

The Story of El Pirul

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PREFACE

I first learned of El Pirul in researching for the 1991-92 debate topic, while looking for information on rural homelessness. As a resident of the quiet, suburban Almaden Valley, I was shaken by the news that such a migrant labor camp could literally exist in my own backyard.

The encampment was found atop a hill, under the large pepper tree which gave the camp its name, "El Pirul." A dirt road leading from the camp travelled to Harry Road, not far from where Harry Road meets the end of Camden Avenue, as well as Almaden Expressway. It was hidden from view by the foliage of the land, but from the site, one could see some of the most prestigious homes of Almaden Valley.

El Pirul was occupied by over 130 people, and although the precise numbers are in question, it is agreed that far too many of the residents were children. The occupants lived in a camp described, by various people, as "atrocious," "putrid," "filled with stench," and "straight out of the Third World." Most, though not all, were the families of people who worked at the nearby Benech Farms on McKean Road, which is owned by Robert Raymond Benech, a former student of Leland High School.

Upon the discovery of El Pirul, county officials swarmed into the camp to take care of things as efficiently and as expediently as was possible. The appeals were made to a concerned community to donate food, clothes, and other necessities. Meanwhile, accusations flew as people tried to finger-point what had allowed such a travesty to occur; some blamed county officials, others blamed Benech, and still others blamed the migrants themselves. In the end,

when the news of El Pirul passed from public attention, all that was left was a mire of information; nothing, to my knowledge, was done to gather details together to make heads or tails of what had occurred.

It was with this in mind that I decided to choose El Pirul as the topic for my project. Its geographical and chronological proximity made it a challenging and exciting undertaking; very few of my classmate got a chance to visit the site of their topic, or to telephone the people involved. I would like to make note of a few things about my report; I frequently use the word "migrant" to describe those who come to America from Mexico, although many, in fact, are not literally migrant but very permanent workers within the community. Also, I cited the title and the author of my articles from the San Jose Mercury News within Chapters 1 and 3 because an enormous bulk of my total sources came from these articles, and they are easily confused.

With all this out of the way, all that is left to do is to get on with the story, or, as the case may be, stories.

Wendy Ju

May 30, 1992.

Chapter 1

EL PIRUL: THE STORY OF THE CAMP

Who discovered El Pirul is a question which nobody is sure of. People are equally unsure when the camp was first discovered. Perhaps Roy Jimenez stated it best when he stated, "No one 'discovered' it; it had been there for more than 10 years. It's like Columbus 'discovered' America."¹ County officials apparently first got wind of the camp on July 20 of 1991, when the Family Health Foundation of Alviso informed county officials of its existence. Most facts are vague and cloudy until the Mercury News first exposed the story to the public on August 23, 1991, with the headline "CAMP SQUALOR" on the front page of the newspaper.²

Almaden Valley, a quiet middle-class suburb of San Jose, was shocked to hear of the fly-infested migrant camp, with its reported 130 members, with its food scraps, chicken feces, lack of septic systems, plumbing, and running water, and other infectious, unsanitary conditions.³ Almost immediately, everybody had questions: How can we help? Why didn't anybody notice earlier? What is the county going to do about it? Are the people going to be sent back to Mexico? And above all else, *how could this happen here?* Slowly, bit by bit, the story of El Pirul unfolded.

¹Roy Jimenez, telephone interview with author, San Jose, California. April 9, 1992.

²Francisco Garcia, "Squalid Camp Found," San Jose Mercury News, August 23, 1991, p.1A. (CD-ROM)

³Garcia, San Jose Mercury News, August 23, 1991, p.1A.

A camp set atop a hill

El Pirul was composed of a couple trailers built in a U-shape, and a cabin, with several shacks and lean-tos attached to it.⁴ The plywood shacks were "nailed together with tape," literally as if "someone had found a bunch of 2 by 4's and banged them together."⁵ There were camper shells raised on wood planks.⁶ Everything was under the large pepper tree, the "*El Pirul*" for which the camp was named. The camp was located at the top of a hill on land registered to Enrichetta Gavello, who leased the land to Benech Farms, whose land was adjacent to the Gavello property.⁷ (Another trailer camp was found down the hill on the property of Robert Benech⁸; although that camp was also illegal because it was unlicensed, the conditions there were significantly better than those of El Pirul.)⁹

The camp was supplied with electricity from the Benech property; a long extension cord trailed a path to the tree, where upon extension cords and "spiders" were used to ensure that every shack "had its little light bulb".¹⁰ Roy Jimenez, who went to check out the situation after several of the nurses of the Family Health Foundation of Alviso reported a camp with 175 to 200 people, said that the electrical outlets "looked like spaghetti".¹¹

Water came by way of a hose attached to the sink in cabin, and an ancient pump a little ways from the camp. There were no bathrooms, but the camp had two abandoned portable toilets. Most of the time, people dug little holes and covered them up, or used the irrigation ditch that flowed from the Benech Farms fruit processing plant. The migrants bathed in "make-shift tubs" or by pouring water over themselves. Clothing was washed in a pitcher of water, on a rock.¹² Kathy Espinoza-Howard, the county homeless housing coordinator who had worked in Panama with the Peace Corps, stated that the

⁴Joe Zenk, telephone interview with author, San Jose, California, April 9, 1992.

⁵Jimenez, April 9, 1992.

⁶Garcia, San Jose Mercury News, August 23, 1991, p.1A.

⁷See maps in Appendix A for location of camp.

⁸Mary Anne Ostrom, interview with the author, San Jose, California, March 9, 1992.

⁹Jim Lanz, interview with author, San Jose, California, May 28, 1992.

¹⁰Lanz, May 28, 1992.

¹¹Jimenez, April 9, 1992.

¹²Joseph Rodriguez, "Every Inch A Blight: Illegal camp festers in Almaden Valley," San Jose Mercury News, August 23, 1991, p.9B. (CD-ROM)

camp "reminded [her] of the Third World, literally."¹³ Roy Jimenez agreed, "It was like Tiwana, in Mexico, south of the border, if you've ever been there, or know what it's like."¹⁴ Yet El Pirul was not extremely unlike other labor camps; its primary differences were its size and the number of children living there. It was, according to Don McGaffin, "a worst-case example of a typical scenario."¹⁵ It was, in effect, "the labor camp set upon a hill."

¹³Kathy Espinoza-Howard, telephone interview with author, San Jose, California. May 11, 1992.

