

EXTENSION OF NATIONAL LABOR RELATIONS ACT TO AGRICULTURAL EMPLOYEES

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HEARINGS

BEFORE THE

SPECIAL SUBCOMMITTEE ON LABOR

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

FIRST SESSION

ON

H.R. 4769

A BILL TO AMEND THE NATIONAL LABOR RELATIONS ACT,
AS AMENDED, SO AS TO MAKE ITS PROVISIONS APPLICABLE
TO AGRICULTURE

HEARINGS HELD IN WASHINGTON, D.C.,

MAY 1, 4, 5, 8, 9, AND 12, 1967

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EXTENSION OF NATIONAL LABOR RELATIONS ACT TO AGRICULTURAL EMPLOYEES

MONDAY, MAY 1, 1967

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to call, in room 2175, Rayburn House Office Building, Hon. Frank Thompson, Jr. (chairman of the subcommittee), presiding.

Present: Representatives Thompson, O'Hara, Carey, Ford and Reid.

Also present: Peter W. Tredick, counsel; and Jeunesse M. Zeifman, clerk.

(Text of H.R. 4769 follows:)

[H.R. 4769, 90th Cong., first sess.]

A BILL To amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2(3) of the National Labor Relations Act, as amended, is amended by striking out the following phrase: "as an agricultural laborer, or".

Sec. 2. Section 8(f) of the National Labor Relations Act, as amended, is amended to read as follows:

"(f) It shall not be an unfair labor practice under subsections (a) and (b) of this section for an employer engaged primarily in the building and construction industry, or an employer engaged in agriculture, to make an agreement covering employees engaged (or who, upon their employment, will be engaged) in the building and construction industry, or as agricultural laborers, with a labor organization of which such employees are members (not established, maintained, or assisted by any action defined in section 8(a) of this Act as an unfair labor practice) because (1) the majority status of such labor organization has not been established under the provisions of section 9 of this Act prior to the making of such agreement, or (2) such agreement requires as a condition of employment, membership in such labor organization after the seventh day following the beginning of such employment or the effective date of the agreement, whichever is later, or (3) such agreement requires the employer to notify such labor organization of opportunities for employment with such employer, or gives such labor organization an opportunity to refer qualified applicants for such employment, or (4) such agreement specifies minimum training or experience qualifications for employment or provides for priority in opportunities for employment based upon length of service with such employer, in the industry or in the particular geographical area: *Provided*, That nothing in this subsection shall set aside the final proviso to section 8(a) (3) of this Act: *Provided further*, That any agreement which would be invalid, but for clause (1) of this subsection, shall not be a bar to a petition filed pursuant to section 9(c) or 9(e)."

Sec. 3. Notwithstanding the provisions of any other law, the amendments made by this Act shall take effect sixty days after the date of enactment.

Mr. THOMPSON. The subcommittee will be in order.

Our schedule this morning called for Secretary of Labor Wirtz to testify. He has been unavoidably detained at a meeting at the White House and he is going to make an effort to be here.

We shall proceed first with the Honorable George Meany, the president of the AFL-CIO.

The Chair has a brief opening statement.

Mr. Meany's testimony will open the hearings on H.R. 4769. The purpose of this bill is to grant to agricultural laborers the right to organize and bargain collectively under the National Labor Relations Act.

A history of how agricultural labor was excluded from coverage under the Wagner bill is a book in itself. I think it is important, however, that we look at H.R. 4769 in the light of the legislative history of the National Labor Relations Act.

As originally conceived and written, the act would have applied to agricultural labor. When wide opposition to the bill as a whole arose, the bill managers deleted its applicability to agriculture to minimize the controversy. In defending their action on the floor of the House, they argued that the exclusion was necessary for the survival of the bill but promised that once the bill was passed, Congress would return "to take care of the farmworkers." That promise was never kept.

Today, after 32 years of waiting, the farm labor movement has taken matters into its own hands. Since September 1965, the farmworkers, by striking, picketing, and boycotting, have attempted to gain for themselves what the Congress denied them in 1935: the right to organize and bargain collectively through a certified union. Their efforts have met with some success recently, but the price has been high—for the growers, for the laborers, and for the public.

The legislation proposed by Mr. O'Hara, of Michigan, that we are considering would extend to the farm industry the stabilizing mechanisms of the National Labor Relations Act. It would allow labor relations in agriculture to be handled in the manner which has proven successful in other industries by permitting employees to organize and to bargain through their elected representatives. It would eliminate the present need to resort to strikes and work stoppages merely to get to the bargaining table. In short, in my judgment, it would replace chaos with law.

Mr. Meany, you are indeed welcome. We are delighted, as always, to have you here this morning. I wish you would feel free to proceed as you wish.

STATEMENT OF GEORGE MEANY, PRESIDENT, AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. MEANY. Thank you very much, Mr. Chairman.

As you know, I am here representing the AFL-CIO. I am appearing as a spokesman for more than 13½ million workers whose right to organize and bargain collectively is protected by law—and who want these same conditions extended to the country's agricultural workers.

I would like to emphasize the strong interest of labor and of the public in the bills you are considering—H.R. 4769, introduced by

Congressman O'Hara, of Michigan, and the identical bills submitted by Congressmen Holland, Cohelan, Burton, and Gonzalez.

Let me begin with a broad generality which can be documented in detail. It is this:

The men, women, and children who work for wages on American farms have been excluded from the whole range of social reforms achieved in this country over two generations. For example:

Though they suffer more than any other group from recurring periods of unemployment, they are not eligible for jobless benefits anywhere, except in Hawaii and Puerto Rico.

Though agriculture is among the most hazardous occupations, they are fully covered by workmen's compensation in only five States and Puerto Rico; and in more than half the States, none of them are protected at all.

Though their wages are the lowest of any group in the labor force, until last year they were specifically denied inclusion under the wage-hour law; even now, coverage applies to fewer than 30 percent, and the wage floor when it reaches its maximum will be 30 cents an hour lower than for others.

Though they have no other means to provide against old age, or for their families if they die or become disabled, they are largely outside the scope of the social security system.

If we look closer, the details get worse.

Child labor—outlawed everywhere else—is still common in agriculture.

Free public schools—supposedly available to all American children—are often unavailable to the children of migrant agricultural workers.

Even the basic State and local welfare services are often out of reach, because of arbitrary residence requirements which migrant workers cannot meet.

All of these are abuses that cry out for correction. And there is still another, which we are specifically discussing today: Farmworkers who seek to improve their lot through the accepted pattern of organizing for the purpose of collective bargaining find that they are denied both the protection of law and access to the Federal Government's administrative machinery.

Not only are farmworkers denied the help of all the other laws enacted to benefit workers; they are even denied the effective right to help themselves.

Let me offer my own analysis of how this shocking situation developed—and I think you will agree, Mr. Chairman, that "shocking" is an understatement.

First of all, the Congress, and the country as a whole, have for a long time been sensitive to the importance of the agricultural industry and to the problems of farmers. So has the labor movement. The AFL-CIO has supported every major bill designed to help farmers—even when its opponents argued that farm subsidies were against our interests because they raised prices. We supported these farm bills because we have never looked for bargains at the expense of some other group, or against the national interest.

However, this general solicitude for the farmers—stimulated by the selfishness of many big farm operators—caused the Congress, and

the various State legislatures, to exempt farmers from obligations carried by other employers. This was a mistake—or, rather, a whole series of mistakes.

As I have noted, the result has been disastrous for farmworkers. And instead of helping the average farmer, it has squeezed him harder than ever.

To understand this—as I am sure you understand it, Mr. Chairman—the agricultural industry must be looked at the way it is today, not the way it was yesterday. I used to read about farm life when I was a boy growing up in a suburban area of the city of New York. There were even what we would call family farms left in that area in those days. And many senior Members of the Congress grew up on the kind of farms I used to read about.

It seemed to be a simple life and a good life. There was the farmer and his wife and their children. And there was the “hired man,” or maybe several of them, who lived on the farm, and ate at the family table; who taught the boys how to handle the team, how to hoe, and how to whittle—family retainers, as permanent as the barn or the well.

It was a pretty picture. I am not sure how true it was then but I know it's not true now.

Yet it was this picture, I am convinced, that was most influential in excluding farmworkers from the legal protections that were being won by other workers.

It is a shame to spoil this pretty picture with facts, but here are a few more.

For one thing, half of all the farms in the United States employ no farm labor at all. A mere 2.7 percent of the farms pay half the farm wages; and 6 percent of the farms account for 76 percent of the wage bill.

These are 1959 figures, the latest available. However, despite the changes of recent years, there is no evidence to suggest that these proportions have shifted in any significant way.

Now let's look at the farm labor force. In 1965—again I am using the most recent figures—some 3 million Americans earned wages for farm work. But for more than a third of them it was incidental. Fewer than 2 million worked longer than 25 days. Only about 650,000 were employed for more than 150 days.

As of October 1966, the average cash hourly wage for domestic farmworkers was \$1.18. In the South, which provides half the employment, the average was 95 cents an hour. The highest mainland rates were on the Pacific coast—an average of \$1.57. The best sectional average, translated into full-time employment—which few farmworkers enjoy—still comes out to a poverty-level income.

That pretty picture I mentioned a few moments ago has to suffer another revision.

Of the nearly 2 million farmworkers who were employed more than 25 days in 1963, hardly one-fourth were provided with housing—and the housing was almost always primitive or worse. Less than 12 percent were given food grown on the farm. Fewer than 10 percent received wood or other fuel. Only 7 percent were served one meal a day.

This is today's version of the farm “hired man” who figured in the tales we read as boys. That kind of “hired man” is a myth.

Maybe he really did exist in the past. Maybe he still existed as late as 1910 to 1914, when hourly wages for farm labor were 67 percent of the average factory wage, and there were fringe benefits on the farm and none in the factories. But by 1965, the average hourly rate for farmworkers was only 36 percent of the factory rate, and the fringes had all gone over to the other side.

Perhaps that "hired man" wasn't really a myth, but just a species that is now extinct, like the dinosaur.

The same can be said for the picture of the farm operator as a benevolent employer. Over the years, agricultural workers who tried to organize—and there were many attempts—found themselves faced with firings, blacklists, yellow-dog contracts, even arrest on trumped-up charges. And these same tactics are used against them today.

In the eyes of most farmworkers, for good reason, the benevolent farmowner is also extinct.

But farm labor is not extinct. These workers are very much alive, and in the last few years they have proved it. They are so alive that in many parts of the country they have organized, despite their lack of legal protection enjoyed by other workers; and they have made it clear that they are determined to be full-fledged members of American society.

That is right and proper for them—and we in the AFL-CIO are doing all we can to help them. It is right and proper for America, for it is just as un-American to discriminate on grounds of occupation as it is on grounds of race.

But, also, as I suggested earlier, it is right and proper—and economically helpful—to the farmers, themselves, to the family farmers whose welfare is of greatest concern to the Congress and the country.

It is not the family farmer, the small farmer, the traditional symbol of American independence and self-reliance, who exploits the farmworker. He doesn't have any workers to exploit.

Thanks to the tremendous advances in farm machinery, the small farmer and his sons—and, perhaps, with a mutual assistance pact among his neighbors—can sow and tend and reap his own crops.

He is threatened, not by higher wages and better conditions for farm labor, but by the perpetuation of low wages and miserable conditions. For in effect, he is placing his own return, his own standard of living, in competition with the exploited workers hired by the corporation farmers, the factories in the fields.

I cannot improve on the calm, direct words of the National Advisory Commission to the U.S. Department of Agriculture, and I quote:

The farm family will not earn favorable returns on its own labor when hired labor is chronically cheap . . . The opportunity for family farms to compete and to earn satisfactory returns for their labor will be enhanced if wages and working conditions for hired farm labor compare favorably with those in industry.

That is also the position of the AFL-CIO.

I have already indicated some of the steps that need to be taken.

There must be a complete and final end to those provisions in Federal and State law which deny to farmworkers the protection and the benefits enjoyed by all other workers.

Measures must be devised to overcome residence and other requirements that prevent farmworkers and their children—migrant work-

ers, in particular—from full access to schools, medical facilities, and other community resources they so badly need.

But the bill before you, we think, is the most important of all.

It offers no subsidies to farmworkers. It carries with it no appropriations. It is not special legislation; on the contrary, it is a bill to do away with special legislation.

It offers one simple proposition: That farmworkers have the same right as all other workers to organize and bargain collectively.

Surely, there is nothing revolutionary about this. But anyone who listened seriously to some of those who have consistently opposed this concept would imagine that the revolutionaries were at the gates.

One of the more restrained objections that has been raised, over the years, to extending the National Labor Relations Act to agriculture is that its administration would be impossible. Farmworkers move around too much, according to this argument. They work irregular periods of time for many different employers.

But as H.R. 4769 and its companion bills demonstrate, there is an easy and established solution to this problem—the same solution that works so well in the construction industry, where the work schedules are in the same pattern. So this objection is not valid at all.

Then there is another, even less rational argument, that goes something like this:

“We couldn’t stand a strike at harvest time.”

Well, it has been argued in the past that a steel mill can’t stand a strike when it’s time to pull the furnaces, and a construction job can’t stand a strike when there’s only 2 weeks before the first snow, and the auto industry can’t stand a strike during the model changeover. But all those industries are organized, and all of them have had strikes, and all of them are doing all right. They and many others are paying far better wages and making much more money than the average farm employer.

Beyond this, I resent the implication that trade union organization and strikes go hand in hand. It simply is not so.

Yes, there will be strikes if an employer resists to the bitter end any and all of the proposals offered by the union. But an employer who does this is not basically against the proposals; he is against the union. In reality, he is the one who is on strike.

The same has been true of the farmworkers’ strikes during the last year, only more so. Primarily, these have been strikes, not over wages and working conditions, but for the fundamental right to bargain collectively.

No worker in interstate commerce has had to strike for that right since 1935, for the right to organize has been established by law and has been enforceable by law. Simple justice, we contend, would extend that right to farmworkers as well.

Indeed, the prevention of such fruitless and disruptive strikes was a major purpose of the original National Labor Relations Act. The act established a procedure through which workers could make their own decision, legally and peacefully. Only a month or so ago, I joined—with representatives of the National Association of Manufacturers—in celebrating the 25 millionth vote in a representation election. Not a single one of these 25 million votes was cast by a farmworker to establish bargaining rights with the farm employer, because farmworkers are denied this basic, democratic right.

The continued denial of that right is an affront to the farmworkers and to the American principle of equal justice under the law. Its continuance will lead to more strikes by farmworkers who have no other recourse. Its continuance will help to perpetuate the shocking poverty—even degradation—of the men and women, and shamefully the children, who harvest so much of the food and fiber upon which the Nation depends.

This bill will not cure all the ills or all the injustices that afflict farmworkers. But it is a beginning, and I urge you to give it your prompt approval.

Mr. THOMPSON. Thank you very much, Mr. Meany. I have heard you testify a number of times, but I must say that I think this is the most constructive, forceful, and interesting testimony that I have heard in a long time.

It is absolutely amazing that all these years have gone by and the farmworkers still don't have the right to organize under the NLRA.

There are a lot of people, you know, in Congress who think that having very young children harvest crops and travel with their families as migrant workers is good for them because of the sun and fresh air. That was raised 2 years ago when we included the few farmworkers that we did under the Fair Labor Standards Act.

Mr. MEANY. Yes.

Mr. THOMPSON. I would say that on the basis of the little experience that we have had with farms in New Jersey that your statistics with respect to the number of farms and the percentage of total farm wages paid are conservative. You say that 2.7 percent of the farms pay half of the wages and 6 percent pay 76 percent of all farm wages.

In the dairy industry in New Jersey, according to up-to-date statistics, in 1958 there were 2,506 dairy producers in New Jersey. In 1966 the number was down to 1,451, and I would suspect that since these statistics which were the only ones available to you are so old it is likely that probably fewer than 6 percent of the farms pay 76 percent of all the wages. There has been a large decline in the number of farms and in particular in the number of family farms.

We are aware that the AFL-CIO is doing all that it can to help these workers organize. I wonder if you could just give us a bit of detail about what you have done?

Mr. MEANY. Well, in 1959 the Executive Council of the AFL-CIO decided that we had to do something constructive to try to help the farmworkers, and, of course, from our point of view the best way to help them was to organize them.

Now, we realized that if we spread ourselves all over the country with so many areas to cover and so many workers involved there would not be much chance of success so we decided to concentrate on California. We set up all the machinery out there, sent our organizers out and we did interest the workers but the conditions under which they worked, the nature of the work, made it difficult to get permanent members organizations. In the area in California, we would get maybe 20,000 workers to sign up with the union and a few months later they would be gone and we would not see them for another 6 months or so.

About 3 or 4 years after this program started, and this program was quite expensive, I mean from our point of view we put in quite a bit

of money out there, I reported to the Executive Council that from the very simple trade union approach we were not having any success, we were not organizing workers into permanent unions.

The opposition of the employers was strong; the opposition of the banking fraternity in California that owns many of these farms was strong and even the State government was not very helpful. We, of course, had this bracero situation, the workers coming up from Mexico and being herded in there.

All in all, from the strict trade union point of view, after about 4 years of experience we were not setting up a permanent union. However, I told the Executive Council and produced some figures to show that while we were not getting new members we were doing something that was very, very important from a trade union point of view; we were raising the wages of the farmworkers because the typical defense of the farm employer would be to add a few cents more. This went on time and time again so that the wages were raised considerably and the Executive Council of the AFL-CIO said, well, if that is what is happening even if we don't get another member we are going to continue our efforts.

The cash outlay that we put in California up until a month or two ago from 1960 to date amounted to \$1,450,000. This is cash that we sent out there to help these people. We furnished legal counsel and I can say that we are very happy because even though we have not achieved a permanent organization as yet, we have been instrumental in improving the conditions of these people; their wages have gone up little by little until they do have the best wages in the agricultural farms in the country.

However, in the last 8 or 9 months, we have made a breakthrough in organization. We do have a going organization; it is headed up by a man by the name of Cesar Chavez, a Mexican-American, who is doing a real good job, and they have even had some successful strikes. They have signed up for a collective bargaining contract with the DiGiorgio Co.

Now, it would be a tremendous help to these workers and we feel that if we build up the conditions in California that they will surely spread to the other areas of the country. It would be a tremendous help to these workers to get a decent working condition if they have the same rates as the other workers in the country insofar as the national law is concerned.

Now, I am familiar with this situation. I can recall working in the legislation in the State of New York handling all sorts of labor legislation, and a good deal of it we were successful in passing. New York was, I think, in the forefront of the more liberal States in the Union. But as a matter of just plain commonsense accepting the legislative conditions we automatically eliminated the farmer from every bill we ever wrote to help them, not because he didn't need the help, not because he didn't have the same problems as other workers, but simply because it was impossible with the state of mind of the legislators, especially those from the rural areas—it was impossible to pass any kind of legislation.

