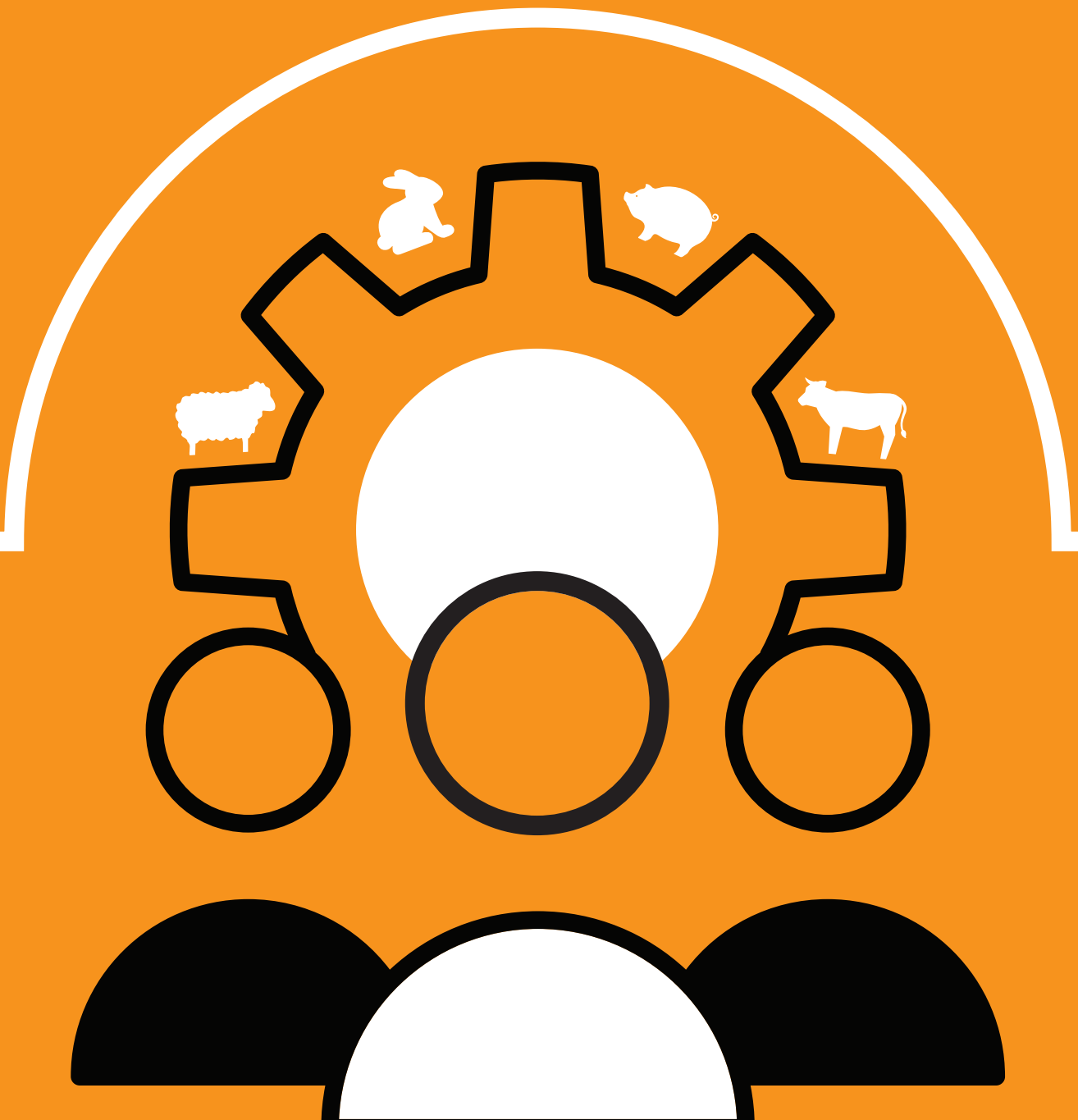




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Non-Citizen Workers as Invisible Laboring Machine

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As with many of the most exploitative and environmentally devastating industries, animal agriculture relies on segregation and secrecy. The treatment of the animals—and their animality itself—must be concealed. The pollution and environmental consequences must be kept safely distant from the people who “matter” and their property values. And the people who perform the work must be desperate and marginalized. For the industry to thrive, these costs need to be invisible to the politically and economically significant members of the community.

