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The Philippine Labor Brokerage State and the Overseas Filipino Workers

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“Communism deprives no man of the power to appropriate the products of society; all that it does is to deprive him of the power to subjugate the labor of others by means of such appropriation.”

-Karl Marx, *The Communist Manifesto*
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The Philippine Labor Brokerage State and the Overseas Filipino Workers

By Morgan Welsh

Abstract

The Republic of the Philippines is faced with the challenge of defining the future role of government and other private agencies that function as a broker of Filipino and Filipina overseas workers to various locations throughout the world. This paper seeks to be critical of how the labor brokerage regime of the Philippine State functions and how the government affects the lives of Overseas Filipinos and Filipinas. State authorized processes are critically examined by exploring the modern recruitment and regulation practices within this competitive labor market. Focusing primarily on the role of the Philippine Overseas Employment Administration and the Bangko Sentral ng Pilipinas, in content analysis of government documents and records, will allow me to draw conclusions about contemporary labor migration and the remittance economy. My research seeks to bring the voices of Overseas Filipinos and Filipinas to the forefront of the subject. The real life testimonies of workers allow further understanding of their motivations and aspirations as participants of global labor migration. With the incorporation of one semi-structured interview of a current overseas Filipino worker contrasting with testimonies of lower skilled overseas Filipino workers and their children, I hope to shed light on issues of class, gender, and place. Subsequent factors surrounding authorized labor exportation and the labor brokerage state of the Philippines includes the labor code of 1974, the The Migrant Workers and Overseas Filipinos Act of 1995, and the Bagong Bayani Presidential Awards. The government of the Philippines is able to play on the aspirations of many citizens through the manipulation of social norms and organized practices.
The Philippine Labor Brokerage State and the Overseas Filipino Workers

Introduction

Throughout history, labor has appeared in many classifications and varieties from slaves, to peasants, to indentured servants, and from share-croppers, to the modern worker of today. Each labor practice shows a slight modification in its conditions that theoretically make a difference, as in each instance or mode of production, the work has a different relation to the means of production. But it is also true that, regardless of the mode of production, one thing has remained a constant fact, and that is, laborers and wage-laborers do not own the fruits of their labor. This study takes me to the birthplace of my grandmother in the Philippines in Southeast Asia.

Much like the Bracero Program labor agreement between Mexico and the United States in the 1940’s, the Philippines practices a unique modern day version known of a bracero program to have launched with the Labor code of 1974. Unlike the Bracero Program- which was exclusively between the United States of America and Mexico- the Labor Export Policy of the Philippines has sent and continues to send migrant workers to all reaches of the globe, including six world regions.

State Policy, originally put in place to deal with high volume of unemployment in the Philippines, has turned into a strict governing mechanism which has also come to safeguard the rights and livelihoods of Overseas Filipinos who live and work abroad. I would like to analyze the Philippine labor export policy from its very origin to today. I am passionate about this topic because my family has always participated by sending remittances in the form of money or care packages back to the Philippines in order to take care of family members who live there. My
Grandmothers and aunts would send the care packages, especially around major holidays and life events, for our family who still lived in the Philippines. I would like my readers to understand the nation of the Philippines creates a regime where it is popular and self-fulfilling for citizens to participate in the labor export policy in order to fulfil their national duty to their country and to their hometown. The common sense notion created from the neoliberal labor export policy is that good citizens are expected to contribute and sacrifice themselves by taking out loans to work overseas- with the hope and intent of sending home highly prized remittances.

The Philippine government and private agencies that manage labor brokerage are thus able to accumulate capital (profit) from the promise and perils, successes and failures, of many individuals. The practice and management of Labor Brokerage is highly controversial and this systematic and strategic form of labor migration is known to be a global innovation and a model of migration management to be implemented all over the free market. However, while the Philippine does display a solid method of regulated labor exportation, the government does not do enough to ensure that all overseas Filipino workers are treated with dignity in their labor receiving nations. Two research questions are: 1) How is does the labor brokerage regime of the Philippine state work? and 2) How does it affect the lives of overseas Filipino workers? Two theories that help me examine and illuminate these questions are Aiwah Ong’s theory of Neoliberal Governmentality and the work of Robyn Magalit Rodriguez regarding the Labor Brokerage State. 