Unemployment insurance, workmen's compensation, all the protective and remedial laws that went to other workers were denied to farmers and the argument was that your farmer was your neighbor

down the road and he and his son run the farm and you could not saddle him with all these laws which would cause him to be compelled to do paperwork and all this sort of thing and it just was not necessary. Now, whether that was true or not at that time, I am not ready to say, but, as I pointed out, Mr. Chairman, that type of farm is gone.

I have seen some of these complexes out on the west coast and in the Southwest and also in your home State in southern New Jersey. I have seen some of these things and these are agricultural factories; they have no relation to the old farmer and his hired hand. They employ thousands of workers.

Mr. THOMPSON. They have a stability, too, in the sense that they are factories; they have an almost permanent work force.

Mr. MEANY. Yes. They don't have the same seasonal problem that the old farmer had.

Mr. THOMPSON. For the most part, the agricultural worker is not under the act because he moves, he is ineligible to register and vote in most areas, and he, therefore, cannot help himself. He has virtually no protection.

It is interesting to note, as I mentioned to you earlier, the decline in the number of dairy farmers in New Jersey. We have a great problem there now but this will reinforce your statistics or your statement that the farmowner is not threatened by higher wages and working conditions. In 1958 our dairy farmers were getting \$5.38 a hundred-weight for their milk. In 1966, they are getting \$5.41, an increase of only 3 cents. In the meantime, the cost of their hay went from \$3.83 a hundred pounds to \$4.61, and for alfalfa hay from \$41.50 a ton to \$49; all of this with just a 3-cent increase.

Interestingly enough, and this does reinforce your statement, the hourly rates paid by farmers in 1960 on dairy farms was \$1.16 an hour. In 1966 it is \$1.39 an hour—that little increase which is minuscule in comparison with the rise in fringe benefits and increases by industrial workers, thanks to the fact that they are organized.

Mr. O'Hara, would you like to comment?

Mr. O'HARA. Mr. Chairman, I wish to reiterate your statement about Mr. Meany's presentation. As a matter of fact, I am a little bit hesitant to expand upon Mr. Meany's statement because I think that he has said the things that need to be said in a better way than I could.

Mr. Meany has very forcefully stated the reasons for the introduction of this legislation. If I were to suggest any one thing as the principal effect of this legislation, if it should be adopted, it would be to regularize the methods by which farm organizations are recognized.

In other words, I think the outstanding characteristics of this legislation would be to end a lot of uncertainty and turmoil with respect to farm labor and conditions of their employment.

After all, was that not really the principal reason for the enactment of the National Labor Relations Act? That is, to provide some system imposing restraints upon the employer and upon the employee organization with respect to their methods of gaining recognition or giving recognition and the terms and conditions under which they bargained and worked out their agreements?

We provided a regular method of doing so and we substituted that for turmoil. I think that would be the effect of this legislation on the farmer. We would substitute order and a definite way of doing things

for the kind of rough and tumble uncertainty and turmoil which now exists.

Would you not say, Mr. Meany, that would be the principal effect of this legislation?

Mr. MEANY. The history of the industrial strife and industrial problems bears that out because, as you know, before they passed the National Labor Relations Act there had been an exhaustive investigation by Congress and the LaFollette Civil Liberties Committee, and the record is dozens of volumes of sworn testimony and the testimony was about war. All of those records—and I have gone through them—is a story of a war.

Well, now we do have our problems and we do have strikes here and there and when we get to the time we don't have strikes, then I think we are really in trouble; not that I advocate strikes, no labor leader worthy of his salt wants to strike, but you have got to have that right.

As a result of the report of the LaFollette Civil Liberties Committee, Congress enacted the first Wagner Act and the purpose of it, as I said at the time, was to bring equality in the strength of employer and employee compelling recognition of unions and the right to collective bargaining and, of course, with certain obligations on the unions.

Now, the record of the 1920's, as I say, and the early 1930's was a record of war where great corporations in this country spent millions of dollars, hired agencies for no other purpose but to deny to their workers the right to get together and present their case as a group as to what their conditions of work and their hours and their wages should be. So, surely, the National Labor Relations Act, no matter what else anyone might say about it, they cannot say it did not bring some order out of what was chaos before and there is absolutely no reason to believe that this would not carry on the same way in the agricultural industry.

Mr. THOMPSON. Would the gentleman yield for an observation?

It is fascinating to know that the resistance to such legislation as Mr. O'Hara is proposing comes from many of the farmers themselves, the principals. They don't want the worker to have the right to bargain collectively and to cooperate with other workers. Yet the farmers use cooperatives for all sorts of purposes: for the marketing of their produce, for the purchasing of machinery, and for the purchase of their electricity. It is sort of a unilateral thing. They want to cooperate but they don't want their worker to have that same right.

Mr. O'HARA. Mr. Chairman, I would like to direct my attention to Mr. Meany's comments about the hired man.

I agree with your analysis of the typical situation of the hired man being the reason that the farmer is not included in the first place, and I similarly agree that the situation has changed a good deal since the days of the Wagner Act. I do think the hired man under the circumstances you described still exists to an extent; that is, in effect, as part of the family, eating at the family table and so forth. I would not like to deny that still exists, but it is not at issue in this legislation.

Mr. MEANY. That family hired man would not be affected by this legislation at all.

Mr. O'HARA. Exactly. The argument about whether that still exists to any extent is not really at issue in this legislation.

Mr. MEANY. You see, when we speak of the farmer in respect to this legislation, we really mean the employer. Who is the employer? Who is the farmer? The farmer in California is the Bank of America. He is the No. 1 farmer, the Bank of America. They own all these great, big farm factories. He is not a fellow who is walking around his farmlands seeing how things are going, doing a little work here and there; he is in the street, as they say in the financial circles. He is the farmer, the Bank of America.

Mr. O'HARA. Exactly.

Finally, I would like to call attention to another matter you have mentioned—the notion that the seasonal or migrant farmworker's employment situation is such that the NLRA should not apply to him because he works for one employer for a short time and then he moves on.

You have pointed out correctly, I believe, that this situation is similar to that found in the construction industry. Often carpenters, bricklayers, or plumbers will work for a short time on one job and then move on to another job.

We have found a way of regularizing representation of such employees and we have had a lot of experience with it. It works very well in the construction industry.

Mr. MEANY. This is where the union structure comes in, where a man can move from town to town and still have the same bargaining representatives elected by the members.

Mr. O'HARA. Yes. We have paved the way for that. We have worked out a system that works very well, and there is no reason it will not work the same in another field—in the case of the seasonal farmworker.

Thank you. I think you have given excellent testimony.

Mr. THOMPSON. Mr. Reid of New York.

Mr. REID. Thank you, Mr. Chairman.

First, I would like to say I really appreciate your thoughtful and interesting testimony this morning, Mr. Meany.

I have one or two questions I would like to ask to clarify the record, if I may.

First, you say that there are only five States and Puerto Rico that are covered by workmen's compensation. What are those five States?

Mr. MEANY. I have not got them here; I will furnish them to you, Mr. Reid. Five States and Puerto Rico, I think you said.

Mr. REID. Yes.

Mr. MEANY. That is where they have full coverage and then in half of the States they have no protection and in the other half they have some protection. There are only five where they have full protection.

Mr. REID. That is a striking figure.

Mr. MEANY. Yes. I will furnish the names of the States; we have them over in the office.

Mr. REID. On page 2, you talk about child labor. Do you have any additional information other than what you have here? You say it is still common in agriculture.

Mr. MEANY. Yes; it is.

Mr. REID. Where?

Mr. MEANY. We can give you detailed information on that, too.

Mr. REID. All right.

The third question deals with the fact that apparently the figures are very hard to come by and you say that some of these figures date back to 1959. I notice in particular that, according to these figures, only about 650,000 were employed for more than 150 days. As far as you know, is that approximately a current figure today or do you think it is not accurate for today?

Mr. MEANY. Well, I think I would say that that would not be the exact figure, I suppose, but I don't think the figures have changed a great deal in that respect over the years.

Mr. REID. Of these 650,000, are some of these members of a family working on a family farm, or are these hired farmers who come in to work for a certain period of time on a farm?

Mr. MEANY. No; these are wage earners. These are what we call wage earners who are hired.

Mr. REID. What is your impression, Mr. Meany, of the efforts we have been trying to make to outlaw braceros and wetbacks?

Mr. MEANY. They have been outlawed and, despite all the predictions that the crops would rot and they would not be harvested, that just did not happen. A year ago last January they were outlawed and I think that from my point of view the braceros were handled and I saw this myself years ago, went down to California and saw it. I would say this was a disgraceful procedure.

We find that, as I say, despite the argument used that the crops would rot, we would not be able to get them in, we didn't have any crops rotting and we have outlawed the procedure.

Mr. REID. I think it would be very helpful here to supply to the committee if you could any figures that show the amount and value of the crops harvested before and after braceros were eliminated.

Mr. MEANY. The dollar value of the 1966 crop with the braceros eliminated was considerably higher than the value of the 1965 crop where the braceros were still legal.

Mr. REID. I think if you could present some figures on that, perhaps expanded from your standpoint on the statement that you quote on page 5 of the National Advisory Commission, U.S. Department of Agriculture, the gist of which is, as I understand it, that the opportunity to handle the farms and higher earnings would be enhanced given appropriate wages and working conditions.

Mr. MEANY. Yes. In other words, the question of competition for the family farms, in a sense.

Mr. REID. If you could demonstrate the instances, in a case where reasonable standards for braceros are in fact required, that instead of hampering the earnings, the earnings are improved as well as the human necessity for schooling and all the rest that is implicit in the progress in this area.

Mr. MEANY. I will send you a complete memorandum on all those questions, Mr. Reid.

Mr. REID. All right.

Well, again I just would like to thank you for testifying.

Mr. THOMPSON. Thank you, Mr. Reid.

Mr. William Ford of Michigan.

Mr. FORD. Thank you, Mr. Chairman.

I would like to join the chairman in complimenting you, Mr. Meany, on this statement.

I have seen many statements from representatives of organized labor before this committee in the last couple of years, and this is one of the most exciting, because the subject matter is most interesting.

Mr. Chavez has opened a lot of eyes in this country to the problems that his people have encountered. But those of us who entered college immediately after the war and read the LaFollette committee reports as a part of what was then considered to be labor history, are really much surprised when we start to delve into this problem and discover that things have not changed very much during the past 35 years with respect to a substantial segment of our society.

I am also amazed at the close parallel to the conditions so very vividly burned into my mind as a young person by the "Grapes of Wrath" and the conditions that still exist in my own State of Michigan each year as the crop followers come to our State.

We pride ourselves in Michigan on being rather sophisticated in recognizing the great value to a stable economy of collective bargaining which we have had now in our major industry, the automobile industry, for many years.

As the third largest user of migrant labor in the United States, we are, I believe, one of the States that you mention in your testimony which provides absolutely no workmen's compensation coverage for migrant workers.

As a matter of fact, I discovered when I was a member of our State senate that we afford more protection for a "wetback" who finds his way to Michigan to pick cherries than we do for an American citizen who puts his family in the back of a truck and comes there to pick cherries.

I spent two summers living with these people in northern Michigan and still wonder at times how they could ever turn into citizens with roots with the kind of conditions they are content with. I have seen families where everyone large enough to walk and everyone who had reached the age where their canes would not permit them to go into the field, maybe three generations in one family, coming off of one truck to pick in Michigan. I am informed that that has not changed since 1942 when I had that experience in northern Michigan, and I am very grateful that we now have before us a piece of legislation that might bring about a change.

I am particularly interested in your references to the small farmer vis-a-vis the large corporate farmer. I think there is again a parallel here with what we have experienced in our State.

I had the opportunity of attending a meeting with an organizer for a small business association who was attempting to organize small shopowners—into the protective umbrella of the Small Business Association. Some of these shopowners were my clients. I asked the organizer what his definition of a small business was in terms of the total employees and he said, "Well, we would not consider much over 500 or 600 employees to be a small business," whereupon my clients immediately began to cool off in their ardor about what they had in common with the employer of 500 or 600 people.

Unfortunately, the farmers in my State have not had a similar confrontation, and although they will write most of the letters opposing this legislation and will be heard most frequently in the public media in Michigan, it would seem to me that you have made a very

telling point when you illustrate that by joining with the large corporate farmers in maintaining a low wage stability the smaller farmers are in fact working against their own interest.

I think the statement you made provides a basis for an outline of the factors that ought to be considered in weighing this legislation and examining it for possible changes or improvement.

I would like to ask, with respect to agricultural workers and the organization of agricultural workers, if there is substantial evidence now available to us in various parts of the country that would demonstrate the effect over a period of time? We know what has been happening in California; there has been a great deal of publicity with respect to that.

Is the recent California experience unique in the attempts of organized labor to organize labor, or is this happening in other parts of the country?

Mr. MEANY. We have been in other parts of the country but I would say that California is unique in the sense that it is the most successful in setting up. We met tremendous resistance in Louisiana and Texas to our efforts which indicate the need for establishing among these workers the legal right that other workers have both in Texas and in Louisiana.

In California, of course, as I say, we have concentrated there and we have had some success there.

Mr. FORD. Is it correct that most of the employers that are involved in the organization activities or involved with the employees that you are attempting to organize in California are themselves organized into an association or associations whereby they control by agreement with each other the level of wages, the price of their products, and all of the other aspects?

Mr. MEANY. I could not answer that. I don't know just how they are organized.

Mr. FORD. Well, is it common, for example—

Mr. MEANY. My director of organization here maybe could answer that, Mr. Kircher.

Mr. KIRCHER. The employers are, in fact, organized, and very well organized. I can't as a matter of fact testify with respect to how much they use the organization to restrain some of the situations that you mentioned.

I don't know this as a matter of fact but we certainly have many indications that cause us to feel that this is part of their program.

Mr. FORD. Do these organizations enter into any formal agreements in which the farmers agree on a set price for certain classifications of labor such as pickers and so on?

Mr. KIRCHER. I don't know.

Mr. MEANY. I could not tell you that.

Of course, there is one factor that I mentioned before that ties them together and that is they all get their money from the same till; I mean, they are financing what they need to operate. This whole California structure runs right back to the banks and has for many years.

Mr. FORD. I, in closing, would just like to take issue slightly with one observation that you make with respect to the small farmer. I think you let him off too easily when you suggest that he is not directly responsible or directly involved in the problem of the unorganized

labor force. Again using the example of the State of Michigan, I don't think that it makes the small farmer with a big cherry orchard at all unhappy to see these people load up on their trucks and leave town as quickly after his cherries have been harvested as possible. He really does not want anything to happen in Michigan that is going to make it a desirable place for them to live. He demonstrates in a number of ways that he prefers not to have them as his neighbors and he considers them in every way as his inferiors.

I don't know of any place where social class caste is demonstrated as clearly as it is in some of the finest, most beautiful little Hollywood-type Midwest American homes in my own State. I, as one resident, am a little bit ashamed of it, and I think the small farmer has to take his share of the blame.

Mr. THOMPSON. Thank you.

The next gentleman here is one of the leading agricultural experts from the sidewalks of New York, Mr. Carey.

Mr. MEANY. From Brooklyn.

Mr. CAREY. Thank you, Mr. Chairman.

I want you to know that you don't need to orient me with Mr. Meany or Mr. Biemiller. Mr. Meany and I were together last Saturday evening when we honored a great American, David Sullivan, head of the American International, on the occasion of his being made the most elevated person in the church community—in fact, I think now we have to salute Dave every time we see him, something like Saint Gregory on a white horse. This was a fine chance for a plumber and ex-Brooklyn farmer to sit down and elevate the ex-service employee.

I think I will have to in this case disown my agricultural background because the last farmer left Brooklyn a long time ago. Even though Mr. Meany, I know, is a good historian, and especially knows old New York himself, the term "hick" actually originated in Brooklyn.

For the information of this committee, Mr. Chairman, in my district there is a street named Hick Street. Hick Street was the site of a great apple orchard during pre-Revolutionary days. The Hicks family who ran this farm knew they could get the best price for their commodities, these good apples, over in lower Wall Street where those fellows didn't know what an apple was in those days. We didn't get around to selling apples on the corner until the Republicans got in 107 years later.

Mr. THOMPSON. We make very good apple juice in New Jersey.

Mr. CAREY. Right.

At any rate, the name "Hick" originated in American vernacular when the family Hicks would load up their little rowboats and row their crop across the East River to sell them in Lower Manhattan.

The Lower Manhattanites were waiting for these apples so when they would see the boats coming across the East River they would say, "Here come the Hicks," and that is where we got the language and I will dispute anybody who says it is not so.

Mr. Meany, I am going to approach you from a somewhat different angle now.

I am the leading milk buyer of Congress, individual milk buyer. It was running about 2 gallons a day when I left home this morning, and when I left home this morning they had not been home for lunch yet.

In all seriousness, Mr. Meany, when we look at the public prints and we read about milk dumping because the milk grower is not satisfied with the price of his product and the beef cattle farmers withholding beef from the market and in the wheat market we no longer look to the leverage of the Commodity Credit Corporation to establish prices, the American housewife probably faces an ever-growing cost in the farm items in her market basket.

Now, I am anticipating the testimony we are going to get from the NAM and every other management-based witness before this committee on this legislation, I think you and I can get to some kind of Latin term in order to offset that type of testimony.

I think we will have to show that the effect upon the market basket of this particular legislation would be de minimis. I know that is an unfair term to throw at a plumber but I happen to know this plumber knows a little bit of Latin. I would like to pursue with you the kind of questioning that would show that this would not be a serious and inflationary bill were it to be passed tomorrow insofar as the total overall effect on the market basket would be concerned.

If, in fact, 6 percent of the farms that account for 76 percent of the wage bill, as you say, and of this fewer than 2 million worked longer than 25 days and only about 650,000 were employed for more than 150 days, and we talk in terms of an average wage of 95 cents to \$1.18 for those who worked in the South, if we got this up to the minimum wage, how much total dollar cost would it possibly add to the actual cost of farm production here in the country?

If the housewife had to pay the whole thing and would not spread through the whole consumer market, how much would it possibly cost?

Mr. MEANY. In terms of your gross national product or something like that, it would be very small, I would say.

Mr. CAREY. All right.

Now, are we not in effect paying a lot of this cost in some other way? When the farmer does not pay the living wage, I am talking about the Bank of America, the corporate farmer does not pay the living wage, who does pay for the maintenance of income for the family and the individual and the children in these families when they are not on the farm and receiving direct cash payments? Somebody is paying them or they are starving.

Isn't it true that it is a combination?

We found out in Mississippi many of these families are below the minimum level of maintenance in terms of food; they actually are at or near the starvation level; is this not right?

