

# Workers without Rights<sup>1</sup>

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**Abstract:** In the United States the Civil Rights Movement emerging after World War II ended Jim Crow racism, with its legal segregation and stigmatization of black people. Yet black people, both in chattel slavery and under Jim Crow, had provided abundant labor subject to racist terror; they were workers who could be recruited for work others were unwilling to do. What was to replace this labor, which had been the source of so much wealth and power? Three federal initiatives helped to create new workers without rights: the welfare reform law of 1996 and the changes in immigration and crime law and policy both starting in the mid-1960s. These changes re-created vulnerable labor, disproportionately marked and stigmatized as black or Mexican. These workers create a central strength of U.S. imperialism: cheap food. Because workers without rights have an important function in a capitalist economy, a society where all workers can flourish is not capitalist but communist.

**Keywords:** capitalism, communism, function, labor, mass incarceration, racial injustice, racism, undocumented immigration, welfare reform, workers.

In the aftermath of the limited successes of the Civil Rights Movement in the United States it was no longer acceptable *openly* to treat black people by a double standard. The double standards that had been part of U.S. history – racial slavery and then Jim Crow – had provided the U.S. with abundant cheap and flexible labor, people who (as a consequence of force or terror) worked under conditions others would not accept. This essay tells the story of how the United States government created a new system of racial injustice to replace Jim Crow racism, creating again workers without rights.

By ‘workers without rights’ I do not mean workers lacking *legal* rights. Rather I mean workers who are so vulnerable that their bosses know they are unlikely to assert any legal rights they may have. Consider these (hypothetical but realistic) examples: (1) A twenty-two year old black single mother of two young children, their sole support, works in a chicken processing plant in central

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<sup>1</sup>This essay arose from conversations with my daughter Ruth Gomberg-Muñoz eight years ago. Based on my teaching about penal servitude in the South after the Civil War, I had remarked that the penal system now was used to discipline labor; she replied that the illegalization of immigrants created a similar and parallel discipline (she is a scholar of immigration). Her essay emerging from these conversations is Gomberg-Muñoz 2012. I thank her for stimulating me to think about these connections. I also thank Joseph Luders, who was discussant at a session including a draft of this paper at the Midwest Political Science Association in 2014 and Stephen Engelmann, who organized a colloquium on a draft in the spring of 2015 at University of Illinois at Chicago. Justin Holt, Carol Caref, Sheldon Jones, Ruth Gomberg-Muñoz, and Mary Gomberg gave very helpful criticism of earlier drafts.

Paul Gomberg

Mississippi, her paycheck paying rent that keeps her family from homelessness. From repetitive motions at work she has developed carpal tunnel so painful that she cannot sleep at night without soaking her arms in cold water in the sink at bedtime to numb the pain; when the pain awakens her during the night she soaks them again. When she goes to the company doctor, he tells her to go back to work. So she just endures the pain. Eventually she expects to become disabled from the injury and to try to get on disability relief, as her mother was able to do. (2) An undocumented Mexican immigrant works at a large club stocking the bar with beer, wine and liquor. During a snowstorm the managers become concerned about the accumulation of snow on the roof; they ask him to shovel the snow off the roof. He complies. Later that evening someone gets sick in the men's restroom; the managers ask him to go in and clean the vomit and feces. He complies. There are no work rules at this club; undocumented workers are recruited for any task that needs to be done and that no one else wants to do. They do not feel as if they can refuse. (3) A black ex-felon who had been convicted of selling small amounts of marijuana at work on an earlier job (the income supplementing his low pay) has been hired to work at a fast food restaurant. At the end of his shift the clean-up of the restaurant is still not complete. The manager tells him to clock out and continue working to clean the restaurant. When he complains, the manager replies, "I did you a favor giving you a job; now I need a favor." The worker complies.

In the first case the combination of changes in the welfare law, the absence of her children's father (who is in prison), and the complicity between her employer and state officials leave the worker with little choice but to endure the pain until she is permanently disabled. In the third case the bosses' demand is actually illegal, but the worker, being vulnerable, went along. In the second case the worker, subject to deportation, will not assert a right to limit his labor to the task he was hired to do, a right that is routine where workers have union protection. In all three cases their bosses know that the workers are unlikely or unable to assert their rights. Effectively they are workers without rights.

So this essay tells the story of how racial injustice was *recreated* by the United States government and replaced the system of Jim Crow racism. For those of us who seek a society without racial injustice – or any comparable injustice – the lessons of the replacement are important: a society without racial injustice will require deep social change.

### **Function and Social Change**

Vulnerable workers and high unemployment are *functional* in capitalist society. To say that vulnerable labor is functional in capitalist society is to say that under conditions of competition between firms, all else being equal, firms operating in a society where many workers lack rights have an advantage in competition with firms operating in societies where workers have greater rights. Capitalism requires that firms make profits from their operations in competition with other

businesses. Doing business cheaply gives a competitive advantage, and it's cheaper to do business with labor that will work hard, flexibly, and efficiently for lower wages than competitors. When a worker is vulnerable, she is more likely to work hard for low wages and comply with employers' requests. So the presence of low-wage pliable labor enhances a firm's profits. As a result a *society* where workers are vulnerable creates – for firms operating there – a profit advantage over firms located in societies where workers are less vulnerable. In that sense vulnerability has a function in a capitalist society.

Saying that something is functional does not substitute for a historical narrative of how it came about. (Elsewhere<sup>2</sup> I have developed a narrative of the creation and re-creation of low-wage pliable labor in what became the United States from its settlement by the English to the 1960s; those most deeply and directly affected were identified as 'black,' but, given labor competition, others whose labor competed with black labor were also held down.) Yet awareness of function is useful to those who seek social change. Processes of development take place within limits. Capitalist society creates limits to what is at all likely to exist within it – for example, a class of laborers all of whom flourish, whose needs are met for engaging labor, security, stimulating cultural and educational opportunities, and for housing and a physical environment that are healthy, comfortable, and lift our spirits. Such a class is unlikely to exist in competitive capitalism because the cost of goods and services created by workers who are so well off would generally be higher than goods and services created by others who were worse off. So vulnerable labor is functional in capitalism; it represents what is likely to exist, and we search for narrative explanation of how it arose.

It is important to recognize function if we want to bring about social change. We may protest unjust treatment of vulnerable workers or policies which create vulnerability. But it is functional for capitalism to have vulnerable workers; so when one form of injustice is protested and ended, another form of injustice replaces it. The injustice done historically to black workers from early Virginia through the period of Jim Crow is replaced by injustice in a new form. Creating a society where all workers can flourish requires us to eliminate capitalist society.

In this essay we see how, in the aftermath of the Civil Rights Movement, the role that black labor had historically played was *recreated* for black workers and others. What role had black labor played? At the beginning of the Civil War cotton was the U.S.'s leading export crop, and slave-produced plantation crops were the source of two-thirds of U.S. export income. It is no exaggeration to say that black slave labor was the key to U.S. wealth and its rise as a capitalist power (Baptist 2014). After the Civil War black sharecroppers (and white as well – 45% of southern sharecroppers in 1940 were not black) continued to produce

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<sup>2</sup> In the book manuscript *American Racial Injustice: How It Arose, Why It Persists, How It May End*. The present essay is based on a chapter from that manuscript.