Ag-gag laws play an important role in maintaining this secrecy. Such laws seek to prevent the dissemination of information about the conditions in, for example, factory farms and slaughterhouses by punishing “whistleblowers and undercover activists...for recording footage of what goes on in animal agriculture.”¹ They use the threat of legal coercion to stop people from reporting on animal abuse, workplace violations, and corporate pollution under the guise of protecting trade secrets. In doing so, they help perpetuate the myths surrounding animal agriculture: that it is on a par with small family farms, that it provides a happy, healthy working environment, that it supports the health of the country, and that the animals are treated as well as their raising-to-be-slaughtered permits.

While ag-gag laws help hide the treatment of animals and the environmental impacts of industrial animal agriculture, I am interested in how they affect the often noncitizen and undocumented workers that the industry exploits. Drawing on Carol Adams’ discussion of the *invisible animal machines* at the heart of animal agriculture, I claim that ag-gag laws contribute to the invisibilization of the *human laboring machines* who are also necessary for the system’s profitability. Such laws further disempower a population that is already living at the margins of society and make it even more difficult for these workers to report on the harms to themselves, animals, and the environment.

<https://aldf.org/issue/ag-gag/>



Ag-gag & Animal Agriculture

Animal agriculture—particularly factory farms and slaughterhouses—is an industry that takes great pains to prevent consumers, voters, and members of local communities from knowing the details of production. The success of the meat and dairy industry depends on the ability to, on the one hand, increase the “product” that they can process and, on the other hand, maintain a series of illusions that prevent consumers from being disgusted or morally unsettled by consuming animal products.

The first stage requires using hormones to increase the growth rate of animals so that they can be slaughtered as fast as possible, keeping them confined in increasingly smaller spaces with little or no access to nature, and doing things like cutting off beaks and docking tails to prevent them from harming one another through stress reactions from their captivity. It also involves increasing the line speeds in slaughterhouses to kill as many animals as quickly as possible. Such brutal efficiency causes improper stunning, botched killings, and injuries to the workers.

This leads directly to the second stage. Knowing about the treatment of animals and workers would, for some, affect the desirability of factory farmed animal products. Without the illusions of peaceful farm life, and with a brutal recognition of the suffering caused by animal agriculture, many consumers would find animal products less palatable. Opinion polls suggest that consumers both want more information regarding animal agriculture and are concerned about the treatment of animals. According to a national poll commissioned by APSCA, 79% of respondents are concerned about animal abuse and mistreatment in factory farms and over 75% were also concerned about the effects on public health, community health, farmer visibility, worker safety, and the environment.² Another national poll found that 57% of respondents desire greater oversight of existing factory farms.³ There is a clear disconnect between what people believe and desire about the treatment of farmed animals and the reality of intensive animal agriculture in the United States.

² https://www.asPCA.org/sites/default/files/2023_industrial_ag_survey_results_report_052523_1.pdf

³ <https://publichealth.jhu.edu/2019/survey-majority-of-voters-surveyed-support-greater-oversight-of-industrial-animal-farms>



It is worth noting, however, that people are often—and unsurprisingly—oblivious to the conditions in, and effects of, industrial animal agriculture. For example, “only 19% of Americans knew that air pollution from factory farms increases the risk of certain lung cancers, and just 20% were aware that there is an increased risk of epidemics and pandemics.”⁴ And despite 99% of US meat coming from large factory farms, 58% of the people polled believe that animals are treated well on farms and 75% claim to buy humane animal products.⁵

These points have been developed by Peter Singer, who noted that we are generally “ignorant of the abuse of living creatures that lies behind the food we eat. Buying food in a store or restaurant is the culmination of a long process, of which all but the end product is delicately screened from our eyes.”⁶ We disguise the source of our food by the terms we use, referring to it as “beef, not bull, steer, or cow and pork, not pig.”⁷ We talk about how farms support our lives and feed our families, but the very term “farm” brings to mind a host of pleasant, now rarely relevant, images: “a house; a barn; a flock of hens...[and] a herd of cow being brought in from the fields for milking”⁸ And we rarely see images of factory farms or slaughterhouses and so continue holding false, idyllic beliefs about the treatment of animals. We imagine chickens, pigs and cows roaming free, not confined into indoor spaces where they can barely move, where they lack natural light, and where they suffer and often die before they can even be slaughtered.