Mr. MEANY. I think you will find out many of them are on relief at the same time they are working; they have to be in order to live.

Mr. CAREY. It might be that the big consumer of farm products today is paying this in terms of income maintenance for the Welfare Department; is that correct?

Mr. MEANY. That is possible.

Mr. CAREY. Instead of paying it to the food supermarket, we are probably be paying it somewhere to the welfare system with a lack of truly American kind of payments and cash to the man who produced the food we are eating. Isn't it true that if we could add to the family income of the farmworker he would be less inclined to desert the farm

and head for the big city where he could at least school his children and get some type of year-round maintenance even though it be welfare?

Mr. MEANY. I feel if they have the right to organize the same as other workers, naturally they will get to the point where they have unions of some stability and I think the union will make a contribution to the stabilization of employment as it has in every other case.

Mr. CAREY. That is the exact point I am coming to.

Given the fact that this segment were allowed to organize, we are not talking about the family farmer here, we are talking about the co-operative farmer for that matter, is it not true that given the bulk of support of labor that there could be some stabilization of farm price income, farm production income, and the organized labor would be on the side of the farmer in trying to get a fair return on his investment of labor and his investment of time and capital and everything else in the package that he is delivering to the supermarket?

Mr. MEANY. This flows from stable organization. I mean, any organization of labor is interested in the industry which furnishes to pay him a little. This is just as simple as that and surely the farmer would be no exception, that he would be interested with his employer in regularizing employment and perhaps the employer might find out through contact with organization that it is in his interest to regularize and not to have people coming down the road and then send them off a few weeks later.

So, actually, what you have here is an opportunity for the worker through his union to make a contribution toward the stabilization and regularization of the industry in which he makes his living.

Mr. CAREY. Now, Mr. Meany, I am very sensitive to the fact that my colleague on my right from the great State of Michigan, and perhaps it is unwise or inappropriate to draw this comparison, but we say that what happened to the American automobile could happen to the American tomato and the American head of lettuce. We were told when we organized the automobile industry that nobody ever would be able to afford a model T. That proved to be completely unfounded and we know that more people own cars today and more families have two cars than ever before, and the relative pricing of the automobile has gone down in terms of the cost of overall manufacture over the times since it was first invented, so mass production and other techniques employed huge masses of labor at good wages under outstanding living conditions—and you won't mind attributing some of this to the United Auto Workers who have done a fine job in this regard.

Is it true that the same power would be drawn here, that if you could bring automobiles within the consumer market and put money in people's pocket to buy automobiles and get a good economy on the automobile, why would not the same thing apply to farm products?

Mr. MEANY. No reason at all. The automobile worker whose wages went up, he was able to buy homes put up by the construction worker. He was able to buy radios, TV sets, refrigerators, and the same would be true on the farm. You could not hurt the economy of this country by adding to the purchasing power of these farmworkers. Maybe they would buy some automobiles and some of the other things.

Mr. CAREY. If the hired man left the farm, this would probably bring back the traveling salesman, would it not? [Laughter.] I yield to my colleague, Mr. Ford.

Mr. FORD. Thank you for yielding.

Mr. THOMPSON. He has done everything but stand up.

Mr. FORD. I just want to correct him on part of the history that he is putting into this record.

The problem was not the price of the Model T at the time of the organization of the auto workers; we were working on the V-8 engine then. Afterward Ford came out with a new car called the Mercury. So, you are off about half a generation.

Mr. CAREY. I am going to accept the competent authority on this. I will do everything as long as you don't bring up the Edsel.

Just to cap off the line of questioning, this will be my last call in this regard, it certainly is true that we have a ludicrous phenomenon in the economy today and that is that the very workers who produce this bounteous diet which we find on the American dining table today, the best food system of supply and the best diet that any civilization ever enjoyed, these very same farmworkers are unable to participate even in the minimal requirements of a balanced diet if they don't have meat on the table the way we do in Brooklyn 4 or 5 days a week—it used to be 4 days a week but the Pope has changed all that.

At least, they do not participate in the very fruits of their own labor; they cannot afford the minimum fare necessary for a balanced diet for their children at the same time they have given all of us one massive problem of actually weight watching.

Now, this is a ludicrous phenomenon. That is, the very people who produce aren't able to participate in the balanced diet that the rest of America enjoys.

I think it is time this bill got decent consideration, and I think your statement has gone a long way in helping us in that direction.

Thank you, Mr. Chairman.

Mr. MEANY. Thank you.

Mr. THOMPSON. Mr. Meany, I thank you very much.

Mr. MEANY. Thank you, Mr. Chairman.

Mr. THOMPSON. Since Secretary Wirtz has not yet arrived, his testimony will be presented by Mr. Frank A. Potter, Director of the Farm Labor Service of the Bureau of Employment Security.

Good morning.

Would you identify the gentleman with you?

Mr. POTTER. Yes.

I have with me Mr. Jim Goodgion, administrative assistant in my office, who is familiar with some of the data that you may ask for later.

Mr. THOMPSON. How do you wish to proceed, Mr. Potter? Do you wish to read the Secretary's statement or shall we put it in the record at this point?

Mr. POTTER. I would like to read his statement. I am authorized to do so and with your permission I will.

Mr. THOMPSON. With the Secretary's permission, we will do so.

STATEMENT OF HON. W. WILLARD WIRTZ, SECRETARY OF LABOR

Mr. Chairman and members of the subcommittee, I am grateful for the opportunity this hearing presents.

The circumstances commend bluntness.

There has not for a long time been any real reason in economic or social policy or in administrative fact for exempting agricultural labor from the coverage of the National Labor Relations Act.

Arguments cast in these terms have prevailed, without being persuasive, for two reasons:

One has been the unbalance of political influence as between agricultural employers and agricultural labor.

The second has been that organized labor has not been in a position to undertake, on a sufficiently intensive basis, the unquestionably difficult job of organization which is involved here.

Today, both circumstances have changed.

We have paid a high price as a nation for this shortsightedness and narrowmindedness.

It has meant the consignment of millions of people to poverty while they worked to make the rest of us fat—literally. The average farm-worker's earnings are today some place between \$1,100 and \$1,500 a year—depending on which of several available measures is used.

A thoughtful person, sitting down to a large meal, would turn away from it if he let himself think of the circumstances—at that hour—of some of those who had, in the fullest sense, worked to bring that meal to his table.

I urge the enactment of H.R. 4769 and the other similar bills which are before the subcommittee for consideration.

If it is suggested that the circumstances of agricultural production—its being subject, for example, to the whims of nature—present special difficulties, it is time to answer squarely that the burden of absorbing these risks and costs should not be put on those who work in the fields.

If the mobility of agricultural labor and the constant changing of employers is advanced as a reason for not affording the employees protection, it is time to face honestly the fact that this increases their need for such protection. This mobility factor has not prevented giving collective bargaining rights, as well as many others, to workers in the construction industry. It is the construction industry collective bargaining provisions that H.R. 4769 and identical bills in the House and Senate would apply to agriculture.

If it is argued that there are insuperable administrative difficulties in applying these statutory protections to small units, it must be emphasized that under the National Labor Relations Board's current jurisdictional standards, these provisions would affect only those farms whose interstate shipments amount to more than \$50,000 a year—or about 3 percent of our Nation's farms—1967 report, "The Migratory Farm Labor Problem in the United States," Subcommittee on Migratory Labor, Senate Committee on Labor and Public Welfare, page 33.

There are two basic inequities which we must face—inequality of educational opportunity and inequality of economic representation.

The 89th Congress went a long way toward meeting the first of these inequities—in educational opportunity.

It would be a comparable achievement if the 90th Congress were to make significant advances against the other inequity—of economic representation.

The enactment of H.R. 4769 and the other identical measures would be a proud step in that direction.

There ought to be representation for those who need it most.

In order to describe more fully for the subcommittee the background for your consideration of labor relations legislation for farmworkers, I have asked Mr. Frank Potter, Director of the Office of Farm Labor Service, to elaborate on the farm labor situation.

Mr. POTTER. Mr. Chairman, that concludes the Secretary's statement.

Mr. THOMPSON. Thank you very much.

Now, on April 17, as you know, I wrote asking for some statistics and for some background information which I thought would be useful, and I note that you have prepared that information. We would appreciate it if you would offer it at this point. Perhaps we will have some questions as we go along.

May I say to the members of the subcommittee, if you do have any questions as Mr. Potter goes along with this presentation, please feel free to ask them at any time.

STATEMENT OF FRANK A. POTTER, DIRECTOR, OFFICE OF FARM LABOR SERVICE, ACCOMPANIED BY JAMES E. GOODGION, ADMINISTRATIVE ASSISTANT

Mr. POTTER. Thank you, Mr. Chairman.

Mr. Chairman and members of the subcommittee, in response to Chairman Thompson's letter of April 17, I have prepared a brief statement providing general background information on farm employers and farmworkers, and about recruitment techniques and programs which I think the committee will find helpful.

I am prepared, of course, to answer, to the best of my ability, questions on any part of our farm labor program about which you may wish more detail.

I. FARMS EMPLOYING HIRED FARMWORKERS

About 1.6 million farms—half of the 3.2 million farms in the United States—used hired workers at some time in 1964, according to the latest census. A May 1965 U.S. Department of Agriculture survey indicates that of these farms, only about 232,000 used at least 100 man-days of hired labor in their peak quarter of 1964 and that of this 232,000 figure, 110,000 used 200 man-days of labor, and only 67,000—2 percent of all farms—used at least 300 man-days.

Mr. THOMPSON. May I interrupt at this point?

That means, does it not, that 2 percent of the farms are the major users of agricultural labor?

Mr. POTTER. I would say this is correct, sir.

Mr. THOMPSON. Do you have any information on the average size of those farms?

Mr. POTTER. In terms of acreage?

Mr. THOMPSON. Yes.

Mr. POTTER. I am sorry; I do not have that available. We could prepare that for the record if you would wish.

Mr. THOMPSON. I think it would be valuable.

Mr. CAREY. Mr. Chairman.

Mr. THOMPSON. Yes.

Mr. CAREY. To complete that statistic, could we get the total number of persons employed in the 67,000 farms, 300 man-days help? Is that figure available?

Mr. POTTER. We will certainly try.

Mr. THOMPSON. Also, if available, the percentage of the total produce grown on these 2 percent of the farms. Would that be possible?

Mr. POTTER. We will have to check this with the Department of Agriculture, but we will certainly do our best to obtain this information.

Mr. THOMPSON. Fine.

(The information requested follows:)

The best estimates we can derive are that these farms average about 1,600 acres in size and account for about 20 percent of the total value of farm production. They employed 572,000 hired workers in the survey week, May 16-22, 1965.

Mr. POTTER. The same survey shows that 49 percent of the 67,000 farms using 300 man-days of labor were in the South, 30 percent in the West, 13 percent in the Midwest, and 8 percent in the East.

II. FARMWORKERS

Altogether, there are between 3 and 3½ million persons who do some farming work for pay in the course of a year:

Between 600,000 and 700,000 (one-fifth) are considered regular farmworkers—they do 150 or more days of farm-wage work during the year.

The balance (from 2,500,000 to 2,750,000) are seasonal workers and half of this number work fewer than 25 days on farms.

Of this seasonal farmwork force between 400,000 and 450,000 (about one-sixth of all seasonal farmworkers) are migratory, leaving their homes over night to do farm-wage work.

III. PATTERNS OF MIGRATORY LABOR

Migratory workers move in three principal streams:

Workers who have spent the winter and spring picking citrus and vegetables in Florida move north in May, stopping in the Carolinas, Virginia, Maryland and Delaware on their way to the potato, tomato, apple and other harvests in New Jersey and New York. A few reach the New England States.

Migratory workers from Texas cultivate sugar beets in the Mountain and Plains States in May and June before moving on to the Great Lakes area to pick cherries, cucumbers, and tomatoes and other crops.

The third stream starts early in the year, going up the west coast in a wide variety of activities.

Most migratory workers travel in crews, some of them as large as 150 to 200 persons; but the number traveling in family groups is growing.

IV. PROGRAMS AND TECHNIQUES FOR RECRUITING FARMWORKERS

A. Year-round workers

Recruiting for the year-round farmwork force for today's highly mechanized and specialized farms requires a different approach from that of recruiting for seasonal peak labor needs. Almost every State reports critical shortages in the skilled categories. Much program em-

phasis is now on recruiting less skilled farmworkers—some ex-migrants—for training programs in order that they may learn the more sophisticated operations needed by employers of year-round workers.

B. Seasonal workers—local

In areas where income from farms is important to the community, local people respond well to recruitment for brief periods of agricultural employment. Youth and housewives are signed up with the local employment offices well in advance of the season. Day hauls are organized—that is, arrangements made in advance for the orderly assembly of workers at designated pickup points and their daily transportation to and from farm jobs.

Cooperation is sought and obtained from local news media. Some local offices display considerable ingenuity to get everyone out to help with the harvest. (Hospitals and other institutions, off-duty military personnel, et cetera.)

C. Seasonal workers—Out-of-area—Migrants

It is apparent that regardless of local labor recruitment effort, however, almost every State at some time during the year needs help from the outside—from migrants, defined as those who leave their homes overnight to do farm-work.

In addition to those persons in the migrant streams about whom most people are aware, the definition "migrant" also encompasses groups for whom special recruitment programs have been devised; high school and college youth, both boys and girls; reservation Indians; Puerto Ricans from the island under contract; custom-combine or sheep-shearing crews; and there are others.

Many of these groups are recruited between States on regular job clearance orders—and all interstate orders must meet the Secretary's regulations for interstate clearance with respect to wage rates, adequate housing, and transportation.

But migrant farmworkers are most often considered to be those people, not far from the bottom of the economic ladder, who traditionally follow the crops. In 1966, their number represented more than one-fifth of all seasonal workers at the July peak.

One of the special and highly successful techniques for arranging jobs for migrants is known as the annual worker plan. This is a program through which the individual migrant, or the crew leader, can plan an itinerary before the season begins that will increase the number of working days and assure the employer that workers will be at hand when he needs them.

Farm labor representatives from demand States go to the supply States to consult with their counterparts, and with crew leaders and workers, to develop suitable work schedules.

There is provision in the plan for in-season changes in schedules in the event weather or some other unforeseen circumstance disrupts the preseason schedules. Some 195,000 individuals, of whom 143,000 were classified as workers, were assisted through the annual worker plan in 1966. And from indications so far this year—commitments are already being worked out in Florida and Texas—1967 should be equally successful.

MR. THOMPSON. Would the difference between 195,000 and 143,000 mean children mostly?

Mr. POTTER. Elderly members of the family and children; yes.

Mr. THOMPSON. Do the Secretary's regulations go to the education of migrant children at all?

Mr. POTTER. No, sir.

Mr. THOMPSON. They do not.

V. OTHER SUPPORTING OFFICE OF FARM LABOR SERVICE PROGRAMS

Mr. POTTER. In order for the Farm Labor Service program to be meaningful, it is imperative that the Service be concerned with matters other than job order taking and worker placement. Other facets of the program involve:

A. Arranging for certification for foreign workers, as a last resort, under conditions that will not adversely affect American citizens and that will prevent crop loss due to a lack of labor.

B. Administering the Crew Leader Registration Act.

C. Operating, through the States, interstate migrant information stations and rest stops.

D. In cooperation with other Government and private organizations, encouraging provision of adequate farmworker housing, better transportation practices, more community participation, awareness of need for improving foreman supervision, orientation training on the job, safety practices, and labor relations generally.

Thank you, gentlemen.

I shall be happy to try to answer any questions.

Mr. THOMPSON. Thank you very much.

You have answered completely the questions set forth in my letter and these statistics will be very valuable to us.

Mr. O'Hara.

Mr. O'HARA. I want to thank Mr. Potter and to express my complete agreement with Mr. Wirtz' statement.

I have no questions.

Mr. THOMPSON. Mr. Ford.

Mr. FORD. Thank you, Mr. Chairman.

On page 2, at the bottom of the page, you make the observation that "Most migratory workers travel in crews, some of them as large as 150 to 200 persons; but the number traveling in family groups is growing."

Now, this committee has considered in several pieces of legislation the problem of the migrant child. We have given him a lot of attention and not very much money under the Economic Opportunity Act, and even less attention under the Elementary and Secondary Education Act.

I notice, for example, that the famous Quie amendment takes migrant children back out of the Education Act almost as fast as we put them in. We put them in this year, and he would take them out next year.

During the course of this legislation, we have been increasingly concerned with the problem of having this large number of children outside the pale of the normal institutionalized education system.

Do you mean to say by this statement that there are more children traveling in families today than there were 10 years ago?

Mr. POTTER. This is our experience of the past year or two, and I think there are two reasons for this: One good and the other bad.

One of the reasons why the family is traveling alone is that they stay until the completion of a school year because by that time the crew leader and his large crews have gone and the family then goes on their own, as I say, after school has been completed.

Now, we think there is another reason for this and that is the Crew Leader Registration Act. There have been a number of crew leaders who have gone out of business, and for these families to continue their normal swing they have adopted the practice of traveling in their own vehicles.

Mr. FORD. Would you be able to give us an estimate of what the progress of this has been since World War II?

Mr. POTTER. We can certainly try, Mr. Congressman. It might be rather difficult, but we will try.

(The information requested follows:)

The statistics are incomplete but the answer to both questions is probably yes. Statistics are available only for interstate migratory groups that were contacted by the Farm Service and only as far back as 1957. There is no information on the groups which make their own employment arrangements without contact with the Farm Labor Service. The table below shows the number of family groups contacted by the Farm Labor Service and the number of persons under 16 years old in all groups contacted. One other point should be made about the statistics: Some of the increase in absolute numbers of children and family groups since 1957 is attributable to more groups contacting the Farm Labor Service rather than an actual increase in numbers.

It should also be noted that the second set of figures is more relevant than the first if the concern of the Committee is the number of youngsters in the migrant stream. The first set of statistics reflects, among other things, the effects of the crew leader registration law, which has tended to break up crews into smaller groups, such as families.

Year	Family groups		Children under 16 years old	
	Number	Percent of all groups contacted	Number	Percent of all people in all groups contacted
1966.....	7,234	58	52,862	27
1965.....	7,618	57	50,405	26
1964.....	5,385	52	47,831	26
1963.....	4,186	41	45,448	21
1962.....	3,990	40	44,460	21
1961.....	3,788	41	39,692	19
1960.....	2,440	33	30,203	19
1959.....	1,949	28	25,234	15
1958.....	1,026	15	28,248	17
1957.....	1,369	21	25,179	17

Mr. FORD. Well, you are making this as a flat statement and I find it really a startling one because I thought we were moving in the other direction. It would indicate that at the same time we are cutting down on the number of people employed in farm labor by the increase in the use of mechanization, that we are increasing that segment of farm labor that has the most potential for deleterious side effects on society.