Literature Review: Central Concepts

The Labor Brokerage system of the modern Philippine State authorizes Filipino and Filipina workers to take part in the global economy. The Philippine labor brokerage system permits authorized workers, now regarded in official documents as Overseas Filipino Workers
(OFW’s), to earn money abroad in order to send a portion of their earnings home in the form of cash remittances. This authorization practice began with the labor code of 1974, put in place during the Marcos regime. Remittances now have come to play a key role in the gross domestic product of the Philippines. In 2015, According to the Bangko Sentral ng Pilipinas, OFW remittances totaled $25,606,830,000 USD.1 Because remittances are so valuable to both local and national governments, the Philippine state enthusiastically pressures its peoples into emigration for labor overseas. While remittances are valued to government and private agencies, most families of overseas Filipino workers are being torn apart for years on end.

State Empowerment or Disempowerment

The Philippine government legislated a strategy, The Labor Code in 1974, for labor exportation to help lighten high rates of unemployment as the economy became gradually more import based. This policy shifted ideologically in 1995 with the migrant workers act RA 8042. The Philippine State claims that they are not promoting labor migration but merely managing the choices of Filipinos to work overseas. Today, it is essential that the Philippine state provide for their economic justice and social welfare of Filipino migrant workers (OFWs). The roots of the strong desires of Filipino professionals to seek work abroad are complex. In addition to aggressive recruitment by external capitalist institutions, limited employment opportunities in the Philippines and political instability motivate Filipino skilled laborers and professionals to work abroad, to provide for themselves and for their families. The state creates economic feasibility by

culturally appealing worker’s sense of Utang na loob\(^2\) (indebtedness) to the Philippines that can be honored by making financial investments in their hometown.

One major social trend stemming from the labor brokerage regime are the Bagong Bayani Presidential awards. Bagong Bayani is the search for the country’s most outstanding and exemplary Overseas Filipino Workers (OFWs) as modern day heroes. These awards honor the social heroism of Filipino migrants and are deeply rooted in Catholic ideals of suffering, sacrifice, and martyrdom. Ever since the creation of Bagong Bayani, the awards have been viewed as a state instrument of “empowerment. Others believe this “reference” of Filipino migrant workers as modern-day heroes does not empower them but only commodifies the workers to have the professional image as being highly trained or skilled. Are these true, common, or natural traits of OFW’s, or has the government manufactured and socially constructed the traits to fit neoliberal demands of global markets? This “high-quality labor commodity” is celebrated in the Bagong Bayani Awards that have been taking place since 1984. “Empowering” workers to think of themselves on a pedestal mirrors the idea that overseas workers are significant in so far as they are economically in support to the country and the noteworthy remittance economy. The Labor Brokerage system created a class of special Filipinos who are able to fulfill their duty to the nation by serving as OFW’s.

The Centrality of the Remittance Economy in the Philippines

Structural adjustment in the Philippine economy led to a movement away from farming, fishing, and local manufacturing as the traditional base for the economy and towards the remittance economy of today. Many years after the passing of the “magna carta of labor” in

\(^2\) Guevarra P 73.
1974, the modern remittance economy works to both maintain the household economy while also sustaining the economy of the nation as a whole. In 2012 alone, migrant remittances to their country of origin reached a high of $401 billion globally. With that in mind, the Philippines was the third largest recipient of overseas remittances.\(^3\) According to online statistics from the Bangko Sentral ng Pilipinas, Philippine Remittances were recorded at $25,606,830,000 USD in the year 2015. In recent years, remittances have played a central role in the GPD of the Philippines.