Paul Gomberg

immense wealth (and the conditions of white sharecroppers were limited by the extreme exploitation of black sharecroppers). Migrant black (and other) farm workers moved from Florida to New England seasonally harvesting fruit and vegetable crops and processing these crops for freezing and canning (Thomas-Lycklama a Nijeholt 1980). In cities black workers assumed increasing prominence in basic industry, including meatpacking. By the late 1950s nearly 75% of the workers in Chicago's meatpacking industry were black (Halpern and Horowitz 1996, 29). By the 1960s and 70s black workers were important to the labor force in automobile and steel industries, especially in the Midwest and in California, but often in the hardest and lowest paying positions. Black workers, especially women, cleaned up and cared for children and the elderly. Black workers were central to the U.S. labor force. The work that black workers have done historically has to be done by someone, and much of the U.S. economy has depended on black labor. (Others besides black workers also toiled under inferior conditions and were exploited and oppressed more severely than white male workers: Mexican *braceros* [migrant farm workers deported when their labor was not needed], Chinese and indigenous labor in the West, many immigrants, women, and children.) The Civil Rights Movement demanded that black workers have the same rights as others. To whatever degree this demand was met, racial injustice was not ended but transformed.

### **The Relative Decline of the United States**

To understand that transformation we need to review social conditions in the United States at the end of the 1960s through the 1970s. Starting with the Harlem uprising of 1964 and the large Watts rising of 1965, major cities erupted in rebellion. Campuses, predominately white and predominately black as well, were centers of antiwar activity. Workers were striking to hold on to their standard of living as inflation increased. Rebellions on the shop floor, sabotage, and absenteeism at work made it hard for employers to discipline their workers. Moreover, the United States was no longer the undisputed 'top dog' of the capitalist world. Other capitalist powers challenged U.S. economic hegemony – the Soviet Union challenged the U.S. militarily, supplied more energy to Europe, and sponsored movements to remove former colonies from the Euro-American sphere while Japan and Germany were making inroads on world markets including the U.S. auto market. New smaller producers – Korea, Taiwan, Brazil, Philippines – were beginning to build their own steel (and, in the case of Korea, auto) industries. (More recently China has emerged as a major and fast-growing capitalist economy.) This beginning of U.S. decline relative to other nations whose economies were growing much faster set limits to what could be conceded to civil rights struggles.

Intensifying international competition had other effects. To produce cheaply capitalists renewed their capital, replacing older technology with new, increasing efficiency. Relative shortages of labor also encouraged renewal of

capital as did the capitalists' need to weaken labor's position by creating surplus labor. Labor shortages led workers to quit when the job became too unpleasant or the wages too low (there were other jobs); shortages also made it easier to strike for higher wages and other benefits. The U.S. had some peculiar disadvantages: while at the end of World War II its capital stock was far more productive than others', by the end of the 1960s other capitalist countries were beginning to match and eventually surpass U.S. productivity. So the U.S. was in relative decline. Worker safety and environmental protection legislation also increased manufacturing costs. Increased competition and higher capital costs led to declines in profit rates (Armstrong et al. 1991; *cf.* Brenner 2006, Parenti 1999, Perelman 2002, Glyn 2006, Arrighi 2003, Bowles et al. 1990 for similar arguments).

By the mid-1970s international competition, a sharp hike in oil prices in 1974, the decline in profit rate, and high wage settlements combined to create 'stagflation,' a high inflation rate combined with a stagnating economy and growing unemployment (hence an end to labor shortages, partly caused by the U.S. withdrawal from Vietnam). These factors put great pressure on capitalists to go on the offensive against workers to lower their labor costs, making it cheaper to operate a business in the U.S. They did this by lowering what they spent on wages and benefits, as well as worker safety and environmental protection, which also add to production costs. This happened with a vengeance in the 'Reagan revolution,' but it started with Jimmy Carter's appointment of Paul Volcker to chair the Federal Reserve Board. In 1981 Volcker raised interest rates to several points higher than the inflation rate to induce a recession (which occurred), raise unemployment (which reached 10% in 1982), and reduce the power of workers. To give a sense of some consequences: between 1965 and 1979 in the United States on average 1,520,000 workers each year were involved in work stoppages of more than 1,000 workers; between 2000 and 2014 the average was 111, 870 per year, a drop of over 90% (United States Department of Labor 2016, Table 1). As unemployment rose and strikes fell, bosses threatened to move jobs overseas or out-of-state. Some moved to rural areas in the North or to the South, others to Mexico (Ford is an important example) or to Asia (virtually all electronics production); rural areas, the South and non-U.S. destinations had advantages for the capitalists: no labor unions, lower wages, few or no benefits, lower taxes, and few or no environmental or safety protections. Actual or threatened moves intensified workers' fears; they made concessions to try to 'keep their jobs' (which often were eliminated anyway). Volcker's medicine was combined with Reagan's breaking of the strike by the nation's air traffic controllers in 1981; this action signaled open season for management on unions. As a result of all of these attacks, unionization of workers in the private sector has dropped now to 7% from a high of over 30% in the 1950s (Mayer 2004).

Paul Gomberg

All of this worked – up to a point. Depressing wages and intimidating workers helped capitalists to survive. But the fundamental problems were not solved: the international economy is very competitive; wage concessions in one company, industry, or country lead to wage concessions in others as workers compete for jobs in a ‘race to the bottom.’ The U.S. is still in decline relative to other powers, particularly China; the rate of profit remains lower.

### **The Recreation of State-Centered Racial Injustice**

The policy changes to be described in this essay should be understood in the context of this general attack on workers (which continues to this day). The historical role played by black labor and labor of children, women, and immigrants has come to be filled by workers without rights: women who work in exchange for an assistance check from the state (workfare and similar programs) or under the threat or reality of being cut off from assistance, undocumented immigrants, and people under the control of the penal system – or with a felony conviction.

These groups act as an anchor limiting what other workers are likely to achieve. For example, a woman whose husband (or father of her children) is in jail or prison is limited in her options; this makes her more desperate for work under any conditions that may be offered. Others who may be slightly less desperate must compete in the labor market with the most desperate and disadvantaged workers. This competition for jobs tends to drive down the conditions of all workers.

What replaced Jim Crow racism in the aftermath of civil rights? The crucial changes occurred primarily at the federal level, starting in the 1970s, but some of the political and legal groundwork had been laid in the 1960s. I review three major changes in policy. First, the welfare program Aid to Families with Dependent Children (AFDC, earlier ADC) was replaced by Temporary Assistance for Needy Families (TANF) in legislation passed in 1996; aid was limited to five years, and after two years of aid further aid was contingent on adult participation in labor. Second, immigrant workers became undocumented; new numerical quotas on immigration, particularly from Mexico, were imposed just as a massive U.S. – Mexico guest worker program ended while economic changes there were cutting wages and forcing people off the land, leading to more immigration. So immigration was increasing from areas where workers had little access to visas. Third, by the mid-2000s the *rate* of incarceration in the U.S. was *five times* the rate of the early 1970s; nearly 40% of those incarcerated are black, and 60% are either black or latino. Black people are incarcerated at a rate *five times* the rate at which non-Hispanic white people are incarcerated. As I will explain below the net effect of these three changes in policies adopted by federal and state governments is that the category of workers without rights has been reconstituted based on state-centered racial injustice.

What unites these programs is their effect on workers seeking jobs or currently employed. None was *advertised* as a program to create cheap, malleable, and vulnerable workers. Welfare reform was supposedly intended to reduce welfare-dependency and give mothers pride as workers. Immigration reform was said to take control of the border with Mexico and penalize employers for hiring undocumented workers. The changes in policy that led to mass incarceration were alleged to stop drugs, battle gangs, and limit street crime. But the effect of all of these has been to create tens of millions of workers without rights.

### **Welfare Reform**

TANF replaced AFDC in 1996 federal legislation. TANF limits lifetime assistance to 60 months or five years and limits assistance to two years unless adults work (these are the federal guidelines; states develop particular programs within the guidelines). Shepherded through Congress by Bill Clinton, the justification of the change had been prepared years earlier by theories – propounded by Arthur Jensen, Richard Herrnstein, Patrick Moynihan, Edward Banfield and others – that poor people in general and black people in particular were genetically inferior or culturally deficient. Newspapers and television news were filled with stories about the dysfunctional ‘underclass’ harmed by crack addiction and government dependency, the latter theme championed also by Charles Murray (1984). Politicians, for example Nixon, embraced some of these ideas, and their campaigns popularized them. The ideas gradually gained hold, in one form **or** another, among both white *and black* people, setting the stage for the 1996 legislation.