Mr. POTTER. Perhaps this statement is not clear, Mr. Congressman.

I would not say that there has been an additional number of people traveling. It is the mode of transportation, that more of them who did travel with crews and buses are now traveling on their own. The numbers have not increased; the total number.

Mr. FORD. But the problem that we are attracted to and attempting to do something with in other legislation arises out of this family mobility.

Now, it comes as a surprise to me that while the number of people involved in agricultural labor is dropping, the number of families moving with agricultural labor is increasing.

We know some little bit at least about the tremendous potential for the very expensive social problem that this creates for us. I would be interested in anything you can give us that will show the progress of this and perhaps anything that you can suggest to us that would give an explanation in some depth. I appreciate the two reasons you just gave for this change.

Mr. POTTER. Be happy to do so.

Mr. FORD. It seems that we ought to be doing something here because we cannot go on enlarging the amount of money we are spending for these other problems. We are really only applying band-aids to the migrant-worker problem in both the poverty program and in the education bill.

I think that most of the members of this committee might share my surprise to learn that the group we are dealing with is getting larger instead of smaller.

Mr. THOMPSON. Mr. Carey.

Mr. CAREY. Thank you, Mr. Chairman.

Mr. Potter, this comment is addressed to Secretary Wirtz' statement and I don't expect you to defend or otherwise comment on it because it won't need any defense; it is practically along the line of the questioning I addressed to Mr. Meany, and it seems that the Secretary has put it even more precisely.

This condition we face today has consigned millions of people to poverty where they are to make the rest of us fat, literally. This seems to me to be the great justification of this legislation. I would hate to ever attempt to synopsize Willard Wirtz, but the big job, it seems here, is to turn us away from weight watchers into wage watchers so we can see what is happening to the people who can't share the bounty that we enjoy day by day.

In your knowledge, would you tell us what has been the overall effect upon the consumer price in the market basket of the increase of betterment of working conditions among the seasonable harvest labor force since we introduced some of these Federal remedial acts like the Crew Leader Registration Act and benefits of migratory workers, and so on?

Has it been unbearable for the grower; has he been able to survive to the extent that the structure of prices is still within reach of the mass consumer market? Have we seen any inflation of prices in this citrus problem, in the vegetable crop, and so forth, or in the wine-growing crop?

Mr. POTTER. I have some facts here, Mr. Congressman.

Mr. CAREY. If they are voluminous, perhaps you can supply them to us.

Mr. POTTER. Yes. We will submit a statement on that for the record.

(The information requested follows:)

Recently enacted legislation could not have had any appreciable overall effect on consumer prices because the cost of most of these benefits has been borne by the Federal Government rather than the growers. In this category are the Migrant Health Act and the provisions of the Economic Opportunity Act relating to education, children's day care, housing and sanitation for seasonal farm workers.

The impact of minimum wage coverage on food prices has been negligible because only about 400,000 workers are covered, and the large farms on which these workers are employed tend to be in the areas where the going wage is equal to or above the statutory minimum of \$1.00 an hour.

The Crew Leader Registration Act may conceivably in rare instances have had the effect of raising prices or reducing growers' profits slightly because crew leaders had to charge more for their services to cover the cost of insurance. There is no evidence that this has happened however.

Mr. CAREY. It seems to be my experience, and I have just made a limited study of this from food reports and food economists who seem to always be available to the housewife in terms of giving her a continuing commentary on prices day by day. I don't think that I can recall any time in the last decade, for instance, when you could get Texas grapefruit at three for a quarter for the large ones, and yet those are available on the New York market today. To me, the citrus market seems to bring in better fruit at lower prices than ever before; is that correct?

Mr. POTTER. That is correct, because you have a great abundance of citrus fruit this year. I think Florida alone is going to produce about a third more citrus than they did a year ago; terrific increase.

Mr. CAREY. We have then been able to cope with the effect of the reform legislation that we directed toward the foreign-worker group and the migratory-worker group which has been passing the last few Congresses.

Mr. POTTER. I think the big increase in your food basket comes from the meat end of it.

Mr. CAREY. I am glad you bring that up.

I hope you didn't get the impression in my talking to Mr. Meany that I am particularly concerned about this area of price increase. It is true that the meatgrower and wheatgrower and the dairy farmers are not users of mass labor groups; is this not true?

Mr. POTTER. Not like the fruit and vegetable growers. If I remember correctly, the Consumer Price Index shows that retail prices increased in 1966 over 1965 by 2 percent for both processed and fresh market fruits and vegetables.

Mr. CAREY. So, the passage of this act would not have any effect or only a minimal effect on dairy products, meat, and the basic items in the food basket; is that correct?

Mr. POTTER. Probably not. Very little labor is needed to produce meat and grain for bread. Production of milk, fruits and vegetables requires more labor than meat and grain.

Mr. CAREY. Little effect on grains, little effect on milk—little effect on bread, in other words—little effect on vegetables?

Mr. POTTER. This is very difficult for me to answer, sir.

Mr. CAREY. I hope we can get the answer because we are going to be bombarded with arguments that the price of bread is going to go up; the price of meat is going to go up, and the price of milk is going to go up, for the poor family as well as the moderate-income family, if we pass this bill. I think we need the answers here if we are going to determine whether this is a fallacy or a fact.

Mr. POTTER. If enactment of H.R. 4769 brought about unionization of the majority of dairy, fruit, and vegetable workers, there might well be some price increases, but assumptions regarding the degree of unionization that would result are pure speculation at this point.

Mr. CAREY. Thank you.

Mr. THOMPSON. In essence, your question answers itself. If it is a fact that the feed grain industry, dairy industry, the meat-growing industry are either the most automated or use the fewest workers, then obviously these industries are not going to be greatly affected by H.R. 4769.

I think that the hearings held by my colleague, the junior Senator from New Jersey, Senator Williams, showed in the case of lettuce, for instance, that there was nothing like a proportional increase in the price of the agricultural product as a result of the increase in its cost of production. Anything that you can provide for us along this line will be valuable.

(The information requested follows:)

CHANGES IN WAGE RATES, FIELD LABOR COSTS, AND PRICES FOR SELECTED CALIFORNIA CROPS, 1964 AND 1965

Crop	Wage rates		Field labor costs		Price paid producer ¹	Retail price ²
	Preharvest hourly	Harvest piece	Wholesale unit	Retail unit		
Asparagus—Fresh market:		30-lb. crate	30-lb. crate	Pound	30-lb. crate	Pound
1964.....	\$1.00—\$1.10	\$1.00	\$1.15	3.8¢	\$4.41	29.9¢
1965.....	\$1.25	\$1.15	\$1.32	4.4¢	\$5.01	36.9¢
Percent change.....	15-25	15	15	16	14	23
Cantaloupes:		88-lb. crate	100 lbs.	Size 36 melon	100 lbs.	Size 36 melon
1964.....	\$1.00—\$1.15	25¢	\$1.09 av.	2.5¢-2.8¢	\$4.24	\$28
1965.....	\$1.10—\$1.40	50¢	\$1.51 av.	3.4¢-4.0¢	\$5.00	\$30
Percent change.....	10-40	100	39	39 av.	18	7
Celery:		30-lb. crate	100 lbs.	Pound	100 lbs.	Pound
1964.....	\$1.00—\$1.12	10¢-25¢	86.4¢ av.	.86¢	\$4.38	15.7¢
1965.....	\$1.05—\$1.40	10¢-25¢	90.8¢ av.	.91¢	\$4.39	15.6¢
Percent change.....	5-40	No change	5	5	(4)	-0.6
Lemons:		53-lb. box	75-lb. box	Pound	75-lb. box	Pound
1964.....	\$1.00—\$1.25	25¢-95¢	\$1.20	1.6¢	\$3.50	21.2¢
1965.....	\$1.10—\$1.50	35¢-1.25	\$1.57	2.1¢	\$4.34	23.6¢
Percent change.....	10-50	32-40	31	31	24	11
Lettuce:		Crate-24 head	Crate-24 head	Head	100 lbs.	Head
1964.....	\$1.00—\$1.15	22¢-24¢	36¢	1.5¢	\$4.04	24.6¢
1965.....	\$1.25	31¢-34¢	48¢-50¢	2.0¢-2.1¢	\$4.04	25.5¢
Percent change.....	9-25	29-55	33-39	33-40	0	4
Strawberries—fresh market:		12-lb. tray	12-lb. tray	1-lb. pint	1-lb. pint	1-lb. pint
1964.....	\$1.00—\$1.05	50¢-70¢	65.7¢-86.4¢	5.5¢-7.2¢	24.4¢	35¢
1965.....	\$1.40	65¢-85¢	86.9¢-1.07	7.2¢-8.9¢	26.0¢	38.8¢
Percent change.....	33-40	4-70	0.5-62	4-62	7	11
Tomatoes:						
Fresh market:		50-lb. box	100 lbs.	Pound	100 lbs.	Pound
1964.....	\$1.05—\$1.15	16¢-18¢	\$2.59 av.	2.59¢ av.	\$9.15	33.2¢
1965.....	\$1.40	19¢-20¢	\$3.32 av.	3.32¢ av.	\$10.64	34.3¢
Percent change.....	22-33	19-75	28	28	16	3
For canning (#303 can):		50-lb. box	Ton	#303-1.5 lbs.	Ton	#303 can
1964.....	\$1.05—\$1.15	15¢-22¢	\$11.03 av.	.83¢ av.	\$31.30	16.0¢
1965.....	\$1.40	26¢-28¢	\$15.43 av.	1.16¢ av.	\$41.30	16.1¢
Percent change.....	22-33	18-87	40	40	32	0.6

¹ "Vegetables—Fresh Market," U.S. Department of Agriculture 1965, or "Vegetables—Processing," U.S. Department of Agriculture 1965.

² "Estimated Retail Food Prices by City," Bureau of Labor Statistics.

³ Unofficial estimates.

⁴ Less than 0.5 percent.

⁵ "Agricultural Prices," September 1965 Supplement, U.S. Department of Agriculture.

Source: Taken from Farm Labor Developments, April 1966.

Mr. CAREY. Mr. Chairman.

On the overall, as head of the Farm Service, in your opinion would stability of working conditions help to relieve the current spot shortage of farm labor?

In other words would more people be attracted to this as an occupation so that they would spend more time in it either through the annual worker program and so forth? Would the stability of working conditions and better wages on an annual basis tend to relieve the spot shortage of farm labor that now seems to occur in Long Island or Michigan and so forth?

Mr. POTTER. It is very difficult for me to answer that. Farmworkers, like other works, are usually not motivated solely by wages and working conditions although improved and stable conditions would undoubtedly make farm work more attractive. Undoubtedly these are the most important factors and we do have examples where such improvements have attracted more workers, but considerations such as job status and length of the employment period are also motivation factors. For example, one reason for the difficulty in attracting a sufficient number of domestic workers to the apple harvest in the Northeastern States is that the period of employment is so short in relation to the distance to be traveled by migratory workers. A very substantial increase in wages would probably be necessary to make it worthwhile for migrants to travel several hundred miles for a few weeks employment. Another reason for spot shortages which could not be alleviated by wage increases is the beginning of the school term at the time of highest labor needs in some crops and areas. This not only withdraws from the labor force local high school youths but also causes migrants to leave early to enroll their children in schools. The problem on dairy farms seems to be the excessively long hours as much as low wage rates.

Mr. CAREY. I am concerned about this because in my own State I have been informed that many, many smaller dairy operators have been going out of the dairy business because they can simply not attract to the dairy farms even the minimum help they need, even though we have a surplus labor pool in the area nearby. What we need to do is to get people to go back on the farm if we can provide working conditions that are livable.

Mr. POTTER. The dairy industry is rather unique and certainly its management practices have left a lot to be desired in the past, and I think that the industry, itself, is making those efforts right now.

Mr. CAREY. Has the shortage of labor during pickingtime or harvest-time and in spot shortage that followed thereafter been any reason for the increase in importation of farm produce into this country in recent years, in recent months?

I know the New York area was seeing a great deal more importation of foreign citrus and fruits and vegetables that we did not see before.

Is there any of this due to the inability to supply harvest workers or to supply produce in these areas or is it the overall attraction of the market that we have in the metropolitan area now because of the high consumer spending rate?

Mr. POTTER. It may have been a factor but not the most important one. The increase in imports has been mostly from Mexico. It is true that labor is cheaper and more abundant there, but other expenses

offset this advantage. Fertilizers, fungicides, insecticides, machinery, machine parts, packing materials, and interest on loans are more expensive than in the United States. The expense of shipping produce to the border, plus border-crossing fees and import duties, adds to the total cost. The main reason for the increase in imports from Mexico is that they arrive on the market at a time of the year when production in the United States is low. In the case of tomatoes, by far the most important Mexican fruit or vegetable export to the United States, production in Mexico is usually profitable only when this country has a short crop of winter tomatoes.

Mr. CAREY. So, the passage of this act will not be creating any sort of vacuum that will attract imports to the detriment of the American farmer?

Mr. POTTER. I don't believe I am qualified to answer that, Mr. Congressman.

Mr. THOMPSON. The Secretary of Agriculture is toying with the idea of restriction on imports of certain dairy products because of the economic difficulties in which the dairy industry finds itself today. This causes people such as myself who have been advocates of freer trade some difficulty and yet I recognize that within the States which have many dairy farmers that there is extreme difficulty.

Mr. CAREY. Mr. Chairman, will you yield to me on that point?

This is a very, very real problem for us in Brooklyn. Do you realize what would happen if we had to rely on Wisconsin and Minnesota to produce the cheeses that we need in our consumer diet practices in New York today, that we could not get the Mozzarella and Parmesan for our pizza parlors in New York City? You just can't get that stuff in Wisconsin.

Mr. THOMPSON. You have a lot of corn there, too.

Mr. CAREY. Yes.

Mr. THOMPSON. Thank you very much, Mr. Potter.

If we have further need for statistics, we will write for them.

The subcommittee will adjourn, to meet on Thursday next, May 4, in room 2261, to hear Mr. Mayer of the Meat Cutters, and Msgr. Quinn, Rabbi Hirsch, and Dr. Neigh.

The subcommittee will adjourn.

(Whereupon, at 11:55 a.m., the subcommittee adjourned, to reconvene at 10 a.m., Thursday, May 4, 1967.)

EXTENSION OF NATIONAL LABOR RELATIONS ACT TO AGRICULTURAL EMPLOYEES

THURSDAY, MAY 4, 1967

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2261, Rayburn House Office Building, Hon. Frank Thompson, Jr. (chairman of the subcommittee), presiding.

Present: Representatives Thompson, O'Hara, Dellenback, and Gardner.

Also present: Peter W. Tredick, counsel; Daniel Pollitt, special counsel; Jeunesse M. Zeifman, clerk; and Michael J. Bernstein, minority counsel.

Mr. THOMPSON. The subcommittee will be in order for continuation of the hearings on the bill H.R. 4769.

We have an announcement about the witnesses who will be appearing tomorrow. We had originally invited Caesar Chavez to appear. Mr. Chavez is director of the United Farm Workers Organizing Committee, and has been one of the leaders in the efforts of the farmworkers in California to organize. He has had a change in plans and will therefore be able to be with us with the other farmworkers tomorrow.

STATEMENT OF ARNOLD MAYER, LEGISLATIVE REPRESENTATIVE, AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN, AFL-CIO

Mr. THOMPSON. Our first witness this morning is Arnold Mayer, legislative representative of the Amalgamated Meat Cutters and Butcher Workmen.

Good morning, Mr. Mayer. We are very glad to see you.

Mr. MAYER. Good morning, Mr. Chairman.

Mr. THOMPSON. You have a prepared statement. Do you wish to read it or have it put in the record and summarized?

Mr. MAYER. If I may, I would like to read it.

Mr. THOMPSON. Please proceed.

Mr. MAYER. My name is Arnold Mayer. I am the legislative representative of the Amalgamated Meat Cutters and Butcher Workmen (AFL-CIO).

The AMCBW is a labor union with 375,000 members organized in about 500 local unions throughout the United States and Canada. The

AMCBW and its local unions have contracts with thousands of employers in the meat, retail, poultry, egg, canning, leather, fish processing, and fur industries.

AMCBW FARMWORKERS

Our union also includes some farmworkers. In fact, until recently, we had the only labor-management contract existing between a large corporation farm and a union. We are delighted that the successes of the United Farm Workers Organizing Committee (AFL-CIO) has broken our monopoly.

Our local 56 in New Jersey organized Seabrook Farm in Bridgeton in 1941. Since then, some dozen labor-management contracts have been negotiated by the management and the union without a strike. The local union and the management are currently in contract negotiations.

May I interject here, Mr. Chairman. I am going to quote Leon Schachter, president of the local. He had planned to be here. However, he is serving on the Presidential Commission on Food and Fiber. He and the other Commission members are working in New Orleans today on their final report. So he sends his regrets he could not be here.

Leon B. Schachter, president of local 56, a vice president of the international union and director of our Washington office, wrote about the organizing drive in a union publication in 1957. He reminisced that Seabrook's cannery workers had originally asked him and the other AMCBW organizer to help them form a union.

But he found that—

Not only Seabrook's cannery workers wanted a union, the farmworkers, who were earning as little as 15 cents per hour, wanted to organize, also.

There were no labor laws to help them. There could be no election to determine the bargaining agent . . . Farmworkers are outside this protective legislation. **They** are second-class citizens, who need protection the most, and get it the least . . .

But the Seabrook family, which owns and manages Seabrook Farm, was not medieval. (The family has since sold the farm to Seaman Brothers.) It did not meet local 56's organizing drive with blind, frenzied counterattack. Once it realized that its employees wanted a union, and that the union was coming, it was willing to abide by the workers' decision and try out the new force.

This was not true of other large farms which local 56 attempted to organize. The drive, as most farm labor organizing campaigns, was met with "blind, frenzied counterattack." The growers stopped the drive, but at the expense of some of the farms going out of business. Unlike at Seabrook, there was desperate, bitter warfare. There was no means of adjudicating the issue of union representation peacefully.

None exists even today.

NAWU IN OUR UNION

In 1960 the National Agricultural Workers Union, the successor to the Southern Tenant Farmers Union, became a part of the AMCBW. The STFU and NAWU have a long history of attempting to organize farmworkers against fantastic odds and opposition in the 1930's, 1940's, and early 1950's. They were embroiled in bitter warfare, including strikes which lasted more than 2 years each.

H. L. Mitchell, the president of these organizations, now heads one of our local unions of food-processing workers in Louisiana. He is currently in the early stages of attempting to organize some farmworkers. Since management will probably viciously oppose the organizing drive and since there is no means of adjudicating the issue, the result can be strikes and economic disruption again.

Because of our experience and that of other efforts to organize farmworkers, we believe that the legislation you are considering is of the utmost importance and is long overdue. Our union has urged the enactment of farm labor coverage under the National Labor Relations Act since the early 1940's.