That intensive animal agriculture is often largely indoors does much to maintain these comforting illusions. However, activists and undercover investigators have attempted to pierce the veil, bringing cameras into the closed doors of factory farms. They have done so to document animal suffering, unhealthy production practices, and brutal working conditions. In response to this increased documentation by undercover investigators, the animal agriculture industry lobbied for ag-gag laws to protect the industry from the public eye⁹. Rather than protecting trade secrets—information necessary to maintain a competitive edge against rival firms—these laws primarily function to keep consumers and animal, environmental, and labor activists in the dark about the conditions under which our food is produced.

⁴<https://www.ciwf.com/news/2023/07/american-public-dangerously-unaware-of-factory-farmings-health-risks> - :~:text=The poll – carried out by,risk of epidemics and pandemics.

⁵<https://www.sentienceinstitute.org/press/animal-farming-attitudes-survey-2017>

⁶Singer, pg. 95.

⁷Ibid.

⁸Ibid.

⁹Fiber-Ostrow and Lovell, pg. 231.



Ag-gag laws aim to hide the true nature of animal agriculture. The first such law, enacted by Kansas in 1990, made “it a crime for anyone to enter an animal facility ‘to take pictures by photograph, video camera, or by any other means’ with the intent to damage the enterprise.”¹⁰ And at times such laws went further than criminalizing the act of recording or taking photographs, but made it such that “merely being in possession of unsanctioned images of a farm is a criminal act, rendering such footage on legal par with child pornography.”¹¹ Through this, the walls of the factory farm and slaughterhouse become not merely physical but legal barriers.

Invisible Animal Machines

Rather than being seen as living beings with rights, dignity, and status, factory farms and slaughterhouses treat the animals as *mere* resources to be transformed into commodities. They are instruments in the productive process to be used as efficiently—and brutally—as law and culture permits. Importantly, law and culture do little to regulate the behavior of animal agriculture. In the words of Carol Adams, through industrial animal agriculture, animals are converted from sentient, living, natural animals into being *invisible animal machines*.¹² Their animality and selfhood is erased—in law, practice, and our attitudes towards them. They are rendered things, food, and productive resources. And their intense suffering is rarely seen or recognized.

According to Adams, this is partly done by creating a dichotomy between different types of animals and partly by hiding the treatment of the class of animals found on factory farms. Drawing on Peter Singer’s work, Adams first notes that popular media focuses on wild animals, depicting them as natural and as fully animal. By contrast, the lives of factory farmed animals are never depicted. Despite being the majority of all mammals and birds,¹³ factory farmed animals do not exist in our public consciousness. This affects even those most critical of the objectification and commodification of the natural world, including ecofeminists, who often “do not see farm animals at all, and thus cannot see them as a part of nature.”¹⁴

¹⁰ Ibid., pg. 239.

¹¹ Ibid.

¹² Adams, pgs. 132-134.

¹³ <https://mercyforanimals.org/blog/study-60-percent-of-all-mammals-are-farmed/>

¹⁴ Adams, pg. 132.



The hiding of innumerable animals in windowless factories helps to maintain this invisibility. They are closed off far away from the eyes of consumers, locked away in buildings designed solely to facilitate their cheap and speedy growth and, ultimately, their most efficient slaughter. It is furthered by the absence of media on the lives of factory farmed animals, where our cultural imaginary of the small family farm can ease our conscience and mislead us into maintaining a monstrously cruel practice. We maintain the illusion that factory farmed animals are raised and (perhaps) slaughtered outdoors where they live normal lives for members of their species. But this invisibilization—a process that facilitates their reduction to mere machines or productive tools—is in part a result of ag-gag laws.¹⁵ Such laws add a formal legal barrier to the substantive physical barrier of the windowless walls of the factory farm. They make it a crime to break the spell of the idyllic factory farm. Through this they perpetuate the illusions we have about “life on the farm.”

Segregated Costs

Factory farming does not just rely on hiding the treatment of animals but on segregating the costs of an environmentally devastating industry. This includes the sizable role that animal agriculture plays in causing climate change, including the attendant problem of deforestation, as well as the exorbitant waste of water—a resource that is becoming increasingly precious. However, I will focus here on local effects—the smells of factory farms, the poisoning of water supplies, and the negative impacts on air quality for local communities. These effects are immediate, clearly tied to the production of animal products, and severely impact those living nearby.

