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Invisible Bodies, Devalued Labor: Contract, Reproductive Labor, and the U.S. Sunbelt,
1900-1963

A dissertation submitted in partial satisfaction of the requirements for the degree Doctor
of Philosophy

in

Ethnic Studies

by

Salvador Elias Zárate

Committee in charge:

Professor Fatima El-Tayeb, Chair
Professor Curtis Marez, Co-Chair
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2017

The Dissertation of Salvador Elias Zárate is approved, and it is acceptable in quality and form for publication on microfilm and electronically:

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Chair

University of California, San Diego

2017

DEDICATION

To Juan and Maria Zárte for their love and support. In memory of Juan “lolo” Hurtado and Rosario Lambaren.

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ACKNOWLEDGMENTS

As a child, soon after arriving from Mexico, my slightly older brother and I would accompany my parents, Juan and Guadalupe, to work. We would drive to the affluent homes of South Orange County in our orange 1976 Ford F100; the truck's hood ornament, a broken one-winged Pegasus, leading the way. At the front gates of homes my father would untie the lawnmower from the frame of the truck bed and with the help of my brother would lower it to the ground. My mother carried with her a make-shift caboodle with cleaning supplies. It wasn't often that my mother undertook housework for others, but on occasions that she did, I would spend the first part of the work day with her indoors. I would kick off my shoes and follow her indoors. Then, I would translate orders as best I could for my mother: "clean kitchen, clean bathroom, don't step on carpet too much." After a while, my mother would send me to check up on my father's progress. I would rush to my shoes and spend the next several moments undertaking an improvised shoe-lacing, which often ended with me cramming the laces to the bottom of my shoes. Outside, I could hear my father and his leaf blower in the distance. Using burlap sacks that smelled like misted gasoline and eucalyptus shavings from the trees at Irvine Boulevard and Sand Canyon Avenue, and on uneven footing caused by balled up laces, I collected the neat piles of leafs he left behind for me. Once completed, I threw my shoes off and went back indoors to help my mother.

These early memories are wound up with one of the first items I wanted in the U.S., a pair of Kinney Shoes. The shoes were "summer camp" themed and had Velcro fasteners. My parents, no doubt after much persuasion from me, bought me my very own

pair. Most likely teaching me some sort of lesson on work and earnings along the way. Looking back at that early memory, I can't help but think of the way that the shoes, because they had Velcro, made it much easier for me to travel between outdoors and indoors during workdays— no longer would I have to deal with the anxiety of having to tie my shoe-laces. And comically enough, they had made me a much more efficient worker.

Of course, the fit of the shoes, like my own ability to traverse the divide between gardening work and domestic labor, was momentary. And in the end, the memory of the shoes has come to symbolize my parents' gendered labor and my own experiences as a child worker not yet fully disciplined into gendered male *jardinería* labor. What I've learned from my parents, as well as the love I have received from them, is intertwined with the labor we undertook to survive in the U.S. and the various social divides we negotiated.

My intention to make visible the forms of sociality that blossom under conditions of exploited or unmarked labor is tied to the support of my dissertation chairs and committee members. They have placed value in my own experiences of gardening labor, as well as those of my family. They have made it so I could critically engage how my dissertation work, even when not directly engaged with Mexican *jardinería* or domestic labor, continued to shape my line of inquiry into racialized reproductive labor in the early twentieth century.

I am grateful to Fatima El-Tayeb and Curtis Marez, my dissertation co-chairs. Their shared commitment to training me and pushing me to center the daily lived experiences of Black and Mexican laborers guided me throughout my research and writing. Even as my dissertation underwent radical changes, their guidance always

brought me back to what mattered most to me. Without their support, this dissertation, as well as the book it will eventually become, would not be possible. Their support, particularly in terms of their letter writing on my behalf for various competitions, made it possible for me to not only get recognition as a teacher while at UCSD, a sign indicative of the stellar teaching in the department of Ethnic Studies, but made it so I was awarded a Ford Dissertation Fellowship.

From the very beginning of my Ph.D. career, Kalindi Vora and Natalia Molina have provided me various opportunities to develop as a professional academic. Both Kalindi and Natalia connected me with a network of graduate students who they trained. Kalindi has read drafts of my publications, and provided feedback on chapter drafts. Natalia was a driving force behind my recruitment into the Ethnic Studies Ph.D. program, and through a Sally Casanova Fellowship provided crucial mentorship during the summer before my first year. When I was busiest with my parents' gardening company, Natalia offered advice that allowed me to move forward in my research.

I'm grateful to Roshanak Kheshti and Kirstie Dorr, they modeled excellent teaching. Their rigorous classes enabled me to grow in ways that far exceeded the materials we read in class. They provided crucial feedback on papers, chapters, and presentations. Daphne Taylor-Garcia's mentorship guide me during my qualifying exams. I would also like to thank, Shelley Streeby, Wayne Yang, Yen Espiritu, Ross Frank, Sara Kaplan, Adria Imada, Rosaura Sánchez, Beatrice Pita, and Joe Hankins.

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The dissertation would not have been possible without a Ford Foundation Dissertation Fellowship, a UC Center for Global Justice Human Rights Fellowship, a dissertation writing group grant from the UCSD Humanities Center, an OCEANIDS Memorial Fellowship, and a CSU Sally Casanova Fellowship.

While working on my Master's degree at California State University, Los Angeles, I had the good fortune to be mentored by Ester Hernandez. Ester remains a mentor and close friend. Any work that I may accomplish in years to come is indebted to her guidance. At UC Irvine, my undergraduate career was shaped by Choongmoo Choi, James Fujii, Hu Ying, Serk Bae-Suh, and Akemi Morioka. A film course on Mexican-American history with Gilbert Gonzalez was transformative. At UCI, I am grateful for having met Vicki Ruiz and Michael Montoya during my Ph.D. career.

I am forever grateful to Juan and Maria Zárata, my parents, and my siblings, Carmen, Maria, Gustavo, and Adanari. Much of this dissertation could not have been completed without the love, support, and friendship of my partner, Satoko Kakihara— a brilliant scholar and teacher.

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ABSTRACT OF THE DISSERTATION

Invisible Bodies, Devalued Labor: Contract, Reproductive Labor, and the U.S. Sunbelt,
1900-1963

by

Salvador Elias Zárate

Doctor of Philosophy in Ethnic Studies

University of California, San Diego, 2017

Professor Fatima El-Tayeb, Chair
Professor Curtis Marez, Co-Chair

My dissertation positions Black and Mexican migrant women workers' reproductive labor as the foundation of Jim Crow era agriculture and extractive economies. My sites of analysis include racialized women's reproductive labor in turpentine and lumber camps in Northwest Florida, the cotton fields of the San Joaquin Valley, and beet picking in Bracero era Salinas Valley. This dissertation argues that although women were contracted through relations of marriage and family to industries that produced their labor as non-value and which erased them as historical subjects, they created forms of sociality in excess to the demands of capital. Such an examination brings into conversation Critical Gender Studies, Black Studies, and Chicana/o Studies,

alongside interventions by women of color feminists into Marxist labor theory, to reveal how Black and Mexican women workers created forms of life while negotiating the depletion their own. To explore the transmission of their life producing labor, I dovetail readings of plays, legal affidavits, and poems about turpentine debt bondage; coming-of-age stories about Black and Mexican migrant children's reproductive labor in the cotton economy; oral histories about beet harvesting during the Bracero Program and the transnational labor of Mexican women on which it relied; and experimental ethnographies on Black and Mexican migrants' gardening practices. Ultimately, this dissertation opens new lines of theoretical inquiry for exploring early twentieth century agriculture and extractive industries by centering the little explored histories of Black and Mexican women's reproductive labor.

Introduction: Dorothy “Dottie” Mulkey, Juan Zárate, and the Little-Known Histories of Gardening Labor

In 1963, Dorothy “Dottie” Mulkey was newly married to her husband, Lincoln, and was pregnant with their first child. With high hopes, Dottie and her husband searched for an apartment in Santa Ana to start their family life. The Mulkeys spotted a “For Rent” sign outside of an apartment building, but upon inquiring with the property manager, Neil Reitman, were told that they could not view the property.¹ Dottie knew she had been discriminated against because she was Black. Shortly after the encounter, Dottie vented her anger with her friends at her local beauty salon. Unbeknownst to Dottie, her story was being heard by Scottie Biddle, leader of the local NAACP chapter. Biddle invited Dottie to the chapter’s next meeting. Dottie did not fail to show up, and just like she had done at the beauty salon, relayed her experience to the chapter’s members.² A few days later, the Mulkeys returned to speak with the apartment manager to solicit for the vacancy. And again, they were turned away. What made this visit different, however, was that with the help of the local NAACP, the Mulkeys were shadowed by a white couple who also attempted to rent the property. The white couple, as was expected, was shown the apartment the Mulkeys had been denied.³

¹ Dana Parsons, “Dottie Mulkey: A Profile in Courage and Humanity,” *LA Times*. May 22, 2005, <http://articles.latimes.com/2005/may/22/local/me-parsons22>.

² *Ibid.*

³ *Ibid.*

The 1960s marked a period of rapid population growth in Orange County, and the county seat, Santa Ana, grew tremendously. Part of this growth was made up of Black migrants who moved into the town's segregated neighborhood. Beginning in 1959, efforts to prevent housing discrimination in the state seemed to signal the end of legal and quasi-legal segregation. The passage of the Unruh Act (1959) and the Rumford Fair Housing Act (1963) sought to prevent housing discrimination and restrictive covenants across California. And yet, their passage did little to stymie rampant exclusionary housing practices, nor did they mitigate the racism of California's white inhabitants, and of those in Orange County in particular.

As the Mulkeys were preparing for their day in Orange County Superior Court, the Rumford Act was slowly moving through the legislature. And on the last day of the legislative calendar, just shy of midnight, the California Legislature passed the Rumford Act by an unbroken Democratic party vote; nearly all republicans were in dissent. Stopping the Rumford Act had become the rallying cry of Orange County's new conservative right. They called it the "Forced Housing Act," and according to Lisa McGirr, they viewed the act as government meddling that prevented them from deciding to whom they could rent or sell.⁴ Ultimately, the passage of the Rumford Act propelled the newly forged faction of California's Republican Party to propose a divisive ballot measure, Proposition 13, that, if passed in the general elections of November 1978, would amend the California Constitution to make "private discrimination" legal.⁵

⁴ Lisa McGirr, *Suburban Warriors: The Origins of the New American Right* (New Jersey: Princeton University Press, 2001), 185.

⁵ Ibid.

Proposition 14 was indicative of California's anti-Black and nativist sentiments. It also brought into relief a political realignment across the state. Sponsored by the California Real Estate Association's campaign "Committee for Home Protection," and the *Los Angeles Times*, Proposition 14 gained so much traction across the more conservative enclaves of the state that it split the California Republican Party in two, making a rising star out of Ronald Reagan, who was quick to champion the ballot measure by echoing the new conservative movement's support of individual property rights over Civil Rights.⁶ In November of 1964, Proposition 14 passed with an overwhelming majority vote, a margin of over 2 million votes (nearly 2 to 1).⁷ The country's emerging neo-conservative seat, Orange County, in vociferous support, provided a great majority of the state's votes. In essence, Proposition 14 rescinded the Unruh Act, which the Mulkeys hoped to use to make their case, as well as the newly passed Rumford Act (1963). With the passage of the proposition, racial discrimination became a constitutional right for (white) Californians.

Under the continued guidance of the NAACP, the Mulkeys took their case to Orange County Superior Court (*Mulkey v Reitman* 1963). On the day of the trial, the Mulkeys contended that they had been turned away because of their race, therefore Reitman had violated the intent of the Unruh Act, which guaranteed that "all persons within the jurisdiction of the State are free and equal, and no matter what their race, color, religion, ancestry, or national origin are entitled to the full and equal

⁶ Ibid.

⁷ Ibid., 133.

accommodations [...] of every kind whatsoever.”⁸ Reitman relied not on any argument against the merits of the Unruh Act, but pointed to the newly adopted Proposition 14, which awarded the constitutional right to “privately discriminate,” and that had been adopted prior to both parties’ day in court. On those grounds, Reitman moved for summary judgment and the court granted the motion— the case was dismissed.

Dottie and Lincoln decided to take their case all the way to the California Supreme Court. In 1967, they had a historic 5-2 victory that struck down housing discrimination in the state. At about the same time that Dottie won her legal case at the California Supreme Court, Juan Zárata, my father, was about to end his first migration into Orange County with another first: his deportation. Juan had worked on a strawberry farm owned by a Japanese farmer in northwest Orange County.

On his last day on the Shimamura farm, Juan recalled hearing a series of orders by Mr. Shimamura: “*¡Juan! ¡Las botas!*” He failed to understand the meaning of Mr. Shimamura’s command at the time, as he was trying to convince an Immigration Agent that he had a visa to work on the Shimamura farm. In the twilight of the afternoon sun, and on false claims, Juan led the officer towards the small truck he used to drive workers and the older Mr. Shimamura to the strawberry fields every morning. Juan pulled open the truck door from the driver’s side, and awkwardly leaned toward the glove compartment. He shuffled the compartment’s contents with his left hand to find his non-existent papers. After a couple of seconds, Juan asked the agent to let him stay— he told him he was needed on the Shimamura farm. Mr. Shimamura ran toward the truck and

⁸ Unruh Act, 1959.

asked the Immigration Agent the same.

Juan was snatched from the truck and lugged to the government van, where his fellow strawberry pickers made room for him inside. Mr Shimamura began to yell: “*¡Juan, las botas! ¡Las botas!*” Mr. Shimamura’s command was growing faint and for the first time the meaning fully registered for Juan. Seated on the bench in the back of the immigration van, Juan looked down to think about how he would make his return to San Isidro, Mexico, to join the head of his transnational household, Guadalupe Zárate. While Juan was in Orange County, Guadalupe took care of their first child and their milking cow, in addition to harvesting their small crop yield. As he considered his return, Juan fixed his eyes on the ground of the truck’s bed, his attention was caught by his co-workers’ feet opposite him; a neat line of men in brand-new boots, boots Mr. Shimamura had purchased for the men to use in the strawberry fields. The lasting impression of a line of boots in a memory of deportation is telling for the way the memory brings to the surface the reification of farm workers into component parts. The difficulty of parsing Mr. Shimamura’s constant calls for “*¡las botas!*”, can be attributed to the reduction of Mexican laborers to goods used for production on the Shimamura farm. The irony, is that it only makes sense to Juan at the moment he begins to think of the broader picture of the transnational social relations in which his labor had been embedded— his transnationalized life.

Dottie and Juan have been friends since Juan and Guadalupe moved their family from Mexico to a house in Santa Ana across the street from Dottie in the late 1980s. Dottie hired Juan as the gardener of her very modest garden. For years the two bonded over his maintenance of her home’s grass, flowers, and avocado tree— the pollinating pair

to the avocado in Juan and Guadalupe's home. The extra cash Juan earned on Saturdays by maintaining Dottie's garden helped him afford his own gardening equipment, which in turn allowed him to start his own gardening business. The livelihood, not to mention, ability to own a home in Santa Ana, was shaped by Dottie's challenges to systems of white supremacy in the state. The connection between their life histories and sociality cannot be known or told outside the conditions of Juan's paid gardening maintenance work, which is to say the labor that provides life to the plants on Dottie's home and that required the constant upkeep— week-after-week— from my father and a child version of myself, pruning, weeding, and watering. The legal, labor, and social connections visible by tracing Black and Mexican communities in Santa Ana through life-producing activity, like gardening, animates the core question of this dissertation: how does tracing Black women's and immigrants', primarily Mexican, life-producing labor reveal social connections in excess *to* and in contestation *of* capital's regimes of racialized labor across the U.S. sunbelt in the early and mid-twentieth century?

Why Black and Mexican Women? A Relational Analysis for Black and Mexican Labor Migration

While the intimate connection I start with is for the most part contained by one city block in Orange County, it touches on anti-Black housing discrimination and segregation, Japanese and Mexican agriculture work, and the feminized informal occupation of *jardinería*. Similarly, the dissertation looks for intimate and small-scale

connections between Black women and Mexican migrants, while providing an expansive look at the systems of contract that demanded their labor to make extractive and agriculture economies productive across the U.S. sunbelt. The chapters of the dissertation, which cover the years between 1920-1963, shuttle between Florida, Texas, Iowa, and the San Joaquin and Salinas Valleys in California, and culminate in the transnational link between the small Mexican ranch town of San Isidro and Santa Ana in Orange County. Though the first chapter examines two Supreme Court cases in 1857, its purpose is to provide foundational definitions to notions of free labor, contract, and indenture that are used throughout the dissertation.

During the historical period I examine, known as the Jim Crow era, control over the mobility of Black laborers across the U.S. sunbelt was paramount to agriculture and extractive economies. This period also saw the rise of the Border Patrol and restrictive immigration quotas. While the sunbelt refers to the large agriculture producing “belt” that encompasses the Southern U.S. from coast to coast, I examine three of its most significant states for extractive and agriculture labor: Florida, Texas, and California. In each case, I look at the regional labor picture while focusing, as closely as possible, to a specific locality to tease out how Black women and Mexican migrants negotiated the daily workings of race and gender. While the mobility of Blacks was often stymied during the era by local and state vagrancy laws as a means to keep workers tied to the South’s plantations, industrialization led others to seek work in the cities.⁹

⁹ See “Introduction” in Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, Mass: Harvard University Press, 2009).

For Mexican migrants who were arriving to the Southwest in large numbers following the Mexican revolution of 1910, agriculture work represented an opportunity to escape from poverty. Their labor, as well as the existing conditions of Mexican and Native dispossession in the region in the years leading up to 1910, was integral to making the land productive for agriculture industry during the first half of the twentieth century. By the 1930s, migrants were primarily working in waged farm work, and while Black migrants' experiences in the three regions were specific to their histories of dispossession, by examining them together in this dissertation, I am able to show how their experiences of labor were interrelated in little explored ways.

The little known shared social and labor experiences of Black and Mexican migrants expose what Cedric Robinson identifies as the Jim Crow racial regimes' "mechanisms of assembly" that are guarded by an "unrelenting hostility" aimed at hiding the social construction of race.¹⁰ By examining Black and Mexican migrants together I build a relational analysis of race over a period of forty years and across disparate locations. I examine, as Natalia Molina and Evelyn Nakano Glenn note, how categories of race and gender gain meaning in relation to one another.¹¹ Relationality, as Glenn argues, is crucial for studies of race and gender because while dualistic categories such as "white" and "Black" appear to be fixed, they are products of long historical social and economic systems. Racial categories, Glenn adds, are made to appear as if fixed by

¹⁰ Cedric Robinson, *Forgeries of Memory & Meaning: Blacks & the Regimes of Race in American Theater & Film Before World War II* (Durham: The University of North Carolina Press, 2007), xii-xiii.

¹¹ Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, Mass: Harvard University Press, 2009), 13.

relations of labor and domination that similarly operate in a dichotomy, such as “housewives and their domestic employees, reformers and the targets of reform, and colonizers and colonized peoples.”¹² The call for a relational analysis of race is important to this project because it creates connections between Black and Mexican migrants during years when the racial regimes of Jim Crow often kept these groups segregated.

For Black and Mexican women, who often worked forms of reproductive and affective labor in agriculture and extractive industries, their labor was produced as non-value, insofar that it was not seen as part of the production process for making commodities. The production of Black and Mexican women’s labor and subjectivities as non-value, also defines racialized women’s erasure as subjects of labor, which in turn erases them from the historical record.¹³ A relation that has had consequences for scholarly analyses which have near expressly turned on the axis of either race or gender and in the process rendered women of color invisible.¹⁴ Attending to this gap in the literature in terms of agriculture and extractive economies, which continue to be studied primarily as “men’s work,” reveals how centering women’s reproductive labor offers new vistas for studies of race, labor, and migration that highlight queer forms of connection and forms of sociality within and across different groups.

This dissertation’s relational analysis of race and how it interlocks with a study of the way gender is produced and normalized sheds light on Black women’s and Mexican migrants’ experiences of labor. The emerging body of queer theory and migration

¹² Ibid., 14.

¹³ See Kalindi Vora, *Life Support: Biocapital and the New History of Outsourced Labor* (Minneapolis: University of Minnesota Press, 2015).

¹⁴ See introduction in Glenn, *Unequal Freedom*.

rightfully points to the structural normalization of gender in bureaucratic systems of immigration to show how they give rise to the very gendered and non-normative subjects they portend to regulate. Some of these works examine the transnational movement of people into the United States and how individuals maintain social connections, often in non-normative ways, to their home countries and other racialized groups and thus produce challenges to traditional models of unidirectional migration.¹⁵ Less, however, has been written about how relations of marriage and family girded contract regimes during the Jim Crow era. In Nayan Shah's groundbreaking work for example, he has examined forms of "queer domesticity" within the context of Chinese immigrants in San Francisco, who were not only already seen as "alien," but through their non-normative social affiliations and family arrangements that they forged to negotiate exclusion, came to represent a queer figure.¹⁶ Adding to the work of scholars like Shaw, I am interested in tracing forms of queer sociality that result from the erasure of women from the realm of laboring subjecthood through the gendering of their labor. Doing so, I argue, reveals instances of non-heteronormative and gender-non-conforming survival strategies in excess to the regimes of capital during the Jim Crow era. For example, in chapter two I show how Black women workers were contracted through their husband or other male

¹⁵ Eithne Lubheid and Lionel Cantú Jr, *Queer Migrations: Sexuality, U.S. Citizenship, and Border Crossings* (Minneapolis: University of Minnesota Press, 2005). Though Lubheid and Cantu Jr. define "migrant" in their study in terms of individuals who cross "international" borders, their attention to the "technologies of normalization" is useful for my study for the way Black and Mexican migrant women's labor sustained life across the various "borders" of families, consumers, and producers, and from marginalized to dominant societies.

¹⁶ See Nayan Shah, *Contagious Divides: Epidemics and Race in San Francisco's Chinatown* (Berkeley: University of California Press, 2001), 78.

relatives' wage contract in turpentine and lumber industries, but used their social connections with other Black women to challenge forms of life extraction.

To attend to the dearth of information on relational analyses of Black and Mexican labor and migration, I center Fatima El-Tayeb's theorization of a queer practice of social imagination that draws from historical, literary, and Black feminist theory to invest a study of migration with a "creative potential [...] based on the shared experience of multiple, contradictory positionalities" that rejects the notion that individuals live "exclusive identities" within neat socio-temporal boundaries.¹⁷ In other words, as Glenn has put it, "the lives of different groups are interconnected, even without face-to-face relations."¹⁸ In sum, this dissertation shows how Black women and Mexican migrants labor and mobility was shaped by notions of contractual obligation in interrelated ways and argues that these connections are only visible when centering the forms of sociality their reproductive labor creates.

Defining Citizenship and Contract

Studies that have pushed for relational analyses of race have also pushed forward an analysis of how race shapes citizenship. Scholars have recently drawn attention to the way Chief Justice Roger Taney's landmark Supreme Court ruling in *Scott v. Sandford* (1857) was premised on a comparison between Black and Native groups. While the case

¹⁷ Fatima El-Tayeb, *European Others: Queering Ethnicity in Postnational Europe* (Minneapolis: University of Minnesota Press, 2011), xviii- xxxvi.

¹⁸ Glenn, *Unequal Freedom*, 14.

is known for the way Blacks were legally excluded from formal citizenship on the grounds that they “did not compose a part of ‘the people– the political community– brought into existence by the Constitution,” less has been said about the way Taney compared Blacks to Native groups. Taney viewed Native groups, unlike Blacks, as belonging to sovereign nations. As such, Natives were foreigners with a route toward citizenship– though he eventually excluded them by claiming that they were dependents that needed continued U.S. protection over their lands.¹⁹ Taney’s juxtaposing of Native communities’ theoretical inclusion against the “perpetual and impassable barrier” of Blackness made it so Blacks were legally barred from birthright citizenship *and* from “the rights and privileges which would belong to an emigrant from any other foreign people.”²⁰ In other words, as Natalia Molina has recently noted, Taney’s landmark decision was a comparative endeavor.²¹

Blacks, however, were not only excluded from U.S. citizenship but were viewed as the antithesis to liberal subjecthood and free labor. As Lisa Lowe argues, liberal subjecthood as “the abstract terms of citizenship, rights, wage labor, [and] free trade” gained meaning through the populations encountered through colonial expansion and that liberal doctrine defined as “‘unfit for liberty’ or ‘incapable of civilization.’”²² Like Glenn’s discussion of the way race is stabilized through dichotomies, liberal subjecthood

¹⁹ Ibid., 36.

²⁰ Weheliye, Alexander. *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human*. Durham; Duke University Press, 2014. 78.

²¹ Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley; University of California Press, 2014), 70.

²² Lisa Lowe, *The Intimacies of Four Continents* (Durham: Duke University Press, 2015), 7.

was premised on freedom's distinction from slavery and the categorization of Blacks as non-human property.²³ And as Black feminist scholars have noted, liberal notions of white male propertied individualism were tied to control over Black women's bodies. Jennifer Morgan for example, argues that enslaved Black women's bodies and their reproductive lives were at the center of a system that created "an economic and moral environment in which the appropriation of a woman's children as well as her childbearing potential became rational and indeed, natural."²⁴ In other words, the notions of propertied individualism on which liberal citizenship stood was connected to the ability to control Black women's bodies, which also meant control over future wealth premised on enslaved women's human biological reproduction. Long before Taney would bar Blacks' citizenship through birthright, the status of the slave was passed down through what Morgan calls the "fictive biological marker conveyed by the mother," which provided a discursive distance between the human and non-human worlds, citizen and non-citizen, property and property owner.²⁵ Central to producing the slave as property, however, were various systems of contract that sought to authorize whites' control over human property.

Sora Han has recently pushed analyses of chattel slavery to contend that contractual relations are the precept to the slave-as-property.²⁶ At the core of liberal subjecthood was the appropriation of Black women's bodies and reproductive lives, a

²³ Vora, *Life Support*, 27.

²⁴ Morgan, Jennifer. *Laboring Women: Reproduction and Gender in New World Slavery*. Philadelphia: University of Pennsylvania Press, 2004. 7.

²⁵ *Ibid.*, 4.

²⁶ Sora Han, "Slavery as Contract: *Betty's Case* and the Question of Freedom," manuscript, 2015

system authorized by forms of contract that facilitated the accumulation of capital and gave coherence to white male property rights. In the antebellum era, common laws of coverture, which regulated the twin relations of the wife and the slave, were used, as Sara Kaplan notes, to accumulate “black human property as extensions of the white master.”²⁷ As Black feminist scholars note, control over Black women’s bodies and labor extended into the postbellum era, with the violability of Black kinship continuing to serve an important ideological function for notions of citizenship and free labor. Following emancipation, Black women were expected to conform to the dual burden of domesticity and wage work. The impossibility of satisfying notions of both, as Priya Kandaswamy notes, was not only a logical contradiction under heteropatriachal notions of domesticity and white bourgeois womanhood, but resulted in Black women’s forced labor under the South’s various local and state labor statutes.²⁸

At about the same time that Black women were being emancipated and being forced into a new regime of racial exploitation, the dispossession of Mexican migrants, and Mexican women in particular, was taking shape across the Southwest. U.S. settler expansion into the southwest under the Treaty of Guadalupe Hidalgo in 1848, radically rewrote Mexican women’s relation to property and citizenship. While the Treaty was meant to uphold the citizen rights of Mexican subjects, Congress failed to ratify the article that would protect Mexican land claims under territorial annexation. The Treaty,

²⁷ Sara C. Kaplan, “Love and Violence/ Maternity and Death: Black Feminism and the Politics of Reading (Un)representability,” *Black Women, Gender, and Families* 1, no. 1 (2007): 94-124, 109.

²⁸ Priya Kandaswamy, “Gendering Racial Formation” in *Racial Formation in the Twenty-first Century* (Berkeley: University of California Press, 2012).

as Glenn notes, like the passage of the Fourteenth Amendment, contained “the promise of full and inclusive citizenship [though it] was not in fact realized.”²⁹

As is discussed in chapter one, an exploration of the way citizenship was used to dispossess Mexicans in the Southwest is crucial for understanding racialized labor arrangements that relied on contractual agreements of wage labor in the mid-twentieth century. As Shelley Streeby notes, following the annexation of the Southwest after the U.S.-Mexico war, contact between American legal institutions and a racialized labor arrangement known as peonage shaped the definitions of race and free labor that would be necessary for converting the territories to relations of wage labor and racializing Mexicans as non-white.³⁰ The hacienda system, particularly its large claims to land, came to be viewed as the antithesis to American notions of individual land ownership, and its dependence on peonage a symbol of foreign forms of bondage. Despite the popular conceptualization of peonage on haciendas as unfree labor, in 1857, the same year that Taney barred Blacks from citizenship, Territorial Chief Justice Kirby J. Benedict, after hearing the case of a debt bonded Mexican girl, ruled that all peons, regardless of race, were guaranteed the rights afforded to all citizens. Benedict reached his conclusion after tracing the species of Spanish contract law that girded peonage, and in his legal opinion wrote that peonage was free because it was built on a form of free indenture. In doing so, counter to the Territorial Congress that had denied to protect Mexican land claims years earlier under the Treaty of Guadalupe Hidalgo, Benedict ironically protected rights for

²⁹ Glenn, *Unequal Freedom*, 146.

³⁰ Shelley Streeby, *American Sensations: Class, Empire, and the Production of Popular Culture* (Berkeley: University of California Press, 2002).

peons that were not available to women under the Treaty's guarantees. For Glenn, the larger "truth" behind granting Mexican citizenship while denying the protection of property rights, served to transform the Southwest's land and labor relations to a wage labor system premised on dispossession.³¹

Reproductive Labor and Contract

In this dissertation, I examine how land-based economies used contractual relations to appropriate racialized women's reproductive labor. I do so, however, by tracing how contract was integral, as Vora argues, to the way the accumulation of capital relies "on the reproduction of life for continued growth and expansion," with the human body serving as a central "site for annexation, harvest, dispossession and production."³² In the chapters that follow, I examine the appropriation of women's bodies and labor by exploring enslaved and debt bonded domestic servitude on plantations and haciendas, Black women's turpentine and lumber debt bondage, Mexican migrants' long-distance contract migration to clear thistle, as well as Mexican women's labor under bracero contract. Though the institutions of contract represent an array of racialized labor arrangements, I rely on the work of Kalindi Vora to track how women under these relations invest "human energy in other bodies— both individual and social bodies," even as they are socially and materially alienated from the fruits of their labor.³³ This means I

³¹ Glenn, *Unequal Freedom*, 147.

³² Vora, *Life Support*, 3.

³³ Vora, *Life Support*, 1.

look at the way the gendered tasks of meal preparation, dishwashing, housework, transnational child-rearing, and the carrying jugs of water between rows of cotton as a child to hydrate your parents, are syphoned to make gendered male (“productive”) workers viable for continued commodity production, but that also reveal how the substance of Black and Mexican women’s life producing labor is productive in itself.

Because reproductive labor, such as domestic work, often occurs in the private sphere and does not produce a material commodity, it is viewed as feminized and as being “simply reproductive.” Furthermore, the naturalization of women’s labor, which is to say, how it is constructed as an innate quality of women’s bodily capacity, produces it as non-value because “women’s work” is not “visible” as a material commodity, and is therefore not visible as “productive.”³⁴ In this dissertation, instead of tracing value, which is premised on the foundational exclusion of racialized women from the category of labor, I trace what Vora calls vital energy, the substance of life that Karl Marx identifies as “living labor” and that is necessary for labor power. To track vital energy, opposed to value, I mark its depletion from locations, persons and social formations to sites that its transmission enriches.³⁵ By tracing vital energy– the “substance of activity that produces life”– Vora contends it is possible to make visible forms of sociality, and moments in the historical record, otherwise obscured by the structures that gender and racialize life-producing activity.

³⁴ See “Introduction” in Vora, *Life Support*.

³⁵ According to Kalindi Vora, tracking vital energy instead of value “holds on to the human vitality that Karl Marx identifies as the true content of value,” the “living labor” and life content of commodities and use-value of labor power. See Vora, *Life Support*, (13).

From the first chapter to the last, I examine permutations of contract labor by tracking racialized women's vital energy and the ways it "is transmitted across boundaries of cultural and social difference, across gender divides within the same household as well as between distant points in the international division of labor."³⁶ A core component of the following chapters is tracing how racialized women's life-producing labor exposes the coercive nature of indenture and other "less-than-free" labor arrangements. From peonage of Mexican women on haciendas in Territorial New Mexico in the mid-nineteenth century, to the forms of debt bondage that emerged from Black women's waged reproductive work in Florida's turpentine and lumber camps, to the appropriation of Mexican women's labor through long-distance contract migration of Mexican male migrants. In each case, I trace the local logics of race and gender that syphon women's vital energy across families and from marginalized communities to dominant society.

In a way, chapter four is the culmination of tracing the permutations of contract during the Jim Crow era. As scholars have noted, indenture, a system of racialized labor reallocation, provided a discursive distance between free and enslaved labor.³⁷ Colonial subjects during the eighteenth and nineteenth centuries were made into subjects of labor by being contracted to imperial labor projects through notions of mutual benefit and understanding, while women were contracted through relations of marriage and servitude.³⁸ For Gilbert Gonzalez, British colonial reallocation programs in particular,

³⁶ Ibid., 1-2.

³⁷ See Vora, *Life Support*, and Lowe, *The Intimacies of Four Continents*.

³⁸ Vora, *Life Support*, 27.

influenced systems of contract and notions of free labor that were the basis for the indenture of 4.2 million Mexican nationals under the Bracero Program. While Mexican women were prevented from movement with bracero kin into the U.S.'s agriculture fields, they labored in Mexico with the expectation of a return on the bracero contract, they created systems to create life in the absence of braceros from their home communities.

In short, vital energy allows the examination of subjects excised from historical subjecthood by virtue of their inability to forge contract and through the structures that racialize and gender their labor. As Vora and Kale argue, the notion of “mutual understanding” that girded contract was the conditions by which labor as a category of identity also emerged as a category of history, those subjects who could not claim laboring subjecthood, could not claim a history.³⁹

On Sources and Methods

Despite their erasure as historical subjects, racialized women create social connections and social worlds in excess to the conditions that produce them and their labor as non-value. While the land-based economies of the U.S. sunbelt attempted to have Black and Mexican women only ever be the invisible labor force that reproduced “productive” laborers, the trace of their labor can be approached through a queer practice of social imagination. Following El-Tayeb, and as an Ethnic Studies scholar, I pull on

³⁹ Ibid., 28.

various sources and methodological approaches to read non-traditional texts alongside so-called more traditional repositories of knowledge. For example, chapter two argues that Black women turpentine workers created forms of social life that challenged their labor exploitation through conditions of debt bondage. To do so, I analyze legal affidavits from Black women domestic workers interviewed for a case against a turpentine operator accused of debt bondage in 1921, alongside Zora Neale Hurston's "Polk County," a play about domestic work in a lumber yard in Florida, which is itself drawn from her ethnographic work with turpentine women workers, and a poem about turpentine workers by Guatemalan labor activist Luisa Moreno. In chapter three, I read Sherley Anne Williams's children's book *Working Cotton*, about a Black girl mapping her changing relation to wage labor, alongside the textual and physical spaces of the Tomás Rivera archive as a location where characters from his letters, poems, and unpublished short stories interact to populate a world not unlike Rivera's own experiences of being a child farm worker. Together, Williams's works provides a framework to read Rivera's works for Mexican women's interventions into long-distance contract where they were expected to move on the whim of their family's contract labor.

While I gathered materials from various traditional archives, including the Ernesto Galarza papers, the Tomás Rivera papers, affidavits from the Cubberly papers, and the various archives of Zora Neale Hurston, there were other materials I gathered through more serendipitous circumstances. The opening vignette for this introduction as well as the epilogue, are brought together by the labor of gardeners. While Juan Zárte's labor of *jardinería* for Dottie is the glue by which the opening vignette coheres, the barely visible trace of a love for gardening, as well as two gardeners who had a role in

burning their personal documents and writings, brings Zora Neale Hurston and Luisa Moreno together one last time for the epilogue. Vicki Ruiz shared with me Luisa Moreno's poem, "On the Road," about Black turpentine workers, and provided insight about the poem and its author. For the same chapter, Roshanak Kheshti shared indispensable guidance and archival materials for approaching the life of Zora Neale Hurston. For chapter three, Rosaura Sánchez shared her connection to Sherley Anne Williams by noting their shared experiences as educators, writers, and growing up in the cotton fields of the Southwest. My parents, over the span of my life shared with me the stories that appear in chapter four. I particularly want to thank Guadalupe Zárate, my mother, for sharing the experiences that animate the chapter's discussion of Mexican women's transnational labor under bracero contract, and for her strength in noting that there are certain absences that simply can't be filled.

Chapter Breakdown

In the first part of chapter one, I explore *Jarenilo v. Romero* (1857), a Territorial Supreme Court case of a debt bonded domestic servant that won her freedom from unlawful peonage. In his legal opinion, Territorial Chief Justice Benedict traced the legal definition of peonage to its roots in Spanish and Mexican contract law and concluded that, unlike slavery, peonage was free labor. I argue that the court's ruling reveals how forms of indenture, such as peonage in the southwest, cemented an ideological distinction between free and slave labor, and in essence obscured the coercive nature of Mexican women's peonage. In the second part of the chapter I focus on *Betty's Case*, which

involved an enslaved domestic servant named Betty who was granted freedom. Chief Justice Shaw disavowed Taney's ruling, which occurred just months earlier, to allow Betty to contract back into slavery with her previous masters. I contend that *Betty's Case* can be read to show how Betty's exercise of liberal contract was also a radical kinship claim in excess to notions of freedom that contract was premised on. As a whole, I explore how both cases turned on judges' abilities to tease out both women's affective and domestic relations as proof of their free-will and ability to forge liberal contract.

In chapter two, I examine Florida's turpentine and lumber industries in the 1920s and 1930s. Both industries were at the heart of Florida's extractive conifer economy and since the late 1800s and well into the 1940s, these industries relied on convict and, later, debt bondage to make turpentine and lumber productive. The labor force was overwhelmingly comprised of Black men and women who were contracted to live in camp towns in the isolated pine swamps of the state's northwest corner. Their labor was dangerous, exploitative, and often led to the deaths of camp workers. Eventually, with the convict leasing of Black workers banned in the late 1920s, conifer operators began to near completely rely on a system perpetual debt that used violence to ensure workers' inability to escape from the isolated camps. Women were at the core of creating and sustaining camp life and their conditions of debt bondage guaranteed their labor of meal preparation, cleaning, and other socially necessary tasks. Debt bondage systems began to attract negative attention from the press, which led operators to start a concerted effort to sway Congress to investigate immigrant peonage as the true danger to free labor in the state. And with that, a nation-wide investigation into immigrant peonage successfully

took heat off of their operations and allowed Black debt bondage to continue unabated until the 1940s.

