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Labor Practices in the Meat Packing and Poultry Processing Industry: An Overview

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Summary

During the early 1960s, segments of the meat packing industry began to move from large urban centers to small communities scattered throughout the Mid-West. By century's end, some suggest, this migration had effected major changes within the industry. The old packing firms that had established their dominance during the late 1800s had largely disappeared or been restructured as part of a new breed of packers. Joining with the poultry processors who had emerged in the wake of World War II, they quickly became a major force in American and, later, global industry.

The urban-to-rural migration, some suggest, had at least two major motivations. One was to locate packing facilities in areas where animals were raised rather than transporting the stock to urban packinghouses as had been the tradition: a more economical arrangement. The other was a quest for lower labor costs: to leave behind the urban unions and their collective bargaining agreements and to operate, as nearly as possible, in a union-free environment. This initiative involved a low-wage strategy, allowing for employment of lower skilled and low-wage workers.

The aftermath of this migration was complex. The urban unionized workforce, by and large, did not follow the migrating plants. Since most local communities could not provide an adequate supply of labor, the relocation process implied recruitment of workers from outside the area of production. In practice, packers and processors came increasingly to rely upon recent immigrants or, allegedly in some instances, upon workers not authorized for employment in the United States.

Gradually, the new breed packers (and their poultry counterparts) began to dominate the market — through various business arrangements consolidating the industry into a small number of large firms. This corporate *churning* impacted the trade union movement and its relations with the industry. The unions, too, were restructured. The labor-management relationship, largely set during the 1940s, was gradually replaced with new patterns of bargaining. Further, the demographics of the workforce changed with the introduction of a new racial/ethnic and gender mixture. Distances between the rural plants made union organization difficult, as did the new linguistic and cultural differences among workers. Gradually, the workforce was transformed from high-wage, stable, and union, to lower-wage and often non-union, and came to be characterized by a high turnover rate.

From time to time, the Congressional Research Service (CRS) has received requests for information on labor standards and labor-management relations in the meat packing industry. Often, these queries have been associated with the Fair Labor Standards Act and the National Labor Relations Act, but there has been concern with other legislation and issues as well. Some of these areas have been (and continue to be) the subject of litigation. This report is intended as an introduction to the meat packing/processing industry, the unions that have been active in that field, and labor-management practices among the packers and their employees. It will not likely be updated.

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Labor Practices in the Meat Packing and Poultry Processing Industry: An Overview

During the early 1960s, segments of the meat packing industry began to move from urban centers to rural communities scattered throughout the Mid-West. By century's end, this migration had effected major changes within the industry. The old packing firms that had established their dominance during the late 1800s had largely disappeared or had been restructured as part of a *new breed* of packers. Joining with the poultry processors who had emerged in the wake of World War II, they became a major force in American (and, later, global) industry — and a major employer.¹

Business practices have affected the labor-management relationship, recruitment of workers, and the protective labor standards that apply to persons employed in the industry. The last half of the 20th century witnessed relocation of major firms, a move from predominantly urban to more heavily rural production, and a shift in the demographics of the industry's workforce. The dispersal of the industry, some argue, has also affected the manner in which employment-related law is enforced. Clearly, it has impacted the trade unionization of the workforce. At issue are a number of federal statutes and their administration: the Fair Labor Standards Act, the National Labor Relations Act, the Occupational Safety and Health Act and, potentially, the Migrant and Seasonal Agricultural Workers Protection Act. Similarly, both the industry and its workforce have been affected by federal immigration policy. These general areas have been a continuing focus of Department of Labor (DOL) action and of litigation.²

This report provides an introduction to labor issues in meat packing and poultry processing. It sketches the evolution of the industry and of the related trade union movement, stressing development of corporate and trade union cultures and the shifting demographics of the workforce. It notes areas of tension and conflict within and between both labor and management. And, it points to considerations of public policy that affect the continuing labor-management relationship.³

¹ Seafood production, now largely absorbed into the meat and poultry industry, is not dealt with here. In general, see the essays from *Southern Exposure*, fall 1991: Richard Schweid, "Down on the Farm," pp. 14-21; Eric Bates, "The Kill Line," pp. 22-29; and Eric Bates, "Parting the Waters," pp. 34-36. See also David Griffith, *Jones's Minimal: Low-Wage Labor in the United States* (Albany: State University of New York Press, 1993), which deals with meat, poultry, and shellfish. (Hereafter cited as Griffith, *Jones's Minimal*.)

² In general, see U.S. Department of Agriculture, Economic Research Service, Agricultural Economic Report No. 785, Feb. 2000, *Consolidation in U.S. Meatpacking*, by James M. MacDonald, Michael E. Ollinger, Kenneth E. Nelson, and Charles R. Handy, 42 pp.

³ The meat packing and poultry processing industries are complex structures. This report (continued...)

A Sketch of the Meat Packing Industry

“Up to the 1860s,” writes Lewis Corey, “meat packing was a small-scale enterprise, not yet industrial,” dominated by merchants.⁴ Livestock were slaughtered for local consumption where they were raised or, if transported to market, were shipped or driven live to rail yards and, then, to urban packinghouses. Butchers, both in small community packing houses and retail markets, were skilled craftsmen, often self-employed or engaged in a facility with only a few other similarly skilled workers.

Consolidation: Round One

Late in the 19th century, larger plants began to develop. Live animals, collected from throughout the Great Plains, were shipped to facilities normally located in major rail centers such as Chicago, Kansas City, or Omaha. Dressed beef was then shipped to branch houses for final processing and sale. Pork was treated somewhat differently, some being cured or, later, canned. The packing plants were enormous multistory facilities. Animals entered at an upper level and the carcass moved along a *disassembly line* until dressed meat and by-products emerged at ground level.

Refrigerated rail cars appeared in the 1870s and 1880s. While this made shipment of dressed meat less difficult, it appears not to have diminished the dominance of the great Mid-West packing companies. Early in the 20th century, five firms became dominant: Swift, Armour, Morris, Wilson, and Cudahy. By 1916, the “Big Five” slaughtered the great bulk of cattle, calves, hogs and sheep moving in interstate commerce.⁵

The stock yards were “capital intensive” but with a rapidly expanding workforce. The workers (and cattlemen/farmers) found themselves at a disadvantage when dealing with the packers who were highly organized with an eye for efficiency and profitability. With the introduction of labor-saving equipment and careful structuring of the work process, the packers were increasingly able to employ largely low-wage workers with few skills.⁶ Such work came to be associated with the most recent round of immigrant labor. “Immigrants flooded the labor market and ... accepted the common-labor earnings” offered by industry. “Simultaneously,” notes David Brody, “an increasing number of women found a place in the packing houses

³ (...continued)

presents an overview of the industry and of labor policy and practice in that sector. It has been developed from published sources: synthesizing the academic literature, selectively examining industry journals and related materials. But, it is a sketch — an introduction. Occupational Safety and Health, a highly specialized and technical field, is discussed in other CRS reports and documents and is not dealt with in any substantial manner here.

⁴ Lewis Corey, *Meat and Man: A Study of Monopoly, Unionism, and Food Policy* (New York: The Viking Press, 1950), p. 37. (Hereafter cited as Corey, *Meat and Man*.)

⁵ Richard J. Arnould, “Changing Patterns of Concentration in American Meat Packing, 1880-1963,” *Business History Review*, spring 1971, pp. 20-22. In 1923, Armour acquired Morris.

⁶ Corey, *Meat and Man*, p. 45.

at wages well below the unskilled male rate.”⁷ Gradually, if sporadically, the workforce became unionized: wages increased, worker protections were introduced, and work processes became institutionalized.

Consolidation: Round Two

In the late 1950s, two veteran packinghouse executives, Currier Holman and Andy Anderson, reassessed conditions in the beef packing industry. “Why should meat companies,” they queried, “remain wage-locked in heavily unionized cities when unorganized workers could be hired at far lower wages out in the country?”⁸ In March 1960, having accepted their own challenge, Holman and Anderson set up a new company: Iowa Beef Packers, Inc. — later, just IBP.

Though the old firms were still economically viable, the huge urban plants had become dated and, in some measure, inefficient. Further, the continuing “supply of cheap, unskilled labor” had begun to dry up⁹ and, since the late 1930s, the industry had become increasingly unionized.

Led by IBP (among others), packers migrated to rural areas where land was cheaper and local communities, pressed for economic development, were willing to provide tax and other incentives to relocating firms.¹⁰ But, there were other elements as well. Growers found it more economical to move livestock to a local/regional center rather than shipping animals to Omaha or Chicago. The new (1950s) interstate highway system provided easy access to national markets. Rather than ship sides of beef to markets for on-site cutting, the packers introduced a system of *boxed beef* in which meat, deboned and trimmed, was sealed in vacuum bags and shipped directly to supermarkets. Easier to handle, boxed beef was quickly accepted by retailers — and had the added advantage of largely eliminating the need for retail butchers.¹¹

⁷ David Brody, *The Butcher Workmen: A Study of Unionization* (Cambridge: Harvard University Press, 1964), p. 6. (Hereafter cited as Brody, *The Butcher Workmen*.)

⁸ Steve Bjerklie, “On the Horns of a Dilemma: The U.S. Meat and Poultry Industry,” in Donald D. Stull, et al., *Any Way You Cut It: Meat Processing and Small-Town America* (Lawrence: University Press of Kansas, 1995), p. 53. (Hereafter cited as Bjerklie, *On the Horns of a Dilemma*.) That Anderson and Holman were concerned with efficiency and cost-cutting — and were anxious to operate with a minimal union presence — is stressed in Jeffrey Rodengen’s corporate study, *The Legend of IBP* (Fort Lauderdale, Write Stuff Enterprises, Inc., 2000), pp. 22-25, and 47. (Hereafter cited as Rodengen, *The Legend of IBP*.)

⁹ Bjerklie, *On the Horns of a Dilemma*, pp. 56-57.

¹⁰ See Charles Craypo, “Strike and Relocation in Meatpacking,” in Craypo and Bruce Nissen, eds., *Grand Designs: The Impact of Corporate Strategies on Workers, Unions, and Communities* (Ithaca: Cornell University Press, 1993), pp. 201-202. (Hereafter cited as Craypo, *Strike and Relocation*.) Concerning industrial migration and local governmental policy, see, for example, James C. Cobb, *The Selling of the South: The Southern Crusade for Industrial Development, 1936-1990* (Urbana: University of Illinois Press, 1993).

¹¹ Bjerklie, *On the Horns of a Dilemma*, p. 54; Craypo, *Strike and Relocation*, p. 185; and Jimmy M. Skaggs, *Prime Cut: Livestock Raising and Meatpacking in the United States*, (continued...)

Reduced labor costs were a significant aspect of the move. Relocation “altered the wage structure within which the industry operated.”¹² The new workers were said to have been accustomed to low wages and to a “country-style” non-union work environment.¹³ Further, automated facilities allowed the *new breed*¹⁴ of packers to organize line operations in a manner that diminished the need for skilled workers, permitting employment of inexperienced and low-wage personnel.¹⁵ Finally, formation of new corporate entities (with new plants in new locations) permitted a change from established labor-management relationships.¹⁶

This migration involved fierce competition between firms for market share. Some older established firms went out of business or were taken over by new breed packers (sometimes associated with conglomerates). Others adjusted to the new strategies but, in the process, changed their corporate culture — adopting a more contentious labor-management relationship. By 1990, a new “Big Three” had emerged: IBP, Excel (a subsidiary of Cargill) and ConAgra.

The Poultry Processing Industry

Poultry processing had early been a distinct sub-segment of the meat industry. With the restructuring of the 1960s, such distinctions came increasingly to be blurred. A single corporation might have interests in each line — and in other areas as well.

Until the early 1940s, poultry raising was largely a small farm type operation. Its transformation began with wartime demand. Initially, large numbers of relatively small growers entered the field; but, at least by the 1950s, some consolidation had begun. By the late 20th century, five or six major concerns had come to dominate poultry production — with about 250,000 persons employed in the industry.¹⁷

¹¹ (...continued)

1607-1983 (College Station: Texas A & M University Press, 1986), pp. 190-196. On Sept. 15, 2003, p. C15, the Bureau of National Affairs’ *Daily Labor Report* stated: “According to UFCW [United Food and Commercial Workers, AFL-CIO] data, approximately 100,000 of its 1.4 million members are retail meatcutters, compared with about 400,000 meatcutter-members 30 years ago.”

¹² Roger Horowitz, “The Decline of Unionism in America’s Meatpacking Industry,” *Social Policy*, spring 2002, p. 33. (Hereafter cited as Horowitz, *The Decline of Unionism*.)

¹³ Bjerklie, *On the Horns of a Dilemma*, p. 53.

¹⁴ The term, *new breed*, is widely used in the literature to differentiate the post-1950s packers from the more-traditional firms. It is suggestive more of a business approach, however, than of the age of the firm.

¹⁵ Wilson Warren, *Struggling with “Iowa’s Pride”: Labor Relations, Unionism, and Politics in the Rural Midwest Since 1877* (Iowa City: University of Iowa Press, 2000), pp. 120-121. (Hereafter cited as Warren, *Struggling with “Iowa’s Pride”*.)

¹⁶ Carol Andreas, *Meatpackers and Beef Barons: Company Town in a Global Economy* (Niwot, Colorado: University Press of Colorado, 1994), pp. 59-82. (Hereafter cited as Andreas, *Meatpackers and Beef Barons*.)

¹⁷ *Industrial Safety & Hygiene News*, July 2002, p. 14. See also *The News and Observer* (continued...)

“Before the 1960s,” suggests Bob Hall of the Institute for Southern Studies, “nearly all birds were shipped whole from the slaughterhouse to the grocery store, where butchers cut them up or packaged them whole — sometimes with the store label. Today [1989],” he states, “poultry giants ... have replaced the neighborhood butcher with huge processing units attached to their slaughterhouses.” By 1990, the industry expected to produce 5.5 billion broilers a year.¹⁸ More recently, there has been a transition to *value-added* products such as chicken fajitas and nuggets.

Several patterns quickly developed. The industry, increasingly, came to be centered in the Delmarva region and the South. In structure, with growth, it became vertically integrated with corporate control of the birds from egg to market. Sequentially, two groups of workers are involved: grow-out farmers and hourly workers on the disassembly line. For the latter, work is unpleasant, hazardous, and reportedly requires only low levels of education or skill — but may be attractive to a rural population with few economic options.¹⁹

Grow-out Farmers. Typically, the corporate processor will contract-out the actual growth of the birds to local *grow-out* farmers. Usually, the processor (or *integrator*) provides the chicks, feed, any necessary medication, etc., to the grower. The grower provides the buildings in which the birds are raised and the labor involved in caring for them — receiving four or five batches of chicks each year. When the boilers are ready for slaughter, the integrator dispatches a crew of *chicken catchers* to retrieve the birds and haul them to the processing plant. Ordinarily, the farmer does not actually own the chickens that are raised for the processor.

For the grow-out farmer, several patterns have developed. *First*. Starting from a marginal agricultural operation, the farmer may take out a loan to construct his growing facilities. In the 1990s, a reasonable structure may well have cost about \$100,000 — perhaps more. Several such chicken houses were often needed to sustain the farmer.²⁰ Speaking generally, the chicken houses were specialized

¹⁷ (...continued)

(Raleigh, NC), June 6, 2001, p. A17.

¹⁸ Bob Hall, “Chicken Empires,” *Southern Exposure*, summer 1989, pp. 12-17.

¹⁹ David Griffith, “Hay Trabajo: Poultry Processing, Rural Industrialization, and the Latinization of Low-Wage Labor,” in Donald D. Stull, et al., *Any Way You Cut It: Meat Processing and Small-Town America* (Lawrence: University Press of Kansas, 1995), pp. 129-130. (Hereafter cited as Griffith, *Hay Trabajo*.)

²⁰ Cost estimates vary. Of the early 1980s, Hope Shand, “Billions of Chickens: The Business of the South,” *Southern Exposure*, Nov./Dec. 1983, p. 78, states: “A new fully automated chicken house costs from \$60,000 to \$80,000.” (Hereafter cited as Shand, *Billions of Chickens*.) Steve Bjerklie, writing a decade later, “Dark Passage: Is Contract Poultry Growing a Return to Servitude?,” *Meat & Poultry*, Aug. 1994, p. 25, states: “One integrator’s figures show the cost of building a chicken grow-out house to company specifications to be about \$125,000. A turkey house runs \$190,000.” By the late 1990s, grow-out chicken houses seem to have averaged about 40 feet in width and 400 feet long, covering 16,000 square feet and accommodating about 20,000 birds. See Stephen F. Strausberg, *From Hills and Hollers: Rise of the Poultry Industry in Arkansas* (Fayetteville: (continued...))

structures with little value for other purposes. *Second*. The grower may begin operation with a substantial debt and, essentially, with a single market: i.e., the corporate processor. Grower/processor contracts have tended to be short-term, renewed with each new batch of chickens.²¹

The grow-out farmer normally “relinquishes all major decision-making responsibilities” when the contract is signed.²² Though the farmer “pretty much works like a wage-earning worker,” he is actually an *independent contractor* and, as such, lacks options a laborer might enjoy. Tied to his mortgage and chicken houses, he “can’t change jobs” easily. The grower is not covered by wage/hour and related laws nor does he receive “retirement benefits, health insurance, or paid vacations.”²³ In spite of intermittent attempts by growers to organize to enhance their bargaining power, they seem to have been unable to do so.²⁴

Aside from profit motivation, brand name marketing may require that the processor retain quality control—including the manner in which birds are raised, fed and cared for. “Vertical integration allows us to control the quality of the birds from conception to consumption,” John Lea, a Tyson vice president, reportedly stated.²⁵

²⁰ (...continued)

Arkansas Agricultural Experiment Station, 1995), p. 180. (Hereafter cited as Strausberg, *From Hills and Hollers*.) Donald D. Stull and Michael J. Broadway, in *Slaughterhouse Blues: The Meat and Poultry Industry in North America* (Belmont, CA: Thomson/Wadsworth, 2004), p. 46, state: “A broiler house costs between \$125,000 and \$140,000 and must be built to company specifications. Breeder and pullet houses can cost even more.” (Hereafter cited as Stull and Broadway, *Slaughterhouse Blues*.)

²¹ Stull and Broadway, in *Slaughterhouse Blues*, p. 41, state: “For growers, contracts offered a guaranteed income from their flocks and took the risks out of raising chickens, save one — the company did not have to renew the grower’s contract.” They observe, however, that the income of grow-out farmers can be relatively meager (pp. 41-51). See also Strausberg, *From Hills and Hollers*, p. 136; and Fred A. Lasley, et al., *The U.S. Broiler Industry* (Washington: U.S. Department of Agriculture, Nov. 1988), Economic Research Service, Agricultural Economic Report Number 591, p. 20.

²² William D. Heffernan, “Constraints in the U.S. Poultry Industry,” in Harry K. Schwarzweller, ed., *Research in Rural Sociology and Development: Focus on Agriculture* (Greenwich, CT: JAI Press, Inc., 1984), p. 238.

²³ Barry Yeoman, “Don’t Count Your Chickens,” *Southern Exposure*, summer 1989, pp. 22-23. See also Bob Hall, “The Kill Line: Facts of Life, Proposals for Change,” in Donald Stull, et al., *Any way You Cut It*, p. 221. (Hereafter cited as Hall, *The Kill Line*.)