As discussed by Christine Ball-Blakely, intensive animal agriculture causes a host of local environmental harms. First, it “pollute[s] surface water and groundwater” including through “lagoon breaches, catastrophic flooding, and runoff.”¹⁶ This can lead to “contaminated drinking water”¹⁷ especially in areas that “have elevated rates of reliance upon wells for drinking water.” Second, factory farms contribute to air pollution, adding “nearly 75% of the United States’ ammonia air pollution.”¹⁸ Showcasing the significance of these effects, Ball-Blakely cites one study according to which neighboring communities “suffered disproportionate levels of tension, anger, confusion, fatigue, depression, and a lack of overall vigor as well as more

¹⁵ Ibid.

¹⁶ Ball-Blakely, pg. 5.

¹⁷ Ibid.

¹⁸ Ibid., pg. 6.



upper respiratory and gastrointestinal ailments than neighbors of other types of farms and non-livestock areas.”¹⁹

Third, intensive animal agriculture also leads to a significant decrease in property values. This results partly from the air and water pollution described above, but also from the smell of factory farms. This can leave people feeling trapped in their own homes and refraining from hanging their clothes out to dry.²⁰ And the financial costs can be considerable, as “[o]ne study found that properties within three miles of a [factory farm] decreased in value by 66%...while properties within one-tenth of a mile of a [factory farm] decreased in value by as much as 88%.”²¹

These are predictably sited in Black, Latino, and low-income rural communities that have been systemically deprived of political power. This localizes the costs to less politically powerful groups and ensures that “economically productive and valuable” properties are not impacted. And while they are generally located in low-income communities, they have a disproportionate impact on racial minorities. For example, relative to white populations, “the proportion of African American, Hispanic, and Native American people living within three miles of a North Carolina pig [factory farm] are 1.54, 1.39, and 2.18 times higher, respectively.”²² In addition, North Carolina schools “with a significant number of black and brown students (about 37%) and slightly less than half of the students on reduced lunch programs were located an average of 4.9 miles from pig factory farms, yet schools with more white and higher-income students were found to be an average of 10.8 miles away.”²³ Both at home and while being educated in public schools—during a time when one is particularly susceptible to the effects of environmental pollutants—low-income people of color are disproportionately located near one of the most environmentally devastating industries.

Unwelcome Guest Workers & The Undocumented

Much of our agriculture work—especially industrial animal agriculture—is performed by immigrants.²⁴ This includes a large percentage of labor performed both by temporary guest workers and the undocumented. For example, 52.9%

¹⁹ Ibid.

²⁰ Ibid.

²¹ Ibid.

²² Ibid., pg. 5.

²³ <https://ffacoalition.org/articles/environmental-racism-factory-farming/>

²⁴ It is also performed disproportionately by Black and low-income workers.



of hand packers and packagers at meatpacking plants are immigrants.²⁵ An estimated 17% of all agricultural workers are undocumented.²⁶ Finally, “[f]actory farms mostly employ undocumented workers. The agricultural sector in general employs more than 3 million migrant and seasonal workers and 72% of them are born outside the United States” and “[u]ndocumented workers make up almost half of the workforce” within animal agriculture specifically.²⁷

This is not an historical accident nor is it unhelpful to the industry. According to Justin Akers Chacón, the North American model of capital accumulation “includes the hyperpolicing and repression of undocumented workers in the US and the maintenance of segregated labor markets across nations” which contributes to “a superexploitative low-wage threshold within the regional economy.”²⁸ Focusing solely on the undocumented, their legal status means that they are less likely to have, or to avail themselves of, formal legal protections in the workplace. The fear of deportation means that they are unlikely to report minimum wage violations, workplace injuries, poor treatment of animals, or environmental violations. They must be kept silent so that they remain invisible.

