Book Review

Day Labor in Two U.S. Cities

by
David Stoll

Juan Thomas Ordoñez *Jornalero: Being a Day Laborer in the USA*. Berkeley and Los Angeles: University of California Press, 2015.

Sandra Lazo de la Vega and Timothy Steigenga *Against the Tide: Immigrants, Day Laborers, and Community in Jupiter, Florida.* Madison: University of Wisconsin Press, 2013.

Day laborers and open-air labor markets are not new in American history, but in the twentieth century, thanks to high employment and increasing job security, they almost disappeared. Now they're back, fed by heavy migration from Mexico and Central America, and a bone of contention in the U.S. immigration debate. For immigrant-rights activists, the increasing visibility of day laborers is irrefutable evidence of the demand for immigrant labor. Since most day laborers lack legal status, their advocates continue, they also illustrate the need for a comprehensive legalization program. For critics who wish to reduce immigration, in contrast, the resurgence of day labor is a sign that job markets are being flooded and labor laws are being ignored.

Survey research tells us that most day laborers suffer from wage theft (Valenzuela et al., 2006), and anyone can do a head count of the local hiring corner, but becoming a participant observer on a day job requires trickier diplomacy than joining a labor force on a plantation or in a factory. As far as I know, no researcher has accomplished this except for Hans Lucht (2012: 42–49), who discovered that his Ghanaian buddy in Naples, Italy, was working for a retired policeman. Unless you can talk yourself into being brought along for the job as Lucht did, the next best thing is to hang out with men waiting to be hired. That's what Juan Thomas Ordoñez did for the better part of two years in Berkeley, California, along an avenue with 80-plus other day laborers.

Anyone curious about day laborers will learn a lot from Ordoñez's ethnography *Jornalero*. The six men to whom he became closest were a disciplined bunch. Most were struggling to remit as much income as they could to families in Mexico and Central America. They shunned the alcoholics and drug addicts dwelling under nearby freeway overpasses, mainly ex-laborers who had succumbed to despair. Most day laborers say they want a stable job; for Ordoñez's friends, however, low minimum wages, legally required deductions, and inconvenient night shifts made day-by-day gigs for at least US$10 an hour and no tax deductions a better way to meet their needs—that is, if someone would roll up in a vehicle and hire them, which in 2007–2009 was often not the case.

The Berkeley *parada* (stop) attracted day laborers from neighboring jurisdictions. The city's minimum wage was higher than elsewhere, and its employers had a reputation for being more considerate. Still, all the men had been cheated or worse by one boss or another, so they refused to get into a vehicle with anyone who aroused suspicion. Most claimed to have been propositioned by homosexuals, so they wanted nothing to do

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with men who struck them as effeminate. Race was another index of suspicion. Blacks they considered the worst employers, followed by Tongas (Pacific Islanders). Tongas had a reputation for dropping off a laborer at a job in a distant neighborhood, getting him started on the job, and then never returning to pay him, leaving him to find his way home alone. *Arabes* and *Chinos* were regarded as stingy but more likely to pay the agreed amount. Women were less likely to cheat than men, and the best employers of all were *gabachos* (white Americans), some of whom gave tips (which none of the others ever did).

Since all the men at the Berkeley parada spoke Spanish and fit the U.S. category of Latinos, we might expect a certain level of solidarity. The men took turns being the first to approach a car to avoid the usual melee at other hiring corners. Among Ordoñez's friends there was also a commendable amount of job-sharing to help men who were in the greatest need, and he reports much jokey intimacy. But he stresses how little the men actually knew each other, and he is at pains to show that any solidarity and friendship was "articulated in a complex arena of competition, distrust, and misinformation" (26). Least of all did his friends have any illusions about *la raza* (Latin Americans in general and U.S.-born Latinos in particular), saying "We really screw each other" (86) in contrast to other ethnic groups such as the Chinese, to whom they attributed greater mutual support.

Ordoñez's interlocutors frequently broke off relations with each other because of suspicion that they had been slandered or betrayed. Just competing for the better jobs was enough to cause tension, but so was their rental housing. One reason for the resurgence of day labor is that real estate speculation and inflation has priced the native working-class out of attractive coastal locations. Immigrants survive high rents by jamming together in a single housing unit. Crowding makes it harder to iron out problems such as inability to make rent, alcoholism, and rowdiness, so it produces frequent moves.

Ordoñez chose a strategic locale for his research because Berkeley prides itself on welcoming immigrants regardless of their legal status. Along with neighboring Oakland and San Francisco, it is a leader in sanctuary activism. Thus voters and city councils have ordered police departments to minimize cooperation with federal immigration agencies. Bay Area immigration courts also have been generous in granting asylum petitions to Central Americans with only sketchy qualifications. Among the beneficiaries is a rapidly growing colony of Maya-speakers from the town of Todos Santos Cuchumatán in Guatemala.

