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## North Carolina's New Involuntary Servitude Statute: Inadequate Relief for Enslaved Migrant Laborers

Slavery, in its modern form, still exists in North Carolina. Since 1980, two federal courts have found several persons in North Carolina guilty of enslaving migrant laborers<sup>1</sup> in violation of the thirteenth amendment<sup>2</sup> and the 1866 Civil Rights Act.<sup>3</sup> In 1983 the North Carolina General Assembly responded by enacting legislation making involuntary servitude a crime.<sup>4</sup> The statute makes it a felony to knowingly and wilfully hold persons in involuntary servitude and a misdemeanor not to report violations to the local sheriff.<sup>5</sup>

Although the debate surrounding this statute should increase public awareness of the migrant laborers' situation, the Act is inadequate to end abuse of migrant workers. The General Assembly needed to change existing law significantly by enacting bold legislation making the farmers and growers more responsible for the migrant laborers. Instead, the present Act adds little to the already proven federal remedies. The General Assembly can justify the

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1. *United States v. Booker*, 655 F.2d 562 (4th Cir. 1981) (finding defendants guilty of kidnapping migrant laborers with the intent to hold them as slaves); *United States v. Warren*, 535 F. Supp. 1102 (E.D.N.C. 1982) (defendants guilty of holding migrant laborers in involuntary servitude and conspiring to violate the civil rights of a migrant laborer by forcing him to continue working when he was physically unable to do so; laborer died on the way back from the fields), *aff'd in part and rev'd in part sub nom.* *United States v. Harris*, 701 F.2d 1095 (4th Cir.), *cert. denied*, 103 S. Ct. 3554 (1983). See *infra* notes 27-39 and accompanying text.

2. "Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction." U.S. CONST. amend. XIII, § 1.

3. The Civil Rights Act of 1866 enforces the thirteenth amendment's prohibition of slavery. Both courts upheld jury verdicts finding defendants guilty of violating 18 U.S.C. § 1583 (1982). *United States v. Booker*, 655 F.2d 562, 564 (4th Cir. 1981); *United States v. Warren*, 535 F. Supp. 1102, 1105 (E.D.N.C. 1982). 18 U.S.C. § 1583 provides:

Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or

Whoever entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held—

Shall be fined not more than \$5,000 or imprisoned not more than five years, or both. The *Warren* court also upheld convictions of violating 18 U.S.C. § 241 (1982) and 18 U.S.C. § 1584 (1982). *Warren*, 535 F. Supp. at 1104-05. 18 U.S.C. § 241 (1982) provides:

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States . . . [t]hey shall be fined not more than \$10,000 or imprisoned not more than ten years, or both; and if death results, they shall be subject to imprisonment for any term of years or for life.

*Id.* § 1584 provides:

Whoever knowingly and wilfully holds to involuntary servitude or sells into any condition of involuntary servitude, any other person for any term, or brings within the United States any person so held, shall be fined not more than \$5,000 or imprisoned not more than five years, or both.

4. Although North Carolina did not have a statute outlawing slavery, a constitutional provision expressly prohibits it. "Slavery is forever prohibited. Involuntary servitude, except as punishment for crimes whereof the parties have been adjudged guilty, is forever prohibited." N.C. CONST. art. I, § 17.

5. N.C. GEN. STAT. § 14-43.2 (Cum. Supp. 1983). The statute provides:

involuntary servitude statute only by recognizing it as a step toward improving and humanizing the migrant laborers' conditions and not as the final solution.

Migrant laborers perform an essential food production function in North Carolina.<sup>6</sup> Generally, farmers secure laborers by contracting directly with migrant laborers who travel in groups looking for work,<sup>7</sup> or through the Rural Manpower Division.<sup>8</sup> The Rural Manpower Division facilitates matching farmers with farm labor contractors, or crew leaders, who recruit and transport migrant laborers to North Carolina. The Rural Manpower Division works only with crew leaders registered under the Farm Labor Registration Act<sup>9</sup> and inspects the labor camps before helping the farmer find migrant laborers.<sup>10</sup>

A crew leader generally is in charge of the labor camp. Farmers often give exclusive control of the harvesting to the crew leader,<sup>11</sup> who will hire a few other people to help him manage the labor camp. Once the farmer delegates the harvesting to the crew leader, the farmer does not guarantee the fairness of the prices charged and the wages paid. Crew leaders are free to

(a) As used in this section, "involuntary servitude" means the unlawful holding of a person against his will:

(1) For the performance of labor, whether or not for compensation, or whether or not for the satisfaction of a debt, and

(2) By coercion or intimidation using violence or the threat of violence, or by any other means of coercion or intimidation.

