



AS COMMON

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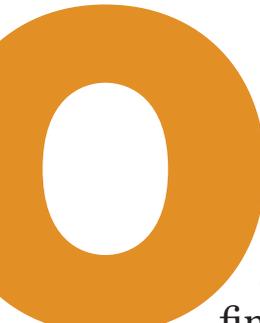


AS DIRT

In the fields of California, wage theft is how agribusiness is done.

BY TRACIE MCMILLAN

PHOTOGRAPHS
BY DAVID BACON



One morning earlier this year, in the borderland town of Brawley, California, 75-year-old Ignacio Villalobos perched on a chair in his trailer, removed a plastic bag from the well of a rubber boot, and finished dressing for work. Dawn was still an hour away, and in the wan light of the kitchen, Villalobos took off his house sandals and pulled the bag over his right foot. He bunched it at the ankle, then slipped his foot into his boot.

“These shoes aren’t made for water,” he said, adding that morning dew and irrigation keep farm fields damp—even in the desert of the Imperial Valley where he was working. Villalobos estimated that a pair of decent used boots would run him \$30, almost half a day’s wages; the bags were free.

Villalobos moved quietly, trying to keep from waking his grown nephew, Roberto, who was sleeping in the back bedroom of the trailer. For years, Villalobos and his partner, Juana, had raised Roberto, whom they had taken in as an infant. Then, last year, Juana died after battling diabetes and heart disease, leaving the two men on their own. Villalobos tied his boot before repeating the process with his left foot and grabbed a bag of bologna sandwiches he had made that morning. By 6:15 A.M. he was out the door.

At 6:30, Villalobos was sitting in a parking lot on the east side of town, watching the sunrise from his rusted Ford Blazer. He was the first to arrive at the lot, an empty plain of gravel and sand ringed by a corrugated aluminum fence. Other workers began to arrive, waiting in their cars for the 7:30 bus that would take them to the fields. Most, Villalobos included, had U.S. citizenship (or legal permission to work) and a coveted position on a union crew, guaranteeing them steady work harvesting. But Villalobos had seen enough in nearly seven decades of field labor that he remained wary of any promise of job security. Showing up early was a preventive measure, intended to guarantee his spot cutting broccoli rabe and reduce the risk of losing a day’s wages.

In late March, Villalobos became a plaintiff in a wide-ranging labor-abuse suit against a former employer, Juan Muñoz Farm Labor Contractor. The company is one of several that

lawyers say were hired by Calandri/SonRise Farms in 2009 and 2010 to harvest onions for its SonRise label, a brand sold across the U.S. and abroad. A second defendant, Maui Harvesting, faces claims from another plaintiff, Adalberto Gomez. Two women alleged to be operating as unlicensed farm-labor contractors are also named as defendants. The case alleges that while Gomez and Villalobos picked onions across the Coachella and Central valleys in California, the contractors routinely altered payment documents to undercount hours worked; failed to pay the state’s minimum wage of \$8 an hour or overtime; failed to provide safe or sanitary working conditions; and housed the workers in unsafe and unsanitary living quarters. Significantly, Calandri/SonRise Farms was also named as a defendant in the suit, meaning it was not absolved of responsibility because it had outsourced its harvesting work.

Compared with other recent tales of American farmworkers, Villalobos and Gomez might consider themselves lucky. In Florida, tomato pickers have been locked in box trucks under the watch of armed guards; in North Carolina, pregnant workers have been exposed to pesticides during harvest and birthed babies with missing limbs; in Michigan, children as young as six have been found laboring in blueberry groves. Those are marquee cases that garner national media, shining the spotlight on the most egregious abuses. In relative terms, suits like *Villalobos* are mundane, but they are also ubiquitous, filed with a frequency that suggests the most pervasive and insidious abuse faced by farmworkers is the kind Villalobos encountered: the blatant disregard of labor laws governing wages, safety, and health. This type of abuse is most typically seen in fields managed not by farmers but by farm-labor contractors, many of

whom started out as farmworkers themselves.