The examination of Florida's turpentine and lumber in chapter two centers the life histories of Black women reproductive workers. In order to make their largely ignored labor and social history known, I put into conversation the ethnographic and literary work of Zora Neale Hurston with the labor organizing career and poetic work of Guatemalan-born, Luisa Moreno. Both women lived in Florida at different points during the 1930s and both wrote about Black turpentine workers. I examine their work through what I am calling a vital poetics, a theory for identifying connections between racialized women workers that is capable of contesting forms of labor and social alienation demanded by lumber and turpentine industries. I use this framework to weave Hurston's ethnographic and literary work alongside a series of affidavits by Black women workers that were collected as part of a peonage case against a turpentine operator. By doing so, I am able to piece together how Black women's debt bondage was a strategy of accumulation that depleted reproductive workers of their life, but also served as the condition for new forms of sociality that were in excess to the demands on their labor. In the second half of the chapter, I discuss Luisa Moreno's labor organizing of Black and Caribbean cigar workers in central Florida for the American Federation of Labor and her participation in the founding of radical labor union UCAPAWA at the 1936 AFL convention in Tampa. I argue that Moreno's time in Florida sharpened her critiques to the liberal regimes of labor and citizenship in the U.S. and resulted in her poem about Black turpentine workers. By presenting the vital poetics between Hurston, Black women turpentine workers, and

Luisa Moreno, I demonstrate how the fate of Black turpentine workers was inextricably linked to the regimes of contract that were used to capture Black and immigrant labor.

With chapter three, I trace the changing relations of cotton production in 1930s' California and Texas. While cotton had previously relied on forms of coerced contractual relations, such as sharecropping and debt bondage, federal legislation to increase the value of cotton by reducing the amount of land available for its production in 1933 and 1938, caused the decline of the cotton tenancy system and gave rise to the cotton wage labor system. Though the chapter explicates the regional specificity of agriculture work and how it came to rely on Black and Mexican wage workers, it also provides an examination of long-distance contract migration out of the Texas cotton belt into the Midwest, as a way to show how migrants negotiated translocalized lives. To do so, I rely on Fatima El-Tayeb's theorization of translocality, a concept that focuses on the movement "of people, information, [and] cultural symbols" between a distant network of places and that challenge systems of racialized labor that caused migrants' displacement.⁴⁰ Doing so keeps in view migrants' experiences of dispossession and displacement as central to their sociality in new environments.

Sherley Anne Williams and Tomás Rivera were both child farm workers who eventually became acclaimed literary authors and professors for the University of California system. Chapter three examines how their works engaged the dispossession and wage work of Black and Mexican migrants through the literary figure of the migrant farm worker child. The Black and Mexican farm worker children in their stories theorize

⁴⁰ El-Tayeb, xxxviii.

agribusiness' attempts at appropriating their bodies and life-producing labor, as well as that of migrant farm worker women, through men's ability to forge wage labor contract. I foreground Sherley Anne Williams's theorization of the child farm worker in her children's book *Working Cotton*, a story book about wage labor in California's San Joaquin Valley cotton economy, alongside Tomás Rivera's "Zoo Island," a short story about a Mexican migrant farm worker child from Texas that lives half the year in a Midwestern migrant camp. In *Working Cotton*, I read for reproductive labor in the cotton industry's wage labor economy to present the ways migrant farm worker children challenged their gendered disciplining into wage work. In "Zoo Island" I examine how migrant farm worker children attempt, but often fail to give meaning to their community's social existence under the demands of long-distance seasonal farm work. Read together, I contend that their works reveal how they envisioned the lives of migrant farm workers, which is to say their own childhood experiences, as offering a critical intervention into narration of a liberal life premised on control over one's waged contract as a means to inclusion into liberal modernity.

In chapter four, I examine the Bracero Program, the largest guest-worker program in United States history. Spurred by a supposed war-time labor shortage, the program, which ran from 1942-1964, imported Mexican nationals into American agriculture across the Southwest. Leading scholar on the Bracero era, Gilbert Gonzalez has called it a form of indenture similar to that of Indian labor reallocation under British colonial rule. As a form of indenture, the program's contract was premised on mutual consent and understanding. Workers, however, could not negotiate contract terms and rarely, because they came from rural backgrounds, were capable of reading their contracts. In the end,

U.S. agribusiness, as noted by Ernesto Galarza, participated in the wholesale violation of workers' contract rights, which often lead to horrific work-related accidents.

In 1963, a Southern Pacific Railroad train crashed into a transport truck carrying bracero workers—killing nearly three dozen. The incident, known as the Chualar crash, gained traction across the media for the ways it spectacularly represented the coercive nature of the bracero contract. While the Bracero Program has near exclusively been studied for men's labor history, I seek to understand how the program, as a form of indenture, had as its premise the appropriation of women's life-producing labor in Mexico. To conduct a reading of the bracero contract, I choose to read a letter written to the contracting office of the Salinas growers association (kept in the Ernesto Galarza papers at Stanford University), by Concha, the wife of a bracero that was killed in the Chualar crash, and childhood friend of Guadalupe Zárate, my mother. When her husband, X, was killed in the accident, Concha became alienated from the labor she had invested in maintaining both she and her husband's social life in Mexico. I read the letter to reveal how Concha's labor, which included the life-producing activity of caring for her children and in-laws, was contracted under the conditions of marriage and was premised on a return on her labor that itself was bound to the literal return of her husband. Concha's letter reveals the coercive nature of indenture, and the ways that it appropriated women's labor in Mexico. I close the chapter by discussing the arrival of Concha's letter to my mother fifty years after it was penned, and since my mother had last heard from her.

Chapter One:

Servants and Slaves: Freedom of Contract and U.S. Citizenship

In 1857, Civil War loomed over the United States. At the start of the year, New Mexico Territorial Chief Justice Kirby J. Benedict contemplated how to tease out the “important and delicate” matters that held a Mexican domestic servant named Mariana Jaramillo in debt bondage to a wealthy New Mexican land owner. As the year came to a close, a group of anti-slavery activists congregated outside the Boston courthouse of Supreme Court Chief Justice, Lemuel Shaw. They demanded Shaw prevent a previously enslaved domestic servant from contracting back into slavery. In both cases, the courts upheld the women’s citizen rights to contract. Though the New Mexico and Massachusetts cases have been largely forgotten in American legal history, their significance for notions of contract and citizenship is monumental, particularly for the ways both cases shed light on the infamous freedom case *Scott v. Sandford* in 1857, which they bookend.

As Natalia Molina has noted, antebellum courts served as “an important site for testing the parameters of citizenship.”¹ And court cases brought forward by enslaved Blacks, known as freedom cases, were crucial for testing citizenship’s outer limits. The most widely known freedom case began when a slave named Dred Scott used a writ of *habeas corpus* to bring the widow of his owner to trial. Scott argued

¹ Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley; University of California Press, 2014), 70.

before the Supreme Court that he had been emancipated when he was voluntarily taken to the free states of Illinois and Wisconsin to live with his owners. Famously, Chief Justice Roger Taney disagreed with Scott, and expressed in his majority ruling in *Scott v. Sandford* (1857) that Blacks were excluded from the very concept of a “person” embodied by the social contract of the Constitution, and were therefore barred from citizenship and from suing in courts.¹

As scholars have recently noted, Taney’s exclusion of Blacks from citizenship was informed by his view on Native sovereignty and Native dependency.² Taney argued that Native groups, unlike Blacks, belonged to sovereign nations, and were therefore foreigners with a theoretical route toward citizenship. Taney added, however, that “no one would have thought of admitting them as citizens in a civilized community.”³ In one fell swoop, Taney positioned Native groups as “free and independent” though in need of U.S. protection; a claim of dependency that extended to their lands. Recently, Alexander Weheliye has argued that Taney’s juxtaposing of Native communities’ theoretical inclusion against the “perpetual and impassable barrier” of Blackness was the means by which Blacks were barred from “the rights and privileges which would belong to an

¹ Molina, *How Race is Made*, 71; Mae Ngai, *Impossible Subjects: Illegal Aliens and The Making of Modern America* (New Jersey; Princeton University Press, 2004), 42.

² In addition to Molina’s discussion of the relational history of the *Dred Scott Case*, Alexander Weheliye has offered important insights for the way the case also served to reinforce Blacks’ exclusion from liberal notions of the human. See Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham; Duke University Press, 2014), 78.

³ Molina, *How Race is Made*, 72. Molina demonstrates how Taney’s exclusion of blacks from citizenship, including that of birth citizenship, was informed by the 1790 Naturalization Act, which made it so that naturalization only applied to immigrants who were also “white.”

emigrant from any other foreign people.”⁴ In the end, Taney’s ruling not only excluded Native groups from notions of citizenship but made Blacks neither “person” nor alien, though their exclusion was internal to the logic of both.

By exploring *Jaramillo v. Romero*, a case that centered on the perceived alien system of Mexican peonage, and *Betty’s Case*, which revealed liberal contract’s commensurability with Southern slavery, we can analyze how citizenship gained definition against Mexican and Black women’s positions within racialized labor systems. Following the U.S.-Mexican War, the Treaty of Guadalupe Hidalgo labeled Mexicans as white and granted those living in the new territories of the United States, citizenship.⁵ And with the annexation of the territory of New Mexico, peonage, a racialized labor arrangement that bonded servants to large estates known as haciendas, came to popularly symbolize everything that was foreign about Mexican laws and customs, particularly in relation to the U.S.’s notions of free labor, individualism, and property. In the process, the relation between Mexican citizenship and peonage became imbricated with one another. In stark contrast to popular conceptions of peonage, Territorial Chief Justice Benedict described peonage as an ideological counterpoint to Southern slavery, and with his ruling in *Jaramillo v. Romero* (1857), protected peonage as liberal contract that granted inalienable citizen rights to all servants under bondage— even to Mariana

⁴ Weheliye, *Habeas Viscus*, 78; As Alexander Weheliye notes, Chief Justice Taney revoked Dred Scott’s “legal right to ownership of self” because the enslaved *were* the prerequisite for property-owning subjects (78). Similarly, Grace Hong has argued that liberal humanist conceptions of the subject depended on its “enslaved antithesis, fundamentally defined as without free will.” See, Hong, *The Ruptures of American Capital: Women of Color Feminism and the Culture of Immigrant Labor* (Minneapolis; University of Minnesota Press, 2006), 4.

⁵ Molina, *How Race is Made*, 5.

Jaremillo, a young Mexican girl. On the heels of *Dred Scott*, commonwealth Chief Justice Lemuel Shaw granted emancipation to a slave named Betty Sweet, and in essence denied her owner, Luis Sweet, his property on the grounds that Betty was not fugitive property because free by natural law because she was voluntarily brought to the free state of Massachusetts. Though Shaw did not make broad proclamations about the rights of Blacks and slaves, his disavowal of Taney's ruling by granting Betty her freedom and by protecting her freedom of contract is significant, especially when considering antebellum rights granted to racialized subjects.

Just as citizenship was gaining definition within antebellum courts, legal notions of contract, Sora Han argues, were transitioning from common law status-based approaches, like that of the law of coverture for wives, to a system of individual will-based approaches, where individuals (citizens) formed contracts on the basis of mutual consent and obligation.⁶ Because the transition was not seamless, various contradictions emerged in attempts to modernize the institutions of contract within the courts' opinions on citizenship and freedom. Of central importance to this chapter is tracing how legal and popular debates surrounding Mariana's and Betty's reproductive labor and human biological reproductivity attempted to resolve the contradictions that emerged from granting them laboring subjecthood. By doing so, I contend that examining both cases together can attend to the dearth of literature on the relational experiences of racialized women and their role in shaping the rise of modern liberal contract—the crowned jewel of citizenship.

⁶ Sora Han, "Slavery as Contract: *Betty's Case* and the Question of Freedom," manuscript, 2015, 26-27.

In the first part of the chapter, I present the case of *Jaremillo v. Romero*, about a domestic servant that appeared in New Mexico Territorial Supreme Court, and accused her master of unlawful peonage. The case's obscurity can be attributed to the muddled history and lack of strict legal definition to peonage and Mariana's position as a Mexican woman in the territory. I begin by rehearsing the events that led to *Jaremillo v. Romero* as well as presenting the overall legal structure of Chief Justice Benedict's legal opinion on the case. I then move to a discussion of the way Benedict attempted to bring the foreign institution of peonage into the purview of American jurisprudence by rewriting peonage as free labor and by granting servants territorial citizen rights.⁷ *Jaremillo v. Romero* poses particular problems, however, when attempting to engage Marianna's presence in the legal archive— as her voice is nowhere to be found.⁸ I therefore, read *Jaremillo v. Romero* by providing an analysis of the contradictions of Benedict's legal protection of peons, by examining how it reinforced the systems of dispossession that had appropriated Mexican women's bodies, labor, and kinship ties for the hacienda system. I contend that Benedict obscured how peonage, a form of indenture, was, as Kalindi Vora and Lisa Lowe call a "less-than-free" form of coercive labor that was central to empire building and settler expansion, even as he attempted to give rights to the peon labor force.⁹

⁷ Territorial rights were different than citizen rights as they were guaranteed by Territorial Congress not the Constitution.

⁸ For a discussion of Mexican women's presence in colonial era New Mexico court proceedings see, Ramón Gutiérrez, *When Jesus Came, the Corn Mothers Went Away* (Stanford, CA: Stanford University Press, 1991).

⁹ Kalindi Vora, *Life Support: Biocapital and the New History of Outsourced Labor* (Minneapolis: University of Minnesota Press, 2015), 27; Lisa Lowe points to the way that the indenture of Chinese not only served as a form of labor reallocation for plantations, but resulted in creating a paradoxical figure that troubled notions of freedom and bondage

In the second part of the chapter I examine *Betty's Case*, a freedom case about an enslaved domestic servant from Tennessee that was emancipated by Massachusetts Chief Justice Lemuel Shaw. While the case has recently been explored by legal scholar Sora Han to reveal how the figure of the slave animates the “legal and moral contradictions” of modern contract law, the case has not been approached by centering how Betty’s freedom of contract, her use of contract to return to the Sweet plantation, ironically, hinged on Shaw’s highlighting of her enslaved marriage tie (though denied to slaves) and “affection” for her master as the merit of her legal self-possession. I close by examining how Betty’s maternal ties animated public debate on her right to contract even as Shaw’s legal opinion failed to broach the topic. In all, I contend that by reading *Betty's Case* for the trace of human biological reproductivity and her enslaved reproductive and affective labor we can better explore how emerging and imbricated notions of liberal contract and U.S. citizenship came to be grounded in the antebellum tests that Black women’s freedom cases represented.

By reading the two cases together, I create a genealogy for citizenship and modern liberal contract through Mexican and Black women’s presence in the legal archive, which, in terms of the dissertation, provides foundational definitions for the regimes of contract and citizenship that relationally shape Black and Mexican experiences during the Jim Crow era.

January 1857: Jaremillo v. Romero

as they were neither white master nor Black chattel. See, Lisa Lowe, *The Intimacies of Four Continents* (Durham: Duke University Press, 2015), 25-31.

In 1849, a year after the signing of the Treaty of Guadalupe Hidalgo, which annexed the territories now known as the Southwest into the U.S., a young Mexican girl named Mariana Jaramillo fled her bondage at the hacienda of a New Mexico land owner. While she was able to abscond from the hacienda, she could not shed the supposed debt that tied her to her master Jose de la Cruz Romero. Romero, in an attempt to capture Mariana and recoup the money owed to him, filed a suit to compel her appearance at Bernalillo County court—Mariana never showed up. Her absence notwithstanding, Mariana was sentenced to an additional twenty-six months of servitude and ordered to pay off the \$51.75 (plus interest) she allegedly owed to Romero.¹⁰ Unable to force Mariana back to his hacienda, Romero then took his case to district court to have Mariana's parents held co-responsible for her debt. This attempt also floundered in getting Mariana back to his hacienda. It would be nearly a decade after Mariana fled from Romero's hacienda that the case would move to the bench of New Mexico Territorial Supreme Court Chief Justice Kirby J. Benedict in 1857.

As William Kiser notes, Chief Justice Benedict was fluent in French and Spanish, he went to law school in Tennessee and befriended a young Abraham Lincoln while they practiced law in Illinois.¹¹ Although not an ardent abolitionist, he was against forms of

¹⁰ *Jaramillo v. Romero*, 190 (N.M. 1857).

¹¹ William S. Kiser, *Borderlands of Slavery: The Struggle over Captivity and Peonage in the American Southwest* (Philadelphia: University of Pennsylvania Press, 2017), 100. For more on Benedict see, Aurora Hunt, *Kirby Benedict: Frontier Federal Judge* (Glendale, CA: Arthur H. Clark, 1961); Arie W. Poldevart, *Black-Robed Justice: A History of the Administration of Justice in New Mexico from the American Occupation in 1846 until Statehood in 1912* (Holmes Beach, FL: Gaunt, 1999).

human bondage taking hold in the territory of New Mexico.¹² By the time Mariana appeared in front of Benedict, the New Mexico Territorial legislature had, in 1851, authorized “the law regulating contracts between masters and servants.”¹³ Passed at the behest of Governor James S. Calhoun, it was meant to prevent legal issues between white settlers and Mexican inhabitants of New Mexico, particularly cases where settlers and hacienda owners attempted to hold a deceased (or escaped) peon’s family in bondage until the unsettled debt was paid. The act also defined peonage as a wage contract between a servant and their master, and represented a contractual agreement based on mutual understanding, despite the majority of these agreements turning on a form of perpetual debt.¹⁴

Although the legal classification of peonage was that of free labor, it was, as Shelley Streeby notes, like slavery in the South, a racialized labor arrangement.¹⁵ In fact, the 1851 act drew inspiration from the 1850 Fugitive Slave Act by creating a statutory obligation for local prefects to aid in the capture of runaway peons.¹⁶ Chief justice Benedict, whose personal and professional association with Abraham Lincoln influenced his views on human bondage, and was particularly “sympathetic to Indian and Hispanic rights,” took up *Jaremillo v. Romero* as the perfect opportunity to outline what he saw as

¹² Ibid.

¹³ Ibid., 100.

¹⁴ María E. Montoya, *Translating Property: The Maxwell Land Grant and the Conflict over Land in the American West, 1840-1900* (Berkeley: University of California Press, 2002), 66.

¹⁵ Shelley Streeby, *American Sensations: Class, Empire, and the Production of Popular Culture* (Berkeley: University of California Press, 2002), 191.

¹⁶ Kiser, *Borderlands of Slavery*, 100. Many times, U.S. military aided in the capture of fugitive peons.

the similarities and differences between slaves and servants in hopes to prevent bondage in New Mexico and to reveal peonage as a counterpoint to conditions of unfreedom known in the South.¹⁷ And with his ruling, he was the first to legally define peonage as a system of free labor in the courts, though he warned it could be bent to the will of those seeking to replicate bondage in the territories under his jurisdiction.

As such, Benedict's decision in *Jaremillo v. Romero* overturned the rulings of the lower courts that had found in favor of Romero, the hacienda owner. Benedict argued that the logic to the case was simple: the justice of the peace in Bernalillo County (the *alcalde*) failed to notify Mariana of the legal proceedings against her and had therefore denied Mariana legal due process.¹⁸ Benedict railed against the willingness of the justice of the peace and the prefect of Santa Fe to serve as witnesses to Mariana's debt and breach of contract without having first met with Mariana. Benedict forcefully argued that there was no evidence of Mariana as a party to the contract, which made it so he was "[obligated] to reverse the judgement of the court below, with costs against Romero."¹⁹

Despite the straightforward nature of Benedict's ruling, his legal opinion attempted to define, once-and-for-all, what peonage was and who could and could not form contract under its guarantees. Influenced by free labor ideology, Benedict took great pains to demonstrate that at the core of peonage was a contract forged through mutual understanding.²⁰ He warned, however, that the peon system, as it had existed throughout the territory prior to U.S. territorial annexation, was used to maintain "similar relations

¹⁷ *Ibid.*, 103.

¹⁸ *Jaremillo v. Romero*

¹⁹ *Ibid.*

²⁰ Kiser, *Borderlands of Slavery*, 104.

between masters and servants as are found to be established between the master and his slave in different states of the union.”²¹ By pointing to the similarities between peons and slaves, Benedict hoped to challenge parts of the 1851 New Mexico peon act because in his view it expanded coercive legal structures that too closely resembled slave labor in the South. Benedict was particularly troubled by the 1851 act because he felt legislators had written it to give too much power to masters of the peon relation.

To shed light on the implications of the legal compulsion to return peons to haciendas with the aid of local prefects, Benedict outlined how such a system unlawfully produced Mariana’s bondage to Romero despite no evidence of a contract. He argued that the act “[provided] to the master’s hands, the legal means by which he could compel the servant, under pains and chastisements, to remain in his master’s service, obey him, and render him his labor.”²² Benedict took aim at the territory’s lower courts that had upheld Mariana’s supposed breach of contract and that had added to her debt, noting that they signaled a form of collusion between Romero and local prefects.²³ He argued that the witness testimonies by the local prefects only attested to the fact that Mariana left owing a supposed sum of \$51.75; causing him to remark: “how could a mere certificate [of Mariana’s debt] amount to proof of her indebtedness?” Under such conditions, Benedict added, “it is easy to perceive how any person whosoever within the territory may be made a debtor and sent into servitude.”²⁴

²¹ *Jaremillo v. Romero*

²² *Ibid.*

²³ Kiser, *Borderlands of Slavery*, 107.

²⁴ *Jaremillo v. Romero*

If Benedict's strict ruling for Mariana was to make a statement on contract in the territory of New Mexico, then he most likely envisioned his use of the 1851 act as a canvas to paint the differences between slavery and peonage. For Benedict, defining peonage was part of a broader struggle to uphold free labor across the United States and to distance popular associations of peonage with supposed Mexican debt bondage. Central to his aims was countering traditions that had made it so ties of bondage could be passed on through the line of the mother, particularly because the Territorial Congress had barred the owning of human property in New Mexico.

“Some Kind of Service:” Haciendas and the Hereditary Nature of Peonage

The sheer variety of arrangements between servants and masters under peonage in New Mexico had perplexed state and legal actors who attempted to bring the region under U.S. control. The significance of peonage for American jurisprudence, Benedict noted, started with the U.S.'s claims over the New Mexico territory when “there was found a large class of persons commonly designated in the language of the country by the name of peons [...] They appeared as servants, menials, or domestics, ‘bound’ to some kind of ‘service’ to their masters.”²⁵ Benedict saw himself at the forefront of juridical efforts, and intended for his legal opinion to “elucidate” what the system of peonage “really was” and how it began. To do so, he dug his heels into the long history of peonage in Spanish and Mexican contract law that existed prior to U.S. settler expansion into the

²⁵ Ibid.

Southwest. In what follows, I provide a short literature review of peonage as a racialized labor arrangement known as the hacienda system. Doing so allows me to examine how Benedict's engagement with Spanish colonial and Mexican contract law attempted to bring peonage under wage contract defined by a binary of white freedom and Black enslavement. I close my discussion on *Jarenillo v. Romero* by exploring how Benedict drew parallels between the hereditary nature of peonage and enslaved Black women's human biological reproductivity as a means to grant citizen rights for peons.

Benedict pinpointed the origin of the hacienda system in Mexico's *repartimiento* system. A system of labor that, according to leading scholar of nineteenth century Southwest labor and society, Rosaura Sánchez, used leasing to forcibly allocate Indian subjects to projects throughout the territories of the Spanish Crown. As Sánchez notes, the *repartimiento* system gave way to the Mexican hacienda system and shifted the bondage of Indian, mestizo, and poor Spanish subjects to a patriarchal family connected to a local market economy.²⁶ In the Mexican national period, the hacienda system stretched into the territories as far north as Alta California and east to New Mexico. In Mexico and later in New Mexico, the patriarchal heads of haciendas, known as *patrones*, settled families onto their land and regulated their labor through patriarchal relations.²⁷ The mobility of the hacienda's *peones* was controlled by the *patron* through debt, and because peons were connected to him through patriarchal land distribution and labor

²⁶ Rosaura Sánchez, *Telling Identities: The Californio Testimonios* (Minneapolis: University of Minnesota Press, 1995), 55.

²⁷ Sánchez, *Telling Identities*, 55; Montoya, *Translating Power*, 64-65.

management systems; peons did not own land nor the means of production.²⁸ Haciendas not only controlled large parcels of land, but a large labor force, which lead white settlers to remark that peonage was little different than the conditions of slavery on the South's plantations.²⁹

During the mid-nineteenth century, the popular comparisons between peonage on haciendas and slavery on plantations served disparate political purposes. The territorial legislature and the governor of New Mexico represented peonage as a danger to free labor, and described it as “even more pervasive than chattel slavery as it had no racial prerogative.”³⁰ To them, the hacienda system represented a lawless frontier where even whites could be subjected to bondage through the foreign practice of peonage. The triangulation of white servitude, slavery, and peonage, as Shelley Streeby notes, served to obscure how slavery and peonage, unlike white indenture on the east coast, were racialized labor arrangements premised on dispossession and in the case of peonage, was “inextricable from the imperial encounters that contributed to its production.”³¹ This was particularly true following the signing of the Treaty of Guadalupe Hidalgo in 1848 by Congress and President James K. Polk, which although promised to honor Mexicans’

²⁸ Montoya, *Translating Power*, 64. For a general discussion of peonage as a labor system see Alan Knight, “Mexican Peonage: What Was It and Why Was It?” *Journal of Latin American Studies* 18 (1986): 41-72; For a discussion of late 18th century New Mexico debt peonage and the hacienda system see Gutiérrez, *When Jesus Came*, 323-324; Also, as Montoya notes, there were differences between the Mexican hacienda and that of the New Mexican hacienda. For a discussion of the differences see David J. Weber, *On the Edge of Empire: The Taos Hacienda of Los Martinez* (Santa Fe: Museum of New Mexico, 1996).

²⁹ Kiser, *Borderlands of Slavery*, 102.

³⁰ Ibid.

³¹ Streeby, *American Sensations*, 204; 191.

land rights, failed to ratify the article that would have protected Mexican property under the law. As Montoya notes, the deliberate failure to guard Mexican property ownership was an attempt to break the “extensive land parcels [viewed as] inimical to the Jeffersonian ideals of equality and individualism,” and which whites viewed as the reason for bondage across the territory.³² In effect, the failure to protect property rights under the Treaty served to dispossessed Mexican subjects, which led many to work under conditions of peonage on large haciendas. In turn, it produced Mexican subjects as well as the system of peonage as alien to American notions of citizenship and property.

While some viewed peonage as being tied to the dangers of foreign custom that spurred unfree labor, Benedict highlighted the practice’s origin in Spanish and Mexican contract law. As Kiser notes, Benedict cited how following Mexico’s statehood Mexican lawmakers did not view slavery and peonage as synonymous, “and frequently distinguished between the two by citing servitude as a voluntary agreement.”³³ By codifying peonage through a legal history of mutual indenture, Benedict attempted to resolve the contradictions of bringing notions of Spanish and Mexican contract within American jurisprudence. The result was an unprecedented move within the context of U.S. jurisprudence, he held that in the territory of New Mexico, the peon would be “under no political disqualifications; he votes at all elections [...] his servitude does not render him under our laws ineligible to the offices of the precinct, the county, the

³² Montoya, *Translating Power*, 64.

³³ Kiser, *Borderlands of Slavery*, 106. Kiser notes, however, that Benedict failed to acknowledge the widespread practice of Indian slavery, which excluded them from servant laws. See, *Borderlands of Slavery*, 106; See also, Streeby, *American Sensations*, 192.

legislature, or delegate in congress.”³⁴ It is a challenge to read Benedict’s citizenship protections for peons without anticipating Taney’s prohibitive ruling on masters and slaves just two months later in *Scott v. Sandford*. And as Kiser notes, while Taney’s proslavery ruling opined on the national character of citizenship by barring Blacks from social and civil citizenship, Benedict, “from the opposite ideological perspective,” found that servitude, so long as it was formed under mutual indenture, was commensurable with notions of liberal free labor and American citizenship.

Although Benedict’s decision to protect peonage as mutual indenture and grant peons’ citizen rights appears at odds with the legislature’s attempts to undermine the property claims of large haciendas by not protecting Mexican’s property claims under the Treaty of Guadalupe Hidalgo, the contradictory impulses helped refine a labor arrangement for the region that shaped Mexicans’ relation to property and citizenship under territorial rule, particularly so for Mexican women. Though *Jaremillo v. Romero* attempted to protect peons’ rights even in the most private corners of the territory’s haciendas, the opinion also revealed important cleavages between the rights of laboring subjects contracted under peonage and those broadly granted to Mexican women under the Treaty of Guadalupe Hidalgo. As Montoya notes, the irony in Benedict’s opinion was that the legislature’s decision to not protect Mexican property claims under the Treaty had “relegated Mexican women to precisely the state of feudalistic dependence from which [his court] intended to rescue Mexican peons on hacienda estates.”³⁵

³⁴ *Jaremillo v. Romero*. According to Kiser, Benedict went well “beyond the necessary explanation of legal precedent to sustain the court’s decision and [made] sweeping allegations with profound judicial ramifications.” See, *Borderlands of Slavery*, 107.

³⁵ Montoya, *Translating Power*, 64.

Following the U.S.-Mexican War, the uneven relations between Mexican women and the hacienda labor system were part of a new regime of property in the Southwest. As Montoya notes, women, like peons, could not hold title to property, or dispose of the property they inhabited on the hacienda as they chose.³⁶ Different than the property regimes of the South, territories were governed directly by Congress, not the Constitution, and as such the owning of human property was prohibited— which was protected for Southerners under Constitutional right. Even though owning human property was outlawed in the territory, Benedict, as was clear in his ruling in *Jarenillo v. Romero*, was concerned over what he called the “delicate” nature of the “domestic relation” which could make children property through their parents’ debt.

While Benedict acknowledged that the 1851 act did not apply to *Jarenillo v. Romero*, since it was passed after Romero’s initial attempts to capture Mariana in 1949, he cited parts of the act that he felt would keep peonage from falling under the yoke of Southern slavery and that would protect the rights of peons in the territory of New Mexico, particularly in terms of a child being born into bondage due to their parents’ debt. Using Marianna’s case as an example, Benedict cited how the evidence suggested Mariana was born into a condition of debt bondage:

How could a girl, able to work as a servant, become indebted to Romero fifty-one dollars and seventy-five cents beyond fair value of her services? Should it likely be on her own account? [...] If the debt was made upon her own account, it must have originated when she was not much more than a child, and for what consideration could she have bound herself at such an age for such a sum?³⁷

³⁶ Ibid.

³⁷ *Jarenillo v. Romero*

Benedict concluded that Mariana's peonage was not forged under mutual contract but the result of childhood servitude. He, then, once again reiterated his argument against the fugitive peonage clause to show how Mariana's forced return would have resulted in keeping a person who wasn't a party to the contract in bondage by "reduc[ing] him to obedience and labor again; [with] the alcaldes of the country, in the most summary manner, aid[ing] the master in bringing back his fugitive."³⁸ Much like his rebuking of the 1851 fugitive peon clause for giving power to hacienda masters similar to that at the disposal of Southern slave owners, which would have reduced peons to property, Benedict viewed the hereditary nature of peonage, which made it so Mariana was born into Romero's service through her father's debt, as being akin to enslaved Black women's human biological reproductivity on plantations.³⁹

In his legal opinion, Benedict described the hereditary nature of peonage thusly: "many [servants] had been raised from childhood within the households of such families [haciendas] [...] all were indebted to their masters. This was the *cord* by which they seemed bound to their masters' service."⁴⁰ Benedict's image of a "cord" linking a child servant to their *patron*, is not only suggestive of the transmission of Mexican women's

³⁸ Ibid.

³⁹ Kiser, *Borderlands of Slavery*, 108-109. Kiser has referred to the hereditary nature of peonage to describe how *Jaremillo v. Romero* served as the anchor to the later *Bustamento v. Analla*, which, "rendered a stunning blow to a tradition of hereditary servitude and fictive kinship" which had made it so a child could become a servant based on the status of the mother. For more on the longer history of "fictive kinship" in New Mexico and how it was used by the Spanish Crown to "civilize" Native groups, which in reality meant slavery, see Gutiérrez, *When Jesus Came*, 181.

⁴⁰ *Jaremillo v. Romero*.

reproductive labor in hacienda homes that upholds the life-world and estates of their *patrones*, but reveals how debt bondage remapped peons' kinship ties to keep children in debt bondage for the hacienda labor system and to be passed on as property to the heirs of *patrones*. By drawing hereditary bondage and slave human biological reproductivity together, Benedict ultimately held that Mexican women's kinship claims were protected if they were subjects of a contract under peonage. The irony of course, is that women did not form contracts with *patrones*, but were often contracted under the conditions of male indenture to patriarchal land distribution programs. So, in the end, the logic by which Benedict bolstered Mexican women's kinship claims was curtailed, as Montoya notes, by the forms of dispossession that Mexican women faced more broadly.

Ultimately, Benedict's ruling came to influence *Bustamento v. Analla* argued later in the same month, which "ruled that the biological mother, despite her marginalized status as a peon, retained legal guardianship over her child and neither the father nor the surrogate mother could claim ownership of the girl as a servant."⁴¹ Both rulings attempted to put a stop to the hereditary nature of bondage and as Kiser notes, came to symbolize, like the abolition of the transatlantic slave trade in 1808, free labor proponents' hope that it could bring about a "slow multigenerational decline" to bondage in the territory.

In the end, Benedict's goal to protect peonage as free labor depended on granting citizen rights to peons under his territorial jurisdiction. This included protecting peons' rights to break contract without falling into a state akin to fugitive property. It also meant

⁴¹ Kiser, *Borderlands of Slavery*, 108.

protecting peons' kinship claims to prevent children from becoming property through the hereditary nature of peonage. It is interesting to consider then, how just months before Taney would rule whites as singularly eligible for citizenship, the territorial court of New Mexico granted peons, which is to say Mexican subjects, the right to sue in courts and protected them from becoming property. In the remainder of the chapter, I add to my discussion of kinship, property, and contract by exploring how just months after Taney's decision, the case of an enslaved domestic servant that used liberal contract to return to slavery shaped notions of liberal contract and went against legal prevailing notions of citizenship.

November 1857: *Betty's Case* and Freedom of Contract

“... and suddenly there was Sweet Home rolling, rolling out before her eyes, and although there was not a leaf on that farm that did not make her want to scream, it rolled itself before her in shameless beauty.”

Beloved

Shortly after the birth of their newest child, the Sweets left their plantation in Tennessee to travel across the Northeastern United States and Canada. To provide care for their infant, they brought with them their enslaved domestic servant named Betty. Toward the last leg of their travels, during a six-week sojourn in Massachusetts, a group of white abolitionist women reported seeing Betty in a Lawrence hotel. Soon after, the Sweets were served a writ of *habeas corpus* that compelled them, along with “the person

of a colored woman named Betty Sweet,” to report to the Boston courtroom of Chief Justice Lemuel Shaw. The Sweets had been accused of holding Betty against her will in the free state of Massachusetts.⁴²

By the 1850s, freed Blacks in the North had retained some legal protections. Though it paled in comparison to their enfranchisement a decade earlier, Blacks retained the ability to vote in six New England states, their gradual loss of enfranchisement signaled the growing restrictions on their work and education by the decade’s end.⁴³ Notably, the decade began with the Congressional passage of Fugitive Slave Act of 1850 and was punctuated by the 1857 proslavery ruling in *Dred Scott v. Sandford*, which bolstered efforts by Southern whites to retain control over their human property. Under the 1850 Act, a slave owner could submit a claim in a free state to recapture their fugitive property, and as Glenn notes, the act did not contain provisions that would require either a jury trial or hearing.⁴⁴ Despite the growing restrictions across various states in the North, Chief Justice Shaw, had long played an important role in defining rights for Blacks and slave-owning whites in the years leading up to *Dred Scott*, and with *Betty’s Case*, just months after Taney’s landmark case, he went against the law of the land to grant Betty her freedom.

In her monumental works on citizenship, Evelyn Nakano Glenn traces how the early nineteenth century symbolized a shift where full white male independence was

⁴² *Boston Herald*, November 11, 1857, reprinted in *The Liberator*, November 13, 1857, col. 1, p. 183; *The New York Herald*, November 10, 1857, col. 3, p. 4; *The Liberty Bell* (Boston: Prentiss, Sawyer, & Co., 1858), 310-315.

⁴³ Evelyn Nakano Glenn, *Unequal Freedom: How Race and Gender Shaped American Citizenship and Labor* (Cambridge, Mass: Harvard University Press, 2009), 35.

⁴⁴ *Ibid.*

tethered to evolving notions of free labor and freedom to forge contracts. And in the antebellum era, Glenn notes, the universal rights afforded white men were inextricably linked to the disenfranchisement of Northern Black men from “the discourse of male breadwinning.”⁴⁵ Seen as failing to uphold notions of social citizenship, which was imbricated with proper laboring subjecthood, Blacks’ inability to demonstrate their role as wage-earners came to have a direct bearing on their enfranchisement in the North, and made it so they “had to prove their independence, [whereas] white men’s independence was assumed.”⁴⁶ While the exclusion of Black men from the category of labor and how it impacted Taney’s ruling has garnered much attention in the literature of antebellum social and civil citizenship, the exclusion of Black women from the category of labor and citizenship has been less so. *Betty’s Case* provides a unique vista into the way notions of contract and citizenship were defined not only in terms of Black men as subjects of labor, but also refined in relation to Black women’s right to contract as protected in Northern antebellum courts.

The Boston Herald reported that in the morning hours of November 9, 1857, the deputy Sheriff escorted Betty to the courthouse and “a large crowd of excited colored and white individuals followed, having got wind of the affair in some manner.”⁴⁷ In years prior, Chief Justice Shaw had developed a reputation throughout the Northeast for his adjudication of fugitive slave cases. And to the chagrin of Boston abolitionists, Shaw often ruled in favor of the return of fugitive slaves to the South, which to him meant

⁴⁵ Ibid, 31.

⁴⁶ Ibid, 31, 53.

⁴⁷ Boston Herald, Nov. 11, 1857, reprinted in *The Liberator*, Nov. 13, 1857, col. 1, p. 183.

upholding slave owners' property rights guaranteed under federal constitutional and statutory law.⁴⁸ However, in cases where a slave was brought voluntarily into the free state of Massachusetts, Shaw held that slavery's lack of positive legal definition, which is to say the lack of federal law authorizing slavery, and lack of local positive law to do the same, made it so that slaves were emancipated by natural law.⁴⁹

The case that illustrates Shaw's earliest application of natural law to grant freedom to a slave was *Commonwealth v. Aves* (1836), which involved a six-years-old slave girl that was voluntarily taken on a summer vacation to Massachusetts with her mistress. Legal scholar Aviam Soifer argues that *Commonwealth v. Aves* reveals the lengths to which Shaw positioned slavery nearly "entirely dependent on local law."⁵⁰ Because slavery was abolished in 1780 in Massachusetts, and because there was no positive law of slavery since then, either through statutes or customary law, Med was granted freedom. Shaw, as David Dyzenhaus argues, ultimately found that "because

⁴⁸ Aviam Soifer, "Status, Contract, and Promises Unkept," *The Yale Law Journal* 96, no. 8 (1987): 1916-1959, 1918; David Dyzenhaus, *Recrafting the Rule of Law* (Portland, Oregon: Hart Publishing, 1999). As Dyzenhaus notes, Shaw's decisions for "transit" cases, where a slave travelled into a free state, consistently upheld Fugitive Slave Laws. For example, in *Commonwealth v. Eldridge* (1836), Shaw found that a ship captain who held two slave women, Eliza Small and Polly Ann Bates, on his ship, which was docked at the Boston harbor at the request of a slave-catcher, was illegal. Shaw noted that only through a judicial finding could a slave be lawfully detained. Shaw, referring to the Fugitive Slave Law of 1793 told the captain he would have to re-arrest the two women. The two women, however, escaped from the court with the help of a large gathering of black abolitionists. In the 1842 *Latimer Case*, Shaw found that natural law granted by the state of Massachusetts to emancipate slaves brought voluntarily into the state could not apply to Latimer as his detention in a Boston jail for return to a Virginia slaveowner "conformed to the Fugitive Slave Law." See Dyzenhaus, *Recrafting the Rule of Law*, 121-122.