Overseas remittances have become a valuable commodity of import for the Philippine state while labor has become a main export. Currently the Philippines GDP per capita is 2,765.08 USD. According to a report by the Bangko Sentral ng Pilipinas in April of 2015, cash remittances for January-April 2015 were $7.8 billion, higher by 5.4 percent compared to the level posted in the same period in 2014, Cash remittances from land-based ($5.9 billion) and sea-based ($1.9 billion) workers increased by 5.3 and 5.6 percent, respectively.\(^4\) These numbers present some limitations because it is quite difficult to pinpoint and measure remittance levels due to western and international banking systems. The numbers and statistics presented also reflect current social trends in the modern Philippine labor scene. It appears that, along the years, remittances have increased significantly. Due to the workers’ sense of national pride and duty to their families, this increase in remittance level takes place especially when there are major crises or even during major holiday events. Another interesting point drawn from contemporary statistics is that the labor export system is highly gendered being that women make up the

\(^3\) Guevarra.

majority of OFW new hires\textsuperscript{5} in the year 2010. The remittance economy has become a central aspect of the Philippines gross domestic product.

**Recruitment Process for Authorized Labor Exportation**

The recruitment process of the Philippine labor export policy is intricate and multifaceted. From training to reentry of the country, there are many steps Filipino migrant workers must take before receiving authorization for work abroad. Production of these highly trained global laborers is a social activity in contemporary Philippine society. Filipino migrant workers are widely in demand across the globe, so government and private agencies within the Philippines work to meet these global demands based the free market. The incentive of the government and private agencies is viewed by many as business oriented, or in other words, motivated by profits. A major actor in this arrangement is the POEA, Philippine Overseas Employment Administration and branches of it who monitor global labor trends via LMI (Labor Marker Information). These government agencies act to create a sense of pride and accountability in their homegrown global work force by training and authorizing them to work in other countries. With the achievements of transnational employment practices had by the Philippine government and private agencies, the work done by Filipinos is essential to the existing relationships of global capital.

The modern Philippine State, as a regulatory and recruitment body, in theory can work in the favor of both the public and private sectors; which would mutually benefit the global market and home state economy. Regulation and recruitment of labor brokerage helps to curb the factors of exploitation that have historically hurt a rather large amount of OFW’s in their host countries. The government is taking preventative measures so that there are no more incidents like that of Flor Contemplacion in Brunei. Regulation and recruitment also works to play a critical role in

\textsuperscript{5} New Hires 2010
developing educational routes for many of the workers or their families. This development of the mind is controversial in that training Filipinos and Filipinas to work overseas trains them to internalize their role in the global capitalist system. The recruitment and authorization process provides a safe guarded route for Overseas workers to accomplish their global labor endeavors.

Agency of Overseas Filipinos and Filipinas in the Free Market

The current Labor policy has various untold channels of resistance that come in the form of social movements or protests through various mediums and channels. Catherine Choy discusses one channel, the prodemocracy movement, known as People Power that toppled the Marcos regime and led to Corazon Aquino’s presidency. 6 This led the government away from harsh regulatory measures to a more liberal mode of governance. Although there was a positive swing in the right direction, away from authoritarian governmentality, the system of labor brokerage was and is still far from perfect. With incidents like the troubled happening of Flor Contemplacion, many Filipino migrant workers soon heard of her fate and organized in the name of labor rights for overseas workers.

Another fascinating way Filipinos have organized for their rights is through works of art. In Nanay: A Testimonial Play, the lived experiences of Filipino and Filipinas comes center stage to promote discussion and political debate. In her chapter about the play, Geraldine Pratt assesses many who believe, “there must be some action” and that, “time is ripe for experimenting with academic scholarship to build publics and proliferate worlds of affinity, solidarity, and connection.” 7 There is nothing more realistic or representative to the promise and perils of Filipino and Filipina migrant workers than this highly detailed reenactment of individual accounts and real life testimonies. A clear problem has been diagnosed and that is the neoliberal

6 Choy 562-3
7 Pratt 102
failure of inclusion of temporary migrant workers and the trouble of family separation associated with authorized exportation practices. This failure of global capital is easily witnessed in the Nanay play.