¹⁴Jimenez, April 9, 1992.

¹⁵Don McGaffin, interview with author, San Jose, California. May 27, 1992.

The population of El Pirul

Not all of the people from El Pirul worked for Robert Benech, but the great majority did, taking the minimum \$4.25 pay for their fruit processing jobs. The people of El Pirul were all "related"; they all knew each other because they were all from the same area in the outskirts of Jiquilpan, in the state of Michoacan, except for two from Mexico City. Apparently, when Benech needed labor, people would send for relatives and friends in Mexico.¹⁶ At least two of the people had been working at Benech farms for twelve years,¹⁷ although most arrived more recently. (Although initial media made it sound as if the camp had existed in its discovered condition for twelve years,¹⁸ many others believe that people did not stay at the camp continually, but rather, moved seasonally.)¹⁹

One point emphasized greatly by all who knew of El Pirul was the great number of children at the settlement. Of the 40 children, 16 were under two years of age. To many people, it was the fact that so many children lived in such conditions that made the camp especially disturbing. Many of the children were malnourished and needed medical treatment. There were cases of pinkeye, possible retardation, and chronic illnesses and two children had heart murmurs; however, these children had probably had these problems when they arrived at El Pirul.²⁰

¹⁶Anne Manley, telephone interview with author, San Jose, California, May 20, 1992.

¹⁷Garcia, San Jose Mercury News, August 23, 1991.

¹⁸Dale Bryant, "Almaden Valley migrant worker camp is under investigation," Almaden Times, September 1991, p. 6.

¹⁹McGaffin, May 27, 1992.

²⁰Garcia, San Jose Mercury News, August 23, 1991, p.1A.

The process of discovery

The "discovery" of El Pirul was due in large part to the children. As best as can be pieced together by the many particles of information given, Rebecca Salazar, a teacher working with some of the migrant children within the San Jose Unified School District Migrant Education Program, alerted the Family Health Foundation of Alviso of the children's need for medical attention in June. Public health nurses went to treat infections and chronic illnesses among the youngsters.²¹ One case they worked on in particular was the Vargas twins, who were born in June with heart defects.²² However, the period that the nurses knew the extent of the camps conditions is unknown; for a great period of time, the patients were brought to a building on Benech farms to be treated- no one knows when the conditions were discovered, and how long they were kept secret.²³ However, on July 28 or 29, the Family Health workers alerted the county human relations director.²⁴ A week after that, a few county officials went out to see the camp, and shortly thereafter, somebody tipped off San Jose Mercury News Editor Joseph Rodriguez.²⁵

²¹Jimenez, April 9, 1992.

²²Garcia, San Jose Mercury News, August 23, 1991, p. 1A.

²³McGaffin, May 27, 1992.

²⁴Bryant, Almaden Times, p. 6.

²⁵Ostrom, March 9, 1992.

Inside life at El Pirul

As bleak and substandard as El Pirul was, the migrants did not live squalidly. Much of the open raw waste and sewage came from the horses nearby, and existed only outside the homes.²⁶ The insides of the "houses" were meticulously clean and decorated; dirt was carefully swept, and the women were embarrassed to have so many people see their homes without having had the chance to further tidy up their residences.

According to Anne Manley, the social worker who worked the closest with the people of El Pirul, some of the inhabitants had second-hand, flea-market quality washing machines, fridges, VCRs and TVs. "People have a way of saving up and finding money for things they really want," she said. Others within the dwelling were saving up money to go to Mexico to visit family members; occasionally, when a family member was sick back home, they borrowed money from each other, establishing an extensive lending system.²⁷

Despite the poor conditions, the setting of El Pirul created the camaraderie of a small village. Because everybody knew everybody, many missed being together at the camp after they were placed in housing, though they hardly miss the stench and the flies; Pirul was bad, but even the worst of things have their good sides. There are memories that few of the members of El Pirul will forget.

²⁶Rodriguez, San Jose Mercury News, August 23, 1991. p. 9B.

²⁷Manley, May 19, 1992.

Public outcry over El Pirul

Many people lambasted county officials for not detecting the camp earlier. Yet, as Don McGaffin, a county zoning ordinance investigator, explained, the county depends upon outside people to report situations such as El Pirul. "The county is so large that it would take enormous numbers of personnel to travel the county looking for such camps," he stated, noting that the county personnel was extremely limited. In addition, such camps are difficult to detect unless one knows specifically what clues to look for the county. Once the situation at El Pirul was related back to the county offices, a large task force was dispatched to resolve the problem.²⁸

People also rightfully questioned why the camp had not been reported earlier. PG & E people had to go to wire the electricity and read the meter.²⁹ Although the inhabitation was hidden from Harry Road by the orchards in between, Joseph Rodriguez, an editor for the Mercury News, felt that the stench should have clued in state and federal agriculture inspectors.³⁰ Nearly everyone was skeptical of Benech's claim that he did not know of the camp until June, when the twins were born to the wife of one of his workers, because he had been deducting utility fees for the electricity. Some question also arose as to why the migrant workers at El Pirul did not report the camp themselves. Some of the initial reports suggested that the workers were humble people who did not know their rights, who did not know that the conditions they were living in were not acceptable. Manley was frustrated by such a portrayal; "These people were not stupid. The people I spoke to said that it was horrible, that it was not right, that it was no way to have anybody living." Perhaps the residents were unaware of specific codes being violated, but there were other reasons why they did not complain to county officials. First, there was the cultural mistrust of governmental organizations; in Mexico, people associate the government with the militant police state, and people take every opportunity to avoid contact if possible. Next, some of the people of El Pirul were undocumented, or had phony visas; they would understandably fear

²⁸McGaffin, May 27, 1992.

²⁹Garcia, "D.A. starts probe into migrant labor camp," San Jose Mercury News, August 24, 1991, p.1A. (CD-ROM)

³⁰Rodriguez, San Jose Mercury News, August 23, 1991, p. 9B.

deportation by agents of the Immigration and Naturalization Service. Most immediately, reporting the living conditions of El Pirul would obviously mean the end of the camp; inhabitants had no way of knowing whether they would become homeless, or if they would get fired. Anyone can see how some shelter is better than no shelter, even if the shelter is far from the best.³¹

³¹Manley, May 19, 1992.