⁴⁹ Soifer, "Status, Contract, and Promises Unkept," 1918. Natural law, as Soifer notes, served to "fill gaps" between positive law and various levels of national laws.

⁵⁰ *Ibid.*

nature abhors slavery, a person could not be *property*.”⁵¹ In fact, Shaw did not view slavery as a property right, but a right compelled by a “complex set of immunities and privileges,” particularly those under criminal law.⁵² And in the 1851 *Thomas Sims Case*, following the passage of the Fugitive Slave Act, Shaw found that Sims, a fugitive who had escaped from Louisiana, unlike Med who was brought into Massachusetts under voluntarily conditions, was to be returned to the South on account that there was, with the 1850 act, a Congressional imperative to force his return. According to Dyzenhaus, Shaw’s decision to free Med and return Sims to the South was part of a “single coherent vision of the relationship between slavery and the law.”⁵³ And with *Betty’s Case*, Shaw revealed just how far he would go to uphold his legal logic, particularly by disavowing Taney’s decision established just months earlier.⁵⁴

As is well-documented, Taney’s ruling shored the property laws of slavery by holding that a slave state need not recognize a free state’s recognition of Blacks’ freedom, because Blacks were not fit for citizenship. In contrast to Taney, Shaw’s opinion in *Betty’s Case* held that because Betty travelled to Massachusetts with her masters under voluntary conditions and “not as a fugitive from labor,” she was not privy to fugitive slave law that enshrined the protection of slaveholders’ property. In short, as Soifer puts it, Shaw decided to “grant and protect freedom even for Betty, who was not

⁵¹ Dyzenhaus, *Recrafting the Rule of Law*, 117.

⁵² *Ibid.*, 124.

⁵³ *Ibid.*, 142.

⁵⁴ Soifer, notes that although Shaw never expressly stated a “defying, or at the very least ignoring” of *Scott v. Sandford*, his granting of Betty’s freedom through his Massachusetts court to deny the Sweets’ property claims “clearly seemed to do so.” See, Soifer, “Status, Contract, and Promises Unkept,” 1923.

yet a citizen of Massachusetts and, under *Dred Scott*, could never be a citizen of the United States.”⁵⁵ In important ways, Shaw’s granting of Betty’s emancipation not only went against *Dred Scott* by denying the Sweets their property, but by protecting Betty’s right to contract back into slavery as a subject of labor, contested Taney’s ruling that Blacks could “claim none of the rights and privileges” that citizenship provides. For Han, this seemingly paradoxical situation opens a legal territory where the right to contract serves as a modality of re-enslavement, and in that way, Han argues, *Betty’s Case* also reveals “a more fundamental legal relation— contract— [that] appears through which to read the master/slave property relation.”⁵⁶ In the section that follows I trace the forms of contract that were articulated to protect Betty’s right to contract into slavery. By doing so I reevaluate how the granting and protection of Betty’s liberal will-based contract was premised on Shaw’s translation of her supposed “desire” to uphold marriage and affective ties on the Sweet plantation (her common law contracts) as the proof of her bodily self-possession, even as he avoided a discussion of Betty’s maternal ties, which served as the lightning-rod for the public debate surrounding *Betty’s Case*.

“Other Relatives:” Freedom of Contract and Betty’s Radical Kinship Claim

Like prior freedom cases in the Commonwealth, a sizeable crowd of Black and white abolitionists gathered outside of Judge Shaw’s courthouse in anticipation of his ruling. Inside, a quiet scene between Betty, the Sweets, abolitionist lawyer John A.

⁵⁵ Ibid., 1924.

⁵⁶ Han, “Slavery as Contract,” 20.

Andrew, and two freedpersons: Burrill Smith and an unnamed woman, took place in the corridor between Shaw's private chamber and the office of the Sheriff. Out of view from the crowd outside, Sheriff Clark read to Betty that "she was at free liberty to go where she pleased." Before Betty departed with the Sweets, and for the most part out of historical record, Smith, who had been forced into slavery for eighteen years, had a few minutes with Betty and told her of "the blessings of freedom and the horrors of slavery, especially in regard to the control of her children, if she ever had any." As Smith attempted to convince Betty to choose freedom for herself and her future children, the Sweets became "a good deal indignant at the course that had been pursued," and began to repeatedly interrupt Smith, which led Smith to tell Betty that "his eloquence would not avail, as long as the sharp eye of her master and mistress were upon her." But Smith was again interrupted, this time by the Sweets' daughter of about five-years old who played in a chair in front of Betty— "in utter unconsciousness of the absorbing scene that was going on before her." Due to the child's impromptu play in front of, if not *with* Betty, it eventually "came out" that Betty and her mistress "were brought up together, and that [Betty] acted as nurse for the children of her mistress." Betty's own children never emerged in Shaw's legal record, whether that was because she had no biological offspring or because they were considered Luis Sweet's property, it is not clear.⁵⁷

While Shaw's legal opinion in *Betty's Case* did not break with his record on freedom cases, it did offer a new kind of challenge for the renowned commonwealth judge: what to do if the freedom granted to a slave is used to contract back into slavery?

⁵⁷ Boston Herald Nov. 11, 1857. Reprinted in *The Liberator*, Nov. 13, 1857, col. 1, p. 183.

To determine Betty's right to exercise her freedom of contract as a subject of labor he decided to privately convene with Betty behind his closed chamber doors. In a ten-minute interview, Shaw asked Betty a series of questions regarding her relationship to the Sweets. He wrote in his legal opinion: "She has a husband in Tennessee and other relatives; that she is much attached to Mr. and Mrs. Sweet; is very well treated by them, and desires to remain and return with them, and this desire she expressed decisively and upon repeated inquiries."⁵⁸ For Shaw, Betty's ties of affection were proof that she was "intelligent and capable of judging for herself" whether to relinquish her newly acquired freedom in order to return to the Sweet plantation a slave.⁵⁹ The irony, of course, is that the emphasis Shaw placed on Betty's marriage tie as her measure of self-possession, was under slavery, not only not protected under the common laws of coverture, but negated through what Sara Kaplan identifies, as "the violent delegitimation of the enslaved's past, present, and future kinship networks."⁶⁰

Though studies on *Betty's Case* have touched on Shaw's emphasis on Betty's affection for the Sweets and her supposed "desire" to uphold her marriage tie on the Sweet plantation, less has been said of Shaw's disavowal of Betty's maternal ties. Nowhere in his legal opinion does Shaw mention Betty's children, a topic no doubt significant given that Betty's children were also Luis Sweet's property, and Betty's

⁵⁸ 20 Monthly L. Rep. (Massachusetts, November 9, 1857), 458.

⁵⁹ Ibid., 457.

⁶⁰ Sara C. Kaplan, "Love and Violence/ Maternity and Death: Black Feminism and the Politics of Reading (Un)representability," *Black Women, Gender, and Families* 1, no. 1 (2007): 94-124, 112. Kaplan's usage of natal alienation is from Orlando Patterson's notion of social death. See, Patterson, *Slavery and Social Death: A Comparative Study* (Cambridge, Mass: Harvard University Press, 2003).

emancipation symbolized not only Sweet's loss of Betty as his property, but a loss of Betty's reproductivity— her potential ability to produce more property and labor for the Sweets' plantation.⁶¹ And although Shaw does not broach the topic, save perhaps for a reference of Betty's "other relatives," Betty's maternal ties were the crux of public debates between Northern abolitionists and Southern proponents of slavery. Both groups debated whether Betty had the moral right to, on the one hand, contract back into slavery and forbid her future children of their freedom or, on the other, remain in the North and deny her children their mother. The limited conceptualizations of Betty as a mother reinforced the binary limits of the case, and set liberal contract as only ever a route toward freedom and against slavery. In what follows, I read *Betty's Case* by reframing her return to the Sweet plantation as a radical form of resistance tied to enslaved motherhood. By radical I refer to the way Sara Kaplan has examined the political agency of enslaved women that may be capable of calling into question how notions of freedom, which is to say the rights of white men, rely not only on Black subjection, but on the effacing of Black women's political and historical agency. By discussing Betty's return to the Sweet plantation as a form of radical resistance makes it so that a reading of Betty's return to the Sweet plantation as a kinship claims isn't rendered "virtually unimaginable."⁶² Which is to say, despite the erasure of Betty's words from the historical archive, which we will engage in a moment, undertaking a radical rereading of *Betty's*

⁶¹ Jennifer Morgan has argued that in the case of enslaved Black women, they represented not only property but signaled a future potential for further accumulation for slave owners. See, Jennifer L. Morgan, *Laboring Women: Reproduction and Gender in New World Slavery* (Philadelphia: University of Pennsylvania Press, 2004).

⁶² Kaplan, "Love and Violence/ Maternity and Death," 103.

Case reveals how her return to the Sweet plantation exhausted not only the logic of bourgeois motherhood, but revealed contradictions between contract and property, freedom and slavery.

In Shaw's legal opinion, he wrote that Betty wished to "remain and return" with the Sweets and her husband and "other relatives." For Shaw, it was proof of her free will and ability to decide for herself whether to return to the Sweet plantation.⁶³ The consideration of a slave's free will was not uncommon in antebellum courts. In fact, judges often relied on common law contracts, established by the eighteenth century's *Blackstone's Commentaries*, which created "community standards of social hierarchy and corresponding expectations and duties," as a compass to base their rulings in freedom cases.⁶⁴ And in *Betty's Case*, marriage and slavery, which as Amy Dru Stanley notes, were largely conceived as parallel parts under common law, informed Shaw's protection of Betty's right to contract back into slavery as a subject of labor.⁶⁵ And although Stanley has argued that the distinction between slavery and other domestic relations, such as marriage, was that slavery "was not founded on a voluntary covenant— a contract," as *Betty's Case* suggests, slavery too could be entered through contractual means.⁶⁶

To approach Betty's act as a radical kinship and possibly maternal claim, means to forego an attempt to find the truth behind Betty's "desires." Especially because, as Han

⁶³ Han, "Slavery as Contract," 27. Han contends that "the fact that such evidence was presented indicates that both status- and will-based approaches to contract comingled in the early American law of slavery," see footnote no. 26, 49).

⁶⁴ *Ibid.*

⁶⁵ See, Amy Dru Stanley, "Conjugal Bonds and Wage Labor: Rights of Contract in the Age of Emancipation" *The Journal of American History* 75, no. 2 (1988), 477.

⁶⁶ *Ibid.*

puts it, “the case materialized not by Betty’s own efforts or will to claim freedom, but is itself a sign of a constitutive coercion to appear before the law.”⁶⁷ Betty, like many other slaves that were part of freedom cases, were compelled to court by a writ of *habeas corpus*; she was neither plaintiff nor allowed to publicly express whether she wanted to remain in Boston or return to the Sweet plantation in Tennessee. And while Shaw’s private meeting with Betty was meant to prevent “restraint or intimidation” by the Sweets and by abolitionists, it ultimately meant that there would exist no record of how Betty expressed her “desires” to return to the Sweet plantation. A critical point to consider given that Shaw, as Soifer notes, “transformed his interview with Betty into fact, then law, and then a fundamental principle of freedom” that made it so that freedom to be freedom must be so free as to be able to be contracted away.⁶⁸ Therefore, to read Betty’s return to the Sweet plantation as a radical kinship claim, I do not attempt to trace the words through which she expressed her “desire,” as those words can’t be retrieved, but instead trace the discursive legal logic and popular debates surrounding Betty’s right to contract and its relationship to her role as mother.

In stark contrast to Shaw’s non-acknowledgment of Betty’s maternal ties, Betty’s motherhood animated the public debate on the moral character of her legal right to contract into slavery. White abolitionists not only condemned Shaw’s legal opinion but railed against Betty’s “decision” to return to the Sweet plantation. As put by Caroline K. Weston, editor of the antislavery publication *Liberty Bell*, “[Betty] not only subjected future children to that miserable condition, but now put it out of her power to help her

⁶⁷ Han, “Slavery as Contract,” 7-8.

⁶⁸ Soifer, “Status, Contract, and Promises Unkept,” 1926.

present children, or her husband.”⁶⁹ Weston framed Shaw’s ruling and Betty’s “decision” as not only a question of legal freedom but also of the law’s morality. For white abolitionists, Betty became either a progenitor of unfreedom for her kin, or if she would choose freedom in the North, could have made it “*probable* that she would have rescued *one* of these dear ones.”⁷⁰ Put plainly, abolitionists claimed Betty’s return to slavery was not only an improper use of her right to contract– the central tenet of American citizenship– but was counter to notions of motherhood.

Abolitionist women’s discussion of *Betty’s Case*, much like Shaw’s legal opinion, weathered the knotty relation between marriage and slavery under common law contracts. Unlike Shaw, abolitionists undertook not only a discussion of the relation between the wife’s status-based obligation to her husband (though coverture was not protected for slaves), but also mined Betty’s status as an enslaved domestic servant and mother. For example, Weston wrote a rebuttal to a claim made by proponents of slavery in the *Boston Courier* that claimed that abolitionists were “attempt[ing] to break the marriage tie, to persuade the wife to abandon her husband, and the mother to desert her children.” Weston countered by outlining what family bonds looked like for enslaved domestic servants:

Betty was living in the house, not of her husband, but her master [...] He required and compelled certain services from her, quite irrespective of whether her duties to her husband and children were performed or not. Even after daily duties required by her owner are done, it does not follow,

⁶⁹ “Slave Excitement in Boston: A Tennessee Negro Girl Spurns the Abolitionists” *New York Herald*, November 10, 1857, col. 4, p. 4. For more on the moral angle of the debate see, Soifer, “Status, Contract, and Promises Unkept,” footnote 29, 1923.

⁷⁰ *Ibid.*

as a matter of course, that she can use the remainder of the day in enjoying her husband's society, or administering to his necessities; still less that she can spend the night in his hut, with the temporary comfort of feeling herself at *home*.⁷¹

Weston pointed out that with Betty's contractual return, she would not be returning to her "*home*," but to her master's. Adding that the "marriage tie," because Betty was a slave, was broken to begin with and was subject to a master's "caprice" and "pursue."

Weston, a leading voice among white women abolitionists, emphasized how as an enslaved domestic servant, Betty's labor and sociality congealed for Luis Sweet, not the life-world of her husband and children. She described how Betty had no obligation to her own family that could be met before first satisfying the needs of her owners, adding that even if Betty finished her "daily duties required by her owner," it did not mean "she can use the remainder of the day in enjoying her husband's society, or administering to his [or her children's] necessities." What Weston attempted to make clear was that under slavery, Betty's ability to satisfy her common law contract with her master invariably led to her inability to satisfy her role as wife to her husband, and therefore undercut any claim by pro-slavery groups that argued that her return to the plantation would be a fulfillment of her marriage tie.

Weston's critique of the *Boston Courier* aptly described how enslaved domestic servitude precluded notions of domesticity and marriage. In addition, it highlighted how coverture was not extended to the enslaved. It is important to note, however, how Weston's framing of Betty's enslavement recapitulated to bourgeois notions of

⁷¹ Caroline K. Weston, "The Slave Betty," *The Liberator* December 18, 1857.

domesticity, housework, and “*home*.” For example, for Weston, Betty is not denied her kin’s sociality through natal alienation, but through the “daily duties required by her owner.” Betty’s foreclosed domesticity, is therefore a result of the seemingly endless tasks of her master. By describing Betty’s enslaved domestic servitude through bourgeois notions of womanhood, domestic work and the waged work day, Weston, as Kaplan has noted in other legal cases surrounding Black women’s radical usages of motherhood, performs a surrogation to make Betty a “virtual bourgeois white woman” and uses it to illustrate Betty’s return to the Sweet plantation as a consequence of slavery on the enslaved’s notions of motherhood.⁷² Furthermore, Weston’s surrogation obscures how the notion of a private sphere and the category of “labor,” on which her explication of domestic labor hinges, did not apply to the enslaved, nor could it result in attainable domesticity, because “*home*” was foreclosed through what Hortense Spillers has called the “enforced state of breach,” which made the enslaved’s kinship claims violable.⁷³ And as Sora Han has recently argued, Spillers’ notion of the “enforced state of breach,” the property relations that invade Black kinship, can also be read within the realm of contract.⁷⁴

For example, Shaw’s legal logic for granting Betty’s freedom of contract was ironically drawn from her common law contracts on the Sweet plantation (her negated

⁷² Kaplan, “Love and Violence/ Maternity and Death,” 102.

⁷³ Hortense Spillers, “Mama’s Baby, Papa’s Maybe: An American Grammar Book,” in *Black, White, and in Color: Essays on American Literature and Culture* (Chicago: University of Chicago Press, 2003), 214-15, 218.

⁷⁴ Han, “Slavery as Contract,” 40-41. For Han, the state of breach can also be applied to the “general condition of unfulfilled promises and willful breaches,” that inhere in the slave as property.

marriage and servitude as a slave). Shaw rewrote Betty's "desire" to uphold common law contracts on the Sweet plantation as her free will. In doing so, he obscured how the contracts girded Betty's slave status and natal alienation, the systems that made what Hortense Spillers calls the slave's "flesh." In the foundational essay, "Mama's Baby, Papa's Maybe: An American Grammar Book," Spillers contends that the distinction between the "flesh" and the body is "one between captive and liberated subject-positions." The "flesh," the location before the body is made through the confluence of physical violence ("calculated work of iron, whips, chains, [...]") and state apparatuses ("judges, attorneys, 'owners' [...]") that make the enslaved into a "thing, [a] *being* for the captor."⁷⁵ The granting of legal personhood to the enslaved, Spillers argues, is premised on obscuring the systems that first produced the slave's "flesh." We can see how this works in Shaw's opinion when he read Betty's "desire" to uphold ties of affection with her masters and marriage with her husband as constituting her ability to "judg[e] for herself" whether to remain in Boston or return to Tennessee a slave, which in turn granted Betty bodily self-possession. In short, Shaw's granting of Betty's legal body was premised on rewriting the systems that produced her natal alienation, her "flesh," as what granted her protected right to contract back into slavery.

Though abolitionists' contention that Betty's return to enslaved motherhood was a moral violation of her legally granted "freedom" appeared to be at odds with Shaw's conclusion that Betty was at "free liberty" to contract into slavery, both relied on

⁷⁵ Spillers, "Mama's Baby, Papa's Maybe," 206.

individualistic assumptions that Betty could exercise her freedom freely.⁷⁶ The isomorphic legal limits of the case made it so Betty “chose” either freedom or slavery; she either condemned her children if she returned to slavery, or forsook them if she remained free. If, as Sara Kaplan argues, we read beyond the limitations of the law for the “paradoxical play of race and gender” that made the enslaved female ““mother and mother-dispossessed,”” then we can ascertain how Betty’s act collapses the distinction between freedom and slavery central to liberal contract and bourgeois notions of motherhood.⁷⁷ Like Han, I am not arguing that Betty asserted the law, nor am I proposing an intrinsic kinship claim held by Betty to return to the Sweet plantation, but am suggesting that Betty’s “flesh” provides the analytical opening to understand how notions of citizenship and liberal contract were premised on cases that regulated Black women’s maternal claims.

Conclusion

In a period of a year, the legal definition of citizenship underwent significant change. It expanded to protect the citizen rights of Mexican domestic servants under peonage, to excluding Blacks from the realm of the citizenship and the human, to granting emancipation to a Black domestic servant and protecting her right to contract back into slavery. Of course, Taney’s ruling was monumental, but by examining *Jaremillo v. Romero* and *Betty’s Case* together I hope to have shown how the narrative of

⁷⁶ Soifer notes, “There were other realistic options available, however, obscured from view by the tendency of lawyers and activists alike to reduce complex matters to binary choices.” See Soifer, “Status, Contract, and Promises Unkept,” 1926.

⁷⁷ Kaplan, “Love and Violence/ Maternity and Death,” 95.

citizenship in the antebellum courts also took shape in ways that defined racialized women's position within systems of racialized labor and bondage. More specifically, I have contended that by putting Mariana and Betty within the same analytical and historical frame as *Scott v. Stanford*, it is possible to understand how legal and popular debates established the limits of citizenship and labor by discursively regulating racialized women's human biological reproductivity and labor.

While the rest of the dissertation jumps forward to the Jim Crow era, examining *Jarenillo v. Romero* and *Betty's Case* grounds my definitions of peonage, contract, and citizenship within the legal histories of Black and Mexican women. And in the next chapter, we will explore how *Jarenillo v. Romero* played a key role in the Florida debt bondage of Black laborers, and how the liberal contract appropriated Black women's labor and kinship ties for the state's extractive industries.

Chapter Two:

The Vital Poetics of Zora Neale Hurston and Luisa Moreno: Extractive Labor and Debt, 1900-1939

“A woman told me she cooks, cleans, washes and irons all for \$2.25 per week.”

A hand-scribed note by Zora Neale Hurston at a Florida Turpentine Camp

Throughout the 1930s, Zora Neale Hurston went from one precarious source of funding to another. As the decade came to a close, Hurston began work as Negro Editor and junior interviewer for the Federal Writers’ Project (FWP), a program funded by the New Deal’s Works Projects Administration to collect oral histories of American ethnic cultures and the working class. In the waning days of the summer of 1939, just as resin extraction was being stopped for the season and the state’s pine trees put to rest for the winter, Hurston travelled to a turpentine camp in Northwest Florida’s Cross City to record Black folksongs.¹

Once at the camp, Hurston conducted preliminary interviews with turpentine workers. While awaiting her colleagues Stetson Kennedy and Robert Cook from the

¹ David A. Taylor, *Soul of a People: The WPA Writers’ Project Uncovers Depression America* (New Jersey: John Wiley & Sons, Inc., 2009), 179; For Hurston’s only ethnographic piece on turpentine for the FWP see Zora Neale Hurston “Turpentine Camp – Cross City,” https://www.floridamemory.com/onlineclassroom/zora_hurston/documents/essay.

FWP to arrive with a recorder on loan from the Library of Congress, Hurston slept in her infamous Chevy coup, “Sassy Susie,” on the outskirts of the Cross City Aycock and Lindsay turpentine camp. In the climate of the Jim Crow South, Hurston’s separate travel was a tactic to safeguard the three from lynching. When Kennedy and Cook reached the camp they found Hurston, who would normally be gone before they arrived, nervously “sitting on the porch of a shack, smoking.”¹ Hurston handed the two men three attenuated messages written on a slip of paper. The messages, told to her by workers at the camp, described the violence against camp laborers; one note told of a worker that had been killed and buried in the nearby swamp, another noted: “a hand tried to run away last week, and the sheriff had all the roads guarded.”² The final message, the epigraph above, described the reproductive labor of a Black woman; the \$2.25 she was paid for her cooking and cleaning would have to cover necessities purchased from the camp store as well as any fabricated deductions by the camp operator, most likely resulting in perpetual and expanding debt.

In an essay written decades later for the Florida Memory Project, an archive of the FWP, Kennedy reasoned that the visibly distraught Hurston on the night of his arrival was the result of the palpable danger at the turpentine camp. Kennedy noted that “terrorism was real, not fancied, and a constant in the recording of the folk material.”³ While it is true that in content and form the note Hurston passed to Kennedy and Cook

¹ Stetson Kennedy, “Florida Folklife and the WPA, an Introduction” in *A Reference Guide to Florida Folklore from the Federal WPA Deposited in the Florida Folklife Archives* (Tallahassee: Florida Dept. of State, Division of Historical Resources, Bureau of Florida Folklife Programs, 1990), 20.

² *Ibid.*

³ *Ibid.*, 21.

was the opposite of the thick ethnographic description she was expected to produce about Black social life, and could thus be seen as errata tied to Hurston's behavior, it is telling that, risking injury to herself, she confronted the camp operator with the abuses she had noted on the slip of paper before she left.⁴ Positioned under such a light, Hurston's textual scrawl emerges as part of an effort to describe, albeit cryptically, Black women's reproductive labor in Florida's extractive conifer economies.

With this glimpse into Hurston's commitment to documenting Black women's reproductive labor in the turpentine economy I begin a discussion of racialized women's labor in early twentieth century Florida. In the first three decades of the twentieth century, U.S. Black, poor European immigrants, Caribbean, and Latina/o migrants worked extractive, agriculture, and factory labor across the state. For example, in the northwest region, the extractive industries of turpentine and lumber relied on convict leasing and Black debt bondage and resulted in the death of countless workers in the conifer forests.⁵ In the Tampa region, the plantation tobacco industry although was a hotbed of labor activism throughout the late eighteenth and early nineteenth centuries, the industry's Italian, Black, Caribbean and Latina women workforce continued to face

⁴ Taylor, *Soul of a People*, 181.

⁵ Pete Daniel has extensively explored convict leasing and debt bondage in Florida's conifer and railroad industries, see Daniel, *The Shadow of Slavery: Peonage in the South, 1901-1969* (Urbana: University of Illinois Press, 1972); Daniel, "Up from Slavery and Down to Peonage" *The Journal of American History* 57, no. 3 (1970): 654-670. He has pointed to the Florida turpentine industry's dependence on convict leasing and debt bondage not as a necessary stage, or "jump start," for free waged labor, but part of the industry's reliance on "unfree" labor. As noted by Saidiya Hartman, "for black laborers, the liberty of contract primarily served to entrap them in a system of debt-bondage, see Hartman, *Scenes of Subjection: Terror, Slavery, and the Self-Making in Nineteenth Century America* (New York: Oxford University Press, 1997), 139.

inadequate wages and working conditions.⁶ Although these racialized women workers sometimes worked side-by-side, as was the case in cigar work, they were for the most part separated by the state's legacies of slave labor and the era's Jim Crow policies. This was particularly true of the extractive economies of turpentine and lumber, the focus of this chapter.

To approach Florida's Black women's labor history in extractive industries in relation to the tapestry of racialized women laborers in the state, this chapter implements Fatima El-Tayeb's articulation of Édouard Glissant's creolization of theory. I dovetail black feminist theory, Chicana feminist historical practices, and women of color interventions into Marxist labor theory of value to seek subterranean connections that, as El-Tayeb argues, challenge static categories of difference in comparative racial analyses and mainstream migration studies, which have approached different groups and their histories through compartmentalized frameworks.⁷ I take to heart El-Tayeb's articulation of a creolization of theory because it can reveal "the intersectional, sometimes contradictory workings of power" that structure racialized groups' lived-experiences, while acknowledging that these groups are not determined by those workings of power.⁸

⁶ For a great discussion of multi-ethnic labor activism in the cigar industry see Nancy A. Hewitt, *Southern Discomfort: Women's Activism in Tampa, Florida, 1880s-1920s* (Urbana: University of Illinois Press, 2001). See also Gary R. Mormino and George E. Pozetta, "Immigrant Women in Tampa: The Italian Experience, 1890-1930," *The Florida Historical Quarterly* 61, no. 3 (1983): 296–312; Louis A. Pérez Jr. "Reminiscences of a Lector: Cuban Cigar Workers in Tampa," *The Florida Historical Quarterly* 53, no. 4 (1975): 443–449.

⁷ *Ibid.*, xxii-xxiii.

⁸ Fatima El-Tayeb, *European Others: Queering Ethnicity in Postnational Europe* (Minneapolis: University of Minnesota Press, 2011), xviii.

Such an analysis enables a discussion of the ways racialized women theorized their labor and their connections to one another in expansive spatial, temporal, and poetic ways.

The need for a creolization of theory is spurred by the fact that not only have Black women seldom been discussed in historical analyses of turpentine and lumber, but studies have entirely sidelined the centrality of their life-producing labor to these extractive economies. I propose a theory of vital poetics to make Black women, their labor, and their connections to other racialized groups visible. By “vital” I am referring to Kalindi Vora’s notion of vital energy, “the substance of activity that produces life (often deemed reproductive),” which enhances the bodies and sociality of consumers while depleting the life of its producers. Opposed to a labor theory of value that relies on an accounting of labor time, the expenditure of vital energy can be studied in terms of “the subjective marking of what is exhausted,” and allows us to hold on to Black women’s life-producing activities “as greater than what can be described in terms of physical commodities and their value as represented through exchange.”⁹ By poetics I refer to Glissant’s “poetics of relation,” a form of connection between different groups that is “forever conjectural and [that] presupposes no ideological stability,” but enables explorations of power not visible by focusing on the labor or migration of a single group. Specifically, by tracing vital energy alongside a poetics of relation, I focus on the way racialized women workers create connections to each other and their life-producing activities and reveal how the strategies of accumulation that deplete their vital energy are

⁹ Kalindi Vora, *Life Support: Biocapital and the New History of Outsourced Labor* (Minneapolis: University of Minnesota Press, 2015), 19, 22.

also the conditions for new forms of sociality that challenged the very material contexts through which their subjectivities emerged.¹⁰

Methodologically, a theory of vital poetics relies on ethnographic and fictive practices because, as Kalindi Vora notes, they are repositories of the social relations of the vitality of living labor that are missing from the historical archive and are capable of revealing vital energy's "production, consumption, and accumulation."¹¹ And from 1936-1939, the writings of ethnographer, novelist, and singer Zora Neale Hurston, and labor organizer and poet, Luisa Moreno, drew from the social reality of the racialized women laborers they *represented* (in both the ethnographic and organizing valences) to make critical interventions into anthropology and American unionism, respectively. As far as anyone knows, Zora Neale Hurston and Luisa Moreno never met, but their vital poetics created ethnographic and the poetic ways to show how racialized women's labor "produce[d] value in invisible or undervalued ways."¹² Their efforts across the labor geographies of Florida revealed how racialized women laborers actively changed their social and labor experiences in the state's extractive economies.

Leading scholar of Latina/o labor history, Vicki Ruiz, notes that in late 1935, Luisa Moreno boarded a ship headed to Florida with her daughter Mytyl to "leave her husband, New York City, and the Communist Party."¹³ Moreno arrived in the sunshine state in early 1936 and for the next two years organized black, Caribbean, Latina, and

¹⁰ Ibid., 15.

¹¹ Ibid., 18.

¹² Ibid.

¹³ Vicki L. Ruiz, "Una Mujer sin Fronteras," *Pacific Historical Review* 73, no. 1 (2004): 1–20, 7.

Italian cigar rollers for the American Federation of Labor. To mark her arrival, she changed her name to better connect with the racialized women she was to organize for the AFL. Ruiz has argued that Moreno, born Blanca Rosa Rodriguez, chose the name “Moreno,” which means dark or black, because it held the opposite meaning of her birth-name (white rose), and because it contrasted with her light-skinned complexion. Rodriguez’s decision to pick “Luisa” was an invocation of Puerto Rican feminist writer and organizer Luisa Capetillo, who, two decades prior, similarly troubled notions of racialized gender by cross-dressing to better organize cigar workers in Florida.¹⁴ For Ruiz, Moreno’s name change symbolized a “conjugating [of] identity” that was meant to “forego any potential privileges predicated on race, class, or color.”¹⁵ In her first year, Moreno successfully organized a contract that covered thirteen thousand cigar workers from “Ybor City to Lakeland to Jacksonville.”¹⁶ Moreno’s blistering success in Florida was short lived. After finding out that the AFL revised the agreement to be favorable to the cigar industry, she encouraged workers to reject it. Soon afterwards, she was charged with insubordination and was eventually forced to relocate to Pennsylvania.¹⁷ Before doing so, however, she played an important role in founding a caucus that challenged the AFL’s member dues structure at the AFL’s 1936 convention held, serendipitously, in Tampa. Her dissatisfaction with the AFL was palpable, and she turned to poetry to

¹⁴ Vicki L. Ruiz, “Of Poetics and Politics: The Border Journeys of Luisa Moreno,” in *Women's Labor in the Global Economy: Speaking in Multiple Voices*, ed. Sharon Harley (New Brunswick: Rutgers State University Press, 2007), 33.

¹⁵ *Ibid.*

¹⁶ *Ibid.*, 34.

¹⁷ Ruiz, “Una Mujer sin Fronteras,” 10.

capture her frustration with the union's inability to serve racialized workers by writing about the debt bondage of Black turpentine workers in the state.

At about the same time that Moreno was being relocated, Hurston was returning to her home state of Florida from being in Harlem. Hurston secured an eighteen-month work contract with the Federal Writers' Project. She planned to use her time to collect ethnographic material with turpentine workers, including audio recordings of turpentine work songs. Her work at the Federal Writers' Project, which culminated in this chapter's opening vignette, was less than well-received by her employers. The FWP's leadership appraised Hurston as unreliable; her recording techniques, unorthodox.¹⁸ Roshanak Kheshti has argued that Hurston's "infidelity," which is to say her refusal to facilitate the "optimum resource extraction" from black turpentine laborers through proper forms of sound recording and archival practices, made striking interventions into anthropology and challenged the field's tacit complicity with the conditions of literal extraction of life and labor from black workers.¹⁹

Luisa Moreno's and Zora Neale Hurston's critiques of their respective fields help illuminate the material conditions and legal histories that authorized Black women's debt bondage in Florida's turpentine economy. By linking the two, in the first part of the chapter, I am able to trace how the figure of the immigrant, which would mark Moreno throughout her life and career, resulting in her deportation in the 1950s, came to serve as a discursive tool to secure debt bondage of Black workers in the turpentine and lumber

¹⁸ Kennedy, "Florida Folklife," 14; Taylor, *Soul of a People*, 170-172.

¹⁹ See "Epilogue" in Kheshti, Roshanak. *Modernity's Ear: Listening to Race and Gender in World Music* (New York: New York University Press, 2015).

industries. I discuss a Congressionally backed investigation into the peonage of what Michael Frye Jacobson calls probationary white groups, which in Florida included Jewish, Greek, and Italian immigrants, and how it took pressure off of the condemnation of the debt bondage of Blacks on which the industry's production relied.²⁰ I contend that investigations into immigrant peonage increasingly burdened Black women within the turpentine economy's modalities of extraction, particularly as their bodies and labor were appropriated to reproduce camp laborers and their kinship ties were used to produce further debt.

In the second part of the chapter, I center the voice of Black women turpentine workers by reading a collection of affidavits from a 1921 debt bondage case (the Brown Case) alongside Zora Neale Hurston's original manuscript of her play "Polk County." The affidavits from the Brown Case are unique in that they focus on Black women laborers, something not at all common in debt bondage investigations. I position the affidavits alongside Hurston's fictive account of camp life in "Polk County," considered

²⁰ Michael Frye Jacobson has argued that the category of "white persons," which is grounded most notably in the Naturalization Act of 1790, is at the core of shaping settler migration from Europe. Those who could lay claim to the legal construct of "whiteness," Jacobson notes, changed during the period from the 1840s to 1924 with the passage of the Johnson-Reed Act, which relied on the racial logic of biology and eugenics to label European immigrants from regions such as Ireland, though "white," as undesirable, and as such "unfit" for citizenship. The revision to the category of whiteness, Jacobson concludes, was not so much "a new departure 'toward racism'" but a metric by which to measure who merited entrance into the community of white persons and all of the rights such a position had entailed in the decades before. See Michael Frye Jacobson, *Whiteness of a Different Color: European Immigrants and the Alchemy of Race* (Cambridge, Mass.: Harvard University Press, 1998), 68. For an important discussion of how notions of citizenship and whiteness were constructed against Mexican migrants, particularly after the Johnson-Reed Act, see, Natalia Molina, *How Race is Made in America: Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley: University of California, Press, 2014).

to be one of the stories in which Hurston's ethnographic work with turpentine workers "seeped in," to read for Black women's life-producing activity.²¹ By tracing Black women's labor through legal, ethnographic, and fictive sources, I explore how the conditions of their labor were also the conditions through which they shaped their social existence and in turn shaped the processes of capital's extractive logics.

In the third and final part of this chapter I read Luisa Moreno's "On the Road," a poem about Black turpentine workers by engaging Moreno's family history in Guatemala's plantation economy alongside her organizing in the plantation economies of Florida's cigar economy. Doing so allows me to describe how Moreno, a Guatemalan migrant, sought to explain the turpentine economy's reliance on the depletion of Black women's vital energy. Ultimately, this chapter positions Hurston and Moreno not as exemplary figures, but part of a tapestry of Black, Caribbean, and Latina migrant women laborers in the Florida peninsula that challenged white settler extraction of their life-producing labor. To this end, I interweave the poetic in Hurston's ethnographic work, and the ethnographic in Moreno's poetic work to invoke, contrary to an anthropological notion of "emptying the field," how their shared vital poetics made visible their social connections and life-producing activities among the state's racialized women workers.

A History of Turpentine and Lumber Industries in Florida: Immigrant Peonage and Black Debt Bondage

²¹ Taylor, *Soul of a People*, 182.

Zora Neale Hurston was born January 7, 1891. She was raised in Eatonville, Florida, a town of primarily Black inhabitants where her father served as mayor. Hurston pursued graduate studies at Columbia University in New York with famed anthropologist Franz Boas, and in the early 1920s, returned to her home state to conduct research in the Bahamian quarter in Miami and the Cuban quarter in Ybor City.²² Following her early ethnographic training with immigrant communities, Hurston was able to procure cutting-edge recording devices, including a phonograph and a 16mm camera from the Library of Congress, both of which she used to document turpentine laborers' living and work conditions, their "work songs," and Black women's social and life sustaining labor.

Sometime in 1928, Hurston, using the same train tracks that the East Coast Railroad Company used to carry lumber out of Cross City, the hub of lumber and turpentine in Florida, captured a moving shot of Black workers chopping wood and hoisting logs high into the air with the use of a crane. In a separate 16mm recording, Hurston recorded a Black woman slowly exiting her house and walking toward the camera; the camera zooms in on the woman's smile, her face turns to the right and then to the left. In another brief clip, we see the woman sitting on the handrail of her porch. She is accompanied by a friend; they share a laugh. The recording of a sweeping panorama of lumber extraction alongside Black women's quotidian acts, because 16mm film was exceedingly rare, expensive, and difficult to transport, reveals the forms of subjectivity Hurston sought prioritized in her ethnographic work, which, as we will come to see, by

²² Taylor, *Soul of a People*, 167

the time she writes of her experiences in the turpentine economy in the late 1930s, had long been tied to the labor regulation of the state's immigrant labor force.