Known in some circles as “custom harvesters,” farm-labor contractors offer produce growers a ready workforce, but they also give these growers the ability to distance themselves from the people who pick their crops. These contractors control the flow of money between farmer and worker as well as all the paperwork. They track hours worked, crops harvested, and wages paid and take responsibility for everything related to labor, from verifying immigration status to providing workers’ compensation. Contractors can be found in the fields of nearly every handpicked crop in the United States, organic or conventional: green beans in Florida, grapefruit in Texas, peppers in Georgia, greens in Colorado, and garlic in California.

Farm-labor contractors give American produce growers what companies like China’s Foxconn offer to Apple: a way to outsource a costly and complicated part of the business, often saving money in the process and creating a firewall between the brand and the working conditions under which its products are made. “The contractor system makes it very difficult to enforce wage and hour laws because the idea is that the grower says, ‘It’s not me, it’s him. It’s the contractor. I had nothing to do with this,’” says Rob Williams, director of the Migrant Farmworker Justice Project of Florida Legal Services and a leading farm-labor advocate. The case by Villalobos and Gomez, their lawyers say, offers a textbook example of abuse within the contracting system.

Unlike most farm-labor cases filed each year, *Villalobos* is a “collective action” suit. This designation broadens the case beyond the named plaintiffs and opens the case to any worker who can prove he or she experienced the same treatment at the hands of the defendants between 2008 and 2011. “We’re expecting it will cover hundreds if not thousands of workers,” says Megan Beaman, an attorney for California Rural Legal Assistance, the nonprofit farmworker advocacy group that filed the suit in U.S. District Court. If the court finds in favor of Villalobos and Gomez on all

Labor camps, like this one in the Coachella Valley, can be found throughout California's agricultural belt.



counts, the award per client could reach tens of thousands of dollars. Multiplied across hundreds of workers, this could be enough to “deter other employers from creating those same conditions,” Beaman says. The case, in other words, isn’t just about claiming back wages for its plaintiffs but about challenging the broader culture of abuse in their workplace.

Although the case is limited to agricultural workers, other industries may be closely watching it. By naming the grower as a defendant, the case confronts one of the thorniest problems facing American workers: the rise of subcontracted labor and the question of who is responsible when abuse occurs. “If you think about the jobs we can’t outsource and will stay here, that’s where you see a lot of subcontracting going on,” says Catherine Ruckelshaus, legal co-director of the National Employment Law Project, a policy advocacy group. Subcontracting has sprawled into other low-wage jobs in construction, janitorial, security, health-care, housekeeping, and warehouse industries, often at name-brand companies like Amazon and Wal-Mart. “It’s kind of like Whac-A-Mole. If

you go after the smaller-level contractors, they just pop up again on another site,” says Ruckelshaus. “You have to go up to the next level—or the level above—to make the patterns change.”

Contracting has been a part of American agriculture for the past century, performing what agribusinesses say are crucial services. For starters, contractors give farmers a hassle-free way to adjust the size of their workforce (and payroll) by season, letting them expand during harvest and shrink once it’s done. What’s more, says Frank Gasperini, executive vice president of the National Council of Agricultural Employers, “farmers are good at growing crops and marketing produce. All the legalities are not their area of expertise.” Gasperini’s group, which advocates for the country’s largest growers, sees contractors as a natural solution to farmers’ skill gap. “Hiring a contractor,” he says, “it’s not different than having an accountant to manage the portion that you’re not an expert in.”

Back in Brawley, Villalobos saw it differently. Tapping his finger emphatically on his kitchen table, he said, “A contractor is the same as a thief on the corner of any street.” He leaned

across the table, eyes sharp beneath a deeply lined forehead, then relaxed into a shrug: “Who protects the worker? Who enforces the law?”

Villalobos was born in McAllen, Texas, deep in the state’s southernmost reaches, during the final throes of the Great Depression in 1937. The border was more fluid then, and he remembers his mother as being born in Hidalgo or Reynosa—a pair of cities, American and Mexican respectively, south of McAllen—and his father as being from Texas. The family migrated from cotton fields to grape vineyards to fruit orchards, following seasonal work from Texas to California and scraping together a living however they could. Villalobos recalls sleeping in barn stalls while picking cotton; at one point his father built a hut for the family using scrap wood from a construction job. As a small boy, Villalobos worked alongside his parents and didn’t attend school until he was 11. He only studied for four years, before leaving to go back to the fields.

“Without judging my parents, they never tried to encourage us to be different in life,”

The least arduous way to harvest onions is on your knees.