Chapter 2

EL PIRUL: THE STORY OF AN EPIDEMIC

The uproar following the discovery of El Pirul may make it appear to be an isolated tragedy caused solely by the greed and neglect of an exploitive employer, yet the truth is that the situation faced by the residents for El Pirul is today shared nationwide. The immigration and exploitation of Mexico's labor force, legal and illegal, has occurred historically throughout the country, particularly in agricultural areas, such as central California. Don McGaffin, of the Santa Clara County Department of Planning and Development, stated that, "El Pirul is but a recent manifestation of a long, long economic problem."³² The fact that migrant labor conditions as bad as, or even worse than El Pirul are ubiquitous throughout the nation strongly contradicts the myth that camps such as El Pirul are the result of a few greedy individuals; clearly, other larger and more universal factors play into the current status of the Mexican migrant worker.

The scope of the political, social and economic forces which drive Mexican migration and which influence Mexico's labor force could easily fill a book, if not an entire library. The mass of recent literature on the subject perhaps suggests the rising prominence of this issue. What follows is background knowledge which may help place El Pirul in the broader scheme of things. By examining the history of Mexican migration, characterizing the immigrants, and identifying the current trends and challenges facing these individuals, one can compare El Pirul and its residents in the context of the migrant situation as a whole.

³²McGaffin, May 27, 1992.

Past and present aspects of Mexican immigration

This century has witnessed a steady increase in Mexican immigration, particularly since the 1950's. In 1942, the U.S. Congress established the Bracero program with Mexico in order to help American growers during the war by allowing thousands more Mexicans temporarily enter the U.S. to take on agricultural work. Between 1951 and 1960, an average of 348,578 temporary workers and trainees came north to find jobs. By the end of the Bracero program in 1964, Mexicans made up nearly sixteen percent of the immigrants admitted into the nation.³³ Undocumented immigration also grew, despite periodic U.S. border patrol crackdowns; the first reported crackdown by the Immigration and Naturalization Service in 1929 found that an estimated minimum of 100,000 undocumented immigrants were coming into the U.S. every year.³⁴

California, as a predominantly agricultural state, has grown strongly dependent upon migrants to harvest its fruits and vegetables. As Steve Johnson, of the Mercury News, noted, "California farmers have always regarded cheap, foreign-born labor as a kind of natural resource, as vital and inextricably linked to agriculture as water."³⁵ Although present-day San Jose is better known for its modern cutting-edge technology than for its cherries and pears, some San Jose natives still remember how fruit harvest turned the 1940's sleepy San Jose into a festive boom town as Mexican families flocked to San Jose and other parts of the valley every year to pick and package the produce. "Mexican families would start coming in May for the cherry harvest. More came in July for the beginning of the apricots, but the large number of families were here in late July, August, and September for the fruit cocktail season," reminisced columnist Luis G. Juarez.³⁶

Yet even back then, the living conditions of the farmworkers were an area of concern. A 1913 California commission assigned to investigate a riot at a hops ranch attributed the trouble to "the inadequate housing and unsanitary

³³U.S. Department of Justice, Statistical Yearbook of the Immigration and Naturalization Service, 1943 to 1988, (U.S. Government Printing Office, Washington, D.C.) [page and copyright date not provided] as cited by Georges Vernez and David Ronfeldt, "The Current Situation in Mexican Immigration," Science, (March 8, 1991), p. 1190(microfilm)

³⁴L.A. Cardoza, Mexican Immigration to the United States 1897-1931 (Tucson, 1981), p. 94 as cited by Vernez and Ronfeldt, p. 1189.

³⁵San Jose Mercury News, Sept. 29, 1991, p. 1A.(CD-ROM)

³⁶San Jose Mercury News, Sept 10, 1972, p. 40.

conditions under which the hops pickers were compelled to live" and a U.S. Senate committee in 1940 protested "a seriously inadequate supply of safe, sanitary and affordable housing... resulting in an increasing number of persons having no homes other than cardboard boxes and caves."³⁷ John Steinbeck's Grapes of Wrath provided a harsh commentary on the exploitation of migrant farm-workers during the Depression years, portraying workers, in need of money, forced by callous, monopolizing land owners to endure dirty and fetid conditions. His book was one voice among many who advocated for reform in the migrant farmworkers' working and living conditions. Reform, however, appeared spasmodically, as the issue burst into public concern and suddenly died out, many, many times.

Today, attention to Mexican immigration in general continues to slip in and out of public attention. Last year's primary elections most recently brought this issue to light as Pat Buchanan's protectionist views pitted nationalistic America First-ers against pro-immigration groups.

Factions in favor of national isolationism denounced Mexican immigration, claiming that immigrants take American jobs, use American social services and welfare payments, and hurt the American economy. These groups cite those such as California Governor Pete Wilson who blamed immigrants for straining state finances, noting that in 1980, foreign immigrants and refugees made up 1.5 percent of Medi-Cal patients, whereas today, they constitute 4.5 percent.³⁸ Groups in favor of such views advocate strong measures to "crackdown" on the U.S.-Mexico border and on illegal entrants, and urge stronger quotas to decrease the number of legal entrants.

Pro-immigration groups usually point out that immigrants help out the economy with their taxes, and claim that the jobs taken by Mexican nationals tend to be jobs that few Americans seek. Impartial statistics tend to find that indeed, Mexican immigration into the U.S. has little effect on the wages and job opportunities of native-born Americans, although increased immigration substantially decreases the wages and employment opportunities of other immigrants. In California specifically, two recent studies show that growth within Mexican immigration in the 70's and 80's correlated with the rapid economic growth of the state, most likely because California was able to

³⁷San Jose Mercury News, Sept. 29, 1991, p.1A (CD-ROM)

³⁸San Jose Mercury, December 6, 1991, p. 10B.

compete in many low-wage industries such as agriculture and manufacturing where foreign competition generally gets the upper hand. However, these studies also find that Mexican immigrants, legal and undocumented, do use public services more than the average native-born Americans do; in particular, public education and state welfare are significantly affected by immigration. To this extent, the protectionist factions are correct.³⁹