Hurston's usage of film to capture Black life, labor, and sociality was pioneering. And in many ways so too was her dream to have her novel, *Seraph on the Suwanee*, adapted into a Hollywood film by Metro-Goldwyn-Mayer— especially for the ways it could reveal how the turpentine industry controlled what society saw of the industry's exploitative conditions.²³ *Seraph on the Suwanee* which drew heavily on her ethnographic work with Black turpentine workers, is about poor whites trying to improve their lot by working in Florida's turpentine economy in the camp town of Sawley. In a scene of the novel, Jim Meserve, a white woodsman who kept the accounts and “made out the time” of Black workers' pine “chipping and dipping,” holds a spoon loaded with sugar and turpentine spirits over the out-stretched and flailing body of his soon-to-be fiancé, Arvay Henson, a poor white woman born of a “Cracker from way back,” who is experiencing an epileptic seizure in the parlor of her family's home. Jim, nervous, misses getting the spoon, loaded with the “harshness of spirits of turpentine [which] had earned it a high place as a cure-all,” into Arvay's mouth and spills the mixture into her eye. Arvay jumps and frantically runs outside to wash her eye out in a well.²⁴ The incident occurs on the night that Jim, whose family was once an important plantation owning family before the Civil War, is introduced to Arvay's family as her suitor, and although Arvay ends the night by cursing at him in front of her family, the couple eventually get

²³ “She Was the Party” by Valerie Boyd reprinted in Zora Neale Hurston, *Seraph on the Suwanee* (New York: HarperCollins, 2008), 12.

²⁴ Hurston, *Seraph on the Suwanee*, 31-32.

married and have a child, who is partly raised by a Black camp woman named Dessie, before ultimately achieving upward mobility out of Florida's conifer swamps.

Jim's spilling of turpentine into Arvay's eye is suggestive of the way the turpentine industry colored how workers see the relations of production in the camp. On the one hand, the turpentine industry created isolated camps that controlled movement and information in and out of the camp to stymie Black workers from escaping conditions of debt bondage. On the other hand, the relations of the turpentine industry were upheld by Jim, as he was the camp overseer. It is interesting, then, that Jim bungles his attempt to cure Arvay with turpentine. The act is perhaps symbolic of his lack of mastery over his role as manager of his turpentine work force, where he is to oversee the exploitative and often deadly processes of extracting resin for turpentine production, which in turn makes possible the extension of Arvay's life through access to its commodity form. More broadly, his failure to follow through on the procedure to properly use turpentine for extending white life, is suggestive of his struggles, following his family's dispossession from the plantation economy, to discipline Black life. In fact, Jim's shoddy management over resin extraction often leads to the death of Black laborers in the conifer swamps; one of his workers, for example, is crushed by a tree. Although the death of Black workers was not counter to the strategies of accumulation in extractive economies, Jim's inability to properly manage life and death, either the extension of Arvay's life, or that of Black workers, who are to be worked to death, not die by getting crushed by the tree they are to tap (particularly because the felled tree and worker are removed from process of extraction), shows Jim's struggles to regain mastery as a white subject under the new regime of racial dominance in the Jim Crow era. Despite his struggles, by the end of the

story, the Meserves have gone from workers in the chain of turpentine production to achieving mobility out of the industry, and their ability to purchase turpentine as a commodity outside of the relations of production that produce it has at least discursively mystified the forms of Black life and death on which Arvay's life extension depends.

While Hurston noted that “the life of Sawley streamed out from the sawmill and the ‘teppentime ‘still,’” it is interesting to consider how at the level of textual construction, Hurston's ethnographies with Black turpentine workers provided the Meserves' their literary life. As Valerie Boyd notes, “whole phrases are lifted from the mouth of a black character in an earlier novel and inserted into the mouth of a member of the white Meserve family.”²⁵ Not only the words, but the ethnographic details of *Seraph on the Suwannee*'s world are drawn from Hurston's ethnographies. It could be said that the literal and literary life of the Meserve family is made by Black laborers toiling in fictive and real conifer camps and swamps. Broadly speaking, *Seraph on the Suwannee* can be read to show how Black workers in Florida's lumber and turpentine yards, though displaced narratively, produced white life. And read critically, the narrative of the Meserve family as whites fallen from the master class that regain their position through the Jim Crow racial regime, serves to obscure Blacks' conditions of debt bondage, even so the novel attempts to balance a history of the conditions of turpentine and lumber in the state.

Hurston describes the early history of settler colonization in terms of the seemingly forgotten origins of the small camp town of Sawley in *Seraph on the*

²⁵ Boyd, “She Was the Party,” 14.

Suwanee. By doing so, Hurston frames The Meserves' story in the historical conditions of Native removal and genocide that were necessary to produce the turpentine spirits through which the Meserves' gain mobility.

Few were concerned with the past. They had heard that the stubbornly resisting Indians had been there where they now lived, but they were dead and gone [...] The conquering Spaniards had done their murdering, robbing, and raping and had long ago withdrawn from the Floridas.²⁶

The history of extractive lumber and turpentine production that Hurston points to begins with colonial maritime expansion— an economy termed naval stores. The naval store economy in the seventeenth and eighteenth centuries extracted resin from conifer in the Virginias and the Carolinas to serve as a crude weather protectant and sealant for colonists' ship hulls, making further settler colonization and mercantilism possible.²⁷ But in order to first gain access to the pines, colonists forced Native groups to drain the regions' swamps. English settlers systematically exhausted the regions' conifer and began pushing further south into Georgia, and eventually into the borderlands of Alabama and Northern Florida, where the Spanish had already initiated their own naval stores economy in the eighteenth century.²⁸

²⁶ Hurston, *Seraph on the Suwanee*, 2.

²⁷ Robert N. Lauriault, "From Can't to Can't: The North Florida Turpentine Camp, 1900-1950," *The Florida Historical Quarterly* 67, no. 3 (1989): 310-328.

²⁸ Jeffrey A. Drobney, "Where Palm and Pine are Blowing: Convict Labor in the North Florida Turpentine Industry, 1877-1923," *The Florida Historical Quarterly* 72, no. 4 (1994): 411-434. It wasn't until the English arrived in Florida, however, that resin

The systems of slave labor and native removal and genocide central to the nascent development of the conifer economy was, in the Jim Crow era, transmogrified into a new regime of racial management centrally figured on convict leasing and debt bondage of Black laborers. As Cedric Robinson notes in his study of Jim Crow regimes of race and labor in the late nineteenth century, the American North displaced London as the center of financial capital for U.S. agriculture and extractive economies, gaining direct access to the “Southern economic colony.”²⁹ Funded by Northern finance capital, lumber and turpentine industries, as well as the railroad companies that transported raw materials out of the forests, depended on cheap and intensive labor and heavily guarded against outside labor recruitment to ensure their continued access to a surplus pool of Black workers. The lack of mobility that Black laborers faced under segregation’s new regimes of race and labor subjected them to what Robinson calls the “death litany of hard labor,” that used convict leasing and debt bondage to maximize returns on the investments by finance capital and profits for industries’ owners.³⁰

Coinciding with the shift in the centers of finance capital to the American North, the uses of resin shifted from naval stores to turpentine production. Despite a shift toward turpentine commodities, the labor-intensive processes and technologies for the extraction

production dramatically increased in the region, due to a spike in production with the shift to turpentine production in the early nineteenth century.

²⁹ Cedric J. Robinson, *Forgeries of Memory & Meaning: Blacks & The Regimes of Race in American Theater & Film Before World War II* (Chapel Hill: North Carolina Press, 2007), 181.

³⁰ *Ibid.*, 181-182.

of resin remained relatively unchanged in over three hundred years.³¹ Workers waded ankle deep in swamp waters that hid barbed low-lying saw palmettos that lacerated feet and led to severe infections. Once workers reached the conifer, they chopped 45 degree striations to form a shape similar to an arrow's fletching nearly all the way down the trunk of the tree— a physically demanding process termed “cat-facing.” The “cat-face” slowly bled resin into a pot hung at the tree's base and was to be collected days later. Eventually, trees were tapped out, and forests cleared, forcing entire camps to be dismantled and moved to land untouched by industry.

Despite the technologies for resin extraction not changing, the methods to attain a labor force did. Private convict leasing began in the 1870s, and in 1907, caused by an uptick in turpentine production, the Florida legislature passed a series of vagrancy laws that would, according to Florida officials, allow “the convict [to] develop habits of industry and a willingness to work,” and that made it so anyone over the age of 18 could be arrested for idleness.³² Under the statute, black subjects caught outside of contractual obligation were, as Saidiya Hartman notes, labeled idle, “arrested, summarily charged and convicted, and dispatched to the nearest lumber or turpentine camp where his debts would inevitably mount.”³³

³¹ For an excellent discussion on the labor process for extracting resin see, Jerrel H. Shofner, “Forced Labor in the Florida Forests, 1880-1950” *Journal of Forest History* 25, no. 1 (1981): 14-25.

³² Drobney, “Where Palm and Pine are Blowing,” 416; Lauriault, “From Can't to Can't,” 319. Drobney outlines the various reasons leading to the adoption of convict leasing in Florida, including an increasingly burdened and failing penitentiary system in the wake of the Civil War, a method to alleviate increased competition amongst operators for retaining laborers, as well as what Alex Lichtenstein calls penal humanitarianism, a belief that coerced labor was the route to proper laboring subjecthood for Black subjects.

³³ Lauriault, “From Can't to Can't,” 319.

In addition, Florida's state coffers made substantial profits in the leasing of convict laborers, making as much as a quarter million dollars in the leasing of 1200 convicts in one transaction in 1906.³⁴ Lumber and turpentine operators then participated in an economy of subleasing to other operators, and in the process accumulated wealth through what could be best described as the ongoing fungibility of black flesh, particularly as the amount of money made was in significant excess to the use-value of turpentine, which served as an additive for low-value and frivolous commodities such as thinner in paint and an flavor agent for lemon ice-cream.³⁵ In short, convict leasing and sub-leasing provided great wealth for Northern finance capital, state coffers, and private interests at an extreme cost to Black laborers. The brutalities of turpentine and lumber work did not go unnoticed, and beginning in the first decade of the twentieth century, the atrocities that occurred in the conifer swamps began to be widely reported.

Fueled by progressive sentiments developing in the South beginning with the Presidency of Theodore Roosevelt, exposés on the conifer economies served as a lightning rod for the condemnation of convict leasing in turpentine and lumber industries.

³⁴ The state of Florida made significant amounts of money for state coffers through black convict leasing, as much as a quarter million dollars in the leasing of 1200 convicts to C.H. Barnes and Company of Jacksonville. C.H. Barnes and Company then subleased prisoners to another turpentine operation making a profit of \$144,000 for themselves. In turn, the secondary lessee further subleased convicts to various turpentine and lumber operators in northern Florida, "making a profit of \$100,000." See Drobney, "Where Palm and Pine are Blowing," 426.

³⁵ Following the theorization by Hortense Spillers, I use "flesh" to signal the legal and extralegal ways Blacks were rechatellized following emancipation that were premised on the barring of Blacks from the legal granting of a "body," for more see, Hortense Spillers, "Mama's Baby, Papa's Maybe: An American Grammar Book," in *Black, White, and in Color: Essays on American Literature and Culture* (Chicago: University of Chicago Press, 2003). For the many uses of turpentine see Lauriault, "From Can't to Can't," 313.

For example, Marc Goodnow's 1915 exposé titled, "Turpentine: Impressions of the Convicts' Camps of Florida," described a weekly training exercise where dogs were released to hunt convict laborers released into the saw-palmetto swamps as a way to have the hounds prepared in the eventuality that a convict actually attempt to escape.³⁶ The escalating public portrayals of turpentine camps led to monthly camp inspections by the commissioner of agriculture, the Florida legislature's ban on convict sub-leasing in 1913, and in 1919, a ban on private leasing all together.³⁷ The state, however, continued to use convict leasing for public projects.

Although it would appear that the South's growing interest in reform was ameliorating conditions in the state's extractive economies, convict lease reform belied the fierce grip that debt bondage had gained over the region during the same decade. Also referred to as peonage, debt bondage is the practice of holding a laborer debt, often on fabricated grounds. I make a distinction between debt bondage and peonage because the muddled origins of peonage as a term to describe the contractual relation of a debt bond, as Shelley Streeby notes, has been around as early as the nineteenth century and was used to describe various labor arrangements, often Mexican or Spanish in origin. While not all peonage relations were based in a coercive relation, the terms emergence and significance within U.S. society emerged as a result of U.S. imperial encounters with Mexican society and came to be broadly used to describe a condition of racialized servitude associated

³⁶ For an account and discussion of Goodnow's exposé see Drobney, "Where Palm and Pine are Blowing," 411-412.

³⁷ *Ibid.*, 420; 433.

with Mexican Indian and mestizos.³⁸ In the case of the U.S. South, Pete Daniel defines peonage as emerging from the labor patterns of contract that originated following the Civil War, particularly in those of sharecropping on plantations.³⁹ As a way to ensure labor in the South, plantation owners and government officials authorized contractual systems girded by Black Codes statutes and vagrancy laws to keep Black laborers tied to the occupations they had worked as slaves.⁴⁰ In essence, Daniel notes, it could be understood that although data on peonage in the nineteenth century U.S. South is “sketchy,” it is safe to assume that given Southerners unwillingness to “relinquish control over black laborers,” and the wide-usage of violence to discipline Black laborers, acts of peonage preceded the terms entrance into American legal discussions.⁴¹

To attend to the complicated history of the popular and legal definitions of peonage at the turn of the twentieth century, I use peonage to refer to the racialized labor system that originated in Mexican contract, and debt bondage when describing the conditions of bondage for Black laborers in Florida’s extractive economies. Although the terms were often used interchangeably, I hold on to the difference to show how a Congressional inquiry to investigate peonage amongst immigrants of Jewish, Italian, Greek, and Hungarian backgrounds, what Michael Frye Jacobson calls “probationary whites,” contracted from New York into Florida, was, as Pete Daniel notes, part of a

³⁸ Shelley Streeby, *American Sensations: Class, Empire, and the Production of Popular Culture* (Berkeley: University of California Press, 2002), 192-193.

³⁹ Daniel, *The Shadow of Slavery*, 20-21.

⁴⁰ Ibid.

⁴¹ Ibid.

campaign to obscure the conditions that kept Black laborers tied to turpentine and lumber through debt bondage.

To understand how the two terms gained meaning in the context of Florida, let's start on November 21, 1901, with one of the earliest and most famous cases of peonage in the Northern District of Florida's circuit court. The court found that Samuel L. Clyatt, co-operator of Clyatt & Tift, "unlawfully and knowingly return[ed] one Will Gordon and one Mose Ridley to a condition of peonage."⁴² Gordon and Mose were Black workers at Clyatt's turpentine camp but had left to work for another turpentine contractor. Clyatt, along with three armed men and a deputy sheriff, showed up at the neighboring camp to forcefully return Gordon and Ridley to his camp. Although Clyatt was found guilty of holding both men in a condition of bondage and was ordered to serve four years in a federal penitentiary, he successfully appealed his case to the U.S. Supreme Court.⁴³

In the years leading up to Clyatt's 1904 Supreme Court case, turpentine and lumber operators formed a united front and raised money for his defense. Meanwhile Congressman William G. Brantley, who was to represent Clyatt in court, practiced his arguments on the floor of Congress. Brantley, anticipating that the Supreme Court would appeal to an 1867 federal peonage statute, which drew its origin to the territorial New Mexico peonage case, *Jaremillo v. Romero* (1857), readied his defense by telling his fellow Congressmen that the statute "was chiefly aimed at preventing the U.S. Army from returning New Mexican peons to their masters," and had been passed by an ill-

⁴² Ibid., 10.

⁴³ Ibid.

informed Senate that trivialized the meaning of peonage.⁴⁴ Brantley added that the case of New Mexico peons did not apply to Florida because “the same rule applies to peonage that applies to slavery; and the rule as to slavery being, if there is no law to authorize it there is no slavery; it necessarily follows, if there is no law to authorize ‘peonage,’ there is no peonage.” In other words, because there had been no sanctioned system of peonage in Florida, his client could not be found guilty of the practice.⁴⁵

When it was Clyatt’s day in front of the Supreme Court, Justice Brewer disagreed with Brantley’s states’ rights argument, and as Brantley had suspected, Brewer cited *Jaremillo v. Romero* to define the legal origins of peonage in the U.S. The case involved a New Mexico landowner (Jose de la Cruz Romero), who charged his young domestic servant (Mariana Jaremillo) of leaving his service before settling a debt of \$51.75 (see chapter one). Brewer cited the case’s legal opinion to hold that a person under contract could “elect at any time to break it” without recourse of coerced labor. Brewer then implemented the 1867 federal peonage law to define unlawful peonage as the “holding, arresting, returning” of laborers on the basis of a debt.⁴⁶ Ironically, Brewer ruled that Clyatt was to be set free because “the lower court had erred by not directing the verdict for Clyatt,” because, in his opinion, there was a lack of evidence that Gordon and Ridley were returned to a condition of peonage, as both men disappeared shortly after the incident and could not be found to testify.⁴⁷

⁴⁴ Ibid., 12

⁴⁵ Ibid., 13. As Daniel notes, Brantley doubled-down on his assumption by pointing to how after the Civil War there was no passage of a federal law preventing slavery “because no state had set up a system of slavery” (13).

⁴⁶ Qtd. in Daniel, *Shadow of Slavery*, 16.

⁴⁷ Ibid., 17.

Though Clyatt was awarded his freedom, the Clyatt Case federally enforced the 1867 peonage statute, which worried turpentine operators over their debt-labor systems.⁴⁸ In the following months, the relationships first established as part of the Clyatt Case between business and civic leaders were formalized into the Florida State Board of Trade, and with S.A. Rawls, who had been the architect of the state's convict lease system as their head, sought to "brunt the peonage charges that swept the country."⁴⁹ The Florida State Board of Trade asked the Department of Commerce and Labor to investigate the nation's "greatest menace to increased immigration," poor whites' susceptibility to the threat of peonage.⁵⁰ In collaboration with Southern congressmen, the Florida State Board of Trade, began what Pete Daniels calls an "obfuscating campaign" meant to take the pressure off black debt bondage in Florida's turpentine economies by presenting a bill that would investigate peonage at a national level with a strict emphasis on immigrant labor.⁵¹ The clandestine goal of the request was to cloud the definition of peonage established by the courts to allow the propagation of Black debt bondage. And despite anti-peonage advocates' challenge to turpentine interests, Congress authorized the Immigration Commission to examine peonage among immigrants across the United States. As expected, the commission did not provide guidelines nor requirements for

⁴⁸ Ibid. Fred Cubberly, lead investigator of Florida's wide-spread practice of peonage in the early twentieth century, worried that if the federal statute were to be found unconstitutional in court it would allow turpentine operators to institute peonage without fear of being federally prosecuted.

⁴⁹ Ibid., 9.

⁵⁰ Ibid.

⁵¹ Ibid., 100; 108.

examining Black laborer conditions– the primary labor force of the turpentine and lumber industries.⁵²

The inquiry into immigrant peonage successfully diverted attention away from conditions of Black debt bondage and rendered the legal test of the 1867 peonage law in *Clyatt* null. In fact, the power of the “obfuscating campaign,” which is to say the public face given to threat of peonage as ability to reduce whites to a condition of bondage associated with Mexican Indians and mestizos, allowed the practice of debt bondage of Blacks to continue. In addition, in the same year that convict leasing was banned, the ability to hold Black laborers under conditions of debt bondage expanded with the state statute, “An Act to Provide a Penalty...” which, as Shofner notes, turpentine operators used to secure access to an “uninterrupted practice of peonage and brutality.”⁵³ Rendering the 1867 federal peonage statute moot, the 1919 state statute forced laborers to remain under contract until they paid off their debt, legally making it so the burden of proof was on the person accused of debt. It is no surprise then, that debt bondage should become particularly pernicious during the 1920s and the 1930s, resulting in dire consequences for Black women in particular.

The Brown Case Affidavits and Zora Neale Hurston’s “Polk County”

⁵² *Ibid.*, 103.

⁵³ Jerrell H. Shofner, “Postscript to the Martin Tabert Case: Peonage as Usual in the Florida Turpentine Camps,” *The Florida Historical Quarterly* 60, no. 2 (1981): 161-173, 163. The full name of the act was “An Act to Provide a Penalty to be Imposed Upon any Person in This State Who Shall, With Intent to Injure and Defraud, Obtain or Procure Money or Other Thing of Value on a Contract or Promise to Perform Labor or Service and Prescribing a Rule of Evidence Governing Same,” *Laws of Florida* (1919).

“She states that people on the chain gang are better off than the people in this camp— the only difference being, they get paid off once a month”

The affidavit of Rosa Whitlock

With the abolition of convict leasing in the years leading to the 1920s, turpentine operators began to almost exclusively rely on debt bondage to retain an immobile labor pool. Even though state-authorized forms of debt bondage increasingly burdened black women throughout the 1920s and 1930s, Black women’s experiences have been relegated to the footnotes in studies of turpentine and lumber. As early as 1907, vagrancy statutes targeted Black women by making labor compulsory, arresting and forcing them into convict leasing; other times, lumber and turpentine operators bought their debt from the state and forced them to work it off at their camps.⁵⁴ Other cases involved Black women living and working in camps to help male kin pay off their debt to the camp owner— they too were prohibited from leaving beyond the camp’s armed garrisons. By reading a rare handful of interviews with Black women workers as part of a 1921 investigation into debt bondage at Brown Turpentine Company camp in Cross City alongside Zora Neale Hurston’s play “Polk County,” about lumber workers and “housekeepers” in an isolated lumber yard, I seek to show what Kalindi Vora calls a “theory of how gendered labor and kinship intersect to produce relatedness and social value, rather than capitalist value.”⁵⁵ I

⁵⁴ For more information on how convict leasing into turpentine camps was separated by gender in 1910 and how, given the isolation of camps, the regulation was difficult to enforce, see Drobney, “Where Palm and Pine are Blowing,” 423.

⁵⁵ Vora, *Life Support*, 135.

will use both texts to read how Black women created forms of sociality in surplus to the relations of production for conifer industries and that challenged the systems that used their bodies, kinship ties, and life-producing labor as a means to produce debt.

Though their labor was integral to the production of turpentine and lumber commodities, Black women were ultimately alienated from it. This included being socially alienated from the life-producing labor they invested in their own kin and in camp inhabitants. Moreover, the violation of kinship ties produced debt for the camp. In this study, following the work of Neferti Tadiar, I seek to challenge previous studies of feminized and gendered reproductive work that have positioned women as “finished products” within an already operative structure of capital, a system that they have no role in shaping. For Neferti Tadiar, the experiences of women, which is to say their “subjective activity,” though said to be subsumed by the “objective structures” of capital as naturalized resource, transforms the social reality of the conditions to which they are subjected.⁵⁶

Reexamining extractive turpentine and lumber work by focusing on Black women’s subjective activity necessitates an engagement with ethnographic and literary texts. Given the interests of this chapter, how do we read for ethnographic and poetic textures in the legal affidavits of Black women? How do we read affidavits for the life-producing activity of Black women workers and the social formations that emerge in excess to extractive economies’ relations of production? I read Black women turpentine workers’ affidavits alongside Hurston’s play, which is drawn from her ethnographic work

⁵⁶ Neferti Tadiar, *Things Fall Away: Philippine Historical Experience and the Makings of Globalization* (Durham: Duke University Press, 2009), 38.

with turpentine workers, to show that together, they are “theorizations by a group”— a poetics— that is a form of sociality that contests wage contract as a supposed mutual agreement between workers and contracting parties.⁵⁷ I draw out the material conditions of Black women’s debt bondage through what Vora calls the aesthetic representation of ethnographic texts that are capable of “imagining of an alternative set of political possibilities and modes of connection” that emerge within the conditions through which their vital energy is extracted.⁵⁸ In the affidavits, as will be explored in my reading of “Polk County,” Black women turn to each other to not only condemn camp operators, but use their life-producing activity and social connections to negotiate systems of life extraction. Let’s now turn to the Brown Case affidavits.

Alston Brown’s position within the turpentine industry cannot be overstated, his camp stretched over 300,000 acres and as Outland notes, gave rise to the surrounding region of Dixie County, including the county seat, Cross City, which had a population of a few hundred primarily black inhabitants.⁵⁹ Brown regularly used labor agents to lure black workers with promises of good pay from cities such as Jacksonville. Once workers reached the camp they discovered they had incurred a debt for their transportation.⁶⁰ In addition, workers were compelled to spend company scripts to acquire the necessary goods, including food and cots, to survive in the inhospitable swamps. In cases where workers attempted to flee, Dixie County law enforcement, in cahoots with Brown,

⁵⁷ Vora, *Life Support*, 107.

⁵⁸ *Ibid.*, 44-45.

⁵⁹ Robert B. Outland, *Tapping the Pines: The Naval Stores Industry in the American South* (Baton Rouge: Louisiana State University Press, 2004) 246; 177.

⁶⁰ *Ibid.*, 246.

tracked them down. If a contract violation was not upheld in court, Brown alleged battery and often “instructed the justice of the crime and the sentence,” which included whippings and hanging workers by the thumbs.⁶¹

On November 11, 1921, as the attention to peonage cases continued to grow across Florida, John Bonyne, on behalf of the U.S. Attorney, showed Lizzie Bush, a resident of Jacksonville, a photo of a woman. Lizzie replies to Bonyne that she “knows this woman well; that she was in the camp with her and that she knows that Capt. Brown beat her pretty much because she was getting old and could not do the work like some of the younger ones.”⁶² For Bonyne, who was collecting information to mount a case against the Brown Turpentine Company, Bush’s identification of the woman in the photo, Rosa Whitlock, substantiated both women’s claims against Brown. Lizzie Bush’s words about Rosa Whitlock, who worked as dishwasher and cook, and was “getting old” and not doing “the work like some of the younger ones,” shows how the extraction of Rosa’s vital energy was necessary to reproduce camp laborers, which in turn led to her physical inability to keep working and then resulted in the physical brutality levied by Brown.

Lizzie Bush worked at the Brown camp for two years and was initially promised \$20.00 a week to work as a cook. In reality, she tells Bonyne, she was responsible for cooking for over 200 workers and was kept in constant debt. Bush adds that her debt began from the first moment she arrived at the turpentine camp, when she was handed \$20.00 dollars by Brown and was told to pick out anything she needed from the company

⁶¹ Ibid., 247.

⁶² “Affidavit Report by John Bonyne relating to Capt. W.A. Brown and Morse Brown, Cross City, Florida, and Alleged Peonage, November 11, 1921,” Frederick C. Cubberly Papers, P. K. Yonge Library of Florida History.

store. Lizzie “saw then that she was trapped and could not get away.” She immediately told Brown that she wanted to pay back his money and leave. To which Brown replied “that no negro could leave the camp unless he said so; that she might stay a year or a life time, according to his will.” Lizzie Bush’s recalling of Brown’s words clarifies how Brown intended to keep her captive to deplete her vital energy for the camp’s reproduction, like he had done with Rosa Whitlock. Bush’s determination to hold on to her social connection to other women, and Rosa Whitlock in particular, can be read against Brown’s management of women’s social and kinship ties.⁶³

In addition to the appropriation of Black women’s life-producing labor of washing and cooking, Brown’s system of forced sex work, Lizzie Bush noted, violated women’s kinship ties and bodies. Bush noted that “if a good looking woman comes to the place one of the hands will tell Capt. Brown that he wants this woman; that Capt. Brown will order the husband of the woman to the stockade and this woman has to live with this man in a shanty, regardless of her wishes in the matter; that if she refuses to do it Capt. Brown will give her fifty lashes.”⁶⁴ Bush theorizes Brown’s systems of forced sex work through the contractual relations of wage work by noting that camp men earn wages to pay Brown or take on debt to arrange for forced sex work. Her theorization of the system of coerced sex work is akin to Spillers’ notion of the “enforced state of breach,” which is a condition where the nexus of legal institutions and white settler violence “invade” black women’s kinship ties and bodies to produce further accumulation of capital.⁶⁵ As Bush

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Spillers, “Mama’s Baby, Papa’s Maybe,” 214-15, 218.

notes, the violation of kinship and marriage, mars any of the promises of liberal wage work.

Black women, however, enacted radical forms of kinship. For example, Georgia Jones left her home in Panama Park, Jacksonville, to Brown's camp to locate her sixteen-year-old son, James, who had been contracted along with other black male laborers by Brown's labor agents in his hometown.⁶⁶ In August of 1921, James wrote to his parents that his health was failing and he had developed "foot sickness," and that unless they could help him pay Brown two dollars, he would be unable to return home.⁶⁷ Georgia sent money, but got no response from her son. Weeks later, Georgia received a letter from Brown stating that "[James] came here and worked a few days and left owing a board bill at a negro womans [sic] boarding house, for which he was arrested." Georgia, who suspected that Brown read all the letters that entered his camp (which he did), travelled to Cross City and snuck into Brown's turpentine camp, avoided detection by the camp's armed garrisons, and consulted with the camp's women, though was careful "not [to] disclose her identity."⁶⁸ In her affidavit, Georgia identified a camp inhabitant named Lucile Thomas, who told her that her son "tried to leave Brown's place and go home, and

⁶⁶ "Affidavit report by Howard P. Wright relating to Capt. W.A. Brown and Morse Brown, Cross City, Florida, and Alleged Peonage, September 9, 1921," Frederick C. Cubberly Papers, P. K. Yonge Library of Florida History.

⁶⁷ Caused by barbed saw-palmettos covered by swamp water.

⁶⁸ As noted by Mollie Squire in her affidavit, "if anybody writes a letter to any of their relatives this letter has to be given to Capt. Brown before it is mailed." See, "Affidavit Report by John Bonyne Relating to Capt. A.W. Brown and Morse Brown, Cross City, Florida, and Alleged Peonage, June 10, 1921," Frederick C. Cubberly Papers, P. K. Yonge Library of Florida History. Similarly, Outland has also noted that Brown "read all incoming and outgoing mail and reportedly stopped some letters from reaching their intended recipients." See Outland, *Tapping the Pines*, 177.

that he got as far as Newberry, Fla., but that Brown over took him, brought him back and whipped him.” Georgia’s act against wage contract’s “enforced state of breach,” is not only a radical contestation to the systems of violence that produced Black women’s kinship as violable, but shows the making of social connections between Black women in the camp despite Brown’s control over mobility and information in and out of the camp.

In her own affidavit, Rosa Whitlock, the person Lizzie Bush was asked to recall, called into question notions of mutual consent through which her body and labor was appropriated to Brown’s camp. Whitlock revealed that she was originally contracted not as subject of labor, but through the relation of marriage to provide the reproductive labor for Brown’s camp. Whitlock was held in bondage for two years at the Brown turpentine camp. Her debt began when she visited her husband at the camp for two weeks, and was approached by Brown with a job offer with a salary of \$4.80 a week to cook and wash for the camp men. Brown told her that he “wanted her to remain there with her husband” and it “was the rule of his camp; no negro could leave his camp without his consent.” Rosa Whitlock’s life-producing activities to replenish her husband and various others at the camp did not produce a tangible commodity, and as such was naturalized as gendered reproductive work. Even so, its inclusion into a system of wage contract served the purpose of keeping her in bondage through debt. Whitlock was well aware that the condition of her debt bondage was a result of her gendered labor and marriage. She knew this so clearly that she rearticulated the notions as a means to escape the camp by telling Brown that she wished to relocate her furniture from her home in Jacksonville into her home in Brown’s camp. Brown allowed Whitlock to leave the camp because Brown would be capable of subsuming Whitlock’s reproductive labor to the camp through her

obligation to her husband as his wife, and to him, as her husband's employer— labor that Brown could retain, as we see pinpointed in Lizzie Bush's affidavit, until Whitlock could no longer work.

To clarify a theory of value based on Black women's vital poetics, I move from a reading of the forms of life-producing labor and social and kinship relations in the Brown Case affidavits to those of forged by Big Sweet, the female protagonist "housekeeper" in Hurston's "Polk County." Cross City, the location of Brown's camp, as has already been noted, figured prominently in Hurston's ethnographic works, which is also to say it influenced her literary works on lumber and turpentine. And in the un-named town at the Lofton sawmill lumber yard in Hurston's "Polk County," a play about the social and musical life of lumber workers, we hear echoes of the kinds of social formations that women created in Brown's Cross City camp to negotiate the appropriation of their labor and bodies.⁶⁹ Big Sweet, her name a reference to the region's large maple ("street gum"), plays a pivotal role in sustaining the camp's daily social and labor reproduction. And as the three-act play draws to a close, we learn that Big Sweet is being forcefully evicted from the camp because of her alleged killing of three male camp workers.

After the boss of the camp tells Big Sweet that she will be forcefully evicted and takes his leave, she laments to herself that: "I'm somebody now. Folks need me." Big Sweet continues:

⁶⁹ Zora Neale Hurston and Dorothy Waring, "Polk County: A Comedy of Negro Life on a Sawmill Camp with Authentic Negro Music in Three Acts," (New York, 1944), Manuscript/Mixed Material. Retrieved from the Library of Congress, <http://hdl.loc.gov/loc.rbc/mhurstn.0301>.

I cant go off feeling like nothing mo [sic] more. And everybody here will feel like nothing again when me just sawdust. Some more sawdust piled up like that behind the mill with the rain the storm beating on it [...] None of us aint nothing but dust. Piled up round the mill. What is left over from standing trees.⁷⁰

To start, Big Sweet's words reference how her subjectivity is structured by the extractive economy for which she works; noting that "None of us aint nothing but dust. Piled up round the mill. What is left over from standing trees." We can read Big Sweet's statement as suggestive of the way her labor and body are appropriated as a feminized "natural resource;" she sees her subjectivity as linked to the extraction of lumber and the extraction of her vital energy (she, like the piece of lumber, will eventually turn into sawdust). We can also read Big Sweet's lamentation as pointing to her looming banishment as a form of social death where she will be alienated from the sociality she had a hand in producing and sustaining. She compares being sent away as the equivalent to her literal death, as she will become "some more sawdust piled up like that behind the mill." And adds that her disappearance, which is to say the absence of her life-producing activity, will make "everybody here will feel like nothing again when me just sawdust." By pointing out the different forms of social alienation that she experiences, and those that workers will suffer without her, Big Sweet enables a tracing of the ways the camp relied on the depletion of her vital energy for its relations of production, even as her labor is failed to be represented in the value of turpentine commodities.⁷¹

⁷⁰ Hurston and Waring, "Polk County," 2.2.

⁷¹ Vora, 22. As Vora contends, vital energy, as a substance of life-producing labor, can be traced by marking how its depletion from biological and affective laborers carries with it what Marx calls human vitality (that which goes into the value of the commodity and

Big Sweet's theorization of her social alienation and the depletion of her vital energy is corroborated by another scene when she turns to the camp's men and tells them: "I done summered and wintered with you, aint I? And then again, I hauled the mud to make you. I know just exactly whats in you."⁷² "Whats in you" is a reference to the vital energy she has invested in their literal reproduction through her many life-producing activities. While Big Sweet's term "summered" refers to the season when camp men cut down trees, her reference to "wintered," the season when the conifer is put to rest, is meant to show that while the men's labor may end, her labor does not. In sum, camp men depend on her well beyond the point when their own work ends. Hurston puts forward a theory of value that centers the extraction of Big Sweet's vital energy as the precept to the processes of extraction of raw materials.

The play is set in the fictional town of Lofton Lumber Company "deep in the primeval woods of South Central Florida." The "Scene and Setting" informs the reader that the camp numbers over a hundred "raw, second grade lumber, unpainted" houses.⁷³ The reference to unpainted "second grade lumber" is meant to imply workers' alienation from the commodities they produce; a lack of access to quality wood that is shipped to market and to the commodity form of turpentine, which is used as a primary ingredient in paint. More broadly, the company housing symbolizes how, as Curtis Marez notes, life is annexed beyond the worksite to incorporate the broader production process— people's living arrangements. The paternalistic terms by which housing was provided, Marez adds,

comprises the use-value of labor to capitalist production), even if life-producers' labor activities fail to be represented by the value of commodities and their exchange value.

⁷² Hurston and Waring, "*Polk County*," 2.1.

⁷³ Hurston and Waring, "*Polk County*," Scene and Setting.

was a “hidden means of exploiting workers” as it unloaded costs of reproduction to the workers while including the cost of housing as part of a worker’s wage.⁷⁴

The cost of housing is at the core of the social arrangements in “Polk County.” The basic structure of the play hinges on Hurston’s attention to the two distinct living arrangements premised on the extraction of Black women’s life-producing labor in Lofton Lumber Company’s camp system. On the one hand, Hurston notes, “each man with a “family” is allotted a house for which he is docked about fifty cents a week.” Hurston describes how camp operators use “family houses” to extract money and labor from “housekeepers” kinship ties even as their life-producing activities are subsumed to replenish camp society. Furthermore, not paying for one’s family could result in debt to camp operators. On the other hand, those who don’t live with “family,” Hurston adds, live in “rooming houses” with “no fenced in yards, few flowers, and those poorly tended. Few attempts at any kind of decoration or relief of ugliness.”⁷⁵ The “rooming houses” are marked by their “ugliness,” and the poorly cared-for flowers are an indicator of an absence of life-production. In addition, Hurston defines “rooming houses” by noting how the “ephemeral” nature of men that go from “job to job, or from job to jail and from tail [sic] to job,” is only possible because “there will be more women where they are going.”⁷⁶ Adding, these men say “Let every town furnish its own. It’s a damn poor town that can’t furnish its own.”⁷⁷ In other words, Hurston reveals men’s assumptions that

⁷⁴ Curtis Marez, *Farm Worker Futurism: Speculative Technologies of Resistance* (Minneapolis: University of Minnesota Press, 2016), 63-64.

⁷⁵ Hurston and Waring, “*Polk County*,” Scene and Setting.

⁷⁶ Ibid.

⁷⁷ Ibid.

women, unlike their own semi-mobility across the region's lumber yards, are the precondition to the lumber industry— they appear as “furnishings” carved out from the surrounding conifer.

More broadly, the material conditions of the play itself is drawn from Hurston's collection of ethnographic materials with Black laborers in the lumber and turpentine industries. It is not surprising then, that Big Sweet in “Polk County” should be inspired by a real-life person named Big Sweet that Hurston befriended at Loughman lumber yard Southeast of her hometown on one of her trips to gather ethnographic material. Big Sweet aided in making camp inhabitants “open up” about storytelling and served as Hurston's protection around the camp. One night, as Hurston was meeting with another camp inhabitant at the local jook, the man's ex-girlfriend showed up and charged at Hurston with a switchblade. Big Sweet sprang into action and tackled the woman. A brawl ensued and Zora ran to “Sassy Susie,” her infamous Chevy coup, “and didn't stop driving until she was miles away.”⁷⁸ The events shaped Hurston's construction of “Polk County,” and the relationship created with the real Big Sweet animated the queer relationship between the “fictional” Big Sweet and the newcomer to the lumber yard named “Leafy Lee” (who is clearly a stand-in for Hurston in the play) in “Polk County.”

When Big Sweet first enters the play, she wears a man's felt hat “rakishly on the back of her head” and has “got them loaded muscles.” She is waiting to pounce on a drifter who, in a game of cards, has won money from her love-interest, Lonnie, who is “tall, brown and well-made” and who “loves and relies on BIG SWEET.” Lonnie and Big

⁷⁸ Taylor, *Soul of a People*, 169.

