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**USE OF PUBLIC ASSISTANCE  
BY MIGRANT FARM WORKERS IN THE RED RIVER VALLEY**

**Report of the  
Emergency Assistance/Migrant Farm Worker Issues Task Force  
to the  
Minnesota Department of Human Services**

**February, 1990**

## EXECUTIVE SUMMARY

Since its formation in January 1988, the Emergency Assistance/Migrant Farm Worker Issues Task Force has studied issues surrounding the use of public assistance to provide housing for migrant farm workers in the Red River Valley.

This report has two major sections:

- ▶ Background: the nature of migrant farm work, employment patterns, how housing is currently provided, and a description of how public assistance is used by migrant farm workers.
- ▶ Problems the task force identified, along with an examination of possible solutions and recommendations for action by the Department of Human Services (DHS).

Major findings of the report:

- ▶ There is a significant shortage of affordable housing for migrant farm workers in the Red River Valley. This shortage forces farm worker families to rely on public assistance for short term housing.
- ▶ The number of growers providing housing on the farm has declined over the last ten years, due to changes in farm worker employment patterns. This trend is likely to continue. The economics and politics of establishing housing camps (such as in Grafton, ND and Brooten, MN), or using college dormitories for housing, make providing additional housing through these means unlikely.
- ▶ Controlling the number of migrant farm workers coming to the area appears to be difficult or impossible. Many factors influence the number of farm workers who come to the area, and states cannot control the free movement of people within the U.S.
- ▶ Migrant farm worker pay practices are determined by the grower, who makes payments in a fashion to best control the timing, quality, and completion of work. There is little evidence to support a theory of grower/farm worker collusion over pay practices in order to maximize public assistance benefits.
- ▶ The burden of providing public assistance to migrant farm workers which falls on the local taxpayers will be greatly reduced by the impending state take over of the local share of public assistance grants. This will take affect beginning January 1, 1991.

- ▶ Public animosity towards migrant farm workers' use of public assistance seems based on a number of misconceptions about migrant farm work, how public assistance programs operate, and racial/cultural bias.

Recommendations for DHS:

- ▶ Continue to work with the Minnesota Housing Finance Agency to effectively use the \$100,000 appropriated by the 1989 legislature to increase the number of housing units for migrant farm workers, and to find innovative ways of encouraging sugar beet growers to provide housing on the farm.
- ▶ Continue to encourage counties to use cost effective means of arranging emergency housing for migrant farm workers.
- ▶ Explore methods of recovering inappropriately held damage deposits, when the deposits are paid by emergency assistance.
- ▶ Do not impose any new restrictions on eligibility for emergency assistance.
- ▶ Take the following steps to prevent inter-county differences in the processing of public assistance applications by migrant farm workers:
  - \* Continue annual migrant farm worker season training.
  - \* Make farm worker application processing a high priority for monitoring staff in 1990.
- ▶ Take advantage of opportunities to provide education to the public on issues involving migrant farm workers' use of public assistance.

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## 1. INTRODUCTION

In January 1988, a task force was formed to study the use of emergency assistance by migrant farm workers in the Red River Valley area. The task force included representatives from county boards, county human service agencies, migrant farm worker organizations, other state agencies, and from the sugar beet industry (see attachment A). The charge to this group was to:

- ▶ Study the dramatic increase reported by several area counties in emergency assistance payments, primarily to provide emergency housing for migrant farm workers.
- ▶ Recommend changes to emergency assistance and other public assistance program policies and administrative procedures which would alleviate problems identified involving payment for migrant farm worker housing.

This is the task force's report. It deals primarily with broad issues of providing housing to migrant farm workers. The task force went beyond an examination of public assistance policies, because it found that rising Emergency Assistance (EA) program costs were symptomatic of broad and complex issues of housing migrant farm workers working in the Minnesota sugar beet industry.

## 2. BACKGROUND

### 2.1 Structure of the Sugar Beet Industry

The primary sugar beet growing area in the upper midwest spans 19 Minnesota and 6 North Dakota counties, extending from the Canadian border along the Red River Valley through the upper Minnesota River Valley area. In 1988, the industry contributed approximately \$1 billion to the regional economy, and generated directly or indirectly 14,898 jobs.<sup>1</sup>

Sugar beets are grown by approximately 1500 farmers in Minnesota, all of whom are members of one of the three cooperatives which own sugar beet processing plants.

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<sup>1</sup>Randal C. Coon and F. Larry Leistritz, "The Economic Contribution of the Sugarbeet Industry of Eastern North Dakota and Minnesota" (Fargo: North Dakota State University Press, June, 1988)

The cooperatives regulate the number of acres planted in sugar beets, which was about 450,000 in 1988<sup>2</sup> and 500,000 in 1989.<sup>3</sup> The average individual grower has about 190 acres in sugar beets.<sup>4</sup>

Decisions on the degree to which migrant farm labor is used on a sugar beet field are made by each individual grower.<sup>5</sup> Migrant farm workers are employed in thinning out sugar beet plants in the early season and hoeing out weeds in mid-season. These are two separate operations. While the grower may use the same migrant farmworker (or an entire family) for both operations, it is increasingly common for the grower to contract separately for each operation.<sup>6</sup> Some migrant farm workers also work in planting and harvesting of the area's potato crop. Statewide, sugar beet growers employ from 4,000 to 6,000 migrant farm workers per year.

## 2.2 Factors Influencing the Demand for Migrant Farm Labor

Farming techniques. Migrant farmworkers are hired by individual growers. Each year, the grower decides how many acres he or she wants to plant in sugar beets (subject to limits set by the sugar beet cooperatives), and makes plans -- which may be revised throughout the growing season -- on what level of hand labor, mechanical tilling, or chemical weed control to use.<sup>7</sup>

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<sup>2</sup> Coon and Leistriz, op. cit., p.1.

<sup>3</sup> "Migrants Respond to Labor Need", Fargo Forum, May 21, 1989.

<sup>4</sup> Richard Fitzsimmons, statement at EA Task Force Meeting, March 14, 1989.

<sup>5</sup> For convenience, the term "grower" is used to refer to a farmer who grows sugar beets, and "Valley" is used to refer to the Red River Valley region of Minnesota.

<sup>6</sup> Bob Lyman, statement at EA Task Force meeting, September 14, 1989.