To secure a democratic solution and to help people who live between nations, this problem must be addressed to all Filipino citizens in order to bring about awareness. The people must be aware of the realities of economic injustice in order to proactively seek routes of progressive change for themselves and for the modern Philippine State. State authorized labor migration in the Philippines is known as a model of labor migration in Southeast Asia yet offers limited opportunities for OFW’s and their families. These limited opportunities are set by the contracts signed before employment and outline exactly how workers are able to demand their rights as workers. While OFW’s possess tremendous power and agency within the labor brokerage regime, their lives and actions are constrained by the neoliberal failures associated with authorized labor exportation.

Theory

In order to better understand the implications of the nature of the labor brokerage regime and its implications, it is important to apply the concept of governmentality. Aihwa Ong, professor of Anthropology at UC Berkely is the main theorist I chose to support my findings. Ong’s theory of “Neoliberal Governmentality” helps me understand and explain the phenomenon of state authorized labor migration in the Philippines. This theory clarifies how neoliberalism is a tool of governmentality. Ong suggests, “neoliberal politics that shrink the state are accompanied by a proliferation of techniques to remake the social and citizen-subjects.” This means, essentially, that the government of the Philippines and many other nations follows the lead of modernizing nation states who have taken part in the free market of world trade. In the book, *Migrants for Export*, Robyn Magalit Rodriguez mentions how by brokering skilled and
professional labor to the world, the Philippines state attempts to contain the multiple social interruptions that come with neoliberal policies. This particular brokerage system pressures citizens to work abroad and send home remittances as the new form of achieving nationalism. 8

I would like to show how this theory and its concepts can contribute to further discussion about state authorized global labor migration by exploring the effects of neoliberalism in the context of the modern state. To embark on such uncertain endeavors, like working in the USA, UAE, or fill in the blank, is not an easy undertaking for Filipino citizens. In essence, I want my readers to grasp an understanding of the legacy of colonialism in the Philippines today. By this I mean the Philippine state has accepted neocolonial practices of authorization to recruit and regulate global labor migration. I hope to give global migrants a voice in terms of this hegemonic neoliberal policies that dominate modern labor migration. I would like to shed light on issues that may be otherwise looked over and ignored. If a government seeks to effectively serve the public, it must work for the people to ensure the well-being and safety of the valuable “human resources” it sends to all corners of the globe. A human life is priceless and irreplaceable, worth far much more than the going rate.

**Methodology**

In my research there were two primary statistical data sources including: 1) New Hire Deployment rate- by country- by sex, produced by the Philippine Overseas Employment Administration and 2) Remittance Levels- by country- by land or sea, produced by the Bangko Sentral ng Pilipinas. The statistical data I generated from these two documents allow me to understand why the Philippine State has transformed itself into a labor brokerage state. The charts show how the labor brokerage state works to continuously generate profits from the

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promises and perils of many an overseas Filipino worker. Also in my research I compare an original interview with an overseas Filipino worker who is personally involved with the labor brokerage system to the situation of other Overseas Filipino Workers with differing experiences. This comparative examination of differing perspectives can help to show that not all overseas Filipino workers share the same experiences.

First, I inquired on online government documents including remittance levels from the Philippine Overseas Employment Administration and new hire deployment levels from the Bangko Central ng Pilipinas. With this data I have observed some trends about how the labor brokerage regime effects the choices and agency of Overseas Filipino workers. Next I acquired an interview with current Philippine migrant citizen who now works outside of the Philippines to make a living. The sampling method I chose was purposive and snowball sampling, due to limitations on my social and scholarly status as an undergraduate student.

1) How does the labor brokerage regime of the Philippines work? and 2) How does it affect the lives of overseas Filipino workers?
Quantitative Analysis

GLOBAL OVERSEAS FILIPINO WORKER NEW HIRE DEPLOYMENT 2001-2010

Trend #1 How has the rate of overseas Filipino worker new hire deployment changed after the passing of the Migrant workers and overseas Filipinos Act of 1995?

Five years after the passing of the Migrant workers and Overseas act of 1995, the rate of deployed Overseas Filipino Worker (OFW) new hires has increased rather steadily. From this data, it is clear that women possess a good portion of the gender make up for deployed new hires during this period of time. In other words, the majority of participating OFW’s were historically female. However, as we come closer to modern time, the gender makes up appears equal parts male and female.
OVERSEAS FILIPINO WORKER NEW HIRE DEPLOYMENT 2010

Trend #2 Where do Overseas Filipino Workers find Employment?