Yet problems with migration are not likely to be stopped by "crackdowns". The 1986 Immigration Reform and Control Act prohibited employers from hiring undocumented workers (under threat of criminal and civil fines for non-compliance) and increase the border patrol enforcement across the two thousand mile U.S.-Mexican border. (In order to ensure enough cheap labor, the act also contained provisions which granted "amnesty" to 3 million who had previously been living or working illegally in the United States.⁴⁰) Critics of U.S. immigration policy contend that such measure fail to address the situation as an economic and labor problem.⁴¹ This is highly ironic considering that the mechanics of the 1960's bracero program was based on the very concept that the United States is now being accused of not understanding. The idea is simple; no matter how hard the United States tries to close the U.S.-Mexico border, so long as socio-economic disparities exist, people will come north looking for jobs. In Mexico, jobs are difficult to find, and wages are low.⁴² As El Pirul member Pedro Arredondo told the San Jose Mercury News, in Spanish, "It's better here than in Mexico. I don't want to go back because there's no money."⁴³ Average wages in Mexico are 15,000 pesos a day--approximately \$5. Here, in the United States, people like Arredondo take jobs that native American's simply do not want, and they are willing to work for a

³⁹G.J. Borjas, Friends or Strangers: The Impact of Immigrants on the U.S. Economy (NY, 1990), p.187 and

J. Simon The Economic Consequences of Immigration (Cambridge, MA, 1989), pages not given as cited by Vernez and Ronfeldt, p. 1192.

⁴⁰San Jose Mercury News, November 3, 1991, p. 1E.

⁴¹J. Bustamante, as quoted by Mary Farquharson, "The Best and the Bravest: Mexican migrants take big risks to get to the other side," Business Mexico (June 1991), p.44.

⁴² It is important to note that within the past few years, Mexico's economy has been making some incredible strides. Under President Carlos Salinas de Gortari, Mexico has become the fastest growing economy in a time when many nations are undergoing economic crisis. The impending negotiations on the North American Free Trade Agreement may substantially boost the already mushrooming economy. However, most gains have been made within the private sector; prosperity has yet to trickle down to the majority of the Mexican people.["The rhythm of the future," The Economist (December 14, 1991), p. 19-21.]

⁴³San Jose Mercury News, August 23, 1991, p. 1A.

lot less money, and under some very questionable conditions; the Mexican migrants take whatever they can get.

A characterization of the Mexican migrant population

The current situation in Mexican immigration has changed in many ways. As Mary Farquharson noted, "The migration of workers without papers has been a reality since war redrew the frontiers in the mid-19th century, but migration has recently begun to change."⁴⁴ The stereotypical image of the Mexican migrant is of a single male in his 20s who speaks no English and has had no formal schooling, coming for the season to work in the fields. That view is accurate to an extent, but yet in the past five years, much has gone to change the picture.

The typical "migrant" no longer migrates; two-thirds of the undocumented Californian workers who were legalized by the 1986 Immigration Reform and Control Act (IRCA), which required proof of five years of continuous residency, had been in the United States for 10 years or more.⁴⁵ As Don McGaffin said of the local migrant situation, "What most people don't realize is that 'migrants' are not all migrant...many are permanent legal residents of Santa Clara county, not some alien group, as they are portrayed to be. Overall, the majority are permanent parts of our community."⁴⁶

This is further supported by studies by researchers such as Ofelia Woo, who found that increasing numbers of migrants are women and children, strong indicators that entire families are now crossing the border. This suggests that more and more, people seek to reside permanently within the United States. Woo also discovered that nearly 20 percent of migrants have nine years of education and 60 percent are looking for jobs in the service and industrial sectors rather than agriculture.⁴⁷ Also, the total number of workers who are undocumented, and hence, illegal in the United States, has decreased; the Immigration Reform and Control Act (IRCA) of 1986 contained provisions which allowed some 2.3 million previously undocumented workers the chance to become legal residents of the United States.⁴⁸ (It is important to note that

⁴⁴Mary Farquharson, "The Best and the Bravest; Mexican migrants take big risks to get to the other side," Business Mexico, (June 1991), p.42.

⁴⁵J. Bustamante, in Immigration and International Relations: Proceedings of a Conference on the International Effects of the 1986 Immigration Reform and Control Act, G. Vernez, ed. (Santa Monica, 1990), pp. 73-85 as cited by Vernez and Ronfeldt, p.1190.

⁴⁶McGaffin, 1992.

⁴⁷Farquharson, p.42.

⁴⁸Note: these statistics disagree with those provided by Johnson in November of 1991- the

this does not mean that illegal immigration has stopped; although the IRCA was formulated to slow the flood of illegal border crossings, much controversy exists as to whether the act truly succeeded.)

The residents of El Pirul were, as social worker Ann Manley put it, "in various stages of attaining citizenship." Those who worked with the residents conceded that some of the residents had phony documents, while others had none at all; however, most, if not all, intended to stay in the U.S.⁴⁹ Don McGaffin attributes much of this to the Immigration Reform and Control Act of 1986, stating that it made it easier to obtain residency and to bring family members into the U.S.; people who may have once stayed seasonally now come to stay.⁵⁰ A few of the residents had worked at Benech Farms for 12 years; although the work was seasonal, these people did not return to their city of Jiquilpan, unless it was to visit or bring back family members and friends.⁵¹ Indeed, social workers and enforcement officers noted that El Pirul consisted mostly of families with children, whereas many previous labor camps and homeless encampments tend to be made of lone individuals. Still, despite the fact that they intend to stay in the U.S., only a few of the people from El Pirul could speak English fluently, and although not all of the people worked for Benech farms, most, if not all, dealt in agriculture. The dwellers of El Pirul show elements of both the new and the old immigrants. The families of El Pirul are not the educated upper class who have begun to seek prosperity up north, but a continuation of the traditional Mexican "bracero"; however, they are like the majority of the immigrating Mexicans in that they will be residing permanently.

author does not know which set of numbers is correct.

U.S. Immigration and Naturalization Service, "Provisional application statistics" (Washington, D.C. August 27, 1990) as cited by Verez and Ronfeldt, p.1190.

⁴⁹Manley, May 20, 1992.

⁵⁰McGaffin, 1992.

⁵¹Manley, May 20, 1992.

The national plight of the Mexican farmworker

The attention brought to the situation of "migrant" farmworkers temporarily brought light to other labor camps within Santa Clara, especially in the South County, amongst areas such as Morgan Hill and Gilroy. As farm labor advocate Jose Chapa stated, "El Pirul is not an exception as far as the South County is concerned. It's the rule." Indeed, county officials agree that illegal and unhealthy conditions are proliferating; some estimate that the number of people living camps such as El Pirul approaches 1000.⁵²

Some notable improvements have been made-- workers now have the right to unemployment insurance, collective bargaining, and prevention of dangerous conditions-- but enforcement of violations is limited due to the number of county personnel. Unfortunately, workers usually do not report poor conditions because they fear eviction, unemployment, and in some cases, deportation.⁵³ Coming from Mexico, the agricultural workers associate any official help with the police, which, in Mexico, is widely feared and avoided.⁵⁴ Combined with the fact that the hidden migrant farms are extremely difficult to ferret out, legislation made in behalf of the farmworkers rarely works.