The important point is the effect of the legislation. As long as welfare and other forms of public assistance existed, workers had alternatives to work under the most exploitative and degrading conditions, a ‘back-up’ in the form of public aid. Removing that ‘back-up’ forces people into the labor market in desperation; they accept whatever is offered. Since there were no or inadequate provisions for child care under the new law, the law created additional strain usually on relatives who had to watch the children of people who were working (my students at Chicago State University often had to look after the children of a parent, sister, or cousin while the mother went to work, thus missing class). The reform added to the pool of workers without alternatives, thus creating additional workers with limited rights to say no.

To get a measure of the problems people face, consider the 1997 study *Making Ends Meet* by Kathryn Edin and Laura Lein. They studied 379 low income single mothers, 214 receiving some assistance from the old welfare system (the study was done before the reform) and an additional 165 receiving no such aid but relying primarily on low-wage work. Of these women all but one relied on other sources of income besides either welfare or low-wage job.

So as things stood before welfare reform, neither low-wage work nor state assistance was enough to enable mothers to support their families. The changes made under TANF (five year term limit for aid, job as a condition of aid) therefore make mothers *even more* reliant on low-wage work. In 1996 there were over 4.43 million families receiving welfare assistance; by 2009 the number had dropped to 1.77 million (United States Bureau of the Census 2012, 364). It is hard to know how much of this drop is a *result of* the change in the law (most people on welfare had always preferred to work and rarely stayed on welfare more than two to four years). Still, the decline gives a rough measure of how many have been forced into labor under whatever conditions they can get. More recent studies of the law's effects confirm the extreme hardship and coercion of their labor for women who must care for children but lack adequate income to do so (Collins and Mayer 2010, Henrici 2006).

This legal change has increased competition for low-wage jobs, making it even harder to improve wages and working conditions. Moreover, people who *must* work to survive, people whose back-up has been removed, can be used as strikebreakers when strikes occur. Perhaps more significant, because employed workers are aware of the existence of large numbers desperate for work, they are likely to be deterred from striking. Low-wage jobs characteristically have a high turnover, and the large number desperate for work can be used by employers to replace any workers who may show an inclination to organize collectively. In fact, in poultry processing and in border *maquiladoras* employers encourage or enforce short-term employment precisely to prevent organizing among workers (Stuesse 2016). So a large number desperate for work will have a depressive or 'anchor' effect on many other workers, limiting collective organization and struggle to improve wages and working conditions.

These changes are a recreation of *racial* injustice. While the ratio of non-Hispanic white people to black people in the U.S. population is 5.3 to 1 (there are 5.3 times as many non-Hispanic white people as black in the U.S.), the ratio of white to black dependence on TANF is 1.7 to one (United States Census Bureau 2012, 10, 353). So black families are 3.1 times more likely to be under the discipline of TANF than white families are, a very disparate racial impact.

### **Undocumented Migration<sup>3</sup>**

In 1821 Mexico encompassed not only its current territory but up to the 42<sup>nd</sup> parallel in what is now the United States, including all of the territory of California, Nevada, Utah, part of Wyoming and Colorado, and all of the states of the Southwest. In the aftermath of the Mexican-American War of 1846-48, current borders were established, and this territory was conquered by or ceded to the United States. But the border between Mexico and the U.S. was unguarded;

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<sup>3</sup> This section is indebted for much of its information and analysis to Ruth Gomberg-Muñoz (2011, especially Chapter 2).



people migrated across it as they had for centuries, even millennia. As agriculture developed in California in the second half of the nineteenth century, big growers needed seasonal labor. They tried Chinese and Japanese workers, but eventually settled on Mexican (and, to a lesser extent, Filipino) labor because workers were more easily recruited (and then deported). (Still many did stay in the U.S. – perhaps a third of the million who came to labor in California in the 1920s.) Douglas Massey and co-authors summarize the situation:

With the sole exception of the 1930s, when the Great Depression effectively extinguished U.S. labor demand, politicians and public officials have persistently sought ways of accepting Mexicans as workers while limiting their claims as human beings. Only the formula by which this sleight of hand is achieved has changed over time... (Massey et al. 2002, 105).

Starting early in the 20<sup>th</sup> century there was a kind of informal *bracero* program: workers were recruited when needed, deported when not. In 1942 the official *bracero* program began; it actually supplemented unofficial immigration, but many growers preferred that workers be registered with the government. So workers might be deported only to be immediately returned to the U.S. as registered *braceros*. From 1942 to 1964 there were 4.6 million worker entries from Mexico as *braceros* (4.6 million is the number of entries; since many workers came repeatedly, the number of actual workers was between one and two million). In some years the number who entered outside the program or any official channel of immigration ('illegally') probably far exceeded the number of *braceros*. After the end of the *bracero* program in 1964 Mexican workers continued to cross in order to work (mostly in California, but also in Chicago as well as Texas), often without documents. (Others entered with a temporary work visa or as legal permanent residents, the latter mostly through family members already in the U.S.) These undocumented workers worked alongside others in the fields. It is important to emphasize that through this period (and later) every effort to *limit* immigration was opposed by business interests dependent on immigrant labor and by politicians representing those interests.

In 1965, as part of civil rights, national quotas were abolished that had been imposed by the Immigration Act of 1924 (national quotas from the Eastern Hemisphere based on the proportion of the U.S. population in 1890 who traced their origin to those countries, a policy based on arguments that people from southern and eastern Europe who immigrated between 1890 and 1920 were inferior to northern and western Europeans). In 1968 a cap of 120,000 on immigration from the Western Hemisphere was enforced for the first time. In 1976 the 1965 law was amended to impose a limit of 20,000 from any single country from the Western Hemisphere (Massey et al. 2002, 43). So in eleven years legal immigration from Mexico went from being unlimited to being limited to 20,000. Later legislation further limited the total number of visas available.

Into the 1970s and thereafter Mexican immigration is caused not only by job-pull but also by deprivation-push. In the 1970s economic stagnation, which

hit many world economies, including the U.S., hit Mexico. A series of devaluations of the Mexican peso, starting with a floating of the peso in 1976, then further devaluations in the 1980s and 1990s cut real wages for Mexican workers. A structural adjustment initiated by U.S. banks, the International Monetary Fund, and the World Bank, led to privatization of industries, elimination of trade barriers, and removal of supports for Mexican agriculture. Mexican grain markets were flooded with cheap U.S.-produced grain (cheap primarily because U.S. grain production is highly capital-intensive, but there was also dumping of surplus grain). By 1995 one-third of Mexico's grain consumption was of grain imported from the U.S. (Currently the percentage is 35%.) Life in the countryside became untenable for millions of Mexican workers, who either moved to Mexico City (metro area population over 20,000,000) or other Mexican cities or left for work in the United States. U.S.-based businesses took advantage of these changes to move production to Mexico. The forcing of 'excess' agricultural workers out of the countryside (depeasantization) is occurring worldwide with unprecedented rapidity and magnitude, leading Mike Davis (2006) to call the Earth a "planet of slums." It occurs regardless of whether there is opportunity in the cities; it becomes impossible to survive in rural areas. The migration of rural Mexican workers toward the cities in Mexico depressed wages there; urban workers who sought to maintain or improve their living standard moved to the U.S. for jobs: 1.8 million during the 1980s, 4.9 million during the 1990s, and 4.4 million between 2000 and 2005. As the border became more heavily patrolled, workers stayed rather than return to Mexico. It was still possible to enter, but the expenses for a *coyote* were higher, the trip more dangerous.