<sup>7</sup> There is some public misconception on this point. the sugar beet cooperatives do not recruit or employ migrant farmworkers themselves, and generally do not seek to control grower decisions on any aspect of migrant farm work issues.

In the mid-1970s, many thought that the need for manual thinning and hoeing of sugar beets would be eliminated by improved farming techniques and chemical weed control. Experience since then has shown that while some growers have been able to farm economically with no manual (or "hand") labor, most still use manual labor for thinning and hoeing to some degree.

The long-term trend has been to use hand labor for shorter periods of time than in the 1970s and earlier. While most growers still hire one or two families and keep them employed throughout the growing season, there is an increasing trend to growers hiring migrant farm workers for only two or three periods during the season, for three weeks or less per period.

The decision to use or not use hand labor is based largely on economics. A recent rise in the cost of chemicals has made hand labor more attractive as a means to keep crops weed-free.

Weather has a substantial impact on the demand for hand labor. The amount of rain, sunshine, and wind influence crop and weed growth, which in turn affect the need for hand labor.

In 1988, the drought and unusual early windstorms caused abnormally low early season demand for hand labor<sup>8</sup>, followed in the mid- and late-season by an unusually high demand after rains came to the Red River Valley.<sup>9</sup> In 1989, adequate rainfall activated chemical weed control agents, reducing the need for hoeing.<sup>10</sup> Weather is the key element that tips the balance on whether the region has too many or too few migrant farm workers.<sup>11</sup>

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"Migrants Respond to Labor Need", Fargo Forum, May 21, 1989.

<sup>8</sup> Chet Gebert, "Dry Conditions Put Migrants Out of Work", Fargo Forum, June 10, 1988.

<sup>9</sup> DeAnne Hilgers, "Migrants Find Work Growing", Fargo Forum, June 24, 1988.

<sup>10</sup> Craig McEwen, "Migrant Work Tough to Find", Fargo Forum, July 18, 1989.

<sup>11</sup> Richard Fitzsimmons, statement at EA Task Force Meeting, March 14, 1989.

Crop Acreage. The number of acres planted in sugar beets each season is tightly controlled by the cooperatives, which decide how many acres to plant in sugar beets.

Local labor supply. While some of the hand labor is provided by the grower, their family, or the local labor supply, the vast majority of hand labor is done by migrant farm workers from Texas. There have been some experiments using local youth, but these were unsuccessful.<sup>12</sup>

### 2.3 Factors Influencing Supply of Migrant Farm Labor

Level of perceived demand. The degree to which migrant farm workers think demand for hand labor will exist in the region is probably the strongest influence on supply. Demand is hard to predict, however, and the means to communicate the level of demand to the diverse migrant farm labor population are limited.

Labor market conditions elsewhere. If the demand for labor in other areas of the nation is weak, more migrant farm workers will come to Minnesota. In 1988, for example, weak labor market conditions in Texas caused greater numbers of migrant farm workers to come to the sugar beet region in search of work.<sup>13</sup> Weather conditions elsewhere can also cause migrant farm worker to adjust their plans to go to where they think work will be available.

Prior season experience. A year of high demand for hand labor during a growing season will normally cause more migrant farm workers to come to the region the following season.

This was clearly evident in the 1989 season, in which there was a significant increase in labor supply attributed to relatively high demand for hand labor in 1988. Migrant farm workers began arriving 6 weeks earlier than usual. One county reported that about 80% of the migrant farm workers coming to their area had not come before, and some who had come before had not done farm work for 10-15 years.

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<sup>12</sup> Richard Fitzsimmons, statement at EA Task Force Meeting, March 14, 1989.

<sup>13</sup> Gebert, op. cit.

This speaks both to the lure of earnings from the 1988 season, and the lack of work available in South Texas.<sup>14</sup>

It had been thought that there may be some decrease in the 1990 season because of the shortage of work in 1989. The shortage of work caused some competition for work (through migrant farm workers offering to work for less than the usual rate), and a mass exodus of migrant farm workers about the first of August.<sup>15</sup> However, a hard freeze in South Texas in December 1989 killed many crops. Early indications are that there will be many migrant farm workers who will come to Minnesota in 1990 in an attempt to recoup income lost as a result of that freeze.

## 2.4 Housing Arrangements for Migrant Farm Labor

### 2.4.1 Grower Provided Housing

The availability of grower provided housing has decreased dramatically since the 1970s. The reasons for this are many:

- ▶ Housing is costly to provide. Housing must meet Minnesota Department of Health standards or the grower will be fined.<sup>16</sup> Costs of remodeling to meet standards are a burden.
- ▶ A grower who provides housing becomes a landlord, which brings additional, often unwelcome, problems and responsibilities of maintaining the property and dealing with renter needs. Many growers don't care for this additional responsibility.

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<sup>14</sup> Bill Kurpius-Brock, statement at EA Task Force meeting, September 14, 1989.

<sup>15</sup> Bill Kurpius-Brock, statement at EA Task Force meeting, September 14, 1989.

<sup>16</sup> These are mostly sanitary requirements -- plumbing and heating must be adequate, etc. OSHA standards rarely apply, because OSHA regulations do not apply to agricultural employers of fewer than 11 persons. Bob Lyman, statement at EA Task Force meeting, September 14, 1989.

Even when the grower rents property in town for a farm worker family, similar problems may crop up. The landlord who has complaints about a tenant may approach the grower with inappropriate requests for the grower to control the tenants' behavior.<sup>17</sup> If these or other landlord/tenant problems develop, the grower may have to spend time and energy mediating, or finding a new property if there is an eviction.

- ▶ Employment patterns changed. In the past, growers needed one or more families of migrant farm workers to work her or his fields throughout the season. Providing housing, often to the same family year after year, provided an inducement for the migrant farm worker family to remain with the same grower. Because growers now use hand labor only periodically during the season, and then only for short periods of time, the cost of providing housing relative to the benefit is less favorable. A grower who provided season-long housing to migrant farm workers who also worked for other growers part-time provides an unintended subsidy to the other growers.
- ▶ A grower who provides housing often feels a moral obligation to provide work to the family. Changes in farm production pattern have eliminated some of the need for season-long work. Many growers do not want the responsibility of keeping a migrant farm worker busy throughout the period of the worker's stay.
- ▶ Some migrant farm workers choose not to live on the farm. Living on the farm makes them feel "indentured", or that they are subjected to more scrutiny or control by the grower than they like.<sup>18</sup>

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<sup>17</sup> Casey Brantner, statement at EA Task Force meeting, March 14, 1989.