Local housing is difficult to obtain in high-cost, urbanized Santa Clara County, especially for workers who do not earn much and who send much of their money to extended family in Mexico. The situation is typical of the homeless situation within the county; working people who do not make enough money to pay for rent, food, and clothing all together. The county has recently made 3 major relocations; besides El Pirul, there was one downtown homeless camp was found along Guadalupe Creek, and another along Coyote Creek north of First Street.⁵⁵ Legal housing is rarely provided for by farm owners because of the strict and complicated regulations, and because the labor glut caused by increasing numbers of migrants looking for labor in Northern California allows farmers and business owners to hire those who do not ask for housing. This shortage of decent, affordable housing causes migrants to live in conditions which they would usually reject even in Mexico.

Throughout California, the 1991 harvest season hurt migrants. The Press

⁵²San Jose Mercury News, September 30, 1991, p. 1A.

⁵³Lanz, May 28, 1992.

⁵⁴Manley, May 19, 1991.

⁵⁵Manley, May 26, 1992.

Democrat in Santa Rosa notes that surpluses of workers coming to Sonoma led to widespread homelessness; people sought shelter sleeping in vineyards, in caves and under bridges.⁵⁶ The Los Angeles Times noted late in September of 1991 that squalor and poverty were common for California farmworkers throughout the state: raisin county in Fresno, Monterey County, Salinas, and even San Diego. Wages have fallen, union membership is down, and consequently, housing has suffered. The Los Angeles Times quoted Cornell University labor professor Clete Daniel with saying, "Every gain, every farmworker achievement is being eroded."⁵⁷

Neither is the problem limited to California. Statistics show poor agricultural labor conditions exist everywhere. In Massachusetts, alarm spread when outbreaks of salmonella, hepatitis, and stomach viruses were traced back to local farmworkers, who suffer high rates of particular diseases. Investigations revealed that these migrant farm hands did not have toilets, soap, or running water. Alan Dever, the director of epidemiology and biostatistics at Mercer University in Mason, Georgia notes camps in the Rio Grande Valley, Texas, where water is rare, and where retaining pools where the migrants have to wash often hold bacteria and pesticides. To top it off, compliance with regulations nationwide is low. Valerie Wilks, a public-health specialist with the Farm Worker Justice Fund, stated that, "One survey done over an 18 month period showed that the fines for 1,800 'non-serious' violations came to a total of \$83."⁵⁸ Every day, it seems, El Pirul plays out across the country.

It is not as if the Federal government is ignoring the problem. Federal commissions assigned to investigate the status of agricultural workers have found that farm wages are down, health and benefit programs for field workers are vanishing, and violations among employers are rapidly increasing. As the Mercury News wrote, these commissions have "heard evidence that growing numbers of farmworkers are seeking refuge in chicken coops, stables, garages, burrows, tents, cardboard lean-tos, broken-down cars and rickety mobile homes. Many spend nights shivering under trees and bridges. Others simply sleep in the open."⁵⁹ House committees discussing homelessness in rural populations have found that migrants make up large percentages of the homeless

⁵⁶The Press Democrat, August 11, 1991, page not provided. (DataBank microfiche)

⁵⁷Los Angeles Times, September 29, 1991, pages not provided. (Databank microfiche)

⁵⁸

Boston Herald, September 15, 1991, pages not provided (Databank microfiche)

⁵⁹Johnson, San Jose Mercury News, September 29, 1991. p. 1A. (CD-ROM)

population.⁶⁰ Unfortunately, few localities have the social service infrastructure, personnel, and resources necessary to remedy such problems, even with federal help. Without a question, El Pirul has become a situation common throughout the nation; it stands as an unfortunate example of the plight of Mexican agricultural laborers in the United States.

⁶⁰Rural Housing, Hearing before the Subcommittee on Housing and Community Development of the Committee of Banking, Finance and Urban Affairs, House of Representatives. 101st Congress, second session, April 3, 1990. pp.27-29.

Chapter 3

EL PIRUL: THE STORY OF THE SERVICE AND ENFORCEMENT

Kathy Espinoza-Howard first heard mention of the El Pirul camp when she was working north of First street to remove 25 people from Coyote Creek in early July; one of the social security representatives made a passing comment about it, but she thought nothing of it at the time. After a period of time, word of mouth spread the story to Jim McEntee at the Human Relations Department, where upon the county began to act. It was then, later that same month, that she got officially involved, coordinating housing and services for the tenants of El Pirul.⁶¹

San Jose Mercury News reporters had to inform Deputy District Attorney Jerry Nadler of El Pirul; county workers racing to beat the September 3rd deadline, when the county would bulldoze El Pirul, had other things to worry about than a criminal investigation. Caught up in getting food, medical care, and housing, the service coordinators neglected to tell the district attorney's office of the illegal settlement or of its scheduled destruction. Upon hearing the reporters concerns over housing and safety violations, as well as failure to pay overtime pay and workman's compensation benefits, the intrigued Jerry Nadler scheduled a visit to the camp.⁶² Within eight days of investigation, Jerry Nadler had decided to take the case to court.⁶³

The stories of Kathy Espinoza-Howard and Jerry Nadler are representative of the two major aspects of Santa Clara County government involvement with El Pirul: social services and case enforcement. Whereas social services tended to deal more directly with the inhabitants of the camp, case enforcement was primarily involved in investigating specific violations of state, local, and federal ordinances regarding land use. In both cases, El Pirul made some important precedences, and thus, it is vital for us to examine them both.

⁶¹Kathy Espinoza-Howard, interview with author, San Jose, California. May 11, 1992.