It is important to stress that in this context of increased immigration and a growing population of unauthorized immigrants, U.S. businesses adapted. The U.S. economy came to depend on undocumented labor; workers in the following categories were estimated to be more than 10% undocumented in 2008: landscaping (28%), household servants (23%), garment labor (23%), agricultural labor (20%), animal processing, various manufacturing labor, building maintenance (all 19%), bakery workers (not retail) (17%), car washes (17%), construction (14%), taxi and limousine drivers (14%), fruit and vegetable processing (13%), restaurants and other food services (12%) (Passel and Cohn 2009, 32).

These numbers only begin to give a measure of the number of businesses, large and small, which depend on undocumented labor. As a corollary we can infer that thousands of *businessmen* will fight to hold on to this labor force, which works under the conditions offered, in fear of the actions of the state. These businessmen and politicians who represent them ensure that no law will effectively deprive them of this essential labor. Hence, the effect of the increased enforcement of the border and of various raids is *never* to rid the U.S. economy of this labor; it is to ensure that the labor is duly terrorized and pliable. In the words of Ruth Gomberg-Muñoz: "[T]he opening of borders to trade and finance,

accompanied by the 'closing' of borders to workers, has had the effect of illegalizing—but not stopping— transmigrant labor. ...[B]order policies do not stop labor migration; rather they generate inequality by assigning illegal status to a segment of the global labor force" (Gomberg-Muñoz 2011, 34).

Jeffrey Passel and D'Vera Cohn (2009) estimate that 5.4% of the U.S. labor force is undocumented, more than 8.25 million workers. Often unable to obtain drivers licenses, these workers are under constant threat of actions from the state; nearly 360,000 were deported annually 2008-2015 (United States Immigration and Customs Enforcement 2016). This creates a climate of fear for those workers which helps to make them workers without rights and a boon to thousands of capitalists, large and small, who employ them.

### **How Mass Incarceration Creates Workers without Rights**

Group stereotypes change, but through the nineteenth century and well into the twentieth, black workers (and slaves before 1860) were stereotyped as pliable and willing workers for simple labor, much as Mexican immigrants are now. The stereotype was based on the racist oppression of black workers, who were lynched, beaten, or maimed if they rebelled; they were forced to work long and hard under conditions usually worse than those prevailing for white workers; when black workers were brought North to break strikes from the 1870s on, black people were stereotyped as a 'scab race.' Many socialists regarded black workers as unorganizable and as natural allies of the capitalists (other radicals, going back to the Knights of Labor in the 1870s and the IWW around the turn of the 20<sup>th</sup> century, united black and white in common struggle). During the 1930s, as union organizing efforts in the North (under communist influence) aimed to include black workers, the stereotype and the reality both changed, as black workers joined and often led the new industrial labor movement. To this day, black workers are union members at a higher rate than white. The civil rights struggles of the 1950s and 1960s – particularly black caucuses and other primarily black formations within industrial unions – put an end to the idea of the submissive and compliant black worker. But then who would play the role played historically by black labor? Who would work long and hard for low pay under whatever conditions were offered? Part of the answer, as we have seen, is undocumented immigrants and poor women (disproportionately black) who must support their children – vulnerable workers with few rights.

But there is another part of the answer. Mass incarceration has transformed a large segment of the black male working class into workers without rights – at the same time it has done the same to a larger number who are not black. It is useful to see mass incarceration and its effects in the light of our prior discussion of undocumented immigrants.

In 1925 the incarceration rate in state and federal prisons was 79 per 100,000 U.S. residents or .079%; that represented a low point. Between that time and 1973 it fluctuated around a rate of 100, usually a little but not much more,

Paul Gomberg

reaching a high of 137 in 1939; in the late sixties the rate fell into the 90s where it remained until 1973, when it was 96 (United States Bureau of Justice Statistics 1982). Then it began a rise that accelerated in the 1980s and especially the 1990s until in 2009 it was 502. This represents a 423% increase in the rate of incarceration over those 36 years. To put the point more graphically: to return to the 1973 rate of incarceration, four out of every five prisoners would have to be released from prison.<sup>4</sup> If we add the people held in local jails, the total incarceration rate was 752 in 2009 (United States Census Bureau 2012, 218); no statistics going back to 1973 are kept for jails, but we can assume a similar rate of increase for jail populations. (Rates have dropped slightly since 2009.) How did this happen?

The analysis I offer here follows in the footsteps of four writers, each of whom sees an important part of the answer: Elizabeth Hinton (2016), author of *From the War on Poverty to the War on Crime*, Bruce Western (2006), author of *Punishment and Inequality*, Christian Parenti (1999), author of *Lockdown America*, and Michelle Alexander (2010), author of *The New Jim Crow*. Each traces important elements of the history, causes, and meaning of mass incarceration; yet each misses important parts of the story as well. Hinton puts the transition from social welfare solutions to punitive responses to urban black people in the context of the social history of black migration but, like Alexander, omits the relative decline of the U.S. as creating limits to ameliorative responses. Alexander follows Loïc Wacquant in divorcing mass incarceration from control of labor – a profound and important error. Western views the economic losses to prisoners as losses to the economy; he never considers whether they may serve the economy by creating vulnerable workers and a generalized climate of fear of the state. Parenti gives a helpful analysis of the social function of mass incarceration: while capitalism needs surplus workers to depress wages and control the employed, it controls these surplus workers through the system of mass incarceration. However, he then ignores that analysis in proposing decarceration (fewer in jail and prison, as Alexander recommends as well); he is silent on what an alternative to capitalist society would be. None shows how mass incarceration provides vulnerable workers for the low end of the labor market and creates a climate of terror which disciplines other workers. Because many young black men are in the penal system, that disciplining effect has a strong impact on the black working class generally.

While, as I will argue, mass incarceration is functional, we still need to understand how it developed. Labor shortages in the North during World War I and then the increasing mechanization of southern agriculture and use of chemical herbicides were decreasing demand for black (and white) labor, leading many to migrate north and creating large segregated black neighborhoods in many cities. Hinton (2016) traces some early responses to this

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<sup>4</sup> Alexander (2010) puts the point in this way.

migration. Early in the Kennedy administration James B. Conant, Ralph McGill, and Labor Secretary Arthur Goldberg were describing urban black youth without jobs as “social dynamite” and “potentially the most dangerous social condition in America today” (Hinton 2016, 29). Kennedy’s assault on juvenile delinquency focused on education and job training and evolved into expanded programs such as Head Start and Job Corps under Lyndon Johnson’s War on Poverty. These programs were grounded in a view of urban black people as ‘the other’ suffering from ‘social pathology;’ black individuals needed to change, both in their skills and in their mindset, to take advantage of opportunities and become constructive citizens.

But in 1964 first Harlem and then Rochester rose up in rebellion against the police; a year later Watts in Los Angeles witnessed the largest urban uprising in U.S. history (up to that point). Echoing the calls of conservatives for ‘law and order,’ Johnson launched the War on Crime with the Law Enforcement Assistance Act of 1965; it enabled police to penetrate more and more into black neighborhoods, often as providers of public services such as a recreation center with a pool table and library where cops would act as counselors to youth (Hinton 2016, 114). In Hinton’s words

White House officials and Congress championed a law enforcement strategy that merged the War on Crime with the War on Poverty, forging a network of social service and surveillance programs that first emerged in [Kennedy’s] New Frontier under the umbrella of the Great Society. These urban interventions provided a foundation for the rise of the carceral state. (Hinton 2016, 61)

With each rebellion, and even more when Detroit and Newark rose up in 1967, the response of government officials became more punitive and less ameliorative. The institutional basis for mass incarceration, particularly of young black men, had been created even if it only came to fruition a few years later.