<sup>18</sup> Richard Fitzsimmons and Roberto Reyna, statements at EA Task Force meeting, March 14, 1989.

## 2.4.2

### Open-market Rented Housing

Rental housing is available in the sugar beet region in the form of houses and apartments in towns, and houses (often former farmsteads) in rural areas.

Migrant farm workers who use rental housing normally pay for it from their own income or savings. Growers often rent housing for migrant farm workers who work on the grower's farm; this is a growing trend among growers who provide housing.<sup>19</sup>

There are several factors, however, which limit the availability of such housing to migrant farm workers:

- ▶ Growers pay the same rates, whether they provide housing or not. It is thus to the economic advantage of the grower not to provide housing, except insofar as it helps them recruit when labor is scarce.
- ▶ Migrant farm labor income is unpredictable. Pay can come daily, weekly, or at the end of the grower's need for their work, which delays receipt of income.<sup>20</sup> This uncertainty leads some landlords to refuse to rent to migrant farm workers.
- ▶ Migrant farm workers have only seasonal need for housing. Landlords prefer to rent to long-term tenants.

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<sup>19</sup> Richard Fitzsimmons, statement at EA Task Force meeting, March 14, 1989.

<sup>20</sup> There is some dispute over how common is the practice of end-of-season payment. Mr. Fitzsimmons states that the practice of payment at the end of the growing season is rare, although income continues to be unpredictable during the season. Richard Fitzsimmons, statement at EA Task Force Meeting, March 14, 1989. Bob Lyman, however, reports that Migrant Legal Services' experience is that while the practice of withholding all pay until the end of the season, while less common than five years ago, is "not uncommon" today. Mr. Lyman further reports that payments for work in soybeans are made at the end of the job, while pay for work in asparagus, packing operations, and truck farms is daily or weekly. Bob Lyman, letter to Paul Timm-Brock of September 18, 1989.

- ▶ Many migrant farm workers do not have savings sufficient to pay damage deposits and advance rent payments demanded by most landlords.
- ▶ Demand for housing from other low income households means that no apartments in the migrant farm workers' price range may be on the market.<sup>21</sup>
- ▶ The cost of an available unit may be prohibitive. Migrant farm worker families who rent apartments often must share them with one or more other families.<sup>22</sup>
- ▶ Racial prejudice exists in the housing market, preventing many migrant farm workers, who are mostly of Hispanic heritage, from obtaining housing. There have been reports of landlords "closing for remodelling" to avoid having to rent to migrant farm workers.<sup>23</sup>

Payment for rental housing is often provided by the county using Emergency Assistance when a family is in emergency need of shelter. Because of the factors listed above, availability may be limited even if payment is assured.

#### 2.4.3 Migrant Farm Worker Housing Projects

At Grafton, North Dakota, there is a 20 unit facility which provides seasonal housing exclusively to migrant farm workers. It is operated by the North Dakota Development Corporation. The cost of construction (approximately \$750,000) was provided 90% by a grant and 10% by a loan, both from the federal Farmer's Home Administration (FmHA). Operating costs are paid partially by the migrant farm workers' rent payments (limited to 30% of their income), and by a subsidy from FmHA.

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<sup>21</sup> Associated Press, "Minority Conditions Changing in Crookston", Fargo Forum, May 30, 1988, p. A7.

<sup>22</sup> Associated Press, op. cit., p. A7.

<sup>23</sup> Scott Hutchins, City of Moorhead Housing Agency, statement at EA Task Force meeting, March 14, 1989.

A visit by EA Task Force members to the site found the quarters spartan, but liveable, and a discussion with one resident indicated the accommodations were generally better than most available to migrant farm workers.

At Brooten, Minnesota, there is a 28 unit facility providing seasonal housing to migrant farm workers who work in nearby asparagus and sugar beet fields. This facility is also funded by a combination of resident rents and FmHA subsidies.

Interestingly, while the North Dakota FmHA is satisfied with the economic situation of the Grafton site, the Minnesota FmHA reportedly feels the Brooten site and similar migrant housing sites are not economically viable, and are reluctant to fund additional sites. The relatively short growing season this far north, they feel, does not provide a long enough renting season to generate sufficient rental income to offset needed subsidies.<sup>24</sup>

#### 2.4.4 Hotels and Motels

When a family is in emergency need, they often use hotels or motels for temporary housing. This is not ideal for most farmworker families because hotels and motels rarely have cooking facilities, cramped conditions make normal family life difficult, and are relatively expensive.<sup>25</sup>

Even with their limitations, hotels and motels offer immediate occupancy with little "red tape". They are often used by county human service agencies seeking to house families in emergency need. Due to housing shortages, many families must stay in hotels or motels 30-60 days.<sup>26</sup>

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<sup>24</sup> Al Hans, Statement at EA Task Force Meeting, September 14, 1989.

<sup>25</sup> Bill Kurpius-Brock, Director of Polk County Social Service Center, statement at EA Task Force Meeting, June 29, 1988. He reported that rates paid for rooms ranged from \$19 to \$28 per day, not including payments for restaurant meals.

<sup>26</sup> Bill Kurpius-Brock, statement at EA Task Force meeting, March 14, 1989.

The Minnesota Migrant Council has some emergency funds to house migrant farm worker families for 1-3 days in hotels or motels until another type of housing can be arranged.<sup>27</sup> Funds available for this purpose are usually very limited, however, and are dwarfed in comparison by the amount of funds available through AFDC-EA.

#### 2.4.5 Portable and Mobile Housing

Many migrant farm workers provide their own temporary housing in the form of tents, trailers, or living out of vehicles such as cars or light trucks.<sup>28</sup> Such accommodations have serious drawbacks. They are cramped and offer limited protection against severe weather. Many migrant farm worker families using such shelters include small children and elderly, for which such shelters pose health and safety risks.

#### 2.4.6 Homeless Shelters

On a very short term basis, some migrant farm worker families find shelter in facilities for the homeless.

#### 2.5 Public Assistance Programs Affecting Migrant Farm Worker Housing

When migrant farm worker families arrive in Minnesota to seek work, they often have very little in the way of financial resources to support themselves until earnings begin. This leads many to seek help in obtaining the necessities of daily life -- especially food and housing -- from public assistance programs until the family can be self-supporting.