²⁴ U.S. Department of Agriculture, *The Broiler Industry: An Economic Study of Structure, Practices and Problems*, 1967, p. 45. See also John Strange, “‘One-Sided’ Contracts Make Farming Risky,” *National Catholic Reporter*, Nov. 15, 2002, p. 12; Richard Behar, “Arkansas Pecking Order,” *Time*, Oct. 26, 1992, p. 53; Shand, *Billions of Chickens*, pp. 78 and 79; Strausberg, *From Hills and Hollers*, pp. 80, 91, 104, 122, and 136; Keith Nunes, “Developing a Common Voice,” *Meat & Poultry*, Dec. 1992, pp. 16 and 18; and Chao Xiong, “Taking Wing: Hmong Are Moving Again, This Time to Poultry Farms,” *The Wall Street Journal*, Jan. 26, 2004, pp. A1 and A6.

²⁵ Scott Kilman, “Moving On Up,” *The Wall Street Journal*, Oct. 25, 2004, pp. R6 and R10.

Given market constraints and fluctuations in demand, it may be unrealistic for a farmer to assume that the supply of chicks will be constant.²⁶

Plant Workers. The poultry industry early developed in the rural South where land was relatively cheap and water, a prime requirement for meat packing and poultry processing, was relatively plentiful. As with beef packing, low-wage labor with a union-free environment seems to have been an important consideration.

In the 1960s, many rural workers lacked marketable skills. More traditional family farming, for many, no longer offered significant employment and, thus, the “superfluous labor” of farming communities became available for processing plants and for “part-time labor on the grow-out farms.”²⁷ Some suggest that the industry had concentrated in *right-to-work* states in an effort to minimize labor costs and had systematically developed a *low-wage strategy*.²⁸

Plants are described as operating on a two-tier labor system. On top are *core workers*: trained, stable, with strong labor market attachment, who keep the plants operating. They are supplemented by a body of unskilled low-wage workers with a high turnover rate. The latter, it appears, have low expectations, both with respect to living and working conditions, and may view their employment as short-term. They are unlikely to complain or to join a union, especially if they are not *authorized* residents. The two-tier system reportedly allows integration of new *line workers* with little disruption.²⁹

The new breed packers and processors appear to have developed a workforce the demographics of which are somewhat different from that of the older urban packers. There are fewer African-American males and more Hispanic and Southeast Asian workers: often (but not always) transient, low-skilled but hard-working, less assertive of their workplace rights than experienced workers, and willing to work for low wages under conditions that may be adverse. But, conditions vary from plant-to-plant and from one location to another.³⁰

²⁶ On the grower/integrator relationship, see three articles by Steve Bjerklie collectively titled “Dark Passage,” which appeared in the industry journal, *Meat & Poultry*, Aug. 1994, pp. 24-26, and 55; Oct. 1994, pp. 32-35; and Dec. 1994, pp. 20, 22, 24, 26, and 28.

²⁷ Griffith, *Hay Trabajo*, p. 130.

²⁸ Lourdes Gouveia and Donald D. Stull, “Dances with Cows: Beefpacking’s Impact on Garden City, Kansas, and Lexington, Nebraska,” in Donald D. Stull, et al., *Any Way You Cut It: Meat Processing and Small-Town America* (Lawrence: University Press of Kansas, 1995), p. 103. See also Greig Guthey, “Mexican Places in Southern Spaces: Globalization, Work and Daily Life in and around the North Georgia Poultry Industry,” in Arthur D. Murphy, et al., eds., *Latino Workers in the Contemporary South* (Athens: University of Georgia Press, 2001), p. 63.

²⁹ Griffith, *Hay Trabajo*, p. 146; and Donald D. Stull, et al., *Any Way You Cut It: Meat Processing and Small-Town America* (Lawrence: University Press of Kansas, 1995), p. 8. (Hereafter cited as Stull, et al., *Any Way You Cut It*.)

³⁰ In general, see Griffith, *Jones’s Minimal*. Leon Fink, *The Maya of Morganton: Work and* (continued...)

Unionization of the Meat and Poultry Workforce

In the 19th century, most butchering was conducted at the local retail level. With the rise of the packing plants, a distinction was made between butchers, *per se*, and packinghouse workers; but trade unionization focused on the butchers (*craft workers*) rather than packinghouse workers (*industrial workers*).

The Early Years Under the Amalgamated

The late 19th century witnessed a number of attempts by workers in the packing industries to organize. Generally, their efforts were without success. In 1894, during the Pullman (American Railway Union) strike, packinghouse workers engaged in a sympathetic walkout.³¹ When the rail strike was broken, the packinghouse workers were replaced “from among the thousands of unemployed workers who crowded the yards, anxious to take any job they could get.”³² Other strikes would follow.

At first, the packers had hired “recent immigrants from eastern Europe” — but, then, they began to use African-Americans — at first as strikebreakers and, less often, as regular workers.³³ In so doing, explains Alma Herbst, the packers “tapped an almost inexhaustible supply of cheap labor” and secured a workforce more resistant to unionization than were the European immigrants.³⁴ While the “majority of the strikebreakers were white,” the “Negro, because of his color, attracted more than his share of hostility and was associated by many packinghouse workers with the collapse of the strike[s].”³⁵

³⁰ (...continued)

Community in the Neuvo New South (Chapel Hill: University of North Carolina Press, 2003), provides a case study of labor supply and labor-management relations in a small North Carolina town. (Hereafter cited as Fink, *The Maya of Morganton*.)

³¹ Brody, *The Butcher Workmen*, p. 13. See also Ken Fones-Wolf, “Eight-Hour and Haymarket Strikes of 1886,” in Ronald Filippelli, editor, *Labor Conflict in the United States* (New York: Garland Publishing, Inc., 1990), pp. 164-169.

³² Walter A. Fogel, *The Negro in the Meat Industry* (Philadelphia: University of Pennsylvania Press, 1970), p. 19. (Hereafter cited as Fogel, *The Negro in the Meat Industry*.)

³³ *Ibid.*, p. 19.

³⁴ Alma Herbst, *The Negro in the Slaughtering and Meat-Packing Industry in Chicago* (Boston: Houghton Mifflin Company, 1932), pp. 19-20. (Hereafter cited as Herbst, *The Negro in the Slaughtering and Meat-Packing Industry*.)

³⁵ Fogel, *The Negro in the Meat Industry*, p. 19-20. Interpretation varies. See Sterling Spero and Abram Harris, *The Black Worker: The Negro and the Labor Movement* (New York: Columbia University Press, 1931), pp. 264 ff. (Hereafter cited as Spero and Harris, *The Black Worker*.); Horace R. Cayton and George S. Mitchell, *Black Workers and the New Unions* (Chapel Hill: The University of North Carolina Press, 1939), pp. 228 ff.; and William M. Tuttle, Jr., “Labor Conflict and Racial Violence: The Black Worker in Chicago, 1894-1919,” in Milton Cantor, ed., *Black Labor In America* (Westport, CT: Negro Universities Press, 1969), pp. 88-89. (Hereafter cited as Tuttle, *Labor Conflict and Racial* (continued...))

The labor force was divided, roughly, into two groups: retail butchers and packinghouse workers. Among the latter was a hierarchy of sub-crafts. Workers in the packing houses, where unions were formed, had “invariably unionized along narrow craft lines” in the 1880s and 1890s.³⁶ But skill was coming to count for “less and less” and “[s]pecialization was making the employment of cheaper labor possible.”³⁷ Recalcitrant workers could quickly be replaced — and both management and the workers knew it.³⁸

Developing a Stable Union. In 1896, American Federation of Labor (AFL) president Samuel Gompers called a national convention of butchers. On January 26, 1897, a charter was issued to the Amalgamated Meat Cutters and Butcher Workmen of North America. Michael Donnelly of Omaha was elected president.³⁹

The Amalgamated moved into Chicago in 1900 and began organization of packinghouse workers still demoralized from the strikes of the 1890s. The union faced a number of challenges. The companies had adopted a systematic approach of *de-skilling* packing jobs: segmenting the work process so that less expensive workers could be hired, given partial training, and engaged (when needed) as replacement workers for those with somewhat greater skills. Though a rational policy from the perspective of industry, it complicated the efforts of the union to recruit and hold members.⁴⁰ At the same time, by careful recruitment, the packers were able to shift dominance from one racial/ethnic faction to another — and to stir tensions between male and female workers.⁴¹

These management-enhanced divisions within the workforce convinced some workers of the need for industrial (cross-craft) organization. All workers would have

³⁵ (...continued)
Violence.)

³⁶ Brody, *The Butcher Workmen*, p. 15.

³⁷ Spero and Harris, *The Black Worker*, p. 264.

³⁸ Brody, *The Butcher Workmen*, p. 15.

³⁹ Ibid., pp. 17-33; Gary M. Fink (ed.), *Labor Unions* (Westport, CT: Greenwood Press, 1977), p. 216 (Hereafter cited as Fink, *Labor Unions*); and Carl W. Thompson, “Labor in the Packing Industry,” *The Journal of Political Economy*, Feb. 1907, pp. 96-97.

⁴⁰ Tuttle, *Labor Conflict and Racial Violence*, p. 90. See also Stull and Broadway, *Slaughterhouse Blues*, pp. 34-35.

⁴¹ See, *inter alia*, Selig Perlman and Philip Taft, *History of Labor in the United States, 1896-1932* (New York: Augustus M. Kelley, Publishers, 1966), vol. IV, p. 118; Fogel, *The Negro in the Meat Industry*, p. 18; Edith Abbott, and S. P. Breckinridge, “Women in Industry: The Chicago Stockyards,” *The Journal of Political Economy*, Oct. 1911, pp. 649-651, and 639; and Rick Halpern and Roger Horowitz, *Meatpackers: An Oral History of Black Packinghouse Workers and Their Struggle for Racial and Economic Equality* (New York: Twayne Publishers, 1996), p. 6. (Hereafter cited as Halpern and Horowitz, *An Oral History.*)

to be organized if the Amalgamated were to succeed; but, even so, solidarity — across racial, ethnic, gender and skill lines — would be difficult to achieve.⁴²

A Time of Trial and Upheaval. Organizationally, the “great prize,” according to Brody, was the packinghouse where large numbers could be organized “in one swift stroke.” At the turn of the century, a little over 25,000 workers were employed in Chicago’s stock yards, about a third of those employed in the industry nationally. Donnelly set out to organize the workers and to instruct them in trade union strategy. The skilled craft workers were the first organized and remained the core of the union. The union sought out the immigrant worker and actively courted African-American workers (about 500 then employed in the yards) — and the latter “hesitantly joined” the ranks of organized labor.⁴³

Organization, alone, did not erase the workers’ grievances. Increasing line speed was a concern — as it would continue to be through the rest of the 20th century. Jurisdictional issues arose. Hours of work, often irregular, and seasonal disparities in employment continued as a source of discontent. Wage considerations were always an issue. “Under any circumstances, it would have been difficult to control the untutored and excited mass of packinghouse men,” Brody notes, but “... discontent was stirred by Donnelly’s cautious negotiating policy ... benefits came too slowly and unevenly.”⁴⁴

On July 12, 1904, over Donnelly’s reservations, the union struck. The weakness of the Amalgamated — internal dissension and lack of discipline — was quickly exposed. Again, industry imported black strikebreakers; and, as might have been anticipated, violence broke out — with the strikebreakers frequently the object of attack. With the union financially strapped, Donnelly sought accommodation — and was rebuffed. Intervention by Jane Addams (a Chicago social worker) and her associates brought an end to the strike, but the men were granted no concessions from the packers.⁴⁵ The union was largely fragmented and, in 1907, Donnelly resigned and

⁴² See James R. Barrett, “Immigrant Workers in Early Mass Production Industry: Work Rationalization and Job Control Conflicts in Chicago’s Packinghouses, 1900-1904,” in Hartmut Keill and John B. Jents, eds., *German Workers in Industrial Chicago, 1850-1910: A Comparative Perspective* (DeKalb: Northern Illinois University Press, 1983), pp. 104-124.

⁴³ Brody, *The Butcher Workmen*, p. 34 and 41.

⁴⁴ *Ibid.*, pp. 47-48.

⁴⁵ *Ibid.*, p. 58. See John R. Commons, “Labor Conditions in Meat Packing and the Recent Strike,” *The Quarterly Journal of Economics*, Nov. 1904, pp. 1-32. (Hereafter cited as Commons, *Labor Conditions*.) Black strikebreakers had also been used by the packers against the Packing House Teamsters in 1902. See Howard B. Myers, “The Policing of Labor Disputes in Chicago: A Case Study,” Ph.D. dissertation, University of Chicago, 1929, pp. 347-366 (Hereafter cited as Myers, *Labor Disputes*); James R. Barrett, *Work and Community in the Jungle: Chicago’s Packinghouse Workers, 1894-1922* (Urbana: University of Illinois Press, 1987), pp. 118-187, (Hereafter cited as Barrett, *Work and Community*); Barrett, “Unity and Fragmentation: Class, Race, and Ethnicity on Chicago’s South Side, 1900-1922,” *Journal of Social History*, fall 1984, p. 50, (Hereafter cited as (continued...))

left the movement.⁴⁶ For a decade, few victories appear to have been achieved by the Amalgamated.

In 1917, the United States entered the European war. Immigration, the traditional source of packinghouse labor, declined. The draft further reduced manpower availability. Labor shortages were accompanied by a heightened demand for meat — and the Amalgamated rebounded — but under federal wartime regulation. The war years also sparked a northward migration of southern blacks who, in significantly increased numbers, took jobs in the packing plants. Brody states that, by some estimates, “90 percent *of the northern Negroes* in the Chicago yards carried union cards.” (Italics added.) But the newcomers, like immigrant groups before them, proved difficult to organize and, once in the union, to retain. By the end of the war, late in 1918, some 10,000 black workers were employed in the yards — “over 20 percent of the labor force.”⁴⁷

The post-war period, however, did not bode well for unions. The Chicago race riots (1919) added to tensions between black and white workers.⁴⁸ Then, internal union discord broke out. By 1921, the treasury of the Amalgamated was depleted. Wartime restraints vanished. Unemployment became widespread. Union membership shrank. So, in the dead of winter, in an effort to rebuild and regain its strength, the Amalgamated called a nation-wide strike.⁴⁹ Within weeks, on February 1, 1922, the strike was called off: again, a failed effort. The Amalgamated reverted largely to representation of local retail butchers.⁵⁰

⁴⁵ (...continued)

Barrett, *Unity and Fragmentation*); and David Witwer, “Race Relations in the Early Teamsters Union,” *Labor History*, Nov. 2002, pp. 505-532.

⁴⁶ Myers, *Labor Disputes*, pp. 532-533; and Brody, *The Butcher Workmen*, pp. 59-74.

⁴⁷ Brody, *The Butcher Workmen*, p. 85. See also William C. Pratt, “Advancing Packinghouse Unionism in South Omaha, 1917-1920,” *Journal of the West*, Apr. 1996, pp. 42-49.

⁴⁸ Barrett, *Unity and Fragmentation*, p. 43, states: “While white butcher workmen had little to do with the attacks on Blacks, the riot ended any prospect of creating an interracial labor movement in the Yards for more than a generation.”

⁴⁹ Barrett, *Work and Community*, pp. 257-259.

⁵⁰ Ibid., pp. 258-259; Roger Horowitz, “‘It Wasn’t a Time to Compromise’: The Unionization of Sioux City’s Packinghouses,” *The Annals of Iowa*, fall 1989/winter 1990, p. 253 (Hereafter cited as Horowitz, *‘It Wasn’t a Time to Compromise’*); and Rick Halpern, *Down on the Killing Floor: Black and White Workers in Chicago’s Packinghouses, 1904-1954* (Urbana: University of Illinois Press, 1997), p.71. (Hereafter cited as Halpern, *Down on the Killing Floor*.) William C. Pratt, in “Divided Workers, Divided Communities: The 1921-22 Packinghouse Strike in Omaha and Nebraska City,” *Labor’s Heritage*, winter 1994, p. 56, reports that Nebraska employers used “many African Americans as replacements during the strike” and attempted to secure Mexican-American strikebreakers as well. (Hereafter cited as Pratt, *Divided Workers*.)

The CIO and the Packinghouse Workers

By the 1930s, workers in meat packing had suffered defeats in a series of strikes: in 1894, 1904 and 1921-1922. The conflicts had been demoralizing and had left the packinghouse side of the union in shambles.

The Depression of 1929 hit the packinghouse industry hard and "... opened a period of social ferment in which radical ideas received a wide and sympathetic hearing."⁵¹ "With hundreds at the gate begging for jobs, managers could select whom to employ as their whims or prejudices dictated." And, some managers, it appears, exacted retribution against workers who had been engaged in strike activity or now attempted to organize.⁵²

Ethnic/racial diversity still prevailed in the plants; but, now, these were often workers of a second generation. (See **Table 1.**) In their continuing search "for cheap labor," the packers looked "to Chicago's expanding Afro-American community";⁵³ but, these were people who had migrated north during World War I, had become acculturated to the industrial workplace, and were more supportive of unionization.⁵⁴ By the 1930s, they had become "a permanent component of the labor force" and, some argued, "provided the [union] organizing drive with its backbone ...[,] dynamism" and "key leadership."⁵⁵

⁵¹ Roger Horowitz, *"Negro and White, Unite and Fight!" — A Social History of Industrial Unionism in Meatpacking, 1930-1990* (Urbana: University of Illinois Press, 1997), p. 67. (Hereafter cited as Horowitz, *Negro and White*.)

⁵² Rick Halpern, "The Iron Fist and the Velvet Glove: Welfare Capitalism in Chicago's Packinghouses, 1921-1933," *Journal of American Studies*, Aug. 1992, pp. 161, 164-165. (Hereafter cited as Halpern, *The Iron Fist*.) On labor-management during the 1930s, see Irving Bernstein, *The New Deal Collective Bargaining Policy* (Los Angeles: University of California Press, 1950); and Jerold S. Auerbach, *Labor and Liberty: The La Follette Committee and the New Deal* (Indianapolis: The Bobbs-Merrill Company, Inc., 1966).

⁵³ Halpern, *The Iron Fist*, p. 165. Halpern (pp. 166-167) notes an increased number of black workers in "the semi-skilled and skilled segment of the labour force."

⁵⁴ Shelton Stromquist, *Solidarity & Survival: An Oral History of Iowa Labor in the Twentieth Century* (Iowa City: University of Iowa Press, 1993), p. 101. (Hereafter cited as Stromquist, *Solidarity & Survival*.)

⁵⁵ Halpern, *The Iron Fist*, p. 162.

Table 1. Racial and Nationality Trends Among Slaughtering and Meat-Packing Workers in Chicago, 1909 and 1928

Race	1909		1928	
	Number	Percent	Number	Percent
Native-born				
White	2,031	18.9	3,604	27.3
Black	459	3.0	3,894	29.5
Foreign-born				
Polish	4,293	27.7	1,570	11.9
Lithuanian	1,860	12.0	1,033	7.8
Mexican	1	N.A.	746	5.7

Source: Paul S. Taylor, *Mexican Labor in the United States: Chicago, and the Calumet Region* (Berkeley: University of California Press, Mar. 31, 1932), p. 40. By 1928, the Poles, Lithuanians, and Mexicans were the three most numerous nationality groups — with a wide scattering of other immigrants represented in smaller percentages.

Mexican workers began to appear in the meat packing industry of the Mid-West during World War I. After 1920, Horowitz notes, “the Mexican presence increased sharply.”⁵⁶ Most appear to have migrated from Mexico, rather than from other parts of the United States, having come north as agricultural or track laborers (railroad maintenance of way). After brief periods at such work (or in the steel mills), they migrated in the late 1920s “to other industries, particularly to meat-packing.”⁵⁷

⁵⁶ Horowitz, *Negro and White*, p. 62. Pratt, in *Divided Workers*, p. 52, notes that some 283 Mexicans were resident in the Omaha area at the time of the 1921-1922 strike and that, at least on that occasion, the union printed strike ballots in English, Polish, Lithuanian, Czech, and Spanish. Not all local residents of Mexican origin, of course, were employed in the packing plants. See T. Earl Sullenger, “The Mexican Population of Omaha,” *Journal of Applied Sociology*, May-June 1924, pp. 289-293.