For example, the undocumented, due to fear of deportation, disproportionately underreport workplace injuries. Yet despite this, the official numbers are a stark reminder of the conditions in animal agriculture. According to a recent report, “65% of meatpackers have been injured on the job but... (OSHA) believes these numbers are underreported because undocumented workers are too fearful of retaliation to report an injury.”²⁹ And, as noted by Chacón, “[i]llegality denies workers basic rights to organize unions, collective bargain, petition for grievances, or in any way leverage their class power for higher wages, better working conditions, or their political rights. In effect, it also makes them permanent ‘at-will’ workers.”³⁰ The meager protections enjoyed by low-wage workers are withheld from the undocumented.

Harsha Walia argues that immigration policies are partly used to construct a pool of hyper-exploitable workers by either directly channeling them into temporary labor migration programs or indirectly contributing to large rates of undocumented migration. Walia describes this as the commodified inclusion of migrants and refugees as undocumented or temporary workers with deflated

²⁵ <https://cepr.net/meatpacking-workers-are-a-diverse-group-who-need-better-protections/>

²⁶ <https://www.pewresearch.org/hispanic/2016/11/03/industries-of-unauthorized-immigrant-work->

²⁷ <https://elecenter.com/1276/undocumented-animal-agriculture-workers-in-the-united-states/>

²⁸ Chacón pg. 1.

²⁹ <https://elecenter.com/1276/undocumented-animal-agriculture-workers-in-the-united-states/>

³⁰ Chacón, pg. 187.



labor power to guarantee capital accumulation.”³¹ Their entry is both predicated upon domestic labor market needs and shaped in such a way that they can be maximally exploited.

While the undocumented are often either formally or substantively unable to enjoy workplace protections and the power of collective bargaining, the temporary labor migrant often fares little better. Labor migration programs are constructed in a way that helps meet temporary labor market needs while also providing a controllable, relatively powerless pool of workers. As noted by Alex Sager, “migrants are recruited with temporary status and limited rights, precisely so they can serve as a cheap, disposable workforce.”³² They are often tied to specific employers and sectors of the labor market, thereby limiting their exit options and, as a result, diminishing their bargaining power.

This is true even of highly lauded temporary labor migration programs, like that of Canada’s Temporary Foreign Worker program, which has been described as the “Rolls Royce of labor migration.”³³ According to Walia, this praised program leaves workers “spatially isolated from other workers, materially denied the same fundamental rights and social benefits” and often without any feasible access to citizenship.³⁴ And it has been estimated to have robbed each farmworker of twenty thousand and each domestic worker of ten thousand dollars in unpaid wages every two years.³⁵

Gilbert Gonzalez has developed a history of guest worker programs in the United States, drawing out the connections between the now much maligned bracero program and current temporary labor migration regimes. In 1974, for example, Mexican President Luis Echeverria expressed a desire to work with the US in developing a renewed bracero agreement as a response to undocumented migration.³⁶ Both the Mexican and US government had come to rely on large rates of migration, and “were in no position to permanently jettison a type of labor program that for over two decades has successfully served the labor requirements of agribusiness.”³⁷ Mexico would be able

³¹ Walia, pg. 85.

³² Sager, pg. 41.

³³ Walia, pg. 8. .

³⁴ Ibid., pg. 157.

³⁵ Ibid.

³⁶ The Bracero Program was, according to Chacón, “a state-negotiated labor contract system that transferred Mexican workers into US capitalist agricultural production (and railroad construction) between 1942 and 1965” (Chacón, pg. 45).

³⁷ Gonzalez, pg. 148.



to absolve itself of a large unemployed population and would receive the benefits of remittances. And such programs would help the US better manage immigration flows and ensure a controllable population of workers.

In 2004, then-President George W. Bush proposed a new guest worker program, one that carved out space both for existing undocumented workers and would-be guest workers still living outside of the US, and particularly those living in Mexico.³⁸ And while ex-braceros saw this as a reimagining of a cruel and exploitative bracero program and pushed back against Bush's proposal, businesses that employ large numbers of Mexican labor were staunch supporters.³⁹ According to Gonzalez, "one California tomato grower called the Bush plan 'a Christmas present.'"⁴⁰ Such programs help regulate labor flows, ensuring that the number of immigrant workers tracks current labor market needs. But they also help regulate such workers by tethering them to particular employers and sectors of the labor market, thereby significantly reducing their bargaining power and substantive access to workplace protections.