Villalobos said one evening after work. He is wiry, surprisingly lithe, and wears his salt-and-pepper hair in a ponytail. “They used to think that we were ... a way to make money, like a check. They kind of made us grow up in a world of ignorance.” He pinched the bridge of his nose, wiping away tears. “I don’t blame them.”

By the early 1960s, when he was in his twenties, Villalobos had split from his family to work in the Salinas Valley, the vegetable capital of California. He has weathered nearly every farmworker labor battle that has raged through the state since. He worked alongside *bracero* program guest workers from Mexico in the mid-20th century, well before farmworkers won the right to minimum wage in 1981. As Villalobos entered his thirties, he began to ascend the industry’s career ladder by driving a farm-labor bus. He was active with the United Farm Workers (UFW) during the reign of Cesar Chavez and picked up the vocabulary of radicals; he has a predilection for referring to labor contractors as *perros vigilantes del capitalismo*—the watchdogs of capitalism. But aside from his recent stint picking broccoli rabe, he rarely works on union crews today—mostly because union crews are scarce, found on fewer than 5 percent of California farms and fewer than 2 percent of farms nationwide.

By the 1970s, Villalobos was managing crews as a *mayordomo*, or foreman, often for former farmworkers who sought to get ahead by becoming labor contractors. Their popularity with growers spiked as a reaction to the

United Farm Workers’ successes in pressuring growers to adopt union contracts. The UFW model depended on a traditional model of employment, where workers were directly employed by the company whose crops they picked. As unionization took hold, ratcheting up wages—the UFW’s first contract won a 40 percent raise for its members—farm-labor contractors became an appealing option for growers looking to keep their labor costs and liabilities down.

That trend of labor outsourcing has continued ever since, with the share of American farms using these services nearly doubling since the early 1980s. Contracting has long been a dominant force in states with weaker agricultural labor laws, like Florida and Oregon, but its use in California jumped after President Ronald Reagan granted immigration amnesty in 1986. Growers could see benefit in handing off responsibility to contractors for their workforce, whether to avoid paperwork, evade union battles, or relieve themselves of dealing with immigration agents. At the same time, entrepreneurial farmworkers looking to better their lot in life set up contracting companies to meet this growing demand. The practice grew steadily, and today more than half of all farms with employees in California rely on contractors.

Most contractors are small businesses, with an office, a handful of administrative staff, and a crew of *mayordomos* to oversee the work itself. They get work largely through word of mouth; few have the kind of budget to cover the cost

of advertising. Some farmers only contract out for harvest labor; others use contractors to grow and nurture crops, too. But whatever a contractor will be used for, they are typically hired through a competitive bidding process. Say a farmer wants to contract out a harvest. The farmer will outline the scope of the job and specify things like location, crop, and volume. In turn, contractors will estimate the number of crews and workers required for the work; the piece rate to be paid for the crop harvested; the hourly rate for workers and supervisors; and the length of time the harvest is expected to take. On top of that, contractors will include a commission fee, which covers both profit and overhead—everything from portable latrines, shade tents, and water jugs required by law in the field to workers’ compensation insurance. Once growers receive the bids, they select a contractor, often making the decision based solely on price.

Of all the costs borne by contractors, labor is arguably the most fungible. A contractor can do nothing about the cost of a latrine or insurance rates. But he can choose to lower the cost of labor, which gives him a competitive advantage in winning a bid and passing on the savings to the grower. This has been true for as long as there have been contractors. When Villalobos worked as a *mayordomo* for farm-labor contractors during the boom of the 1980s, he says, they paid only by the piece and altered hours on checks to give the impression that they were paying the minimum wage. To increase profits, they deducted taxes from checks that were never delivered to the government. “I could clearly see how they were stealing” from workers, he says.

Nearly all farm-labor contractors in California are of Mexican heritage and have strong ties to the fields—whether through their own work experience or through family. Although many contractors are only marginally more affluent than their workers, the job offers something that farm labor does not: opportunity for advancement. Payrolls at contracting companies—a rough indication of gross revenue—average out around \$1 million but range anywhere from \$10,000 to more than \$15 million, giving aspiring contractors a brass ring worth grasping for. As a career, contractors see median earnings of \$29,000 a year, but salaries can reach \$60,000 or more. Compare

that to farmworkers, whose median salaries are \$19,000 a year and top out at \$25,000. Contracting opens up the possibility of joining the middle class in a way farm labor does not.