Sweet live in a “family” house of “raw, unpainted lumber with rafters and uprights showing. Furniture whole, but cheap. Watermelon-pink curtains at the two windows. White iron bedstead in one corner with clean, starched lace trimmed pillowslips, and a cheap, slazy silk spread.”⁷⁹ The house is well-kept because of Big Sweet’s labor. They’ve lived together for a long time, but as a strain comes over their relationship, causing them to get into an argument at the camp’s jook on a Saturday night, Lonnie questions Big Sweet’s fidelity by asking “How come you wont marry me like I ask-ed you to?” To which Big Sweet replies, “Us don't have to run to the courthouse and git papers and witnesses to prove if we is guilty. Us go that big-feeling love for one another. If I go dragging you to the white folks, it wont look like I believe what you say.”⁸⁰ Big Sweet knows that the legal systems of family and marriage only serve to line whites’ pockets with money– besides, camp operators already charge them for their housing as “family.”

Unlike Big Sweet’s relationships with Lonnie, her relationship with Leafy Lee, a “slim mulatto girl, who wants to be a blues singer,” and whose name is a reference to deciduous trees of the northeast (clearly a reverse-personification of Hurston, who had tellingly arrived from Columbia University to collect ethnographies), offers a vantage point through which to read a theory of value rooted in Black women’s life-producing activity. Shortly after Leafy walks into the camp by herself, Big Sweet invites Leafy to her home to experience her first camp song. And as their first session comes to a close by singing “John Henry,” Big Sweet exclaims, “did you hear Leafy coming in just like an old timer towards the end?” Big Sweet turns to Lonnie, “I done got me something fine

⁷⁹ Hurston and Waring, “*Polk County*,” 1.3.

⁸⁰ *Ibid.*, 2.1.

when I friended with Leafy. I mean to go with her, and stand by her, and prop her up on every leaning side.”⁸¹ Big Sweet’s words acknowledge that the newcomer has yet to be made into a subject of the camp, she is still a sapling and will need Big Sweet’s attention, protection and, as we will see momentarily, life-producing labor.

Big Sweet again turns to Lonnie: “I’m promising God and a couple of other responsible characters to stand by Leafy through thick.” She even convinces Lonnie to let Leafy move in with them, because she is worried that “Leafy is crazy about singing and dancing and she will forgit all about cooking and something to eat,” and will “sit around and starve just as stiff as a board.”⁸² Unlike Big Sweet’s slow death, which will be brought about by the conditions of her life depletion for lumber extraction, Leafy, who is not yet a full subject of the camp, and is more interested in music than work, will fail to satisfy her role in reproducing workers and herself. Big Sweet worries that Leafy does not know how to perform the labor that will be demanded of her in the camp and is even willing to cook and care for her until she is ready. A move that can be read as Big Sweet offering her labor as surplus to the logics of the camp’s extraction. Following Leafy’s marriage to one of the camp men, not by the law but by the swamps, they move in with Big Sweet and Lonnie, to circumvent the kinship costs of renting their own place. Ultimately, the promise Big Sweet makes to “go with” Leafy, unlike the one she has forged with Lonnie, which is aligned with their labor roles in the camp, is a kind of queer relationship that undermines the camp’s extractive logics.

⁸¹ Hurston and Waring, “*Polk County*,” 1.4.

⁸² *Ibid.*

In this section, I have shown how Black women turpentine and lumber workers challenged, despite the naturalization and appropriation of their life-sustaining labor and bodies, the various forms of life depletion on which extractive economies depended. I've explored how Black women name their social connections to condemn Brown's turpentine camp and to describe the conditions of their labor. I have read how lumber workers in "Polk County" contested the forms of subjection and extraction that syphoned their life by forming queer relationships in excess to lumber's relations of production. I now close this chapter by examining how Guatemalan migrant labor organizer Luisa Moreno turned to describing debt bondage of Black turpentine workers to form a poetic distillation of her critique of the American Federation of Labor for its inability to serve racialized subjects.

"On the Road:" A Guatemalan Migrant's Account of Jim Crow Debt Bondage

During the course of her graduate career, Vicki Ruiz, leading historian and scholar on Mexican and Latina labor history, formed a close bond with Luisa Moreno. So, when Moreno passed away in 1992 and Moreno's daughter, Mytyl, was bequeathed a small blue suitcase from Guatemala containing her mother's personal effects, Ruiz was contacted to provide moral support and help sort the contents. Amongst the items inside the blue suitcase was a handwritten copy of "On the Road," a poem about Black

turpentine workers worshipping in the isolated conifer swamps.⁸³ Born Blanca Rosa Rodriguez, Moreno came from an elite Guatemalan family that made its wealth from coffee plantations— a family history that Moreno would attempt to distance herself from but would nonetheless rub against in her organizing with cigar workers in Florida’s plantation economy.⁸⁴

Moreno’s poetic development emerged alongside her political activism during her youth in Guatemala. With the founding of the Sociedad Gabriela Mistral, a group comprised of young women from elite families, she campaigned to open the doors of Guatemalan universities to women. In 1920, the group’s use of “their class status to affect concrete (and radical) institutional change” culminated in the university opening its doors to women; Moreno was even admitted as part of the first entering cohort. Moreno, however, turned the offer down and chose to follow her budding love for poetry and literature by moving to Mexico City.

According to Ruiz, Moreno’s poetic work had its inception in the “avant-garde atmosphere” of Mexico City’s cosmopolitanism. It reflected “a deep appreciation of the natural world and the human condition,” and was cultivated in a feminism “situated in self-expression and creativity rather than political action.”⁸⁵ In 1928, after a few years in Mexico City, Moreno, along with her then husband, Guatemalan artist Miguel Angel de León, migrated to Spanish Harlem, where she was brought her face-to-face with the abject poverty that impacted the life and labor conditions of the city’s inhabitants. Ruiz

⁸³ Ruiz, “Of Poetics and Politics: The Border Journeys of Luisa Moreno,” 42.

⁸⁴ *Ibid.*, 29

⁸⁵ *Ibid.*, 4.

notes that Spanish Harlem “provide[d] the seedbed for her political awakening.”⁸⁶ And by 1930, Moreno had become a member of the Communist Party, a move that influenced her over three-decade career in American and international labor organizing.⁸⁷

Eventually, Moreno moved from Spanish Harlem to Florida in 1935 to begin work with the American Federation of Labor (AFL). As noted earlier, in Florida, Moreno’s love for poetry extended beyond the written word to her “conjugating of identity.” Her constant reworking of who she was, was central to better serving the Black and Latina women she organized in Florida. To build on Ruiz’s reading of Moreno’s embodied “poetics and politics,” I echo El-Tayeb’s theorization of a queer practice of social imagination imbued with “creative potential [...] based on the shared experience of multiple, contradictory positionalities.”⁸⁸ Following Ruiz and El-Tayeb’s theorizations, Moreno’s poetic compositions and self-fashioning can be said to reject a notion that individuals live “exclusive identities” within neat socio-temporal boundaries, especially for the ways that we can read her labor organizing of Florida’s cigar workers and her critiques to the AFL as related to her theorization of Black laborers’ debt bondage.⁸⁹

Moreno’s organizing career for the AFL begins in Ybor City. Like Cross City, Ybor was a town made *for* and *by* its industry. Originally founded by Vicente Martinez Ybor, land owner and company-town operator, the city “was carved out of the palmetto scrubland [...] to become the capital of hand-rolled cigarmaking in the United States.”

Moreno must have noted many similarities to the plantation economy that made her

⁸⁶ Ibid., 6.

⁸⁷ Ruiz, “Una Mujer sin Fronteras,” 9.

⁸⁸ El-Tayeb, *European Others*, xxxvi.

⁸⁹ Ibid.

family's wealth in Guatemala.⁹⁰ Over the decades, the many workers of the industry included Black, Latina, and Italian women, they were subject to low-wages, difficult working conditions and part of a gendered division of labor that placed women in the factory's most taxing jobs. While the industry's Italian, Black, and Latina women workers had long participated in political activism and strikes, it was Moreno's successful organizing efforts in 1936 that led to important protections for workers as well as her eventual disillusion with the AFL when they changed the terms of labor contract she and workers had fought for. This moment proved significant in Moreno's critique to the union's inability to attend to issues facing racialized laborers throughout the South's economies.⁹¹

Moreno's critiques of the AFL are nowhere clearer than in her participation in the 1936 American Federation of Labor's annual meeting in Tampa. There she served as the local representative for an informal caucus comprised of Southern black sharecroppers and Northern California cannery workers. Together they sought to make visible the "miserable conditions" of farm and food processing laborers,⁹² and planted the seeds of

⁹⁰ For more on Moreno's class and social status see, Ruiz, "Una Mujer sin Fronteras," 3-4.

⁹¹ The Southern Tenant Farmers Union (STFU), which prioritized organizing Black and white workers across the South, was founded in Arkansas in 1934, and as Neil Foley notes, provided a salient example of the organizing of racialized workers the American Federation had failed to accomplish. Despite the STFU's later inability to conceive of the relations of production that had made farm workers' conditions more closely aligned with industrial workers, which led to a clash with UCAPAWA, the union made significant strides in centering racialized workers throughout the South. See "Chapter Eight" in Neil Foley, *White Scourge: Mexicans, Blacks, and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997).

⁹² Vicki L. Ruiz. *Cannery Women, Cannery Lives: Mexican Women, Unionization, and the California Food Processing Industry, 1930-1950* (Albuquerque: University of New Mexico Press, 1987), 42

what would become the radical labor union called the United Cannery, Agriculture, Packing, and Allied Workers of America (UCAPAWA).⁹³ The convention was also where Moreno most likely heard an in-depth discussion regarding Florida's turpentine debt bondage systems.

During the convention's November 25 proceedings, A. Phillip Randolph discussed the case against the Knabb Turpentine Company, which was accused of practicing widespread debt bondage.⁹⁴ Randolph, who represented the Brotherhood of Sleeping Car Porters, a new AFL member organization, read a report written by Reverend C. F. Duncan, head of the Jacksonville NAACP, and Frank McCallister, southern secretary of the Workers Defense League, about Alfred Smith, Arthur Smith, and Ed Baker, three black men, who had attempted to leave the Knabb Turpentine Company for another employer, but were apprehended on allegations of an existing debt. The men were taken back to the turpentine camp at the point of a shotgun by one of Knabb's woodriders and were never heard from again.⁹⁵ The Knabb Case garnered significant attention across the press, and the case's lurid details, circulated widely, particularly because William Knabb's brother was a senator. The discussion of black debt bondage at the AFL convention didn't just bring the issue to members' attention, it served as an important touchstone for the ongoing litigation against Knabb Turpentine Company.⁹⁶ William Green, president of the AFL, was "compelled" by union members to

⁹³ Ibid.

⁹⁴ Shofner, "Postscript to the Martin Tabert Case," 170.

⁹⁵ Ibid., 166-167. Senator Knabb, also a renowned turpentine operator in his own right, gained notoriety when "colleagues had tried unsuccessfully to have him removed from the senate because of the revelations of cruelty, brutality, and deprivation."

⁹⁶ Ibid., 170

write Florida Governor David Scholtz regarding the investigation.⁹⁷ I imagine that Moreno would have been in attendance at Randolph's talk. Particularly because of Moreno's role in the Tampa informal caucus, which was comprised of representatives of black sharecroppers, an occupation that like turpentine and lumber, relied on debt bondage. In short, I contend that Moreno's critiques of the AFL, along with the growing visibility of turpentine debt bondage across Florida, inspired a shift in Moreno's poetry that resulted in her poetic critique to the regimes of free wage labor. Moreno penned:

Unpainted gray boards
 formed the church
 by the poor Negro shacks.
 Voices sang in the evenings
 hammock songs to the air.
 Hopeful words— hunger sounds:
 sorrow, love, and despair.
 And near by bled the trees
 in the forest of pines.

Negro peons raised their arms,
 powerful arms to the skies,
 while the preacher's soft voice

⁹⁷ Ibid. The following year, William Knabb and his partners were indicted on charges of the debt bondage of Smith and Baker— they were eventually found innocent.

told the tale of a white man
 full of patience and love.
 And they dreamt of a new world
 in the turpentine country,
 as near by bled the trees
 in the forest of pines.⁹⁸

Vicki Ruiz situates “On the Road” within the context of Moreno’s stalwart organizing in the face of various confrontations with the Klu Klux Klan. Ruiz’s elegant and attenuated distillation of the poem’s meaning, “African American turpentine workers bleed the trees while the white bosses bleed them,” reveals a kind of double extraction, where resin collection depends on black workers’ life depletion.⁹⁹ I build on Ruiz’s reading by exploring how Moreno’s usage of natural imagery, which was a hallmark of her early poetry, is in “On the Road” shifted to enable a tracing of Black workers’ life extraction by the turpentine industry. Despite that Moreno, who had literally been on the road, had different experiences of labor and mobility than the Black turpentine workers she described in her poem, her position as a Latina migrant challenged the discursive systems that had used the threat of increased immigration to make debt bondage of Blacks drop out of view. And the shifting terrain of Moreno’s feminist views, grounded in a poetic reworking of her own subjectivity upon her arrival to Florida and the changing meaning of the “natural” which had permeated her writings until that point, exposed how

⁹⁸ Ruiz, “Of Poetics and Politics,” 33.

⁹⁹ Ibid.

the promise of wage labor was used to create the conditions of debt bondage, and that doubly effaced the role of Black women's life-producing activity. In my reading of "On the Road," I am not looking for an express reference to women in the poem, but instead read for the relations of capital that position women's life-producing activities as "natural, reproductive activity— indeed, as nature."¹⁰⁰ I contend that by countering a supposed "already operative system of relationships," which included women as feminized "natural resources," Moreno, a Guatemalan migrant, depicts the debt bondage of Black laborers not as "not an object to be described but an event to reconstruct through the making of relations, the grasping of connections."¹⁰¹

Like Hurston's descriptions of the homes in the Lofton lumber yard in "Polk County" as being made of "second-rate lumber" and poorly painted, the first line in "On the Road"— "unpainted gray boards"— signals the literal construction of the turpentine camp. We can assume that Moreno is showing how the raw materials of the pine forests— the natural world— have been used to construct the edifice of the camp church and "negro shacks," even as workers are alienated from the commodity form of turpentine, which had its primary application as a thinner in paint products. Much in the same way that Hurston described the "Polk County" living arrangements as tied to women's unmarked labor, "On the Road" highlights the way women's life-producing activity is the condition of possibility for camp sociality and lumber production. The next line, "by the poor Negro shacks," is suggestive of the conditions that appropriate Black women's life-producing labor in order to reproduce camp workers. The "shacks" can also be read for

¹⁰⁰ Tadiar, *Things Fall Away*, 12.

¹⁰¹ *Ibid.*, 38.

the ways that housing, as Marez notes, were central to unloading reproductive costs as part of the exploitation of workers. In other words, the raw materials of the camp and the alienation of workers' labor, frame the camp's "shacks" and highlights how women's life-producing activity within the conditions of camp reproduction is inseparable from the forms of extractive labor that frame it.

Moreno's invocation of the "shacks" reveal how although extractive industries attempt to make Black women workers as part of the "natural resources" necessary for reproducing camp life, their living conditions are also the means by which they alter their social reality despite forms of exploitation. Take for example the first stanza which describes how black laborers sing "hammock songs to the air;" their "hopeful words" tempered by bodily demands ("hunger").¹⁰² Despite the conditions of turpentine labor, "sorrow" and "despair" mix with "love." The juxtaposition of the congregation's life depletion ("hunger" and "despair") alongside their expressions of "love" and "hope" reveal the imbrication of life— the vitality of living labor— with the relations of capital that attempt to appropriate their labor. A reading for the appropriation of women's labor and bodies becomes clearer at the end of the stanza with the first repetition of the lines: "and near by bled the trees/ in the forest of pines." The poetic repetition of resin extraction reinforces not only the unending demands of turpentine work but also the unending demands of Black women's life-producing activities. Take for example, how the pine comprises the structure of the shacks that extract their labor to reproduce workers for the

¹⁰² Hammock songs, for as much as I can tell, was perhaps a reference to delta blues songs.

bleeding of conifer. The formal repetition reveals what Tadiar terms in the case of feminized work as “mean[ing] there is no time she can call her own.”¹⁰³

In the poem’s second stanza we hear of “Negro peons” that raise their “powerful arms to the skies,” “while the preacher’s soft voice” tells the “tale of a white man full of patience and love.” The repeated temporality that the poem constructs through its repetition of bleeding conifer rewrites “patience” as the labor regulation of Blacks. For instance, the tale of “patience and love” can be read as a cypher for Black Codes moral regulation, which framed compulsive labor, which often resulted in debt bondage, as the route *to* and burden *of* black subjects’ proper exercise of laboring subjecthood. Put differently, black subjects could only become dutiful laboring subjects if they stayed tied and committed to previously unfree modes of labor. In light of Moreno’s feminist views, the structural repetition of the poem’s lines about the unending demands of resin extraction and the term “patience” can also be said to index the “capacity to endure tedium, often described as patience, [...] as inherently feminine capacity that can be extracted from women.”¹⁰⁴ Take for example how the poem ends with another repetition of the couplet: “near by bled the trees / in the forest of pines,” and once-again echoes the unending demands of turpentine work that frame Black laborers’ experiences of debt bondage. Moreno’s repeated invocations of the bleeding conifer, the trace of slow-dripping resin, reveals the forms of life depletion and extraction that make its accumulation possible and that do not fit the logic of a theory of value based on labor time. Ultimately, Moreno is pointing the reader to the need to trace and account for labor

¹⁰³ Ibid., 60.

¹⁰⁴ Ibid., 61.

that, as Vora notes, can only be measured by what is exhausted. Moreno does not let the reader slip out of the poem without putting a finger on the extracting of black women's reproductive labor and its foundational importance to sustaining the material and social existence of camp life. Moreno's vital poetics, her "grasping of connections" between her own position as a Guatemalan migrant and immobilized Black turpentine workers allows her to imagine how the songs of Black laborers cleared the saw-palmetto swamps even as "near by bled the trees in the forest of pines." And in doing so, found common-ground with Hurston, who attempted to do the exact same thing.

Chapter Three:
Cotton and Thistle: Wage Contract and the Figure of the Child in
Sherley Anne Williams's *Working Cotton* and Tomás Rivera's
"Zoo Island"

Franklin Roosevelt told listeners in his 1940 "White House Conference on Children in Democracy" radio address that he lamented that in every state of the nation there exist "children of the migratory families who have no settled place of abode," and who can "put down no roots, cannot live in a community." "All Americans," Roosevelt added, "want this country to be a place where children can live in safety and grow in understanding of the part they are going to play in the future of the American Nation." He emphasized that resettling the country's migrant families was an urgent issue; he had read the *Grapes of Wrath* and "would like to see the Columbia Basin devoted to the care of the 500,000 people" that "live in the covers of that book."¹ Adding:

Up in the State of Washington we are spending a great many millions to harness the Columbia River, to put a great dam up there which will pump the water up onto a huge area of land capable of providing a living for 500 thousand people— irrigated land, today a desert, which can be made a garden with the process of modern science.¹

¹ Franklin D. Roosevelt, "Radio Address at the White House Conference on Children in a Democracy," January 19, 1940.

¹ Ibid.

For Roosevelt, resettling the Pacific Northwest to provide a home for the thousands of children of the dust bowl Okies was a testament to American ingenuity and compassion. It would mean, however, continued resource extraction from Native American and First Nations peoples' lands, while doing little to answer agribusiness's demands for an exploitable labor force throughout the American Southwest.

After a five-day tour of California's San Joaquin Valley to see agriculture workers' living conditions, Eleanor Roosevelt echoed her husband's sentiment on the need to resettle the Okie population, stating that she "never thought the 'Grapes of Wrath' was exaggerated."² Concluding that it was "to the state's advantage" to take in the Okies, who were "grand people," and "aren't migrant farmers, never wanted to be migrant farmers."³ For both Franklin and Eleanor Roosevelt, the Okies, which is to say displaced white families, were not "migrant farmers," but victims of what Devra Weber has called, the demise of the "family farm"—the end of agrarian whiteness at the hands of large-scale agribusiness that challenged whites' perceived inviolable right to own land.⁴ The distinction Roosevelt attempted to draw between displaced white farmers and "migrant farmers" was a difference meant to distance dispossessed white farm workers from the historical conditions of dispossession that displaced racialized migrant workers.

² Qtd. in Walter J. Stein, *California and the Dust Bowl Migration* (Connecticut: Greenwood Press, Inc., 1973), 210.

³ Ibid.

⁴ Devra Weber, *Dark Sweat, White Gold: California Farm Workers, Cotton, and the New Deal* (Berkeley: University of California Press, 1994), 188; Neil Foley has similarly termed this the "demise of agrarian whiteness." See chapter eight in Foley, *The White Scourge: Mexicans, Blacks and Poor Whites in Texas Cotton Culture* (Berkeley: University of California Press, 1997).

Less than two months after Franklin Roosevelt's "White House Conference on Children in Democracy" radio address, Luisa Moreno gave her speech "Caravans of Sorrow" at the Los Angeles Conference of American Committee for the Protection of the Foreign Born, where she told those present that before the *Grapes of Wrath* there were "the Spanish-speaking workers of the Southwest, citizens and noncitizens working and living under identical conditions, facing hardships and miseries while producing and building for agriculture and industry."⁵ Moreno noted that there was a deep history of racialized labor that did not receive attention—Moreno moved on to describe the plight of a Mexican child farm worker living under the conditions of her parents' contract in the Rio Grande Valley.⁶

Drawing on her experiences organizing Mexican farm workers in south Texas two years prior, she asked those present to actually "imagine how many bales of cotton have passed through the nimble fingers of Mexican men, women, and children. And what conditions have they had to endure to pick that cotton?"⁷ Moreno shared with conference goers a conversation she had with a Mexican cotton picker who told Moreno she "remembered so many nights, under the trees in the rain, when she and her husband held gunny sacks over the shivering bodies of their sleeping children— young Americans."⁸

⁵ Luisa Moreno, Speech given at the Los Angeles Conference of American Committee for the Protection of the Foreign Born, Washington D.C., March 3, 1940. Reprinted in David G. Guitérrez *Between Two Worlds: Mexican Immigrants in the United States* (Delaware: Scholarly Resources, 1996), 120.

⁶ Ibid.

⁷ Ibid.

⁸ Moreno, "Speech," 122; Alicia Schmidt-Camacho has read the speech to elaborate on the way Moreno "broadened the debate on immigration by questioning the primacy of the nation's interests over labor and human rights." See, Alicia Schmidt Camacho, *Migrant*

Moreno's request of her audience, to imagine child workers helping their parents earn a wage only to sleep in the sacks they used to pick cotton was meant to reveal Mexican workers' exploitative labor as being inseparable from their living conditions. More broadly, Moreno's invocation can be seen as a theorization on Mexican wage labor that exposed the ongoing conditions of less-than-free labor in the south Texas cotton economy.⁹ Take, for example, Moreno's formulation that Mexican child cotton workers and their parents were "–young Americans." Because Moreno's speech drew not only on her time organizing Mexican workers in south Texas, but also on her knowledge of continued black unfreedom across the U.S. sunbelt (see chapter two), we can situate her evocation as an attempt to describe how Mexican farm workers in the Rio Grande Valley, like blacks on plantations before them, were the new "crop" of workers tasked with the burden of America's cotton production. Far from suggesting a kind of racial mobility for blacks out of cotton work, Moreno explicates Mexican migrant farm workers as "–young Americans" to show the "residual" structures in their cotton work that are connected to the history of blacks' cotton picking under slavery and in the postbellum era. Moreno does this by showing how Mexican workers, as Lowe has argued in the case of the nineteenth century Chinese immigrant contract laborer, served an important role in the discursive construction of free wage labor insofar that their racial distinction, as neither white nor black, provided an "instrumental" difference to the history of slave labor,

Imagineries: Latino Cultural Politics in the U.S.-Mexico Borderlands (New York: New York University Press, 2008), 39.

⁹ Evelyn Nakano Glenn has argued that the subordination of blacks and people of color to "wage work with an illusion of freedom [...] legitimate[ed] the wage labor system and the wage contract." See, Evelyn Nakano Glenn, *Unequal Freedom*: (Cambridge, Mass: Harvard University Press, 2009), 29.

particularly for an economy such as cotton work.¹⁰ By describing the ongoing “residual” legal and extralegal measures that frame Mexican migrants’ experiences of liberal wage labor, those “elements of the past that continue, but are less legible within a contemporary social formation” as Lisa Lowe puts it, Moreno’s formulation of Mexicans as “–young Americans” is able to break the teleology of progress central to establishing free wage labor as “free.”¹¹ In addition, by referring to Mexican farm workers and their children as “young Americans” is suggestive of the way that neither childhood nor citizenship could protect them from unfree labor.

In this chapter, I center Mexican and Black migrant farm worker children’s theorization *of* and challenges *to* agribusiness’ attempts at controlling their bodies and mobility through wage contract. Their interventions also reveal how agribusiness relied on a migrant farm worker labor force premised on children and women’s erasure as subjects through gendered categories of labor and contract. I foreground Sherley Anne Williams’s theorization of the child farm worker in her children’s book *Working Cotton*, a picture book about wage labor in California’s San Joaquin Valley cotton economy, alongside Tomás Rivera’s “Zoo Island,” a short story about a Mexican migrant farm worker child who lives in a Midwestern migrant camp. In *Working Cotton*, I read for reproductive labor in the cotton industry’s wage labor economy to present the ways migrant farm worker children challenged their gendered disciplining into wage work. I read “Zoo Island” to examine how migrant farm worker children give meaning to their

¹⁰ Lisa Lowe, *The Intimacies of Four Continents*, (Durham: Duke University Press, 2015), 27.

¹¹ *Ibid.*, 19; 46.

community's social existence under the demands of contracted interstate farm work. Williams and Rivera grew up as farm workers; Williams considered herself part of the "children of the valley," while Rivera described being a part of the "migrant stream."¹² Their intimate story-telling about being children and farm workers though not directly related, form a vital poetics that when read together emerge as a co-theorization on the ways black and Mexican children critique regimes of wage labor and contract by reimagining care, love, and belonging within the relations of capital that have liberal, which is to say heteronormative, assumptions of family and gender at their core.

In what follows, I begin with a reading of Sherley Anne Williams's *Working Cotton* by situating it within the larger historical formation of cotton work in the San Joaquin Valley. With *Working Cotton*, I am able to show how children theorize reproductive labor as the form of labor on which agriculture "productive work," which is to say the valorized form of labor said to be needed to produce agriculture commodities, depends. Though my reading of Williams's children's picture book is brief, Williams's theorization on children's labor and the agriculture wage labor economy serves as the scaffolding of my analysis of the farm worker child, contract migration, and reproduction (both biological and in terms of labor) for my reading of Rivera's "Zoo Island." I delve into Rivera's archive at the UC Riverside Special Collections to show how many of his child farm worker characters, which inhabit his unpublished texts, marginal notes on

¹² Tomas Rivera, "Chicano Authors: Tomás Rivera," Tomas Rivera Papers, UA 253, University of California, Riverside Department of Special Collections and Archives, Section 1, Box 1, Folder 2, 192 (hereafter Rivera Papers). Rivera defined the "migrant stream" as the contract labor migration by various families, some of which migrated from Northern Mexico, to regions in the Southwest and Midwest.

drafts of never-published poems, and full-page doodles, theorize across the physical and textual spaces of his archive to critique the autobiographical narration of liberal life. As a whole, this chapter carries the dissertation forward by showing the kinds of contracted labor that depended on family migration during the Bracero Program era (the topic of chapter four), an era that often obscures the lesser known history of black and Mexican migrants contract wage labor.

Children and Wage Work in *Working Cotton*

Sherley Anne Williams was born in Bakersfield, but spent most of her childhood and adolescence picking cotton alongside her parents and siblings in the San Joaquin Valley. Her father died of tuberculosis when Williams was seven and her mother died when she was sixteen; leaving her older sister to raise her.¹³ Her children's book, *Working Cotton*, is a semi-autobiographical account of picking cotton as a child alongside her family in California's San Joaquin Valley.

While cotton production has historically relied on forms of unfree labor, first chattel slavery, and then, with the beginning of the postbellum era, a cotton tenant system that deployed forms of debt bondage to keep the previously enslaved tied to the South's plantations, the relations of production that *Working Cotton* depicts are those of waged labor in the pos-World War II era. Years removed from the stories and photos of white

¹³ Trela Anderson, "Sherley Anne Williams," in *Contemporary African American Novelists: A Bio-bibliographical Critical Sourcebook* ed. Emmanuel S. Nelson (Connecticut: Greenwood Publishing Group, 1999), 491.

migrants that had captivated American audiences, the post-World War II era, when *Working Cotton* takes place, is a landscape of cotton production that has resulted from the violently suppressed San Joaquin Valley strikes by Mexican cotton workers in the 1930s. The cotton strike of 1933 for example, led by the Cannery and Agriculture Workers Industrial Union (CAWIU), involved over 18,000 cotton pickers across a vast stretch of the San Joaquin Valley and lasted nearly a month.¹⁴ Although workers gained minimal concessions through their efforts, the strikes were far from a resounding victory. In fact, as the decade drew to a close, the 1938 federal Agriculture Adjustment Act, which, like its predecessor five years earlier, mandated that farmers cut the acreage of their cotton production, resulted in the rapid expansion of commercial farming and the further disenfranchisement of cotton workers.¹⁵ The mandatory reduction in available land, along with the impending second World War, made cotton prices soar. The boom in cotton revenue, however, did not trickle down to cotton workers, particularly because money paid for cotton was put in growers' hands to distribute amongst their labor force, thus exacerbating the power differentials and exploitative conditions workers faced in the San Joaquin Valley. Along with agriculture adjustment programs, growing mechanization across the South, as Neil Foley notes, provided the shift toward commercial farming, resulting in the cotton industry's reliance on a migrant farm worker labor force that could be hired as needed and whose labor mobility could be stymied to drive down costs associated with cotton production.¹⁶

¹⁴ Weber, *Dark Sweat*, 79.

¹⁵ *Ibid.*, 180, 190-191.

¹⁶ See chapter seven in Foley, *The White Scourge*.

With *Working Cotton*, Williams, a highly awarded poet and educator, explores one day in a young black girl's gendered experiences of labor in the cotton economy to theorize how her young narrator exposes the contradictions, which is to say the structures that racialize and gender her labor, in cotton's relations of production. While *Working Cotton's* formal narrative-structure seems to span a single work day, its temporal boundaries are not readily discernible. For example, the first glimpse we get of Shelan, the story's young child laborer and narrator, is of her sleeping with her head leaning on the window of a yellow school-style bus as it makes its way to the cotton fields. Shelan's narration on the bottom of the page tells the reader that she gets to the fields "before it's even light. Sometime I still be sleep."¹⁷ In other words, by the time Shelan wakes up she is already at the isolated and cold cotton fields, and we can thus read Shelan's previous day of work as bleeding into that of the following morning, making present the unending demand of cotton wage labor.

As the day progresses, Shelan describes her mother's, father's, and siblings' cotton picking, noting that she will soon have to join them in the fields with her very own sack. She informs us that she is already too old to play with the other children, and has started helping with her mother's waged labor: "I'm a big girl now. Not big enough to have my own sack, just only to help pile cotton in the middle of the row for Mamma to put in hers." Shelan wishes, however, that she "could still stay down at the end of Mamma's row and just only fetch the water jug and see at Leanne." For, Shelan, growing older means that the expectations placed on her by her family's seasonal cotton work will

¹⁷ Sherley A. Williams, *Working Cotton* (New York: Voyager Books, Harcourt Brace & Company, 1992), n.p.

eventually result in no longer helping fill her mother's sack or give care to her little sister (Leanne). Shelan responds to the fact that she will soon have to become a "proper" wage laborer by describing how her labor is already appropriated and by theorizing forms of affective connections in surplus to the intended uses of her body for the production of agriculture commodities.



Figures 3.1. Shelan helps her mother pick cotton in a San Joaquin Valley field.

For example, although at the moment of her narration, Shelan is too young to be marked as a subject of waged labor, Shelan points the reader to the ways her work is appropriated as part of her parents' wage contract. Shelan's care work, which frees her parents to pick cotton, is produced as surplus to the production of agriculture commodities, and although it replenishes her family for wage work, her labor is not viewed as productive. The systems that devalue her labor and deskill that of her parents is brought to fine relief when she proudly describes what she perceives as her father's skill at picking cotton: "Daddy pick so smooth and fast. You see him reach for a bunch of

cotton, then you see him pull his hand out the sack. The cotton's gone, *may be* in the sack, but you never see my daddy put it there." Williams's juxtaposing of the "invisible" cotton that fills "Daddy's cotton sack so long, they have to fold it double to weigh it," against that of Shelan's invisible because appropriated reproductive and child labor, makes visible how in the case of her father, he is able to fulfill agribusiness's desire for efficiency, while Shelan is erased as a subject of labor because of her gendered reproductive work.

While *Working Cotton* is formally structured as a single work day, Shelan is able to map agribusiness's need to control the migrant labor force year-after-year by describing how she and the other "children of the Valley" are expected to grow up in the cotton fields.¹⁸ Shelan notes, "It's always kids in the field; sometime they be your friend. But you hardly ever see the same kids twice, 'specially after we moves to a new field." For Shelan, there are as many fields as there are children working them, and like her, those kids too must be getting older as their families are contracted season-after-season. Shelan's observation that she rarely "see the same kids twice," can be read as her no longer *seeing* them *as* kids because they too must adapt to becoming wage workers. A claim made clear by the parallels Williams draws between growing children and cotton growing in the Valley's fields. In a two-page spread, Shelan's father, against the backdrop of the setting-sun, holds a young cotton bud in his hand. Shelan narrates: "Daddy say cotton blossoms like any growing thing, only sometime cotton don't know when it be spring." It can be said that the young cotton that "don't know" when to ready

¹⁸ Williams uses the term "children of the Valley" in the book's dedication page as a way to name the children she worked with as a child.

itself to be picked is implicitly tied to Shelan's hesitation to adapt to wage work and her broader desire to not pick cotton but continue caring for her sister and family— a kind of sociality that cannot be reduced to forms of accumulation for the cotton economy. More specifically, the parallel invoked by Williams reveals how the child farm worker not only exposes the systems that appropriate reproductive labor but how they reimagine care work and family.

While Williams's black feminist writing practice centers her experiences as a child farm worker to unearth the social relations of cotton production in California's post-WWII San Joaquin Valley, it draws incredible parallels to the writings of her contemporary, Tomás Rivera, who is best known for his lauded novel, *... y no se lo tragó la tierra/ ...and the earth did not devour him* (here forward *Tierra*), which weaves stories and vignettes to describe a migrant communities' social life through the eyes of a child farm worker. It is Rivera's posthumously published short story "Zoo Island," however, a story about a young boy named José, who wants to record a census of his small farm worker community in Iowa, that offers an alternate (it was literally the alternate ending to *Tierra*) reading to Rivera's theorization on contract and the migrant wage labor economy. In what follows I examine "Zoo Island," various unpublished texts by Rivera, and the physical and textual spaces of Rivera's archive to contend that agribusiness and its reliance on a migrant farm worker labor force was premised on children and women's erasure as subjects through gendered categories of labor and contract.

Situating Contract and Reproduction in "Zoo Island"

Tomás Rivera's "Zoo Island" is a coming-of-age story that tells of a young migrant boy named José, who, after completing a census count of the small Iowa migrant camp in which he lives, installs a signpost near the highway road that reads: "Zoo Island, Pop. 88 ½" (the ½ a reference to a mother who had recently given birth). The town was given its bizarre name by a veteran migrant farm worker named Don Simón, who told José that their camp resembled the famous "Monkey Island" exhibit in San Antonio's Brackenridge Zoo. At the end of the story, as the camp's inhabitants gather to see the sign, José finds himself unable to stop yelling from excitement, an act said to represent the realization that "su identidad y su ser son consubstanciales con el pueblo"/ "his identity and his being are inseparable from that of his community."¹⁹ The central theme of belonging that appears in "Zoo Island" permeates Rivera's body of literature and is drawn from Rivera's childhood experiences of farm labor and long-distance contract migration. Experiences that inspire his various literary compositions and that challenge readers to consider exploitative agriculture economies from the vantage point of a child seeking to understand his place in the world.

Tomás Rivera, who was born in Crystal City, Texas, like José in "Zoo Island," whose family is from the south Texas region, spent his early years in Iowa. Rivera's family had long participated in the "migrant stream," a form of migration that in Rivera's works usually refers to contract migration between Texas and the Midwest, and in the year before he was born, began their first contract migrations to work beet in the fields of

¹⁹ Julián Olivares, "'La cosecha' y 'Zoo Island' de Tomás Rivera: Apuntes sobre la formación de... y no se lo tragó la tierra," *Hispania* 62, no. 1 (1991): 57-65, 62.

Michigan and Minnesota.²⁰ Contract migration figured prominently in Rivera's works, and as Seliger argues, Rivera gave significant attention to different forms of contractual obligation in his stories: "the inequality of the bargaining parties in labor 'agreements'" and the many "'transactions' lacking choices regarding their terms."²¹ In fact, Rivera's "Zoo Island" could be said to pivot on the story's inhabitants' experiences of social alienation that are a result of their long-distance contract migration— a condition that Rivera identifies as taking a significant emotional and physical toll on children. In an interview, Rivera recalled his yearning for a sense of belonging as a migrant child in Iowa. In an anecdote, he described how his family, who lived in Hampton, Iowa from late spring through October, rented a post office box, and although they "didn't get more than five letters in some six months... a post office box was not only a necessity regardless of the letters received, but [gave] a sense of identification with an actual place."²² Like José in "Zoo Island," the young Rivera sought for a sense of belonging, often times in ways that would literally ground him to a place; anything that could bring about a sense of emplacement given his family's trans-regional existence.

"Zoo Island" was excluded from *Tierra* because of its thematic similarity to *Tierra*'s final story, "Debajo de la Casa." In both stories, Olivares notes, the child protagonists discover that their sense of self is tied to "the collective memory of the

²⁰ Rivera, "Chicano Authors," 192.

²¹ Mary A. Seliger, "Colonialism, Contract and Community in Américo Paredes's *George Washington Gómez* and ... *And the Earth Did Not Devour Him* by Tomás Rivera," *Latino Studies* 7, no. 4 (2009): 435-456, 449.

²² Rivera Papers, Section 1, Box 1, Folder 2.

workers” in their communities.²³ While “Debajo de la Casa,” like “Zoo Island,” has been read for the themes of self-discovery and belonging, I choose to instead trace how José’s family’s long-distance farm work contract migration produced José’s complex forms of identification with his community. To conduct such a reading, I do not presume community and family as social formations to be fully achieved by José, but instead seek out moments when those formations are contested or inverted by the town’s inhabitants, particularly in relation to contractual obligation. To seek moments of contestation, I perform a queer reading of belonging through what Sara Ahmed calls a “migrant orientation,” the open question of *how* “bodies arrive and how they get directed in this way or that way as a condition of arrival, which in turn is about how the ‘in place’ gets placed.”²⁴ In the context of “Zoo Island,” a “migrant orientation” is particularly useful for keeping in view how the dispossession of migrants in Texas produced the conditions of long-distance contract migration to clear thistle in Iowa, which depended on the formations that contract women under conditions of marriage to reproduce male wage workers. In addition, a “migrant orientation” allows us to consider how despite liberal notions of a heteronormative family gender division of labor that gird contract migration, women and children challenge the conditions that appropriate their life-sustaining labor under wage labor. Ultimately, I argue that this reading of “Zoo Island” allows us to approach what I am referring to as Rivera’s farmworker child’s failed *bildungsroman*, a

²³ Olivares, “‘La cosecha’ y ‘Zoo Island,’” 63; Seliger, “Colonialism, Contract and Community,” 450. Because “Debajo de la Casa” had more substantive connections to the rest of the novel, Olivares argues, Rivera decided on it.