Using temporary labor migrants and the undocumented also helps hide and invisibilize the costs of factory farms—for workers, the animals, and the communities impacted by their pollution. When workers cannot rely upon legal protections, when their legal residency is tied to their work, or when they are working without documentation, their speech is severely limited. They cannot safely shine a light on the myriad abuses that occur in industrial animal agriculture.

The racial and class-based segregation of industrial animal agriculture also plays a vital role in preventing the public from knowing about the effects of factory farming. For example, when the environmental effects are clustered in low-income and nonwhite communities, then the more politically and economically powerful need not bear—and often care much less about—these costs. The suffering of these communities is less visible and significant to those with political power—to those who are perceived to *matter*. By having this work performed by some of the most marginalized members of society, and having the costs accrue within heavily marginalized communities, the harms are often ignored.

³⁸ Ibid., pg. 157.

³⁹ Ibid., pg. 160.

⁴⁰ Ibid., pg. 161.



Compounding the problem, when the communities in which animal agriculture is sited are largely made up of the undocumented and those with undocumented friends and family, they will be hesitant to alert the authorities. The undocumented and their communities suffer ICE raids and experience the brutal effects of laws like Arizona's SB1070 and 287(g) agreements. The increasing prevalence of internal immigration enforcement—which is designed to identify, round up, and deport the undocumented—provides an ever-present threat to undocumented communities. This facilitates a fear of relying on state services. Not only does this undermine their social equality, but it means that these communities are less likely to report violations that they experience. This can lead to underreporting of corporate pollution, including from industrial animal agriculture.

This point has been made by Greenpeace Executive Director, Phillip Radford, who argued that we can best protect our environment and community members by speaking out together against corporate pollution, “[b]ut if people are afraid to speak out, they lose one of their basic human rights. The United States’ current immigration policy forces vulnerable communities to keep silent about corporate pollution for fear of having their lives and families torn apart.”⁴¹ Their constructed silence prevents a major siren from being sounded. As such, by siting factory farms and slaughterhouses near undocumented communities, and by employing a large percentage of undocumented workers, industrial animal agriculture can further protect its power to pollute.

Invisible Laboring Machines

Much as it does the animals themselves, industrial animal agriculture treats non-citizen workers as *mere* tools in the productive process. Whereas animals are the machines-to-be-food, such workers are the machines-to-make-food. They lack the substantive access to the rights and protections of most workers, and their precarity and powerlessness is used to engage in relationships of hyper-exploitation and abuse. Much like other machines used for production, they are to be bought as cheaply as the law permits, used as harshly as their maintenance allows, and discarded when no longer efficient.⁴³

⁴¹ https://www.huffpost.com/entry/the-environmental-case-fo_b_2876324

⁴² This is also true of other industries that employ large numbers of undocumented and temporary labor migrants.

⁴³ This is, of course, true to an extent of all workers. But the legal protections that give laborers some rights and protections are either less robust, poorly enforced, or nonexistent in this case.



In this section I want to briefly summarize the various ways that the undocumented and temporary labor migrants who work in industrial animal agriculture are treated as *invisible laboring machines*. First, the language used to describe them and the social attitudes that we have towards them erase their personhood and treat them either as resources to be used or an unwelcome outsider to be deported. Second, their relative lack of protections at work reduce them below the level of the ordinary exploited worker. They become hyper-exploited, precarious, and temporary. Even more than the citizen worker, they become a mere tool in the productive process. This also leaves them silenced, unable to safely push back against illegal or unjust corporate behavior. And third, ag-gag laws further silence them, undermining their ability to pierce the veil of the factory farm and slaughterhouse.

First, discussing invisible animal machines, Carol Adams noted how the very words we use to describe farmed animals erase their beingness and their animality. We call them beef, pork, and poultry. Similarly, our popular media and culture describes the undocumented as “illegals.” We describe the temporary guest worker as a job-stealing immigrant. They are labeled criminals and “bad hombres” before ever engaging in civil society. And these attitudes are exacerbated as temporary labor migrants become bound up in backlash against undocumented immigrants.

As Amy Reed-Sandoval has argued, the denigration and ostracization of the undocumented does not end with them. Instead, it applies more broadly and affects the social status of many legally sanctioned immigrants as well. According to Reed-Sandoval, the *socially undocumented* are “presumed to be undocumented on the mere basis of their appearance” and are subject to “‘demeaning immigration-related constraints’ illegalizing forces’...on that very basis.”⁴⁴ Legal citizens and temporary guest workers become, therefore, swept up in internal immigration enforcement and its broader social effects.