Around 1985, Villalobos got a contracting license, intending to follow the example set by his former employers: underpaying his workers. When he won a contract to provide cutters for an onion field in the Central Valley of California, he did what he'd seen his bosses do; he paid workers for only what they had picked, regardless of the hours they had worked. The piece rates he had agreed to required workers to pick ten sacks per hour if they were to reach minimum wage. "It was not realistic," he says, "and that's when I started realizing that contractors who paid legal wages were losing money." Villalobos says he got caught by state labor inspectors during his first inspection and was forced to pay back wages to workers. He went out of business and returned to fieldwork as a picker.

Despite Villalobos's rapid failure as a contractor, enforcement in the fields has always been rare and has shrunk further with the recent rise of contracting. Federal investigations of agricultural workplaces dropped by 60 percent between 1986 and 2008, according to analysis of data from the Department of Labor by Oxfam and Farmworker Justice, a farmworker advocacy group. In 2008, inspectors visited 1,499 farms of the more than 2 million in operation nationwide. This is not just bad news for workers but for those contractors who play by the rules. By paying honest wages, they operate at a significant disadvantage compared to those who flout the law.

Even when violations are found, they rarely cost employers much: The average fine for a violation of the Migrant and Seasonal Agricultural Worker Protection Act, the primary federal law dealing with farmwork, is \$342, with a ceiling of \$1,000. (Back wages, however, are frequently required in addition to the fine.) Across the country, penalties for underpaying workers are so minimal, and so unlikely to be levied, that there's no deterrent effect, says Mark Heller, a leading farmworker advocate from Ohio's agricultural belt. "If you cheat 1,000 workers a week," he says, "you might have to pay \$4,000 to one person who complains but in the meantime you save \$100,000. It's cheaper to violate the law than to follow the law."

California is probably the best state to be a farmworker. At the federal level, farmworkers are excluded from most labor, and many health and safety, protections. Yet on California's 82,000 farms, workers have rights unavailable to them in most other states. They have a protected right to organize and a state agricultural labor-relations board to defend it; they have a right to overtime and get a day off every week; and they are entitled to earn the equivalent of minimum wage even when they are paid by the piece. Growers who use unlicensed contractors can be held liable for labor violations in their fields and

FARM-LABOR CONTRACTORS GIVE GROWERS WHAT COMPANIES LIKE CHINA'S FOXCONN OFFER TO APPLE: A **WAY TO OUTSOURCE** A COSTLY PART OF THE BUSINESS

can be fined for establishing contracts that could not reasonably be expected to cover the cost of harvest at minimum wage. (Both charges were made against the contractors in the *Villalobos* case.) In 2010, California's Labor Department employed 48 inspectors to make sure employers abide by wage and hour laws. To ferret out abuse, labor inspectors rely on complaints, rather than surprise inspections—an arguably reasonable strategy to target the limited resources of inspectors, who are each responsible for an average of 27,000 workplaces (1,700 of which are farms). This approach, though, provides cover for companies that hire undocumented workers because those workers are the least likely to complain to government agents. Across the state, more than half of all farmworkers are undocumented, and few are willing to risk their jobs or immigration status to point out that they were cheated. Citations are accordingly rare. In 2011, state labor inspectors found exactly seven viola-

tions of minimum-wage laws in agriculture and three violations of overtime laws.

There are two ways to interpret these numbers. Growers tend to see them as evidence of a system that largely abides by the law. "I don't think there are many people who aren't being paid or laws being broken," says John Harris, the president of Harris Farms, one of California's largest agribusinesses, and a board member of Western Growers, a powerful lobbying group. "There's a lot of enforcement," he says, echoing a sentiment many California farmers express. In 2011—the same year that saw just seven minimum-wage violations in agriculture—"a lot of enforcement" involved inspections of fewer than 900 farms, about 1 percent. Of those, fewer than one in three resulted in a citation for any kind of labor infraction.

The kinds of problems officials found say a lot about the nature of enforcement by the state. Of those 280 citations, 138 were for the employer's failure to prove they had workers' compensation insurance. This is crucial, because problems with workers' comp are quickly identified by the absence of a certificate on site; in the field, that usually means asking a supervisor to pull the paper out of a binder on the seat of his pickup. Proving wage theft, however, is far more tedious, requiring inspectors to interview workers, analyze their time cards, and then gain access to company payroll records.