²⁴ Sara Ahmed, *Queer Phenomenology: Orientations, Objects, Others* (Durham: Duke University Press, 2006), 10.

form of autobiographical narration connected to his semi-autobiographical works, which contest liberal life, linearity, and free labor. Let's begin by briefly exploring the conditions that produced José's family's contract migration out of south Texas.

The Production of the Texas Migrant Farm Worker

Rivera's body of work centers on Mexican migrants' experiences of labor and community across the agriculture economies of Texas and the Midwest from 1945-1955. And like his many characters, Rivera's own family began their seasonal migrations into the Midwest from the south Texas region. Though the Mexican farmworker community in "Zoo Island" exists in Iowa, the story's characters make sense of their local social exclusion through their knowledge of the racial hierarchies of the San Antonio region— a knowledge inflected by Rivera's own life history in the region. To read how race operates in "Zoo Island," which is to say in a small socially excluded Iowa migrant camp, I turn to Fatima El-Tayeb's articulation of translocality, a concept that allows us to examine the movement "of people, information, [and] cultural symbols" between a distant network of places.²⁵ Like a "migrant orientation," translocality keeps in view people's life-experiences and the histories that have produced their dispossession and displacement as they attempt to create life and sociality in new environments. Although translocality has been primarily used to describe migrants' urban experiences and diasporic connections, it

²⁵ Fatima El-Tayeb, *European Others: Queering Ethnicity in Postnational Europe* (Minneapolis: University of Minnesota Press, 2011), xxxviii.

is useful for theorizing the ways migrants' notions of belonging negotiate their supposed "illegitimate presence and movement" across the U.S.'s farm worker communities.²⁶

To situate migrants' translocal experiences in "Zoo Island" it is necessary to briefly rehearse the rise of the farmworker wage labor economy in Texas, which produced the conditions of farm workers' dislocation and contract labor migration into the Midwest. As Shelley Streeby notes, the history of Texas farmworker wage labor coincides with the emerging racial categories brought about by the state's annexation into the U.S. in 1845.²⁷ In the fifty years following annexation, settler land development in the state led to the steady decline of the Mexican rancher population and led to a rise of manual laborers.²⁸ Because the category of whiteness applied to Mexicans in relation to land ownership and class position, Streeby argues, their increased dispossession and visibility as manual laborers "affected ideas about their racial status."²⁹ A second critical moment for the racialization of Mexican migrant workers occurred in the second decade of the twentieth century when, as Emilio Zamora notes, Texas land companies, which had previously focused efforts on courting small farmers, shifted their attention toward commercial farmers— a shift that paralleled the state's decline of tenancy and the rise of the farmworker wage labor system.³⁰ The shift toward the farmworker wage labor economy was uneven, however, and it was not uncommon for some farmers to continue

²⁶ Ibid., xxxvii-xxxviii

²⁷ Shelley Streeby, *American Sensations: Class, Empire, and the Production of Popular Culture* (Berkeley: University of California Press, 2002), 252.

²⁸ Ibid.

²⁹ Ibid. See also, Weber, "Dark Sweat," 149.

³⁰ See chapter one in Emilio Zamora, *The World of the Mexican Worker in Texas* (College Station, Texas: Texas A&M University Press, 1993).

relying on Texas Mexican (Tejano) sharecroppers to serve as middlemen to contract migrant Mexican farm workers, and thereby ensure landowners' access to the expanding migrant labor force.³¹

While sharecroppers served as an important stop-gap for some farmers, the decline of tenancy in the state was expedited by the local impact of the passage of the first and second federal cotton land adjustment programs in 1933 and 1938. Both cotton-reduction programs instituted various mechanisms by which to raise the market value of cotton, primary of which was reducing the amount of acreage allotted to the crop's planting. Because of the reduction in land, landowners reduced the number of tenants and sharecroppers they needed to make cotton profitable, thus adding to the pool of migrant farm workers.³² In Texas, as it was in California's San Joaquin Valley, the cotton land adjustment programs, along with growing mechanization in the fields, led to the complete demise of the cotton tenancy system, and ushered in an era where farmers' management of the expanding Mexican and Black migrant labor force was, as Neil Foley notes, "essential to more profitable and efficient agricultural production."³³ The impact of this shift in Texas's cotton belt cannot be overstated, particularly for the ways that the

³¹ David Montejano, *Anglos and Mexicans in the Making of Texas, 1836-1986* (Austin, University of Texas Press, 1987), 163-64, 174-75, 202. As a whole, debt bondage and forced eviction resulted in the appropriation of months of labor in what Montejano calls the "exit side" of labor contract.

³² Foley, *The White Scourge*, 166-167. For California and broader context, see Weber, *Dark Sweat*, 139-140. Both cotton adjustment programs instituted a contractual framework that required landlords to restructure how they paid the tenant farmers and sharecroppers they kept on, resulting in conditions that benefited commercial farmers over small farmers and wage workers. Workers that stayed on with the landlord were forced to accept monthly wage work.

³³ Foley, *The White Scourge*, 164, 175.

increased labor pool of Mexican wage workers would result in workers seeking to escape exploitative conditions in Texas through contract migration into the Midwest.

Thistle in Iowa, Memories of Texas: The Queer Textual Intimacy of “Zoo Island” and Rivera’s Body of Work

“Zoo Island” begins when José, a fifteen-year-old farmworker, wakes up from a dream in which he takes the *census* count of the small Iowa migrant camp to which his family has been contracted. That morning, José resolves to see his dream through by counting in his head his own family and neighbors before putting together a small task-force of the camp’s other kids to collect data from the camp’s inhabitants. Scholars have read José’s determination to conduct the *census* of his camp as his attempt to carve out a sense of belonging in a society hostile to Mexican migrants. The first glimpse for this theory emerges when José and his father head out to clear thistle in their landlord’s fields. As the pair prepare to travel fifty-miles to the fields, José’s father points to a stream of “bolillos” / “crackers” driving by the camp. He tells José:

Nomás se llega el domingo y se vienen a pasear por acá a vernos, a ver como vivimos. Hasta se paran para tratar de ver para dentro de los gallineros. El domingo pasado ya vites la rista de carros que vino y pasó por aquí. Todos risa y risa y apuntando con el dedo. Nada vale la polvadera que levantan. Ellos qué ... con la ventana cerrada, pues se la

pasan pero suave. Y uno acá haciéndola de chango como en el parque en San Antonio, el Parquenrich.³⁴

Soon as Sunday comes, and they come riding over to see us, to see how we live. They even stop and try to peek inside our chicken coops. You saw last Sunday how that row of cars passed by here. Them all laughing and laughing, and pointing at us. And you think they care about the dust they raise? Hell no. With their windows closed, why, they go on by just as fine as you please. And here we are, just like a bunch of monkeys in the at park in San Antonio– Parkenrich.

For Julian Olivares, the exchange between father and son is crucial for understanding the larger meaning of the story. The scene’s significance, Olivares argues, relies on the double meaning of “*apuntar*,” which in Spanish means “to count” and “to point.” So, while José is interested in counting the inhabitants of Zoo Island, his father calls out the area’s white inhabitants for pointing at them as if monkeys in a zoo. The difference between José and his father’s deployment of “*apuntar*” can thus be said to show how José’s quest to attain a sense of belonging is undercut by the social alienation his migrant community experiences as part of their contract migration. There is no clearer picture of this than the fact that the signpost, which José creates as the culmination of his census count, carries the name of an enclosure (Zoo Island).

In this section I discuss how Rivera’s characters map their fragmented knowledge of U.S. racial geographies to reveal the contradictions of liberal contract. To do so, I propose what I am calling a queer textual intimacy between Rivera’s hand-written copy (hereafter referred to as autograph manuscript) of “Zoo Island” and (what I believe to be)

³⁴ Tomás Rivera, “Zoo Island,” in *Tomás Rivera: The Complete Works*, ed. Julián Olivares (Houston: Arte Público Press, 1992), 146; 177. All translations, unless otherwise noted, by Angelina Vigil-Piñón.

the story's accompanying un-published vignette. I argue that if the texts are read across each other, enabled by the physical and textual spaces of Rivera's archive (including folders, drawings, stories, etc.), they make visible how migrant farm worker children critique forms of liberal inclusion, which in turn sheds new light on Rivera's own critiques to the genre of autobiography as what Lisa Lowe calls the privileged site for narrating "liberal life." I conclude by discussing the different mapping practices by Rivera and his characters to show how they mapped alternative social and geographic worlds that exposed the false promise of mobility under liberal contract.

To begin, I would like to continue with the discussion between José and his father to further explicate how the inhabitants of Zoo Island deploy their knowledge of race-making in Texas to negotiate their social alienation in Iowa. Take for example how José's father, like Don Simón, deploys the metaphor of the San Antonio zoo ("el Parquerich") to express his anger at the white motorists that drive by with their windows rolled-up; while camp inhabitants are covered in dirt, living in their *gallineros*, stuck playing the monkey like at "el parque en San Antonio." José's father counterpoises the monkey enclosure against whites' ability to own cars to show how camp inhabitants' lack individual mobility— a central tactic farmers used to retain their contracted migrant workers.³⁵ By juxtaposing the two forms of movement, contract versus individual, it can be said that José's father is pointing to the way contract labor migration has not changed their social standing as racialized farm workers nor freed them from conditions that tie

³⁵ For the various methods by which farmers attempted to immobilize workers leaving from leaving the south Texas region to the better paying beet farms of the Midwest, see chapter nine in Montejano, *Anglos and Mexicans*.

them down as cheap labor. In other words, the promises of the liberal wage economy have failed to materialize for Mexican migrant contract workers.

José's inability to reconcile the relationship between long-distance migration and his present conditions of social alienation and immobility is brought into fine relief when considering an unpublished vignette found in the folder containing Rivera's autograph manuscript of "Zoo Island" in the Tomás Rivera Special Collections. In the short vignette, a farm worker purchases a car so that he and his son can drive back to Texas after a harvest season in Iowa. The man, however, does not know how to drive and feels he is too old to trust himself on the road—ironically, this is a sign that he has spent the better part of his life travelling great distances in order to save enough money to be able to buy his own car. So, he enlists his thirteen-year-old son to drive. For a good while, the pair travel at 20-miles per hour. Until:

En Des Moines casi le dio un ataque de nervios al niño. Pero después que pasaron a Kansas City cogió tanta confianza que empezó a leer los letreros al lado de la carretera. Fue cuando se volcaron.³⁶

The child almost had a heart attack in Des Moines. But after they passed Kansas City, he gained so much confidence that he began reading road signs on the side of the road. It was then that they crashed.

It is not clear who Rivera imaged these two figures to be. Perhaps, it is José and his father? Although there is a discrepancy in years between José in "Zoo Island" and the unnamed child in the vignette, among various draft copies of "Zoo Island," there are various

³⁶ Rivera Papers, Section 2, Box 3, Folder 9. Translation my own.

other numerical discrepancies, an interesting point important to consider given that the short story was originally to be named “Cuando se contaron”/ “when they counted themselves.” Small errors in accounting appear to be a hallmark of the story’s route to completion. Thought of imaginatively, it can also serve to show how José, in his world, was actively stymied in completing the census by Rivera through his own failures of accounting. It is telling that Rivera’s interfering or presence in the worlds of his characters can also be explored in terms of “el otro’s” textual construction, the very first story Rivera had an overwhelming urge to write as a child was about a car accident he experienced with his family on the road to Iowa.³⁷

I position the un-named vignette in conversation with “Zoo Island” through its physical and textual proximity to “Zoo Island” and its intimate connection to Rivera’s childhood literary development while in Iowa to contend that they reveal how Rivera’s works undermine notions of liberal wage contract, and the autobiographical narration of liberal life. To tackle both points, I read across the two stories to show how José, from *his* world, alters the world of his “otro” (“Other”) in the un-named vignette— who I identify as the boy driver. In Rivera’s works, meeting one’s “otro” is a form of “dynamic intimacy,” where a sense of connection is established that “tie[s] one’s intimacy with others.”³⁸ Most famously, Rivera’s notion of “el otro” occurs at the end of the final story in *Tierra* where the story’s farm worker child discovers his connection to his migrant community by encountering his “otro” in the dark space below a house. Olivares has argued that Rivera’s notion of “el otro” can also be found in “Zoo Island” when José,

³⁷ Rivera, “Chicano Authors,” 193-194.

³⁸ Qtd. in Olivares, “‘La cosecha’ y ‘Zoo Island,’” 62.

surrounded by his community in front of the signpost he created, begins to scream uncontrollably, a moment that is meant to symbolize his attainment of a sense of belonging. I, alternatively, position José's "dynamic intimacy" to his "otro" outside of the text of "Zoo Island," and seek for it through physical proximity to the un-named vignette and textual proximity to the boy in the un-named vignette— a reading enabled through the physical and textual spaces of the Rivera Special Collections.

By approaching Rivera's archive as a space of incomplete narration, full of stories with incomplete ends and multiply reworked never-to-be-published poems, I challenge the "settledness" of "Zoo Island" and the un-named vignette (one published posthumously, the other never published). I argue that they transgress each other's worlds through a queer textual intimacy that reveals how Rivera's autobiographical practices produce what Lisa Lowe calls the contradictions that "break through the liberal genre of the individual's journey."³⁹ By reading the two stories across each other, José and his "otro" reveal the migrant farm worker child's failed *bildungsroman*— a failed transition toward becoming a "proper" subject of wage labor that entails neither the right to mobility nor "free" labor that contract portends. Doing so helps us see how the two texts' queer textual intimacy lends to Rivera's practice of "unsettling" the genealogies central to reproducing notions of the "liberal life" within autobiographical narratives, particularly in coming-of-age stories.⁴⁰

³⁹ Lisa Lowe, *The Intimacies of Four Continents* (Durham: Duke University Press, 2015), 65.

⁴⁰ Olivares, "'La cosecha' y 'Zoo Island,'" 62.

Notice for example, how despite the wages earned by “el otro” and his father under contract in Iowa, which enables the purchase of a car and therefore access to individual mobility (like that of the “bolillos”), the pair end up wrecking the car on the *very same kind of signpost* José erects in “Zoo Island.” As noted earlier, the signpost in “Zoo Island” symbolizes José’s desire for “a sense of identification with an actual place,” even though, as his father points out, it is a sense of belonging undercut by the conditions that reinforce their immobility and social alienation. In the un-named vignette, signposts on the road, in so far that they indicate the approaching goal of reaching Texas on the merits of the pair’s wage labor, serve as indicators of achieving liberal subjecthood. By reading across both texts, José’s signpost, an indicator of ultimately failed liberal inclusion, emerges in “el otro’s” world to make him crash and prevent attainment *of* and arrival *into* liberal life. In other words, José’s and “el otro” haunt each other across texts and produce each other’s failure to achieve liberal inclusion vis-à-vis wage labor and mobility. In addition, their “failure” to achieve liberal life, can be said to mirror the failure of Rivera’s semi-autobiographical coming-of-age stories more broadly and his own practice of mapping social relations.

Rivera used his literary production to foreground how he and the people of the “migrant stream” employed place-making practices to negotiate the uncertainty of contract labor migration and social alienation. For Rivera, attention to place-making in his writings has its origin, as he tells it, to Henry M. Stanley’s *In Darkest Africa*, found in the dumps of the Midwestern town in which he worked as a child. Rivera wrote:

I didn't know anything about history at the time, or the exploration of Africa, but with the books came maps of the terrain through which Stanley had to travel [...] It carried into my own life, because I started making maps of the terrain we travelled [...] Later, I was able to understand the exploration of America and Latin America because I could understand this one man's exploration of the Dark Continent.⁴¹

That Rivera traces the genesis of his autobiographical and literary self to an autobiographical text of colonial exploration could be argued to show how Rivera theorized the mapping of places as a means of entering into proper liberal subjecthood—an evocative analog to his literal crawling out of the Iowa dumps in which he found *In Darkest Africa*. But different than the way the genre of autobiography, as Lisa Lowe argues, served as “the predominant genre of narration of the liberal life: the accomplishment of exemplary freedom of person,” Rivera’s semi-autobiographic works and personal recollections are bogged down by accidents, death, immobility and lack of knowledge regarding contract terms.⁴²

Though Rivera acknowledges that he became fixated on drawing maps of his family’s annual contract migration to Iowa after having read *In Darkest Africa*, his works do not employ methods by which to make a journey toward liberal subjecthood legible. Instead, farm workers in his Rivera’s stories travel incomplete journeys, which they often recall in fragmented narratives. They could be said to employ what Rosaura Sanchez has called the practice of mapping “alienating social relations” as a means to elaborate on dispossession and dislocation.⁴³ Take for example a short vignette that appears in *Tierra*

⁴¹ Rivera, “Chicano Authors,” 197.

⁴² Lowe, *The Intimacies of Four Continents*, 51.

⁴³ Rosaura Sánchez, *Telling Identities: The California Testimonios* (Minneapolis: University of Minnesota Press, 1995), 2-3; 6.

where a migrant farmworker woman expresses her distrust of a labor agent who is contracting people to agriculture fields in Utah. The entire vignette reads:

–Comadre ¿usted piensan ir para Iuta?

–No, compadre, si viera que no le tenemos confianza a ese viejo que anda contratando gente para... ¿cómo dice?

–Iuta. ¿Por qué, comadre?

–Porque se nos hace que no hay ese estado. A ver, ¿cuándo ha oído decir de ese lugar?

–Es que hay muchos estados. Y ésta es la primera vez que contratan para ese rumbo.

– Pos sí, pero, a ver, ¿dónde queda?

–Pos, nosotros nunca hemos ido pero dicen que queda cerca de Japón.⁴⁴

“Comadre, do you all plan to go to Utah?

“No, campadre. I’ll tell you, we don’t trust the man that’s contracting people to go work in– how do you say it?”

“Utah. Why, comadre?”

“Because we don’t think there’s such a state. You tell me, when’ve you ever heard of that place?”

⁴⁴ Rivera, *The Complete Works*, 9; 69.

“Well, there’s so many states. And this is the first time that they’ve contracted for work in those parts.”

“Yeah, but tell me, where is it?”

“Well, we’ve never been there but I hear it’s somewhere close to Japan.”

The *comadre* notes that she does not trust the labor agent who is attempting to contract her husband (and appropriate her labor) to farmers in “*Iuta*” (Utah) and presses her *compadre* to prove her wrong. One can read the *compadre*’s response, that he believes “*Iuta*” is somewhere near Japan as farcical, or we can instead understand the proximity of “*Iuta*” to Japan in migrant farm worker epistemology as related to the history of Japanese internment in Utah, which was home to one of the largest Japanese internment camps, Topaz. Rivera’s *comadre/compadre* vignette leads us to imagine the possible encounters between Mexican farm workers and Japanese internees who worked in the fields of “*Iuta*” as part of a state policy that contracted them to the region’s farmers. In other words, the *comadre* makes clear that contract, the crown-jewel of the liberal economy, not only means further exploitation and dislocation for Mexican farm workers but was also part of other forms of social exclusion, that of the Japanese. The *comadre* and *compadre* can be said to reveal a deep knowledge of the U.S.’s social geographies of dislocation even as actual physical geographies remain blurred. The maps of dislocation produced by the memory of a San Antonio zoo, the forms of queer textual intimacy across texts that unsettle the archive, or the way the *comadre* and *compadre* may be calling out the coercive nature of contract migration and Japanese internment, all produce fragmented, unknown, and suspect journeys, a practice of mapping that is further

elaborated in an unpublished illustration by Rivera that accompanies his draft of “Zoo Island.”

Different than the kind of mapping Rivera describes as a childhood practice inspired by *In Darkest Africa*, he, in an ambitious un-published full-page doodle that is found in the folder that contains “Zoo Island,” provides a kind of visual roadmap to accompany “Zoo Island.”⁴⁵ In the doodle we see José’s signpost, a small circular map of Zoo Island’s *gallineros*, a road and an adjacent field, a *very* 3-D farmworker, a visual representation of a setting sun, and what appears to be their field overseer, “el viejo.” Taken together, the doodle provides no sense of continuity. Instead it provides a fragmented mapping of the conditions of life and labor for the inhabitants of Zoo Island. Take for example how there is no direct road in the drawing that links the *gallineros* in Zoo Island to the thistle field fifty-miles away. The circle drawn around the *gallineros* is meant to represent the “Monkey Island” enclosure in the San Antonio zoo and symbolize inhabitants’ social exclusion. While geographic space is represented in fairly straightforward manner, time is mapped through the representation of a setting sun to the right of the thistle field and “el viejo” overlooking the field on the left (with the setting sun literally a part of the structure of his eyes). Taken as a whole, Rivera’s doodle echoes the larger theme of “Zoo Island,” how alienation is central to contract wage work.

⁴⁵ Rivera Papers, Section 2, Box 3, Folder 1. Because the drawing lists the same population number (86 ½) as Rivera’s autograph manuscript, it is probable that this picture served as a kind of idea map for Rivera as he finalized the story’s manuscript.

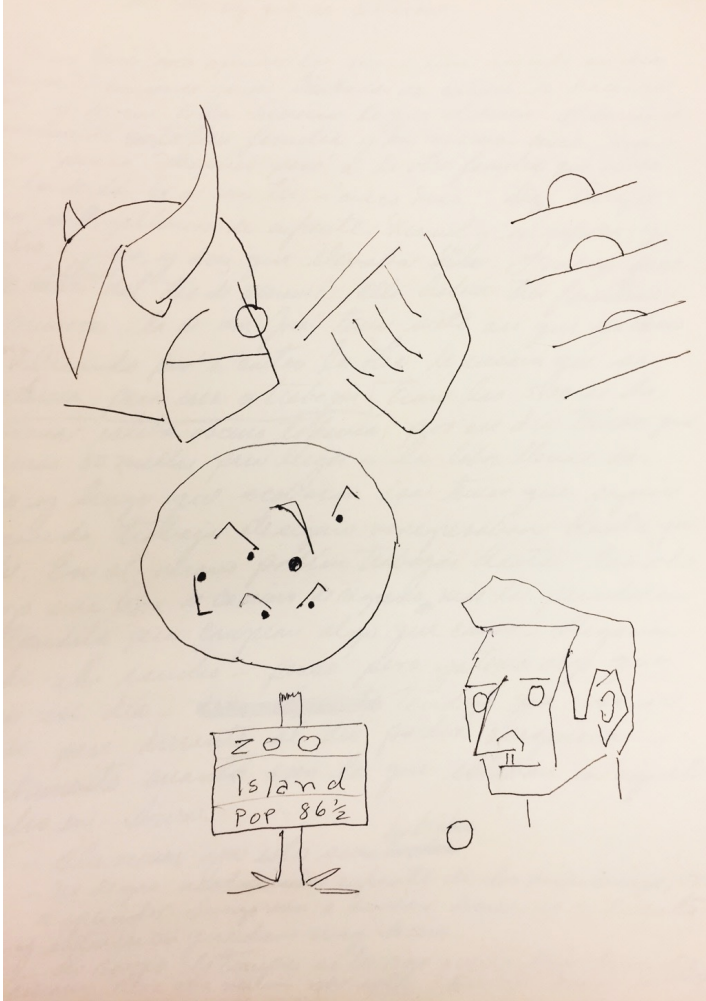


Figure 3.2. Tomás Rivera's depiction of the social relations of Zoo Island.

This section has argued that Rivera's semi-autobiographical works, opposed to the way the genre of autobiography emerged as the privileged site for resolving the contradictions of liberal wage labor through mapping the individual's journey toward liberal modernity, dwell in the failure of migrant farm workers, and children in particular, to achieve liberal subjecthood. Rivera's works expose how the reproduction of liberal life and the sustaining of white settler subjects' literal life depends on the management of migrants' labor. In fact, as will be explored in the next section, "Zoo Island" reveals how

José comes to understand that his viability as a wage worker and ability to enter into contract depends on a simultaneous disposability and ability to appropriate the labor of women.

“¿Somos la hierba?”: “Migrant Orientation” and Mexican Women’s Critiques to Wage Contract

“Migration is a failure of roots. Displaced men are ecological victims. Between them and the sustaining earth a wedge has been driven.”⁴⁶

Ernesto Galarza

In his essay “The Great Plains as Refuge in Chicano Literature,” Rivera quotes labor activist Ernesto Galarza’s claim that Mexican migrants’ displacement is a form of ecological terror. Galarza, an ardent and vocal critic of agribusiness, knew the processes that displaced Mexican migrants well, and wrote about them in his various studies on agribusiness.⁴⁷ For both Rivera and Galarza, the ecological violence of forced displacement was a result of resource extraction and land expropriation central to capital, a process that made migrants an oppositional force to the “sustaining earth.” It is telling that Rivera draws on Galarza to describe how agribusiness’s relations of production

⁴⁶ Qtd in Rivera, “The Great Plains as Refuge in Chicano Literature,” in *Tomás Rivera: The Complete Works*, 321.

⁴⁷ Like Rivera, Galarza wrote of his own childhood displacement from Northern Mexico to Northern California in his now foundational autobiographical text, *Barrio Boy*.

create a wedge between plant life and people, particularly for the ways Rivera theorizes migrant children's identification with the plants they are tasked with "[tearing] from the earth," which results in a simultaneous "failure of roots."

In this section I will explore how José comes to understand that securing contract as an adult requires not only undergoing a slow physical death by putting his body on the line to pick thistle, but also demands that he appropriate the vital energy of women through relations of marriage and family. To flesh out my argument, I first explore how Rivera theorizes the migrant farm worker child's subjectivity in relation to thistle, a thorny non-native weed that spread throughout the Midwest. I engage a hand-written question—"¿somos la hierba?"/"are we the weed?"—posed by Rivera on an early permutation of an un-published poem (hereafter referred to as "¿somos la hierba?") about death, thistle, unattained love, and the extraction of vital energy. In the second part of this section, I use the poem's theorization on the extraction of vital energy to argue that José's attempts to complete the census of the camp by requesting that the camp's women (*las comadres*) give him their names and number of family so that he may write it on a paper, is an analog to José's future ability to appropriate women's labor through his ability to forge contract and satisfy agribusiness's demands. I close by discussing how *las comadres* use the encounter with José to refine their knowledge of the structures of contract that erase them as subjects of labor.

In "Zoo Island" José and his father must clear thistle that has grown during the winter in order to ready their landlord's fields for agriculture production in the spring. As José helps his father clear thistle, he asks: "'Apá, ¿cree que encontramos trabajo después de acabar aquí?"/ "Dad, you think we'll find work after we finish here?" An

increasingly important question for José given that once their contract ends they will have to either find work in the region, seek a way to return to San Antonio, or find work in another state. José's father replies:

*Sí, hombre, hay mucho. A Nosotros no nos conocen por maderistas. Ya vites cómo se quedó picado el viejo cuando empecé a arrancar el cardo en la labor sin guantes. Ellos para todo tienen que usar guantes. Así que de seguro nos recomiendan con otros rancheros. Ya verás que luego nos vienen a decir que si queremos otra labor.*⁴⁸

Sure, son, there's always a lot of work. They don't take us for a bunch of lazy-bones. You saw how the boss' eyes popped out when I started pulling out all the thistle without any gloves on. Huh, they have to use gloves for everything. So they're bound to recommend us to the other landowners. You'll see how they'll come and ask us if we want another field to work.

José's father assures him that "el viejo," whom oversees their contract for their landowner, will surely recommend them to other farmers in the area. To convince José further, he reminds him of the way "el viejo" was "*picado*" when he saw him pick thistle without gloves. We can, on the one hand, read José's father's ability to pick thistle without gloves as a demonstration of his level of work experience, and on the other hand, could be said to be an intentional performance that reveals a deep knowledge of how his physical expendability will ensure further contract throughout the region, as it will satisfy farmers' desire to retain a highly vulnerable farm worker labor force. Furthermore, we can read how the gloves worn by whites not only create a physical barrier between their bodies and the thorns on thistle, but also a symbolic distance from the slow draining of

⁴⁸ Rivera, *The Complete Works*, 146; 178.

life required from migrants. José's father's labor as performance is corroborated by Rivera's critical essay "The Great Plains as Refuge in Chicano Literature," where he describes the role of disposability for securing future contract by noting that working "the land [was] the common denominator. The word filters back to Texas. In the Midwest and the Great Plains a person's worth is determined by the amount of hard work he or she can do. Even children were able to understand this basic difference."⁴⁹ Rivera's quote further allows us to see how the scene between José and his father can also be read as José's father giving his son a lesson on how his "hard work" (read as disposability) in the Midwest will filter back to labor agents in Texas, which will result in their securing of contract season after season.

José's father's understanding of the necessary skills to ensure contract, however, does not reveal the form of reproductive labor on which his ability to continue working depends— a cost shouldered by workers' female relatives, whose vital energy is appropriated as part of men's labor contract. To read "Zoo Island" for vital energy, I situate its queer textual intimacy to Rivera's unpublished and constantly reworked "La hierba," which is also alternately titled "¿somos la hierba?" on the same document. Not only do both texts date from the same era, but the unpublished poem grants an unexplored window into Rivera's thoughts on the way migrant farm worker children theorize their disposability. In addition, the poem, through its queer textual intimacy with Rivera's "Zoo Island," extends Rivera's critiques into "liberal life," this time by exposing how its construction literally depends on migrants' life depletion. Having said that,

⁴⁹ Rivera, "The Great Plains as Refuge in Chicano Literature," 327.

“¿somos la hierba?” is a dead document so-to-speak; it is neither a published work nor an original piece, but one version among many of a poem later published as “Odio.”⁵⁰ It just happens, as mentioned earlier, that the poem contains an unexpected note from Rivera in the margins that makes explicit how migrant farm worker children theorized their disposability alongside the life-cycle of the plant they pick— much like Williams exploration of Shelan’s subjectivity in relation to cotton in *Working Cotton*.

In Rivera’s poem, thistle operates as a metaphor *and* a living entity capable of receiving love. “¿somos la hierba?” reads:

Weeds
 alone
 daggers
 knifing
 soundless
 unloved through death

 Future in seed

 Stone upon stone
 of despair

⁵⁰ “Odio,” differs in that it contains the lines: “Weeds rupture the marble/ and laugh at its whiteness.” A possible reference to migrant farm workers surviving despite forms of nativist social exclusion and exploitative labor. See, Rivera, “Odio,” in *The Complete Works*.

stone from which
 came the weeds
 to blade each other
 without love

to be torn from the earth
 and thrown from the earth

The seed was there
 on every brown stone
 waiting for love⁵¹

In the first stanza of “¿somos la hierba?” we are presented with the image of weeds (thistle) growing in isolation– “soundless.” Thistle, though “unloved,” eventually dies, but even so, the speaker tells us, reproduces by dropping seeds “on every brown stone” (the earth)– “future in seed.” A claim supported by a different hand-written and un-titled version of “¿somos la hierba?” where Rivera replaces the line “unloved through death” in the first stanza with:

To be torn from the earth
 left to dry

⁵¹ Rivera Papers, Section 2, Box 5, Folder 1.

to die⁵²

This permutation of the first stanza describes the life-cycle of thistle, where being “left to dry/ to die” leads to “future in the seed”— a cycle seemingly undisturbed by outside forces. However, in the six-line stanza that follows another set of weeds (migrant workers) arrive; introduced by agribusiness’s relations of production and begin a process where both “blade each other.” The weeds that in the first stanza were “soundless” “daggers/ knifing,” in the third stanza are “torn from the earth/ and thrown from the earth” by the second set of weeds. We can read the poem as migrant workers arriving to exterminate thistle and prevent its further reproduction, as its removal is the condition for making Midwestern land productive. We can read the line, “to be torn from the earth,” as migrant workers’ literal picking of thistle as well as their own dislocation from “the brown stone.” The line “thrown from the earth” symbolizes the life-exhaustion of both thistle and workers beyond the point of reproduction, and can also be interpreted as the literal foreclosure of physical emplacement, as the relations of production have displaced both. The poem can thus be said to symbolize Rivera’s intimate understanding of displacement of farm workers from Texas to pull thistle in Iowa, and as a whole, could be said to describe a scene of ecological violence initiated by capital.

Thematically, the poem frames picking thistle through an economy of unrequited and unattained “love,” between weeds and migrant workers. Consider one of Rivera’s early short-essays where he theorized the relationship between love and belonging for

⁵² Rivera Papers, Section 2, Box 5, Folder 1. These three lines eventually make it into the published version of “Odio,” but are missing from the type-set “¿somos la hierba?”

migrant children by noting that “with love the child has a great aid in orienting himself toward the remainder of mankind, of seeing his place in the universe.”⁵³ While Rivera’s idealized notion of attained “love” means that a child will be orientated toward mankind and capable of mapping their place in the world, the speaker in “¿somos la hierba?” formulates a queer orientation, which is to say “migrant orientation,” through unrequited and unattained love to form a bond with the plants they are to pick. The queer orientation toward thistle allows the speaker to wonder if their contracting to clear the plant isn’t itself related to the form of disposability and social alienation they experience. The speaker responds by imagining plant and human life not subjected to the relations of agribusiness that are premised on the “failure of roots” for both. Similarly, in *Working Cotton*, Williams linked Shelan’s reluctant coming of age and resistance to wage work through her identification with cotton, and Shelan’s reading of cottons’ late blooming as an attempt to stymie commodity production. In sum, the forms of sociality and life that Rivera’s and Williams’s characters imagine in their challenge to conform to agribusiness’s relations of production form a “dynamic intimacy” to the plants they pick and by doing so highlight the life-sustaining force that is necessarily extinguished to make agriculture productive.

Together, the various reproductions of “¿somos la hierba?” reveal a lot about Rivera’s theorization on farm worker children’s experiences of entering into wage labor and their keen awareness of the forms of disposability and reproduction that are necessary for commodity production. The queer textual intimacy between the various

⁵³ Tomas Rivera, “Love in the Classroom,” Rivera Papers, Section, 1, Box 1, Folder 1.

reproductions of “¿somos la hierba” and “Zoo Island” helps situate a reading of José’s gendered expectations and privileges under his future ability to forge contract. Rivera marks, differently than Shelan’s gendered position in the cotton economy, José’s shift toward becoming a *male* wage laborer capable of forging contract with his ability to appropriate women’s life-sustaining labor. Whereas José, as noted earlier, learns of the disposability necessary for picking thistle as related to his ability to enter into wage contract through his father, his interaction with Zoo Island’s “*comadres*,” who debate the utility of José’s census count, expose the gendered structures that produce his labor as productive and their own as gendered reproductive work. Despite José’s attempts to make his place in the world permanent, which is to say make his migrant camp an “actual” place of belonging by completing a census and creating a signpost, *las comadres* reveal the uneven contractual relations that make male laborers’ so-called “hard work” possible.

Las comadres state:

No crea, no crea, comadre. Estos niños de hoy en día siquiera se preocupan con algo o de algo. Y a mí me da gusto, si viera que hasta me da gusto que pongan mi nombre en un hoja de papel, como dicen que lo van a hacer. A ver ¿cuándo le ha preguntado alguien su nombre y que cuántos tiene de familia y luego que lo haya apuntado en una hoja?⁵⁴

Don’t think that, comadre, no, no. These kids nowadays are on the ball, always inquiring about something or other. And you know, I like what they’re doing. I like having my name put on a piece of paper, like they say they’re gonna do. Tell me, when’s anybody ever asked you your name and how many you got in the family and then write it all down on paper?

⁵⁴ Rivera, *The Complete Works*, 147; 179

The *comadres*' discussion, Olivares argues, is an example of how in Rivera's works "las voces anónimas del pueblo hablan, narran"/ "the town's anonymous voices speak and narrate."⁵⁵ Specifically, Olivares has read the dialogue between the *comadres* as "el deseo de los chicanos desarraigados de formar un pueblo que valga tanto como el pueblo vecino"/ "the desire of dislocated Chicanos to establish a town as important as the next."⁵⁶ While Olivares's reading certainly fits squarely within existing readings of Rivera's works, which describe the overall narrative of Rivera's *Tierra* works as showing how migrant children develop a sense of belonging in the face of social exclusion, it creates too facile a connection between the narration of *las comadres* and José's desire to belong, and implies that the *comadres*' narration simply moves forward José's attainment of belonging. Differently, the *comadres*, as speaking subjects, can be said to break the assumed narrative progression of "Zoo Island" by fundamentally recasting José's completion of the census and the installing of the signpost as a symbolic step toward appropriating the vital energy of others. I read the interaction between the *comadres* and José as an allusion to and contestation of José's future ability to forge contract, with the census count and his desire to document their names and number of family, as a kind of trial run to his future capacity to appropriate the vital energy of the gendered subjects on which his liberal wage contract will depend.

"Sí, pero, ¿para qué?"/ "Yeah, but, what's it good for?" The *comadres* do not see eye-to-eye on the value of José's census count, and as they debate the utility of his project, one of the *comadres* asks the other, "¿cuándo le ha preguntado alguien su nombre

⁵⁵ Olivares, "'La cosecha' y 'Zoo Island,'" 61.

⁵⁶ Ibid.

y cuántos tiene de familia y luego que lo haya apuntado en una hoja?” / “when’s anybody ever asked you your name and how many you got in the family and then write it all down on paper.” José’s request, one of the *comadre*’s makes clear, is the first time they have ever been asked to participate in any form of paper recording. A claim that can be read as never being asked to sign a contract, though their bodies and labor have been appropriated under relations of marriage and servitude. Put slightly different, the *comadre*’s rhetorical question is a direct reference to the formal structures of liberal contract that devalue their life-sustaining labor by producing their labor as naturalized obligation. It is important to note that while José’s father’s advice to José on how best to attain contract pivoted on his physical disposability, while not acknowledging the need to be reproduced, the *comadres*, like the speaker in “¿somos la hierba?” elaborate on the life-sustaining labor that is the foundation, though produced as non-value, for agriculture’s relations of production.

To bring this argument to a finer point, take for example how José’s quest to take the census of his camp is driven by a need to not only *apuntar* women’s life-sustaining labor but also account for biological reproduction. When José and his camp-children-task-force convene to report on the progress on their census count, they realize that they have to make a modification to account for the camp’s pregnant women.

Realmente eran ochenta y seis pero salieron con la cuenta ochenta y siete porque había dos mujeres que estaban esperando, y a ellas las contaron por tres. Avisaron inmediatamente el número exacto, explicando lo de las mujeres preñadas.⁵⁷

⁵⁷ Rivera, *The Complete Works*, 146-147; 180.

Actually, there were eighty-six on the farm, but the boys came up with a figure of eighty-seven because two women were expecting and they counted them for three. They gave the exact number to the rest of the folks, explaining the part about the pregnant women.