For this comparative analysis of newly hired overseas Filipino workers, I chose to examine three countries with the most deployed new hires for their respective world region. I also ran another comparative analysis for their respective world regions. My findings show that the Gulf States and the UAE are more common destinations for OFW new hires deployed in 2010 than the USA or Hong Kong. While the majority of OFWs in the UAE are men, the majority of OWFs in Hong Kong are female. The USA has more equal rates of men and women OFWs.
OFW CASH REMITTANCES 2010-2015

Trend #3 How much money is remitted by overseas Filipino workers?

#1 Total by Land and Sea
From 2010-2015 OFW Cash remittances have made a steady increase from $18,762,989,000 ($18 billion- seven hundred and 62 million, 989 thousand) in 2010 to $25,628,058,000 ($25 billion- 628 million-58 thousand) in 2015. These numbers are expected to increase in the years to follow.

#2 by Country
Comparative analysis of 3 top labor receiving countries where the overseas Filipino workers are able to send home the substantial rates of Cash remittances in the years 2010-2015 (USA, UAE, and Japan). These countries represent great rates of remittance sending in their differing world regions. We can witness that since the year 2012 the UAE sent more cash remittances than Japan, who appears to be making a definite decrease.
Qualitative Analysis:

While remittances remain an important item that contribute to the Philippine Gross Domestic Product (GDP), the lives and livelihoods of the workers are often overshadowed in a purely economic analyses of labor. In my studies I originally planned to interview overseas workers of many differing skill levels. However, with the resources I have as an undergraduate student, I was only able to conduct a single solid interview via email. My new friend, “Manuel”, is an OFW currently living and working in Dubai, UAE. However, his interview did not capture the whole picture of how overseas Filipino workers are affected by the labor export system. Thus, I examined various secondary sources to show that while some may have it really good in terms of working and living conditions, others with differing socioeconomic positions do not tend to have it as such.

Manuel’s interview helped to expand my critical insight on what it could possibly mean to be an overseas Filipino worker in the world today. I asked simple questions about his living and working conditions but this case shows that the anticipated findings were not precisely what I initially expected. Based on my observations of my family in the Philippines, I believed that all OFW’s fit the mold of “slave like” workers who lived in unacceptable conditions where exploitation and pressure from capitalist elite kept them down in their position of subordination. The case explored indicated that this might not necessarily the case for all overseas workers.

Manuel started his journey as an OFW like any other prospective Philippine citizen wanting to make a change in their lives and to provide for his family. He was one of two selected for hire by a jewelry company out of Dubai and does not regret taking his job overseas. When I inquired on any fees or payments made to the company or labor recruiter he told me that the placement fees were actually paid for by the Jewelry company and he hardly spent P5000 (pesos)
of his own money. I also asked Manuel is if were difficult to get a labor contract and he briefly explained his situation.

“I came through a private agency from the Philippines to Dubai on a direct hire program”.

He told me that he has done many different kinds of jobs in Dubai and now he is a licensed real estate broker. Technically he is not a Dubai citizen but is permitted to work through a residence visa. He explained to me that a residence visa means you have been sponsored by a company and you have to sponsor your family as an extension of that visa provided by the company. With his new career, he is able to not only take care of his wife, children, and siblings, but also his parents and wife’s parents. With the money he makes, he is able to rent a house in Dubai where his parents and children also live. He also sends home money via Western Union and ML Kwarta Padala express and also bought property in the Philippines where his wife’s mother and father live. He is also able to help when a family member in the Philippines gets sick or is just in need.