Interestingly, in 2007–2009 Ordoñez's friends were complaining about an invasion of *guatemalas* (indigenous Guatemalans). These were held to undercut other day laborers because, no matter how bad the pay, they would take the job. Cautiously, Ordoñez concedes that the particular Guatemalans in question seemed to be willing to work for less money and to be less well educated and informed than other day laborers. My question is: could one cost of sanctuary activism be that it increases the labor supply and undermines labor standards?

Disappointingly, Ordoñez avoids the issue of what a growing supply of day laborers means for other workers in the construction, landscaping, and restaurant sectors. Some years ago the economist Giovanni Peri found that immigrants to California had not undermined the wages of native-born Americans. What they had undermined was the wages of earlier immigrants. To quote from a press release, "in 2004, immigrants who had entered California before 1990 lost between 17 and 20 percent of their real wages due to the entry of new foreign-born workers" (Public Policy Institute of California, 2007). Nor is this anything new in Northern California: other researchers (Jonas and Rodriguez, 2014; Menjivar, 2000; Zavella, 2011) have noted a perennial shortage of employment for Latin American immigrants. Therefore I wonder about

Ordoñez's premise that day laborers provide "a needed and very cheap labor force" (6). Needed by whom? Certainly they are needed by employers who don't want to pay workmen's compensation and social security taxes, but are they needed by anyone else? Perhaps because Ordoñez never went out on jobs, he doesn't say much about the people who hire day laborers. Instead of focusing on them, he leaps to U.S. society and the hypocrisy of U.S. immigration policies.

Wouldn't it be more illuminating to investigate exactly who profits from day laborers? I would like to know about the social contracts that his friends have made with family members (who often have lent them the money to reach the United States), with smuggling networks, and with employers (who include contractors, many of whom are immigrants, and homeowners, many of whom are natives). Looking into the employers might illuminate what day labor means for the workers who did these jobs when there were fewer day laborers and contractors were under more pressure to obey labor laws. It might also illuminate whether San Francisco, Oakland, and Berkeley's opposition to enforcing immigration law has become associated, consciously or unconsciously, with opposition to enforcing labor laws.

Abundantly clear from Ordoñez's ethnography is that one group not served by the spread of day labor is the laborers themselves. Most of his friends seem to be painfully isolated from the families they left behind. Their running joke is that each has a "milkman" or *compadre* back home who sleeps with his wife, watches over his children, and lives off his remittances. Once families become accustomed to remittances, the only way the men can continue their role as provider is to remain in the United States, undermining their role as patriarch. The result, Ordoñez concludes, is a "never-ending vortex of work, remittance and recrimination in both directions" (154). Tougher border enforcement has made it impossible to go home for a few months, so years of separation are turning into decades and their family ties are disintegrating. Judging from a rather different sample of day laborers (Stoll, 2012), anyone stuck in day labor is very likely to be falling behind in his living expenses, his financial obligations to his family, and even his debt to the smugglers who brought him to the United States.

None of the men Ordoñez got to know had any interest in joining a day-labor center. These organizations, led by professional advocates and supported by unions and philanthropies, have proliferated since the early 2000s. They seek to reassure neighbors spooked by the number of foreign men waiting for a job, and they also fight wage theft. Unfortunately, any attempt to regulate the deals that day laborers make with employers requires administering a hiring queue of some kind, which then raises the possibility of favoritism. In the case of Berkeley, an immigrant-rights group organized a referral service that failed to convince the men that it was fair and functional. Instead, as their numbers increased, so did complaints from neighbors and city government.

Immigrant-rights marches were frequent in 2007–2009, but the Berkeley day laborers stayed away and expressed no interest in political activism. The most obvious reason was fear of attracting federal immigration enforcement, but they also did not believe that anyone could help them with their most important need, recovering stolen wages. In one odyssey for justice, Ordoñez became enmeshed in Francisco's attempt to recover medical expenses from the owner of a dog that bit him. Week after week, the plaintiff and his anthropologist ping-ponged between a Multicultural Institute, a Centro Legal de La Raza, the bar association's referral service, a small-claims court, and the police department's animal-control office, only the last of which did them any good. Even though Bay Area agencies pride themselves on multiculturalism, Ordoñez is startled by the lack of Spanish that he and Francisco encountered. The reason? The agencies are staffed by an ethnic rainbow from around the world whose only feasible lingua franca is English.

Subterfuge and distrust have become so ingrained in Ordoñez's friends that they have no faith in the "you have rights!" discourse of immigration activists. On the assumption that the Migra is everywhere, they scoff at Berkeley's claim to be a sanctuary city. Their consensus is that the more you try to regularize your status, the more likely you are to be grabbed and deported. In all his time with the men, Ordoñez never once saw the dreaded Migra, whose priorities lay elsewhere. Yet the men projected it into every white van that passed and every helicopter that flew overhead.