Roughly, the idea is that state immigration enforcement—and individual biases and differential treatment based on perceived immigration status—cannot reliably track the attribute in question. The undocumented are not visibly undocumented. They do not wear their citizenship status on their sleeves. Therefore, targeting them often means targeting people based on demographic cues. It means targeting people who look like we think the undocumented look: people who speak little or no English, people who “look Mexican,” and especially people who fit both descriptions. Immigrant populations, even when legally permitted to be here and even when doing work vital to the functioning of the

⁴⁴ Reed-Sandoval, pg. 3.



economy are denigrated and harassed. Their equal moral personhood fades in the background, occluded by a powerful and expansive set of discriminatory attitudes and practices.

Second, as discussed in the previous section, their legal status—for both the undocumented and the temporary labor migrant—leaves them without many of the traditional protections held by citizen workers. While labor typically operates at a disadvantage in its relationship with capital, this disadvantage is at least *somewhat* lessened for citizen workers in high-income countries. Social welfare programs, minimum wage laws, and other workplace protections—including maximum hours and mandatory overtime pay—offer a modicum of power and establish a floor below which they cannot fall. This is not the case for many immigrant workers, especially the undocumented but also, as discussed in the previous section, temporary labor migrants.

As noted by Chacón, by relying heavily on undocumented and temporary labor, industrial agriculture can secure greater returns.⁴⁵ This helps them “establish wage floors that are so degraded they are typically confined to other undocumented workers.”⁴⁶ Such workers suffer hyper-exploitation—they receive less by way of pay and benefits for the same degree of productive labor and, through this, contribute to higher rates of profit. They are not treated as permanent members of the firm—members whose health and happiness must be at least minimally considered. Instead, their lack of exit options and legal protections allow the industry to treat them as resources to be utilized as efficiently and brutally as is profitable. Such workers come dangerously close to approaching the status of mere machines in the productive process, ones to be used as harshly as is productive and as their meager legal protections permit.

Immigrant workers—including temporary labor migrants, but especially the undocumented—are socially denigrated, politically powerless, and suffer relations of hyper-exploitation at work, where they are left un- or under-protected by domestic labor laws. As a result, they not only experience greater harms at work and from polluting industries, but the harms they suffer are more likely to be hidden from view. This invisible harm is exacerbated by the third problem—ag-gag laws. Undocumented and temporary laborers find their voices and power even further diminished by such laws, which increase the already significant threats that they face if they speak out about their treatment, the treatment of animals, or the degradation of the environment.

⁴⁵ Chacón, pg. 167.

⁴⁶ *Ibid.*, pg. 187.

⁴⁷ This can be either *de jure* or *de facto*. In the former, the law itself excludes them from its protection. In the latter, their precarious position leaves them wary of making use of formal legal rights.



As with the harms to animals, the harms to immigrant workers and their communities are already segregated and hidden even without ag-gag laws. Such laws, however, reinforce the walls of the factory farm for animals and deepen the shadows within which immigrant communities live and work. They increase the costs associated with speaking out against workplace violations and environmental degradation for all parties, particularly for non-citizens. And by doing so, they do much to justify and perpetuate the current abusive status quo.

Non-citizen workers already face constant threats to their ability to remain safely in the US. The undocumented live under the constant threat of identification and deportation. And temporary labor migrants, by being tied to employers or sectors of the labor market, know that losing their job can mean losing their right to remain in the US. Complaining about one's working conditions, as well as the industry violating environmental standards, can already risk one's job and home. Ag-gag laws reinforce this by adding another layer of legal penalties to those seeking to speak out about, or seek redress for, harmful and unlawful practices.