⁵⁷ Paul S. Taylor, *Mexican Labor in the United States: Chicago and the Calumet Region* (Los Angeles: University of California Press, Publications in Economics, 1932), vol. 7, no. 2, p. 41. There is some suggestion that Mexican workers were engaged as strikebreakers at various times — but, also, that some struck alongside non-Mexican workers (see p. 34 and 45). Taylor states on p. 68: “So far as I could ascertain, Mexican laborers were not imported to Chicago by packing plants.” There was a perception, Taylor suggests, that Mexican workers were more adaptable and “that they would accept disagreeable work more readily than others, even than the Negroes.” (See pp. 87-88.) Dionicio Nodin Valdes, *Barios Nortenos: St. Paul and Midwestern Mexican Communities in the Twentieth Century* (Austin: University of Texas Press, 2000), p. 25. (Hereafter cited as Valdes, *Barios Nortenos*.) Here, Valdes divides early Mexican immigration to the Midwest into three periods: first, 1906-1910, “associated with railroad companies already employing Mexicans in the Southwest”; second, 1916-1919, “linked to railroad and industrial employer demands during the wartime economic boom and labor shortages that resulted from restricted immigration from Europe”; and, third, 1920-1921 and after. He states, perhaps in contrast (continued...)

Grass Roots Initiatives. In mid-1933, workers at Hormel (Austin, Minnesota) resolved to form a union. Under Frank Ellis, a “long-time member of the IWW” (the Industrial Workers of the World), organization began.⁵⁸ Soon, the Independent Union of All Workers (IUAW) emerged — and organization spread throughout Austin well beyond the packing plant.⁵⁹ In September 1933, with Ellis at its head, the IUAW won the right to bargain for the Hormel workers. After a brief lockout/strike, settlement was reached laying the foundation for labor-management cooperation at the Austin-based firm.

The IUAW then “organized a network of affiliated unions and supporters in the midwestern meatpacking industry” under the banner of industrial unionism. Gradually, its influence spread through the upper midwest.⁶⁰ But to sustain its position in Austin, the IUAW found that it would need to organize the entire industry — a task beyond its strength. Thus, it reached out to other independent unions such as the Cedar Rapids-based Midwest Union of All Packinghouse Workers. In early 1936, these groups combined to form the Committee for Industrial Organization in the Packing Industry (*still independent* but oriented toward the national CIO).⁶¹

The Packinghouse Workers Organizing Committee (PWOC). With passage of the National Industrial Recovery Act (NIRA, 1933), “[t]housands of American workers rushed to join the unions of their trade, and where unions did not already exist, they organized them.” But much of industry remained unorganized and AFL efforts, some felt, were too tepid. In 1935, John L. Lewis of the United Mine Workers, with leaders of several other international unions, formed the Committee

⁵⁷ (...continued)

to Taylor: “The *colonia* in the Stockyards district of Chicago appeared when employers seeking to break the packinghouse workers’ strike in 1921-1922 hired a contingent of Mexicans.” Again, p. 29, Valdes states: “Smaller numbers of Mexicans also found work in the packing plants of Omaha, Kansas City, and Sioux City, Iowa. During the 1920s, packinghouses in South St. Paul offered the most important urban employment available to Mexicans in the Twin Cities.” Immigrant attitudes toward organized labor, of course, varied among individuals, localities, and over time. See also Zaragosa Vargas, *Proletarians of the North: A History of Mexican Industrial Workers in Detroit and the Midwest, 1917-1933* (Berkeley: University of California Press, 1993), pp. 80 and 90.

⁵⁸ Horowitz, *Negro and White*, p. 64. Founded in 1905 (and anti-AFL), the IWW was, by the 1930s, organizationally spent but still a strong intellectual force in portions of the labor movement.

⁵⁹ Larry D. Engelmann, “‘We Were the Poor People’ — The Hormel Strike of 1933,” *Labor History*, fall 1974, p. 493. (Hereafter cited as Engelmann, *The Hormel Strike of 1933*.)

⁶⁰ Horowitz, *Negro and White*, p. 45; and Engelmann, *The Hormel Strike of 1933*, p. 509.

⁶¹ The IUAW was not affiliated with the Amalgamated — and not yet affiliated with the CIO. For other upper-Mid-West organizing initiatives, see Farrell Dobbs, *Teamster Rebellion* (New York: Monad Press, 1972); and Philip A. Korth, *The Minneapolis Teamsters Strike of 1934* (East Lansing: Michigan State University Press, 1995).

for Industrial Organization, an “extralegal committee organized to promote industrial unionism and to convert the AFL to that principle.”⁶²

The Amalgamated — half craft (retail butchers) and half-industrial — was the only AFL union active in the packinghouse field. It was presided over by Patrick Gorman who, though he understood the need for industrial organization, was also firmly rooted in the AFL. By late 1936, the CIO entered negotiations with the IUAW-Cedar Rapids group and, soon thereafter, IUAW-related entities began advertising themselves as affiliated with the CIO. Negotiations between Lewis and Gorman followed but, ultimately, Gorman opted to remain with the AFL. In October 1937, the PWOC was created with Van A. Bittner of the United Mine Workers (a Lewis associate) in charge.⁶³

Industry raised strong opposition to the PWOC and organization was further complicated by hostilities between the PWOC and the Amalgamated. Only in February 1940 did the PWOC secure its first major contract. In 1943, in the context of World War II, the PWOC became the United Packinghouse Workers of America (UPWA).⁶⁴

CIO organization of the packinghouse workers proved contentious. *First.* The emergence of the UPWA, out of the Amalgamated, was not entirely clearly drawn. Some packinghouse workers remained in the Amalgamated and, more broadly, there was the continuing clash (often bitter) between the AFL and the CIO. *Second.* The IUAW had been of the local rank-and-file. Joining the CIO jeopardized that tradition and entailed, Horowitz suggests, an alliance “with men and women who were sociologically very different.”⁶⁵ The top leadership of the PWOC (appointed, not elected) was from outside the industry. While meat packers would come to play a leadership role, some still viewed the national PWOC/CIO as too far removed from *the line* — and, perhaps, too preoccupied with non-packinghouse matters.⁶⁶ *Third.* There was a cultural shift. Ellis, out of the IWW, “believed in union democracy, shop floor organization, direct action, an industrial structure, and solidarity among all workers,” recalls Peter Rachleff.⁶⁷ He states: the IUAW had “demonstrated how to build a lively, democratic, militant labor movement, rooted in local control, committed to horizontal solidarity. [But] ... had not found a way to keep this alive

⁶² Fink, *Labor Unions*, pp. 65-66. The *Committee* would become the *Congress* of Industrial Organizations or CIO only in May 1938. Here, keeping those dates in mind, both bodies will be referred to as the CIO.

⁶³ Valdes, *Barrios Nortenos*, p. 167, states that Mexican packinghouse workers were “responsive” both to the Steel Workers Organizing Committee (SWOC) and to the PWOC.

⁶⁴ Walter Galenson, *The CIO Challenge to the AFL: A History of the American Labor Movement, 1935-1941* (Cambridge: Harvard University Press, 1960), pp. 349-374. (Hereafter cited as Galenson, *The CIO Challenge*.)

⁶⁵ Horowitz, *Negro and White*, p. 52. See also Galenson, *The CIO Challenge*, p. 360.

⁶⁶ Galenson, *The CIO Challenge*, pp. 362 and 374.

⁶⁷ Peter Rachleff, *Hard-Pressed in the Heartland: The Hormel Strike and the Future of the Labor Movement* (Boston: South End Press, 1993) p. 28. (Hereafter cited as Rachleff, *Hard-Pressed*.)

while building a strong national organization able to control conditions in any given industry.”⁶⁸

United Packinghouse Workers of America (UPWA). The UPWA of 1943, Brody states, “failed to achieve the one-party rule characteristic of American trade unions” — a *failure* some might view as positive. Under Ralph Helstein (an attorney: first UPWA general counsel and, after 1946, president) and Ellis, the union would be politically liberal and protective of the rights of various racial/ethnic and political minorities.⁶⁹

The new labor legislation of the 1930s and 1940s, some argue, tended to convert unions from bodies of militants to part of the regulatory structure: weakening the role of the rank-and-file and widening the gulf between workers and the union hierarchy. This thesis suggests that unions came to act “less as advocates for their members than as buffers, mediating between capital and labor.” The UPWA, some argue, may have been an exception. *First.* Its origins were strongly of the rank-and-file. *Second.* There was a growing African-American component within the UPWA concerned with civil rights and social justice. *Third.* “... acceptance of racial diversity translated easily into tolerance of political diversity” (i.e., of a more left-of-center sort).⁷⁰

Rank-and-file activism in the UPWA, Horowitz, states, resulted in an alliance of “black workers and white progressives” that allowed the union “to expand its program of social unionism” into “cooperation with the emerging civil rights movement.”⁷¹ As World War II commenced, many Afro-Americans urged a “Double V” campaign: “for victory over fascism abroad and Jim Crow at home.”⁷² Meanwhile, many white workers held that inter-racial solidarity was essential if wages and working conditions were to be improved.⁷³ The UPWA attacked discrimination both in the shop and in the community and “consciously worked with and influenced community-based organizations, especially local branches of the

⁶⁸ Ibid., p. 42. Conversely, see Paul Street, “Breaking Up Old Hatreds and Breaking Through the Fear: The Emergence of the Packinghouse Workers Organizing Committee in Chicago, 1933-1940,” *Studies in History and Politics* (1986), pp. 63-82.

⁶⁹ Brody, *The Butcher Workmen*, pp. 226-227.

⁷⁰ Halpern, *Down on the Killing Floor*, pp. 203-205.

⁷¹ Horowitz, *Negro and White*, p. 145.

⁷² Halpern, *Down on the Killing Floor*, p. 213.

⁷³ Fogel, *The Negro in the Meat Industry*, pp. 68-69.

NAACP....”⁷⁴ After 1943, the UPWA negotiated anti-discriminatory provisions in its new national agreements.

During the war, controls had kept wage rates relatively stable even in the face of inflation. Since the UPWA was a party to a national no-strike pledge, there was little opportunity for more direct labor-management activity. With the end of the war, however, pressure mounted. In late 1945, the UPWA began to map a strategy for a wage increase — with some measure of cooperation from the Amalgamated. When, in January 1946, the packers refused the union’s wage demands, a strike was called that was immediately effective.⁷⁵ Ten days into the strike, President Truman, still operating under wartime emergency procedures, seized the plants and ordered work to resume. The union declined, demanding that government guarantee enforcement of any settlement reached through a board of inquiry. The Administration agreed and, while the locals were not wholly satisfied, the settlement provided a wage increase.⁷⁶

From across the industrial spectrum, management turned to Congress; and, in 1947, the Taft-Hartley Act was passed. It imposed significant new restraints upon trade union activity and, *inter alia*, required union officials to file non-communist affidavits if their unions were to avail themselves of the services of the National Labor Relations Board. For some of the CIO unions (like the UPWA) with a left-of-center leadership component, the requirement had a serious impact.⁷⁷ *First*. In effect, it placed the government on the side of the more conservative factions within the union. *Second*. It deprived these unions, it was argued, of some of their most talented leaders. *Third*. Where the affidavit requirements were not complied with (and the UPWA initially refused to do so), the NLRB refused to certify the union for collective bargaining purposes. *Fourth*. Since the Amalgamated did comply, the stage was set for renewed competition between the unions.⁷⁸

⁷⁴ Halpern and Horowitz, *An Oral History*, p. 20. Ray Marshall, in *The Negro and Organized Labor* (New York: John Wiley & Sons, Inc., 1965), p. 179, observed: “No union operating in the South has followed a more militantly equalitarian racial position than the UPWA.” Fogel, *The Negro in Meat*, p. 70, would add: “That same statement [Marshall’s] applies equally well to the North.” See also Rick Halpern, “Interracial Unionism in the Southwest: Fort Worth’s Packinghouse Workers, 1937-1954,” in Robert H. Zieger, ed., *Organized Labor in the Twentieth-Century South* (Knoxville: The University of Tennessee Press, 1991), pp.158-182. Halpern presents a somewhat more complicated picture.

⁷⁵ Brody, *The Butcher Workmen*, p. 228.

⁷⁶ Horowitz, *Negro and White*, pp. 168-170.

⁷⁷ Section 9(h) of the Taft-Hartley Act required, as a condition for utilization of the services of the Board, that there be on file with the Board “an affidavit ... by each officer of such labor organization and the officers of any national or international labor organization of which it is an affiliate or constituent unit that he is not a member of the Communist Party or....” The requirement was repealed by Section 201(d) of the Labor Management Reporting and Disclosure Act of 1959 (the Landrum-Griffin Act). See Charles O. Gregory, *Labor and the Law* (New York: W. W. Norton & Company, Inc., 1961), pp. 438-442 and 573-575.

⁷⁸ Horowitz, *Negro and White*, pp. 182-183. See R. Alton Lee, *Truman and Taft-Hartley: A Question of Mandate* (Lexington: University of Kentucky Press, 1966); and Arthur F. (continued...)

At that juncture, the UPWA faced a new round of bargaining: this time, without the cooperation of the Amalgamated. The union authorized a strike for February 1948 — that some thought ill-timed and ill-advised. Although “hard-fought,” it “lacked the unity and purpose which could keep men out on the streets indefinitely.”⁷⁹ In mid-May 1948, the union capitulated. Financially weakened, its membership having dropped from about 100,000 to about 60,000, it “faced dozens of legal cases arising out of picket line violence, as well as the danger of losing NLRB certification at many plants because of election petitions” filed by competing unions. The debate over non-compliance with Taft-Hartley had come to an end.⁸⁰

The Merger: UPWA and the Amalgamated (1968)

Through the war years, the Amalgamated and the UPWA (like the AFL and the CIO — to which they were respectively affiliated) had remained at odds. The unions were divided by philosophy: craft versus industrial unionism. They had different approaches to the new regulatory structure — notably, to alleged bias of the NLRB. There was disagreement concerning the political role of unions and where, along the political spectrum, the unions should stand. Most difficult, however, may have been conflicts rooted in personal hostilities dating from PWOC days.

While the UPWA was advancing the cause of social unionism, a new element was emerging on the scene: the decline of the old packing firms and emergence of the *new breed* of packers. Slowly, Brody states, it “became apparent to both unions,” the UPWA and the Amalgamated, that cooperation would be mutually beneficial.⁸¹ But, he suggests: “The past was ... not easy to exorcise.”⁸²

The new firms, emerging during the 1950s and 1960s, “took large chunks of the market away from the old dominant companies.”⁸³ Technology changed as well and, with it, what the packinghouse workers actually did. Where employment once had been stable, the *new breed* firms accepted rapid employee turnover and structured to accommodate it. Urban-to-rural transition also meant that fewer African-American workers, a major segment of UPWA membership, would remain in the industry’s

⁷⁸ (...continued)

McClure, *The Truman Administration and the Problems of Postwar Labor, 1945-1948* (Rutherford, NJ: Fairleigh Dickinson University Press, 1969).

⁷⁹ Brody, *The Butcher Workmen*, p. 233.

⁸⁰ Horowitz, *Negro and White*, pp. 188-189. An accurate assessment of the strike appears clouded by rhetoric. See Halpern and Horowitz, *An Oral History*, p. 19; Brody, *The Butcher Workmen*, p. 235; and Bruce Fehn, “Ruin or Renewal: The United Packinghouse Workers of America and the 1948 Meatpacking Strike in Iowa,” *Annals of Iowa*, fall 1997, pp. 349-378.

⁸¹ Brody, *The Butcher Workmen*, pp. 219-220. Through the period, the National Brotherhood of Packinghouse Workers (the Swift union) would maintain its independent status.

⁸² Brody, *The Butcher Workmen*, pp. 238-239.

⁸³ Horowitz, *Negro and White*, p. 247.

workforce.⁸⁴ With its base shrinking, the UPWA changed its name to the United Packinghouse, Food and Allied Workers (1960) and reached out to new groups to organize. But, the “unrelenting drumbeat of plant closings placed a financial squeeze on the organization that made its rebuilding strategy impossible to sustain.”⁸⁵ Mergers within the trade union movement had become a common response to shifts in industry and/or technology. In late 1967, UPWA leaders approached the Amalgamated; in 1968, a formal merger was effected.

The merger may not have been a perfect fit. The UPWA gave way to the Amalgamated nearly six times its size. Gorman remained at the helm: Helstein became “a titular vice president but without any responsibilities.” Service units, regarded as vital within the UPWA, were disbanded. New units, subsumed into larger bodies, some suggested, were underfunded and unable to pursue normal/prior responsibilities. Some from the UPWA found it difficult to work within the new structure. Lines of communication were broken up. Much of the freedom and rank-and-file democracy, to which the UPWA locals had been accustomed, was said to have disappeared. Perhaps most important, the merger had occurred in the context of the restructuring of the industry. *New breed* packers were assembling a workforce quite different from that associated either with the UPWA or with the Amalgamated — and one increasingly devoid, perhaps by careful personnel selection, of trade union consciousness. The merged union had to reach out to a workforce neither accustomed to trade unionization nor predisposed toward organized labor.⁸⁶

The United Food and Commercial Workers (UFCW)

In 1977, Patrick Gorman stepped down from leadership of the Amalgamated. Faced with a power vacuum and a general decline, the union sought yet another merger.⁸⁷ The Retail Clerks International Union (RCIU) seemed a likely candidate. In 1979, the two merged as the United Food and Commercial Workers (UFCW).

The Retail Clerks (RCIU) and the Amalgamated. The RCIU, a craft union chartered by the AFL in 1890, was neither activist nor especially successful. By 1933, it had a membership of about 5,000. “The RCIU was hampered by a timid, conservative leadership either unwilling or unable to take advantage of the organizing opportunities” of the New Deal era.⁸⁸ Then, in the mid-1940s, a new leadership assumed control and, largely based upon supermarket employment, the membership of the RCIU expanded rapidly making it one of the largest unions in the AFL.

⁸⁴ Fogel, *The Negro in the Meat Industry*, pp. 1-2, 5, and 8; and Donald D. Stull, “‘I Come to the Garden’: Changing Ethnic Relations in Garden City, Kansas,” *Urban Anthropology*, winter 1990, p. 314.

⁸⁵ Horowitz, *Negro and White*, pp. 257-258.

⁸⁶ Ibid., pp. 258-261. See also Fink, *Labor Unions*, p. 218; and Rachleff, *Hard-Pressed in the Heartland*, pp. 56.

⁸⁷ Horowitz, *Negro and White*, p. 264.

⁸⁸ Fink, *Labor Unions*, p. 329.

There had been a long — not always harmonious — relationship between the RCIU and the Amalgamated. Their members often worked within the same firm and building: one union representing the sales staff; the other, meat cutters. Arguments were “almost endless.”⁸⁹ But the conflicts involved the *retail butchers* — not packinghouse workers. At mid-century, however, conditions began to change as meat (with poultry and fish) came into the markets pre-packaged — largely eliminating the need for skilled butchers and replacing them with *food handlers*. Disputes continued as “the increasingly industrial structure of retailing” shifted work from butchers to clerks.⁹⁰

A Merger Is Consummated (1979). When the Amalgamated and the RCIU merged in 1979 becoming the UFCW, the new union had an initial membership of 1.2 million: 525,345 members of the Amalgamated and 699,057 from the Clerks.⁹¹

The merger may have made sense for the old Amalgamated (pre-1968) and the RCIU. Whether it was similarly advantageous for the remnants of the UPWA remained an issue. The UPWA now “represented less than 10 percent of the UFCW membership.” Institutionally, it was the retail clerks who would dominate the new union — and they had “even less experience with industrial unionism than the Amalgamated.” If the UPWA rank-and-file had felt somewhat isolated within the post-1968 Amalgamated, that sense of distance may now have been compounded. UFCW headquarters were in Washington, DC, far removed from the packing industry. William Wynn, UFCW president, had joined the RCIU while in high school and had moved up through the union hierarchy to become president in 1977.⁹²

Industrial Restructuring and Its Impact on Labor

“The 1980s,” suggests historian Peter Rachleff, “was arguably the bleakest decade in the entire history of the U.S. labor movement.”⁹³ *Bleakness* is clearly a relative concept: what is *bleak* for labor may well be *bright* for industry.

