" is the period of time during which migrant labor is in demand.

CETA - Comprehensive Employment and Training Act

CPS - Current Population Survey

CRA - Crop Reporting Area
CRLA - California Rural Legal Assistance
DOL - U.S. Department of Labor
ERS - Economic Research Service (USDA)
ES - Employment Services (DOL)
ESARS - Employment Security Automated Reporting System
FLCRA - Farm Labor Contractor Registration Act
FLSA - Fair Labor Standards Act
FOSDIC - Film optical sensing device for input
to computers
HEW - U.S. Department of Health, Education and Welfare
HFWF - Hired Farm Working Force
ICR - Individual Census Report
INS - Immigration and Naturalization Service
LSC - Legal Services Corporation
MLAP - Migrant Legal Action Program
MSRTS - HEW's Migrant Student Record Transfer System
NAFO - National Association of Farmworker Organizations
OE - Office of Education (HEW)
OEO - Office of Economic Opportunity
RHA - Rural Housing Alliance
RMS - Rural Manpower Services (DOL)
SMSA - Standard Metropolitan Statistical Area
SRS - Statistical Reporting Service (USDA)
USDA - U.S. Department of Agriculture