##### 2.5.1 Emergency Assistance (EA) and Emergency General Assistance (EGA)

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<sup>27</sup> Funds typically pay for housing for 1-3 days, by which time emergency public assistance is provided. Funds available for this purpose fell from \$150,000 in 1988 to \$100,00 in 1989. Roberto Reyna, statement at EA Task Force meeting, March 14, 1989.

<sup>28</sup>Chet Gebert, op. cit.

The EA program in Minnesota makes payments to prevent imminent destitution to a family which includes children and does not have the means to prevent destitution.

The EGA program is similar, except that it serves persons ineligible for EA (mostly single persons and childless couples). Most EA and EGA expenditures are made to enable a family or person to obtain or retain housing or housing-related services such as heat and electricity.

Migrant farm workers and those who are not farm workers alike are similar in this pattern. A relatively small proportion of Minnesota EA and EGA expenditures are made on behalf of migrant farm workers.

Eligibility for EA and EGA is broadly defined, to allow the programs to meet a wide variety of emergencies. A family must be in emergency need, and resources available to the family must be insufficient to meet the emergency. There are no set income or property limits, although property which can be liquidated in time to meet the emergency must be liquidated, unless to do so would create another emergency. (For example, a car may have to be sold to pay the rent unless sale of the car would prevent earning income necessary to prevent another emergency.)

Minnesota has a great degree of freedom in defining eligibility requirements for EA and EGA, although it may not set differential requirements for migrant farm workers as opposed to non-migrant farm workers.<sup>29</sup>

There are some payment limits on EA, but the general rule is that the program will spend the amount required to prevent destitution. A family may receive EA for only one 30 day period, and then only once in twelve months. Persons may receive EA if they are in need and are residing in Minnesota for an indefinite period. Under Minnesota and federal law, there can be no durational residency requirement for EA (this is true of all public assistance programs).

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<sup>29</sup> EA is governed by a combination of federal regulations, state law, and state administrative rules.

EA benefits are funded 50% by the federal government, 45% by the county in which the person in need resides, and 5% by the state. On January 1, 1991, the state will assume the county portion of EA costs.

EGA is similar to EA, except there are no limits on the frequency with which EGA can be used, and no citizenship or Minnesota residency requirement. EGA benefits are funded in the same manner as GA/WR.

EA administrative costs are paid 50% by the county and 50% by the federal government. EGA administrative costs are paid 100% by the county; there are no indications that this will change in the future.

A common pattern of EA and EGA use is that a migrant farm worker family will come to Minnesota, find no affordable shelter, and apply for EA or EGA through the county human service agency to resolve this need. The agency typically makes a vendor payment to a hotel, motel, or rental housing unit to resolve the need. If the facility does not have cooking facilities, the agency makes additional payments to enable the family to get restaurant meals. (The Minnesota Migrant Council, while it primarily provides employment and training services to migrant farm workers, does have some funds to provide for emergency needs including shelter. Funds available for this purpose, however, are limited.)

#### 2.5.2 Food Stamps

Food stamps provides coupons redeemable for food items. Eligibility is governed by highly detailed and complex income, asset, and household composition rules. These are controlled completely by federal law and regulation; the state has almost no latitude in setting the rules governing the Food Stamp Program.

Food stamps are provided on a expedited basis to persons in emergency need.

A typical pattern of Food Stamp use by migrant farm workers is that emergency or "expedited" food stamps are provided shortly after arrival, followed by regular monthly issuance of food stamps thereafter unless income is high enough to make the family ineligible.

Food stamp benefits are funded 100% by the federal government. Administrative costs are paid 50% by the county and 50% by the federal government.

The Food Stamp program is the only public assistance program which has provisions which only affect migrant farmworkers. (The other programs, despite some public misconceptions to the contrary have no such provisions: all program provisions apply equally to farm workers and non-farm workers alike.) These special provisions available to the migrant farm worker households in the migrant work stream are:

- ▶ "Special Agricultural Workers" as classified by the U.S. Immigration and Naturalization Service pass the Food Stamp "citizenship" test.
- ▶ Migrant farm workers are exempt from the limit of \$150 of anticipated or actual income to qualify for expedited Food Stamp issuance, if they also qualify as destitute.
- ▶ If expedited Food Stamps are issued, a second month's benefits may be issued even though needed verifications are not provided, under certain conditions.
- ▶ When a migrant farm worker household reapplies after losing food stamp eligibility in the immediately preceding month, Food Stamp benefits are not reduced (or "prorated") under certain situations in which any other household would have benefits reduced.
- ▶ Benefits for migrant farm workers are always calculated using prospective budgeting. This form of budgeting is generally more favorable for the recipient than the other form, called retrospective budgeting, because it adjusts benefit levels more rapidly when the recipient's circumstances change.

All these special provisions are required by federal regulations, except for the last, which is set by state program instructions. In general, these provisions have a minor impact on the number of households who become eligible for Food Stamps or the value of benefits each household receives.

2.5.3 Aid to Families with Dependent Children (AFDC)

AFDC provides monthly cash payments to families with children who meet income, asset, and categorical requirements. The families must contain at least one child who is under 18 and who is without parental care and support due to the absence, incapacity, or unemployment of one or both parents.

The Minnesota Legislature has some freedom to set eligibility rules, although most rules are set by federal regulations. The program is funded 53% by the federal government, 40% by the state, and 7% by the county. On January 1, 1991 the state will assume the county share of costs. Migrant workers often qualify for AFDC for the first month or two after arrival in Minnesota on the basis that the principal wage earner in the family is unable to find work.

2.5.4 General Assistance/Work Readiness (GA/WR)

GA/WR provides monthly cash payments to persons who meet income and asset tests, and who are ineligible for any other programs.<sup>30</sup> Typically, these are single persons and married couples without children. Because most migrant farm workers qualify for AFDC, and because of the way some county agencies apply GA/WR residence restrictions, we believe use of GA/WR by migrant farm workers is relatively rare.

GA/WR benefits are funded 75% by the state and 25% by the county of residence. Like the county share of other programs, the state will assume the county share on January 1, 1991. Administrative costs are paid 100% by the county; this will not change on January 1, 1991.

3.0 PROBLEMS AND POSSIBLE REMEDIES

3.1 Shortage of Housing

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<sup>30</sup> GA/WR is governed by state law and state administrative rules; Minnesota has wide freedom to structure the GA/WR program as it wishes.