Considering the type of infractions found, not just the number of citations, leads to a second interpretation of agency statistics: Inspectors have focused on racking up easy wins while sidelining more egregious and difficult problems. Put more bluntly, the numbers are an example of "what some people have called the machine-gun approach," says California's labor commissioner, Julie Su, a former garment-worker advocate appointed by Governor Jerry Brown last year. (In 2001, Su was awarded a MacArthur Foundation "genius" grant for her work as a civil-rights lawyer specializing in labor abuse.) "You hit a lot of employers very quickly" for easy-to-find violations. That ramps up department statistics for an agency with limited staff but doesn't improve conditions for workers. More likely, Su says, it means one of two things: Either "we're not investigating in the right places, or ... the inspections we're doing are not in-depth enough to uncover the violations."



Whenever he harvests onions, Villalobos spends most of his time on his knees. Onions are root crops, so tractors pass through fields at midday, uprooting bulbs once the dew has evaporated, releasing their pungent odor into the air; mid-harvest, onion fields can be smelled by drivers on adjacent roads. Enterprising workers stand to the side as tractors traverse the fields, and then descend on the rows to stake a claim for work that won't start until 3 or 4 in the afternoon. The ground, soft and freshly turned, is now littered with onions,

and workers have two options: spend their day bent over full at the waist to pick them up or learn to shuffle on their knees. Most onion pickers, Villalobos included, choose the latter and invest in a pair of kneepads.

To begin his work, Villalobos first spreads out burlap sacks to mark the territory he expects to work. "The first thing you care about," Villalobos says, "is getting a really long row"—roughly the distance of a city block—a row "where you would think, 'I'm going to make \$120 today.'" Once his territory is claimed, Villalobos drops to his knees and shuffles down the row to begin

harvesting. In one hand he holds a cutting tool known as *tijeras*, something of a cross between shears and tongs, with vicious six-inch blades. With the other hand, he gathers seven, eight, nine onions from the ground, shakes off the dirt, and snips the thatches of root from the bulbs. If he has placed his set of five-gallon construction buckets just right, he will need only to pivot at the waist in order to reach the mouth of a bucket after cutting off the roots. Then, with another snip through their green tops, he drops the onions into the container, achieving an economy of motion that minimizes the



time he spends doing anything *besides* cutting onions—and thus boosting his pay.

Workdays in onions start in the afternoon, stretch overnight, and end midmorning the next day. Under the contractor Muñoz in 2009, says Villalobos, he worked between 15 and 18 hours at a stretch, gathering and snipping onions by the light of a headlamp once the sun had set. When his buckets were full, he would dump the four of them—about 20 gallons' worth—into a sack, and a foreman would periodically tally his total on a piece card (similar to a time card). If he got tired, he might switch his

headlamp to a red bulb and rest in the field, the red light indicating to other workers walking through the dark that someone was lying on the ground ahead. When morning came, he would work until 8 or 9 or 10, and then the foreman would do a final tally on the card—and make deductions for taxes and Social Security—before paying Villalobos, in cash, for the sacks he had picked.

Villalobos's piece cards under Muñoz show that he was being paid \$1.23 per sack of onions—a rate that translates to about 1 or 2 cents per pound. No matter how many hours

Villalobos spent in the field, his supervisor typically wrote down on his *tarjeta*, or piece card, that he worked between seven and nine hours. This fraudulent time accounting does two things to obscure the terms of his work. First, it gives the impression that Villalobos can pick onions at a phenomenal rate—as many as 22 sacks per hour. That would have him picking 88 five-gallon buckets—the equivalent of filling the cargo space in a Chevy Tahoe, the largest SUV—every hour, while on his knees. More insidiously, it gives the illusion that his hourly pay ranges from \$12 to \$27, well in excess of the

state's minimum wage of \$8. The sack tallies on his cards are so high that, even if his hours had been counted accurately, he would have still reached minimum wage.