LAW OF THE JUNGLE

Currently, the law of the jungle prevails in agricultural labor relations. If we Americans, as a people, believe in the rule of law, then we ought to change this deplorable situation. If the Congress abhors violence, chaos, and disorder, then it ought to provide the mechanism for limiting or avoiding these conditions in the field of farm labor-management relations. And the most logical mechanism is the one operating in other industries, the provisions of the NLRA and the rules and regulations of the NLRB.

One point is certain: Whether the Congress approves NLRA coverage or not, farm labor organization will continue and it will succeed. The question which Congress can and will decide is what are the costs to workers, employers, and communities attendant to this highly charged emotional situation going to be. Either the law of the jungle will continue and the costs will be great or established national laws will set the limits for both sides and will provide an impartial body to settle differences.

"UNIQUENESS" MYTH

In past legislative battles with the growers, we have found that they tend to believe their own propaganda. As a result, a series of myths develop to cloud not only the issues, but also the growers' thinking. So it has about this legislation. I should like to deal with some of the myths which have developed.

In each legislative battle involving farm labor reform, the "agriculture is different" myth is trotted out. Obviously, agriculture is different from other industries in the same way that the construction industry is different from the steel industry or the canning industry is different from the merchant marine or the movie industry is different from garmentmaking.

Each industry has some degree of uniqueness. Agriculture does, also.

But that hardly means that the National Labor Relations Act which operated in virtually every industry in the United States will not work in agriculture.

What are these alleged areas of agricultural uniqueness? Is it that some parts of agriculture operate on a short season? So do individual construction jobs and so does the canning industry.

Our union organizes cannery workers. We have participated in NLRB elections involving workers of plants which operate only a part of the year. The campaign and the election took place while the

workers were there. The organizing campaign and election occurred in the same manner as at a year-round plant—except that the election had to be held in a particular period of time.

Is the alleged uniqueness that agriculture deals with perishables? So does the entire food-processing industry.

In fact, the members of the committee will recall that during the minimum-wage battle of last year, vegetable and fruit canning and freezing was again permitted to work employees longer hours without paying premium overtime rates because the industry deals with perishable products.

But this industry has been covered by the NLRA since the inception of the act.

Is the uniqueness that agriculture contains some small operators? So does the food, service, and many other industries.

It is unlikely that the small farms might face NLRB elections. These farms use comparatively little hired labor and they are steadily being merged anyway.

The uniqueness story does not work. It is a pure alibi for the maintenance of an exemption which has no justification.

“HARVEST STRIKE” MYTH

Then there is the myth about the “strike at harvest season.” It goes something like this: A strike at harvest would kill the entire crop and absolutely ruin the grower. Therefore, NLRA coverage may doom the grower.

Frankly this is an argument I have difficulty following.

There is no denying that a harvesttime strike would hurt growers. But what has that got to do with NLRA coverage?

Harvesttime strikes are feasible and legal—NLRA coverage or no. In fact, at the moment, they are far more likely because of the lack of a rule of law in labor-management relations in agriculture.

The experience of labor and management in California farming in the last 2 years amply shows that workers often must strike in order to get to collective-bargaining-agent elections. If an established procedure to decide whether a union represents workers had been available, most of the strikes, boycotts, and other actions of industrial warfare would not have taken place.

The fact is that NLRA coverage is a means for limiting strikes and labor-management fighting. It sets up alternative procedures.

We do not mean to say that after NLRA coverage is enacted, there will no longer be strikes in agriculture. But we do say that another technique would be available to decide recognition and to determine unfair labor practices. And, therefore, labor-management relations in agriculture would be far more peaceful.

“UNION DOMINATION” MYTH

Then, there is the myth about “unions controlling agriculture with NLRA coverage.” A great many growers frankly believe this. They are unfamiliar with NLRA and the working of the National Labor Relations Board. They have constructed a bogeyman and have scared themselves with it.

Frankly, we wish that NLRA coverage would bring about the automatic unionization of agricultural workers. Unfortunately, it does not.

Unions will still have to show that they have at least 30 percent of the workers signed to authorization cards to get an election. They still must campaign under established rules. They still must win the elections. The employer may still file challenges and exceptions. The case can still drag through the NLRB and the courts. Additional elections can still be ordered. And so on.

If NLRA coverage means automatic unionization, then we are at a loss to explain why the southern poultry industry is not fully organized despite our union's tremendous efforts. Or why the southern textile industry is not organized. Or, for that matter, why every NLRA-covered enterprise—and that includes most firms in the United States—is not under a union contract.

"ENSLAVEMENT" MYTH

Still another myth is the one about "union enslavement." This story allows that farmworkers are somehow very happy with their employers and working conditions. They do not need or want a union.

If this is the case, we would assume that growers would welcome NLRA coverage of farmworkers. What better way could the satisfaction of workers be shown than by their demonstrating it in a secret ballot, Government-conducted election?

The fact is, Mr. Chairman and gentlemen of the committee, that these arguments are nonsense. There is no reason why the NLRA should not cover farmworkers, as it does other workers.

NLRA COVERAGE BENEFITS FOR MANAGEMENT

Despite the fear and complaints of the growers, the fact also is that NLRA coverage is actually a good thing for farm employers. Here is why:

1. It will limit strikes, boycotts, and other forms of warfare. What the farm employer needs more than anything else is the absence of labor-management chaos. He needs a peaceful, routine way of settling these basic problems.

2. It will help to end the almost feudal practices of agricultural labor-management relations, which have given growers a tremendous public black eye. This poor image has hurt growers in other areas which are much more basic to their interests than farm labor wages and conditions such as agricultural price policy.

3. It will provide a means for truly deciding whether or not a group of workers want a union, and if so, which union. It will take the employer out of the middle position if each of two unions seeks to bargain for his employees.

4. It will make possible a rational, human, labor-management relations policy instead of the crazy, fear-driven policies which agricultural employers are currently following. Growers currently are the prisoners of their fears. It is difficult for them to plan long-range, effective policies.

UNION CONTRACT BENEFITS FOR MANAGEMENT

But what if the workers vote for union? Will not the employer be hurt then?

The answer is "No."

Obviously, organization will mean higher wages, a grievance system, fringe benefits, et cetera, all of which will cost the employer money.

But it does not mean perpetual warfare, loss of their operation, and all the other bugaboos which growers imagine. In hundreds of industries, in perhaps millions of enterprises, collective bargaining relationships have resulted in a normalized, fairly cooperative relationship. Why should it not in agriculture?

Consider just these two benefits to growers from a contractual labor-management relationship:

A labor-management contract in agriculture would probably run 2 or 3 years. It would state specifically what wages and benefits workers would receive. As a result, companies would be able to do long-range labor-cost planning for the first time. It would take one major factor out of the "variable" category. That would be a boon to farm management.

The growers have screamed long and loud about difficulties in obtaining adequate and effective labor. We believe that this problem—if it does exist—is due to the incredibly poor wages and working conditions. But once these factors are adjusted in a labor-management contract and if in the unlikely event problems of obtaining labor still remained, a union would share in the responsibility of obtaining workers. A union hiring hall, like those of the building trades or maritime industry, for example, would be very helpful to agriculture.

During World War II, when a tremendous shortage of farm labor hit Seabrook Farm and the rest of eastern agriculture, our local 56 worked out an arrangement with the Southern Tenant Farmers Union to bring southern farmworkers to New Jersey. In the years the program operated, some 10,000 workers came north in non-Jim Crow railroad cars—then an oddity.

Currently, retail meatcutters are in short supply in some communities. About a half dozen of our local unions have joined with the Federal Government and retail management in their areas to train unemployed workers under the manpower training program. Also, the union helps to bring skilled meatcutters from areas of oversupply to areas where jobs are available.

Obviously, adjusting to the new relationship will have its difficulties and its costs for agricultural management. But, contrary to their present fears, they will also find some distinct advantages, as managements in other industries have.

PLEA FOR NLRA COVERAGE LEGISLATION

Mr. Chairman and gentlemen of the committee, we are grateful to you for allowing us to bring these facts and views before you.

We hope and respectfully urge that you will quickly approve H.R. 4769, legislation to bring farm labor under the coverage of the National Labor Relations Act. We hope the House of Representatives will shortly thereafter act favorably upon your recommendation.

For this legislation is justified and long overdue. It is necessary and good for the Nation.

Mr. THOMPSON. Thank you very much, Mr. Mayer. I have only one question relating to your testimony. In the case of Seabrook Farms, which are in southern New Jersey, do you have any statistics or experience to show whether the organization of the workers on these farms caused any significant increase in consumer prices of the farm products?

Mr. MAYER. It has not, Mr. Chairman. Seabrook Farms has been competitive. If our contract had caused a sharp rise in consumer prices of Seabrook's products, the farms would not be competitive because neither our union or other unions, until recently, have been successful in organizing other farms and entering into other contracts.

Seabrook Farms was the only farm that had a labor-management contract for nearly 30 years.

What did happen I have to admit is that the wages are not the sort of wages we would have liked to have negotiated. For example, at the moment, the seasonal wage there for laborers is in the \$1.50's, I believe. This is one-half of what we negotiated in packinghouses and retail stores.

In other words, the union could not negotiate the same wage increases, the same benefits that it did in the retail stores or packinghouses, because this was the only farm organized. The union and management are currently in negotiations. Management has offered a 10-cent across-the-board wage increase, and we are negotiating for more. This is the management offer on wages that was on the table the last time I checked. They may have progressed from there since.

Mr. THOMPSON. Thank you. The gentleman from North Carolina, Mr. Gardner.

Mr. GARDNER. Thank you, Mr. Chairman. I would like to go to your testimony on page 2 to familiarize myself a little more and explain what you mean by "blind, frenzied counterattack."

Mr. MAYER. Let's take one example.

In 1952, Mr. Mitchell, whom I referred to in my testimony, then the president of National Agricultural Workers Union, organized workers on some ranches of a large corporation farm. The workers were immediately replaced by strikebreakers who were imported from Mexico. The sheriffs, deputies, and the local establishment were used to intimidate strikers. There were beatings, fighting, and firings.

Mr. GARDNER. Let me ask you this: Were these strikers only marching in front and picketing? There was no violence on their part?

Mr. MAYER. There was picketing to start out with in front of the ranches and then there were boycotts and the situation escalated.

Mr. GARDNER. So the union should have to share a part of the blame in it also?

Mr. MAYER. Perhaps, but, Mr. Gardner, you have to remember there is a difference between a highly organized farm organization which controls the law, which has the money, and which has the political power in the area. So much political power that until fairly recently it and other farm groups were able to prevent farmworkers from being covered by Congress under all protective legislation. These are workers who at the time were earning far less than \$1 an hour—probably as little as 50 or 60 cents an hour.

These were workers who had not been organized and who are of various different ethnic groups. They were the poorest of poor. There is quite a difference in the power that they had or have and the power that corporate agriculture can use.

Furthermore, what happens in these disputes is that they are not over whether workers will get another 10 cents an hour or something else which sooner or later can be compromised and settled. These strikes are over whether there will be a union, whether these workers will have any collective bargaining relationships. These are issues which have to be settled one way or the other. Either there will be a union or there will not. You can't compromise.

Mr. GARDNER. Going on in the testimony, page 4, you say: "Either the law of the jungle will continue and the costs will be great, or established national laws will set the limits for both sides * * *" I would like to ask you—I am not entirely familiar with your particular union, but it would seem to me over the past few years we have not seen limits set for both sides. The President has set up certain guidelines for the unions and they seemed to totally disregard these guidelines, when on the other hand management has been forced to pretty well adhere to it. Why do you come up and say you think limits will be set for both sides?

Mr. MAYER. In the first place, the National Labor Relations Act does not cover prices and wage increases, which is what you are talking about, if you mention "guidelines."

Mr. GARDNER. Right.

Mr. MAYER. No. 2, I would very much disagree with you that labor does not adhere to the guidelines and management adheres to them. I think that is quite untrue as shown by the various steel price increases that have come on, quote, "selected," end of quote, items in recent months.

The guidelines concern wages and they were advisory. There are no laws involving wages or prices. Congress, except during World War II, has not acted on wages and prices. Congress has acted on the National Labor-Management Relations Act, which does prohibit acts by both labor and management.

Let me give you an example. In the old days, in 1935 to about 1947, if our union had been as well organized then as we are today, we could have organized most of the farms in the United States simply by telling our members not to handle the products of those companies which refused to sign labor-management contracts.

Under the Taft-Hartley Act, which was enacted in 1947, we cannot do that. That is illegal. We can be brought into court, we can be sued for triple damages. We would face all sorts of criminal penalties as well as monetary penalties. This is one example.

Furthermore, under the NLRA, management has to bargain with the union which is certified by the NLRB as the bargaining agent. On the other hand, if a union goes into an election and loses that election, then that union cannot seek certification for bargaining with that management for at least a year. So you see there are rules and regulations, and they do apply to both sides.

Now, you and I may disagree whether they are too binding on labor or on management, but the rules and laws are there, they are on the books.

Mr. GARDNER. Well, I think I would disagree, probably, with you.
Mr. Chairman, I don't have any further questions.

Mr. THOMPSON. The gentleman from Michigan, Mr. O'Hara.

Mr. O'HARA. Mr. Mayer, I think the points you have made are very good.

Let me ask you a further question. One of the important protections, it seems to me, for a worker under the National Labor Relations Act is the protection, although imperfect, against loss of his job for union activity or for joining the union or working with a union. We are going to get into the question of whether or not this protection is adequate to accomplish its purposes, in subsequent hearings, I understand, Mr. Chairman.

Mr. THOMPSON. We have set plans.

Mr. O'HARA. But at any rate, it seems to me this is one of the important protections for workers under the NLRA. It is one clearly not enjoyed by agricultural workers, is that right?

Mr. MAYER. That is absolutely correct. An employer can fire workers for their participating in a union organization—even though such firing by other industries are specifically prohibited under the act.

As you say, there is a question in some areas as southern textile, southern poultry, about the effectiveness of the NLRA protections in practice. But, nevertheless, the law says a man cannot be fired for exercising his right to try to organize and to improve his condition.

In agriculture there is no such right at all. A man can be fired. In the 1950's, for example, and in the late 1940's, employers would simply meet organizing drives by mass firings and hiring braceros who were imported from Mexico.

Mr. O'HARA. It seems to me that the application of this NLRA to labor-management relations in agriculture would do a great deal to stabilize the industry and permit labor and management to establish stable arrangements satisfactory to both parties.

Mr. MAYER. That certainly would be true. This is an industry which has labor-management practices that the rest of American industry had in the 1920's. Some agricultural areas, like southern Texas and the Southeast have the labor management conditions that American industry in other areas had in the 19th century. The result is not that the employers are having a great time of it. The result of this situation is that there are labor shortages at harvest time. This is an industry that is looked down upon and an industry that a worker would rather not work in.

It results in an inability for the employer to plan and an inability, in many cases, to keep a stable labor force. Some employers in the farm industry, as in other industries, have learned that to improve conditions, will result in the same workers coming back each year. For example, I was talking to a cherry grower from Michigan yesterday and his crew comes back each year. His wages are somewhat higher and he takes care of the workers' problems. But even this is not the same thing as an established system, such as a labor-management contract, which specifically provides what the benefits will be.

I think what the growers need more than anything else is a stabilizing influence.

I think the Labor-Management Relations Act and union contracts will be a stabilizing influence in this industry as it has been in others.

Mr. O'HARA. Mr. Mayer, I think your testimony has been excellent, and I hope you will now go forth and help us round up some votes for this legislation.

Mr. MAYER. I will be glad to.

Mr. THOMPSON. Mr. Mayer, our special counsel, Mr. Pollitt, has two or three questions.

Mr. POLLITT. Mr. Mayer, you mentioned there have been strikes and will continue to be strikes in agriculture and you indicated these strikes are primarily for recognition to establish the bargaining relationship. I wonder if you have any idea as to the size of this problem, the number of strikes?

Mr. MAYER. Number of strikes involved? I can't give you any figures. There is an excellent book put out by the Department of Agriculture in 1945 which discusses labor-management relations in agriculture. I read it many years ago, and listed in it there must be hundreds of strikes.

Also, there were a series of strikes at the end of World War II when farmworkers suddenly took heart and decided to try to organize once again. There was a DiGiorgio strike in 1952 in California which was long and bitter and lasted about 2 years, as I recall. Then there are the recent strikes in Delano area of California and the surrounding areas. There must have been easily a dozen strikes in that situation.

Then there is a strike in Texas and series of strikes and demonstrations recently in other areas of the country.

Mr. POLLITT. Is your union organizing in Florida?

Mr. MAYER. My union is not organizing in Florida. That is an Industrial Union Department operation.

Mr. POLLITT. Do you know whether that organizing has been accomplished by recent strikes?

Mr. MAYER. I am not familiar with the Florida situation. I saw a clipping in the New York Times recently that there was a strike down there.

Mr. POLLITT. Switching gears a little bit here, what are we talking about when we talk about agricultural laborers? I mean a lot of people chop cotton and a lot of people pick potatoes. Is that what we are talking about, or your union which represents packinghouse employees, does it find that the work traditionally done by packinghouse employees in the packinghouse is now being done in the fields? What I am getting at is whether this is a totally unskilled manual labor or does it involve skill? Who do you have at Seabrook? Do you have categories of various job classifications?

Mr. MAYER. Yes. There are unskilled workers on the farm and these workers have to be protected. In the tomato harvest, in the various other kinds of vegetable harvests, there are pickers, who are considered unskilled. I think the work takes quite a bit of stamina and quite a bit of skill. However, in the labor market, they are considered unskilled workers.

They are involved. However, there is an increasing amount of mechanization in agriculture. For example, you mentioned cotton harvest and most of that work is mechanized. Much of the work which still remains unmechanized will become mechanized, because this is the trend.

So there are skilled workers and machine operators—many of them—in agriculture. And there will be more.

In addition, there are packing operations, some of which are in the field. This switches back and forth. In the 1950's in California, some of the packingshed operations were organized by a union, not ours, another union, the United Packinghouse Workers, AFL-CIO. To try to destroy the union, the people managing the packingsheds brought the operation into the field. However, other factors intervened. The companies found, for example, difficulty in getting labor and all sorts of other problems. I understand that the movement now is back out of the fields.

So in agriculture we are not only talking about unskilled workers. Well, let me give you another example. We have a local of sheepshearers out in the Rocky Mountain States. That work is a highly skilled operation and, by the way, a well-paid occupation. But it is considered agricultural. The sheepshearers could not go to an NLRB election.

There are a lot of skilled workers involved. And these workers perform duties similar to those covered under the National Labor Relations Act for many years. These skilled workers need the NLRA protection and the unskilled workers need it, too.