⁶²Joeseeph Rodriguez, "Every Inch a Blight," San Jose Mercury News, August 23, 1991, p. 9B. (CD-ROM)

⁶³Brandon Bailey and Mary Anne Ostrom, "Farm probed over second worker camp," San Jose Mercury News, August 31, 1991, p.1B (CD-ROM)

The challenges of the Task Force

The timing of the situation was truly remarkable; in June, District 1 Supervisor Michael Honda had suggested that the Santa Clara County ought to assemble an Agricultural Employee Housing Task Force, to take care of situations exactly like El Pirul. The plans made in June were only suggestions and ideas of what would work, but the Task Force was soon called upon to test itself upon the discovery of El Pirul.⁶⁴

Espinoza-Howard and the other Task Force workers immediately condemned the camp and quickly begun the task of obtaining services and subsidized housing for the tenants of El Pirul before the site was to be bulldozed on September 3rd.⁶⁵ Admittedly, there were problems, especially in the coordination of enforcement; however, from a social workers point of view, El Pirul is the model of how migrant camps ought to be handled. The success the county had with El Pirul also provided a springboard for legislation, promising to improve the lot of migrant workers throughout the county.⁶⁶

The Task Force, as suggested by Honda, was to overcome several problems commonly faced when handling illegal labor and squatter camps. In the past, when violations of health, environmental, sanitation, and/or housing ordinances occurred because of improper agricultural housing, county officials would serve the owner of the land a citation which usually states that the owner has 30 days to bring the camp into compliance (unless the situation is deemed life-threatening whereupon the citations allow 48 hours for action). Given the choice to make the site legal or to close the camp down, the owner would usually panic, or decide to avoid the hassle of bringing the living quarters up to standards, and evict all the people living on the land. These workers would then become homeless, and would literally "disappear into the woods". Such incidents would also leave them wary of public agencies, causing them to shy away from help.⁶⁷

The purpose of the Task Force was to identify problems within agricultural housing and to decide what actions to take. The Task Force was

⁶⁴Don McGaffin, May 27, 1992.

⁶⁵Espinoza-Howard, May 11, 1992.

⁶⁶McGaffin, May 27, 1992.

⁶⁷McGaffin, May 27, 1992.

composed of people from county zoning enforcement, the district attorney's office, the department of public health, and the homeless housing office, as well as outside groups such as the farm bureau, local growers, and non-profit service organizations; together, the people formed comprehensive unit, what Don McGaffin described as a "SWAT team of social services." The Task Force would arrive and explain the violation to the owner, providing a timetable which notes what is to happen when. The service workers would be on hand so that if the farm or business owner decided to evict the occupants of the illegal encampment, the workers would be able to get social services and housing. Bilingual social workers and coordinators would be able to communicate with the migrants to gain the understanding and trust of a people whose relations with authorities are not always the best.⁶⁸

In the case of El Pirul, the rapid relocation of the Mexican workers worked well. Local non-profit organizations were utilized to remedy the immediate problems of the families. The Alviso Family Health Foundation set up a trailer to diagnose and treat people with medical problems.⁶⁹ Sacred Heart Community Service Center gathered donations from the community to give the those in El Pirul.⁷⁰ Meanwhile, the human relations department accrued Section 8 certificates, which would subsidize the housing of the workers who sought federal assistance until they began earning enough money to pay their own rents.⁷¹ (According to Ann Manley, who was responsible for working with the families to obtain housing, 96 of the more than 130 people chose to accept financial assistance is getting housing.)⁷² In terms of taking care that the people of El Pirul did not "slip between the cracks", the county service organizations were a success.

⁶⁸McGaffin, May 27, 1992.

⁶⁹

Jimenez, April 9, 1992.

⁷⁰"A different, kinder response; community generously rallies with support for the farmworkers of El Pirul," San Jose Mercury News, August 28, 1991. p.8B. (CD-ROM)

⁷¹Zenk, April 21, 1992.

⁷²Manley, May 20, 1992.

Code enforcement of El Pirul

The district attorney's office was primarily concerned with two areas: one, investigating and prosecuting violations of ordinances, and two, finding out why the situations at El Pirul were not reported earlier. They noted that the case of El Pirul was unusual in that investigations are not usually done without the registration of a formal complaint.⁷³

The reasons why El Pirul remained a secret so long vary. Some wish to know why public nurses did not disclose information about the camp sooner. The problem is that public nurses are concerned primarily for the immediate health of the individual, so unless lives are in immediate danger, the nurses will maintain confidentiality in order to maintain the trust of their patients.⁷⁴ This is representative of the situation at El Pirul; nurses did not say anything until they were convinced that the conditions at the camp were endangering the lives of the people living there. "The plight," says Don McGaffin, "is completely understandable. It is also very unfortunate."⁷⁵

The county found outrageous examples of how El Pirul went unnoticed under the noses of many people. Frank Mongetta, who worked next door to Benech Farms at the Santa Clara Valley Water District, found El Pirul on July 12, 1990. According to his wife, he found a large farmworker, where the children were playing near dead rats. Yet confusion amongst the county investigators office allowed the matter to drop. Other local officials, such as the county sheriff's deputies, did not recall knowing about El Pirul or the other trailer camp on Benech's property, except for one deputy who said that it was generally accepted that there were a few farmworkers living off Harry Road. Utilities spokespersons for PG&E stated that meter readers are not in the business of enforcing housing laws. In mid-June, a county sanitation inspector visited Benech Farms to try in vain to find a sewage leak which was reported anonymously, and evidently did not realize that the camp was illegal. Despite these overwhelming instances, the district attorney was at a loss for explaining what could be done to remedy the situation.⁷⁶

⁷³Garcia, San Jose Mercury News, August 24, 1991, p. 1A.

⁷⁴Manley, May 20, 1992.

⁷⁵McGaffin, May 27, 1992.