Conditions, assert economists Charles Perry and Delwyn Kegley, “were nothing short of chaos for the UFCW and for the industry.” It was a time of “Chapter 11 filings and the scrapping of labor agreements, plant closings, strikes, lockouts,

⁸⁹ Martin Estey, “The Retail Clerks,” in Albert A. Blum, et al., *White Collar Workers* (New York: Random House, 1971), pp. 48 and 56.

⁹⁰ Michael Harrington, *The Retail Clerks* (New York: John Wiley and Sons, Inc., 1962.) pp. 70-73. (Hereafter cited as Harrington, *The Retail Clerks*.)

⁹¹ Bureau of National Affairs, *Daily Labor Report*, June 4, 1979, p. A7-A8. (Hereafter cited as *DLR*.) See also *DLR*, June 5, 1979, pp. A11-A12.

⁹² Horowitz, *Negro and White*, p. 265. Wynn continued as president of the UFCW until 1994, being succeeded by Douglas Dority (1994-2004), and by Joseph Hansen (2004 ff.). See also John Breuggemann and Cliff Brown, “The Decline of Industrial Unionism in the Meatpacking Industry ... 1946-1987,” *Work and Occupations*, Aug. 2003, pp. 336 and 348. The May 1999 issue of *Labor History* presents a “Symposium on Halpern and Horowitz: Packinghouse Unionism.”

⁹³ Rachleff, *Hard-Pressed*, p. 3.

rebellious local unions, [and] corporate campaigns....” Master agreements, a fixture in the industry since World War II, “virtually disappeared, to be replaced almost entirely by individual plant bargaining.” The once high wages in meat packing declined significantly. Old-line companies “were transformed and became virtually unrecognizable.” Conglomerates that had acquired packing and processing companies during the 1960s and 1970s “became disenchanted with the meat business and began divesting themselves of those businesses in the 1980s.”⁹⁴ Through it all, it was reported, there was “steadily declining union strength.”⁹⁵

The UFCW was sometimes viewed as a “labor conglomerate.”⁹⁶ Within the UFCW, Horowitz notes, the packinghouse workers became “a dwindling minority in large, multi-unit locals covering entire states and headed by local union leaders who came from completely different trades.”⁹⁷ Increasingly, its focus seems to have shifted away from the individual plant as UFCW leaders began “reorganizing locals into larger, amalgamated districts.”⁹⁸ While consolidation, arguably, may have been appropriate, it may also have created a situation in which packinghouse workers felt divided from the UFCW’s national leadership.

Managerial Churning and Collective Bargaining. In some measure, the climate of labor-management relations in America changed during the Reagan/Bush era, Horowitz suggests, with the President’s “dismissal of striking air traffic controllers in 1982” which, he states, “encouraged employers to resist the demands of labor organizations.” It was a time of concession bargaining, *give-backs*, and the hiring of permanent replacements for workers who struck. Coupled “with steadily declining union strength,” the period, he argues, “would end in a catastrophe for American’s packinghouse workers.”⁹⁹

By 1980, with IBP and other *new breed* packers in control of a significant segment of the industry, old firms argued “that production and employment at [their] plants would decline or cease altogether unless local unions agreed to various cost concessions to help firms deal with the low-cost competition.”¹⁰⁰ Others hinted that

⁹⁴ Charles R. Perry and Delwyn H. Kegley, *Disintegration and Change: Labor Relations in the Meat Packing Industry* (Philadelphia: University of Pennsylvania Press, 1989), pp. 165, 183, and 151. (Hereafter cited as Perry and Kegley, *Disintegration and Change*.)

⁹⁵ Horowitz, *Negro and White*, p. 266.

⁹⁶ Perry and Kegley, *Disintegration and Change*, p. 116.

⁹⁷ Horowitz, *Negro and White*, p. 247.

⁹⁸ Warren, *Struggling with “Iowa’s Pride”*, p. 125. The issue of size and consolidation, in a later context, is discussed by labor columnist Steven Greenhouse, *New York Times*, Nov. 10, 2004, p. A16, and Nov. 18, 2004, p. A24.

⁹⁹ Horowitz, *Negro and White*, p. 266. Concerning the air traffic controller issue and its impact, see Willis J. Nordlund, *Silent Skies: The Air Traffic Controllers’ Strike* (Westport, CT: Praeger, 1998); and Herbert R. Northrup, “The Rise and Demise of PATCO,” *Industrial and Labor Relations Review*, Jan. 1984, pp. 167-184.

¹⁰⁰ Peter Cappelli, “Plant-Level Concession Bargaining,” *Industrial and Labor Relations* (continued...)

work might be shifted to newer plants in remote areas — that happened to be nonunion. Clearly, future bargaining would be fierce: potentially involving strikes or lockouts — certainly loss of wages and possibly loss of employment.

Two options were *at least theoretically* available to the union: organize the nonunion firms and bring their labor standards up to the level of those under the old master agreements; or, grant concessions in terms of wages and/or work rules to the older union firms. Over the objections of many packinghouse workers, it appears, the UFCW began concession bargaining in the early 1980s.¹⁰¹

Closures and Concessions. The UFCW was confronted with demands for concessions.¹⁰² Under pressure, the union entered upon a process of *controlled retreat* that “quickly disintegrated into a rout that not only lowered wage rates ... but also shredded the master agreements and de-unionized the core firms of the industry.”¹⁰³

The industry side, however, was even more complex. While the union may have tended to react, it was management that led. Some older family-owned and managed firms changed policy with generational shifts in management. Some sold out. Others merged or, retaining their corporate identity, were subsumed into larger entities. In some cases, corporate officers promoted splits and spin-offs with new more focused firms emerging from older enterprises. Some, even very large firms, were acquired by conglomerates — only to be sold again or simply closed as conditions warranted. With each change of corporate control, there were usually changes in labor-management policy — often with demands for concessions and, in some cases, with closings and relocations of plants, consolidation of redundant facilities, and dismissal of superfluous workers.

Some observers believed this *churning* was purposeful beyond immediate profitability. Management was able to dispose of union agreements, restructure work processes, and hire less skilled (and cheaper) workers. It bargained with

¹⁰⁰ (...continued)

Review, Oct. 1985, pp. 92-93. See also Audrey Freedman and William Fulmer, “Last Rites for Pattern Bargaining,” *Harvard Business Review*, Mar./Apr. 1982, p. 31. (Hereafter cited as Freedman and Fulmer, *Last Rites*.)

¹⁰¹ Horowitz, *Negro and White*, p. 266. It was the firm view of the UFCW’s packinghouse segment, state Perry and Kegley, *Disintegration and Change*, p. 182, that “wage concessions do not save plants but only buy a small amount of time before the closing....”

¹⁰² Freedman and Fulmer, *Last Rites*, pp. 42 and 44.

¹⁰³ Horowitz, *Negro and White*, p. 267. See Patrick Houston and Aaron Bernstein, “The Pork Workers’ Beef: Pay Cuts That Persist,” *Business Week*, Apr. 15, 1985, p. 74 (Hereafter cited as Houston and Bernstein, *The Pork Workers’ Beef*.); and Horowitz, *The Decline of Unionism*, p. 35. Charles Craypo, *The Economics of Collective Bargaining: Case Studies in the Private Sector* (Washington: The Bureau of National Affairs, Inc., 1986), p. 72, states: “By mid-1983 only one-third of the union’s members in meatpacking were still working under the master agreement, down from 55 percent when the 1981 concessions were made.”

employment-desperate communities for concessions: tax reductions, subsidies, and exemptions from local ordinances.¹⁰⁴

The Ascendancy of the *New Breed*. Increasingly through the late 20th century, restructuring was seen as part of a business strategy. Both industry and the union had moved, in some measure, from the world of the *creators* to that of the *managers* — albeit in somewhat different contexts.

A certain mutual distrust persisted: perhaps a mixture of hostility or disdain and, more important, of indifference. Of industry, it was said, an “influx of executives who had never sliced a hog” had led to management “that was alienated from the product and the workers.”¹⁰⁵ Of labor, one worker reportedly quipped: “Why do I need a union to negotiate a wage cut for me? I can do that just fine for myself.”¹⁰⁶

Lower Wages. The essential elements of conflict between labor and management remained the same. While the workers sought higher wages and improved conditions of work, industry was pursuing enhanced profitability through a lower wage strategy. Consolidation would be paramount.¹⁰⁷

Contesting with Hormel. The Hormel case, perhaps, was the most dramatic of the packinghouse conflicts of the late 20th century. It was at Hormel that the Independent Union of All Workers (IUAW) had been organized. The IUAW had, in some respects, provided the philosophical core for the PWOC and, later, the UPWA. A strong labor tradition, it appears, remained among the Hormel workers although relative labor-management peace seems to have prevailed after the initial confrontation of the early 1930s.

Jay Hormel, son of the company’s founder, had negotiated the initial agreement with the IUAW. But, Hormel, who enjoyed a reputation for *enlightened* labor-management relations, died in 1954. Gradually, through attrition, new management had come to control the company which then encompassed a number of plants spread over several states. Similarly, a new leadership had emerged within the union.

By the mid-1970s, the original Austin, Minnesota, plant was old and in need of replacement; and, after negotiations between management and the union, it was

¹⁰⁴ Corporate restructuring has been enormously complex. See, for example Warren, *Struggling with “Iowa’s Pride”*; Harold B. Meyers, “For the Old Meatpackers, Things Are Tough All Over,” *Fortune*, Feb. 1969, pp. 89-93, 134 and 136 (Hereafter cited as Meyers, *Things are Tough All Over*); *Business Week*, “The Slaughter of Meatpacking Wages,” June 27, 1983, p. 71; Steve Bjerklie, “‘A Classic Tragedy’,” *Meat & Poultry*, Jan. 1995, pp. 44-45, 47-48, 51; Perry and Kegley, “The Rath Experiment,” in *Disintegration and Change*, pp. 221-233; “Wilson Foods: Nine Days to Chapter 11,” *Business Week*, May 30, 1982, pp. 68, 70, and 72; and Steve Kay, “Beef Woes Bedevil ConAgra,” *Meat & Poultry*, June 1998, pp. 42, 45, 47-48. The literature is extensive.

¹⁰⁵ McNaughton, “Like a Civil War Town,” *Meat & Poultry*, Sept. 1995, p. 51.

¹⁰⁶ Rachleff, *Hard-Pressed*, pp. 11-12.

¹⁰⁷ Data on wage rates, profitability, and related elements in this section are drawn from the cited published sources. Further verification would require access to corporate records.

agreed that a new facility would be built in Austin. The workers would make a number of concessions in order to assure its economic viability. Certain work rules and production standards would be altered and the union accepted a no-strike provision to last through three years from completion of the new plant.¹⁰⁸

Various factors led to collapse of the agreement. Protracted negotiations between Hormel, the local union (Local P-9), and the UFCW, seem to have resulted in disagreement between Local P-9 and the international union (ultimately, with the AFL-CIO) — and in a contentious strike, the latter commencing in August 1985. In May 1986, the UFCW’s Executive Committee imposed a trusteeship on Local P-9 and settled the strike. The provisions accepted by the national UFCW were, reportedly, “very close to the terms Hormel demanded” prior to the strike. It made no provision for re-employment of workers still out when the strike ended.¹⁰⁹

With the end of the strike at Hormel (the mid-1980s), new officers took control of the local and the labor-management relationship was resumed. But, the tone of that relationship appears to have been quite different from that which preceded the strike and, some noticed, bitterness would linger.¹¹⁰

An Emerging Pattern. In 1960, the Monfort’s opened a packing plant in Greeley, Colorado. It was a pioneering effort that originally operated on a union basis. Faced with increasing competition from other *new breed* firms, Monfort sought, in 1979, “a three-year wage freeze and operational changes.” A strike followed. In March 1980, the plant was closed — but reopened two years later without a union contract. Some estimated that total labor costs would be reduced by 25%.¹¹¹ Monfort recovered, acquired ValAgri of Garden City, Kansas, and in 1987 merged into ConAgra: soon to become “the second largest food-processing firm in the United States and the fourth largest in the world.”¹¹²

¹⁰⁸ Perry and Kegley, *Disintegration and Change*, pp. 198-199. See also Marie McNaughton, “Like a Civil War,” *Meat & Poultry*, Sept. 1995, p. 51; and Rachleff, *Hard-Pressed*, pp. 48-50.

¹⁰⁹ *DLR*, May 12, 1986, pp. A2-A4. See also Rachleff, *Hard-Pressed*, pp. 52-60; Horowitz, *Negro and White*, pp. 271-273; Jeremy Main, “The Labor Rebel Leading the Hormel Strike,” *Fortune*, June 9, 1986, pp. 105-106, 108-110; Houston and Bernstein, *The Pork Workers’ Beef*, p. 76; and *DLR*, Dec. 24, 1984, pp. A1-A2; Feb. 2, 1986, A7-A9; Mar. 17, 1986, pp. A10-A12, E1-E5; May 12, 1986, pp. A12-A13; and July 22, 1987, p. A4.

¹¹⁰ On the Hormel strike at large, see Marie McNaughton, “‘Like a Civil War Town’: Austin Minnesota, 10 Years Later,” *Meat & Poultry*, Aug. 1995, pp. 56-62, and Sept. 1995, pp. 50-64; Dave Hage and Paul Klauda, *No Retreat, No Surrender: Labor’s War at Hormel* (New York; William Morrow and Company, Inc., 1989); and Hardy Green, *On Strike at Hormel: The Struggle for a Democratic Labor Movement* (Philadelphia: Temple University Press, 1990).

¹¹¹ “Monfort: A Meatpacker Tries a Comeback by Trimming Labor Costs,” *Business Week*, Mar. 15, 1982, pp. 52 and 54. Perry and Kegley, *Disintegration and Change*, p. 155, state that the reopened plant went from “a former base rate of \$7.98 per hour to \$5.00 per hour.”

¹¹² Andreas, *Meatpackers and Beef Barons*, pp. 42-43.

With the purchase of Singleton Seafood and Sea Alaska Products (1982), ConAgra had become the “largest U.S. shrimp processor.”¹¹³ In 1984, Greyhound, which had acquired Armour in 1970, sold the packing firm to ConAgra which reopened 17 plants that Greyhound/Armour had closed, reportedly hiring a nonunion workforce. ConAgra also acquired Beatrice Foods and Swift Independent Packing Company (SIPCO, spun off from Esmark, Inc., by a leveraged buy-out in 1981).¹¹⁴ Merging the corporate cultures of the several firms (and dealing with various executives acquired in the process) proved to be a challenge. By the mid-1990s, ConAgra was itself in the process of reorganization.¹¹⁵ The Omaha-based firm announced “plans to strengthen and improve profitability by significantly reconfiguring 29 production plants and exiting or restructuring nine smaller businesses.” A report in *Meat & Poultry* observed: “Those most immediately affected are the 6,300 employees who will lose their jobs within the year.”¹¹⁶

The process would be repeated by other firms. In 1979, Missouri Beef Packers (with IBP, one of the early *new breed* firms) was acquired by Cargill and, in 1982, renamed Excel.¹¹⁷ Based in Wichita, Kansas, Excel would lease (1987) a plant in Ottumwa, Iowa, that Hormel had closed and, within “a few days of its closing,” reopen it reportedly with a two-tier pay system: “\$5.50 per hour for new workers and \$6.50 for workers with Hormel experience.”¹¹⁸ Again, in 1982, Rodeo Meats, a Morrell subsidiary, closed its Arkansas City, Kansas, plant but reopened it nine months later “as Ark City Packing Company, offering wages at \$5 an hour instead of the previous union wage of \$11 an hour.” During the same period, IBP bought an Oscar Mayer plant in Perry, Iowa, and reopened it reportedly at “a starting wage of \$5.80 an hour ... nearly \$4.00 less than Oscar Mayer’s starting wage.”¹¹⁹

¹¹³ Michael J. Broadway, “From City to Countryside: Recent Changes in the Structure and Location of the Meat- and Fish-Packing Industries,” in Stull, et al., *Any Way You Cut It*, p. 23. (Hereafter cited as Broadway, *From City to Countryside*.)

¹¹⁴ Craypo, *Strike and Relocation*, p. 189; “Meatpackers that Bounced Back,” *Business Week*, Aug. 16, 1982, p. 103; “The Slaughter of Meatpacking Wages,” *Business Week*, June 27, 1983, p. 71; Horowitz, *The Decline of Unionism*, p. 35; and Andreas, *Meatpackers and Beef Barons*, p. 43.

¹¹⁵ Steve Kay, “Beef Woes Bedevil ConAgra,” *Meat & Poultry*, June 1998, pp. 42, 45, 47-49. See Mark Ivey, “How ConAgra Grew Big — and Now, Beefy,” *Business Week*, May 18, 1987, pp. 87-88.

¹¹⁶ Valerie Freeman, “ConAgra Restructures,” *Meat & Poultry*, June 1996, p. 12.

¹¹⁷ Based in Minneapolis, Cargill is “an international processor, marketer and distributor of agricultural, food, industrial and financial products.” Excel is a “wholly owned subsidiary” of Cargill. See [<http://www.excelmeats.com/about/history.htm>] and [<http://www.cargill.com>].

¹¹⁸ Warren, *Struggling with “Iowa’s Pride”*, p. 128.

¹¹⁹ Broadway, *From City to Countryside*, p. 22-23. See also *DLR*, June 3, 1981, pp. A5-A8; Sept. 15, 1982, pp. A4-A5; July 27, 1983, pp. A1-A3; Feb. 17, 1984, pp. A9-A11; Oct., pp. A2-A3; George Ruben, “Problems Continue in Meat Processing Industry,” *Monthly Labor Review*, Sept. 1983, p. 40; and Steve Kay, “Merger Madness,” *Meat & Poultry*, Mar. 2002, p. 21, 24-26.

The Case of Storm Lake Packing. In 1935, Storm Lake Packing opened in Storm Lake, Iowa. For nearly 20 years, it served the local community becoming Hygrade Food Products in 1953. In 1978, in the context of restructuring, Hygrade “announced the plant would close permanently” if the UFCW “did not accept contract concessions.” The workers refused but the plant remained open.