MR. THOMPSON. Thank you very much, Mr. Mayer; we appreciate your statement.

MR. MAYER. Thank you.

STATEMENTS OF MSGR. WILLIAM J. QUINN, CHICAGO, DIRECTOR, BISHOPS' COMMITTEE FOR SPANISH-SPEAKING, CHICAGO, ILL.; RABBI RICHARD G. HIRSCH, DIRECTOR, RELIGIOUS ACTION CENTER, UNION OF AMERICAN HEBREW CONGREGATIONS, ALSO REPRESENTING THE COMMISSION ON SOCIAL ACTION OF REFORM JUDAISM; AND REV. ISAAC IGARASHI, DIRECTOR OF EASTERN REGIONAL OFFICE, DIVISION OF CHRISTIAN LIFE AND MISSION, NATIONAL COUNCIL OF CHURCHES

MR. THOMPSON. Our next witnesses are Msgr. William J. Quinn of Chicago, director of the Bishops' Committee for the Spanish-Speaking; Rabbi Richard G. Hirsch, director of Religious Action Center, Union of American Hebrew Congregation, also representing the Commission on Social Action of Reformed Judaism; and the Reverend Isaac Igarashi, the director of the Eastern Regional Office of the Division of Christian Life and Mission of the National Council of Churches.

Good morning, gentlemen; it is nice to have you here. You may proceed with your testimony as you wish. Monsignor, I see you are listed first.

MONSIGNOR QUINN. My name is Msgr. William J. Quinn. I am director of the Chicago office for the National Bishops' Committee for the Spanish-Speaking and I am appearing on behalf of this committee.

Speaking on behalf of Cardinal McIntyre of Los Angeles, Archbishop Joseph McGucken of San Francisco and all the other bishops of California, Bishop Hugh Donohoe of Stockton, Calif., stated that:

1. Any group in society has the right to form an association to foster its own well-being. It is understood that this association act within law and therefore is concerned with the general welfare as well as with its own.

2. Applied to farmers, this principle justifies their membership in any legitimate organization of their own choosing. Those who seek to promote the organization of farmers are not to be looked upon as outside agitators.

3. Applied to farm laborers, this principle justifies their membership in any legitimate organization of their own choosing. Those who seek to organize farm laborers are not to be looked upon as outside agitators.

4. Such organizations must be protected by law, and where necessary, criteria and procedures established to determine the legitimacy of particular efforts to organize such associations.

These excerpts taken from Bishop Donohoe's March 16, 1966, statement delivered before a U.S. subcommittee in Delano, Calif., signed by all Roman Catholic ordinaries of California, underscored by the fact that it was made in the midst of the strife and turmoil of the grape-pickers strike. These excerpts, I repeat, are clearly within the traditional teaching of the Roman Catholic Church since the 1890's. Pope Leo XIII, Pius XI, John XXIII, and Paul VI have stated over and over again that society must allow, safeguard, and protect the right of any group to organize legitimately and within the concern for the public welfare.

For our present purposes we respectfully submit that this right of the farmworkers to organize is being frustrated and that there is no legislative machinery to protect the farmworkers or even the farmers themselves if the claims of unions to represent the farmworkers are untrue.

Farmworkers have been excluded from the benefits of the National Labor Relations Act. To my knowledge the United States is the only country in the world where this exclusion has been deliberate and calculated. In an era of enlightenment and concern for the poor it seems indefensible that such an exclusion should continue. In our poverty program we insist that the poor be given an opportunity to help themselves. In California, Texas, and Florida and with beginnings in several other States, farmworkers, all of them poor, are attempting to help themselves—strictly on their own, with no help from poverty programs. Yet the law of the land to which they pledge allegiance and for which they fight does not touch them as they seek to involve themselves in the American mainstream.

Without legislative assistance, without inclusion under the NLRA, the struggle of farmworkers "is going to take a lot more time; it is going to take a lot more money; and it is going to cause a lot more bitterness," as pointed out by Mr. William L. Kircher, director of the AFL-CIO Department of Organization. He continues "* * * without legislation, strikes and boycotts, struggles and strife become necessary, inextricable parts of developing a union."

In Texas, too, in the face of bitter strife the Catholic hierarchy of that State have spoken out in the same vein. Having stated clearly the right of both growers and farmworkers to organize, Archbishop Lucey of San Antonio and all the other Texas bishops—

urge that governmental bodies, especially the National Congress, be more attuned to the needs of both of these groups and recognize the essential contributions they make to the common good of our nation. It would seem reasonable that legislation similar to the National Labor Relations Act, which has proven beneficial to the economy as a whole, would also be appropriate in the field of agriculture with modifications taking into account the special characteristics of this segment of the economy.

In a followup to this all-Texas statement Bishop Humberto S. Madoiros of Brownsville, Tex., where strife at present abounds, urged his

people to apply the principles of the first statement and in a pastoral document to all the people in his diocese declares:

We have no time to waste. We must hurry with all prudence and charity to bring about needed reforms, for there exist situations whose injustices cry to heaven for vengeance.

We do, indeed, understand the growers' fears that strikes could ruin them. Ruination of crops because of a strike, exorbitant wages, et cetera, could easily do a grower in. But as pointed out by Austin J. Morris in an article in the *California Law Review* (vol. 54, No. 5, December 1966):

There was no logical response to these same fears in 1939 when agriculture tried, unsuccessfully, to rid itself or organized labor in the food processing industry. The only area in which agriculture's evaluation of organized labor can be validly tested, however, is actual experience. The 30 years' experience of the food processing industry has sufficiently demonstrated the poverty of farmers' thinking about unionism.

The author goes on to cite the case of Hawaii, where field workers have been organized for 20 years. He points out that bargaining in the agricultural economy in Hawaii "is as mature as anywhere in the United States."

In conclusion, the Bishops' Committee for the Spanish Speaking respectfully urge the Committee on Education and Labor to give grave consideration to the inclusion of the farmworker under the National Labor Relations Act.

Mr. THOMPSON. Thank you, Monsignor. I think we will hear the three statements and then give the members of the subcommittee an opportunity to ask questions. Rabbi Hirsch, do you wish to go next?

Rabbi HIRSCH. Thank you, Mr. Chairman and members of the committee. I am Rabbi Richard G. Hirsch, director of the Religious Action Center, Union of American Hebrew Congregations. I appear in behalf of the Commission on Social Action of Reform Judaism, a joint instrumentality of the Central Conference of American Rabbis and the Union of American Hebrew Congregations. Other national agencies which are members of the Commission on Social Action are the National Federation of Temple Sisterhoods, the National Federation of Temple Brotherhoods, and the National Federation of Temple Youth.

I appear before you today to offer support for H.R. 4769, which would extend to agricultural workers protection of their collective-bargaining rights under the National Labor Relations Act.

Although our national agencies have not had opportunity to study the provisions of this particular bill, its general purpose is in consonance with positions long held. Jewish tradition has always stressed the imperative of economic justice for the laborer.

My colleague, Monsignor Quinn, has just indicated this is in consonance with positions the church has held since 1890. I would like to submit that economic justice for laborers has been an integral part of the Judeo-Christian heritage from the beginning and in a sense Moses might be considered the first labor organizer and in his discussions with Pharaoh of Egypt he was the first to engage in the collective bargaining process.

In the millennia since then, labor-management relations have progressed considerably. The Talmud and other post-Biblical Jewish

writings promulgate detailed guidelines specifying the rights and obligations of both the employer and the employee and stressing their interdependence and the necessity for mutual trust.

In our own times the relations between employers and employees have been guided by legislation, in recognition that a democratic society must have orderly procedures for achieving justice without resort to violence.

As early as 1918 the Central Conference of American Rabbis urged recognition of the right of labor to organize and bargain collectively. And in 1928 they asserted these rights in a 17-point social platform ranging from the general duty of socialmindedness and the sacredness of the individual personality to the specific moral right to a living wage for every worker and his family. In part, the platform says:

The same rights of organization which rest with employers rest also with those whom he employs. Modern life has permitted wealth to consolidate itself through organization into corporations. Workers have the same inalienable right to organize according to their own plan for their common good and to bargain collectively with their employers through such honorable means as they may choose.

Some of these fundamental principles were subsequently incorporated in the passage of the National Labor Relations Act and other related legislation. However, in recent years we have become acutely aware of the tragic exclusion of some workers from the rights and benefits bestowed on others. The omission of farmworkers from the protection of the National Labor Relations Act has deprived them of the means to join with those whose lot they share to pursue shared objectives. This has resulted in discrimination against farmworkers in comparison to other workers.

The discrimination is compounded by the fact that the incomes, working conditions, and living standards of farmworkers are, to begin with, much lower than any other segment of the labor force. The inequity, it appears to us, should be manifest to all—those least able to protect themselves have been afforded the least protection by society.

That is why, in recent years, through resolutions, testimony before committees of Congress, and involvement in local disputes such as that which has already been mentioned in the hearing this morning, most recently in California, our national and regional leadership have addressed themselves to the plight of farmworkers and supported their objectives.

In an enlightened and progressive society, each generation must refine and redefine the formulations of its predecessors. Now that our Nation has become sensitized to racial, social, and economic injustices in our midst, now that we have declared "war on poverty" and committed ourselves anew to the fulfillment of our democratic vision, we must zealously seek to assure equality of treatment to the least privileged members of our society.

We are cognizant of the reasons given in the past for the failure to include farmworkers in the National Labor Relations Act. And we are cognizant of special factors, such as the vagaries of nature and the perishability of crops, which come into consideration in the present. But we believe that past reasons, whether justified or not, and present fears, whether real or exaggerated, do not outweigh the dictates of morality.

And I would like to submit, Mr. Chairman and members of the committee, that there is something especially significant in the fact that we have appearing before the committee this morning the members of the three faith groups in our country. This is a manifestation of the fact that this matter has been elevated from a political to a moral dimension.

Furthermore, this legislation is needed in order to conform to the new conditions of modern agriculture. In the last generation, the average farm has more than doubled in size, and the value of assets used in agricultural production on the average farm has increased tenfold. The small family farm is giving way to an agricultural industry characterized by all the problems inherent in big business.

Not the least of these are problems of labor-management relations. If farmworkers, strengthened by growing appreciation of their legitimate rights, continue to be ignored by intransigent owners, conflict will be the inevitable result. The increasing number of farm labor disputes, in such scattered areas as California, Florida, and Texas, are already harbingers of more serious controversy which will cause economic loss and disruption to both producers and workers.

Opponents of collective bargaining for farmworkers should recall the history of American labor-management relations. In the absence of agreement on fundamental rights, labor-management relations were predicated on enmity between employer and employee. With the regularization of collective bargaining, labor and management developed mature relations predicated on cooperation and interdependence, to the benefit of the parties involved and the Nation as a whole.

The very fears now agitating growers were expressed 30 years ago by the closely allied food-processing industry, and both of the previous witnesses have made mention of that. But the unionization of this industry has not resulted in crippling strikes during harvesttime. Similarly, the unionization of the dairy industry and of fieldworkers in Hawaii has been beneficial to both labor and management.

We therefore endorse collective bargaining for farmworkers as well as for all other workers. We believe that men are servants of God and not of other men. "For unto Me are the children of Israel servants." (Leviticus 25: 55.) An employer can pay for an employee's time and toil, but he cannot possess his person. The employee is, above all else, a human being and as such is entitled to associate with others, if he so desires, to achieve encouragement, assistance, and strength in pursuit of the means to sustain and ennoble human life.

MR. THOMPSON. Thank you, Rabbi.

Next is Reverend Igarashi. You may proceed, if you please.

REVEREND IGARASHI. Mr. Chairman and members of the committee, my name is Isaac Igarashi. As the chairman mentioned, I am director of the eastern field office for the National Council of Churches. In my portfolio is concern for agricultural migrants and it is a real pleasure to represent Dr. Kenneth Neigh, who was to have been here, and wanted very badly to be here, but was unavoidably detained in Massachusetts. He happens to be the chairman on the committee on structures in the efforts by several major denominations to effect a merger.

Perhaps you are aware of the Commission on Christian Union and the attempts of major denominations to develop a far more effective instrument of mission work in local communities.

So he does send his regrets, Mr. Chairman, to you and to your committee, and expresses the hope that the supporting statement to be read by me will be an acceptable substitute. So if this meets with your approval, I would like to read the testimony at this time.

Mr. THOMPSON. You may, and we are sorry Dr. Neigh couldn't be here. We are delighted, though, to have you.

Reverend IGARASHI. Thank you very much. I will just read the statement as he worked it out with his staff.

(Reading prepared statement of Rev. Kenneth G. Neigh:)

My name is Kenneth G. Neigh. I am the general secretary of the Board of National Missions, United Presbyterian Church, U.S.A. I am appearing here on behalf of the National Council of Churches, of whose general board I am a member.

The National Council of Churches is composed of 34 Christian communions, whose aggregate membership was 42,500,000 at last report. No one could speak for all of these people, and I do not pretend to. I am speaking only for the general board, which is the representative governing body of the National Council of Churches, and which is composed of 255 members chosen by the member communions in proportions to their size and by whatever procedure each sees fit.

No one can speak for the General Board of the National Council of Churches without authorization by the general secretary and without a very explicit basis in policy adopted by the general board after a rather lengthy and democratic process of preparation. The National Council of Churches has extensive policy in the area of concern under discussion today, and will become evident as this statement continues.

Christian tradition has always emphasized mutual aid and cooperation as practical expressions of the command to love God and neighbor. This ideal applies equally to the owners and operators of agricultural enterprises and to those workers who are employed for wages in agriculture. The General Board of the National Council of Churches asserted in June 4, 1958, in a statement entitled "Ethical Goals for Agricultural Policy":

One of the finest things farmers have done has been to associate themselves together in voluntary organizations for mutual aid and cooperation * * * The Churches should encourage full membership participation in such organizations of mutual aid and cooperation as a genuine contribution to both Christian and democratic ideals for society.

It is our deep conviction that such mutual association with others to achieve legitimate ends is a basic need and right of all in a free society. This applies to agricultural workers equally with other economic groups. Forms of organization for democratic and self-determining participation in economic, political, civic, and other areas of life and work, by which farmworkers seek responsibility to advance their status and general well-being should be encouraged.

It has, therefore, long been a matter of serious concern of the National Council of Churches and many of its constituent denominational bodies that agricultural workers have been seriously limited in the exercise of the right to organize under law, by the specific and offending reference in the National Labor Relations Act which eliminates such workers from the services and coverage of the National Labor Relations Board. We hold that such restriction infringes upon the general right of association which should include the right to or-

ganize into labor unions and bargain collectively and responsibly with employers under the provisions of the NLRA. The law functions in other areas of labor-management relations, but is unavailable to agricultural workers.

This concern has led the General Board of the National Council of Churches repeatedly to insist that the provisions of NLRA and other public policies established to regulate relationships between employers and employees to establish justice and to protect all the parties involved should be extended to include agricultural wage workers.

This has found expression in action of the General Board of the National Council of Churches in 1951, again in 1958, in 1960, and most recently in December of 1966. On December 3, 1966, the General Board of the National Council of Churches stated:

Several aspects of the seasonal farm labor problem require legislative action at federal and/or state levels followed—and I think I would like to underline this sentence—by conscientious administration and enforcement of the laws. Local congregations, denominations, and the Councils of Churches, acting within the framework of their respective doctrines and policies, should press vigorously for the enactment and implementation of legislation on state and national levels along the lines set forth in the following list of legislative goals.

The first listed is as follows:

Inclusion of farm workers under the provisions of the National Labor Relations Act and accessibility to the services of the National Labor Relations Board.

Add to these similar, and perhaps even stronger statements by six of the major Protestant denominations quite apart from the National Council position. They have been issued by:

The American Baptist Convention;

The Methodist Church;

The United Presbyterian Church, U.S.A.;

United Lutheran Church;

United Christian Missionary Society of the Disciples of Christ;

The United Church of Christ.

I understand, also, these statements are in your hands.

There are several practical as well as ethical factors which undergird our position on this issue:

(1) The "industrial farm" is a reality and is rapidly increasing in size and scope. It possesses all the essential characteristics of an industrial operation including separation of the functions of ownership, management, and labor, and year-round operations requiring a more permanent labor supply. In keeping with its increasingly industrial character, the agricultural industry must swiftly come to the point of maturity in labor-management relations where it is ready to deal with its labor under the same conditions as other industries.

(2) In certain instances unnecessary social conflict has occurred in recent years as farmworkers have attempted to organize and achieve recognition as collective-bargaining units. Such conflict has resulted in hardship on both the grower-farmer and the worker. In larger measure this has come about because there was no legal means of controlling, directing, and policing the relationship between the parties in conflict. Strikes have occurred, are occurring, and will occur again. Unnecessary conflict is often, and regrettably, a characteristic of such episodes when there are no legal channels for either the grower or the worker. Thus everyone suffers.

(3) We believe these developments will continue in the absence of coverage of the NLRB. The situation will likely get worse instead of better. In many instances there will be violations of the rights of both the employers and those who labor for them.

(4) Some outstanding and responsible growers have given public expression to the crying need for the services of some public agency to which agricultural management-labor conflicts can be appealed.

We join them in this plea, and have demonstrated our earnestness in this concern not only through our official statements but physical presence in certain situations where farmworkers were demonstrating their plight.

To achieve an orderly procedure wherein (1) unnecessary conflict can be avoided, (2) justice may be achieved under law for both the employer and the worker in the agricultural industry, and (3) the basic dignity of humanity may be recognized and protected, there should be legislative action providing for the inclusion of agricultural workers in the services of the National Labor Relations Board.

Such legislation, and the implementation of the act itself, must recognize the rights and limitations inherent in both sides to any conflict. Care should be taken to include guidelines which will, to the greatest extent practicable and attainable, protect the basic rights of employer, worker, and the public in the area of agriculture, as is true of such legislation in other areas of management-labor relations.

In February 1958, the General Board of the National Council of Churches adopted a statement on basic principles relating to collective bargaining. We restate those basic principles under which we see the collective-bargaining privilege for agriculture workers being of advantage to all concerned:

We recognize the right of both employers and employees to organize for collective bargaining, and in connection with employees we believe that it is generally desirable to do so.

In all transactions between labor and management we believe that the following basic requirements should be met by both:

A. There should be a compelling sense of responsibility for the public interest and for what is mutually fair and just.

B. There should be a willingness to bargain collectively and in good faith and to refrain from violence.

C. There should be recognition of fact that in the collective bargaining process negotiation requires the existence of recognized entities, each respecting the rights of the other to exist.

D. There should be fidelity in the observance of agreements mutually entered into.

E. There should be adherence to procedures agreed upon in advance for the peaceful settlement of issues that arise in the interpretation and application of the terms of a contract.

F. Precautions should be taken by each side to refrain from exerting pressures, the intentions or consequences of which would be a violation of the terms of contract.