⁷⁶Brandon Bailey and Stephen Robitaille, "How farm camp fell through regulatory cracks," San Jose Mercury News, September 16, 1991, p.1A (CD-ROM)

The other job of prosecuting the case of El Pirul led Deputy District Attorney Jerry Nadler to file charges against Robert Benech. Investigations were made to see whether the water was contaminated with sulfur and chlorine, and whether waste water was dumped into a local creek. Charges that Benech underpaid the tenants were looked at.⁷⁷ Health ordinances were examined for possible violations. In the end, the D.A.'s office only charged with violation number 17061 Health and Safety: Operating an unpermitted labor camp on Aug. 23, 1991. ss17030 H&S, the violation of the states Employee Housing Act, which ordains that any operator of a farm labor camp must obtain a state permit in addition to meeting local building and sanitation does. The misdemeanor is punishable by a maximum of a fine of \$1000 and 60 days in jail. Although most of the other violations could not "stick" because El Pirul was not on Benech's land, the utility fees Benech charged linked him to this misdemeanor.⁷⁸

Benech claimed throughout the investigations that he did not learn of El Pirul until June, and that he was unaware that farm owners were required to apply for permits and keep the dwellings of laborers up to standard. He also made a point that El Pirul was not on his land, and claimed that only 40 of the 130 people residing there worked for him. Benech also stated that upon discovering the camp, he alerted health officials and his lawyer, although not the county building and zoning enforcement. Nadler conceded that these explanations were probable. "In many respects," Nadler told the Mercury News, "the information they have provided us is reflective of our own understanding of the situation."⁷⁹ Yet many within the county offices are highly skeptical of Benech's explanations. The fact that he was deducting two days wages every month from his workers to pay for the utility payments seems to indicate that he did indeed know about the camp. Although Benech denies it, El Pirul residents have said that they were given permission to stay there by Benech Farms officials.⁸⁰ What is more, Benech's claims that he did not know about the need for permits is, as Don McGaffin stated, "specious", considering that his

⁷⁷Garcia, "D.A. starts probe into migrant labor camp," San Jose Mercury News, August 24, 1991, p. 1A.

⁷⁸Mary Anne Ostrom and Brandon Bailey, "Denials fly over migrant camp," San Jose Mercury News, August 30, 1991, p. 1B (CD-ROM)

⁷⁹Stephen Robitaille and Brandon Bailey, "Owners tell their side on camps," San Jose Mercury News, September 14, 1991, p. 1B. (CD-ROM)

⁸⁰Robitaille and Bailey, San Jose Mercury News, September 14, 1991, p. 1B. (CD-ROM)

father, who was the President of Benech Farms before him and still sits on the farms board of directors, was the former chairman of the county planning commission, which defines the usage of lands and works extensively with building and health regulations.⁸¹ Although most people do not wish to make public statements regarding Benech's role in El Pirul, Roy Jimenez was willing to express his views: "Mr. Benech is a multi-millionaire, very involved in local politics... Where was the compassion? Where was the sensitivity? Where was the concern? One can conclude that it simply was not there."⁸²

Robert Benech ended up pleading "nolo contendere" to the charges brought on by the district attorney's office. A settlement was made in which Benech paid a fine of \$135, 000 in exchange for no jail sentence.⁸³ The money went primarily to renovate the trailer camp still located on Benech's property. Promises were made to reimburse workers for the utility payments as well as long overdue workman's compensation benefits and overtime pay, although information was not found as to whether these payments were ever made. Benech benefited in the end; he can now charge rent for the trailer camp, no one left his employment, and none of the members of El Pirul sued.⁸⁴

Many applauded this settlement, which it felt benefited both the immigrant workers and the Beneches.⁸⁵ The agreement was significant because both side were able to negotiate for a better future rather than squabbling over what has passed.

⁸¹McGaffin, May 27, 1992.

⁸²Jimenez, April 9, 1992.

⁸³ Public file number C9157387 at Municipal Court of California, Santa Clara County Judicial District. The People of the State of California v. Robert Raymond Benech. (last date on file: Nov. 7, 1991)

⁸⁴Manley, May 26, 1992.

⁸⁵ "The lessons of El Pirul agreement helps workers," San Jose Mercury News, September 26, 1991. p. 4B. (CD-ROM)

Legislation for the agricultural worker

Some may feel that the settlement against Benech is rather unsatisfying in light of the misery the people of El Pirul suffered, but the words of one English band, James, come to mind: "Stop, stop talking about who's to blame, when all that matters is how to change." The Supervisors' Office certainly has been working by the motto, actively pursuing reform which would change the plight of the Mexican farmworker.

El Pirul forced the Board of Supervisors to pass an emergency zoning ordinance amendment⁸⁶, and to pursue policies to formally route reports of illegal camps to the county inspection office, who will immediately alert both the district attorney's office and the county homeless coordinators.⁸⁷ The Task Force has since been very active, especially with its Agricultural Employee Housing Program for 1992, which made 11 recommendations on actions the county should undertake to better the situation for migrant and other agricultural workers.⁸⁸

⁸⁶Michel Lopez, Memo regarding Zoning Ordinance Amendment -Agricultural Mobile Homes for Agricultural Labor Housing, December 9, 1991. p.2.

⁸⁷Bailey and Robitaille, San Jose Mercury News, September 16, 1991. p. 1A.

⁸⁸Santa Clara County Agricultural Employee Housing Task Force, document regarding Agricultural Employee Housing -Recommended Action Program for 1992, Jan 15, 1992. pp. 3 - 17.

Chapter 4

EL PIRUL: THE STORY OF THE PEOPLE

Supervisor Honda, as noted previously in this chapter, had started pursuing his farmworker policies before the El Pirul camp was discovered; El Pirul only hastened measures which were already in the woodwork. Yet that did not stop the Mercury News from criticizing Honda's policy, stating that it was "belated", and that they "wish we'd heard from Honda sooner."⁸⁹ This perhaps characterizes the editorial staff at the Mercury News throughout the El Pirul incident-- harshly critical, highly cynical, and overwhelmingly suspicious. The editorials always nagged for the county government to find who's "fault" El Pirul was, and often complained about the efficiency of the county government, failing to realize that the county government had made quite a few remarkable changes. It was suggested that the editors of San Jose's leading paper were often invasive upon the lives of the former occupants of El Pirul and of the people at Benech farms. It is also rumored amongst those involved with El Pirul that the editors at the Mercury had an agenda, that they were looking for a big-guy bullying little-guy story so hard that they would take off on all fronts to get it. In reading the editorials, I personally agree that commentary given about events related to El Pirul didn't look fairly at the situation. Quite simply, in its commentary upon El Pirul, the San Jose Mercury News propagated black and white views which failed to acknowledge the many colors and shades of the real world.

Social workers have many stories about the former El Pirul tenants in the aftermath of El Pirul. Some of the young men, took advantage of the social workers and learned how to drive. For others the services gave them the impetus to seek housing and services on their own. In one family, workers fretted about the oldest, an eight-year old child whom they felt seemed dull, possibly retarded, for he did not communicate much, and was often depressed and sick. Several clinics proscribed various treatment, but nothing did much for this first grader. But in December, Valley Medical finally had his tonsils removed; this

⁸⁹"Some welcome outrage," San Jose Mercury News, September 13, 1991, p. 6B. (CD-ROM)

has made a world of difference. "You can hardly recognize him as the same little boy," said Anne Manley. "He has bright cheeks, talks incessantly in English, and loves to draw pictures."⁹⁰ Everywhere, the stories are a subtle mix of the good and the bad.

