with the two noted exceptions. By the same token, Union membership, as a condition of employment, is not required within 7 days, but within 30 days of employment in other industries.

Under this bill a Union could sign up two employees (they could be two temporary migrant harvest workers) and then demand that the farmer bargain with the Union. If the farmer refused, the Union, with the use of a sound truck and a picket, could claim a "labor dispute". Then, in turn, the U.S. Employment Service would refuse to refer farm labor to the "struck" employer.

Additionally, a Supreme Court decision of a few years back *would permit the Union to picket the consumer entrances of retailers* using the farmer's products and hand out "educational" verbiage to consumers, advising them not to buy that particular farmer's product. Further, we think it is logical to assume that consumers confronted with the "educational" advice not to buy "Farmer Jones' apples" would be mentally impressed not to buy *any apples* as they shopped in the picketed retail store. Therefore, completely innocent apple growers would suffer.

To date, Congress in its wisdom has excluded agriculture from the National Labor Relations Act. Undoubtedly, this exclusion exists primarily because Congress has recognized *the extreme vulnerability of the agricultural producer.*

This same extreme vulnerability exists today—and will continue to exist for years to come.

In fact the agricultural employer is, without a doubt, the most vulnerable employer in the world relative to irreparable damage from compulsory collective bargaining as provided in H.R. 4769. Factories, assembly lines, offices—yes, even steel furnaces—can be closed down during a strike without suffering disaster (and often without serious economic impact). *However, a farmer must harvest his "crops" when they are ready—a strike at harvest would mean bankruptcy.*

The fruit grower heads the list in vulnerability. An apple grower spends 8 to 10 years bringing his "factory" (apple trees) into production. During those years he commits a sizeable capital investment before he harvests a crop that even comes close to matching current production expenses. A capital investment that cannot be "converted" to a different enterprise without incurring very material expenses, a substantial loss of time, and a *complete loss of the capital investment that he has made in bringing his orchard into bearing during the first 8 to 10 years.*

In considering the effects of H.R. 4769 it is vital to understand that an apple grower with 100 acres of bearing orchards will have "sunk" a minimum of $30,000 in *current production expenses* before he starts to harvest the crop. A strike at harvest could mean a complete loss of the $30,000 and probably bankruptcy. To deliver a usuable product to the consumer throughout our 9 to 11 month storage period, apples must be picked at the optimum stage of maturity. Even a strike of one week's duration would mean disaster. (On this point we are attaching a letter one of our members recently sent to his Congressman re H.R. 4769. We believe it will be helpful in your consideration of the impact of the bill on fruit growers.)

What about the agricultural workers? Will the bill really help them? Conceivably, it might raise wages in the first few years after enactment. With the growing scarcity of harvest labor, growers would just about agree to anything if confronted with Union demands at harvest time. The grower would have no bargaining power.

However, for the long pull, the bill, in our opinion, would result in growers attempting to substitute capital for labor in the form of increased mechanization. Mechanization is not easy and is exepnsive, but it will be done if the economic facts justify the capital investment.

Mechanization means loss of jobs—and in our industry loss of jobs for people who cannot afford to be out of work—unless they go on welfare rolls. Recent developments in the California processing tomato industry and with sharecroppers in the Southeast brought about by the recent amendments to the Wage-Hour Law are "excellent" examples of what happens in the way of unemployment and swelling of relief rolls when growers are faced with an unrealistic and unprofitable economic situation.

You might ask, "Why not pass on the increased costs to the consumers?" We would hope that same were possible, but it "ain't just so" because of the perishability of horticultural commodities and the competitive system of distribution that exists.