(b) It is unlawful to knowingly and willfully:

(1) Hold another in involuntary servitude, or

(2) Entice, persuade or induce another to go to another place with the intent that the other be held in involuntary servitude.

A person violating this subsection shall be guilty of a Class I felony.

(c) Nothing in this section shall be construed to affect the laws governing the relationship between an unemancipated minor and his parents or legal guardian.

(d) If any person reports a violation of subsection (b) of this section, which violation arises out of any contract for labor, to any party to the contract, the party shall immediately report the violation to the sheriff of the county in which the violation is alleged to have occurred, for appropriate action. A person violating this subsection shall be guilty of a misdemeanor and upon conviction shall be fined or imprisoned, or both, in the discretion of the court.

See also N.C. GEN. STAT. § 14-39(a)(4) (Cum. Supp. 1983). Section 14-39(a)(4) makes it a crime to kidnap a person to hold in involuntary servitude.

6. LEGISLATIVE RESEARCH COMMISSION, MIGRANT WORKERS REPORT TO THE 1983 GENERAL ASSEMBLY OF NORTH CAROLINA 8 (1983) [hereinafter cited as MIGRANT WORKERS REPORT]. The Commission estimated that North Carolina farmworkers, including 35,000 migrant laborers, harvest nearly one billion dollars worth of agricultural products each year.

7. *Id.* at 10. These groups are known as "freewheelers."

8. The Rural Manpower Division is part of the North Carolina Employment Security Commission. *Id.* at 9.

9. 29 U.S.C. § 1811 (1982). The Farm Labor Registration Act requires crew leaders who transport migrant laborers more than 25 miles to register with the United States Secretary of Labor. Registration requires proof of insurance on the transporting vehicle, disclosure to the laborer of the employment conditions, and a guarantee that federal minimum wage and housing standards will be followed. This system does identify many crew leaders, but the Migrant Workers Report conceded that "much of the [migrant laborers'] housing . . . was dilapidated, unsanitary and grim." MIGRANT WORKERS REPORT, *supra* note 6, at 22. "It is difficult to write about migrant housing without seeming to be melodramatic. One can approach the subject with the most modest expectations and be unprepared for the realities." *Id.*

10. MIGRANT WORKERS REPORT, *supra* note 6, at 29.

11. The farmer usually will pay the crew leader a fixed sum, and the crew leader will allocate it among wages, food, and lodging for the migrant laborers and himself.

allocate only a small amount for the laborers and to keep much of the money as salary.<sup>12</sup> In the spring a crew leader managing a North Carolina farm usually will travel to Florida to recruit migrant laborers.<sup>13</sup> Most of the laborers are black or Puerto Rican,<sup>14</sup> and the crew leader may be the only person who speaks English.<sup>15</sup> Because the crew leader controls the transportation and the labor camps,<sup>16</sup> migrant laborers depend on him to meet their needs. Crew leaders frequently capitalize on the laborers' dependence by forcing them to purchase meals, liquor, and retail items from them at inflated prices.<sup>17</sup> In addition, the migrant laborers often must pay to rent a small room and linens at the camp;<sup>18</sup> the crew leader simply deducts these charges from their pay.<sup>19</sup>

Most modern social legislation does not protect migrant laborers. North Carolina explicitly exempts agricultural workers from coverage by workers' compensation,<sup>20</sup> child labor,<sup>21</sup> minimum wage, overtime, and youth employment statutes.<sup>22</sup> In addition, migrant laborers rarely qualify for unemployment compensation.<sup>23</sup> Communities seldom feel responsible for ensuring the laborers' health and welfare,<sup>24</sup> since they spend only a few weeks in each community and live in labor camps apart from much of the population.<sup>25</sup> The migrant laborers' transient lifestyle also makes continuing education and health care almost impossible, especially when the laborer does not speak English.<sup>26</sup> Migrant laborers are extremely vulnerable; they have little legal protection or community support.