Two years later, Hygrade again demanded concessions. Once more, plant management and the union worked out a compromise; but, this time, Hygrade’s parent company, Hanson Industries, demurred. Negotiations continued with the city, heavily dependent on the packing plant, offering concessions. “In October [1981], Hygrade demanded a \$3.00 per hour pay cut *in all Hygrade plants* as a prerequisite for keeping the Storm Lake plant open. The UFCW refused...” and the plant closed. As a result, “some 500 relatively high-wage unionized jobs that formed the backbone of a stable local workforce” were lost, along with 50 management jobs. In April 1982, IBP bought the Storm Lake facility, reopening it with what was, allegedly, a substantially reduced wage structure. The new IBP plant was said to have operated with about a 10% monthly turnover.¹²⁰

Some Diverse Impacts. Relocation sites associated with restructuring varied. Most often, they were small towns where the economic impact of a plant closing would be severely felt. In 1992, for example, Morrell had closed its beef packing plant in Sioux Falls, South Dakota, eliminating 400 jobs. Thus, when it threatened to close its pork processing plant in Sioux City, Iowa, in fall 1993 (with 1,300 jobs at issue), the threat was taken seriously. As closure neared (December 1993), “Morrell received a combination of state and local incentives and a new five-year labor agreement with the union” — the plant remained open.¹²¹

Again, in the early 1980s, General Host (which had bought Cudahy packing a decade earlier) announced its decision to “get out of the meat processing business.” Closure was averted (and, potentially, the loss of 1,500 jobs) when General Host sold four plants “to a management group.” However, during an interim closure and reopening under a new name, “unionized production workers [were] terminated” and a new wage structure imposed.¹²² The practice extended into other segments of the industry — and to other regions — as well.¹²³

¹²⁰ Mark A. Grey, “Pork, Poultry, and Newcomers in Storm Lake, Iowa,” in Stull, et al., *Any Way You Cut It*, pp. 109-113. (Hereafter cited as Grey, *Pork, Poultry, and Newcomers*.) See also Steve Bjerklie, “No Way Up? Pork, Poverty and IBP in Storm Lake, Iowa,” *Meat & Poultry*, Sept. 1992, pp. 39-40, 42, 44, and 46; and Eric Hake and Martin King, “The Veblenian Credit Economy and the Corporatization of American Meatpacking,” *Journal of Economic Issues*, June 2002, p. 497. (Hereafter cited as Hake and King, *The Veblenian Credit Economy*.)

¹²¹ Donald Stull “Of Meat and (Wo)Men: Meatpacking’s Consequences for Communities,” *The Kansas Journal of Law & Public Policy*, spring 1994, p. 116. (Hereafter cited as Stull, *Of Meat and (Wo)Men*.) Stull states that “the city’s portion [of the settlement] alone is worth \$1.3 million.” See also Strausberg, *From Hills and Hollers*, pp. 76-78.

¹²² Perry and Kegley, *Disintegration and Change*, p. 90.

¹²³ Bob Hall, “Chicken Empires,” *Southern Exposure*, summer 1989, p. 17. (Hereafter cited (continued...))

“If there was any remaining question over organized labor’s influence in the beef industry,” stated IBP historian Jeffrey Rodengen, “the issue was put to rest in the early 1980s when a wave of wage reduction swept through America’s packing houses.” He added: “This wage depression represented packers’ efforts to bring wages down from among the highest in America to a level more in line with the rest of industry.”¹²⁴

Expansion as a Strategy. Plant closing, consolidation and/or restructuring inevitably affects workers. Similarly, however justified in terms of efficiency, it also affects the communities from which a facility moves and into which it relocates.

The Emergence of IBP. Among the *new breed* packers, Iowa Beef Processors may have had the greatest impact upon the industry — and, thus, upon workers. From its beginnings in the early 1960s, IBP appears to have made clear that it intended to operate, as nearly as possible, in a non-union environment and it developed a low-wage strategy. “If we paid the base rate the union wants,” an IBP official reportedly stated, “our whole program would fail.”¹²⁵

The first clash between IBP and the UPWA appears to have been at its Fort Dodge, Iowa, plant in 1965. The contest was relatively brief, ending with the intercession of Iowa’s Governor.¹²⁶ More critical was a 1969 contest, soon after the UPWA/Amalgamated merger. The union had won certification to represent workers at the IBP flagship plant at Dakota City, Nebraska.¹²⁷ A contract would be more difficult to secure. With the plant structured to accommodate less-skilled workers, the company “claimed the union was trying to force skilled rates for relatively unskilled jobs.”¹²⁸ A strike was called. IBP imported strikebreakers: some, it appears, “of Mexican descent recruited from the Southwestern United States.” Violence erupted.¹²⁹ Ultimately, the Amalgamated secured a contract that “allowed IBP to keep its pay rates far beneath the master agreement levels.”¹³⁰

IBP may have been aware of philosophical and policy divisions within the union following the UPWA/Amalgamated merger and it may have utilized them to its

¹²³ (...continued)
as Hall, *Chicken Empires*.)

¹²⁴ Rodengen, *The Legend of IBP*, p. 122.

¹²⁵ The comment is attributed to Arden Walker, IBP vice president for industrial relations, quoted in Horowitz, *Negro and White*, p. 261.

¹²⁶ Rodengen, *The Legend of IBP*, pp. 41-42.

¹²⁷ *Ibid.*, pp. 47, and 59-60.

¹²⁸ Perry and Kegley, *Disintegration and Change*, p. 136. See also Rodengen, *The Legend of IBP*, p. 60.

¹²⁹ Rodengen, *The Legend of IBP*, p. 61.

¹³⁰ Horowitz, *Negro and White*, pp. 262-263.

advantage.¹³¹ Then, in 1979, the second merger occurred, producing the UFCW. By the 1980s, IBP (then owned by Occidental Petroleum) “had become the pattern setter” in the industry both for operations in general and for “wages and working conditions.” It still “operated union-free in ten of its thirteen plants.”¹³² Ever watchful of the union, IBP built new facilities at Amarillo, Texas, and Emporia, Kansas, with the expectation, some contented, that the facilities could be played off against each other to limit the strength of the union were further strikes to occur.¹³³

On an expansion course, IBP moved gradually from beef to pork and on to “pre-cooked pizza toppings, taco fillings” and “a range of deli meat products.” Reasonably, it developed a tannery processing leather goods.¹³⁴ With passage of NAFTA, American packers moved into the Canadian market. Cargill had bought Canada’s largest beef packing plant. In late 1994, IBP bought Canada’s second largest beef packing plant.¹³⁵ Simultaneously, it reportedly was developing a joint venture with China “to raise, process and market hogs” to begin in 1997.¹³⁶ In spring 1997, IBP acquired Foodbrands America (Oklahoma City) for “\$640 million and assumption of ... \$348 million debt.”¹³⁷

¹³¹ Ibid., pp. 262-263.

¹³² Craypo, *Strike and Relocation*, p. 188-190. See also “Meatpackers that Bounced Back,” *Business Week*, Aug. 16, 1982, p. 105; and *DLR*, Dec. 16, 1986, pp. A2-A3. IBP, acquired by Occidental Petroleum in 1981, was spun off in stages commencing in 1987 and concluding in 1991. See Rodengen, *The Legend of IBP*, pp. 118, 137, and 148-150; and Steve Kay, “Light at the End of the Tunnel?” *Meat & Poultry*, Jan. 1992, pp. 28-29, 31-32, 36, 38-40.

¹³³ Horowitz, *Negro and White*, pp. 262-263. Freedman and Fulmer, *Last Rites*, p. 44, theorize that “fragmentation of pattern bargaining” would allow management “more easily [to] shift production from plants that are on strike to plants that are no longer part of a master agreement and therefore not on strike.”

¹³⁴ Steve Kay, “IBP Leader Dictates His Vision of the Future: \$20 Billion by 2001,” *Meat & Poultry*, July 1996, p. 18. (Hereafter cited as Kay, *IBP Leader Dictates*.)

¹³⁵ Patrick Gallagher, “IBP Invades Alberta,” *Meat & Poultry*, Jan. 1995, p. 12. The Canadian firm, Lakeside Farm Industries, Ltd., was said to have annual sales of \$500 million. See Kay, *IBP Leader Dictates*, p. 20. The meat and poultry industry of Canada appears to have followed roughly the same pattern as that of the United States. See, for example, Ian MacLachlan, *Kill and Chill: Restructuring Canada’s Beef Commodity Chain* (Toronto: University of Toronto Press, 2001), p. 245-288; Michael J. Broadway, “Bad to the Bone: The Social Costs of Beef Packing’s Move to Rural Alberta,” in Roger Epp and Dave Whitson (eds.), *Writing Off the Rural West* (Edmonton: The University of Alberta Press, 2001), pp. 39-51; Leo Quigley, “Canadian-style Case Ready,” *Meat & Poultry*, Feb. 2002, pp. 30-36; and Quigley, “Retail Ready: Canada West Scores with Case-Ready Programs,” *Meat & Poultry*, Feb. 2003, pp. 36-38.

¹³⁶ Kay, *IBP Leader Dictates*, p. 24.

¹³⁷ “IBP Acquires Foodbrands America; \$20 Billion Vision Comes into Focus,” *Meat & Poultry*, Apr. 1997, p. 3. Foodbrands, *Meat & Poultry* reported, “... processes pizza toppings, pizza crusts, burritos, stuffed pastas, breaded appetizers, soups, sauces and side dishes as well as deli meats and processed beef, poultry and pork.”

The Growth and Development of Tyson Foods. Poultry had been largely a small farm operation until World War II with production oriented mainly to local markets. In the mid-1930s, John Tyson of Springdale, Arkansas, began trucking poultry to markets in Chicago and other mid-West cities. Initially, he hauled poultry and produce for local growers; but, gradually, he entered the business on his own. Tyson Feed and Hatchery was incorporated in 1947. By 1950, it “was processing about 96,000 broilers a week.” The company went public in the early 1960s.¹³⁸

Serious expansion had commenced in 1963 with the purchase of Garrett Poultry of Rogers, Arkansas. By 1977, Tyson had moved into pork production, acquiring facilities in North Carolina and handling 7,500 hogs a week. In 1983, it purchased a Mexican food company (Mexican Original) and moved into corn and flour tortilla products. In 1989, it acquired Holly Farms, then the nation’s third largest poultry firm with interests in beef and pork: reportedly a \$1.4 billion deal.¹³⁹ In 1992, Tyson’s purchased Arctic Alaska Fisheries, Inc., and Louis Kemp Seafood;¹⁴⁰ in 1997, Mallard’s Food Products (Modesto); in 1998, Arkansas-based Hudson Foods.

By the late 1990s, IBP was considering various restructuring initiatives: possibly going private, a leveraged buy-out, or another business arrangement. Instead, in 2001, Tyson acquired IBP reportedly for \$4.7 billion and became “the largest meat and poultry company in the world.”¹⁴¹ By spring 2002, Tyson Foods had “proforma revenues of about \$25 billion and more than 300 facilities and offices in 32 states and 22 countries.”¹⁴²

The combined company, it was said, would “provide an estimated 23 percent of the U.S. meat and poultry supply while employing 120,000 people.” But, it would also have a “total debt of approximately \$5 billion” in 2002.¹⁴³ And, it would be necessary to integrate two very large companies and the component parts of each.

¹³⁸ For the history of Tyson Foods, see [<http://www.tysonfoodsinc.com>].

¹³⁹ Stephanie A. Forest, “Tyson Is Winging its Way to the Top,” *Business Week*, Feb. 25, 1991, pp. 57 and 60. See also Steve Bjerklie, “Tyson’s New Speciality,” *Meat & Poultry*, June 1995, pp. 22-23.

¹⁴⁰ Keith Nunes, “Chicken of the Sea,” *Meat & Poultry*, July 1992, p. 9; and Kris Freeman, “‘Chicken and the Sea’: What’s Tyson up to with Arctic Alaska and Louis Kemp?” *Meat & Poultry*, Mar. 1993, p. 16-17, 20 and 22.

¹⁴¹ Negotiations are summarized in Steve Kay’s, “We’re More than Chicken,” *Meat & Poultry*, Mar. 2001, pp. 48-51. Figures vary somewhat. See also “Tyson Foods Shells Out Billions to Acquire IBP, Inc.,” *Meat & Poultry*, Jan. 2001, pp. 3-4.

¹⁴² “Tyson Plans ‘Value-Added,’” *Nation’s Restaurant News*, Apr. 1, 2002, p. 40. See also “Tyson Foods, Inc.,” *Meat & Poultry*, Sept. 1998, p. 26; Nicholas Stein, “Son of a Chicken Man,” *Fortune*, May 13, 2002, pp. 136-138, 140, 142, 144, 146 (Hereafter cited as Stein, *Son of a Chicken Man*); and Steve Kay, “Bob Peterson: The End of the Line,” *Meat & Poultry*, Oct. 2001, p. 32. (Hereafter cited as Kay, *The End of the Line*.)

¹⁴³ Steve Kay, “From IBP to ‘TyBP’: Will This Marriage Work?” *Meat & Poultry*, Dec. 2001, p. 26.

Labor Problems and Profit Margins. Despite sizeable expenditures by both IBP and Tyson Foods (and, perhaps, because of them), the firms would be concerned with savings. “Put simply,” observed analyst Nicholas Stein, “Tyson is struggling to find enough cheap, unskilled labor to staff its processing plants.” Stein pointed to employee turnover, “between 40% and 100% annually, meaning each of the company’s 83 plants needs between 400 and 2,000 new workers every year.”¹⁴⁴ IBP’s Bob Peterson considered automation. “IBP will save more than \$50 million because of automation this year [2001],” he stated. But, he conceded, “we will always have to have people.”¹⁴⁵

But, which people? The industry had been characterized as “difficult, dirty, and dangerous” with employees struggling “to keep up with the production line.” The *new breed* restructuring had brought with it a workforce that was paid relatively low wages and was subject to high rates of turnover. “Increasingly,” Stein states, “both Tyson and IBP came to rely on immigrants — mainly from Mexico and Central America.” (Southeast Asia was another source of low-wage labor for the industry.) “By the late 1990s the Tyson work force was very heavily Hispanic — 40% according to Tyson, 60% or more according to union officials.”¹⁴⁶

Areas of Economics and Public Policy

“We did what we had to do,” IBP’s Peterson reflects. “We are not unreasonable, but we are not patient people, and we are not gentle.” The meat processing industry is highly competitive and, like the economy at large, profit motivated. “We don’t want to be tough and ornery, but if you want to be the best, and we are going to be the best, you need to have quality and consistency and be the low-cost producer.”¹⁴⁷

Labor-management policy in the meat and poultry industry has not evolved by chance.¹⁴⁸ For the most part, it has been successful from industry’s perspective —

¹⁴⁴ Stein, *Son of a Chicken Man*, p. 142.

¹⁴⁵ Kay, *The End of the Line*, p. 36. Scott Kilman, “Moving On Up,” *The Wall Street Journal*, Oct. 25, 2004, p. R10, reports: “Over the past three years, machines have replaced one-third of the jobs” at the Tyson chicken processing plant at Noel, Missouri. Kilman adds that the plant “... now has about 800 workers earning about \$9 an hour on average. Some Tyson managers believe it will be possible to have a fully automated chicken plant within 15 years.” See also Jane Kelly, “Perdue: New Processing Plant Is Strictly for the Foodservice Market,” *Meat & Poultry*, Dec. 1992, pp. 14-15; Steve Kay, “Beef: The Next Generation,” *Meat & Poultry*, Jan. 2002, pp. 40-44; and “Tyson Continues Focusing on Efficiencies,” *Meat & Poultry*, Dec. 2003, p. 3.

¹⁴⁶ Stein, *Son of a Chicken Man*, p. 144.

¹⁴⁷ Rodengen, *The Legend of IBP*, p. 193. The spring 1996 issue of *Culture & Agriculture* has a collection of essays by academic and public policy writers dealing with the varied impacts of the meatpacking and poultry processing industry.

¹⁴⁸ Rachleff, in *Hard-Pressed*, p.10, states that by the early 1980s, employers “were (continued...) ”

but success has not been without costs. Because of competition, firms have tended to seek the cheapest labor available that could meet their needs: often, racial/ethnic minorities. Early in the century, employers pitted workers against each other, separating them by nationality, religion, and culture in an apparent effort to keep the cost of labor low and to prevent trade unionization.¹⁴⁹ Through recent decades, waves of Hispanics, Vietnamese, Laotians, and refugees from the Balkans have taken jobs in packing and processing plants.¹⁵⁰ Because of their social, economic, and, in some cases, immigration status, they have willingly accepted hard, dirty, and sometimes dangerous work at low wages — at least in the short term — as had other racial/ethnic minorities and new immigrant groups before them.

Assembling a Workforce

The movement of the packing industry to rural America (where the poultry industry was already sited) brought to it a new workforce. What would be the nature of the new workforce? And, how would it be managed?

Recruitment and Characteristics. *New breed* packers, some have suggested, chose to relocate in rural areas and to recruit a workforce locally. And, some pledged to do so in exchange for concessions from communities eager for growth.¹⁵¹ Andy Anderson, co-founder of IBP, explained his vision of the new workforce. “We’ve tried to take the skill out of every step,” Anderson explained to a *Newsweek* reporter in early 1965. “We wanted to be able to take boys right off the farm and we’ve done it.”¹⁵² Relocation and recruitment of boys (and girls) “right off the farm,” however, could have collateral benefits for companies: i.e., escape from

¹⁴⁸ (...continued)

buttressed by the emergence of a veritable industry of ‘management consultants’ who preached the virtues of a ‘union free’ environment.”

¹⁴⁹ Stromquist, *Solidarity & Survival*, pp. 84-85. Concerning the general employment of racial/ethnic minorities and immigrant workers, in addition to sources cited elsewhere in this report, see *The Work Experience: Labor, Class, and Immigrant Enterprise* (New York: Garland Publishing, Inc., 1991) and *Unions and Immigrants: Organization and Struggle* (New York: Garland Publishing, Inc., 1991), both edited by George E. Pozzetta. As case studies in two very different settings, see also: Edward D. Beechert, *Working in Hawaii: A Labor History* (Honolulu: University of Hawaii Press, 1985), and Allan Kent Powell, *The Next Time We Strike: Labor in Utah’s Coal Fields, 1900-1933* (Logan: Utah State University Press, 1985). There were, of course, different realities (and reactions, both from labor and from employers) in every area and across time.

¹⁵⁰ Stull and Broadway, “Killing Them Softly: Work in Meatpacking Plants and What it Does to Workers,” in Donald D. Stull, et al., *Any Way You Cut It*, p. 62. (Hereafter cited as Stull and Broadway, *Killing Them Softly*.)

¹⁵¹ See, for example Mark A. Grey, “Pork, Poultry, and Newcomers in Storm Lake, Iowa,” in Stull, et. al., *Any Way You Cut It*, pp. 113-115; Griffith, *Hay Trabajo*, pp. 132-133; Donald D. Stull and Michael J. Broadway, “The Effects of Restructuring on Beef-Packing in Kansas,” *Kansas Business Review*, 14(1), 1990, p. 12; and David L. Ostendorf, “Packinghouse Communities: Exploiting Immigrant Workers,” *Christian Century*, May 5, 1999, pp. 492-493. (Hereafter cited as Ostendorf, *Packinghouse Communities*.)

¹⁵² *Newsweek*, Mar. 8, 1965, p. 76.

unionized urban labor markets with collective bargaining, high wages, and existing work rules.

But, local recruitment — even for firms disposed to recruit locally — proved difficult. A new plant, requiring hundreds of workers, could quickly exhaust the local labor supply. Thus, *outside recruitment* was almost inevitable.¹⁵³

For an employer, hiring locally may not have been desirable. A successor firm, retaining a predecessor's workforce, could be inviting trouble — especially where the old firm had operated under a union contract. Since some *new breed* firms sought to operate non-union and to pay low-wages, a clash would be almost assured. Experienced employees would likely resist change. A *workforce of newcomers* (new to the area and, perhaps, to the world of work) would allow greater flexibility.¹⁵⁴

The demographics and character of the post-1960s meatpacking workforce seem to have differed from that of mid-century. With unionization, the old workforce (prior to the 1960s) had shifted from transient (largely immigrant) to greater stability: permanent residents with roots in the community. There was also a shift from a mainly white workforce to one more heavily African-American. Women had always worked in the packing industry; but, with new technology and systematic de-skilling, they would come to be more widely employed.¹⁵⁵

Several changes in the relocated industry (poultry presents some exceptions) seem evident from the literature dealing with the post-1960s era. *First*. The packinghouse workforce seems to have become less black. There were few African-Americans in the rural mid-western communities to which the industry migrated: few urban workers — either whites or African-Americans — appear to have followed the migrating industry.¹⁵⁶ *Second*. Increasingly packers (and, later, poultry

¹⁵³ See Warren, *Struggling with "Iowa's Pride"*, pp. 128-129; and Robert A. Hackenberg, et al., "Creating a Disposable Labor Force," *The Aspen Institute Quarterly*, spring 1993, pp. 93-94. (Hereafter cited as Hackenberg, *Creating a Disposable Labor Force*.) See also Steve Bjerklie, "The Tip of the Iceberg," *Meat & Poultry*, Nov. 1992, p. 4.