While Hinton traces the influence of northern liberals on the rise of mass incarceration, Alexander looks at the influence of southern racists. In the 1950s and 1960s it became increasingly clear to southern segregationists that they could not hold on to their traditional ground; they retreated and regrouped; they shifted from defending ‘states’ rights’ and ‘tradition’ to calling for ‘law and order’ and condemning chaos and crime in the streets. Protest and urban uprisings were lumped with criminal behavior. The targets were black protestors and insurrectionists and white student radicals. This strategic retreat was successful and coincided with the shift of most southern white voters from the Democratic to the Republican Party.<sup>5</sup> (From the time of Jefferson’s Democratic-Republican Party, the Democrats had been the main anti-black party in American electoral politics.) In his 1964 Republican presidential campaign Barry Goldwater

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<sup>5</sup> The point that southern segregationists prepared the political ground for mass incarceration is made most forcefully by Michelle Alexander, but parts of the same idea can be found in Robert Perkinson (2010, 9) and less explicitly in Bruce Western.

sounded the 'law and order' theme. Then Richard Nixon picked it up in 1968 and combined it with opposition to urban uprisings and student radicalism in his successful run for the presidency, despite segregationist George Wallace's carrying five Deep South states; by 1972 Nixon won in a landslide, carrying the entire Deep South. His administrations were carrying out the 'law and order' program, developing laws that laid the basis for the growth in incarceration; Parenti explains, quoting Nixon advisor H. R. Haldeman: "[President Nixon] emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to." That 'system' was the war on crime and the criminal justice buildup" (Parenti 1999, 12). The calls for law and order became increasingly part of the American political mainstream, eventually embraced by the 'new Democrats,' as Clinton's presidency put 100,000 more cops on the streets; mass incarceration grew more rapidly in Clinton's term than before or since. Now Democrats such as former Obama chief of staff Rahm Emmanuel put the war on crime and gangs (black and latin youth) at the center of their appeal to voters.

Western emphasizes not just the appeal of 'law and order' Republicans to the Deep South but also the shift of northern white Democratic voters to the Republicans based on their opposition to the northern civil rights struggles and urban uprisings. That certainly was an important factor in the Nixon, George H. W. Bush, and Reagan electoral victories. However, this analysis leaves out the stake that the elite, the capitalists, have in policy. Western's model suggests that working class voters are driving policy. A more plausible view is that elites, through financial and institutional influence on the parties, formulate policy initiatives and persuade voters into the electoral channels that elites offer them. So by the time we are finished we need to understand what capitalist elites gain from mass incarceration.

Western's analysis of the evidence shows that there are three main causes of the growth of incarceration (2004, 50): first, increased use of prison (as opposed to alternatives, especially probation) as punishment; second, lengthening of prison sentences; third, more drug laws and more use of them as a ground of imprisonment (the War on Drugs). Mass incarceration has virtually no relation to increase in crime (and has caused little decline in crime) (Western 2004, Chapter 7). Federal and state governments have adopted policies that have led to over seven million people in jail or prison or on probation or parole.

Alexander details some of how this works, but many of us who live in or near all-black or mostly black neighborhoods can see it every day: young men assuming the position against a car or the side of a building. The phrase 'driving while black' (DWB) entered English as a name for a 'crime.' The Fourth Amendment was intended to protect citizens from unreasonable searches and seizure. However, the War on Drugs has essentially ended that protection, particularly for poor black people. It works like this: cars are stopped on a pretext of violating a minor traffic or other ordinance, for example, a broken or

missing taillight. (Such pretexts, driving a car with minor defects, are likely to be more common among people without much money; the stops are concentrated in poor black neighborhoods.) Now the officer requests permission to search the vehicle (looking for drugs). Most folks say ‘yes,’ fearing consequences if they say ‘no.’<sup>6</sup> The same sort of ‘consent search’ can occur – without the vehicle stop – on the sidewalk or on a bus: “May I speak with you?” says the officer; “Will you please put your hands up and lean against the wall?” he continues. Most do not realize that they are free to say ‘no;’ the Supreme Court has interpreted compliance with these ‘requests’ (which sound like commands) as consent.<sup>7</sup> 95%, sometimes 98% or more, of these searches find nothing. But if they search enough vehicles, it adds up to a lot of arrests; in the words of a California Highway Patrolman, “You’ve got to kiss a lot of frogs before you find a prince” (Alexander 2010, 70).

The racism comes partly in whom they choose to search. An Illinois study from 2007 shows that black drivers are three times as likely as whites to be searched by state police (Northwestern University Center for Public Safety 2007, 10). (This leaves out the much more common searches by city cops in black neighborhoods.) The cause needn’t be racial animosity; more probably it is lack of social power. Cops are not likely to go looking for illegal drugs at a fraternity party at a large state university; sweeping up well connected students would be bad for police. When is the last time you saw a group of middleclass, middle-aged white women assuming the position while the police searched their vehicle for drugs? (And don’t tell me middle-class white folks don’t smoke weed.) So poor people, particularly poor black people, are the main victims.

These and related practices which are part of the War on Drugs account for much of the growth in incarceration; other factors Western cites – more common use of prison as a sentence and longer sentences – are amplifications of the larger number swept into the system in these stops and searches. Parenti summarizes the racial injustice in this process: “[W]hile African Americans constitute only 13 percent of all monthly drug users, they represent 35 percent of all drug arrests, 55 percent of all drug convictions, and a staggering 74 percent of all drug prisoners” (Parenti 1999, 239). Most of the increase in prison population is related to drug offenses. The result, as we have seen, is 7.3 million in jail or prison or on probation or parole. Additionally probably twelve to thirteen million are ex-felons, convicted of a felony but no longer ‘in the system.’ Still, when they apply for a job, they have to ‘check the box:’ have you ever been convicted of a felony? Because anyone who hires them (McDonald’s will hire ex-felons) is ‘doing them a favor,’ they too become workers without rights. Black

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<sup>6</sup> Empirical evidence indicates that very few people, particularly women and young people, feel free to decline to speak with police who ask to speak with them (Kessler 2009).

<sup>7</sup> These ways of phrasing the police questions are borrowed from Alexander (2010, 65-6), as is the point about consent not being real.

Paul Gomberg

people are incarcerated at a rate five times that of whites; the ratio of black to white felony convictions is lower.

This situation will not change soon. The acceleration of numbers in jail and prison has slowed, and there was even a decline from 2008 to 2009. I would not be surprised if there were further declines, but I would be surprised if they amounted to much. On the one hand, jails and prisons are a major taxpayer expense at a time of budget-cutting. On the other, they are central to the view of poor black people – especially male youth – as being a danger to social order, a view also adopted by many black people. Compared to the economic stagnation of the 1970s, the U.S. economy is doing better now that millions of workers lack rights, providing cheap, flexible, expendable labor throughout the economy.

Mass incarceration creates five groups of workers without rights or with diminished rights: inmates who labor, people with jobs who are on work-release or in halfway houses, people on probation or parole, ex-felons (people with a felony conviction on their record), and the female partners or others who depend on men in the first four groups. Moreover, the involvement of so many young men in the system links mass incarceration to millions of families, especially black families.