The plight of migrant laborers recently gained public attention in North Carolina. The United States Department of Justice brought suit against a number of North Carolina crew leaders for violating federal statutes. In

12. Although the Fair Labor Standards Act, 29 U.S.C. § 213(a)(6) (1982), provides that migrant laborers who cross state lines to do agricultural work and those who work for a farmer who uses no less than 500 man days of farm labor in any quarter of the preceding year must receive the federal minimum hourly wage and overtime, crew leaders can avoid the requirements by paying migrant laborers on a piece work basis. The Legislative Research Commission found that less than one-half of the North Carolina farmworkers, including both migrant and resident laborers, receive the federal minimum wage. *MIGRANT WORKERS REPORT*, *supra* note 6, at 13.

13. The migrant laborers who work in North Carolina are part of the "East Coast" stream. They work their way up the Atlantic coast in the spring planting and harvesting, and return to Florida after harvesting the fall crops, such as apples. During the off-season, they harvest or do odd jobs in Florida. The other major identifiable patterns or streams of migrant labor are the "midcontinental" and "West Coast" streams. *MIGRANT WORKERS REPORT*, *supra* note 6, at 9.

14. *Id.* at 8.

15. *Id.* at 11.

16. *Id.* at 10-11.

17. *Id.*

18. *Id.* at 22.

19. *Id.* at 11.

20. N.C. GEN. STAT. § 97-13(b) (1979).

21. *Id.* § 95-25.5(k) (Cum. Supp. 1983). Migrant children may work legally at 10 years of age. *MIGRANT WORKERS REPORT*, *supra* note 6, at 31.

22. N.C. GEN. STAT. § 95-25.14(a)(2) (Cum. Supp. 1983).

23. *MIGRANT WORKERS REPORT*, *supra* note 6, at 9.

24. *Id.* Migrant laborers "are viewed and treated as 'outsiders' by many local residents." *Id.*

25. *Id.*

26. *See id.* at 28. Migrant laborers tend to have larger families, so all the children can help earn the family's income. *See id.* at 27.

*United States v. Booker*<sup>27</sup> crew leaders were found guilty of kidnapping two migrant laborers with the intent to hold them as slaves.<sup>28</sup> The crew leaders had recruited the migrant laborers with promises of free transportation to the work site and steady employment once they arrived.<sup>29</sup> Both promises proved false, and the laborers quickly discovered that they "owed" the crew leaders not only for the transportation, but for all their meals and other expenses. The crew leaders threatened the laborers with death and beat them when they tried to leave before paying their "debts."<sup>30</sup> In one instance, two laborers left the camp against the crew leaders' orders. When the crew leaders found the laborers, they choked them, beat them repeatedly with their fists and with an ax handle, forced them back to the labor camp, and threatened beatings or death if they tried to escape again.<sup>31</sup> The court held that the "climate of fear"<sup>32</sup> created by the crew leaders brutally beating the laborers to force payment of illusory debts violated federal statutes outlawing slavery<sup>33</sup> and kidnapping with the intent to hold persons as slaves.<sup>34</sup>

Soon after *Booker*, the United States Court of Appeals for the Fourth Circuit found crew leaders guilty of holding migrant laborers in involuntary servitude and of conspiring to violate the civil rights of one laborer. In *United States v. Harris*<sup>35</sup> the labor camp functioned more like a prison camp. Crew leaders guarded the laborers at night to prevent escape; those caught attempting to escape were banished to a house known as the "jail."<sup>36</sup> Laborers who did not work as quickly as the crew leaders desired were beaten with rubber hoses and threatened with death. Only two days after one laborer began work, he died from the intense work, beatings, and absence of medical care. The laborer, Robert Anderson, apparently was sick when he arrived at the camp. Because he was weak, he could not pick potatoes for long without resting. The crew leaders forced him to continue picking each time he tried to stop. That night and the following day, Mr. Anderson vomited blood; the crew leaders, however, refused to take him to the hospital. Instead, they forced him back to the potato fields and beat him when he tried to rest. Mr. Anderson finally collapsed in the fields and died within minutes, apparently of heat stroke.<sup>37</sup> The crew leaders' "reign of physical terror at the farm"<sup>38</sup> was slavery in a modern form.<sup>39</sup>

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27. 655 F.2d 562 (4th Cir. 1981).