G. The interests of the consuming and general public should be protected against possible abuses through employer-union collusion in matters of prices and trade practices.

Under such basic guidelines we maintain that the inclusion of agricultural workers under the NLRA, with proper implementation in NLRB, contains no threat to the growers' return on his investments in his industry while it recognizes the basic human right of the worker to a reasonable and fair wage, and acceptable working conditions. Perhaps most importantly of all, it recognizes the workers' basic

humanity and dignity as a free moral agent who may exercise his right to help form his own destiny and to responsibly better his own conditions.

This is the end of the testimony as it was to be presented to by Dr. Neigh, Mr. Chairman.

Mr. THOMPSON. Thank you very much, all three of you. Your statements are splendid and are most useful. I might ask if it would be possible for us to get the statements referred to on page 3 of the last testimony by the other denominational groups and any other that might be available? Would you be able to get them for us?

Mr. HIRSCH. I might add we have had 10 lost tribes, too.

Reverend IGARASHI. Yes.

Mr. THOMPSON. I think the best way to proceed now is for the Chair to recognize members for questions and time will allow us to operate under a 10-minute rule with the number that are here.

If any more show up we will have to reduce our time proportionately. We will start with Mr. O'Hara, Michigan, who is the author of the bill.

Mr. O'HARA. Mr. Chairman, I don't know what I can add to the statements that have been made. There is, however, one question which has been left unanswered. The church organizations have, for a number of years, advocated legislation to deal with the problems of farmworkers. They have supported bills to guarantee their right to organize under the NLRA and to improve several aspects of their working conditions—workmen's compensation and unemployment insurance, and prior to a termination by Congress, reforms in Public Law 78.

It seems that no one likes to oppose the churches as such and be on the side of evil. So those who have opposed the church position on various aspects of the farm labor program have taken the approach that, "the churches just don't understand the practical problems of the grower. If they really understood what was going on they would not take the position they do."

I wonder if any of these several very excellent witnesses might like to comment on this sort of defense, which has been used by growers in the past, and I am sure will be used again this year.

Monsignor QUINN. Mr. O'Hara, I think there is a genuine concern on the part of growers for their future and the possibility of widespread organization of farmworkers does present a great threat. When the church and temple support these efforts on the part of the farmworkers, I suppose the growers are justifiably concerned that pressure is being put on them by a lot of people who are not nearly as close to the problem as the growers themselves are.

But I think the emphasis here is on the fact that poor people are not able to express their concern, cannot get together for 100 different reasons or so, to get something for themselves and the desire of the poor in the cases which I have cited in California and Texas particularly is an effort to work together with the growers.

As we point out and has been pointed out by all three witnesses here, our churches are concerned about the growers themselves and hopefully they are counseled to join together with associations themselves. I think the emphasis here is on the fact that a certain segment of the population in the United States, a very affluent country, is being exploited and neglected and I don't think anyone can score the churches or the temple for that kind of interest.

Mr. O'HARA. Do either of you gentlemen have a comment?

Reverend IGARASHI. I would like to say, increasingly, speaking for the Protestants, it is becoming clear that if the church is to be the church of today's world it will have to deal with social justice questions.

As the church allies itself with Christians at all levels of society, it is gaining sophistication in regard to a number of practical questions. These everyday questions have to be faced and these are being faced, so that any grower who says to us, "You do not understand the grower's perspective on society," is beginning to see that there is a tremendous conversation going on within the church about the basis upon which people live and move and have their being in different institutions in our American society.

So, though the grower may be a Christian and have committed himself to the church's institutions, he also, by his very participation in economic society, belongs to an "economic" institution, the farm, and is guided by the vested interests of that institution.

Therefore, when the church tries to deal with such problems as the problems of the rural poor, and the agricultural migrant in particular, and when it seeks to understand the context within which he lives and when it is faced with justice questions in local communities in which the grower may also happen to live as a member of an economic institution, he finds himself in conflict with other Christians who may happen to be poor agricultural migrants.

In such cases the church finds itself in tremendous tension because on the one hand growers are Christians—and members of churches. At the same time agricultural migrants, too, are people of God, for whom the church needs to express concern and in whose development, destiny, and dignity it has a tremendous vested interest.

As to the question of the grower who raises the profit motive problem, the churches recognize that profitmaking is indeed important to a healthy economy, yet the matter of dignity for all people and a chance for justice for all people, including the agricultural migrant, is just as critical, perhaps even more so. Indeed, the church continues to place the human factor as a priority item.

Mr. O'HARA. In other words, sometimes these adjustments are difficult, but the demands of social justice are such that they will have to be made?

Reverend IGARASHI. Yes.

Mr. O'HARA. I would certainly agree with that position.

I was pleased that there were several comments during your testimony with respect to some of the larger aspects of organization in the agriculture industry.

Monsignor Quinn, you quoted the statement of Bishop Donohoe of Stockton, indicating that farmers had a right to join legitimate organizations of their own choosing to promote their mutual interests.

Dr. Neigh's statement, which you read, Mr. Igarashi, made the same point. He said, as a matter of fact, one of the finest things that farmers have done in recent history has been to join together. I understand a bill is currently pending before Congress which would legally extend and strengthen the right of farmers and growers to band together in their dealings with the purchasers of their products.

I understand, further, that unlike any piece of legislation I can recall since I have been in Congress, this bill has the unanimous support of the farm organizations. The Farmers Union and the Farm Bureau, whom I can't recall having agreed on anything in the last 9 years, are fully in accord on this piece of legislation.

It seems to me that if organization is good for the growers it ought to be good for the workers. Would you agree?

Monsignor QUINN. I would agree with you.

Mr. O'HARA. And I don't suppose that any of you gentlemen have any plans to testify against that legislation?

Monsignor QUINN. None whatsoever.

Mr. O'HARA. Then I hope the farm organizations won't testify against this legislation.

Mr. THOMPSON. I think it is a faint hope.

Mr. O'HARA. No further questions.

Mr. THOMPSON. Mr. Gardner.

Mr. GARDNER. Thank you, Mr. Chairman.

I think Mr. O'Hara has set the tone of the questioning. I certainly would not want to be placed on the side of evil.

I would like to ask each of you the same question after commending you on your very excellent testimony.

Monsignor, in your statement when you quoted from Bishop Donohoe, you made the statement that: "It is understood this association act within the law, therefore, is concerned with the general welfare as well with its own."

I think each of you gentlemen gave the same type of testimony that really the issue we are dealing with is a moral issue as much as anything else.

If we would substitute the word "individual" for the word "association" I would like to ask each of you if you would agree that you would have this same type philosophy, that the individual would have the right to join an association or union if he so desired?

Rabbi HIRSCH. May I ask a question of you, Mr. Congressman?

Mr. GARDNER. Yes.

Rabbi HIRSCH. Are you trying to relate this to the discussion of the repeal of 14(b)?

Mr. GARDNER. Right. Yes. With the chairman's permission.

Mr. THOMPSON. You have permission, of course.

Mr. GARDNER. This is really one of personal interest.

Mr. THOMPSON. I might point out the major faiths over a period of years with respect to 14(b) have taken a position to which the Chair subscribes. I am not trying to answer for these gentlemen because they can answer for themselves, but 14(b) does not in fact give anyone the right to work.

If it did, anyone unemployed could go in to any employer in the State of North Carolina or elsewhere in the 19 States which have the right-to-work laws and say, "Here I am. You say I have a right to work, I want the job."

I will let them answer.

Rabbi HIRSCH. I was going to respond because of the three gentlemen here, I believe I am the only one who presented testimony on 14(b). The three faith groups did testify, although we did not appear as a panel. Mr. Thompson was present at that testimony, and all three

groups testified in favor of the repeal of 14(b). Rather than my attempting to respond to you now, perhaps it would be much more efficacious if I were to refer you to the well-formulated written positions as expressed at that time, last summer, I think it was.

Mr. THOMPSON. The summer before that. The hearings are clear on that point.

Mr. GARDNER. Do either of you other gentlemen care to comment or stand on that?

Monsignor QUINN. As Rabbi Hirsch pointed out, the Roman Catholic Church was represented in hearings coming out for the repeal of 14(b).

Mr. GARDNER. Thank you.

Reverend IGARASHI. I am not quite sure what policy statement we have to support the statement of Rabbi Hirsch, but nevertheless our general stand is pretty clearly articulated in previous testimony.

Mr. THOMPSON. If the gentleman will yield, I might relieve him of any fear of the immediate repeal of 14(b).

Mr. GARDNER. I am delighted to hear that, Mr. Chairman, I must admit. I have a hard time in my own mind understanding how various groups can be concerned about individual workers and not be concerned about the right of an individual to join a union under his own choice. I will be quite frank in this. It seems to me your position is very contradictory. I would share the same concern over the right of an individual in North Carolina or any other State that has 14(b) to, of his own choice, join a union.

I would be just as concerned with this as a worker having an opportunity to a voice speaking for him. Thank you, Mr. Chairman.

Mr. THOMPSON. I might point out to the gentleman an example of how opposite things can happen and one can disapprove of one aspect of a situation and approve of another.

Under the cotton marketing regulations, you know, every cotton grower, whether he wants to or not, must pay \$1 per bale of cotton for advertising of cotton without any choice.

Mr. GARDNER. That is according to the law. He has no choice.

Mr. O'HARA. If I may pursue the analogy the chairman started to make, I think one important point, sometimes overlooked about section 14(b), is that the Labor-Management Relations Act requires that once a labor organization has been recognized as the bargaining agent for a group of employees, it is required by the law to represent each and every one of those employees in grievance procedures, in arbitration, in wage and working condition determinations, whether or not all employees are part of the union.

And the requirement of the union shop, which is sometimes referred to as the Taft-Hartley union shop, is not the same as the traditional union shop which existed before the passage of the Taft-Hartley law. Under the so-called Taft-Hartley union shop, the employee, if there were a union shop agreement, would not be required to join the union if he did not want to.

If there is a union shop agreement in a non-right-to-work State, however, he is required to pay the union the equivalent of the dues and initiation fee even if he does not belong to it. He is not required to join any organization which he does not want to join, but he is required to pay his share of the cost of the representation the union is obliged to furnish him.

Mr. THOMPSON. If the gentleman will yield, his recitation is quite accurate. The analogy between 14(b) and the cotton grower is that the cotton grower is a member now of what the Taft-Hartley law made illegal, namely, a closed shop. There is no choice to the cotton grower but to distribute to this central fund \$1 per bale of cotton, whether or not he wants to. He must.

Well, we are getting away from this. We are using Mr. Gardner's time.

Mr. GARDNER. No further questions.

Mr. THOMPSON. Mr. Dellenback.

Mr. DELLENBACK. Thank you, Mr. Chairman. I am delighted to see Mr. Igarashi here and at the same time I am regretful not to see Ken Neigh here, because he is a gentleman for whom I have considerable respect and with whom I served in the past in the Presbyterian Church. I am delighted to see the other gentlemen, too. There are a couple of background questions I would like to throw out to get reactions to be sure I understand the relationship in which you gentlemen stand before us.

As to this particular bill, 4769, Rabbi Hirsch, your testimony makes clear you are not speaking on this bill, you are speaking to the general context that you statements alludes and you are not talking at all about H.R. 4769, except insofar as it does or does not meet the general testimony you have given?

Rabbi HIRSCH. Yes.

Mr. DELLENBACK. I don't find in your statement, Monseigneur Quinn, are you speaking to 4769?

Msgr. QUINN. I am speaking to the general area.

Mr. DELLENBACK. You are not talking to this bill either?

Msgr. QUINN. I am talking about the subject bill of inclusion under the NLR Act.

Mr. DELLENBACK. But you are talking as Rabbi Hirsch is on the general idea rather than as to any particular bill?

Msgr. QUINN. Yes.

Mr. DELLENBACK. Is that in fact your position, Mr. Igarashi?

Reverend IGARASHI. Yes, this is our position.

Mr. DELLENBACK. You are talking in general on an idea and not about a particular bill?

Reverend IGARASHI. That is right, at this point.

Mr. DELLENBACK. Secondly, insofar as your individual capacities to speak and whom you represent in speaking before us, I see from Dr. Neigh's statement that while he is speaking here for the general board of the national council, rather, he makes clear that, however great its membership that its membership is not involved in that statement except through its representatives on the general board of which there were 255 for 42½ million persons. Do you know how many of those members participated in the decisions or policy statements here set forth?

Reverend IGARASHI. I am awfully sorry.

Mr. DELLENBACK. I am aware of the procedure. I found this in our State legislature and all of us are familiar with this procedure. A person appears to speak before us, and it is clear that that which the person says is the statement of the person himself. He also appears in a representative capacity and in some instances he represents a large

or small number, all of whom have, in truth, directly participated in the stand expressed. In other instances and most frequently, he speaks in a representative capacity where in truth there are only a relatively few people who have really dug in depth into the issue and have taken a particular stand.

Now, can you tell me any more from the data which has been handed to you as to where we stand on this particular statement, Mr. Igarashi?

Reverend IGARASHI. There are several levels at which we need to answer your question. The 42 million members of NCC is a deceptive figure and all 42 million people quite obviously are not behind us. If we were, as the church, speaking, we would have had this bill passed a long time ago, or any bill for that matter.

The fact is, the whole question of representative government is being asked. When we speak of the National Council of Churches, it is important to remember that it is not the staff of NCC to which we refer but it is the constituent denominations: 34 of whom are represented by a longstanding process by which people are elected. The whole question of "visible" elected minority who speak for the church raises the equally valid question of who speaks for any church, whether it be local, regional or national. At any church's jurisdictional level, who does indeed speak for the church or any group in which a representative or participatory democracy is evident?

Mr. Boutilier, the executive director of the National Campaign for Agricultural Democracy, just reminded me that the action of the general board on December 3, 1966, in fact had 110 people for and none against; and one abstention. This is a rather substantial support, and represents a considerable number of people.

Supporting this action by the NCC general board, there are over 10,000 volunteers and countless numbers of people who, in the church, have considered this matter of the extension of the rights of the agricultural migrant and the specific bills which refer to these rights. Earlier in this hearing I was asked whether the testimony supported this particular bill or not, my answer then was, "in a general way." This cautious reply indicates our desire for more study. We have not had a chance to really look at this particular bill, but we have studied other bills on the extension of collective bargaining rights with infinite care and I can assure you with quite a considerable number of people who represent Protestant churches across America. And these are indeed represented by the 110 general board vote figure.

Mr. DELLENBACK. Please understand I am not quarreling with the position of the paper. I am just fully aware of the representative nature in the Presbyterian Church where we go from the congregation to the individual church, to the presbytery, to the synod to the general assembly; and in the final analysis the man who speaks in behalf of our denomination may very well not have talked with many people below him and it finally ends up, in large part, although he is chosen as the representative, he speaks for himself on the particular point involved.

This is really what I was intending, to at least have the record clear, that we are not here really getting the views of 42 million persons and you have said this, but we are getting it in a different way.

I am less familiar, frankly, with the national council and how it operates in the representative capacity. And as you indicated, 110 were speaking and this was less than the total membership of the 255 which does not mean the others would not have felt the same way, but we are talking about 110 people speaking about this although they have some representative authority.

Reverend IGARASHI. Several major denominations listed in Dr. Neigh's testimony discussed this issue in their resolutions committee or other appropriate bodies within their denominations. The fact they have produced supporting statements I believe reflects rather substantial concern.

Mr. DELLENBACK. I say again I am not quarreling with the statement. I am just fully aware in the Presbyterian Church of the wrestling going on in the last 2 years as we deal with the question of the new confession for our church and there is an attempt really to get down in the individual congregation and I know firsthand even there this is not really happening as deeply as some of us would like to see it done.

I am not familiar with the representative nature in which the other two witnesses speak.

Monsignor, can you tell me, I recognize you are in the office of the National Bishops Committee, and can you just in simplest sense tell me how deeply, how broadly based the capacity is in which you appear before us?

Msgr. QUINN. I represent a group of nine bishops and we are on the Bishops Committee for the Spanish-speaking people.

My statement rather is an interpretation of the common teaching of the church rather than a sort of consensus on the part of all Roman Catholics in the United States. I don't go as far back as Moses but this is the common teaching as interpreted for this specific area here in the United States.

Mr. DELLENBACK. There are theologians who say you do go back as far as Moses.

Msgr. QUINN. What I mean is—well, I lose on that one every time.

This is rather a restatement of the common teaching of the church as evidenced from the quotations I have in there where there is a great deal of strife in the United States now, the church being called upon to reiterate things which perhaps have dropped into the background and these statements represent that kind of thing particularly in Texas and California.

Mr. DELLENBACK. Please understand I am not quarreling with what is said but I am just seeking here. You are not speaking for the constituent members of the Roman Catholic Church in the United States in any wise but speaking in behalf of these nine individuals who are seeking to say what the teaching of the church is in this regard?

Msgr. QUINN. That is right.

Mr. DELLENBACK. Rabbi Hirsch.

Rabbi HIRSCH. We have a rather complicated structure. I represent the Commission on Social Action of Reform Judaism, which represents the Union of American Hebrew Congregations, which is the overall national body of Reform Jewish Congregations in the country.

Mr. DELLENBACK. Can you tell me how many persons that embraces approximately?

RABBI HIRSCH. Approximately 1 million persons is what we talk about, although you may know the Jewish community does not count souls but families. However, counting as one would in the Christian community, it is approximately 1 million.

Of course, the resolution which is the basis of our testimony, was passed at an assembly where there were perhaps 1,500 to 2,000 people present, again representatives in the very way that I suppose Congressmen are selected as representatives.

MR. DELLENBACK. I am not sure about the chairman, but I am sure when I speak all 460,000 of my people are solidly with me.

RABBI HIRSCH. Well, I mentioned it because I would imagine that Congressmen are acutely aware of the representative character of the religious leaders' role, because they themselves have had similar experiences in determining exactly whom they represent. I think there is some analogy in this respect between religious and political leadership. The other major group I represent is the Central Conference of American Rabbis, which is the national organization of Reform Rabbis in America, and they passed a resolution which I believe was unanimously approved. If you don't mind, I would like to read it into the record, because I did not have it at the time the written testimony was prepared.

MR. DELLENBACK. I would be very pleased.

RABBI HIRSCH. This was adopted by the Central Conference of American Rabbis at its last convention:

We hail the results already achieved in the Delano Strike which brought historical recognition by some agricultural employers of the right of farm workers to organize and to bargain collectively, and we hope that this right will soon be extended to all farm workers.

So, to return to your question, Congressman Dellenback, we are cognizant of the problems inherent in any representative role. I would say, in effect, what the other gentlemen have said: namely, that our position does represent a consensus of what the leadership of our groups would believe.

MR. DELLENBACK. Oftentimes our stands as representatives, either as Congressmen or as religious leaders, really reflect what we think ought to be the stand of our people instead of, of necessity, a counting of heads as to what their stands in fact are.