United Farm Workers of America explain that, due to "its limited resources, [the Occupational Safety and Health Administration (OSHA)] relies heavily on employees to report credible workplace hazards" and "prioritizes complaints that demonstrate reasonable grounds to believe that there is a violation of an OSHA standard."⁴⁸ This is often accomplished "through the taking of pictures or videos."⁴⁹ However, ag-gag laws attach criminal penalties or civil liability to those who pierce the walls of animal agriculture and record or take photographic evidence of abuses or violations. This means that farm workers themselves are unable to record evidence of violations, but it also means that sympathetic organizations and activists are unable to safely record or distribute digital evidence of wrongdoing.⁵⁰

As argued by Shaakirrah R. Sanders, "[a]n unauthorized person who uses misrepresentations to gain employment could be found in violation of an ag-gag law if that worker engaged in unwanted speech about animal or agricultural production." One reason is because complying with "an ag-gag law that requires a witness to report animal or agricultural abuse could force disclosure of unauthorized status. Once a worker's unauthorized status is known, deportation is imminent—regardless of whether the ag-gag investigation moves forward."⁵²

⁴⁸ Brief of Amicus Curiae United Farm Workers of America in Support of Plaintiffs-Appellees at *16, *Animal Legal Defense Fund v. Reynolds*, 9 F.4th 1219 (2021) (No. 20-3082).

⁴⁹ *Ibid.*, pg. *17.

⁵⁰ *Ibid.*, pg. 9.

⁵¹ Sanders, pg. 495.

⁵² *Ibid.*



And some states have enacted laws that directly disempower the undocumented, making their very employment an act of trespass or employment under false pretenses. For example, Iowa's Code § 717.3A "criminalized providing false information to gain access or employment" which can include fake identification or documentation.⁵³

Rather than working to mitigate—or at least not exacerbate—the oppression of undocumented workers, as well as temporary labor migrants, ag-gag laws are an example of the state further disempowering already marginalized members of society in order to better promote the exorbitantly high profits of industrial animal agriculture. And it is not just the workers—or their communities, when these facilities are sited near predominantly immigrant neighborhoods—who lose when ag-gag laws win. Such laws harm the broader public as well.

By preventing whistleblowers from providing evidence of abuse or violations, they undermine "efforts to educate the public and retailers about features of their food-supply system impacting public interest."⁵⁴ They prevent consumers from knowing about the violence perpetrated against animals, against workers, and against the community. Through this, they tilt already unbalanced scales and "distort the marketplace of ideas about the food production industry."⁵⁵ This keeps alive the illusions about animal agriculture, illusions that play no small role in keeping the industry profitable.

Conclusion Laboring Machines

Undocumented workers and temporary labor migrants lack many of the rights and privileges that citizens take for granted. They live at the margins of society, often suffering from constant fear of deportation and, in turn, reluctance to rely on the meager legal protections they are offered. They are denigrated and disdained by many in the broader public. And, due to a lack of workplace protections, they endure relationships of hyper-exploitation.

These interlocking oppressions make them ideal workers from the perspective of industrial animal agriculture. Their relative lack of workplace rights permits their hyper-exploitation. Their social denigration (and oftentimes spatial segregation) means that the wealthy and powerful will both be less aware of, and less concerned with, their abuse. Their fear of deportation—or of losing their job and,

⁵³ Ibid., pg. 509.

⁵⁴ ALDF v. Reynolds, pg. 25.

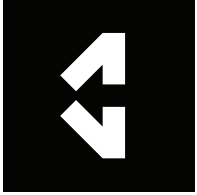
⁵⁵ Sanders, pg. 523.



therefore, their right to remain in the country—can silence them and prevent their reliance on existing legal protections. Ag-gag laws exacerbate these conditions, further disempowering them and their allies, preventing them from shedding a light on the abuses that happen in industrial animal agriculture.

Ag-gag laws might not primarily target non-citizen workers, and they are far from the most oppressive tool that contributes to their disempowerment. But the role that they play in silencing their speech and preventing their abuse from being documented is important. These laws create yet another bar in the cage that traps and disempowers non-citizen workers and their communities while also further contributing to the profitability and social acceptance of industrial animal agriculture.

Industrial animal agriculture, I have argued, relies on the ability to treat undocumented and temporary labor migrants as *invisible laboring machines* who can be exploited at greater rates than citizen workers, who can be refused many workplace protections, and whose abuse can be safely maintained due to their life in the shadows of society. By virtue of being segregated away from higher-income, white communities, and because of their social denigration, the costs that they accrue are unlikely to impact, let alone motivate a response from, the powerful members of society. Ag-gag laws add an additional barrier to their speech and to the speech of organizations and activists sympathetic to their cause. Such workers remain largely unseen and unheard by the broader public, but they are far from unused.



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