¹⁵⁴ See Craypo, *Strike and Relocation*, pp. 201-202; and Donald D. Stull and Lourdes Gouveia, "Dances with Cows: Beefpacking's Impact on Garden City, Kansas, and Lexington, Nebraska," in Donald D. Stull, et al., *Any Way You Cut It*, pp. 85-107. (Hereafter cited as Stull and Gouveia, *Dances with Cows*.)

¹⁵⁵ Janet E. Benson, "The Effects of Packinghouse Work on Southeast Asian Refugee Families," in Louise Lamphere, et al., eds., *Newcomers in the Workplace: New Immigrants and the Restructuring of the U.S. Economy* (Philadelphia: Temple University Press, 1994), pp. 103-104. (Hereafter cited as Benson, *The Effects of Packinghouse Work*.) The *value added* product line (pre-cooked meals, *case ready* meats, etc.), though labor-intensive, requires less strength. See also Barrett, *Unity and Fragmentation*, pp. 38-39.

¹⁵⁶ See Fogel, *The Negro in the Meat Industry*, pp. 8 and 124. In "I Come to the Garden': Changing Ethnic Relations in Garden City, Kansas," *Urban Sociology*, 1990, pp. 310-311, Stull discusses the Garden City packing industry in terms of Anglos, Hispanics and Southeast Asians. He adds: "Blacks might be said to occupy a third rung on the social ladder, but their population remains too small to be accorded a separate group status."

(continued...)

processors) began recruitment from outside the area of production: largely Southeast Asians and Hispanics — but other immigrants as well. These recruits, often unfamiliar with American labor law, lacked personal resources and community ties and, if unauthorized to be employed, were vulnerable to exploitation. *Third.* Where these newcomers were from *pre-industrial* societies, they tended to be unfamiliar with unions and may have been uncomfortable with trade unionization. Where they were transient, as many were, there was little incentive to think of long-term socio-economic advancement through organization.¹⁵⁷ *Fourth.* Although African-Americans have continued to be employed (in poultry processing, *value added* work, and the seafood industry), they have tended to be working women. The urban-to-rural shift seems frequently to have been both of race and gender: often from relatively highly paid black males to lower paid black females.¹⁵⁸ *Fifth.* The post-1960s workforce (the lower tier) appears to have been heavily transient, whether in industrial or geographical terms — and, perhaps, both.¹⁵⁹

In general, the post-1960s lower tier workforce in packing and processing might be characterized as unskilled, mobile, and sometimes lacking in strong labor-market attachment. These were workers in whom employers had little invested, given the *churning* within the industry and the nature of the drive for enhanced profitability.¹⁶⁰

Turnover and Worker Retention. Nicholas Stein in *Fortune* suggests that it is “difficult” to find workers for processing plants at \$7 an hour “when they could

¹⁵⁶ (...continued)

(Hereafter cited as Stull, *I Come to the Garden.*)

¹⁵⁷ Benson states in “Households, Migration, and Community Context,” *Urban Anthropology*, spring-summer 1990, p. 25, that given “the dead-end nature” of line work, “few Southeast Asians expect to spend more than five years or so in Garden City,” Kansas.

¹⁵⁸ Fogel, *The Negro in the Meat Industry*, pp. 1-2, and 14. Broadway, *From City to Countryside*, pp. 36-37, states that most workers in catfish processing are black women.

¹⁵⁹ See Broadway, *From City to Countryside*, pp. 36-37; Ken C. Erickson, “Guys in White Hats: Short-Term Participant Observation Among Beef-Processing Workers and Managers,” in Louise Lamphere, et al., *Newcomers in the Workplace* (Philadelphia: Temple University Press, 1994), p. 89 (Hereafter cited as Erickson, *Guys in White Hats*); David Griffith, “Consequences of Immigration Reform for Low-Wage Workers in the Southeastern U.S.: The Case of the Poultry Industry,” in *Urban Anthropology*, spring-summer 1990, pp. 165-173 (Hereafter cited as Griffith, *Consequences of Immigration Reform*); Ken Lawrence and Anne Braden, “The Long Struggle,” *Southern Exposure*, Nov./Dec. 1983, p. 86; and Steve Striffler, “Inside a Poultry Processing Plant: An Ethnographic Portrait,” *Labor History*, Aug. 2002. (Hereafter cited as Striffler, *Inside a Poultry Processing Plant.*)

¹⁶⁰ See Karen Olsson, “The Shame of Meatpacking,” *The Nation*, Sept. 16, 2002, p. 12; (Hereafter cited as Olsson, *The Shame of Meatpacking.*); Griffith, *Consequences of Immigration Reform*, p. 156; Hackenberg, *Creating a Disposable Labor Force*, pp. 78-79; Fink, *The Maya of Morganton*, p. 180; and Edna Bonacich, “A Theory of Ethnic Antagonism: The Split Labor Market,” *American Sociological Review*, Oct. 1972, pp. 547-559.

earn the same or more at McDonald's.”¹⁶¹ But for some, there may be few options: i.e., economic necessity or time to learn English and to develop skills.

Rates and Costs. While the packing and processing industry is said to have a high rate of worker turnover, it may not be entirely clear what is meant by *turnover*. Are seasonal workers, employed regularly year after year, included in the concept? How about the part-time employee who works when demand is sufficient — but who is not kept on the rolls through the intervening periods? *And*, when does one become an employee for *turnover* calculation? When he or she accepts employment? Shows up for work? Completes an orientation program?¹⁶²

Estimates of turnover are difficult to assess.¹⁶³ Steve Kay of *Meat & Poultry* states: “No major packer will disclose their current turnover rates” — which he estimates “may range from 50 percent to 70 percent for most large packers.”¹⁶⁴ Again, what is included within an estimate may not always be clear.

The impact of high turnover for employers varies from one observer to the next. Raoul Baxter, Smithfield International, Inc., argues that new cuts of beef and products for the international market “require the most skilled workers in the history of the meat industry.” Such skills require, he states, “a three-month learning curve,” arguably making employee retention desirable.¹⁶⁵ There are also direct dollar costs associated with recruitment, training, and acclimation to the workplace and to the specific tasks. Documentation of such costs appears to be somewhat elusive, but they could be substantial.¹⁶⁶

¹⁶¹ Stein, *Son of a Chicken Man*, pp. 142-144. Fogel, *The Negro in the Meat Industry*, p. 18, argues that workers with “skills and a moderate amount of formal education would not work in meat packing at common labor wages.” See also Michael Broadway, “Meatpacking and Its Social and Economic Consequences for Garden City, Kansas, in the 1980s,” *Urban Anthropology*, winter 1990, p. 323.

¹⁶² There seems to be a relative high attrition rate early in the employment process when recruits learn what the work involves. See Steve Kay, “The Nature of Turnover,” *Meat & Poultry*, Sept. 1997, p. 32. (Hereafter cited as Kay, *The Nature of Turnover*.) See also Hackenberg, et al., *Creating a Disposable Labor Force*, p. 79.

¹⁶³ See Jacqueline Nowell, “A Chicken in Every Pot: At What Price?” *New Solutions*, vol. 10(4), 2000, p. 329. (Hereafter cited as Nowell, *A Chicken in Every Pot*.)

¹⁶⁴ Kay, *The Nature of Turnover*, pp. 31-32. Kay states: “There appears to be no published data on labor turnover or the cost to the industry as a whole.” See also Stull and Broadway, *Slaughterhouse Blues*, p. 80, for a discussion of turnover rates in the industry.

¹⁶⁵ Raoul Baxter, “Labor’s Role in Exports,” *Meat & Poultry*, Nov. 1997, p. 14.

¹⁶⁶ See, for example, Kay, *The Nature of Turnover*, pp. 31-34; and Richard Alaniz, “Avoiding Rehiring Costs by Retaining Good Employees,” *Meat & Poultry*, May 1999, p. 80.

Some Implications. During field research, Stull and Broadway asked an interviewee with wide experience in the industry: “[D]o you think it pays the packer to turn over the workforce rapidly?” He replied: “It must or he wouldn’t do it.”¹⁶⁷

Turnover rate is critical in assessing other aspects of the labor-management relationship. In a carefully structured and highly competitive industry, high turnover may not be accidental. Some would argue that worker retention may be neither desirable — nor profitable. “Ultimately, their concern is not about a stable work force,” states Mark Grey of the University of Northern Iowa, “but maintaining a transient work force.”¹⁶⁸

Since both poultry and beef processing have become extremely competitive, it may not be surprising that firms would seek to cut costs wherever such economies are possible. A low wage and often non-union workforce would seem, some suggest, a likely context for such cost-cutting.

Some observers report that industry employers “aggressively recruit Mexicans and Southeast Asians” and supplement them with “growing numbers of single mothers from rural areas.” Such practices, it is argued, have “impeded unionization” and promoted workforce instability.¹⁶⁹ Firms may “cut costs with low wages, minimum benefits, and, critics argue, ... high turnover.” Some companies offer “yearly bonuses” but these are, often, “not paid until employees have worked for a full calendar year.” The same can be said of paid vacations. With the reportedly high turnover rate, some workers “do not make it” long enough to qualify.¹⁷⁰

Healthcare may pose a similar problem. Some workers “cannot enroll until four to six months (depending on the plant) after they are employed.” With high turnover, some may never qualify. “To avoid employee insurance claims, companies commonly find excuses to fire workers who show signs of debilitating injury,” according to critic Janet Benson.¹⁷¹ With high turnover, some assert, responsibility

¹⁶⁷ Stull and Broadway, *The Effects of Restructuring*, p. 15. See also, Hackenberg, et al., *Creating a Disposable Labor Force*, p. 79; and Lourdes Gouveia and Stull, “Latino Immigrants, Meatpacking, and Rural Communities: A Case Study of Lexington, Nebraska” (East Lansing: Michigan State University, Julian Samora Research Institute, Aug. 1997), Research Report No. 26, p. 15.

¹⁶⁸ Quoted in Christopher Cook, “Hog-Tied: Migrant Workers Find Themselves Trapped on the Pork Assembly Line,” *Progressive*, Sept. 1999, p. 32. (Hereafter cited as Cook, *Hog-Tied*.)

¹⁶⁹ Horowitz, *Black and White*, p. 277. There may be other interpretations.

¹⁷⁰ Stull and Broadway, *The Effects of Restructuring*, pp. 13-14. In “Introduction: Making Meat,” *Any Way You Cut It*, p. 5, Donald D. Stull, et al., point to “workers from Mexico who migrate between different agricultural sectors: between agricultural harvest work, fruit, and vegetable packing, and meat and poultry processing....”

¹⁷¹ Janet E. Benson, *The Effects of Packinghouse Work*, pp.119-120. See also, Kay, *The Nature of Turnover*, p. 31; Warren, *Struggling with “Iowa’s Pride”*, p. 129-130; and Stephen J. Hedges, Dana Hawkins and Penny Loeb, “The New Jungle,” *U.S. News and World Report*, Sept. 23, 1996, pp. 42-43. (Hereafter cited as Hedges, et al., *The New* (continued...))

for work-related disability can be shifted “to the workers’ home country” since the workers may have left the United States before serious conditions develop.¹⁷² Some conditions may simply go unreported and untreated.¹⁷³

Union avoidance may also result from high turnover. With a rotating workforce, many employers acquire no continuing obligation to their employees; but, workers, some suggest, may be similarly affected. They may view their work as temporary, not as a career. Their immediate concern is “economic survival and, if possible, capital accumulation.”¹⁷⁴ Mexican workers, observes Arthur Campa, are not only “isolated from mainstream Anglo American life, but they are separate from the native Mexican American community as well.” When they lose their jobs they move on, sometimes returning to Mexico.¹⁷⁵ Their awareness of their rights may be slight and contacts with trade union or social service workers lacking.¹⁷⁶ In this situation, workers may not “identify with traditional union concerns such as pension, medical care, and wage increases when they have no expectations of continued employment?”¹⁷⁷

Arden Walker, former head of labor relations for IBP, summarized his perspective on the implications of worker turnover at an NLRB hearing in 1984:

COUNSEL: With regard to turnover, since you are obviously experiencing it, does that bother you?

Mr. WALKER: Not really.

COUNSEL: Why Not?

¹⁷¹ (...continued)

Jungle.) Bob Hall, in *The Kill Line*, p. 220, suggests that some workers who do qualify for benefits may not utilize them through fear of losing their jobs.

¹⁷² Cook, *Hog-Tied*, p. 32.

¹⁷³ Jenny Schulz, “Grappling with a Meaty Issue: IIRIRA’s Effect on Immigrants in the Meatpacking Industry,” *The Journal of Gender, Race & Justice*, fall 1998, p. 156. (Hereafter cited as Schulz, *Grappling*.) See also Stull and Broadway, *Slaughterhouse Blues*, p. 75; and Hackenberg, et al., *Creating a Disposable Labor Force*, p. 79. Mike Wilson, in an Associated Press article, *Illegal Immigrants in Nebraska, Iowa[,] Complain of Abuses*, Sept. 10, 2003, reported, citing Jose Luis Cuevas, Mexican consul in Omaha as his source, that “companies frequently fire workers when they’re injured on the job.” Cuevas reportedly stated: “They’re using undocumented workers as disposable workers.”

¹⁷⁴ Janet E. Benson, “Households, Migration, and Community Context,” *Urban Anthropology*, spring-summer 1990, p. 25.

¹⁷⁵ Arthur Campa, “Immigrant Latinos and Resident Mexican Americans in Garden City, Kansas: Ethnicity and Ethnic Relations,” *Urban Anthropology*, winter 1990, p. 351. (Hereafter cited as Campa, *Immigrant Latinos*.)

¹⁷⁶ See Janet E. Benson, “Good Neighbors: Ethnic Relations in Garden City Trailer Courts,” *Urban Anthropology*, winter 1990, pp. 361-386.

¹⁷⁷ Horowitz, *Black and White*, p. 277.

Mr. WALKER: We found very little correlation between turnover and profitability. An employee leaves for whatever reason. Generally, we're able to have a replacement employee, and I might add that the way fringe benefits have been negotiated or installed, they favor long-term employees. For instance, insurance, as you know, is very costly. Insurance is not available to new employees until they've worked there for a period of a year or, in some cases, six months. Vacations don't accrue until the second year. There are some economies, frankly, that result from hiring new employees.¹⁷⁸

But some industry leaders deny that workers are transient. "We have no migrant workers at all," states Richard Lobb of the National Chicken Council. When people are given a job in a poultry plant, it is expected that it is a permanent full-time position.... They are not migrant, they are not seasonal."¹⁷⁹

The Immigration/Alien Worker Factor

The workforce in the packing/processing industry has been characterized as *immigrant* (some, already citizens) and it has been observed that "the meat industry had always been a point of entry for immigrants joining American society."¹⁸⁰ That may have been true up to World War I when industry had at its disposal "a ready supply of cheap labor."¹⁸¹ Edna Bonacich recalls: "Europeans had also played a 'cheap labor' role."¹⁸²

During mid-century, things changed. Unions demanded and secured better wages and working conditions: employment became more stable. Workers came to identify with their unions and their employers. They put down roots, bought homes, and raised families. Then, in the 1960s, things changed again. Newcomers, largely immigrant, were again actively recruited. Often with few marketable skills and/or otherwise disadvantaged, they were willing to work long hours at hard and disagreeable work for low wages — and, possibly, not join a union.¹⁸³

¹⁷⁸ The exchange is quoted in Stull and Broadway, *Killing Them Softly*, p. 70. Labor historian Dana Frank, in her study, "... The Detroit Woolworth's Strike of 1937," in Frank, Robin Kelley and Howard Zinn, *Three Strikes: Miners, Musicians, Salesgirls, and the Fighting Spirit of Labor's Last Century* (Boston, Beacon Press, 2001), p. 70, observed of 1930s retailing, "... if turnover rates are high, so much the better — managers can then pick and choose the pliant, the eager, and the charming."

¹⁷⁹ Lobb is quoted in *The Christian Science Monitor*, Apr. 28, 1999, p. 3. See also Horowitz, *The Decline of Unionism*, pp. 35-36; and Richard Alaniz, "Multiple Factors Influence Declining Union Membership," *Meat & Poultry*, May 1998, p. 68.

¹⁸⁰ Rodengen, *The Legend of IBP*, p. 181. The African-American experience must be viewed somewhat differently.

¹⁸¹ Ostendorf, *Packinghouse Communities*, p. 492.

¹⁸² Edna Bonacich, "Advanced Capitalism and Black/White Race Relations in the United States," *American Sociological Review*, Feb. 1976, p. 38. (Hereafter cited as Bonacich, *Advanced Capitalism*.) See also Bjerklie, *On the Horns of a Dilemma*, p. 50.

¹⁸³ Rodengen, *The Legend of IBP*, pp. 163-164, and 64; and Hake and King, "The Veblenian (continued...)"

“No one could have guessed,” mused Steve Bjerklie, “that people from nations we had barely heard of in 1955 — Cambodia, Thailand, Vietnam — would one day comprise a significant percentage of our industry’s workforce.”¹⁸⁴

A Shortage of Labor? In the 1990s, University of Arkansas anthropologist Steve Striffler applied for work on the production line (poultry processing) at the Tyson plant in Springdale, Arkansas. He recalls, entering the personnel office:

The secretary and I are the only Americans, the only white folk, and the only English speakers in the room. Spanish predominates, but is not the only foreign language. Lao is heard from a couple in the corner, and a threesome from the Marshall Islands are speaking a Polynesian language.

Striffler would later observe: “... about three-quarters of plant labor force are Latin American, with Southeast Asians and Marshallese accounting for a large percentage of the remaining workers. U.S.-born workers,” he adds, “are few and far between.”¹⁸⁵

When operating a labor-intensive facility in a sparsely populated area, labor scarcity might be anticipated.¹⁸⁶ If an employer has determined, in so far as possible, to work union-free (and to avoid hiring workers with trade union backgrounds), that might further reduce the pool from which a firm can recruit. The recruiting process may be further limited (and focused) by a policy of payment of low wages for work that is unpleasant, dirty, and dangerous. If recruitment for such jobs is directed toward persons of limited work experience, few marketable skills, and slight English language proficiency, then a demographic shift may not be unexpected. In pursuit of such a strategy, critics suggest, firms “deliberately recruit ... immigrants” who “almost universally lack any knowledge of U.S. working conditions, labor practices, or of their legal rights.”¹⁸⁷ At the same time, some suggest that with active recruitment and serious retention efforts American workers could be found.¹⁸⁸

¹⁸³ (...continued)

Credit Economy,” p. 503.

¹⁸⁴ Bjerklie, “Revelations: The Industry in the Year 2035,” *Meat & Poultry*, Jan. 1955, p. 15.

¹⁸⁵ Striffler, *Inside a Poultry Processing Plant*, p. 305.

¹⁸⁶ For example, Elzbieta M. Gozdziaik and Micah N. Bump, “Poultry, Apples, and New Immigrants in the Rural Communities of the Shenandoah Valley: An Ethnographic Case Study,” *International Migration*, vol. 42, no. 1, 2004, pp. 149-151, observe: “Processing companies, having relocated in small, rural communities with little local labour force, often actively recruit immigrant workers from traditional gateway states, as well as directly from Mexico and Central America.”