I asked Manuel if he has ever heard of the Bagong Bayani Awards and to describe his impression of them. He told me that he is not really interested because he is a former VP and member of the board of Directions for JCI CEBU (Philippine nonprofit and leadership academy) and was with the Cebu City Government for half a decade as the Executive Assistant under Mayor Mike Rama. He explained that the Bagong Bayani Awards are more for recognition to the youth, best policeman, etc… but for him, “I don’t need a pat on the back, I just wanna secure my family.” Even in the case of a skilled worker, the main drive for taking work overseas would seem to be the gained ability to ensure the mental, emotional, and physical well-being of immediate family and kin.
After this interview, I did further reading into what being an overseas Filipino worker could be like for female workers who do not have it as well as Manuel in Dubai. My studies brought me to the idea of commodified care in regards to Filipina domestic workers. Rhacel Parrenes talks about the international division of reproductive care and explains that commodified care is not only low-paid work but declines in market value as it gets passed down the hierarchical chain. She adds that as a consequence of this commodification highly affects the least well off in that they cannot afford to take care of their own family as their counterparts in richer countries can. For example, Parrenes tells her readers the story of Carmen, an OFW who works in Italy as a well-paid domestic worker. Carmen is fortunate to receive benefits and holiday pay from her gracious employers. However, with the money made by Carmen in Italy, she is able to hire a domestic worker in the Philippines for much less and without the promise of benefits. (INTERNATIONAL DIVISION parrenes 239). This social, political, and economic relationship between women in the global market place is creating inequalities from the global north to south.

Not only are the inequalities magnified in this arrangement of neoliberal practices, but the reproduction of overseas Filipinas is limited by their host societies. Geraldine Pratt is another author highly critical of family separateness. In her book, Families Apart: Migrant Mothers and the Conflicts of Labor and Love, she is highly critical of Canadian State policy about Live in Care Givers from the Philippines. She discusses the ways in which this policy affects the lives of domestic workers who are often college educated women who are able to receive low wages because they highly outweigh what they would be paid in the Philippines. Pratt discusses her relationship with a domestic worker named Marlena who spent 9 years away from her family and most importantly her son. After years of not knowing her own child and her husband leaving her
for another woman, Marlena finally got the government to approve her son’s sponsorship at age 12. (Pratt Families Apart 87). I could not imagine any policy that would keep me away from my future children but this is a reality for countless transnational families, particularly headed by single women. Marlena is a new type of working mother who genuinely wants to take care of her family.

How does the Labor Brokerage system affect the lives of overseas Filipino workers? The answer to that is simply a matter of subjectivity because there are countless ways an individual may be affected by policies like the migrant workers and overseas act of 1995. So what compels so many Filipino and Filipina citizens to work overseas instead of in the Philippines? Some major themes I pulled from my interview heavily revolve around familial ties. Yes, OFW’s are able to fulfill their sense of nationalism to the Philippines by working overseas. No, that is not the only reason they embark on these journeys. OFW’s sacrifice so much in the name of family preservation that they will go to the ends of the Earth to make it happen. Economic compensation in the name of love and duty to one’s transnational family is essential for understanding the motivations of Overseas Filipino workers who live and work within the guidelines to the current labor export structure.

**Conclusion**

In conclusion, The Labor Brokerage State of the Philippine was created to serve the free market demand for cheap labor but has sense developed into a mode of protection for labor and human rights. The Philippine government’s method of labor management, by way of authorization, is a legacy of colonialism that fits into the governmentality of laissez-faire economic liberalism that serves free market endeavors. I would like to call upon the Philippine government to contribute more public services and much needed infrastructure with the money
generated from labor brokerage. The government should do more to invest in the domestic future
for its citizens and future job force and to do more to resolve the issue of family
disconnectedness.

In reiteration of the main points: 1) The Labor Brokerage system creates a class of
special Filipinos who are able to fulfill their duty to the nation and family by serving overseas as
overseas Filipino workers, 2) The remittance economy has become a central aspect of the
Philippine gross domestic product and the Philippines is now the third largest recipient of
remittances in the world, 3) The recruitment and authorization process provides a competitive yet
safe guarded route for OFW’s to accomplish their global labor endeavors, and 4) Overseas
workers possess limited power and agency within the labor brokerage regime because the lives
of workers are constrained by the neoliberal failures associated with authorized labor
exportation. In conclusion, the labor export policy of 1974 and the migrant workers act of 1995
led to the modern system of today and that system is highly influenced by legacies of colonialism
and imperialism in the form of neoliberal governmentality.
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