Here are the numbers: In 2009 there were 7.3 million directly in the system, 760,400 in jail, 1,524,513 in state or federal prisons, 4,203,967 on probation, and 819,308 on parole (United States Census Bureau 2012, 217). Christopher Uggen, Jeff Manza, and Melissa Thompson (2006), using conservative demographic assumptions, estimated the 2004 ex-felon population at 11.7 million; presumably the number is now 12-13 million. Of adult males 12.8% are either current or ex-felons; 33.4% of black adult males are either current or former felons. Those who are ex-felons are no longer under the direct control of the system but encounter a number of barriers; in the words of Uggen, Manza, and Thompson (2006: 284), “They typically confront legal restrictions on employment, access to public social benefits and public housing, and eligibility for educational benefits.” Many current or former felons enter the labor market as workers with diminished rights. Forty jurisdictions (out of the fifty states plus the District of Columbia) require parolees to seek employment, and similar requirements are made of probationers (Alexander 2010, 145). So if we add the five million on probation or parole to the more than twelve million who are ex-felons, we probably have at least seventeen million, mostly males, who enter the labor market without rights or with diminished rights.

The stereotype is that black males, particularly young ones, do not work, but while unemployment is high, many are working, at least part time. While to my knowledge reliable data about labor market participation are not available for ex-felons, as recently as 1997 56% of prisoners had a full-time job at the time they were arrested (Uggen et al. 2006: 295). If we keep in mind that many also work part-time, we can see that, even if people cannot make ends meet with a part-time low wage job (or even a full-time one) and hence are likely to



supplement legal income with extralegal income, they are, many of them, in the labor force in some way. If this is true generally, then it is true also for the 17 million who are either on probation or parole (most likely high labor market participation) or are ex-felons (lower labor market participation), and it is true for black and latino as well as white. These are particularly vulnerable workers, with very diminished rights, who often work the lowest wage jobs, some off the books. People working these jobs are especially common in black neighborhoods, where the stigma of race amplifies that of felon. We should not underestimate the effect of race even apart from a criminal record: in a low-wage labor market black job applicants with a clean record were no more likely to be called back or offered a job than white applicants who were just released from prison (Pager et al. 2009). So while, for a white candidate, a prison term cut their chances in half, so did being black rather than white. In Pager's Milwaukee study a prison record cut a black applicant's chances of getting a further interview or offer by another two-thirds; this is the equivalent to one-sixth the chance of a white worker with a clean record (Pager 2007, 70).

The harms of mass incarceration are not limited to people who are caught *directly* in its web. To understand its broader social meaning we should understand its relation to what Karl Marx called capitalism's "relative surplus population" (1976, 781 ff.). With the growing mechanization of southern plantation agriculture (beginning in the late 1930s) southern black agricultural workers became surplus and migrated to southern and northern cities to work in factories and elsewhere. This worked well during the labor shortages created by World War II and, briefly, during the expansion of the Vietnam War in the mid-60s. As we entered the 1970s black tenant farmers and sharecroppers had been decimated, dropping from 704,000 in 1920 to 82,000 in 1964 (Groh 1972, 33). (There was a similar, though slightly less dramatic, decline in white tenants and sharecroppers.)

However, after the brief post World War II period of prosperity (and diminished international competition), U.S. industry begins a rapid decline (relative to growing industries in other countries) in the 1970s. Capitalists responded by abandoning much of urban industrial production (where unions often had a foothold and wages were relatively high) in favor of small towns and the South – where unions were weak and workers desperate – or in favor of shipping production overseas (now all televisions are produced outside the U.S.). Black urban workers were caught in the permanent crisis of stagnation of the 1970s and thereafter. Mass incarceration was the method by which the unemployed section of this group was controlled.

This control also disciplined the remaining workers. In *Capital* Marx wrote, "The overwork of the employed part of the working class swells the ranks of its reserve, while, conversely, the greater pressure that the reserve by its competition exerts on the employed workers forces them to submit to over-work and subjects them to the dictates of capital." (1976, 789). I follow Marx in seeing

labor's reserve army as disciplining employed workers, but I add that incarceration of masses of young black male workers increases the terror felt generally in black neighborhoods and reminds employed black workers of the consequences of deviation from capitalist order.

Despite high unemployment and high incarceration, black workers are central to the workings of the U.S. economy, to our health care system, letter and package sorting and delivery, and urban transit, among other essential tasks. *The Statistical Abstract of the United States* for 2012 shows that black workers (10.8% of the labor force) were disproportionately represented in the following occupations (percentage of the workers in that occupation that is black is given after that occupation): pre-school and kindergarten teachers (13.4), teacher assistants (12.7), clinical laboratory technologists and technicians (15.1), health diagnosing and treating practitioner support technicians (13.6), licensed practical and licensed vocational nurses (24.4), medical records and health information technicians (19.9), nursing, psychiatric, and home health aides (34.6), bailiffs, correctional officers, and jailers (22), security guards and gaming surveillance officers (28.8), cooks (15), food preparation workers (13.4), non-restaurant food servers (18.6), janitors and building cleaners (17.1), maids and housekeeping cleaners (16.3), barbers (37.2), baggage porters, bellhops, and concierges (29.8), transportation attendants (12.2), child care workers (16), personal and home care aides (23.8), cashiers (16.1), telemarketers (25), bill and account collectors (17.5), billing and posting clerks and machine operators (13.7), customer service representatives (17.5), file clerks (16), interviewers (except eligibility and loan) (17.3), reservation and transportation ticket agents and travel clerks (24), couriers and messengers (15.4), postal service clerks (29.5), mail carriers (11.7), mail processors, sorters, and processing machine operators (30.5), stock clerks and order fillers (16.7), word processors and typists (12.3), non-postal service mail clerks and mail machine operators (21.4), butchers and other meat, poultry, and fish processing workers (14), laundry and dry cleaning workers (15.9), packaging and filling machine operators and tenders (16.4), bus drivers (25.1), taxi drivers and chauffeurs (26.6), and industrial truck and tractor operators (22). I left out many occupations where black workers are not disproportionately represented and many more where they were slightly disproportionately represented (15% or less). And I did not mention the *professions*, such as social worker, where black people are also disproportionately represented (22.9%) (United States Bureau of the Census 2012, 393-96). The point of the long list of occupations is that, while schools which are disproportionately black usually do not prepare black children for more challenging and interesting work that carries social prestige, nevertheless many children are being socialized for *essential but low-status jobs* – repeating the long history of racial injustice.

These facts about the role of black labor in the U.S. economy, the analysis of the role of the most vulnerable low-wage workers in disciplining other

workers (vulnerability being created by both race and the discipline and stigma of the penal system), and the climate of fear created by mass incarceration, a climate which further disciplines other workers, particularly black workers, rebut Alexander's denial that mass incarceration helps to control labor. She cites Loïc Wacquant: "He emphasizes that the one thing that makes the current penal apparatus strikingly different from the previous racial caste systems is that 'it does not carry out the positive economic mission of recruitment and discipline of the workforce.'... [Mass incarceration] views African Americans as largely irrelevant and unnecessary to the newly structured economy – an economy that is no longer driven by unskilled labor." (Alexander 2010, 207) This common view is exactly wrong.

"But, Paul, if, as you claim, mass incarceration is functional for the capitalists, why is the unemployment rate for black ex-felons so high (as the evidence about discrimination seems to indicate it would be)? Why don't the capitalists just hire them?" These questions display a misunderstanding of the ways in which mass incarceration and criminalization are functional. Remember, in response to the economic problems of the 1970s, a number of changes occurred – slowing the economy, increasing unemployment, exporting jobs from the heavily-union central cities of the North and Midwest to small towns, right-to-work states, the South, and out-of-country, breaking unions, structural adjustments, free-trade zones, and grain-dumping in Mexico – that had the effect of creating a relative surplus population to discipline employed workers. The rise of mass incarceration should be seen in that context. Like the other changes we have reviewed, it created a climate of terror, an awareness of vulnerability. So there are the workers under the discipline or stigma of the penal system who are directly in the formal economy but as workers with diminished rights (white felons or ex-felons would likely be represented at a greater proportion than other felons or ex-felons). In addition, there are millions in the informal economy or with one leg in the formal and another in the informal economy. This mass of hyper-vulnerable workers disciplines the other workers in the formal economy: go to work, do as you're told, keep your mouth shut, don't make trouble. Millions of black families are reminded regularly – by visits to or letters to or from carceral institutions or letters from parole or probation officers – of the dangers of non-conformity.