### 3.1.1 Housing -- Problems

For the past several years, the availability of housing for migrant farm workers and their families has been a severe problem in the Red River Valley. The number of migrant farm worker families coming to the Valley increased dramatically in 1988, exceeding the previous high of 1976.

The supply of seasonal housing has not been adequate to meet the demand. Estimates of the number of housing units needed to house migrant farm worker families vary, but for Polk County alone was estimated at 175-200 units.<sup>31</sup>

While the need for housing of farm worker families has risen over the past five years, there has been no increase in supply.<sup>32</sup>

Many reasons have been advanced to explain these shortages:

- ▶ Fewer growers are providing housing. The reasons for this are discussed in 2.4.1. above.
- ▶ The supply of seasonal housing in rural areas has declined with the population. As rural residents move to regional cities, the number of rental units in rural areas and small towns has declined. Ironically, this population shift has left many homes vacant in rural areas; such homes might provide good seasonal housing, but their owners generally want to sell the vacant homes, not rent them.
- ▶ Housing costs have increased. In regional centers, such as Fargo/Moorhead, the housing supply may be adequate, but costs of entry (deposits, etc.) and rent are relatively higher than in the past.

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<sup>31</sup> Bill Kurpius-Brock, Director of the Polk County Social Service Center, statement at EA/Migrant Task Force meeting, June 29, 1988.

<sup>32</sup> Bill Kurpius-Brock, statement at EA Task Force meeting, March 14, 1989.

### 3.1.2 Housing -- Possible Remedies

#### 3.1.2.1 Additional Migrant Farm Worker Seasonal Housing Projects

The task force spent much time considering whether development of additional seasonal housing projects was feasible. The example of the Brooten and Grafton sites showed such facilities can work. Several issues must be resolved for such projects to move forward:

- ▶ Initial capital. Substantial capital is needed to establish a project. Constructing new housing is most costly. Construction of a 24-unit site, such as in Grafton, would cost between \$750,000 and \$1,000,000. Other options were considered of lower cost, such as renovation of existing housing or purchase of manufactured homes. Under any scenario, the capital investment is considerable.

Funding sources exist which may provide this capital. The FmHA granted funds (90% grant and 10% loan) to establish the Brooten and Grafton sites, and more money available for loan (33 years at 1% interest). Other funding sources may come forward (grower consortiums, the state legislature, private foundations, etc.) if the income (plus subsidies, if available) were sufficient to retire a debt.

- ▶ Operating and Debt Retirement funding. There are two fundamental barriers preventing housing projects from producing income sufficient to pay operating costs and to retire debt: (1) migrant farm workers cannot afford to pay high rents, and (2) the housing has only seasonal use, but has some year around costs, such as security and insurance.

Both the Brooten and Grafton sites require substantial FmHA subsidies to continue operation.

- ▶ Ownership/sponsorship. Some entity would have to take responsibility for the project. There are risks in this which make potential owner/sponsors wary.

Changes can occur which decrease the need for hand labor, such as new farming technology, or a drastic change in sugar prices which causes growers to shift acreage into other crops. The job of a being landlord may become too burdensome, entailing legal and moral obligations. Cooperative ownership is difficult for families in the migrant work stream, so an initiating entity may have to be the owning entity as well.

The task force considered various entities to determine their willingness to undertake a project.

- . The grower's association and cooperative, American Crystal Sugar, has declined invitations to sponsor projects, stating legal impediments prevent it.<sup>33</sup>
- . Consortiums of growers may sponsor projects. To start a consortium, some agency would need to provide advice to interested growers, or, as in the case of Brooten, nominally sponsor the project. This role might be played by local housing authorities.
- . Local housing agencies and city and county governments have indicated little interest in becoming sponsors. They are reluctant to take on financially risky housing projects in general, and the politically sensitive issue of housing migrant farm workers may also make them wary.
- . The Minnesota Migrant Council, primarily an employment and training agency, sees ownership of housing projects as outside of its mission.
- . No state agency is currently empowered to assume such a role.

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<sup>33</sup> Richard Fitzsimmons, Red River Valley Sugar Beet Growers' Association, statement at EA/Migrant Task Force meeting, August 3, 1988.

- ▶ Risk assumption. The sugar beet industry depends heavily on federal price support. It is possible Congress will eliminate these supports, in which case there would be far fewer sugar beets grown, and a concomitant reduction in the need for migrant farm workers and housing for them.<sup>34</sup>

In the event of reduction of price support, the agency sponsoring the project would be left with a facility which is no longer needed, and has virtually no other use. The agency would take a big loss.

- ▶ Political concerns. Experience with similar housing projects shows there is often community resistance to establishing this type of housing.<sup>35</sup> This would pose potential problems for any sponsoring agency, but would require special courage for any agency headed by elected officials, such as a city or county government.

#### 3.1.2.2 Increased Grower Provided Housing

Increased grower provided housing would be an ideal method of providing more housing: it would provide housing precisely where it is needed, and would be done by the growers that benefit from the availability of labor.

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<sup>34</sup> Price support operates through restriction of the amount of sugar imported, rather than federal purchase of sugar or payments directly to growers. This restriction keeps the retail price of sugar about \$.22 higher per pound than would exist without the restriction. Bob Lyman, statement at EA Task Force meeting, September 14, 1989. The law authorizing the restriction expires December 15, 1990. Richard Fitzsimmons of the SBGA is confident some level of price support will be authorized to continue, but is concerned Congress will impose some onerous chemical-use restrictions (out of environmental concern) in return for the continued support. Any result which makes growing sugar beets less profitable will reduce the amount of sugar beets grown, and reduce the use of farm workers. Richard Fitzsimmons, telephone conversation with Paul Timm-Brock, September 13, 1989.

<sup>35</sup> Tom Larson, "Brooten Finds Answer to Migrant Housing", The St. Cloud Times, July 2, 1989.

However, it is difficult to predict to what degree growers will provide housing, because each grower's decision to provide housing is an individual one, based on individual preferences and economics.

The Red River Valley Sugar Beet Growers Association (SBGA) has made great efforts to encourage growers to provide housing<sup>36</sup>, but housing shortages persist. As described elsewhere in this report, the economic pressures seem to lead growers away from providing housing.

