

I noticed you were present the other day when Mr. Chavez testified. You were, of course, present when Mr. Haughton testified. In both cases there was reference to the economic pressure activities engaged in by the union which, if one were to apply the usual standards of the National Labor Relations Act, would be considered to be secondary boycott.

In the DiGorgio situation and others, the indication was that the NLRB has not moved against the so-called secondary boycotts. Mr. Chavez mentioned the case of the Mayfair Stores. He led us to believe that the NLRB had acted. I wonder if you have reviewed the question of secondary boycotts as they affect farmworkers' organizations and if you can give us a little summary of just what the NLRB's position is, and what actions, if any, have been taken.

Mr. FIELDS. Mr. O'Hara, I did look into that Mayfair case. I believe when Mr. Chavez raised it on Friday, the chairman, I think, characterized the situation as that the agricultural laborers, they can't enjoy the benefits of the act but they are hit with the proscriptions.

I believe our Spanish-speaking witnesses said, "Injunction, si; elections, no," under our National Labor Relations Act.

In stopping the secondary pressures in the consumer boycott, I don't think the general counsel had any alternative under the statute. This is because of the clear definitions under the act. It may be construed as a one-way street.

Under section 2(3), the term "employee" under the act, shall not include any individual employee as an agricultural laborer.

Thus, he may not obtain an election and he has no protection against employer unfair labor practices but at the same time he is free to picket, to strike, and to boycott and to commit union unfair labor practices if the organization only represents agricultural employees and membership is limited to agricultural laborers who are excluded from the act.

Now, this is the same with respect to railroad employees or to supervisory employees such as masters, mates, and pilots on ships.

Now in the *DiGiorgio Fruit Corp.* case, the local union engaged in a secondary boycott but the courts held that it was not a labor organization because this union exclusively represented agricultural laborers who were excluded from the act.

So, it was held that they could engage in illegal, normally illegal, consumer or secondary boycotts.

Now section 2(5) in defining labor organization, provides that a labor organization means any organization of any kind in which employees participate.

So, it was held in at least three very fundamental cases by the Board and sustained in the courts and certiorari has been denied in which it was held that if the union, in addition to having supervisory employees or railroad employees or agricultural laborers, if it also includes membership and also represents employees who are under the act, that the total organization is within the proscriptions of the secondary boycott provisions and, therefore, the general counsel under those circumstances was required to seek to stop it either by injunction or by having the union engaged in the activity stopping it voluntarily.

On May 2, the Farm Workers Union, this is the United Farm Workers Organizing Committee, AFL-CIO, voluntarily agreed to cease its consumer boycotting of the Arvin Mayfair Store.