Villalobos's lawyer claims he earned less. Instead, says Beaman, Villalobos split his check with one and sometimes two other workers who contributed sacks of onions that were credited on Villalobos's card. Workers frequently share cards to outwit the formal economy. Some lack legal status and thus a Social Security number; others are supplementing unemployment checks. Although they are paid in cash and off the books, their sacks still need to be accounted for—somewhere. If Villalobos's cards are calculated for these additional workers and the long overnight shifts, they indicate hourly wages at a fraction of the minimum wage. Villalobos could not confirm that the specific piece cards he had submitted to his lawyers represented multiple workers, although he says that he had shared his card with workers in the past and that it is a common practice among onion workers. Muñoz did not return repeated calls for comment, and Calandri declined to answer questions related to the case.

Documentation for Adalberto Gomez—the second plaintiff in the suit, also in his seventies—more clearly shows how he earned subminimum wages. In 2010, Gomez was picking onions for the labor contractor Maui Harvesting and told his lawyers he typically began work around 3 P.M., worked through the night, and finished around 9 A.M., for an 18-hour day. But his cards don't reflect those hours. Instead, he was paid for only the sacks he picked, and the hours written on his piece card by his supervisor—as with Villalobos—are a fraction of the time Gomez says he spent in the field. One time card credits him with picking 65 sacks of onions over six hours, earning \$1.23 apiece, for a total of \$79.95—enough to legally cover a 9-hour shift but not an 18-hour one. Another 18-hour day is shown as lasting 4 hours. On that day, Gomez worked slowly, as might be expected for someone in his seventies, picking only 39 sacks. He earned just \$48—less than \$3 an hour. Maui, like its co-defendants, declined to answer questions related to the case.

For contractors, paying by the piece guaran-

Most onion workers in California are paid per sack.



tees that laborers will work quickly. For growers, the practice guarantees a set cost per unit. But for farmworkers, it erases the relationship between time spent on the job and the money they make—a relationship that most Americans take for granted. What mattered to Villalobos, as with any worker resigned to his fate, was that each sack would bring him closer to his overall target for the day; that's why he arrived early in hopes of claiming long rows to harvest. The \$120 sum that Villalobos used as a benchmark for a successful day was often beyond his reach. It was also less than what he would have earned at minimum wage.

For years, when Villalobos found himself being cheated by contractors, he put aside any concerns of fairness and asked himself a question that confronts anyone in a precarious job: Is it worth it to complain? For decades, particularly as the UFW's power diminished, the answer was a resounding no.

"I would tell labor inspectors, and they said, 'OK, come back tomorrow,'" says Villalobos. "They were aware of the mistakes" by the contractors, he says, but they never did anything. Eventually, it was easier to just keep working and hope that something would change or that someone would get caught for breaking the rules.

Under Commissioner Su, California's Labor Department is shifting the way it finds employers who are likely cheating workers. Workers'

compensation violations are now seen as a possible tip-off that other laws are being ignored, and the agency is looking at research showing correlations between health violations and labor problems, an issue well documented in the restaurant industry. (The same connection, though not yet proved, likely holds in agriculture. Last year's listeria outbreak from contaminated cantaloupe was traced to a farmer whom inspectors later fined for providing illegal, substandard housing to workers.) At the same time, inspectors are talking to workers in their off-hours, away from the fields, so they can freely lodge complaints. In 2011, the state passed a law that requires all agricultural paychecks to bear the name of the grower as well as the contractor, a bid at establishing accountability. Earlier this year, the California Wage Theft Prevention Act went into effect. Backed by the California Labor Federation, the law gives workers who earn less than minimum wage the right to recover double their lost wages, plus interest.

Skeptics say that even this is insufficient and that laws can do little about the problem at hand. "The power asymmetry is just too great," says Marshall Ganz, a professor at Harvard University's Kennedy School of Government and a former organizer with the UFW. "Employers have zero interest in enforcement, and, of course, the contractors have no interest in enforcement, and the only people interested in enforcement are the farmworkers, and they don't have any power." The same analysis

persists among other academics as well as farm-labor activists. When the Agricultural Justice Project introduced a “food-justice certified” label for American produce last year—think organic, but with labor rights—they initially excluded any grower who used a contractor. (After pressure from small farmers, the rule was amended to include contractors who work in concert with a workers’ rights organization.)