The 1989 legislature appropriated \$100,000 to the Minnesota Housing Finance Agency (MHFA) to alleviate migrant farm worker housing needs. While this sum is relatively small given the magnitude of housing needs, the MHFA is exploring using it to provide a large number of "mini-grants" to growers as an inducement to growers to establish or bring back into operation housing on the farm. This approach, which was suggested by the SBGA, has much merit.

**Recommendation:** DHS should continue to work with the MHFA to develop innovative ways to encourage sugar beet growers to provide housing.

### 3.1.2.3 Housing at Colleges

On its face, housing migrant farm workers in college dorms may appear an ideal solution: colleges end studies just as migrant farm workers arrive in the area, and studies begin in the fall after almost all migrant farm workers have left.

Discussions with college officials and others reveal problems to this solution:<sup>37</sup>

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<sup>36</sup> Red River Valley Sugar Beet Growers' Association, Newsletter, May 12, 1988. This issue of the newsletter stressed the financial hardship on counties of providing emergency aid, and noted a 1987 resolution passed by the association urging grower provision of housing. Also see: Associated Press, "Chairman Calls for More Aid to Farm Workers", Fargo Forum, December 2, 1988. The Task Force also noted that Richard Fitzsimmons addressed several meeting of growers on this topic during 1988.

<sup>37</sup> Bill Kurpius-Brock and Richard Fitzsimmons, discussion at EA Task Force meeting, March 14, 1989.

- ▶ Dorm rooms are appropriate for single individuals, and not the more typical migrant farm worker families.
- ▶ Added costs of upkeep, maintenance, and utilities may not be offset by income from rents.
- ▶ Communities around the college may object to the presence of migrant farm workers housed in dorms.

#### 3.1.2.4 Contract Emergency Housing

The task force considered whether counties could more efficiently provide emergency housing by entering into contracts with housing providers (hotels, motels, apartment owners) to get more advantageous terms prior to the start of a growing season. Some counties have used this device successfully, but there is no means to force landlords to enter into it. A landlord may gamble that demand for emergency housing will be so severe the county will be forced to agree to the landlord's terms. If a high demand for emergency housing does not occur, the landlords with whom the county has contracted will be used in lieu of higher-price alternatives. If demand for housing is heavy, the county will be forced to place families with any landlord, and the financial incentive to contract with the county will disappear.

**Recommendation:** DHS should continue to encourage county human service agencies to develop cost-effective emergency housing arrangements.

#### 3.1.2.5 Efforts to Limit Number of Migrant Farm Workers Coming to the Area

If fewer migrant farm workers come to the area, the pressure on housing would be reduced. Ideally, there would be exactly the same number of migrant farm workers as jobs.

In our free market economy, this cannot be completely accomplished. People are free to find employment by travelling to and contacting willing employers free of government interference. Some efforts have been done, however, to enable migrant farm workers to have more information about labor conditions in the Red River Valley before making the trip to seek employment.

- ▶ The SBGA has repeatedly made efforts to advise migrant farm workers against coming to the Valley without first arranging employment. The SBGA believes these efforts have some effect, but it is limited.

The nature of sugar beet farming is that growers cannot accurately predict how much hand labor they will eventually need.

While some growers make hiring commitments in advance, they generally commit for much less labor than they think they may need, to leave themselves flexibility in hiring.<sup>38</sup>

- ▶ Efforts are underway to develop a nationwide computerized job-bank for migrant farm workers. DHS has consulted with the Migrant Council and federal agencies on this project, and reports that while it may be several years in development, it could provide better balance in demand and supply of farmworkers in the Valley.<sup>39</sup>

### 3.2 County Financial Burdens

#### 3.2.1 County Financial Burden -- Nature of Problem

Counties in the Red River Valley provide public assistance to needy migrant farm workers during the growing season, much of it financed from local property taxes. This cost is of concern to county welfare boards and taxpayers.

Of greatest concern are the costs of providing Emergency Assistance (EA), which is funded 45% by county revenues. Dramatic increases in EA in 1987 were the chief reason this task force was convened. Counties pay shares of other programs used by migrant farm workers -- AFDC, MA, and GAMC -- but these costs are minor by comparison.

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<sup>38</sup> Richard Fitzsimmons, statement at EA Task Force Meeting, March 14, 1989.

<sup>39</sup> Roberto Reyna, Director of DHS Office for Civil Rights, personal interview, February 13, 1989.

It should be noted as well that the total county share of benefits to migrant farm worker families are minor compared to costs of benefits to persons who are not migrant farm workers.<sup>40</sup>

Another type of cost counties incur is administrative costs of processing applications for assistance. While far less than the county share of benefit costs, costs of hiring, housing, and providing supplies for caseworkers and support staff must be considered.

### 3.2.2 County Financial Burden -- Possible Remedies

The Task Force and DHS reviewed a number of possible remedies. These are listed below:

- ▶ Increasing the state share of costs. The Task Force and DHS staff spent a good deal of time exploring the effects of various proposals to increase the state share of benefit costs. The 1989 special session of the legislature may have put the entire issue of the counties' financial burden to rest however, by passing a tax reform act which reimburses counties 100% for their share of public assistance benefit costs, beginning January 1, 1991.
- ▶ Changing state law to allow shelter payments to be made as loans. Making EA payments in the form of loans is currently done for some types of EA payments, although the amounts involved are small.<sup>41</sup>

There are problems in making shelter payments as loans in that it would entail spending more on collection efforts, and those collection efforts may be futile given the low income and mobility of the migrant farm worker population.

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<sup>40</sup> This statement is based on expert testimony from county social service staff; neither DHS nor counties track public assistance costs by the occupational status of the client.

<sup>41</sup> Minnesota Rules, Part 9500.2820, Subp. 11, Item A, subitem (13) allows payments for transportation, equipment, or other expenses necessary for employment to be made, subject to a limitation (in Subp. 13 of that rule part) that the payment be made in the form of an interest-free loan of up to \$100. This feature of the EA program is used very rarely.

One reason this option was seriously considered was to provide a means to recover the considerable damage deposits counties had to pay landlords to enable families to obtain rental shelter. It was felt that landlords often inappropriately kept the deposits. DHS policy, applicable statewide, is that EA damage deposits are payments to recipients, often used when returned by the landlord to obtain other rental housing. When the recipient is a migrant farm worker family, DHS instructs counties to advise landlords to forward the deposit to the family's new location.

With regard to improper retention of deposits by landlords, it is a challenging task for a county to determine whether a landlord has appropriately kept the damage deposit. This is a topic on which landlords and tenants are often legitimately at odds.