28. *Id.* at 567.

29. *Id.* at 563.

30. *Id.*

31. *Id.* at 563-64.

32. *Id.* at 566.

33. 18 U.S.C. § 1584 (1982).

34. *Id.* § 1583.

35. 701 F.2d 1095 (4th Cir.), *cert. denied*, 103 S. Ct. 3554 (1983).

36. *Id.* at 1098.

37. *Id.* at 1101-02.

38. *Id.* at 1100.

39. In *United States v. Bibbs*, 564 F.2d 1165 (5th Cir. 1977), *cert. denied*, 435 U.S. 1007 (1978), the court held that a "defendant is guilty of holding a person to involuntary servitude if the defendant has placed him in such fear of physical harm that the victim is afraid to leave, regard-

After the federal slavery convictions, the North Carolina General Assembly created the Legislative Research Commission to "study the role of the state with respect to migrant farmworkers."<sup>40</sup> The Commission studied several past reports about migrant laborers in North Carolina,<sup>41</sup> and visited labor camps in Sampson County, North Carolina.<sup>42</sup> It conceded that "[m]ost of our programs treat only the symptoms of farmworkers' problems,"<sup>43</sup> and made recommendations to address the problems more effectively. Although the General Assembly enacted legislation making both farmers and crew leaders jointly responsible for migrant housing,<sup>44</sup> it failed to address the majority of the migrant laborers' problems fully. The first major legislative act merely makes it criminal to hold persons in involuntary servitude;<sup>45</sup> the second merely establishes a farmworkers' council.<sup>46</sup> Because the acts do not alter existing remedies and programs substantively, they cannot provide solutions to migrant labor exploitation.

Even though the General Assembly did not attack aggressively the situation, its actions may have some positive effects. The publicity surrounding *Booker, Harris*, and the involuntary servitude legislation should make people more sensitive to the exploitation of migrant labor in their communities. If farmers realize that crew leaders are subjugating migrant workers and beating them if they try to escape, they may take steps to protect the laborers. Farmers may retain some control over harvesting and be more selective in hiring crew leaders. Increased sensitivity may also induce local law enforcement personnel to work more actively to curb or prevent violence in the labor camps.<sup>47</sup>

Despite these potential advantages of the involuntary servitude statute, it adds very little to the already proven federal remedies. The Civil Rights Act of 1866 generally provides for prison terms up to five or ten years and fines

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less of the victim's opportunities for escape." *Id.* at 1168. This case involved a crew leader who worked in North Carolina as well as Florida. He forced the migrant laborers to rent space in the housing he provided and to buy meals and liquor from him, all at exorbitant prices. He also charged for necessities such as electricity and work gloves. Laborers often found that their "expenses" outweighed their weekly earnings. Furthermore, the crew leader threatened and beat laborers who attempted escape.

40. MIGRANT WORKERS REPORT, *supra* note 6, at 3.

41. *Id.* at 18. Because the migrant laborers' problems have been studied often, the General Assembly's failure to act on the problems until after the successful federal prosecutions indicates that embarrassment over the slavery cases prompted the action.

42. *Id.* at 21.

43. *Id.* at 20.

44. N.C. GEN. STAT. §§ 130A-238 to -244 (Cum. Supp. 1983).

45. *Id.* § 14-43.2.

46. *Id.* § 143B-426.25 to .26.

47. The Legislative Research Commission noted that alcohol consumption added to the violence in the labor camps. Enforcing the Alcoholic Beverage Control laws, the Commission believed, would reduce some of the fights and injuries. MIGRANT WORKERS REPORT, *supra* note 6, at 21, 27. Migrant laborers often are required to buy their beer and liquor from the crew leaders at unreasonable prices. See *supra* text accompanying note 17.

The Legislative Research Commission thought that a statute outlawing involuntary servitude "would probably be a deterrent to incidents of slavery, servitude and peonage. If incidents were reported, enforcement of a state law should be easier and less time consuming than to rely on federal law." MIGRANT WORKERS REPORT, *supra* note 6, at 39.

violators up to \$5000 or \$10,000, with increased penalties if death results.<sup>48</sup> The North Carolina law makes involuntary servitude a Class I felony with a presumptive sentence of two years.<sup>49</sup> Although the presumptive sentence appears to guarantee that a convicted defendant will serve time in prison, the sentencing judge has complete discretion to impose an active sentence or merely probation.<sup>50</sup> Unless actively enforced, the Act loses its effectiveness as a deterrent and means of punishment.