Even when laws are written and then enforced, there is little evidence that they readily translate into improvements for workers. Muñoz—Villalobos’s contractor—offers a case in point. In March 2010, the California Attorney General’s Office filed a complaint against the contractor, alleging many of the same abuses laid out in *Villalobos*. The state sought \$500,000 in restitution for workers, and another \$500,000 in penalties, as a deterrent to other growers.

The case was settled for \$100,000, and no fines were imposed. Muñoz agreed to follow wage, hour, and safety laws going forward. Since then, Muñoz has not been inspected, says a spokesperson at the attorney general’s office, because no additional complaints have been lodged. The company didn’t have enough money to pay restitution outright, so it has been making installment payments into a fund. As of June 2012, no payments had been made to workers, including Villalobos, who would likely qualify. In short, three years after the abuses took place, the remedies available from the state have meant little for those who suffered the most. What’s more, the company continues to hold a contracting license, with the current one set to expire in 2013.

Villalobos spends his Saturdays cleaning house, and on a weekend visit to him, I found him tending to the narrow strip of yard he had planted with aloe and mesquite. He had already smoothed the blankets that protect the love-seat and sofa from his three dogs, wiped down the countertops and stove in the kitchen, and washed the week’s dishes that had collected in the sink. Last, he tidied the small shrine he kept on top of the dryer for Juana, whom he was with for 40 years. He made sure to replenish the glass of water he kept for her and to dust out another that sits empty, representing air

for her to breathe. In the wake of her death, his relationship with Roberto had become closer to roommate than parent. Since his nephew spends most of his time working at a gas station or with friends, most of Villalobos’s companionship now comes from the dogs.

He was looking forward to the end of the broccoli rabe harvest, when he would begin collecting unemployment and rest up before the onion harvest began again in April. He had skipped the onion fields last year, unwilling to travel far from home after Juana’s death, but now he needed the steady work. “Where else am I going to go? How many years do I have

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left? I have to go to a job where I know what I’m going to make,” he said.

By late summer, Villalobos’s lawyers remained optimistic if tight-lipped about the case’s prospects. Knowing and naming the grower was a promising fact, as was the possession of piece cards documenting the problem. Yet the case was otherwise dispiritingly similar to hundreds of others that had come before it—workers cheated, problem documented, complaint filed. It will probably be months before the case is decided or settled, and it will be years before anyone knows if it manages to achieve its true goal: pushing contractors and growers to pay honest wages as a matter of course.

Villalobos told me several times that he knew he had many advantages: work experience, legal citizenship, facility though not fluency in English. This acknowledgment was almost always a prelude to discussions about

wages and work hours, the lack of respect he felt from his employers, and the difficulty of watching Juana die. He had traveled all over California and the Southwest and had lifted himself from a dirt-floor hut in the woods to a life with a trailer and a truck. But when I visited him for the final time, after the case had been filed, he sat on the floor of his trailer, rusted onion shears and worn work gloves spread out in front of him, and said without preface: “If I look back, I didn’t do anything in my life. I have to do something to defend myself and those who come after me. I would like to see some change before I die.”

For generations of Americans, immigrants and otherwise, farmwork has been the first rung on the long ladder leading to the nation’s middle class. Fieldwork is a “gateway” job, says Williams, the advocate with Florida Legal Services. “Only about one in ten undocumented workers work in agriculture,” he says. “But if you ask undocumented workers, ‘What was your first job in the U.S.?’ a great many would tell you that it was in agriculture.”

As the last generation of farmworkers rose up that ladder, filtering into the economy, the dynamic shifted, says Greg Schell, a colleague of Williams’s. More farmworkers now stay in the fields—or return to Mexico—and fewer American jobs offer markedly better opportunities. “When I came out of law school, my hope was some day, I’d see farmworkers approach the economic mainstream. The things that made their employment so unusual—contractors, wage theft—would disappear, and they’d look more like the general workforce,” he says. “That has happened, but it’s happened in the wrong direction. What’s happened is the general population is looking more like farmworkers.”

Back in his trailer, in the springtime heat, Villalobos was steeling himself for the return to onions. In his experience, the growers, contractors, and government seemed to be allied, complacent if not cynical about the terms of work in the fields. After seven decades of farm labor, the word Villalobos uses to describe the institutions that have shaped his life is *mafia*. When I asked for a better translation, he told me there was no other word. ■

Translation assistance provided by Jackie Guzmán