That the option of "loaning" damage deposits is not attractive to counties is evidenced by the fact that counties are currently permitted to make damage deposits in the form of loans using all-county funds, thus avoiding all the limitations imposed by the state and federal regulations governing the EA program. No counties have tried this to date.

**Recommendation:** While the option of loaning EA funds is unattractive, DHS should continue the effort to develop other approaches to this problem of inappropriate retention of deposits.

▶ Limiting the amount paid for shelter costs under EA. Some limits to the amount EA will pay for shelter exist, based on a showing that the family has made a "good faith" effort to pay its shelter costs.

There is no limit on the amount that EA may pay for rental shelter for a family who satisfies those tests, other than it must be sufficient to resolve the emergency. Additional restrictions would lower federal, state and county costs, but would also reduce the ability of the EA programs to help families in need.

Any restrictions would affect EA policy statewide. An effort to control costs incurred for migrant farm workers in the Valley would affect EA cases throughout Minnesota.

**Recommendation:** No new restrictions in EA eligibility policies.

### 3.3 Issues Surrounding State Residence

A concern frequently voiced in discussions of public assistance provided to migrant farm workers is concern over how someone who arrives in the state can qualify for public assistance without "establishing residence". Behind this concern seems to be a belief that Minnesota welfare benefits are for Minnesotans, and migrant farm workers are not Minnesotans.

In fact, benefits under the major programs used by migrant farm workers (food stamps, AFDC, and AFDC-EA) are governed more by federal than state law, and these programs clearly require benefits to be paid to persons who come into the state, even temporarily, to seek or obtain employment.

Even for the state funded programs, durational residence tests have been ruled unconstitutional by the U.S. Supreme Court. The Constitution guarantees the free movement of people between states, the court has ruled, and a durational residence test restricts movement by denying benefits to persons who travel to a state to take up residence.

### 3.4 Inter-county Differences in Case Processing

#### 3.4.1 Inter-county Differences -- Nature of the Problem

Closely related to the issue of county financial burden is the concern of some counties that feel they incur a disproportionate share of costs of providing public assistance benefits to migrant farm workers because of neighboring counties' unwillingness to properly process migrant farm workers' applications for assistance. These concerned counties allege that other counties are guilty of:

- ▶ Overt barriers to assistance; such as refusing to provide application forms when asked, discouraging applications, and giving inaccurate information on eligibility policies.
- ▶ Passive barriers to assistance; such as long delays between the request for assistance and the application interview, long case processing times, and failing to have bilingual workers available.

Polk and Renville county representatives have stated that they believe that many migrant farm workers, learning that it is easier to get assistance in their counties, will take up residence in Polk or Renville and seek work in other counties. Thereby Polk and Renville are stuck with the bill for assistance, while growers in neighboring counties still have labor available.

#### 3.4.2 Intercounty differences -- Possible Remedies

The clear solution for this problem is DHS enforcement of equal access to benefits in all counties. DHS has taken some measures with current resources: training all Red River Valley area county public assistance workers on proper procedures, and asking counties to report any clear instances of failure to follow those procedures.

The existence of passive barriers to assistance is harder to determine. Two systems are under development in DHS which will improve DHS' ability to detect and deal with such barriers:

- ▶ In 1990, DHS will add 5 new monitoring and technical assistance staff. These staff, authorized by the 1989 legislature, will provide DHS with some expanded ability to monitor and correct county violations of application processing policy.
- ▶ The MAXIS system under development is a computerized, statewide database which will give DHS the capacity to monitor a wide variety of county case processing indicators without resorting to on site inspection.

### Recommendations:

- ▶ Continue annual migrant season training. Consider ways to target training on key staff involved in migrant worker contact, especially receptionists and front-line workers.
- ▶ In sugar beet growing counties, make monitoring of application processing a high priority during the 1990 migrant season. Explore ways to measure the incidence of migrant farm worker applicants being encouraged to apply elsewhere before finally making application in a given county.

### 3.5. Animosity Towards Migrant Farm Workers' Use of Public Assistance

#### 3.5.1. Public Animosity -- Concerns and Reality

In sugar beet growing areas, public animosity is sometimes voiced towards migrant farm worker use of public assistance.

This animosity is by no means universally shared in area communities, but does appear in public discussions and the media when issues concerning needy migrant farm workers arise.

The Task Force noted the following common public concerns about migrant farm worker use of public assistance. These are presented below followed by what appeared to the Task Force to be reality behind the concern.

#### Concern: Grower/migrant farm worker collusion on pay practices

A common feature of public assistance eligibility is that, when a county worker is determining how much aid a family will need to survive in the upcoming month, income is not considered available unless it is reasonably certain to be received.

Migrant farm workers are commonly paid upon completion of a job. Many are paid daily or weekly. The practice of withholding all pay until the end of the growing season is not common.

The total amount of pay is almost always uncertain until completion of the job (due to weather, grower decisions during the process, etc.).

Because the exact amount and date of payment of income cannot be predicted, the eligibility worker predicts zero income in determining the public assistance benefit amount.<sup>42</sup> A common concern is that this appears to be double-dipping: the migrant farm worker is provided with their needs through public assistance instead of choosing to receive their income.

Reality: Pay practices insure job completion

The reality is that the practice of paying migrant farm workers at the end of a period of work is one which significantly pre-dated the availability of public assistance benefits now provided. It was not a response to public assistance program income budgeting practices. Other factors account for this payment practice:

- ▶ The nature of the work is task-related; growers hire migrant farm workers to thin or weed specific acreage. Once that is done, there may be no more need for hand labor.
- ▶ Growers, like others who contract for job completion, are at risk if they pay before job completion. Withholding pay ensures completion and quality work.
- ▶ Many growers don't want migrant farm workers they hire to receive public assistance.<sup>43</sup>
- ▶ Some growers may choose end-of-season pay to maximize interest earnings (or, if funds would be borrowed to pay the migrant farm worker family, reduce interest payments). Because payments to families may approach \$10,000 for a season, such interest sums could be substantial.<sup>44</sup>

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<sup>42</sup> This income budgeting practice is required federal regulations, following the Guitierrez v. Butz federal court decision. For more discussion on pay practices, see footnote 20 above.

<sup>43</sup> Helen Steffens, Minnesota Migrant Council, statement at EA Task Force Meeting, September 23, 1988. She stated migrants often conceal from growers that they get public assistance benefits.