### **Cheap Food, Cheap Chicken**

We need to draw together several threads. Black labor was central to the development of the United States as a world power in the nineteenth century, providing the largest export crop, cotton. In the late nineteenth century and the first half of the twentieth black (and considerable white) labor continued to create wealth in plantation crops of cotton, rice, and sugar as well as in mining, meatpacking, food crop harvesting and processing, and basic industry. Black workers were demeaned and vulnerable; they worked for lower wages and in

worse conditions than other workers. Their vulnerability limited what white workers working alongside them were able to gain.

From the 1940s through the 1970s two things happened: first, black people insisted on the same rights as others, declaring their unwillingness to be demeaned and vulnerable; second, as the stagflation of the '70s developed, it became clear that the U. S. was declining economically relative to Japan and Europe, as well as new rising economies in Asia and Latin America. The capitalists' response to the crisis was to weaken the position of workers, lowering wages, and attacking unions. But now it was harder to use black workers – disproportionately unionized – to undermine the position of other workers (although black youth were used as strikebreakers in that period). New sources of vulnerable labor were needed.

The three changes we reviewed in this essay were the main sources of new groups of workers without rights: the curtailment of welfare, the rise of mass incarceration and criminalization, and the huge increase in workers classified as 'illegal.' Together these changes provided, I have argued, new vulnerable workers with few or no rights, particularly exposed to hostile actions of the state. These workers serve two functions in the capitalist economy: they provide low-wage, flexible labor, and they act as an anchor, undermining what other workers can achieve (particularly in the context of high unemployment and absence of labor unions).

This section is about cheap food, particularly cheap chicken. Cheap food is central to how social control works. Many of us do not like our jobs. But we console ourselves at the mall (or on the internet), buying smart phones, flat panel television sets, computer games, Ipads, and other electronic wizardry. It keeps us under control. But many who buy this stuff are far from affluent: how can we afford it? We don't pay much for food.<sup>8</sup> The cheapness of food is the key to social control.

In 1929 people in the U.S. spent 23.4% of their disposable income on food. While the percentage rose slightly in the early 1930s, it declined steadily ever since; by 2014 9.7% of disposable income went for food (5.5% at home; 4.3% away from home [rounding presumably explains apparent discrepancy with total share for food]) (United States Department of Agriculture 2016a). In the United States people spend less of their income on food than in other countries. Comparing budgets for eating at home in 2015, in the U.S. the figure is 6.4% for food and non-alcoholic beverages, the lowest percentage in the world; here are the 2015 percentages for other industrialized or industrializing countries: U.K. 8.2%, Germany 10.3%, France 13.2%, Japan 14.2%, Mexico 23.1%, Brazil 15.5%, Russia 28%, India 30.5%, and China 25% (United States Department of Agriculture 2016b). While these figures may exaggerate the U.S. advantage in cheap food, the point still remains that food is cheap in the U.S. compared with

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<sup>8</sup> And the workers who make the electronics receive low wages.

other countries.<sup>9</sup> When people have to spend less of their budgets on food, this leaves more money for other stuff. So in the United States even non-affluent people may have a smart phone or flat screen television.

Cheap chicken is a central cheap food. In the U.S. per capita consumption of chicken is roughly 80 pounds per year, turkey roughly 20 pounds per year; more chicken is consumed than either beef or pork. Chicken consumption has been rising since the 1930s while beef consumption had declined since the mid-1980s. The four largest producers of chickens control nearly 60% of the market. Roughly a half million workers are employed in meat slaughtering and processing (including poultry), but less than 3% are covered by a union contract; the real wages of workers have declined since 1976. Turnover rates are high, in some plants as high as 400% per year; the lowest estimate of turnover is 40% annually (Kandel 2009).

Employers seem to encourage high turnover to prevent unionization. In her study of central Mississippi poultry workers, Angela Stuesse (2016) was told by union members that the new hires from the area replacing undocumented workers were unlikely to stay. "When I asked [union steward Patrick] Herring if this would be a problem for Tyson, he shrugged, 'No. They'll just replace 'em. That's what they want!' Indeed, high rates of attrition do much more damage to organizing efforts than to company profits, and, as illustrated [earlier], the industry has adapted its production process to accommodate extreme worker turnover." (Stuesse 2016, 183)

Mississippi has 25,000 workers in the poultry industry, concentrated in central Mississippi, where three of the top five chicken producers (Tyson [1], Sanderson Farms [4], and Koch Foods [5]) all have plants. There are a few white workers left in the industry; it relies primarily on black and undocumented labor. Black labor is likely to be particularly vulnerable in this area, partly because of the tradition of intense segregation and subordination of black people in Mississippi and partly for reasons I have suggested here: Mississippi has the second highest (to Louisiana) rate of incarceration in the U. S. leaving many black women without male family members to help support themselves and their children, and many men doubly stigmatized as black and ex-felon. Poultry producers particularly like undocumented labor. In fact, as black workers

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<sup>9</sup> Two qualifications are necessary: first, poor people spend more of the budgets on food; so countries with many people who have little money, such as China and India, will spend more of their disposable income on food. Second, because, within countries, poor people spend a higher percentage of their budgets on food than wealthy people do, countries with more wealth inequality (such as the United States compared with Japan) can be misleading as to how much money the typical family may spend on food; if there are large numbers of very wealthy who spend small percentages of their income on food, this can obscure the situation of the typical (median) family which may spend a higher percentage on food than the average of everyone lumped together. I am unable to get percentages of the median budget expenditures on food, which would tell us more about what percentage an average person would spend.

organized unions in both poultry processing and catfish farming and processing, capitalists turned to undocumented workers to lower wages and reduce worker prerogatives. Cuban workers, who had legal residency, had a broader range of job prospects and would not stay in Mississippi poultry (Stuesse 2008, 148); as a worker put it, "Well, a Cuban, with legal papers, can choose any kind of work." (Stuesse 2008, 149) When two Cuban workers filed discrimination complaint that they were not hired because they were documented, the U. S. Department of Justice would not pursue the claims because being documented was not a protected category. (Stuesse 2008, 237)

Not only do many white workers harbor anti-black stereotypes which serve to divide poultry workers, but black and undocumented workers are also divided. Stuesse found that undocumented workers quickly accepted racist stereotypes that black people did not want to work. For their part, black workers harbored resentment of undocumented workers for undermining the rights that black workers had won: some black workers had engaged in union organizing and other resistance to management, even sometimes sabotaging production (someone threw soap in the water used to chill the chickens [Stuesse 2016, 124] in order to gain some respite from the unrelenting speed of the work); black workers may demand workers' compensation when they can't work because of injury while undocumented workers may keep working until the pain forces them out. Black workers can view undocumented workers as undermining the gains they have achieved, one worker explaining, "They're not taking our jobs, but they is working non-stop, raising expectations. ...Sometime they be there, like, a couple of days and stuff, like from one shift to the other one, without even going home (Stuesse 2008, 281). Another worker said:

Well, we got some power now. And then [Hispanic workers] comes in... And they say, 'Okay, I'll do that.' And so then you say, 'Well, wait a minute, you know, we're using that as a leverage to get up the ladder further.' ...And the white people turn around and say, 'Well, hey, I ain't got to pay. I ain't got to do this or that, you know, because I can get him to do it.' And there goes your power, right out the window. So I think that's where a lot of the hostility's coming from. (Stuesse 2008, 281)

So black workers see themselves as having gained some rights that are eroded by the presence of undocumented workers. But the other side of the coin is that undocumented workers, cultivating the self-stereotype as willing workers, can see the anti-management militancy of black workers as confirming anti-black stereotypes of being lazy and not wanting to work.