¹⁸⁷ Nowell, *A Chicken in Every Pot*, p. 329. Valdes, *Barrios Nortenos*, p. 225, states: “In Lexington [Nebraska], the Latino population rose from 3.3 percent of the total in 1990 to more than 30 percent by 1996 as a result of the opening of an IBP beef-packing plant, and an estimated 75 percent to 80 percent of the workers were from Texas and Mexico.”

¹⁸⁸ See Grey, *Pork Poultry, and Newcomers*, pp. 109-116.

The issue may have been one of definition: of distinguishing between shortages that are absolute and those that may be reflective of employer policies.¹⁸⁹

Actively Seeking the Foreign Worker. Immigrant (or other alien) workers normally enter the United States with the intention of working.¹⁹⁰ Even adverse working conditions and low wages may be better than those offered in the immigrant's country of origin. As a result, new arrivals may have low expectations and be willing to endure conditions, both at work and of home life, that American workers would not willingly tolerate.¹⁹¹

The presence of Hispanics in the meat processing workforce, according to Griffith, "is correlated with lower wage rates" and lower numbers of African-American workers. While Asians "occupy a small place in most work forces," he observes, "they occupy a revered position, in many processor's minds, as embodying the quintessential work ethic." But, he states, Asians are "more upwardly mobile, taking advantage of refugee services to improve English skills and move into better paying jobs."¹⁹²

From interviews with plant managers and personnel officers, Griffith found the "clearest theme" was "the belief that Hispanics and Asians have superior work habits" while those of blacks and whites have "been deteriorating." It may be that white and African-American workers, from experience in the industrial workforce, are less willing to adhere to managerial preferences. Conversely, those less familiar with American work practices (and labor law) may be less demanding. As immigrants become acclimated, they can be expected to move on to better jobs, creating a continuing demand for replacements. Some assert that this provides an incentive for employers to hire unauthorized immigrants who may more willingly cooperate with employers because they cannot legally work in the United States.¹⁹³

Newcomers to the American workplace, Stull concurs, may be "more susceptible to labor-control mechanisms simply because they haven't had time to interpret the industry's behavior or to calculate the costs of resistance or militancy."¹⁹⁴

¹⁸⁹ Donald D. Stull, et al., "Introduction: Making Meat," in *Any Way You Cut It*, p. 3, suggest that the stability of the labor force in the meatpacking industry "... is largely dictated by corporate strategies." (Hereafter cited as Stull, et al., *Introduction: Making Meat*.) See also Hackenberg, et al., *Creating a Disposable Labor Force*, pp. 83-84; and Valdes, *Barrios Nortenos*, pp. 230-231.

¹⁹⁰ Erickson, *Guys in White Hats*, p. 89.

¹⁹¹ See Griffith, *Consequences of Immigration Reform*, pp. 164-165.

¹⁹² *Ibid.*, pp. 165-168.

¹⁹³ *Ibid.*, pp. 168-173. See also Robert Lekachman, "The Specter of Full Employment," *Harper's*, Feb. 1977, pp. 36 and 38.

¹⁹⁴ Stull, et al., *Introduction: Making Meat*, p. 7. See also Barrett, *Unity and Fragmentation*, p. 48.

Only Jobs That Americans Don't Want? “American companies can’t find enough workers in the United States to meet their needs,” observed business spokesman Al Zapanta — reflecting what seems to be a widely held belief among employers: “We’re [Americans] not willing to do these jobs anymore, but immigrants, like always, are willing to do it to provide for their families.”¹⁹⁵

The reality may be more complex. Some have argued that work involving “blood, unpleasant odors and repetitive tasks, is not attractive” to U.S. workers.¹⁹⁶ But other factors including low wages, high line speeds, little job security, rural-sited facilities, and diminished union protection may also make domestic recruitment difficult. “A decline in wage levels,” together with other workplace considerations, Broadway says, “... has served to make meatpacking an unattractive employment option for many Americans.”¹⁹⁷

The issue may not be reluctance of Americans to work at these jobs (clearly, many are so employed); rather it may be the terms of employment. “If the job were ‘decent,’” some critics argue, “they would willingly do it.”¹⁹⁸ Some employers agree. Joe Luter, CEO of Smithfield Foods, Inc., suggests that a solution to industry’s recruitment problem may be “higher wages, which would make processing jobs more attractive to American workers.”¹⁹⁹

¹⁹⁵ Kirstin Downey Grimsley, “Tyson Foods Indicted in INS Probe,” *The Washington Post*, Dec. 20, 2001, p. A13. Zapanta is identified as president of the U.S.-Mexico Chamber of Commerce.

¹⁹⁶ Ibid.

¹⁹⁷ Michael J. Broadway, “Beef Stew: Cattle, Immigrants and Established Residents in a Kansas Beefpacking Town,” in Lamphere, *Newcomers in the Workplace*, p. 25. See also Benson, *The Effects of Packinghouse Work*, in Lamphere, pp. 103-104.

¹⁹⁸ Bonacich, *Advanced Capitalism*, p. 48. See also Roger Horowitz and Mark Miller, *Immigrants in the Delmarva Poultry Processing Industry: The Changing Face of Georgetown, Delaware and Environs* (East Lansing: Michigan State University, Julian Samora Research Institute, Jan. 1999), Occasional Paper No. 37, p. 5.

¹⁹⁹ Stein, *Son of A Chicken Man*, p. 146. Some employers argue that “they can’t pay more because consumers won’t buy the products if they cost more.” See Grimsley, “Tyson Foods Indicted in INS Probe,” *The Washington Post*, Dec. 20, 2001, p. A13.

The General Accounting Office (now Government Accountability Office) (GAO), in its report, *Community Development: Changes in Nebraska’s and Iowa’s Counties with Large Meatpacking Plant Workforces*, GAO/RCED-98-62, Feb. 1998, pp. 4-5, explains, citing local officials and company management, “sometimes, not enough local area residents are available to fill plants’ openings and that at other times, not enough local area residents are willing to fill job openings at starting pay levels.” GAO adds that plants “have hired increasing numbers of minority and immigrant workers” from high unemployment areas within the United States “and from Mexico, Central America, Asia, Africa, and Eastern Europe.” GAO also reports, p. 2, that federal authorities have estimated “that up to 25 percent of the workers in meatpacking plants in Nebraska and Iowa were illegal aliens.”

In practice, immigrants (and aliens unauthorized to work in the United States) constitute an almost “inexhaustible supply” of low-wage labor.²⁰⁰ In this view, once employers become accustomed to the “flow of new immigrants,”²⁰¹ they may continue to recruit them — often at the expense of “native workers” and of less recent immigrants of whatever ethnic/racial background.²⁰² Bonacich concludes that “availability of a ‘cheap labor’ alternative” has enabled employers “to avoid improving the job and raising wages.”²⁰³ “What really needs to be addressed,” argues Joe Berra of the Mexican-American Legal Defense and Education Fund, “is our immigration policy on one hand, and workers rights on the other.”²⁰⁴

Meanwhile, employers have organized in order to procure more workers, “both skilled and lesser skilled.” Banning together, they have created an interest group, the Essential Worker Immigration Coalition (EWIC), a body “of businesses, trade associations, and other organizations from across the industry spectrum concerned with the shortage of both skilled and lesser skilled (“essential worker”) labor.”²⁰⁵ Among those associated with the EWIC was the American Meat Institute.²⁰⁶

Employers, Workers, and Immigration Authorities. With the prosperity of the 1990s, according to IBP historian Rodengen, the economy “entered one of its strongest periods on record and unemployment dropped drastically” — to below 3% in Iowa and Nebraska. For some packers, he states, this apparently “meant dealing with illegal immigrants who were seeking to fill the many open positions in company plants.” Employing such workers, while attempting to secure an adequate supply of labor, he suggests, may have been inadvertent. Further, he states, IBP had been “... prohibited by law from asking too many questions about background, which

²⁰⁰ Otey Scruggs, *Braceros, “Wetbacks,” and the Farm Labor Problem: Mexican Agricultural Labor in the United States, 1942-1954* (New York: Garland Publishing, Inc., 1988), p. 68. See also Shawn Zeller, “Inside Job,” *The National Journal’s Government Executive*, Dec. 2001, p. 47 ff. Conversely, industry analyst Richard Alaniz, in “Avoiding Rehiring Costs by Retaining Good Employees,” *Meat & Poultry*, May 1999, p. 80, states: “Recruiting and retaining employees is becoming one of the most difficult and time-consuming aspects of running a business.”

²⁰¹ Griffith, *Hay Trabajo*, p. 147.

²⁰² Griffith, *Consequences of Immigration Reform*, p. 170.

²⁰³ Bonacich, *Advanced Capitalism*, p. 48.

²⁰⁴ Quoted in Leon Lazaroff, “Welcome to the Jungle,” *In These Times*, July 8, 2002, p. 5.

²⁰⁵ See the website of the Essential Worker Immigration Coalition, [<http://www.ewic.org>], visited on Nov. 28, 2003.

²⁰⁶ See “Essential Worker Immigration Coalition Resumes Lobbying,” *National Journal’s CongressDaily*, Mar. 15, 2002. See also the *DLR*, July 28, 2003, p. A6. Valdes, *Barrios Nortenos*, p. 249, questions the thesis that foreign workers are only taking jobs that Americans don’t want. The theory, he speculates, does not “account for the late-twentieth-century trend toward dominance by Mexicans in midwestern packing plants, which European American [and, presumably, African American] workers did not want to leave.”

meant it often couldn't get the information it needed to prevent an illegal immigrant from getting hired.”²⁰⁷

During the 1990s, by estimates of a former Immigration and Naturalization Service (INS) officer,²⁰⁸ about 25% of packing/processing workers may have been persons unauthorized to work in the United States and employed in violation of U.S. immigration law.²⁰⁹ Some have suggested that the “largest concentration of illegally employed persons in the U.S. work in the meatpacking industry.”²¹⁰ According to Stull, et al., this reflects both “targeted recruitment” and “the character and enforcement of immigration laws.”²¹¹ But, even were immigration laws enforced more strictly, compliance would be difficult. With high employee turnover rates, varying roughly from 40% and 100% per year, effective enforcement would require a continuing federal presence. Even a small measure of collusion between an employer and a worker employed illegally could, arguably, defeat such efforts.²¹²

In legislating, Congress has been concerned that prevention of the illegal employment of foreign workers should not adversely impact U.S. citizens or others authorized to work in the United States.²¹³ Thus, some packing plants may have had “to walk a fine line during the hiring process.”²¹⁴ There may be a delicate balance

²⁰⁷ Rodengen, *The Legend of IBP*, p. 181. Louis Jacobson, writing in the *National Journal's Government Executive*, Feb. 2000, p. 51 ff., reports “Several big companies have even opened recruiting offices in Mexican cities.” Jacobson continues: “The companies say those offices are designed to attract the tens of thousands of Mexicans who possess legal U.S. work papers.” He acknowledges that “some observers express skepticism at that explanation...,” but adds: “The problem, sources say, is that immigrants have been getting increasingly clever about obtaining documents ... under false pretenses. Many employers are unable — or in some cases unwilling — to tell the difference between what is real and what is fake.”

²⁰⁸ The Homeland Security Act of 2002 (P.L. 107-296) abolished INS and transferred its functions from the Department of Justice to the Department of Homeland Security. The transfer occurred Mar. 1, 2003.

²⁰⁹ See Schulz, *Grappling*, p.151; and Rebecca Gants, “I.N.S. Electronic Verification,” *Meat & Poultry*, June 1996, pp. 56-58. (Hereafter cited as Gants, *Electronic Verification*.)

²¹⁰ *Ibid.*, p. 56, is here summarizing comments by Jerry Heinauer, district director of INS for Omaha.

²¹¹ Stull et al., *Introduction: Making Meat*, p. 3.

²¹² Hedges et al., *The New Jungle*, p. 38. For a discussion of recent United States immigration policy, see Douglas S. Massey, Jorge Durand, and Nolan J. Malone, *Beyond Smoke and Mirrors: Mexican Immigration in an Era of Economic Integration* (New York: Russell Sage Foundation, 2002), pp. 2-3, together with Vernon M. Briggs's review of that study in *Industrial and Labor Relations Review*, Jan. 2003, pp. 361-363.

²¹³ Phil Olsson, “Employee Eligibility: Dealing with the Double-Edged Sword of Immigration Law,” *Meat & Poultry*, June 1996, p. 55.

²¹⁴ Rodengen, *The Legend of IBP*, p. 181. See *Farm Bureau News*, Mar. 19, 2001, p. 2.

between laws “that protect employee rights and those that prohibit the employment of undocumented workers.”²¹⁵

Labor Standards and Working Conditions

DOL’s Bernard Anderson noted, early in 2000, that the Department had a “*long-term goal* of increasing compliance with labor laws.” (Italics added.) It would focus, he affirmed, “on the low-wage industries because they have a historically high level of noncompliance and employ vulnerable workers who often won’t complain about violation of their workplace rights.”²¹⁶ Coping with such concerns continues to be a Department goal, although its achievement may not be easy and may involve prodding from sources outside the Department. It may also involve extended litigation. The problem is at least two-fold: defining precisely what the law provides and, thereafter, determining the character of existing industry practice.²¹⁷

A Movement for Change

During the fall of 1996, the National Interfaith Committee for Worker Justice (NICWJ) issued an appeal to the Department of Labor (DOL) urging action with respect to what it termed “agricultural sweatshops.”²¹⁸ The Committee proposed:

- Investigation of alleged sweatshops in the poultry industry.
- That DOL “convene a ‘poultry summit’” to bring together the parties at interest “to look at ways of raising wages in the industry, providing better benefits to workers, and improving working conditions.”
- That DOL issue “‘worker-rights guidelines’ to ensure that poultry workers have the right to organize without fear of job loss or harassment” and, if voting for a union, to secure a contract within a reasonable period.

²¹⁵ Hedges, et al., *The New Jungle*, p. 38. Concerning the overall structure of the industry and of the labor-management relationship, see Charles Craypo, “Meatpacking: Industry Restructuring and Union Decline,” in Paula B. Voos, ed., *Contemporary Collective Bargaining in the Private Sector* (Madison: Industrial Relations Research Association, 1994), pp. 63-96.

²¹⁶ Federal News Service, Mar. 23, 2000.

²¹⁷ See, for example, *The [Raleigh] News and Observer*, June 6, 2001, p. A17, and U.S. Newswire, Inc., May 9, 2002.

²¹⁸ Chicago-based, the National Interfaith Committee for Worker Justice has special concern with low-wage workers in poultry processing who are “primarily African American and Latino, [who] often toil in unsafe and unsanitary conditions, with few benefits....” See the NICWJ website at [<http://www.nicwj.org>]. See also Robert Bussel, “Taking on ‘Big Chicken’: The Delmarva Poultry Justice Alliance,” *Labor Studies Journal*, summer 2003, pp. 1-24; and Fink, *The Maya of Morganton*, pp. 121-124.

In November 1996, Secretary Robert Reich announced initiation of “a special targeted enforcement project in the poultry processing industry.”²¹⁹

A DOL survey was conducted during 1997 and 1998. It found numerous health and safety concerns: e.g., (a) workers “stationed so close together they lacerated co-workers with their knives, indicating a need for more space, more protective gear, or both;” (b) “supervisors [often] ... had trouble communicating with and providing training to workers who spoke little English”; and (c) “a number of plants were not in compliance with OSHA’s process safety management standard.”²²⁰ Violations of the FLSA and of the Migrant and Seasonal Agricultural Workers Protection Act (MSPA) were found to be systemic. Some 60% of surveyed plants “had violations of wage and hour and safety and health laws.”²²¹ New inspections followed; and in October 1999, leaders of NICWJ and the AFL-CIO called for a congressional investigation of the poultry industry and “its abuse of workers.”²²²

A second survey conducted by the Department in 2000 disclosed violations of the FLSA, MSPA and of the Family and Medical Leave Act.²²³ It found that “none of the processing plants subject to investigation were in full compliance with all three labor statutes.” NICWJ’s Kim Bobo declared it “shocking there has been no improvement” since the 1997 survey. Bill Schmitz of the UFCW called poultry processing “an outlaw industry.” But, the National Chicken Council termed the survey results inaccurate and misleading, according to the *Daily Labor Report*. Much of the problem, suggested Richard Lobb of the Council, stemmed from confusion about the law and DOL’s questionable interpretation of it — primarily with respect to *donning* and *doffing*.²²⁴ (See discussion below.)

FLSA Coverage and Related Issues

The Fair Labor Standards Act is the primary federal statute dealing with minimum wages, overtime pay, and related matters. FLSA violations were a *central theme* in DOL’s 1997 and 2000 surveys, noted above.

Donning and Doffing. Whether working with large animals (cattle, hogs, sheep) or with poultry, the slaughtering and packing process involves contact with potentially hazardous substances: blood, feces, intestinal juices, etc. Thus, workers in the industry wear protective gear varying in heft and complexity with the task to be performed. During a visit to IBP’s beef plant at Finney County, Kansas, in the late 1980s, Donald Stull (with other tourists) reportedly was advised by a plant guide:

²¹⁹ *DLR*, Nov. 27, 1996, pp. A10-A11. In November, Secretary Reich also announced his retirement, to take effect in Jan. 1997. *DLR*, Nov. 12, 1996, pp. AA1-AA2.

²²⁰ *DLR*, Sept. 18, 1998, pp. A3-A4.

²²¹ *DLR*, Jan. 12, 2001, p. A11.

²²² *DLR*, Oct. 13, 1999, p. C4.

²²³ See *The Washington Times*, Jan. 15, 2002, p. D3. A summary of the survey report can be found at [<http://www.nicwj.org>].

²²⁴ *DLR*, Jan. 12, 2001, p. A11.

Depending on their job, each worker may wear as much as \$600 worth of safety equipment — hardhat, earplugs, cloth and steel mesh gloves, mail aprons and leggings, weight-lifting belts, or shin guards. They don't have to buy any of this equipment.²²⁵

Poultry processing requires less substantial equipment but what is used is, nonetheless, essential: protective hand gear, smocks, hairnets, face masks, etc.

The more complicated the equipment, the more time is consumed in preparing for work, for breaks, and in cleaning up afterward. During recent years, a question has arisen: Should the employer be required to compensate workers for time spent in pre- and post-production activities such as “donning” protective garb and, at shift's end, “doffing” garments. Is time so spent included in the concept of *hours of work*? How *hours of work* is defined for implementing the FLSA would seem to fall to the Department of Labor.

Commonly, industry has not compensated workers for donning and doffing time.²²⁶ But, through recent years, the issue has been the subject of extended compliance action by DOL — and of litigation. The courts have divided on the question, but some penalties imposed upon industry have been substantial. In 2005, the broader issue of donning and doffing was unresolved — and the time actually spent by workers in such activities similarly remained in dispute.²²⁷ Reportedly, delegations from industry and the UFCW have met with Secretary Chao, stating their respective interpretations of the law, and DOL has commenced a review of the issue. Although it continues to enforce the FLSA's minimum wage and overtime pay requirements in the poultry industry, *DLR* reported, “it no longer is targeting the industry for special compliance scrutiny.”²²⁸

Chicken Catchers. The term, *chicken catcher* might be misleading. The chicken catchers, considered here, work in teams in association with corporate processors. They may, as a team, handle as many as 30,000 to 50,000 live chickens per shift.²²⁹ It is unpleasant work. Jacqueline Nowell of the UFCW explains: “They collect the birds by hand” for transport to a processing plant. “Chicken catchers are

²²⁵ Donald D. Stull, “Knock ‘Em Dead: Work on the Kill Floor of a Modern Beefpacking Plant,” in Lamphere, et al., *Newcomers in the Workplace*, p. 47.