<sup>44</sup> Bob Lyman, letter to Paul Timm-Brock, September 18, 1989.

In reality, most migrant farm workers do not discuss pay practices with growers; it is assumed that payment will be at the end of the job.

Concern: Public assistance subsidizes sugar beet growers

This concern is sometime voiced by farmers who are not sugar beet growers, and assert the indirect subsidy allows sugar beet growers undeserved profits, and allows them to bid up land prices.

Reality: Indirect subsidy exists

The existence of the public assistance "safety net" enables lower labor costs for growers who use migrant farm workers:

- ▶ Migrant farm workers considering coming to Minnesota know that the risk of destitution is minimized by the existence of public assistance programs; this helps increase labor supply. Competition for jobs keeps wages down.
- ▶ The provision of benefits while the migrant farm worker family is working, provides an indirect subsidy which may help keep wages down.

That a subsidy exists does not necessarily argue for withholding public assistance benefits to migrant farm workers:

- ▶ Public assistance cannot be withheld from any group of persons on the basis of their occupation.
- ▶ Reduction of benefits, if done, would have to apply uniformly statewide. This would cause significant human suffering throughout the state.
- ▶ The indirect subsidy is not sensitive to the type of crop grown, only to the migrant farm worker's economic need. Farmers who use and pay migrant farm workers in the same pattern as sugar beet growers would receive the same indirect subsidy. If it is more profitable to use migrant farm workers, they will be used.

- ▶ Subsidies are nothing new in American agriculture.<sup>45</sup> The existence of a subsidy may be a factor that helps the sugar beet industry survive and provide economic strength to the region.

Recognizing this concern, various growers and associations have made efforts to lessen the use by migrant farm workers of public assistance benefits. An example is lobbying by the SBGA for growers to provide migrant farm worker housing on the farm.

Concern: Migrant farm worker use of public assistance is an economic drain on the rural community

Fears are sometimes voiced that the public assistance paid to migrant farm workers is an economic drain of a rural economy already under stress. Some assert that local taxes flow from local tax payers to migrant farm workers, who then leave the area with their accumulated pay at the end of the growing season.

Reality: Public assistance provides net gain to rural areas

As described above, the vast majority of funding for most public assistance is paid from state and federal tax dollars. Most costs are thus shifted to the state or national tax base.

Some local revenues are used to provide benefits to migrant farm workers, especially for the EA program. On January 1, 1991 the state will pay all the nonfederal public assistance benefit costs.

Therefore, the reverse of the concern is true: because most public assistance provided is spent locally (for subsistence needs), the use of public assistance by migrant farm workers brings tax dollars into these rural areas.

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<sup>45</sup> The position of the Sugar Beet Growers' Association is that these benefits are motivated by the federal and state governments' support for agriculture. This support provides "the public with a dependable food supply provided by seasonal and migrant farm workers." Richard Fitzsimmons, written comments submitted at EA Task Force meeting, March 14, 1989.

While much of the pay received by migrant farm workers is undoubtedly taken with them when they leave, some is spent locally during the season (if received then), and some at the end of the season to equip the families for their onward travel. To the extent the pay is used to support the migrant farm work occupation, it ensures the return of the migrant farm worker to work in Minnesota in the next growing season.

Concern: Migrant farm workers do not fit into the local culture

The deepest-seated animosity seems to arise from inter-cultural conflict. Local residents often resent the fact that migrant farm workers have a different culture. There are complaints that migrant farm workers don't speak English, don't abide by laws, don't maintain their housing properly, etc.

Reality: Cultural differences exist

Because thinning and hoeing is so physically demanding, year-around residents of sugar beet growing areas, who are usually able to find better employment, almost never do thinning and hoeing work.<sup>46</sup> A high percentage of those who are willing to do the work are migrant farm workers, most of whom are Chicanos, and may not be able to find better work due to lack of marketable skills or discrimination.

Fortunately, we seem to be becoming more enlightened. Programs exist to help migrant farm workers find better employment. Laws exist which outlaw discrimination based on race or ethnic heritage.

Language barriers and confusion or lack of knowledge of local laws flow in part from the migrant lifestyle, rather than insistence on holding onto another culture. It is hard to enroll in English classes if one is moving about the country. The best approach to such problems is to make efforts to inform and educate.

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<sup>46</sup> Dr. Paul Thompson, oral statement in the report of the Migrant Issues Task Force, Olivia, Minnesota, February 13, 1989.

### 3.5.2. Public Animosity -- Explored Solutions

Most of the concerns described above are addressed by providing information about the reality behind each concern. This report is one effort in that direction.

On the area of pay practices, the practice of advocating payments on a weekly or monthly basis was explored. Depending on how this is done, it may reduce the payment of public assistance. Currently methods of daily or weekly payment vary unpredictably due to weather conditions, grower decisions, etc., so it is doubtful that this is a remedy. Even were there an available pay system which would reduce public assistance, it is doubtful it would be adopted.<sup>47</sup>

Some communities have already taken steps to open the discussion of issues surrounding migrant farm workers, such as formation of public committees in the Renville-Olivia area and in Fargo-Moorhead in 1989, and the hiring of a migrant farm worker issues coordinator in the latter area. Recent newspaper articles have studied issues in-depth, and the May 28, 1989 issue of the Fargo Forum featured a particularly strong editorial against interracial hatred.<sup>48</sup>

**Recommendation:** Copies of this report should be distributed to human service agencies in sugar beet growing areas to be distributed or used to inform decision makers and the public. DHS staff should be available to speak to the public and media on issues of public assistance policy as they affect migrant farm workers.

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<sup>47</sup> Discussions with grower and farm worker representatives on this point show a troubling disagreement. Grower representatives assert migrant farm workers would resist any pay practice which reduced public assistance benefits, even to the point of threatening retribution against the grower. Migrant farm worker advocates assert growers would not adopt such practices in order to keep pay uncertain, and thus better control the farm workers. The experience of Migrant Legal Services is that migrants accept end-of-season pay primarily out of fear of the results of questioning the grower's decision to use this method of pay, and secondarily out of fear of the affect of another method of pay on their public assistance benefits. Bob Lyman, letter to Paul Timm-Brock, September 18, 1989.

<sup>48</sup> Editorial, "Dark Hearts Thrive on Bigotry and Fear", Fargo Forum, May 28, 1989.

ATTACHMENT A

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