José's accounting of women's biological reproduction, like the request he made of *las comadres*, as one *comadre* put it, to tell him "how many you got in the family," can be read as part of his future ability to appropriate women's labor and bodies through contract, a task that is ironically undermined by Rivera's inability to properly do the math across his various versions of the story. Take for example how at the end of the posthumously published version of the story, José's signpost reads "Zoo Island, Pop. 88 ½." If we look back at Rivera's full-page doodle, however, we notice that José's signpost mysteriously reads "Zoo Island Pop 86 ½." Why the discrepancy? To complicate matters, in his autograph manuscript of "Zoo Island," Rivera records the population as 89 ½.⁵⁸ Clearly, the difference in accounting is on Rivera's end, but it is telling that no matter how many permutations, the ½ remains. Clearly, for Rivera it was important to keep the kids accounting for the half, which is to say for women's biological reproductive labor. A simple reading of the significance of recording women's biological reproduction could be said to represent how although their camp has less resources, they are already larger than the neighboring Anglo town— a kind of power in numbers as one of the *comadres* notes: "creo que quieren sentirse que somos muchos" / "I think they want to feel like we're a

⁵⁸ As Olivares notes, 86 total inhabitants + Don Simón (who the children count at the end) + one of the newly born children + the ½ for the baby that is yet to be born = 88 ½.

whole lot of people.”⁵⁹ Or, we can read Rivera’s holding on to the “½” as the necessity for José to account for women’s reproduction as further proof of his symbolic milestone toward liberal subjecthood. This discrepancy, or Rivera’s accounting error, makes the original title of “Zoo Island,” “la vez que se contaron”/ “the time they counted each other” not only humorous, but indicative of the larger intervention I have attempted to make with this chapter, which is to say I’ve fore-fronted the failures, unexpected discrepancies, incomplete stories and multiply reworked and elided stanzas to make present, not in any exhaustive or definitive way, the various interventions into liberal life and wage contract that Rivera has left us.

⁵⁹ Rivera, *The Complete Works*, 147; 179. See note nine, Olivares, “‘La cosecha’ y ‘Zoo Island,’” 149.

Chapter Four:

Bracero Contract: “The Business in Brown Flesh” and the Failure of Expectation

Sudden downpours and thunder claps were common in the late summer of 1963 in the small ranch town of San Isidro in Los Altos de Jalisco, Mexico. Seventeen-years-old Guadalupe, daughter of small-scale farmers, was responsible for many of her family’s gendered reproductive tasks. She washed her family’s clothes at *el tornito*, a brook with a large and flat rock that made a surface for scrubbing on the property of Don Jose Becerra and Doña Lydia Acevez Becerra. The sporadic large *guamuchiles* that lined the water source formed a corridor that channeled strong gusts of wind, and provided optimal conditions for air-drying. Guadalupe remembers strategizing about the best time to do laundry for her parents and siblings so that the chance of rain would be lessened. The older Concha, daughter-in-law of the Becerras, would, accompanied by her four children, exit from her house and join Guadalupe at *el tornito*. Guadalupe, whose fiancé was a bracero in Arizona, and Concha, whose husband was a bracero in Salinas, developed a close relationship.

One day, Guadalupe recalls, Concha received a telegram from *el pueblo*, which led Concha to exclaim to her eldest child, “¡ya va regresar tu papa!”/ “your father is coming home!” Guadalupe has never forgotten the exact words because of the following day’s news. Concha’s husband, *X*, was being returned home because he was dead.

On the evening of September 17, Demco Farms bus 197 made its way to its designated bracero camp in Chular, California. On board were over four dozen men who had finished a full day's work. *X*, along with his fellow workers, sat or possibly stood in the illegally altered and covered bed of the truck. The truck had been altered so that it could hold vegetables for distribution while the men worked. As they neared their camp, the driver, thirty-four-years-old Francisco Espinoza, drove the truck over train tracks. Espinoza did not see a Southern Pacific Railroad train barreling down the tracks. Seconds later, the truck was cleaved in two. And as historian Lorie Flores put it, the "compartment detached, sending bodies, pieces of wood, and work tools flying [...] fifty-six men lay scattered around the tracks."¹

In the days that followed the attenuated message of *X*'s death, community members grew concerned about the significant amount of time it was taking for his body to be returned to his family. The long delay caused people to affix various reasons to his absence; some fantastic, some mundane. For Guadalupe, the disappearance of *X* produced a second less remarked disappearance; Guadalupe never saw her friend Concha again. Later, she learned that Concha had become ill and, along with her children, returned to live at her parents' home in a faraway town. Guadalupe also recalls that the rainy season of 1963 forced her family to wear damp clothes.

Piecing together the official accounts of the Chualar crash and trying to fit them with the intimate stories about the crash I heard growing up, inspire this chapter. The

¹ Lori Flores, "A Town Full of Dead Mexicans: The Salinas Valley Bracero Tragedy of 1963, the end of the Bracero Program, and the Evolution of California's Chicano Movement," *Western Historical Quarterly* 44, no. 2 (2013), 126.

various narratives of the crash, however, do not offer an explanation for what “actually” happened to *X*, nor am I interested in that question. I am interested in the contradictions that emerge between the various official narratives that were produced about the Chualar crash by agribusiness and state actors, and those of migrant farm workers, as well as from the people of San Isidro who recall the accident’s aftermath, despite being in the dark about what “truly” happened to *X*. I trace the various narratives and their counter-narratives in terms of what Michael Taussig has called epistemic murk, a terrain where the inability to define the truth of an event, emerges from a condition of epistemic inequality enforced by those in power as a means to limit what the people they subordinate can know of their conditions of exploitation.² Yet, as Taussig notes, those who are subordinated *do* create narratives to make sense of their exploitation and of traumatic moments, and as Taussig notes, in doing so create powerful forms of resistance. As a whole, the various meanings produced about the Chualar crash fit well into the condition where, as Taussig artfully conveys, “meaning was elusive [...] Doubt played havoc with certainty. Perspectives were as varied as they were destructive of one another. The real was fictional and the fictional was real and the haziness brought out by the glow could be as powerful a force for terror as it could be for resistance.”³

I grew up with the story of the Chualar crash. For many years, however, I did not know what the story actually was. In fact, I didn’t find out about its historical significance until much later. But even as a child, I was fascinated by the story every time

² Michael Taussig, *Shamanism, Colonialism, and the Wild Man: A Study in Terror and Healing* (Chicago: University of Chicago Press, 1991). Taussig wrote of a condition of colonial labor exploitation and resource extraction in Peru.

³ Taussig, *Shamanism*, 127.

it was retold. Now, as a researcher, I am interested not in providing one more account of the crash, but in investigating the various narratives about the crash that form the “murk” left behind by the relations of agribusiness in the Central Valley, and that in their wake, signal to the structures of settler colonialism and capital which gave them rise.

Although how *X* died is no secret, the reason why it took *X* so long to return home continues to be shrouded in mystery for many. Few know that while his family awaited his return, various governmental, agribusiness, and migrant rights advocates in Northern California fought over the right to memorialize *X* and the nearly three dozen other dead braceros. And as a chasm of time opens between the event and the event’s continued retellings, what emerges is shaped by the limited information available, what people can still remember, and what they choose to hold on to. I’ve wondered if anything is known in the small town of San Isidro about the 25th of September of 1963, when over a week after *X*’s death, nine thousand people attended a vigil held for the 32 braceros at the Salinas Palma High School gymnasium. Had anyone heard that *X*’s body was in one of 32 closed caskets placed on the gym floor in the form of a large cross, a sight that led one of the most significant critics of agribusiness, Ernesto Galarza, to call the event a “*misa de cuerpo presente*”?⁴

Galarza, a labor organizer for the National Agricultural Workers Union and advocate of Mexican farm worker rights, headed the Chualar investigation for the House Committee on Education and Labor under the jurisdiction of Baptist pastor turned

⁴ Given the gruesome nature of the accident there is meaning to be found in that “*misa de cuerpo presente*” means funeral mass in Spanish and can also be read literally as mass with a present body.

Congressman, Adam Clayton Powell Jr. Galarza's investigation was a painstaking documentation of the Chualar crash, and like his existing body of work, which had long documented Mexican farmworker exploitation, his account of the crash troubled the Farm Labor Associations that depended on bracero labor throughout the state. His attempts at documenting the crash can be summarized by the way he once more broadly described the challenges he faced in his forty plus years of documenting California agriculture. He called agribusiness-land, borrowing from J.R.R. Tolkien, "a land full of wonder but not much information." Although the quote appears to suggest that information was difficult to come by, it more aptly describes how systems of epistemic control and intimidation were used by growers to limit what their workers could understand and describe about their labor conditions; a means to control the narratives about the relations of production so to ensure continued access to a Mexican farmworker labor force. As Curtis Marez has noted in *Farm Worker Futurism*, Ernesto Galarza described agribusiness's ability to control all aspects of their industry, from recruitment of labor to distribution of commodities, as granting them a "broad view," a form of epistemic power over their subordinated workers who could only achieve a partial picture of the relations of agriculture around them.⁵ The SFGLA's control over the official narrative of the Chualar incident was directly linked to their attempts to retain control over the broad view of agriculture in the Central Valley. It was integral to their aims to reauthorize the Bracero Program year after year.

⁵ Curtis Marez, *Farm Worker Futurism: Speculative Technologies of Resistance* (Minneapolis: University of Minnesota Press, 2016), 64. For Marez, the control over what farm workers could know also produced epistemologies from the bottom up that complicated agribusiness's hold over their labor conditions.

As leading scholar of the Bracero Program, Gilbert Gonzalez has noted, braceros were “an out-of-sight labor force, largely ignored by the U.S. population” during the 1950s.⁶ The little attention given to guest workers in the decade following the Second World War, however, benefited groups like the SGFLA, which had been at the forefront of successful calls to renew the guest worker program for more than twenty years.⁷ But, the SGFLA’s public touting of grower benevolence, including adequate housing, food, wages, and sometimes even social inclusion, began to give way when, as Flores notes, “the Chualar incident added the element of sudden death to what opponents already saw as the slow deaths of braceros in the program.”⁸ And for all of the SGFLA’s attempts, there were aspects of the crash that could not be spun into favorable resolutions, many of those were continuously made public by Ernesto Galarza, and others emerged from the limited and fragmented narratives told by migrant farm workers and their families that proved in excess to growers’ attempts at controlling their sociality.

In the wake of the crash, Galarza would find that control over the narrative of the crash was of great interest to Salinas Growers Farm Labor Association (SGFLA), which asserted its control by “handling the bracero victims’ funeral, impeding federal investigation, and silencing the crash survivors.”⁹ In the weeks that followed the crash, the SGFLA attempted to weave a narrative of continued good-will towards Mexican nationals by launching a public relations campaign that would secure their control over

⁶ Gilbert G. Gonzalez, *Guest Workers or Colonized Labor? Mexican Labor Migration to the United States* (Minnesota: Paradigm, 2008), 97.

⁷ Flores, “A Town Full of Dead Mexicans,” 130.

⁸ *Ibid.*, 132.

⁹ *Ibid.*, 127.

their labor force. They reiterated how the Bracero Program was indeed a mutually beneficial program for Mexican nationals, the various growers they represented, and the American public. The crowning achievement of their public relations campaign was their control over the public memorialization of the victims of the crash that took place in the Salinas High School. As Flores notes, it was there that the SGFLA claimed “control over the braceros’ bodies and memory [...] in a way they never had when the men were alive.”¹⁰

Galarza’s meticulously documented, and at times beautifully literary, report to the House Committee on Education and Labor, brought to the fore the violations of bracero contracts and went as far as describing the bracero contract as the *carte blanche* for worker exploitation. Like he had done with his reporting of farm worker labor conditions in his work, *Strangers in our Fields* (1956), his report outlined how the web of labor associations, middlemen, and farmers put into motion a scheme that drew Mexican nationals to the Salinas Valley under coercive conditions.¹¹ He contended that the Chualar crash was not an accident, but part of agribusiness’ systemic labor exploitation that girded the bracero contract.

As a whole, this chapter reexamines the Bracero Program as indentured labor rooted in liberal notions of consent that hid the coercive and “less-than-free” nature of workers’ contracts. Following the work of scholars such as Gilbert Gonzalez and Kalindi Vora, I seek for the contradictions that Bracero indenture was meant to obscure by

¹⁰ Ibid., 136.

¹¹ Ibid., 7.

reinforcing a dichotomy between free and slave labor.¹² And in the first part of the chapter, I explore connections between the Chualar crash and the bombing of the 16th street church in Alabama during the Civil Rights Era. I use the connection to ground my definition of indenture in relation to the bombing's visual structural violence to create generative connections that signal how both events were not exceptional but depended on structures of settler colonialism and capital. I then approach the epistemic murk created by the various narratives of the Chualar crash by juxtaposing the literary texture *to* and material findings *of* the investigative work of Ernesto Galarza, with a story about the Chualar crash told by Chicano author and educator Tomás Rivera, and stories told about the accident by my parents in the documentary *Harvest of Loneliness*. I then close by presenting a composite of the stories I grew up hearing about *X's* death. I show how the various narratives created by migrant farm workers emerge from a place of epistemic inequality, that although stem from a limited view of agribusiness relations, are a “force for resistance.”

The second part of the chapter is inspired by a fifty-years-old letter from Concha, *X's* wife, written to the SGFLA, and its later arrival to her friend, Guadalupe Zárate. As a whole, this part of the chapter adds to women of color feminists' analyses of indenture by showing how the bracero contract depended on the appropriation of women's labor. Throughout this chapter I refer to the bracero contract more often than I do “Bracero Program,” not only to hone in on the contractual guidelines of the contract, which was central to producing the epistemic inequality on which the program's liberal contract

¹² See “Chapter One” in Kalindi Vora, *Life Support: Biocapital and the New History of Outsourced Labor* (Minneapolis: University of Minnesota Press, 2015).

depended, but also in the hopes to destabilize past analyses of the program that have foreclosed a consideration of women as subjects of the bracero contract. In a very basic way, focusing on the bracero contract opens an avenue to expand the field of historical subjects who were impacted by the relations of guestworker importation and enables a tracing of how contractual guidelines contracted braceros' female relatives under conditions of marriage and kinship. Although analyses of indenture and the appropriation of women's labor have traditionally focused on projects of reallocation where women are contracted under relations of marriage to migrate, the Bracero Program offers a unique case where women's bodies were kept from migrating. To examine women's appropriated labor under the bracero contract necessitates a transnational tracing of what Kalindi Vora calls women's reorganization of labor and subjectivities under their male counterparts' contract. To do so, I read letters by bracero victims' wives and mothers, in which they demand to know the whereabouts of their relatives and demand access to their relatives' wages and belongings, for what Vora calls the "failure of expectation"—the alienation of women's life-giving labor through the failure of an expected return on their labor. In the case of the Chualar crash, this failure of expected return also applies to the failure of a literal return of their relatives. I focus on a letter written by Concha by tracing how she reorganized her labor during her husband's absence, and following his death, was alienated from the life-producing labor she invested in the social worlds she created under the conditions of her husband's contract. The chapter concludes by discussing the arrival of Concha's letter to her friend, Guadalupe Zárata, five decades after the letter's arrival to the desk of the SGFLA and decades since Ernesto Galarza held on to it in his personal papers. I read this belated arrival for the surplus forms of sociality that emerge

in the reorganization of both women's lives through their indirect, though integral, participation in bracero contracts.

Narratives of the Chualar Crash

“I remember from the time I was very small. I remember the sounds of bombs exploding across the street, our house shaking.”

Angela Davis

In a filmed 1972 interview, Angela Davis clarifies that someone who questions the role of armed resistance in a struggle for black civil rights does not understand how anti-black violence structures American society. She then describes the bombing of a church on September 15, 1963, by white supremacist vigilantes that killed four young black girls:

After the four young girls who were, who lived very, who lived, one of them lived next door to me. I was very good friends with the sister of another one. My sister was very good friends with all three of them. My mother taught one of them in her class. My mother, in fact, when the bombing occurred, one of the mothers of one of the young girls called my mother and said ‘can you take me down to the church to pick up Carol. We’ve heard about the bombing and I don’t have my car.’ And they went down and what did they find? They found limbs and heads strewn all over the place.¹³

¹³ *The Black Power Mixtape, 1967-1975*, directed by Göran Olsson (2011), DVD.

Davis argues that her lived-reality as a black woman is shaped by the anti-black society she lives in. She tells the interviewer that the “bombs exploding across the street, our house shaking,” was authorized “since the time the first black person was kidnapped from the shores of Africa.” The physical and psychic violence against the four little girls and their community, Davis argues, is the precondition to American society; it is not a moment of extreme violence but a symptom of an anti-Black society.

Even as she makes the violence knowable, Davis’s description turns to a focus on the bombing’s aftermath and Black women’s quotidian acts of social connection; the borrowing of a ride between her mother and one of the girl’s mothers on the day of the bombing. By doing so, Davis uses the event to describe how Black women had systems in place to deal with the ever-presence of white supremacist violence. It is interesting to consider, then, how *X*’s death on Demco Farms bus 197, which occurred just two days after the Birmingham bombing, would be pulled into the bombing’s narrative to similarly make the violence against braceros legible, not by describing it as an exceptional moment of extreme violence, but as enabled by the on-going structure of exploitation central to American capital, and endemic to the bracero contract.

In the groundbreaking research on the Chualar crash, Lori Flores argues that by linking the crash to the Birmingham bombing, “opponents of the Bracero Program drew the West and South together at a charged moment in the 1960s in hopes of gaining sympathizers engaged in civil rights struggles in other parts of the country.”¹⁴ The very public forms of violence of the Birmingham church bombing and the Chualar crash were

¹⁴ Flores, “A Town Full of Dead Mexicans,” 135.

sensationalized across the media, and journalists working with some of the Valley's most prominent labor unions used the bombing to provoke public dissent against the Bracero Program. For example, Jeff Boehm, writer for the Santa Clara County *Union Gazette*, and the person responsible for recommending that Ernesto Galarza write the report of the crash for the House Committee on Education and Labor, wrote an "In Memoriam" for the four girls killed in the Birmingham bombing and demand that "We must end forever the slave labor which stains our food with human blood!"¹⁵ In another example, as noted by Gina Marie Pitti, Catholic priest James L. Vizzard urged that "Just as the killing of the four Negro children in Birmingham has revulsed [sic] the Nation, and may well be the turning point in the civil rights battle, so it can be hoped that the 28 bracero deaths will not be in vain."¹⁶ In both cases, observers sought to index the suffering of braceros in the same frame as Black struggles for Civil Rights.¹⁷

The popular comparison of the Chualar crash to the Birmingham Bombing invoked chattel slavery to describe braceros' exploitation as slave labor's unabated presence in American agriculture. While the comparison could be said to draw together "different forms of subjugation in order to adjudicate who warrants recognition and belonging," and by doing so obscured the specificity of Black chattel slavery, the

¹⁵ Qtd. in *Ibid.*, 134.

¹⁶ Qtd. in *Ibid.*; See Gina Marie Pitti, "To 'Hear about God in Spanish': Ethnicity, Church, and Community Activism in the San Francisco Archdiocese's Mexican American Colonias, 1942-1965" (PhD diss., Stanford, 2003), 364, 383.

¹⁷ The comparisons between Bracero Program and slavery was not limited to reportage following the Chualar crash, but as Gilbert Gonzalez notes, was commonly invoked by braceros and critics alike throughout the program's tenure. Most famously perhaps, University of California labor researcher, Henry Anderson, noted that aspects of the Bracero Program were "worse than chattel slavery," as quoted in Gonzalez, *Guest Workers*, 61

comparison can also be seen as generative for the ways the connection pointed to the less-than-free forms of exploitation that inhered in indenture despite its supposed distance from slavery.¹⁸ For those that drew the two incidents together, the visibility of the church bombing, as a result of a racist society that had long relied on anti-Black violence, was meant to make braceros' suffering legible to a broader American audience by exposing the false promises of farm worker contract that promised mutual benefit.

On September 18, 1963, a Salinas Central Labor Council representative infamously placed a call to the San José home of Ernesto Galarza on the day following *X's* death. "The town is full of dead Mexicans," the caller intoned. On the other end of the call, Galarza listened as the caller described how a Southern Pacific Railroad train crashed into a transport truck carrying braceros.¹⁹ The caller told Galarza that the Salinas morgue was reaching its limit as more and more braceros were dying in the hospital, and urged Galarza to go document the accident site before it was too late. With little delay, Galarza left his home towards the train-crossing on Highway 101 near the town of Chualar.

Galarza sped across the Salinas Valley imagining what awaited him in "famous Steinbeck country." Pressing down on the pedal of his car, the agriculture landscape turned into a "green blur." Galarza, perhaps more than anyone, given that he spent his entire professional career documenting Mexican agriculture labor, knew that he only had so much time before the momentarily disturbed workings of agriculture would materially

¹⁸ Alexander Weheliye, *Habeas Viscus: Racializing Assemblages, Biopolitics, and Black Feminist Theories of the Human* (Durham; Duke University Press, 2014), 75.

¹⁹ Ernesto Galarza, *Tragedy at Chualar: El Crucero de las Treinta y Dos Cruces* (Santa Barbara, CA: McNally & Loftin, West, 1977), 1.

and narratively be tidied up. As he pressed on, he noted: “telephone poles [that] flicked past me until I stopped their black procession at the railway marker: ‘Chualar Crossing.’” Ernesto Galarza stepped out of his car onto the dirt road, which he parked on the shoulder of Thomas Ranch Road parallel to the train tracks, and scanned the horizon. He could find no obstructions to visibility, nothing that may have prevented the driver of the ill-fated truck from seeing the seventy-one-cart train. As he assessed the crossing, he began to take inventory of what the train, which had since continued its trek toward San Luis Obispo, left behind: wooden planks, the headlights of bus 197, rivets that held the bus together, and a “blood smeared short handled hoe that had cut a man in the deadly maelstrom of the crash.” Turning his attention to the east of him, Galarza saw “the dotted lines of braceros moving along the furrows of the lettuce and beet and carrot fields.” Galarza composed: “black telephone poles bearing their cross arms marked the spot.”²⁰

Galarza’s somber description counterpoises the worn literary landscape of Steinbeck’s eponymous Salinas Valley works with the obscurity and isolation of the Chualar Crossing— a figurative and literal crossroad for migrant workers during the early 1960s. Galarza understood that the dead Mexican nationals that pushed the limits of the Salinas morgue complicated the narrative of a contract program that so heavily relied on a fiction of adequate labor conditions, adequate housing and food, adequate rest-time, temporary stays, and eventual repatriation. For Galarza, the crash was one example among many that troubled the fiction of contract that was said to provide “mutual uplift” to the U.S. and Mexico, and which had in reality created disposable laborers.²¹ For the

²⁰ Ibid.

²¹ Ibid., 53.

next year, Galarza documented the deadly crash by interviewing countless persons of interest and investigating the labor and transportation conditions for contracted Mexican nationals.

For Mexican migrants and ex-braceros who remember the collision on the fifteen-mile section of Highway 101 that connects Chualar with Soledad, the stretch has remained *el treinta-y-dos*— a reference to the thirty-two braceros that died in the accident. The migrant vernacular measures the distance of the highway, a primary artery for moving agriculture out of the Salinas Valley, in terms of the number of dead bracero laborers. In a different vein, in anticipation of the 50-year anniversary of the Chualar crash, the Secretary of State drafted California Assembly Concurrent Resolution 113 (ACR 113) to designate the fifteen-mile stretch of road the Bracero Memorial Highway. The resolution made the site of the Chualar crash an auspicious place to commemorate the “sacrifice” of Mexican migrants who worked in the over two-decade run of the Bracero Program and died in the “biggest single fatal vehicle accident in California history.”²² These divergent forms of memorialization, one highlighting bracero disposability, the other, memorializing bracero “sacrifice,” are clear examples of the way bracero suffering has been used to fashion the accident into the official registers of memory and of social recognition that victims’ contracts had denied them.

The Chualar crash has been the subject of various retellings outside of its official state memorialization. Some retellings, like the recent work by artist Daniel Ruanova shows how bracero contract sought to reduce Mexican nationals into labor power. In his

²² Assembly Concurrent Resolution 113, August 17, 2010.

sculpture “The Mexican Labor Agreement” (*figure one*), Ruanova attached 32 *cortitos* (short-handled hoes), representing the 32 victims, to an engine block. Ruanova’s work frames the technologies of labor exploitation as integral to the “engine” of the “labor agreement.” His work echoes what Curtis Marez has called agribusiness futurism, agribusiness’ material investment in producing narratives about agriculture production that sell the vision of a future where “progress and new tomorrows” are ensured through their efforts to make labor as efficient as possible, but that is in reality a “barely-disavowed sadism directed at workers newly disciplined through technology.”²³ In the sculpture, the vision of a new tomorrow is represented by the amalgamated engine block (presumably a representation of illegally altered Demco Farms bus 197) with what Davis McEntire, the head of the Division of Population and Rural Welfare, called in his 1942 study of productivity and technology in California beet farming, the outmoded short-handled hoe— the same instrument Galarza stumbled across, covered in the blood of a bracero, in his initial walkthrough of the crash on September 18.²⁴ In its totality, Ruanova’s work demonstrates how the technology of the labor agreement— the bracero contract— literally forged braceros into the assemblage of Demco bus 197, and made it seem that agriculture technology was literally disappearing living workers from commodity production. In addition, the piece seems to imply that the thirty-two killed braceros, which line either side of the elongated engine block, can be put back to work despite their deaths, because they had been what Marx calls “dead labor” to begin with.

²³ Marez, *Farm Worker Futurism*, 11.

²⁴ Don Mitchell, *They Saved the Crops: Labor, Landscape, and the Struggle Over Industrial Farming in Bracero-era California* (Athens, GA: University of Georgia Press, 2012), 24.

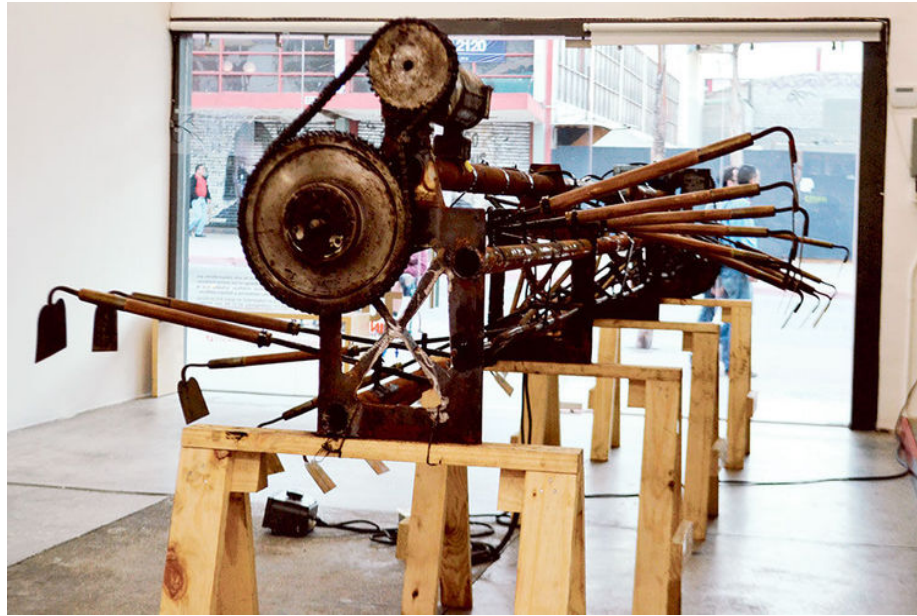


Figure 4.1. "The Mexican Labor Agreement"

While Ruanova's work describes the connection between labor exploitation, technology, and labor contract that made up the nexus of the Chualar crash, a short six-sentence vignette by labor activist, novelist, and professor of Chicana/o studies, Tomas Rivera (1935-1984), reinterprets various bracero transportation accidents by creating a fictional composite drawn from his childhood memories, an unnamed vignette I will refer to as "poquito antes de las seis." Rivera, who taught at the University of California, Riverside, and who is celebrated for his contributions to migrant advocacy, is perhaps best known for his 1971 semi-autobiographical short novel "...Y no se lo tragó la tierra," about a family that lived and worked in a mid-twentieth century agriculture camp. The stories, as noted in chapter three, often focus on different forms of contract which

included contract migration, labor agreements, and social contracts. With “poquito antes de las seis,” Rivera tells of a group of contracted workers who, although they did not see what caused a fiery crash between a transport truck and another vehicle, begin to speculate on the series of events that put the crash into motion.

The construction of the story, given that Rivera’s works are drawn from his childhood experiences, lead the reader to wonder how the child-aged Rivera first heard about the story of the truck crash. What about the truck crash captured his imagination? And why would he return to it as an adult? How is his interest in the story a result of his epistemic inequality and fragmented view of agriculture production? The entire vignette reads:

A little before six, just before the spinach pickers would be getting home, there was the high-pitched signal of the horn at the water tank, then the sound of fire trucks, and then some moments later the ambulance sirens. By six o'clock some of the workers arrived with the news of how one of the trucks transporting workers had collided with a car and was still burning. When the car hit it, those who were not thrown out of the van on impact were trapped. Those who witnessed the crash said that the truck had immediately burst into flames and that they had seen some victims, poor souls, running from the wreckage toward the thicket with their hair aflame. They say the Anglo woman driving the car was from a dry county and that she'd been at a bar drinking, upset because her husband had left her. There were sixteen dead.²⁵

While the sounds of a fire truck and ambulance blare in the distance, workers begin to arrive to their labor camp following the end of their work day. Little by little, workers begin to bring news of the accident: “the truck had immediately burst into flames and that

²⁵ Tomás Rivera, ... *y no se lo tragó la tierra*” in *Tomás Rivera: The Complete Works*, ed. Julián Olivares (Houston: Arte Público Press, 1992), 41.

they had seen some victims, pour souls, running from the wreckage toward the thicket with their hair aflame.” The workers, unable to know what “really” happened, begin to attach a narrative to the accident. They settle on a story where an upset Anglo woman, who after being left by her husband has a few too many drinks and crashes into the transport truck.

Like Davis’s childhood recounting of the Birmingham bombing, Rivera displaces the event, though does not obscure its violence. Instead, Rivera focuses on agriculture workers’ social existence to form a practice that is akin to what Kamala Visweswaran identifies in the autobiographical and ethnographic work of Zora Neale Hurston: a practice where “community is seen not merely as an object to be externally described, but as a realm intimately inhabited.”²⁶ Rivera’s works, based on his childhood experiences as a field worker, describe camp life by making agriculture workers “speaking subjects” (see chapter three), as opposed to what Don Mitchell identifies as “capital’s dream that labor is only ever *labor power*— fully a factor in production, able to be deployed like any other factor (capital, land, machinery)— and not so much a human being with a will and a personality.”²⁷ By refusing to depict the accident as little more than sirens, hearsay, and conjecture, Rivera focuses on the sociality of the camp, the sense of wonder by the camp workers despite the brutality of the accident. And in doing so, builds a narrative where the only seemingly knowable aspect of the crash is that “there were sixteen dead.” Rivera’s vignette resonates with my discussion of the Chualar crash not only because it draws remarkable parallels to the incident, particularly for its representation of the impact

²⁶ Kamala Visweswaran, (Minneapolis: University of Minnesota Press, 1994), 10.

²⁷ Mitchell, *They Saved the Crops*, 69.

on bracero bodies (“those who were not thrown out of the van on impact were trapped”), but also in the way that the vignette reveals how the fragmented migrant worker epistemologies emerge from and exceed the uneven relations of power central to agriculture production.

Similar to Rivera’s description of the epistemological hierarchies in migrant camps, Galarza was interested in exposing the unequal relations of power in his investigation into the Chualar crash and through his findings in “Report on the Farm Labor Transportation Accident at Chualar, California on September 17, 1963,” written for the House Committee on Education and Labor in 1964. And again in 1977, when Galarza rewrote his report into a book titled “Tragedy at Chualar: El Crucero de las Trienta y dos Cruces.” The goal of the book was to more forcefully account for Demco Farms’ contract violations, and to reveal their attempts at forming a positive public image to the crash. It is telling that in the introduction to his book, Galarza begins his story of the Chualar crash by invoking another bracero transport accident, the “Soledad Holocaust,” which burned 14 braceros to death when a gasoline can, possibly ignited by a bracero’s cigarette, exploded inside a truck-bus. Galarza, in the hopes of making one story known resurrected another. He solemnly tells the reader: “The Soledad tragedy had ended in respectful silence. It seemed that Chualar, too, would be out of mind in reverent relief.”²⁸ Galarza chooses to recall past accidents, Rivera constructs composite sketches of farm worker death; both make known that laborer disposability is not an event but a structure enabled by liberal regimes of contract and the workings of agribusiness— much

²⁸ Galarza, *Tragedy at Chualar*, 2; Gonzalez, *Guest Workers*, 96.

in the same way Angela Davis described the church bombing not as an event, but part of a structure of anti-Black violence at the core of U.S. society. I now move from Galarza's investigation of the Chualar crash and Rivera's childhood sleuthing of migrant disposability, to my own childhood attempts at both.

X: Alien Indenture, Sub-Commodities, and the "Flesh"

In 2010, at the University of California, Irvine, *X* popped up at the inaugural screening of *Harvest of Loneliness*, an award-winning documentary about the Bracero Program by Gilbert Gonzalez, Viviane Price and Adrian Salinas. The documentary has been showcased on PBS, and has been screened at international film festivals, universities, and labor centers in Mexico and the United States. Also present for the screening were my mother and father, who I sat next to as we heard them recount their experiences of bracero contract on film. *Harvest of Loneliness* argues that the Bracero Program, a binational guest worker program that contracted 4.8 to 5.2 million Mexican nationals, must not be forgotten if a new large-scale importation program is to be prevented. The film persuasively argues that despite the failures to create a new large-scale guestworker program, particularly following the events of September 11, 2001, which derailed a proposal on the desk of then president George W. Bush, there continues to be the possibility of authorizing a new guestworker program in Congress. And as the documentary's narrative draws to a close, it highlights the hardship and brutalities of the Bracero Program. It is then, that my father shares *X*'s story:

Le [el tren] corto la cabeza y lo conocieron porque tenía un lunar por todo el pescuezo y le subía hasta el cachete ... entonces por eso supieron que era de él porque se la hallaron en un fil.²⁹

It [the train] cut his head. They were able to identify him because he had a birthmark on his neck that went up to his cheek ... that's how they knew that [the head] belonged to him. Because they found it in a field.

When *X* appeared in the documentary, something that had always seemed intimate about his story was somehow made static. There was a difference in the stories told by my parents, and their friends, in whispers all those years before the story was committed to film. Approximate knowledge of the accident informed how the story took shape, spread, and travelled, not just during those first few weeks and months, but in the decades since then. What occurred on highway 101 continues to haunt San Isidro as well as the various destinations to which that small ranch town's families have migrated to: Chicago, Los Angeles, Phoenix, and Santa Ana. The transnational tapestry of *X*'s post-mortem travels, told in whispers by adults to keep them out of earshot from children, informs how I have come to know it, and to share *X*'s story, I follow Rivera's practice of constructing a composite by drawing together stories I grew up hearing with what is caught on film in *Harvest of Loneliness*. The story goes:

In the early morning hours, a group of braceros ran to their *mayordomo* to show him what they had found: the head of a bracero, it was lying, furrowed, between beets. The previous afternoon a train carrying beets out of the valley crashed into a bracero truck-bus, killing nearly everyone on board, including *X*. The force of the collision threw beets, carried for distribution, into the adjacent un-harvested beet fields. The force by

²⁹ *Harvest of Loneliness*, directed by Gilbert Gonzalez, Vivian Price, Adrian Salinas (2010), DVD.

which the beets were thrown resulted in their bruising and staining of the braceros—the stout beets turned into a purple wet pulp that spliced with the flesh of bracero laborers. These colors steeped the late afternoon sky a low-lying purple that stilled the broad agriculture horizon.

X was born with a large purple *lunar* (a port-wine birthmark)—“the color of beets”—that ran down *X*’s face, neck, and upper body—capillaries that make blood visible on the skin. In the accident, *X*’s head was dislodged and, like the ejected commodities, thrown hundreds of feet, landing in a nearby beet field.

Acting on the braceros’ words, the *mayordomo* strained to pick out the head among the vegetables—it was almost indistinguishable from the purple stains on the landscape, rendered almost invisible by the sunlight perforating the svelte veiny beet leaves and embossing their delicate red striations. The *mayordomo*’s shock was so grand that he must’ve thought the beets permeated *X*’s flesh. He ran over to the ongoing investigation to alert the authorities. They say it was a simple task to identify *X*. The lunar on *X*’s head was matched, as if a *rompecabezas*, to the purple stream on *X*’s body.

I first learned of the Chualar crash when I was seven or eight years-old. I had only been living in the U.S. for a couple of years. I heard the story told by family elders—primarily by Guadalupe and Juan Zárate, my parents. I pieced together eaves-dropped strands of the Chualar crash by jotting them down in a small notebook that held all kinds of juicy and sordid family *chisme*. With the help of my older brother’s flair for narrative and interest in retelling it, I set out to discover what “really” happened, particularly because the story was not supposed to be available to me. The strands that most grabbed me as a child are the ones I continue to think about as a researcher. It’s those strands that exist outside the numerous often contradictory reports by government entities, media sources, and various eyewitnesses, and which had, up until 2010, when *X*’s story was shared in the documentary *Harvest of Loneliness*, been outside of circulation.

I continue to dwell on the story of the crash because of the stress that was placed on *X*'s bodily difference (his purple *lunar*) and the central role it played in his positive identification after the crash. According to stories I heard growing up, the uniformity of bracero bodies made it impossible to match workers with their contract cards. And as Lori Flores notes, the difficulty of positively identifying braceros was because braceros were primarily known by their "numbers, not their names."³⁰ *X*, however, had a large purple *lunar* that ran as a stream between torso and face, which, although it initially hid *X* amongst the veiny beet leaves, later made his positive identification possible— "como un rompecabezas." For those who retell the story, *X*'s positive identification symbolized his continued (posthumous) bodily labor that prevented him from being swallowed by the anonymity of bracero contract. It exposed the relations of capital that attempted to literally make braceros dead labor.³¹

During his life, *X*'s labor was expended and congealed into a commodity (beets), what Marx calls dead labor.³² What do we make of *X*'s death amongst yet to be harvested beets? What if instead of tracing the production of the commodity, we trace how *X* was produced as a contracted laborer? What if we center *X*'s living labor, and trace his sociality? What then do we make of *X*'s literal death by systems of transportation that shipped agriculture commodities out of the Salinas Valley? By tracing *X*'s *lunar*, we can

³⁰ Flores, "A Town Full of Dead Mexicans," 135.

³¹ For a discussion of dead labor during the bracero-era, see Mitchell, *They Saved the Crops*, 311.

³² Marx defines dead labor in the "factors in the labour-process, by incorporating living labor with their dead substance, the capitalist at the same time converts value, *i.e.*, past, materialised, and dead labour into capital." See Karl Marx, "Capital, Volume One," in *The Marx-Engels Reader*, ed. Robert C. Tucker (New York: W. W. Norton & Company, Inc., 1978), 359.

approach *X*'s story of becoming a subject of labor capable of "entering into" contract and the story of how his body was simultaneously made into what Galarza calls a "sub-commodity," a legally constructed thing that was neither raw material nor commodity.