In researching this paper, I sincerely regret that I did not get a chance to interview any of the former inhabitants of El Pirul. I did, however, get to speak to the receptionist at Benech Farms, who greeted me cordially until she discovered that I was calling to ask about El Pirul. She quite adamantly told me to change the topic of my report because that was a part of their history that they would sooner leave in the past. A little annoyed and frustrated, I tried to explain that I wanted to try to incorporate everybody's story into my paper. I realized that she must have heard that line before, that everyone at the Benech Farms must have heard that line before, far too many times, because she burst out, "What is it you don't understand? Don't you understand that the issue is closed? Why can't you see that this, this, has affected our whole lives? We're leaving the county soon. Why can't you leave us alone?" There it is. The other side of the story-- because people, whether they are migrants from Mexico looking for work, or they are farm owners who must pay the price for not understanding, are people, and in stories about people, there are no absolutes.

⁹⁰Manley, May 19, 1992.

About the Paper

Due to the fact that the research for this project follows less than a year after the "discovery" of El Pirul, almost all of the information collected is primary. The nature of this topic let itself extensive investigation of first-hand accounts; this paper certainly could not have been nearly as comprehensive or detailed had it not been for the assistance and cooperation of many, many individuals. I would like to thank:

Kathy Espinoza-Howard

-Santa Clara County Homeless Housing Coordinator, County Executive's office

Roy Jimenez

-Vice-President of Community Health Services, Family Health Foundation of Alviso

Jim Lanz

-Investigator, Office of the County Counsel

Anne Manley

-Social Worker, Santa Clara Social Services Agency

Don McGaffin

-Santa Clara County Zoning Ordinance Investigator, County Department of Planning and Development

Cathy Ming-Hyde

-Board Administrative Assistant, Supervisor Michael Honda's office

Mary Anne Ostrom

-Staff Writer, San Jose Mercury News

Carolyn Walsh

-Code Enforcement Coordinator, County of Santa Clara

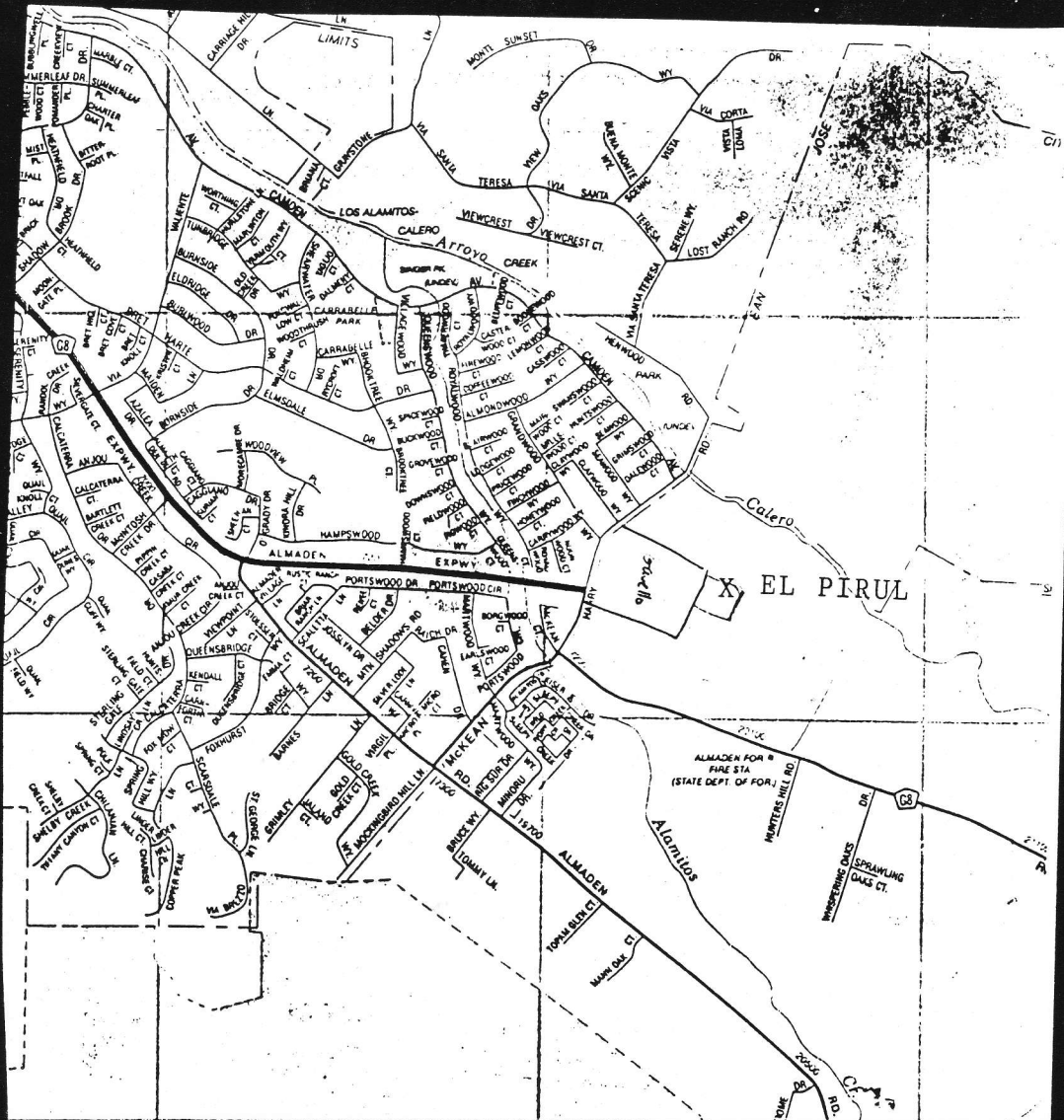
Joe Zenk

-Human Relations Coordinator, Office of Human Relations of Santa Clara

...as well as the numerous others who assisted me in researching El Pirul.

More information regarding the El Pirul camp may be found by contacting the friendly people at the Santa Clara County offices or the author of this paper: Wendy Ju, 6506 McAbee Rd. San Jose, California, 95120-4519.

Appendix A: Map showing location
of El Pirul within Almaden Valley.



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