It is questionable whether the slight difference between the existing federal and state remedies justifies creating a state statute. Unfortunately, the General Assembly rejected part of the Legislative Research Commission's recommendation that would have made the state remedies substantially stronger than the federal remedies. The recommended version would have defined involuntary servitude as employing a person with the knowledge that the person holds others in involuntary servitude.<sup>51</sup> This provision would have forced farmers to take responsibility for the abuses occurring on their farms, and be more cautious in hiring crew leaders. The enacted version, however, makes it only a misdemeanor if the farmer or another party to the labor contract receives reports of violations, and does not report them to the local sheriff.<sup>52</sup>

Another weakness with the North Carolina statute is that it prohibits only the knowing and willful imposition of involuntary servitude.<sup>53</sup> Applying a similar standard, the court in *Harris* indicated that unless the farmer were active in the harvesting process, he could not be convicted under the federal statute.<sup>54</sup> Thus, a farmer probably will be found guilty under the North Carolina Act only if he participates in the day-to-day operations of harvesting.<sup>55</sup> The General Assembly's omission of the recommended provision holding a farmer responsible for hiring persons whom he knows hold others in involuntary servitude weakens the statute.<sup>56</sup> Without proving the farmer's daily involvement, it will be difficult to prove he knowingly and willfully held others

48. See *supra* note 3. In *United States v. Warren*, 535 F. Supp. 1102 (E.D.N.C. 1982), *aff'd in part and rev'd in part sub nom. United States v. Harris*, 701 F.2d 1095 (4th Cir.), *cert. denied*, 103 S. Ct. 3554 (1983), defendant Harris received a life sentence on the conspiracy count and five-year sentences on three counts of involuntary servitude to run consecutively; defendant Dennis Warren received a twenty-year sentence for conspiracy and two five-year sentences for involuntary servitude to run concurrently; and defendant Richard Warren received concurrent split sentences on the conspiracy and false imprisonment counts of six months in prison and five years probation.

49. N.C. GEN. STAT. § 15A-1340.4(f)(7) (1983).

50. *Id.* § 15A-1340.4(a).

51. MIGRANT WORKERS REPORT, *supra* note 6, at app. E.

52. N.C. GEN. STAT. § 14-43.2(d) (Cum. Supp. 1983). The extent of punishment upon conviction lies within the court's discretion.

53. *Id.* § 14-43.2(b).

54. *Harris*, 701 F.2d at 1099.

55. Similarly, farmers generally are not liable for the crew leader's torts, since the crew leader is an independent contractor. "[A]n independent contractor [is] one who exercises an independent employment and contracts to do certain work according to his own judgment and method without being subject to his employer except as a result of his work." *Cooper v. Asheville Citizen-Times Publishing Co.*, 258 N.C. 578, 586-87, 129 S.E.2d 107, 113 (1963). Farmers usually give the crew leader a certain sum of money, and the crew leader uses it for food, lodging and wages, as needed. See *supra* notes 11-12 and accompanying text.

56. See *supra* note 51 and accompanying text.

in involuntary servitude.<sup>57</sup>

Enforcement will be another problem with the involuntary servitude statute. The Legislative Research Commission recognized that "there seems to be an accepting indifference of the local law enforcement agencies"<sup>58</sup> towards migrant labor exploitation. In addition to recognizing that violence was common in labor camps,<sup>59</sup> the Commission noted regular violations of food stamp regulations, wage and hour laws, and liquor laws.<sup>60</sup> The Commission proposed to authorize the State Bureau of Investigation to investigate violations of the involuntary servitude statute without waiting for local law officers to request its help.<sup>61</sup> Although this proposal would have made the involuntary servitude statute stronger and more likely to be enforced, it was rejected by the General Assembly. Thus, the involuntary servitude statute will be no more effective than existing federal remedies. If local law enforcement officers hesitate to investigate assaults and Alcoholic Beverage Control violations, they probably will not investigate abuses of the new involuntary servitude statute on their own initiative. Furthermore, if local officers do not investigate migrant labor abuses on their own, they will be reluctant to ask state detectives to intervene. The involuntary servitude statute is a superficial remedy that demonstrates that North Carolina is not committed to providing adequate security and health standards for migrant laborers in the state.