²²⁶ *Industrial Safety & Hygiene News*, July 2002, p. 14.

²²⁷ *DLR*, Sept. 17, 2002, p. A1. Under date of June 3, 2003, the U.S. Court of Appeals for the First Circuit ruled that “[w]alking to obtain uniforms and equipment and waiting in line are not compensable time” under the FLSA (*Tum v. Barber Foods Inc. d/b/a Barber Foods*, 1st Cir., No. 02-1679). Then, on Aug. 5, 2003, the U.S. Court of Appeals for the Ninth Circuit ruled that “[m]eatpacking employees must be compensated” under the FLSA “from the moment they begin putting on safety gear required for their jobs until they take the gear off.” (*Alvarez v. IBP Inc.*, 9th Cir., No. 02-35042). This latter case is under appeal.

²²⁸ *DLR*, July 24, 2001, pp. C1-2.

²²⁹ *DLR*, May 5, 2000, p. A8.

exposed to airborne contaminants — skin debris, broken feather barbules, insect parts, aerosolized feed ... poultry excreta ... bacteria” and “dangerous gases.”²³⁰

The status of these workers has long been a source of contention. For example, how are such workers classified for wage/hour and labor-management relations purposes? Are they farm workers or industrial workers? The two classifications are treated differently under the FLSA and the National Labor Relations Act. Or are they *independent contractors* — and, thus, free from wage/hour requirements and collective bargaining protection?

At least since the late 1980s, the treatment of chicken catchers has been a focus of labor-management dispute and of litigation. As the century closed, the issue was still before the courts. But gradually, the status of the workers has become clearer. Judge William Nickerson (the U.S. District Court for the District of Maryland) found that the processor “... controls every significant aspect of the chicken catching operation.” DLR summarized: “The company owns the chickens ..., it owns the trucks on which they are transported, and it determines from which farm and how many chickens are to be brought in each day.”²³¹ Judge Nickerson found: “Although geographically their work takes them outside the processing plants, the catchers’ function, in a real sense, is simply part of the production line.”²³²

With time, some firms have settled disputed claims with respect to FLSA and related coverage; others continued to challenge the Department’s interpretation of the law. The contests, in varying forms and jurisdictions, have moved slowly through the courts — and new issues have been raised. The question of fair labor standards for meat and poultry workers, however, has not yet been fully resolved.²³³

Line Speeds and Rest Breaks. For the past century, line speeds have been a constant worker complaint. Commons, writing of the Chicago yards in 1904, thought speed “was undoubtedly the grievance above all others.”²³⁴ With time and union pressure, some moderation was achieved; but, some suggest, things changed again with the advent of the *new breed* packers. The UFCW’s Lewie Anderson, starting work at an older Armour plant, found “a pace that you could handle” to “do the work ... without killing yourself.” Moving to IBP, he found the line speed “more

²³⁰ Nowell, *A Chicken in Every Pot*, p. 329.

²³¹ DLR, Mar. 1, 2000, p. A5.

²³² See *Heath v. Perdue Farms Inc.*, D. Md., No. WMN-98-3159, Feb. 24, 2000, summarized in DLR, Mar. 1, 2000, pp. A5-A6.

²³³ See DLR, May 5, 2000, p. A8, Aug. 20, 2001, p. A2, May 11, 2002, pp. A1-A2, Mar. 25, 2002, p. A8, June 5, 2003, pp. AA1-AA2, E1-E4, Aug. 6, 2003, pp. AA1-AA-2, E1-E11, and Sept. 10, 2003, AA1-AA2, E8-E13. Concerning yet another issue, the U.S. District court for the Northern District of Iowa, Nov. 20, 2003 (*Jimenez v. Duran*, N.D. Iowa, No. 01-3068-MWB), ruled that “[e]mployees of an Iowa contracting service that vaccinated and tended to chickens are exempt from the overtime requirements of the Fair Labor Standards Act.” See DLR, Oct. 28, 2003, pp. AA1-AA2, E1-E7. See also Stull and Broadway, *Slaughterhouse Blues*, pp. 47 and 50-51.

²³⁴ Commons, *Labor Conditions*, p. 7.

than twice as fast” with supervisors “in there on top of the people ... screaming at them and pushing them, literally pushing them, to go faster and faster.”²³⁵

“Worker productivity remains the key to profits — and survival — in a fiercely competitive business,” states Broadway. “Worker productivity is a function of line speed; speed it up, and productivity increases.”²³⁶ Bjerklie concurs: “... the search for faster and better ways to slaughter and process meat and livestock is relentless, and has resulted in line (or ‘chain’) speeds of unimaginable rapidity....”²³⁷ IBP’s Peterson saw the issue a little differently. “You can’t ever overwork anybody on a constant basis or they’re going to quit.”²³⁸

The issue is complex. At IBP in the 1960s, UFCW’s Anderson reported “constant turnover” as a response to line speed.²³⁹ If turnover is not regarded as entirely negative by industry, it may be a mixed blessing. Some argue that “IBP plants were accident-prone because of their accelerated line speeds and the constant pressure on workers to meet arbitrary production quotas.”²⁴⁰ This leads, others say, “to worker turnover” and stress-induced absenteeism.²⁴¹ A revolving workforce of sometimes “untrained, inexperienced, and often young workers” may lead, some suggest, to still higher injury rates.²⁴² *Break time* and *rest periods* are similarly contentious issues.²⁴³

These questions remain unresolved. How humane can the workplace be made without unduly impacting efficiency and profitability? Though immediately of concern for OSHA purposes, the issues raised by line speeds, break time, and rest periods are not directly addressed by the FLSA.

²³⁵ Horowitz, *Black and White*, pp. 245-246.

²³⁶ Broadway, *From City to Countryside*, p. 22.

²³⁷ Bjerklie, *On the Horns of a Dilemma*, p. 43.

²³⁸ Kay, *Bob Peterson*, p. 36.

²³⁹ Horowitz, *Black and White*, p. 246.

²⁴⁰ Craypo, *Strike and Relocation*, p. 193.

²⁴¹ Griffith, *Hay Trabajo*, p. 136. See also Hackenberg, et al., *Creating a Disposable Labor Force*, p. 85.

²⁴² Craypo, *Strike and Relocation*, p. 193. See also Nowell, *A Chicken in Every Pot*, pp. 327-328 and 335.

²⁴³ See Stromquist, *Solidarity & Survival*, pp. 97-98; and Griffith, *Consequences of Immigration Reform*, p. 161.

Possibilities for Change in Labor Practices

It may be, after careful consideration, that workers (with their unions) and employers are satisfied with the current state of labor practices in the packing and processing industry. And, it may not be necessary to review enforcement of labor, safety and health standards, immigration law, or related issues.

The course chosen will rest, largely, with the parties at interest: labor, management, and government. How strongly does industry want a union free environment? Does it regard labor turnover, for reasons discussed above, to be a positive (or tolerable) part of the post-1960s workplace? Can industry secure an adequate workforce through domestic recruitment and employment of authorized immigrant workers?

Control of the workplace rests essentially with management — even where there is effective collective bargaining. However, even without a formal union presence, workers can be expected to demand reforms. Where such reforms are not forthcoming, workers may turn to the trade union movement for assistance and redress. At the same time, it is possible that industry will undertake changes — if only to prevent trade union initiatives and to stave off government action. If voluntary change is not forthcoming, given the results of the 1997-1998 and 2000 DOL workplace surveys, there may well be further pressure for legislative or regulatory action.²⁴⁴

Looking at the Workplace

Authors, in writing of labor practices in meatpacking and poultry processing, have suggested a variety of workplace changes that could ease the strain on workers while, they argue, improving general efficiency and reducing certain labor-related costs. The utility of such proposals and the validity of projected impacts may need further study. But, they may also be worth consideration.

Reducing the line speed — sometimes associated with *cumulative trauma disorders* — has been suggested.²⁴⁵ “If they slowed down the lines and rotated workers, we’d have fewer problems around here,” argues Bodo Treu, workers’ compensation physician for IBP at Storm Lake.²⁴⁶ “Redesign tools so they, rather than the workers’ forceful motions, do the job” — “[a]utomate or restructure especially hazardous jobs.”²⁴⁷

Some workers view employment in packing and processing as incompatible with age. Five years is “about the longest period a person could last on the slaughter

²⁴⁴ Market power and labor/industry/community relationships are discussed in Alan Barkema, Mark Drabenstott and Nancy Novack, “The New U.S. Meat Industry,” *Economic Review, Federal Reserve Bank of Kansas City* (Second Quarter, 2001), pp. 33-56.

²⁴⁵ Hall, *The Kill Line*, p. 225.

²⁴⁶ Hedges et al., *The New Jungle*, p. 39.

²⁴⁷ Hall, *The Kill Line*, p. 225.

line,” some suggest.²⁴⁸ If retention is desired, re-engineering of the work process could be an option. So, too, might be a seniority system that moves workers up and into work commensurate with their experience and strength. Some suggest that a firm, through such changes, could capitalize on its recruitment and training investment — while workers could look forward to a career in the industry.

Small changes may help reduce work-related injuries. Increase the number of short breaks, some have argued. Stop the line for a brief period: allowing workers time to stretch or to rotate to slightly different jobs — to do simple aerobics, or just to get away from the stress of a constantly moving line.²⁴⁹ Assigning workers to a variety of jobs (mornings at one task; afternoons, another) has been proposed as a way to ease muscle strain — and relieve boredom. “But, most of all,” say Stull and Broadway, “slow down the chain.”²⁵⁰

“A key element of ... employee retention,” affirms Mark Klein of Excel, “is to offer good wages and benefits.”²⁵¹ Some restructuring of the fringe benefit package, particularly with respect to vesting (e.g., healthcare coverage) might foster workforce stability. Enhanced portability of health and pension benefits might also be an option.²⁵²

“Hours,” Stull suggests, “vary seasonally and even weekly depending on the price and supply of fat cattle, consumer demand, and profit margins.”²⁵³ Currently, it’s asserted: “Six-day weeks and mandatory overtime alternate with sudden layoffs as the packers adjust to fluctuations in meat supply and demand.”²⁵⁴ Might flexibility be built into such a system? Some urge a more *family-friendly* workplace: affordable daycare, flexible workhours (an option of worker choice), and fixed schedules that can be adjusted to accommodate a worker’s family or other responsibilities.

IBP’s Ken Kimbro suggests that a “primary reason people leave jobs is that they don’t feel appreciated.”²⁵⁵ Low esteem for workers, some argue, is reflected in high turnover rates — and in the manner in which line workers are viewed by the

²⁴⁸ Kay, *The Nature of Turnover*, p. 31.

²⁴⁹ Grey, *Pork, Poultry, and Newcomers*, p. 116.

²⁵⁰ Stull and Broadway, *Killing Them Softly*, p. 81. See also Jane Kelly, “Perdue: New Processing Plant Is Strictly for the Foodservice Market,” *Meat & Poultry*, Dec. 1992, p. 15, for discussion of an exercise and job rotation regime at a Perdue facility in Dillon County, South Carolina.

²⁵¹ Kay, *The Nature of Turnover*, p. 34.

²⁵² See Stull, *Of Meat and (Wo)Men*, p. 115. Stull estimates gross annual earnings for line workers at between \$15,000 and \$22,000, depending upon the grade and seniority, may actually prevail.

²⁵³ Stull, *Of Meat and (Wo)Men*, p. 115.

²⁵⁴ Horowitz, *Negro and White*, p. 282. See also Benson, *The Effects of Packinghouse Work*, pp. 102-103, 111.

²⁵⁵ Quoted in Kay, *The Nature of Turnover*, p. 31-32.

communities within which they reside.²⁵⁶ Increased investment in human resource management has been suggested as one potential remedy.²⁵⁷ This involves “treating people with respect and dignity,” Hall argues. “It includes training, fostering upward mobility, maintaining a complete medical program, and disciplining line supervisors who violate company policy. The payoff,” he states, “includes lower-turnover, improved morale, better production, and savings on health costs....”²⁵⁸

Considerations of Public Policy

General policy and practices in meat packing and poultry processing have been debated through many years. But, there may be a number of issues that could attract attention from policy makers.

Fair Labor Standards Act. The issue of *donning* and *doffing* is rooted in the overtime pay provisions of the FLSA; but, the facts of the issue remain in dispute. How much time is actually spent putting on or taking off protective clothing and equipment? Does it vary, significantly, from one segment of the industry to another — and between employers? Enforcement and litigation depend largely upon the facts in specific cases.

The courts have divided on some of the overall (and specific) issues involved in *donning* and *doffing*. Can a solution to the current dispute be effected through regulatory reform? Through the courts? Or, should Congress define, more clearly, its intent with respect to *portal-to-portal* issues? Were Congress to modify the FLSA with respect to *donning* and *doffing* standards, would the effect be felt elsewhere: e.g., in mining, in nuclear power, or in laboratory work?²⁵⁹

Treatment of *chicken catchers* involves both the FLSA and NLRA. For labor standards and collective bargaining purposes, how are chicken catchers defined? Are they agricultural employees (exempt or afforded special treatment under the FLSA and NLRA) or are they industrial workers and protected by those statutes? Are they *independent contractors*? If *chicken catchers* are deemed to be employees (for labor standards and collective bargaining purposes), might *grow-out* farmers be similarly protected?

²⁵⁶ Stull et al., *Introduction: Making Meat*, p. 4. Griffith, *Consequences of Immigration Reform*, p. 156, states: “...workers in industries like poultry processing are often somewhat marginal to the labor force, consisting of large proportions of unskilled workers, women, minorities, students, prisoners, and others who occupy positions in the plants seasonally or irregularly....” See also Hall, *Chicken Empires*, p. 15; and Campa, *Immigrant Latinos*, pp. 345-360.

²⁵⁷ Richard Alaniz, “Avoiding Rehiring Costs by Retaining Good Employees,” *Meat & Poultry*, May 1999, p. 80.

²⁵⁸ Hall, *The Kill Line*, pp. 228-229.

²⁵⁹ *DLR*, Jan. 9, 2003, p. A8, reported that Honda Manufacturing of Alabama “will pay \$1.2 million to workers at its Lincoln, Ala., plant, after a Department of Labor investigation found that workers there were not paid for the time they spent putting on their uniforms at work.” The general issue is still open, *DLR* reports.

National Labor Relations Act. The labor-management relationship may be another area of concern. How high is the turnover rate in the industry? To what extent is the workforce simply migratory or casual? Such elements would likely impact the ability of workers to organize and to bargain collectively. In the context of a high turnover rate, what are the *effective* rights of short-term workers and how are they protected?

How well have NLRA procedures functioned in the context of the meat packing and poultry (seafood) processing industries?²⁶⁰ Employers could find themselves confronted with a continuing cycle of organizational campaigns which, whatever their outcome, could be disruptive and costly. Where a workforce may be largely transient, do organizational campaigns reflect the interest (real or perceived) of the workers? Does the transnational movement of workers suggest a need to reconsider aspects of the NLRA?

Migrant and Seasonal Agricultural Workers' Protection Act (MSPA). The siting of industry in rural areas may have increased the necessity for recruitment of workers from outside the areas of production. In some cases, such recruitment has involved groups of workers, transported by bus or auto, and traveling long distances for work. Reportedly, by the 1990s, it had become "standard industry practice to import workers through border-state labor recruiters."²⁶¹ Given the high turnover rates, are such workers, in fact, *seasonal* or *migratory*?

Immigration issues aside, are such workers covered under the MSPA?²⁶² If not, should they be? What is their relationship of these workers with the agent who arranges their transportation, employment, and possible housing? If women (and potentially children) are part of this movement of workers, are special problems raised? Where they enter the country illegally, are they likely targets of extortion by labor merchants and recruiters? Are they susceptible to other forms of violence?

Administration and Enforcement Policy. Ordinarily, DOL enforcement of labor standards has been *complaint based*: that is to say, in response to a complaint from an aggrieved worker. But, complaints may not be frequent where the workforce, as in poultry processing and some aspects of meat packing, is frequently immigrant (or composed of foreign workers unauthorized to work in the United States) and where the workers may not be aware of their rights under law. At the

²⁶⁰ In his study, *The Maya of Morganton*, p. 199, Fink states: "The federal government needs to restore the 'right to organize' by strengthening penalties for infringement of the labor law...." And, he says: "Current U.S. policy attracts foreign workers but stifles them once they have arrived."

²⁶¹ Cook, *Hog-Tied*, p. 28. See also Fink, *The Maya of Morganton*, pp. 17-18; and Stephanie Simon, "Latinos Take Root in Midwest," *The Los Angeles Times*, Oct. 24, 2002, Part 1, p. 1 ff.

²⁶² Signed into law in Jan. 1983, MSPA (P.L. 97-470; 20 U.S.C. 1801-1872) provides basic labor protections for migrant and for seasonal agricultural workers and deals, *inter alia*, with transportation safety and, where appropriate, the safety and health of housing. It also provides a system of registration for persons engaged in agricultural labor contracting activities.

same time, DOL and immigration authorities have sometimes adopted strategies of *targeted enforcement* of labor standards and immigration law: focusing upon a specific industry and/or geographical location.

Such initiatives (targeted enforcement) may be a response to staff and resources too limited for more uniform for more systematic policies. However, such a system, essentially intermittent and sporadic, *could* produce enforcement that is perceived to be unfair and/or unequal. Are *strike forces* and *sting* operations appropriate for enforcement of labor standards?

Some have suggested a more cooperative policy between employers (and unions) and enforcement staff. But, what is the proper balance between *outreach* (or education) and enforcement, *per se*?²⁶³

Concluding Comment

Change in the meatpacking and poultry processing industries impacts a wide range of public policy areas. Labor practices have been, through a number of years, a focus of Department of Labor attention. They have also been a subject of major and continuing litigation, and of a variety of enforcement campaigns.

At issue are a number of federal statutes: most notably, the Fair Labor Standards Act and the National Labor Relations Act, but of others as well. Workforce recruitment has affected (and been affected by) federal immigration policy. Implementation of existing statutes has been a continuing issue for administrative agencies.

As the industry changes, one may expect to see changes in the labor-management relationship. What their character will be may depend upon the perception of current problems and challenges.

²⁶³ In *Slaughterhouse Blues*, p. 153, Stull and Broadway review recent litigation involving the meatpacking and poultry processing industry and state the opinion that “This litany of court cases and settlements suggest that for many companies, fines are just another cost of doing business. When lawyers’ fees, court costs, and fines exceed the price of improving working conditions, paying a fair wage, and preventing environmental damage, meat and poultry companies may change their ways. Until then, it will be business as usual.”

Appendix: Abbreviations

AFL = American Federation of Labor (1881-1955)
AFL-CIO = American Federation of Labor and Congress of Industrial Organizations (1955 ff.)
AMCBW = Amalgamated Meat Cutters and Butcher Workmen (1897-1979)
CIO = Committee for Industrial Organization (1935-1938)
CIO = Congress of Industrial Organizations (1938-1955)
EWIC= Essential Worker Immigration Coalition
FLSA = Fair Labor Standards Act (1938)
IBP = Iowa Beef Packers (later, Iowa Beef Processors and IBP)
IUAW = Independent Union of All Workers (1933-1936)
IWW = Industrial Workers of the World (1905 ff.)
NICWJ = National Interfaith Committee for Worker Justice
NIRA = National Industrial Recovery Act (1933-1935)
NLRA = National Labor Relations Act (1935)
NLRB = National Labor Relations Board (1935 ff.)
PWOC = Packinghouse Workers Organizing Committee (1937-1943)
RCIU = Retail Clerks International Union (1890-1979)
UFCW = United Food and Commercial Workers (1979 ff.)
UPWA = United Packinghouse Workers of America (1943-1968)