To begin, it is important to describe the debates surrounding the authorization of the contractual guidelines for the Bracero Program. In 1951, years after the end of WWII, the passage of Public Law 78 (PL 78) in Congress formalized the contractual guidelines for the importation of Mexican nationals. PL 78 stayed on the books until the program's termination in 1964. Detractors of the legislation focused on the way that the 1942 Emergency Farm Labor Agreement, which anchored PL 78, failed to live up to promises offered by agribusiness to Mexican nationals. Some of the fiercest opposition to PL 78 came from Galarza's National Farm Labor Union (NFLU), which on the same year as the authorizing of the legislation published a pamphlet to describe the postwar Bracero Program as being nothing more than a "business in brown flesh."³³ The piece drew obvious allusions to chattel slavery's trading block to describe the systems of mass contracting from reserve labor pools on the Mexican side of the U.S.-Mexico border. It outlined how the bracero contract reduced Mexican nationals to "flesh" devoid of personhood. Contract served as the "smoke screen," the pamphlet noted, that on the one hand, obscured the exploitative conditions of agriculture labor, while on the other hand, mystified the conditions of the contract for prospective braceros, which they were neither able to negotiate nor understand. The pamphlet highlighted how it was the fiction of

³³ Gonzalez, *Guest Workers*, 61; "Detras de la Cortina de Humo, Miguel Alemán" Ernesto Galarza Papers, M0224, Stanford University Libraries Department of Special Collections and University Archives, Box 8, Folder 5.

mutual consent that created Mexican nationals' "less-than-free" labor conditions through contractual means.

In his various studies on the bracero contract, Galarza noted that the assumption that braceros forged contract under conditions of full knowledge and mutual agreement was simply not true. And he cited the busiest locations where contract was forged, Empalme and El Centro, as examples of how little time there was for reading the contract or even receiving a verbal explanation of its terms on "four pages of small print." Especially because braceros had to be "X-rayed, dusted, questioned, contracted and dispatched by seven o'clock in the evening."³⁴ The outcome, Galarza noted, was the creation of a system of epistemological inequality that limited workers' ability to understand the conditions to which they were contracted.

More broadly, the pamphlet encapsulated Ernesto Galarza's critique to the Congressional debates that lead to the implementation of PL 78. In *Merchants of Labor*, Galarza describes how Congress wrote the ability to exploit Mexican nationals into the bracero contract by amending PL 78 to the Agriculture Act of 1949, which had no relation to labor legislation and dealt with the marketing of agriculture commodities and marketing quotas. Galarza concluded that such a move revealed how "farm labor [was] evidently regarded as subordinate" to the purpose of the bottom line of agribusiness, and that in the debate relegated workers as "a raw material in the [service of the] production of food and fiber." However, because people could not be legally classified as a commodity, proponents of PL 78 created a subterfuge that classified workers as "sub-

³⁴ Ernesto Galarza, *Merchants of Labor: The Mexican Bracero Story* (Santa Barbara, CA: McNalley & Loftin, Publishers, 1964), 127.

commodities.” For Galarza, the debates on PL 78 did little more than reaffirm Congress’s “own doctrine that labor is not a commodity by lawfully treating it merely as a sub-commodity.”³⁵ And although PL 78 limited the contracting of “aliens” to work only “essential food and fiber,” as deemed by Secretary of Agriculture, no agriculture product, Galarza noted, was ever considered “[non-vital] to the security of the nation.”

Galarza’s study of Mexican contract labor found that because bracero contract was “entered into,” as opposed to negotiated between farmer and bracero, braceros were left without the ability to so much as negotiate any part of their contract, despite claims by some Congressmen to contrary.³⁶ The bracero laborer as a “sub-commodity,” Galarza argued, was also the Mexican national as “indentured alien [...] an ‘input factor’ stripped of the political and social attributes that liberal democracy likes to ascribe to all human beings ideally.”³⁷ For Galarza, the liberal humanist promise of the bracero contract was a fiction where braceros were intentionally kept in the dark over their conditions of labor contract and actively made into and unmade as subjects, “sub-commodities,” “indentured aliens,” and “loads.”

Take for example the legal categorization of those who died on Demco bus 197 at the moment of the crash. The SGFLA, which worked out of Pajaro Street in Salinas, a fitting name for the “birds of passage” it gathered for various growers, worked “to promote, develop, and protect the interests of the vegetable industry,” by facilitating relationships between various agencies and departments at state and federal levels.³⁸ And

³⁵ Galarza, *Merchants of Labor*, 73.

³⁶ *Ibid.*, 127.

³⁷ *Ibid.*

³⁸ Galarza, *Tragedy at Chualar*, 56.

in 1962, the SGFLA secured 19,411 braceros to distribute among the 6 Farmer Labor Associations of the Central Coast. One of those contracted was bracero #1516XX (referred to so far as *X*), he began work with Demco Farms. Weeks later, *X*, at the moment in which he was killed by the Southern Pacific Railroad train was, under California law, legally categorized as a “type of load”— as farmworkers travelling on a conveyance were not beings, but raw materials, akin to “metal, wood, and hay.”³⁹ Despite Congress’s subterfuge, braceros, like Galarza had noted, were in fact, at least in terms of the law, commodities.

While the Bracero Program as indenture is not reducible to the historical conditions that produced chattel slavery, I would like to invoke the “flesh” in *X*’s story for the resonance it has with what Hortense Spillers identifies as the processes of gendered violence and labor management that, despite granting Black subjects the illusion of a body (legal personhood), has historically also served to reduce subjects into things.⁴⁰ Take for example how *X*’s legal personhood was premised on liberal contract, even as braceros “entered into” contract by being categorized as “sub-commodities” and did not forge contract through mutual understanding. Furthermore, *X* was made by California state law into a “type of load,” as he boarded the illegally altered truck every morning and evening. The final step of *X*’s making and unmaking, took shape through the SGFLA’s attempts to memorialize the bracero victims of the crash. In other words, the

³⁹ Flores, “A Town Full of Dead Mexicans,” 133. See also, Galarza, *Tragedy at Chualar*.

⁴⁰ For more see, Hortense Spillers, “Mama’s Baby, Papa’s Maybe: An American Grammar Book,” in *Black, White, and in Color: Essays on American Literature and Culture* (Chicago: University of Chicago Press, 2003). See also chapter one of this dissertation.

SGFLA attempted to fold *X* into the realm of the human, used his suffering as “the entry price.”⁴¹ For those who have not forgotten the story, *X*’s “flesh” signals the contradictions of bracero contract, and reveal that despite the denial of his humanity in life through coercive contract, his *lunar* challenged official narrations that, in his death, attempted to rewrite his labor as free.

In his theorization of the Bracero Program as a form of coercive indenture, Gilbert Gonzalez pinpoints the program’s antecedents in other moments of imperial labor reallocation, like that of India under British colonial rule, where “indenture was intended as a replacement for freed slaves but more often than not replicated slavery.”⁴² Different from other forms of indenture, however, particularly that of Indian indenture, the Bracero Program excluded women from labor migration. As Kalindi Vora and Madhavi Kale have shown in the context of British reallocation, liberal notions of “mutual consent and understanding” rewrote coercion as free choice. And in the case of women under indenture, they were contracted not as subjects of free labor, but because of raced and gendered notions “attached to their labor” were appropriated through “contracts of marriage and servitude.”⁴³ Despite the foreclosure of women’s labor migration under the Bracero Program, and their erasure as subjects of labor through the gendering of their labor, more broadly, it is necessary to examine how the Bracero Program relied on Mexican women’s reproductive and affective labor.

⁴¹ Weheliye has argued that suffering has often been used by dominant society to determine who merits entrance into the fold of proper subjecthood, see Weheliye, *Habeas Viscus*, 75.

⁴² Gonzalez, *Guest Workers*, 27.

⁴³ Vora, *Life Support*, 27, 30.

Bracero Contract and Women's Reproductive Labor: The Failure of Expectation

I thumbed through a box from the Ernesto Galarza Papers at Stanford University. Inside were correspondences from deceased braceros' relatives, copies of the deceased braceros' labor contracts, and other materials that Galarza gathered to investigate the Chualar crash. I read through the stack of letters sent by the victims' families from towns all over Mexico to the desk of the SGFLA in Salinas. There, Mercedes Ramirez, the SGFLA contact for victims' families, assessed claims, verified next of kin, and answered any questions they had regarding their loved ones' wages and shipping arrangements. In cases where Ramirez could not answer a query, she forwarded the letter to Ernesto Galarza in his San Jose home— an interesting move given Galarza's disdain for her employer.

The various letters were predominantly written by wives and female relatives of the braceros. In their letters, they described the Bracero Program's demands on their labor and how the program ultimately failed to fulfill their aspirations. They wrote about the burden created by male counterparts' absence from home and local economies. They intimated how the return of their bracero relative was supposed to be an avenue out of poverty not a further obstacle to provide for their family's future well-being. They demanded access to their loved-ones' wages and belongings. They demanded that they be

assisted in picking up the pieces of a failed return on the life-producing labor they had shouldered with the expectation of their bracero's safe return.

In a letter by Maria Guadalupe Olivarez de Angel from the town of Jesus Maria in Jalisco, she asks Ernesto Galarza to explain why she has yet to receive any of her son's earnings. She tells Galarza that she has great need of the money because her husband is too sick to work and she takes care of him full-time.⁴⁴ The expectation, Maria notes, was that her son's wages would support the family, but with his death she is being forced to become the sole-bread winner at the expense of her husband's well-being. Without access to her son's wages, she will have to find a job, which will in turn leave her husband without the care he needs.

Andrea Sanchez vda. de Cabrera waited in the offices of the Instituto Mexicano del Seguro Social in Guadalajara, Jalisco numerous times. She wanted to know how much longer it would be until she received her deceased husband's wages and belongings. It was her third time making the long trek to the city from her home in the rural farming and mango producing town of Atotonilco in Los Altos de Jalisco. In her letter dated January 15, 1964, she vividly described her frustration at being told that she could expect to receive the life-insurance check for her deceased husband in a month-and-a-half, "if she was lucky." The trips, Andrea noted, were a great burden on her time and finances. Andrea must have had to create and call upon various forms of support in order to make her trips to Guadalajara possible. One can wonder if she had to take a day

⁴⁴ All letters used from Ernesto Galarza Papers, M 0224, Box 16, Folder 1.

off work? Did she have children? If so, who took care of them? Did they travel with her to the city?

Three months later, Andrea received a letter postmarked from the San Jose home of Ernesto Galarza. In the letter, Galarza, who had gained access to all of her previous correspondences with the SGFLA, advised that her idea to have an attorney document all transactions between her and “el seguro” was a good one, and he further recommended she forward him the attorney’s information so that he may also intervene on her behalf. Given Galarza’s description of the partial picture that migrants had of the workings of bracero contract, it is not surprising that he should become involved in attempts by Mexican women to gain access to the money and belongings of the braceros. A particularly challenging feat, as Andrea’s case testifies, because of the binational nature of the offices Mexican women were forced to negotiate with little to no help.

As I continued to read through the letters, I came across a letter from Concha, my mother’s childhood friend, the wife of *X*. Although these letters are numerous, and the demands made by the women who write them varied, I choose to focus on Concha’s letter (though penned by her brother), to describe the way she negotiated the reorganization of her subjectivity and labor for her participation under bracero contract and for the ways she describes the failure of an expected return on her life-producing labor.

In Ana Rosas’s groundbreaking work on the politics of bracero families’ transnational labor and love, she demonstrates how letter writing served braceros and their loved ones in Mexico to express their dreams and expectations upon reunification. Their letters, however, often never reached their intended readers because the U.S. and

Mexican governments destroyed correspondences between braceros and their families as a means to stymie the exchange of information that would facilitate braceros' relatives' possible migration to the United States.⁴⁵ The letter censorship campaign, Rosas notes, was at odds with the a favored recruitment practice of contracting braceros who had familial and emotional obligations at home, which recruiters felt promoted workers' fulfillment of their contract and eventual repatriation. The control over the forms of affective exchange between families and braceros made it so the epistemic inequality faced by braceros was shared by their kin in Mexico; both of which could know very little of the other's conditions. The limited understanding burdened women in Mexico with maintaining and creating life with the expectation of the return of their bracero(s). The relative free-flow of letters following their loved-ones' deaths is in stark contrast to the ways letter had been stymied while braceros were alive.

Although direct contact and forms of labor, particularly expressions of affection carried in letters, was regulated between braceros and their loved ones, we must, as Vora argues, "engage discreet realms of imagination" to conceive of the ways, despite a lack of constant contact, bodily or otherwise, how a sense of eventual exchange permeated women's reorganization of labor and life under bracero contract.⁴⁶ The concerns raised by Mexican women in their inquiries about their deceased loved ones not only describe

⁴⁵ Ana E. Rosas, *Abrazando el Espiritu: Bracero Families Confront the U.S.-Mexico Border* (Oakland, CA: University of California Press, 2014), 86.

⁴⁶ Similarly, as Mireya Loza notes, Mexican women often expressed hopes that their labor, combined with that of their husbands, "would help them break free from abject poverty," see Loza, *Defiant Braceros: How Migrant Workers Workers Fought for Racial, Sexual, & Political Freedom* (Chapel Hill, NC: The University of North California Press, 2016), 71.

how little they knew since the accident, but outlined the forms of alienation that they experienced as part of the system-wide appropriation of their labor through their son's, husband's or father's contractual obligation.⁴⁷ The failure of an expected return, not only of braceros, but of a return on the expenditure of their affective and life-giving labor, like that of caring for children or family elders, fueled their critique to bracero indenture.

In her October 14, 1963 letter to Mercedes Ramirez at the SGFLA, Concha inquires about a group of men attempting to collect signatures from the affected widows. The men, Concha wrote, claim to be from "el seguro." She urged Ramirez to investigate if the men were legitimate representatives, or just trying to rob widows of their money. Concha emphasizes that without access to *X*'s money from "el seguro," there is no way she will be able to pay for the repatriation of his body, which had yet to happen as Concha wrote her letter (almost a month after the accident). She tells Ramirez that she is beginning to expect that she will be responsible for the cost of her husband's return, something she could not afford. Concha added that she had yet to receive even one of her husband's belongings, much less his wages. By asking for the money *X* made working as a bracero, she simultaneously demanded an expected return on her transnational affective and life-producing labor.

Like other Mexican women who undertook the life-producing activities as well as the affective labor of child-rearing in the absence of their bracero relatives, Concha's work under the bracero contract pivoted on an expected return on her labor not just in the form of *X*'s earnings but also in terms of the life she expected to gain access to with *X*'s

⁴⁷ For more on moral obligation and contracting see, Rosas, *Abrazando el Espiritu*, 86-111; Loza, *Defiant Braceros*, 63-92.

living return.⁴⁸ Though her labor was not produced as necessary for the bracero's conditions of labor contract, Concha's demand further highlights the labor necessary for maintaining bracero's lives back home to which their contracts incentivized braceros to return.⁴⁹ Concha described how she was required to invest her energy into the life-producing practices necessary for her family and community in ways that were unique to the transnationalization of their lives under the bracero contract.

Concha tells Ramirez that her husband's death has forced her and her children into another prolonged wait caused by the uncertainty of his whereabouts. Vora has examined how in the case of mothering in particular, the labor of "love, affection, and mother's milk can all become an exchange on a future return— that of the child's future care, attention, and resource offered to the mother once the child becomes an adult."⁵⁰ Within the context of the appropriation and depletion of a mother's labor under bracero contract, care for children was tied to an exchange on a future return not just on their child's well-being but return of a bracero worker. With the failure of *X*'s return (living or dead), Concha experienced what Vora calls a "socially tangible state of unwanted solitude." Despite Concha's labor of caring for five children under the conditions of her husband's contract, she was forced to leave her in-laws' home when *X* failed to return and she became ill. With the news of *X*'s death, Concha fell into a grief-induced illness

⁴⁸ Vora, 52. As Vora notes, social and communal life, not just physical bodily life is depleted in the process of reproductive and affective labor.

⁴⁹ Particularly through wage garnishment.

⁵⁰ Vora, *Life Support*, 137. The reproductive woman as an economic subject can provide affective commodities with the goal of exchange, 'giving more than she gets' in a parallel but different model of exploitation to that of the subject of labor-power, an act that necessarily impacts the way we read the commodity's use-value."

that prevented her from caring for her children— two of which had also fallen ill as a result. Concha's inability to care for her children, can, as Vora notes, allow us to trace how the forms of affective labor that motherhood entails, parallel forms of productive labor in that "exchange is necessary for reproducing and replacing the life of the person" who undertakes the labor.⁵¹ Without anyone to help sustain her own life, Concha fell ill, and without their mother to care for them, so did her children. The failure of exchange that Concha experienced on her life-producing labor forced her to return to her parents' home to be cared for by her parents and siblings and alienated her from the sociality she had labored to produce in *X's* hometown of San Isidro.

While Concha's letter is written by her brother and is at times written as second-hand account, there are moments when Concha's voice comes through clearly. Particularly in the postscript of her letter, when Concha intervenes on her brother's writing to make sure he tells Ramirez that "she [Concha] has already paid to have arranged the sending of her marriage certificate and her children's birth certificates." It is telling that Concha's direct intervention occurs when she tells her brother to inform Ramirez of her mailing of the documents that have served to subsume her labor under *X's* contract. Concha's intervention reveals how in her husband's death, the forms of recruitment aimed at men with familial obligations, and which appropriated her labor, she reasserted the conditions that gendered and appropriated her labor to leverage her claims to gain access to *X's* wages, belongings, and bodies.

⁵¹ Ibid., 52.

Fifty-years Later

As the documentary *Harvest of Loneliness* comes to an end, it shifts its focus to the various systems that produced braceros' injury and death. It showcases some of the most notable recorded incidents; with the Chualar crash having the dubious distinction of being the incident with the largest loss of life. Following Juan Zárate's story about *X* and his *lunar*, Maria Zárate shares her memory of San Isidro in the days following news of the crash. She turns her focus to her childhood friend, Concha:

*Yo me acuerdo de ese accidente. Oíamos, mi mamá y yo, la lloradera. Era muy triste. Porque ella tenía cuatro; tres hombres y una mujersita. Se quedo ella solita.*⁵²

I remember that crash. We could hear, my mother and I, everybody's cries. It was sad because she had four; three boys and a little girl. She was left all alone.

Guadalupe's response carries with it the ethnographic encounter that produced it. Clearly, Guadalupe's words are in response to having been asked some variation of the question: "do you remember the Chualar crash?" One can wonder if she would have had the room to share her experience if not for Juan most likely having been first asked if he remembered any accidents while a bracero. Guadalupe's memory, then, can be said to have emerged in the documentary under the logics that have cemented the male bracero

⁵² *Harvest of Loneliness.*

worker as the proper subject of the bracero contract, but by focusing on Concha, complicates who counts as a historical subject of the Bracero Program.

It is important to note that Guadalupe, out of the two, was the one who lived through the aftermath of the accident. Juan, as mentioned before, was under contract as a bracero in Arizona and was cut off from any outside information that could arrive to his isolated labor camp. What Juan shared on film is built from the limited and fragmented accounts— the epistemic murk— of the crash that had accumulated in the town of San Isidro by the time he returned.

For Guadalupe, as her response intimates, the story of the Chualar crash has always been more about Concha's disappearance than that of *X*'s. From the Ernesto Galarza papers at Stanford, I carried with me digital copies of Concha's letter. I showed Guadalupe a photo of a multi-colored envelope with neat letters spelling out: "Concepcion" (Concha). I handed Guadalupe a printed a copy of Concha's letter; written in cursive with blue ink. We read the letter together, stumbling over some of the writing. This was the first contact between Guadalupe and her friend in over 50 years.

I wondered so many things: What were the forms of love, the dreams, the expectations that Guadalupe could read in Concha's letter? What had been her own expectations that the letter now brought to the surface? What expectations had both women placed in the return of their loved ones? What forms of affection remained for the two in a letter that took half a century to reach Guadalupe and was written under difficult conditions? Would she find a trace of the affection they once held for each other though it was not *in* the letter? What about the fact that the letter was not written *for* Guadalupe?

The epistemic inequality that girded bracero contract to produce migrant workers' fragmented and limited view of indenture, what led to the murk of the Chualar crash and gave rise to the various counter-narratives surrounding *X's* death, produced yet another story. Guadalupe held Concha's letter, she clung to memories of damp clothes despite the slippery edges of memory.

Conclusion: Gardeners and the Burning of Luisa Moreno's and Zora Neale Hurston's Archives

“Womanist is to feminist as purple is to lavender”
Alice Walker

In Alice Walker's seminal essay, “Looking for Zora,” she tells of her journey to find the unmarked grave of Zora Neale Hurston. Walker describes her frustrations with empty leads, the dangers of wading through hip-high snake-infested weeds at a rural cemetery, and her visits under the heat of the Florida sun with people who remembered Hurston in life. By the time that Walker wrote about her journey in Hurston's home state of Florida for the pages of *Ms.* it had been over a decade since her passing; both Hurston and her works had faded into relative obscurity. Walker's intention was to not only piece together the final years of Hurston's life, but to reintroduce Hurston's work to a new audience. In the end, Walker's attempt to find Hurston's grave— which she did— was also a story about Hurston's love for gardening.

Later, “Searching for Zora” was republished in Walker's collection of stories and non-fiction, *In Search of our Mothers' Gardens*. In the collection, Walker proposes a Black feminist theory of social connection that is able to challenge the narrow conceptions of life under Western modernity. As Walker puts it, the theory emphasizes:

Connections made, or at least attempted, where none existed before, the straining to encompass in one's glance at the varied world the common

thread, the unifying theme through immense diversity, a fearlessness of growth, of search, of looking, that enlarges the private and the public world.¹

Walker describes how her ability to tell her mother's story, a seemingly private matter, was possible only because "Zora [Neale Hurston] had already done a thorough job of preparing the ground over which [she] was then moving."² The deep social knowledge contained by Hurston's works provided the "historical underpinnings" that made her mother's story knowable to her as a writer, and to her audiences. It is telling, then, that Hurston should so closely associate her ethnographic practice, rooted in the experiences of Black communities throughout Florida, to her gardening labor on what she lovingly referred to as "the farm," a small one-room cabin where she wrote her greatest ethnographic achievement, *Mules and Men*.

Although a garden may give way to weeds, the trace of a gardener's labor may resurface to recall past relations of pleasure and toil.³ For Walker, gardening symbolizes the social connections that affective and reproductive labor give rise to, even as the connections are relegated to the margins of history. Approaching "our mother's gardens" as racialized women's reproductive labor is also the simultaneous unearthing of the conditions that demanded their labor under racial capitalism in the first place. In that way, Walker's Black feminist practice is related to the imperative of this dissertation: the

¹ Alice Walker, *In Search of Our Mothers' Gardens: Womanist Prose* (Orlando: A Harcourt, Inc., 1983), 5.

² *Ibid.*, 13.

³ As noted by Pierrette Hondagneu-Sotelo in *Paradise Transplanted: Migration and the Making of California Gardens* (Oakland, CA: University of California Press, 2014).

search for obscured histories of Black and Latina women's life-creating labor— the labor poured into the soil of social connection.

In what follows, I visit with the gardens of Luisa Moreno and Zora Neale Hurston. In order to do so, I refer to Walker's definition of "womanist," the grounding term for Black feminism in her collection, for the way it is auspiciously defined through a conversation between a Black mother and daughter:

'Mama, why are we brown, pink, and yellow, and our cousins are white, beige, and black?' Ans: 'Well, you know the colored race is just like a flower garden, with every color represented.'⁴

The flower garden, far from being a metaphor of neoliberal inclusion, portrays Blackness as a social construction produced relationally through the historical experiences of racialization. I follow Walker's theorizations on the relationality of race and on gardening to bring Moreno's and Hurston's gardening labor within the same frame. I focus on the years leading to Moreno's deportation from the United States (1947-1950) and the years leading to Hurston's move into hospice care right before she passed away in 1960. Though the juncture is a somber one, I explore how at this critical moment in their lives, and as the era of Jim Crow came to a close, gardening was a critique of capital, racial segregation, and militarization.

At the margins of the connection I make between Moreno and Hurston and their love for gardening, is the presence of a Mexican gardener and a Black groundskeeper that were involved in the burning and loss of unknown amounts of both women's personal

⁴ Walker, *In Search*, xi.

documents and writings—a moment symbolic of the end of Jim Crow and the rise of neoliberalism. As Clyde Woods and Curtis Marez have argued before me, neoliberalism, as a “reactionary political economic formation” that arose in response to the contestations of racialized low-wage workers, and women in particular, during the Jim Crow era, functioned by decontextualizing and erasing laborers’ struggles.⁵ I am not arguing that these gardeners were agents of neoliberal destruction that erased the histories of Black and Latina women; on the contrary, I am suggesting that the fires they helped start point to the ways that Moreno and Hurston left us the tools that they had refined during the Jim Crow years through on-the-ground labor with various racialized workers and in-the-ground labor with their gardens as a means to contest the neoliberal logics that keep us from finding connections sowed in the past.

Gardening in the 1950s

Luisa Moreno is not known for her gardening expertise, nor for her membership to the San Diego Organic Gardening Club, but beginning with her 1947 move to the Mexican segregated neighborhood of Encanto in San Diego, she became a very skilled and discerning caretaker of the flowers in her home. First enamored with the gardens of San Diego’s Balboa Park a decade earlier when she organized cannery workers, Moreno sought to adorn her new home with an azalea garden, with the help of her Mexican gardener, Manuel, that would replicate the beauty of Balboa’s Japanese garden. To

⁵ Curtis Marez, *Farm Worker Futurism: Speculative Technologies of Resistance* (Minneapolis: University of Minnesota Press, 2016), 41.

ensure the beauty of her garden, Moreno inspected each azalea bloom, known for their lavender color, to make sure each flower matched the hue of its surrounding batch. In the case that one did not, Moreno applied her skill to remove it and then drop it into a Coke bottle. It wasn't long before the interior and backyard of the home that Luisa Moreno and her husband, Gray Bemis, built near the San Diego Bay was adorned with various coke bottles containing off-hued azaleas.⁶

Along with her focus on gardening, Moreno decided to write an autobiography that would tell of her years of labor organizing. The kitchen table, which sat below a large window in the Moreno household, had become a workstation covered in various scattered notes, legal documents, and personal mementos. One afternoon, while Moreno was in her kitchen, she caught her gardener, Manuel, peering in through the window. Moreno confronted Manuel, who told her that he was only looking for her to ask about how she wanted her new flowers to be arranged. Eventually, Manuel confessed that he was attempting to read her personal documents. The FBI had blackmailed him, and promised that if he could find evidence that would prove that Moreno was not "100 percent American," his family would be given citizenship. Moreno's understanding of the precarious position they were both in led her to tell him "to report what he wanted," so long as it would protect his family. She also asked Manuel to stay on as her gardener.⁷ The encounter, however, exacerbated Moreno's growing fear of deportation caused by constant intimidation from law enforcement. With the intention of protecting her labor

⁶ Carlos Laralde and Richard Griswold del Castillo. "A Hispanic Civil Rights Leader in San Diego," *The Journal of San Diego History* 41, no 4.

<http://www.sandiegohistory.org/journal/1995/october/moreno/>

⁷ Ibid.

organizing colleagues, Moreno collected her documents and used them as fuel for a small fire in the middle of her backyard. The document-fed blaze was surrounded by the blossoming pink, white, and lavender azaleas that she and Manuel had labored over.⁸

In 1948, deportation proceedings began against Luisa Moreno. According to Vicki Ruiz, leading historian on Moreno's life and labor, Moreno was offered citizenship in exchange for testimony against other labor leaders, but refused to comply because she would not live a life as a "free woman with a mortgaged soul."⁹ And so, on November 30, 1950, Moreno crossed into Mexico from El Paso and never returned to the United States. While Moreno's labor organizing across the American sunbelt had been defined by two decades of being on the road (see chapter two), it was her deportation that put an end to the feelings of rootedness and happiness she experienced for a brief time alongside her husband in their Encanto home.

The rise of the deportation regime of the 1950s, as Rachel Ida Buff argues, was not only an outcome of a concerted effort to repress labor activism in the early twentieth century, but was shaped by the long history of racialized nativism. The connection between discriminatory housing practices and deportation in Southern California has been well documented, as has been the discursive power of racial segregation in creating racialized minorities as deportable aliens. In San Diego, as Christina Carney has noted, the rise of the U.S. military led to the influx of white migration that bolstered nativist housing practices. For example, sponsored by the Home Owners' Loan Corporation,

⁸ Ibid.

⁹ Qtd. in Vicki L. Ruiz, "Of Poetics and Politics: The Border Journeys of Luisa Moreno," in *Women's Labor in the Global Economy: Speaking in Multiple Voices*, ed. Sharon Harley (New Brunswick: Rutgers State University Press, 2007), 39.

regions of the county were given a letter grade (A-D) and a color code as a way to make sure racialized minorities stayed out of white neighborhoods.¹⁰ Encanto, whose Mexican inhabitants worked in the region's canning industry, and whom Moreno organized, was designated with a D/Red rating, which represented the greatest "security threat to whiteness."¹¹ Given the history of racial segregation, Moreno, a Guatemalan labor activist for prominent labor unions who lived in the racially segregated neighborhood of Encanto, was doubly targeted in the military white enclave of San Diego.¹² That Moreno continued to garden against the backdrop of housing discrimination and her on-going deportation proceedings, that she refused to accept citizenship for herself by incriminating others, and that she would willingly sacrifice her freedom for her gardener's family, reveals how Moreno's gardening, her life-creating labor in her Encanto home, was a political act, a claim to rootedness in the face of deportation. The material documents of her labor were less important to her than the significance of her labor; as she noted prior to her immigration hearings, "they can talk about deporting me ... but they can never deport the people that I've worked with and with whom things were accomplished for the benefit of hundreds of thousands of workers— things that can never be destroyed."¹³

In the spring of 1932, Hurston returned to Florida from New York. She rented a small cabin in the town of Eau Gallie. She planted a garden of black-eyed peas,

¹⁰ Rudy Guevara Jr., *Becoming Mexipino: Multiethnic Identities and Communities in San Diego* (New Jersey: Rutgers University Press, 2012), 98.

¹¹ *Ibid.*, 57.

¹² Rachel Ida Buff, "The Deportation Terror" *American Quarterly* 60, no. 3 (2008), 523-551, 537.

¹³ Qtd. in Ruiz, "Of Poetics and Politics," 40.

watermelons, pole beans, and okra. She also turned the seeds, so-to-speak, of her ethnographic work into her acclaimed *Mules and Men*. And as Robert E. Hemenway notes, “the change in scenery became a major factor in enabling her to complete the book.”¹⁴ By the time she finished her manuscript and sent it off in the mid-summer to her mentor Franz Boas, the garden had been ravaged by heat and neglect. For the next ten years, Hurston struggled to make ends meet. And in the early 1950s, despite the relative financial success of *Seraph on the Suwannee*, Hurston decided to turn to housekeeping in order to, as she put it, be able to afford to be “under my own roof, and my personality not invaded by others.”¹⁵ During this time, she published in the *Saturday Evening Post* and made enough money to seek out the cabin to which she had such a fond attachment all those years before.¹⁶

In June of 1952, nearly twenty years after writing *Mules and Men*, Hurston found herself in the small and very dilapidated Eau Gallie cabin. She spruced the place up and picked up where she had left off: she cultivated a new garden and started to write some more. She wrote to Burroughs Mitchell, her editor at Scribner:

Here in this little house I wrote *Mules and Men* years ago, and have always intended to come back here to live. So now I am back in my little house, and though facing a paved street, two blocks of trees around me on three sides [...] The place was quite shaggy when I arrived a month ago, but I have the joy of clearing it and arranging things like I please. About 15 cabbage palms and five shady oaks as a background to start landscaping form. There is a flowing artesian well about fifty feet of the house, and already I have arranged a bit of ornamental water. I am

¹⁴ Robert E. Hemenway, *Zora Neale Hurston: A Literary Biography* (Chicago: University of Illinois, 1977) 162.

¹⁵ *Ibid.*, 338.

¹⁶ *Ibid.*, 339. As Hemenway notes, it was a “link with a happier, more productive past.”

planting butterfly ginger around it. My eastern limit is a low pile of stone left from an old ice-plant. Against the low line of stones I have planted pink verbena, I have scattered bright colored poppies. Going to let them run wild [...] Living the kind of life for which I was made, strenuous and close to the soil, I am happier than I have been for at least ten years.¹⁷

Writing to her literary agent, Jean Waterbury, days earlier, Hurston confided: “Now you perhaps question why I am putting so much into this place where I now live. I have a chance to buy it. In this little house I wrote *Mules and Men*.” She continues by telling him of the local dairy manager who, after seeing her clear the land and set flowers, remarked that she did not “live like the majority of [her] people,” and gave her a load of compost for her garden. She concluded, “the grounds have great possibilities, and I really would love to own it.”¹⁸ But, she told Waterbury, since the last time she was there, the area had become a white residential neighborhood, and had grown “with the Jet Base, and not far away, near Cocoa, the Guided Missile Base, and many people stationed here are buying and building.” The property manager, Hurston noted, wanted to first see how the neighbors took to her before committing to sell to her. For Hurston, the growth of the military bases, which brought to white families to the region, had led to her inability to purchase land.

During this time, Hurston’s inability to stir interest in her final work with publishers, a story about Herod the Great, put her in a particularly difficult situation, given that her devotion to the manuscript had taken much of her final years. As her resources began to dry up, she became the librarian for technical literature at the space

¹⁷ Qtd in *Ibid*.

¹⁸ July 9, 1951 letter to Jean Waterbury.

program on Patrick Air Force Base.¹⁹ The irony that Hurston should be working for the industry that she viewed as foreclosing her ability to buy the cabin and remain “close to the soil” was not lost on Hurston— she loathed the job. Although Hurston saved up the required money, she was not able to purchase the home. About five years after moving into the cabin and with her health failing, Hurston moved to Fort Pierce, where she lived in a house owned by her physician.²⁰ It was a small, perfectly square building; she used her limited space to build a new garden. Within two years, Hurston was moved into hospice care at Saint Lucie County Welfare Home, and on January 28, 1960, died from heart disease. After her passing, the groundskeeper from Saint Lucie was tasked with gathering her personal papers and burning them. The fire would have burned through all of her documents had it not been for a police officer, who had known Hurston, who happened to walk and by pulled documents from the fire.

Years later, Alice Walker visited the Fort Pierce neighborhood Hurston called her final home before being moved into hospice care, and found an elderly man who remembered Hurston. Walker, to strike up conversation asked, “Did Zora like flowers?” He answered:

she was crazy about them. And she was a great gardener. She loved azaleas, and that running and blooming vine [morning –glories], and she really loved that night-smelling flower [gardenia]. She kept a vegetable garden year-round, too. She raised collards and tomatoes and things like that.²¹

¹⁹ Hemenway, *Zora Neale Hurston*, 345.

²⁰ *Ibid.*, 346.

²¹ Qtd. in Walker, *In Search*, 410.

The reason I have found my way back to Luisa Moreno and Zora Neale Hurston is related to my own experiences in gardening maintenance work. When my family migrated to the United States in the late 1980s, my father, Juan Zárate, became a gardener (see Introduction). Throughout the 1990s he, along with my mother, Maria Guadalupe, and my older sister, Maria, ran a small gardening service. Maria graduated from high school and devoted herself to making the company work. Later, during my undergraduate and Ph.D. work, I managed the company. By that time, we primarily worked under contract with the County of Orange. We were responsible for creating “fire breaks,” in preparation for summer “fire season.” My father and a crew of workers, most often relatives, navigated steep slopes and removed pampas grass, mustard, buckwheat, and other non-native plants in order to protect affluent properties from fire. Broadly speaking, maintenance gardeners can be said to protect against fires, they clear, trim, and water. The fires caused by maintenance gardeners in the lives of Moreno and Hurston, as noted earlier, were connected to both women’s dispossession; deportation and racial segregation foreclosed their dreams of owning homes and tending to gardens.

As I explored Moreno’s and Hurston’s archives and their literary works to conduct research on the topic of turpentine, I kept coming across references to their gardening practices, and eventually to fires that consumed both women’s personal documents. If not for Vicki Ruiz sharing with me Moreno’s poetry as well as her insight on Moreno’s gardener’s place in the archive, I would not have been able to connect

Moreno's gardening labor to that of Zora Neale Hurston.²² Ruiz's help is particularly important given that while I was conducting research on Hurston, I kept encountering texts that were "singed" and only partially legible— the result of the fire following her death. Original manuscripts, like that of *Seraph on the Suwannee*, were lost, as were many of her correspondences and photos. The fact that both fires were put into motion by maintenance gardeners, whose labor is to constantly rework and prune for a future bloom (even fires are seen as symbols of rebirth), seems appropriate given Moreno's and Hurston's penchant for rebirth and remaking. While Alice Walker was not able to find Hurston's actual garden at Hurston's Fort Pierce home, her attention to Hurston's gardening practice— "did Zora like flowers?"— allowed Hurston's work and life to flourish for generations since her passing. Moreno's life was a testament to the possibility of rebirth. Moreno left behind her family's affluent past to follow her love for poetry, "conjugated" her identity to organize racialized women workers across the American sunbelt, and after her deportation started a new life that took her to back to Mexico, to the Caribbean, and to Central America. For Moreno, placing an azalea into a Coke bottle is as much about an end as it was about making room for future growth. The social connections between the two women, precisely through the disappearance of their archival materials, created a connection that exceeds the logics of what could have been knowable had the fires not been put into motion by gardeners in the first place. Which is to say, the conditions that led to the burning of their documents draws attention to the

²² Curtis Marez was instrumental in putting Roshanak Kheshti and I into conversation, as he knew that Kheshti was working on Hurston and turpentine at the same time I was interested in writing about Moreno's "On the Road," a poem about turpentine workers.

systems of deportation, racial segregation, and dispossession that both Moreno and Hurston fought against.

In addition, had gardeners not been responsible, I may have not been interpolated through my own position as a gardener, and as Walker puts it, would not have been able to perform “the straining to encompass in one’s glance at the varied world the common thread.” This final connection between Moreno and Hurston, is related to my experiences of working gendered labor with my father (gardening) and mother (domestic work) since a young age. While the transition to my teen years ensured that I would only work feminized gardening labor, my ability to keep in frame how labor produces formations of race and gender, as well as depends on them, has propelled how I have encountered the archive. While the connections I have sought to bring to the fore throughout the dissertation are inspired by the expansive world view of the laborers I have highlighted, they are also enabled by my experiences with gardening labor. In that way, this dissertation is a product of my own “migrant orientation,” what Sara Ahmed calls a location defined by being between two places, which in my case not only seems apt for my transition between gardener and domestic worker as a child, but also the experiences that have resulted from my migration.

As has been shown throughout the dissertation, the regimes of contract that produced women’s labor and their subjectivities as non-value also erased women as historical subjects. In turn, the erasure has directly influenced the lack of academic attention on racialized women’s labor under different forms of contract. Throughout the dissertation, I have argued that with their life-producing activity— their childrearing, dishwashing, cooking, gardening and other daily reproductive tasks— racialized women

create forms of sociality and social connection in excess of capital's relations of production that demand and devalue their labor and bodies. While the social formations they create are not easily discernible, they can, as Walker argues, be approached by "straining" for a larger world view.

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