The second major legislative act, establishing the North Carolina Farmworker Council,<sup>62</sup> is no more potent a weapon than the involuntary servitude statute. The Council's purpose is to study the migrant laborer's situation to determine how to prevent overlapping services, and to recommend legislative changes.<sup>63</sup> Migrant labor problems in North Carolina, however, already are well documented. The problems deserve active solutions, not further study.<sup>64</sup>

There are a number of effective remedies available to the state. Requiring farmers to carry Workers' Compensation insurance for the migrant laborers would guarantee income to laborers unable to work after a job-related injury.<sup>65</sup> Granting migrant laborers the right to form and join unions and pro-

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57. In *Harris* crew leaders were found guilty of illegally recruiting and kidnapping migrant laborers, of beating them, and of killing one laborer. See *supra* text accompanying notes 35-39. The court recognized that the farmer could not be implicated in the crimes, because he was not involved with the farm's daily operations. See *Harris*, 701 F.2d at 1099. Although the farmer's crew leaders were beating and killing people, the farmer "knew" nothing about it. As long as farmers can remove themselves from liability by distancing themselves from the migrant laborers, they will have no incentive to make the labor camps secure and sanitary.

58. MIGRANT WORKERS REPORT, *supra* note 6, at 32.

59. See *supra* note 47 and accompanying text.

60. MIGRANT WORKERS REPORT, *supra* note 6, at 23.

61. *Id.* at app. E.

62. N.C. GEN. STAT. § 143B-426.25 to .26 (Cum. Supp. 1983). The Council will work with problems facing both resident and migrant laborers.

63. *Id.*

64. See *supra* note 41 and accompanying text.

65. The Legislative Research Commission refused to recommend bringing agricultural workers within the Workers' Compensation Act. The paperwork and cost, the Commission feared, would be prohibitive to small farmers. It did propose legislation requiring farmers who meet

viding a board to mediate disputes would give the migrant laborers independence from the crew leaders and some control over their working conditions.<sup>66</sup> Also, certain existing organizations that help migrant laborers deserve guaranteed funding. Farm Workers' Legal Services, which aided the migrant laborers in *Booker*, and the East Coast Migrant Head Start Program, which allows many migrant children to attend regular day-care centers,<sup>67</sup> are two such organizations. Unless the Farmworker Council has the power to implement and enforce effective protections such as these, it cannot address fully the migrant laborers' problems. Creating the Farmworker Council without giving it the ability to make significant changes is an illusory solution.

Although slavery was abolished over a century ago, it has taken on a twentieth century<sup>68</sup> form in North Carolina; the General Assembly's relief has not. The General Assembly had an excellent opportunity to make substantive changes while the public still was sensitive to the federal slavery prosecutions. Instead, it studied migrant laborers' problems and made involuntary servitude a crime, adding nothing to the federal remedies that have existed for over one hundred years. The General Assembly must recognize that migrant laborer problems will worsen<sup>69</sup> unless farmers and growers are liable for the abuses at their labor camps. Farmers should not be able to avoid responsibility by delegating harvesting to crew leaders who subjugate and beat migrant laborers. The Farmworker Council and the involuntary servitude statute are not solutions to the laborers' situation. They may be effective as steps towards a solution. The final result must be a system that respects the essential function migrant laborers perform in producing food, and gives them the status and environment commensurate with their function.

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certain qualifying standards to purchase liability insurance. MIGRANT WORKERS REPORT, *supra* note 6, at 37. The proposal was not adopted.

66. California does allow migrant laborers to join labor unions and provides a labor dispute board. See CAL. LAB. CODE §§ 1152-1155.7 (West Supp. 1983).

67. MIGRANT WORKERS REPORT, *supra* note 6, at 28.

68. See *Booker*, 655 F.2d at 566.

69. The Legislative Research Commission reported that North Carolina is eleventh in the nation in its use of migrant labor. It estimated that North Carolina employed 10,000 migrant laborers in 1975, and 35,000 in 1981. MIGRANT WORKERS REPORT, *supra* note 6, at 27.