Contrary to their designation as undocumented immigrants, Ordoñez points out, his friends navigate daily life with an array of business cards and legal documents. No one stops them from occupying public space and soliciting work, so the result is a legal twilight zone. "Parallel citizenship" or "para-citizenship" is his very useful term for this illegal-but-tolerated status. It is a cruel mockery of actual citizenship in his view. but for the immigrant-rights movement it is a goal to be pursued by taking advantage of every toehold in the U.S. legal system. What the author views as injustice could, with the passage of comprehensive immigration reform, become the stepping-stone to legal residency in the United States, which is one of the most sought-after commodities in the world.

That halfway status gets a more upbeat appraisal in Sandra Lazo de la Vega and Timothy Steigenga's *Against the Tide: Immigrants, Day Laborers, and Community in Jupiter, Florida.* The authors recount the origins and challenges of a particularly successful day-labor center. Steigenga is one of the center's organizers, as well as a political scientist at Florida Atlantic University, and Lazo de la Vega is a long-time volunteer; together they describe a decade of experience with starting and running such an organization.

Jupiter is along the coast near West Palm Beach. Between 1990 and 2010, real estate development more than doubled its population to 55,000. Tremendous demand for cheap, off-the-books labor attracted Mexicans and Guatemalans to the older parts of town, where they could reside in aging apartment blocks and single-family houses converted to rentals. By the early 2000s, several hundred men could be looking for work on Center Street every morning. Nothing horrible ever happened, but there were many complaints about traffic hazards, public urination, littering, drunkenness, and sometimes inappropriate behavior toward young women. "Housepacking" of large numbers of renters into crowded spaces led to more complaints. When the Jupiter cops intervened, they were accused of harassment. When they asked the Immigration and Naturalization Service to show up, it declined on the ground of not having the manpower. The laborers themselves faced the usual problems of elbowing by their fellow laborers, wage theft by their employers, muggings by criminals, and no good place to relieve themselves. Why not set up a place where men could wait for job offers without bothering anyone and with some kind of system for taking turns? Such a facility might also persuade the most abusive employers to become less so.

The first labor center in Jupiter was started by Corn Maya, a nonprofit led by Maya-speakers from the same corner of Guatemala as Berkeley's derided guatemalas, in 2003. A new pastoral team at the local Catholic parish helped out, as did a reliable flow of community volunteers. Unfortunately, Corn Maya was unable to operate at the scale necessary to pull hiring away from the open-air market on Center Street, and so, with backing from the Ford and MacArthur Foundations, Jupiter's immigrant-rights alliance asked the town council to set up a community day-labor center.

Not everyone liked the idea of institutionalizing day laborers' and their employers' evasion of workmen's compensation. Jupiter Neighbors Against Illegal Labor brought in the Federation for American Immigration Reform. Such allies have prevented local governments from sponsoring day-labor centers in Herndon, Virginia, and Farmingville, New York, but in Jupiter back-to-back 2004 hurricanes dramatized the utility of having a supply of day laborers to help with emergencies. Following several years of controversy, the town council voted to buy a centrally located vacant church and lease it to the day-labor center for US$1 a year.

Renamed "El Sol," Jupiter's day-labor center was, by 2013, filling 300 to 900 jobs a month for US$8–$12 an hour. Of each day's supply of workers, about a quarter were hired; those who didn't get jobs received priority for the next day. A legal clinic was handling more than 100 cases a year. Staffers and volunteers also offered sundry services, including classes in English, literacy, and computers, to over 2,000 members. Workshops on how to observe U.S. laws and customs were conducted by the Jupiter police department, which happened to be across the street. Interestingly, Jupiter is not a sanctuary jurisdiction; the police cooperate with federal immigration authorities and are not prohibited from inquiring about immigration status. Yet locating next to the police station proved to be a brilliant move; it assured skeptical citizens that accommodating day laborers would not threaten their safety. It also made the laborers themselves less afraid to tell the police about anyone among them inclined to robbery or violence, which improved the safety of all.

As in Berkeley, Jupiter's supply of day labor is much larger than the demand for it. As a result, the workers themselves are not averse to protectionism. Corn Maya supported a new ordinance to fine anyone US$500 for soliciting labor outside the labor center, ending the crowd scene on Center Street. Only laborers who reside in Jupiter can seek work through El Sol. An elected workers' council verifies that everyone has the skills he claims, patrols the grounds to make sure that workers and contractors don't make under-the-table deals, and penalizes violators.

In their conclusion, Lazo de la Vega and Steigenga compare El Sol's benefits to the opposite solution—stopping labor centers from opening and trying to drive day laborers out of town. Banning is expensive to enforce and to defend in the courts and can undermine local businesses. Working in favor of El Sol were a favorably disposed town council, a central but cheap location, ethnic cohesion among the day laborers, and a consistent flow of volunteers. Except perhaps for ethnic cohesion, Berkeley should be able to supply the same ingredients, and why it hasn't is an important question. How day laborers will be affected by legalization of their status, by a continuation of the status quo, or by harsh new levels of migration enforcement is another. We may hope that more researchers will follow the lead of Ordoñez, Lazo de la Vega, and Steigenga by putting serious time into this subject.

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