The growing presence of undocumented workers in the industry has been used by management to depress wages and undermine working conditions, which can be brutal. Line speeds require workers in deboning to perform 20,000 motions per shift. Repetitive stress injuries are common, turnover high. Management uses company doctors who routinely misdiagnose or minimize injuries; management will tell injured workers to stay in the plant, even doing

nothing, rather than sending them home, which would require an injury report. So injuries are greatly underreported (Stuesse 2008, 250-261). To indicate some of the extent and effect of injuries I quote a paragraph from Stuesse:

Three union representatives that work in poultry plants throughout the South commented to me on separate occasions about the industry's crippling effects on entire communities. 'When they are done with you, they'll crumple you up like a piece of paper and throw you out and reach back for your kids,' one observed. Another spoke [of] a town full of African American families with 'three generations of cripples,' all of whom had worked in poultry. She went on to posit that one reason the Latin American population is growing in chicken plants is because 'they've crippled all the African American workers.' Still another organizer was telling me about the difficulties of doing worker outreach in the Black community with 'so many people [who were] broke up and cut up and bashed up and didn't get a penny out of 'em. You ought to see [some of the] houses they was living in.' (Stuesse 2008, 265)

Since workers – particularly the undocumented – are often fired for getting injured, Bureau of Labor Statistics reports of declining injuries should be regarded instead as reflecting the growth of undocumented labor (Stuesse 2008, 263). Management's approach to the brutality of the work is to insure an oversupply of workers (relatively easy, given depeasantization and a worldwide skyrocketing of relative surplus population), treat them as disposable, and simply replace injured workers with new ones. If they can retain a high enough percentage of the most vulnerable workers, they can also avoid workers' compensation claims.

The divisions between vulnerable workers – black and undocumented – have undercut union organizing in the central Mississippi area, lowered wages, and sped up the pace of work. Central Mississippi is representative of wages and working conditions throughout the southern-based poultry processing industry. This is why chicken is cheap.

If chicken is the extreme case, it is not atypical in food processing. In a 2006 *Chicago Tribune* article Dawn Turner Trice described the vicious conditions endured by Mississippi Delta catfish workers, mostly black women, such as timed bathroom breaks in bathrooms whose stalls lacked doors and sexual harassment. The workers had formed a union twenty-five years ago that won some rights, but the subsequent importation of undocumented workers undermined the gains workers had achieved (Trice 2006).

Beef and pork processing traced an arc from the brutal conditions at the beginning of the twentieth century (portrayed in Upton Sinclair's *The Jungle*) through the CIO period of the 1930s-60s that transformed meatpacking into a relatively decent working class job at union wages (Halpern 1997; Horowitz 1997), then to its current descent into conditions which are, arguably, as bad as ever. Under the innovation of Iowa Beef Packers and then later Cargill and ConAgra, beef and pork processing moved from the unionized urban centers of Chicago, Kansas City, and St. Paul to small towns in right-to-work states where

Paul Gomberg

unions were weak – in areas closer to cattle feed lots. Huge packing plants opened; workers are being drawn from the world's displaced peasants (including failed U. S. farmers) into work at a blistering pace that reduced living mammals into the small pieces we see in the supermarket. Bodies wear out from the frenetic pace, long hours, forced overtime, six and even seven day weeks (Human Rights Watch 2004, Horowitz 1997). But workers are easily replaced.

Stoop labor harvesting crops is notoriously difficult. When Georgia enacted legislation prescribing harsh penalties for using fake identification documents to get jobs and empowering police to interrogate criminal suspects about their immigration status, growers could not find workers to pick their crops. The state government tried to use unemployed people on criminal probation as farm workers, but the probationers did not relish stooping to pick cucumbers for long hours in the hot sun (Brumbach and Henry 2011). Fruit and vegetable processing is not much easier. As a college student in California, I heard stories of the difficult labor in the canneries (which some students took to earn money during the summer). If the processing of fruit and vegetables lacks the horror of slaughtering animals who resist dying, it can be fast-paced and repetitive, leading to repetitive stress injuries. If changes in meat and poultry processing are indicative, conditions in other food processing have also deteriorated.

Who are the workers in these industries? Certainly undocumented and likely many who are ineligible for government support under TANF and people who are either on probation or parole or are stigmatized by a felony conviction (no one seems to collect this information). Management uses vulnerable labor to depress wages and working conditions in agricultural labor and meat, poultry, and other food processing. Depressed wages and brutal working conditions make food cheap. Cheap food makes it possible for the rest of us to buy the toys that we use to console us for work that lacks joy and to try to give our lives an empty meaning. These toys are part of what keeps the rest of us under control.

### **How Racial Injustice Divides the Working Class—and What Must Be Done**

In the central Mississippi area that Stuesse (2008, 2016) studied workers had long been deeply divided by race; as I have argued, the extra exploitation and oppression of black workers in this region helps to understand why white workers there are, by national standards, badly off. This racial inequality and division affected workers in the poultry processing industry Stuesse studied. One worker reported that in the 1950s, when black workers were excluded at Southeastern Packers in Forest, Mississippi, a walk-out by poultry workers led the bosses to bring in black workers (Stuesse 2008, 113). Then in the 1970s, when the labor force at Southwestern was 80% black, a union was certified and workers struck (the white workers did not go out); white strikebreakers were brought in.



The depth of racial inequality and consequent salience of race in this region means that workers are not conscious of themselves as a class. Still central Mississippi – while at the racist end of the spectrum – tells us what race means.

Real material inequality in workers' income, wealth, and working conditions enhances social control in two ways. First, as I just explained, the brutal superexploitation of workers in agriculture and food processing makes cheap food possible; cheap food means that more affluent workers have money for consumer goods such as electronic toys, which divert and amuse us. Second, material inequality among workers causes us to compare our condition to others more like us, rather than to the capitalist owners of the plants. These comparisons lead to two common responses: more advantaged workers are contemptuous of those who are worse off, blaming their condition on their perceived faults and failings (this is classical racist psychology); those who are worse off direct their anger and resentment at better off workers, whose contempt they often feel (Gomberg 2007, Chapter 8). These attitudes divide the working class. The capitalist gets off the hook.

Students of racial injustice often make one of two related errors. Seeing the brutal inequality of racial injustice, some lose sight of the common exploitation workers experience. (Stuesse [2008, 2016], for example, is clear about the different but real disadvantages that black and undocumented workers experience, but for her white *workers* are invisible and make virtually no appearance in her ethnography.) Alternatively, 'class unity' analysts see the common exploitation but minimize the brutal inequality that is racial injustice. We must fight both common exploitation *and* its brutal inequality. Only fighting *the two together* can unite workers in common struggle (Goldfield 1997). Unity is possible once we acknowledge both the brutality of racial injustice and how racism limits what is possible for *better-off* workers.

But *for what* should we fight? Every struggle against racial injustice in United States history has led to its elimination or modification *in that particular form* and to its *re-creation* in a new form. Why? I have argued that racist oppression of black and other workers is *functional* in the capitalist economy, providing workers with diminished rights desperate for work; this relative surplus population is the most deprived tier of workers and the unemployed, acting as an anchor and a disciplining force on other workers. This relative surplus population, organized through categories of race or allied categories, is favorable to profits for capitalists. Because racial injustice serves an economic function for capitalists, it is re-created in new forms. Here I have told the story of the most recent replacement. The *end* of racial injustice in all forms whatsoever will require the end of capitalism. What will replace capitalism? I have begun to sketch an alternative (Gomberg 2007, 2016; *cf.* Progressive Labor Party 1982): a communist society where labor is shared and we flourish by contributing to one another's flourishing.

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Paul Gomberg

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