RABBI HIRSCH. I am in agreement that this may sometimes be the case. But I want to make one other statement which I didn't have a chance to respond to in the question of Congressman O'Hara, concerning whether or not the churches understand the practical problems of the growers, a question which I think is also related to what you are now asking.

I am aware of the fact that the church, very frequently, is accused of meddling and of not being very sophisticated in some of these issues. However, if there is any issue in which the churches have involved themselves recently and have tried to get to the depth of the problem, I think this is the issue, and particularly in a place like California.

Speaking for the Jewish community, I don't know of one Jewish farmworker. We have no narrow vested interest in the plight of the farmworkers. I do know there are many Jews who are either growers or who are involved tangentially with farm production. I do know

that in such issues as the Delano grape strike, every effort was made and is still being made to solve the problems of that situation, because the problems are continuing to cause a great deal of tension, and every effort has been made to involve the growers in discussions.

This morning I received in the mail a copy of the minutes of a meeting which took place between the growers and farmworkers in the offices of our Union of American Hebrew Congregations in San Francisco. In attendance were growers, workers, and representatives of the three faiths. So, it seems to me, that every conscientious effort is being made to approach the issue by taking all sides into consideration. Frankly, if the church groups were motivated by narrow vested interests, they would have had to be on the side of the growers, some of whom contribute to church groups.

The farmworkers do not give any substantial money. The farmworkers do not, in most instances, belong to the established churches, so that when the church groups take a position on this issue, which from the narrow perspective is contrary to their vested financial interest as institutions, to me at least it speaks much louder than it would on an issue in which they won't have that vested concern.

Mr. DELLENBACK. I think we would really all agree that the real vested interests of your groups, as represented in toto, is souls rather than the property of the members and of the people of this Nation, so you really are speaking of what you consider to be the vested interests of your groups.

Rabbi HIRSCH. A good theological point.

Mr. DELLENBACK. Thank you, Mr. Chairman.

Mr. THOMPSON. Mr. O'Hara.

Mr. O'HARA. Mr. Chairman, I pricked up my ears when I heard Mr. Dellenback ask the witnesses if they endorsed this particular bill or endorsed the general principles. I would like to point out that this bill was not introduced until fairly recently, February 2, and that the meeting of the Council of Churches at which the statement was made was in December of last year.

Because no church group has called for the passage of this particular bill, H.R. 4769, I would like to get into the question of what principle it is you do endorse. Monsignor Quinn's statement at the bottom of page 4 asks us to give grave consideration to the inclusion of the farmworker under the National Labor Relations Act. The testimony of Rabbi Hirsch specifically endorses passage of this particular piece of legislation and the statement of Dr. Neigh, at the top of page 2, lists the first legislative goal regarding farmworkers of the Council of Churches as inclusion of such workers under the provisions of the National Labor Relations Act.

What you are saying is, I believe, that farmworkers should have the same rights to organize and bargain collectively under the NLRB Act as any other workers. Is that a fair statement?

Rabbi HIRSCH. Yes.

Mr. DELLENBACK. Will the gentleman yield, and may I characterize what I read from the papers and ask you this: Are you speaking in favor of the principle of workers associating themselves together in voluntary organizations for mutual aid in cooperation in this particular field as well as in others? Is this what you speak in favor of?

Rabbi HIRSCH. I think we speak in favor of that but not only the right to organize and bargain collectively but protection under NLRA, which is accorded to all other workers. The crux of the matter is the NLRA protection.

Mr. DELLENBACK. Are you really taking a stand on involvement of the Federal Government in the situation as opposed to the State governments? Are you taking a stand in favor of Federal involvement as opposed to State involvement?

Rabbi HIRSCH. This is an area that I would answer as an individual, because the question has never been asked of us.

Mr. DELLENBACK. But in your representative capacities, are you taking a stand on that point?

Rabbi HIRSCH. I would say that in regard to this particular legislation there has been no discussion of that, but in regard to a whole host of other legislative issues, when it comes to such matters as States rights versus Federal legislation, our response has generally been that the legislation must be Federal in order to be implemented on an equitable basis.

So if the crux of your question, Mr. Congressman, is that maybe we are not really in favor of protection of NLRA or maybe we are not in favor of this particular bill, then I want to agree with what Mr. O'Hara was suggesting. We are in favor of this particular bill as being that piece of specific legislation which most closely represents the general principle, and which best applies the general principle in behalf of which we have all spoken.

Mr. DELLENBACK. This against the background in which you already made clear as to the capacity in which you speak?

Mr. O'HARA. I would like to reclaim the floor for a minute.

I gather from your testimony that while you are not, except in the case of Rabbi Hirsch, specifically endorsing a particular bill, you are speaking in favor of the inclusion of farmworkers under the NLRA with the same rights, obligations, and privileges as any other workers. Is that correct?

Monsignor QUINN. That is correct.

Mr. O'HARA. Rabbi Hirsch, is that correct?

Rabbi HIRSCH. Yes.

Mr. O'HARA. Reverend Igarashi, would you say it is fair interpretation?

Reverend IGARASHI. Yes; not only a fair interpretation but I would like to make reference back to, and again I do not have the specific number here but on December 8, 1960, the general board, or the general assembly in San Francisco passed this statement. We urge the continuation of current efforts as a responsible and democratic labor organization among these workers. We favor extending to them by law the right of collective bargaining and access to the services of the National Labor Relation Board on a par with other wage workers in industry.

We call upon employers of Christian conscience to encourage and stand with these workers in their effort to gain human dignity, self-respect, and economic security through the device of human organization.

Now, the general assembly, for your information, is more than just the general board which acts in the assembly's behalf in between triennial meetings. This is the governing body of all member denomina-

tions. The representative system, therefore, has a much broader base when they come together as the assembly. I refer to this to reaffirm the fact that protestant churches have called over and over again for this bill or a bill like it so that if there was any contravailing opinion within the church against these, there would have been quite a body of counteropinion a long time ago.

Therefore, my judgment is we have broadly based support for this bill.

Mr. O'HARA. Thank you. I am glad to have you confirm my interpretation.

Let me call attention to one part of your quotation from the resolution adopted by the general assembly in 1960. You said farmworkers should be "on a par with other workers."

I don't believe you are saying, "We believe that farmworkers should have some of the same rights" or "a few of the same rights." I believe you are saying that "We believe that farmworkers should have the same rights to organize and bargain collectively under the NLRA as other workers." Is that correct?

Reverend IGARASHI. That is right.

Mr. O'HARA. I would like, in conclusion, to point out that all this bill does is carry out that principle.

Thank you, Mr. Chairman.

Mr. THOMPSON. The line of questioning by our friend and colleague from Oregon is a familiar one to all representative people who appear before us and is analogous to our responsibilities as representatives here. We are not delegates, we are representatives.

There is a thread through the testimony of each of the three of you of concern for the social cost of a lack of organization among the farmworkers; is that a reasonable statement?

Monsignor QUINN. Yes, I think it is, sir.

Rabbi HIRSCH. Yes, Mr. Chairman.

Mr. THOMPSON. There has been a tremendous amount of involvement by individual clergyman in California and Texas and elsewhere in a very real sense. The clergy, whether they have direct concern or not, have gone out, have helped to organize the pickets, have supported boycotts, and have taken such other legal and constructive action as they thought possible in order to assist in the organization of these workers. This in my view is a very heartening thing. The fact that the three of you appeared today speaks well for all of you and for the people whom you represent.

Do you expect a continued concern and continued militant action in support of the organization of farmworkers, Monsignor?

Monsignor QUINN. Yes, I believe we expect an expanding concern. I think there is an ever-growing interest on the part of people, even city people now, because the plight of the farmworker has been much publicized in the last several years and particularly since the beginning of the Delano grape strike.

Mr. THOMPSON. I note there is here, and it will be made a part of the record, a strong statement by the Catholic bishops of Texas where there is current activity, the Northern California Council of the Union of American Hebrew Congregations, and a number of other groups that have taken stands with respect to this.

I think that we are much in your debt, all of you, for your splendid contributions, and I simply want to restate what Mr. O'Hara made clear. There is nothing complicated in the legal or technical sense about the bill which is before us. It is a simple bill. It simply deletes an exemption for the agricultural workers. It gives them the equal protection of the law now enjoyed by all other American workers in interstate commerce.

Obviously, it would not apply to the hired man on a small family farm, and it would not apply to very small farms, of which there are a diminishing number. But it is aimed at the farm factories in the United States; the analogy between the agricultural industry and other industry in Dr. Neigh's statement makes this quite clear.

Thank you all very, very much for coming.

The subcommittee will continue its hearing on this subject at 10 a.m., tomorrow, in room 2175.

(Whereupon, at 12:05 p.m., the committee recessed, to reconvene at 10 a.m., Friday, May 5, 1967.)

EXTENSION OF NATIONAL LABOR RELATIONS ACT TO AGRICULTURAL EMPLOYEES

FRIDAY, MAY 5, 1967

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10 a.m., pursuant to recess, in room 2175, Rayburn House Office Building, Hon. Frank Thompson, Jr. (chairman of the subcommittee), presiding.

Present: Representatives Thompson, O'Hara, Albert, Gardner, and Burton of California.

Also present: Peter W. Tredick, counsel; and Jeunesse M. Zeifman, clerk.

Mr. THOMPSON. The subcommittee will be in order.

We will continue our hearings on the bill, H.R. 4769, by Mr. O'Hara of Michigan.

Our colleague, Mr. Burton from California, would like to introduce our witnesses for today.

Mr. Burton.

Mr. BURTON. Thank you, Mr. Chairman.

I would like to commend you and the other members of your subcommittee for bringing this matter into the public forum.

I am pleased to have joined with a number of my distinguished colleagues and our principal author in proposing legislation bringing farmworkers into our National Labor Relations Act.

We have with us this morning, as you know, various leaders of the United Farm Workers Organizing Committee.

I would like to, without in any way showing undue favoritism, make special mention not only of the presence of Cesar Chavez, a remarkable man of great personal integrity, conviction, and effectiveness, but, even more so, the one lady present, a young lady and the mother of seven children, Dolores Huerta.

Dolores and I worked on a number of projects in our State, numbers of them were thought to be lost fights to begin with, but as a result of her efforts and the support generated among those who labor on the farms of our State, the farmworkers in our State have had extended to them mandatory workmen's compensation coverage, disability insurance, and supplemental welfare benefits in those instances where the father is unemployed but remains in the home.

It is a great pleasure for me to join with you in listening to this testimony which I am sure will be most helpful to all of us in our deliberations on this matter.

Thank you.

Mr. THOMPSON. Thank you very much, Mr. Burton.

You are indeed welcome, Mr. Chavez, and it is a pleasure to have you here. If you would, introduce those who are with you for the benefit of the stenographer, and then you may proceed as you wish.

STATEMENTS OF CESAR CHAVEZ, DIRECTOR, UFWOC, AFL-CIO, DELANO, CALIF.; JOE SERDA, CHAIRMAN, RANCH COMMITTEE, SIERRA VISTA RANCH, DELANO, CALIF.; MACK LYONS, CHAIRMAN, DiGIORGIO RANCH COMMITTEE, ARVIN, CALIF.; GILBERT PADILLA, DIRECTOR OF ORGANIZATION, UFWOC, AFL-CIO, RIO GRANDE CITY, TEX.; DOMINGO ARREDONDO, CHAIRMAN, UFWOC, AFL-CIO, RIO GRANDE CITY, TEX.; LARRY ITLIONG, ASSISTANT DIRECTOR, UFWOC, AFL-CIO, DELANO, CALIF.; MRS. DOLORES HUERTA, DIRECTOR OF NEGOTIATIONS, UFWOC, AFL-CIO, DELANO, CALIF.

Mr. CHAVEZ. Thank you very much.

Mr. Chairman and members of the committee, we are very happy to be here this morning to tell you about our efforts to organize farmworkers and to point out to you the need of passing the legislation to cover farmworkers under the National Labor Relations Act.

First of all, to my extreme left, we have Brother Joe Serda, who is the chairman of the Sierra Vista Ranch.

Then we have Mrs. Dolores Huerta, who heads the negotiations for the union.

Then to my immediate left, Brother Larry Itliong, who is the assistant director of the United Farm Workers Organizing Committee.

To my extreme right, we have Mack Lyons, who is the chairman of the DiGiorgio Arvin Ranch Committee.

Then next to him is Brother Gilbert Padilla, who is leading the Texas strike for the union in Rio Grande City.

Then to my immediate right, we have Brother Domingo Arredondo, a striker in Texas and Rio Grande City.

With your permission, we are going to speak from notes and will attempt to give you the story of our struggles, mostly in Delano, to point out the need for such legislation.

In September 1965, the farmworkers strike started in Delano. The strike was one for recognition; over 3,600 workers assembled and voted to strike 40 grape growers in the area.

The evening when the strike vote was taken, we asked the workers for a 4-day period in which to try to get to the growers and see if we could convince them to negotiate with us. In that 4-day period, we sent to them people who we thought they would listen to in the community and they were, of course, rejected.

We sent registered letters to them. When that failed, and failed in the form that they refused to accept the letters, then we sent wires to them. Then we tried to get a priest in the community to go see them

and see if we could get some negotiations going. When that failed, we called on the State conciliation service and he, too, was rebuffed by the growers.

So, there were 4 days of intense activity trying to head off what we knew was going to be a very long and a very bitter strike. When all of the attempts had failed, then the strike went into effect, and it has been now almost 21 months since we went out.

Because of lack of legislation, the grower has the upper hand in such a struggle. For instance, immediately, those workers who were on strike were blacklisted. Those who were sympathetic and not going on strike were also blacklisted and those who dared to speak up in favor of the union were also blacklisted.

We had a number of firings because of workers coming forth and stating that they were for the union.

Then we began to have the yellow dog contract that gained a lot of prominence right from the beginning of the strike. We had several attempts to build company unions. Then we had the interference from the police, the Sheriff's Department, and, in some cases, the unwillingness on the part of the district attorneys in both Delano and Kern Counties to take our complaints and file those complaints against physical abuse against our strikers.

Strikebreaking for agricultural workers, and especially in Texas and California, is a situation where the growers can immediately produce as many strikebreakers as they need and as they want simply by traveling to the nearest Mexican border and hiring what we call the green card workers. These are the people who are legal residents of the United States but who live in Mexico and commute in most cases across the border every morning to work and then return in the evening.

Mr. THOMPSON. May I ask you a question at this point?

Mr. CHAVEZ. Yes.

Mr. THOMPSON. There have been estimates that from 40,000 to 100,000 green card workers move in and out of California and the Southwest.

Do you think that a congressional investigation of the green card policies of the Immigration and Naturalization Service would help to clear up some of the difficulties facing the American farmworker?

Mr. CHAVEZ. I am very sure that it would because, see, we have not been able to get this through the executive branch. We have been to the executive departments and we have not been able to get them to give us any assistance.

We know that there are many problems that resulted from the crossing of these workers. We know it is an established fact that when they come in they do depress the wages; they do depress working conditions and become strikebreakers not only in California but in Texas.

There is no question about this; this can be proven; so an investigation would be most welcome not only by our union but I imagine by many unions.

You see, Mr. Chairman, they not only come in to do farm labor but they also come in and take over the jobs that are held by, in many cases, other union members in the building trades, the restaurants, hotels and motels, and so forth.

Mr. THOMPSON. You will be interested to know that our colleague, Mr. Udall, from Arizona, is seeking an investigation. Mr. Udall has had a very deep interest in this.

Mr. CHAVEZ. Next, I would like to just briefly point out in our great conflict, because of the lack of protection for the workers and the lack of the National Labor Relations Act, what a difference it would have made if we had had the act.

When we struck the DiGiorgio Corp., the first reaction from the corporation was that there was no strike and that those people on strike were not really farmworkers. So, we continued with the struggle against them for 6 or 7 months until finally we instituted a national consumers' boycott against them.

When they began to feel the pressure and also when we had broken the solid opposition by having the Schenley Corp. recognize our union, we immediately then concentrated all of our efforts on the DiGiorgio Corp.

After a few weeks of intense activity on the boycott and also on the strike, DiGiorgio began then to try to find a way in which they could get rid of our union and they tried to organize a company union inside the farm. They closed the entrances to the camps because at that time about 90 percent of the workers do live inside the camps.

When this failed because the workers rejected the attempt to form a company union and force them into this company union, the next development was the appearance of the Teamsters Union in the fields working alongside the employer with the foreman and with the superintendent trying to sign up people. While this was going on, we were being excluded from the property. Six or seven arrests were made when our organizers attempted to go into the camps on the property and talk to the workers after working hours. These arrests were made even though the workers had invited the organizers into their homes. And when the pressure continued to mount, then the company called an election on the 24th of June of last year. This was what we called a phony election.

The election was called; our union was not permitted to have an observer at the polls; our union was not permitted to campaign. Furthermore, when we rejected the idea of a campaign under these conditions then they went ahead and included our name on the ballot.

At the same time the Teamsters Union was on the ballot and the Teamsters officials and organizers were inside the ranch with the company working on the workers. Mr. Serda will be telling you a little bit about this in his testimony.

That election was set aside through the good offices of Governor Brown who, after we appealed to him, saw the injustice of that election and the results of it and called on the American Arbitration Association to send in an arbitrator. The association sent in an arbitrator from Wayne State University in Michigan, Ronald Haughton, who came in and after about a month and a half of intense activity was able to get the three sides together; the Teamsters, DiGiorgio, and ourselves. Then he also set up rules and procedures for the election, knowing that would not give us the protection that we could get if this had been a National Labor Relations Board election but more than we ever had before. An awful lot of time was spent on determining voter eligibility, which was very difficult.

After some activity, the election was set for August 30 of last year. Once the workers were permitted to vote, they voted almost 3 to 1 in favor of our union. This was the first time that workers had been permitted to vote and this was a makeshift arrangement.

During the period of the campaigning, there were many, many unfair labor practices, using the National Labor Relations guide. There were many unfair labor practices that we have nowhere to appeal to that were being committed by the company, that were being committed by the other union against our union. Even with the minimum rules, we were able to bring on an election that gave the workers their rights.

The next thing that I would like to talk to you about and which points out even more dramatically the need for legislation is the Perelli-Minetti conflict.

In October 1966, the workers of Perelli-Minetti, 52 of them, who were harvesting grapes for wine, left the fields on a recognition dispute and also for wages and working conditions. Two days later, the State department of employment, after an investigation, certified that we had a strike against the Perelli-Minetti Corp. For the next week, here was absolutely no activity on the ranch as a result of the workers' strike.

About the 8th or 9th day after we went on strike, the same unit of the Teamsters Union went in, brought strikebreakers from the surrounding towns, and began to break our strike. Then a few days later it was announced in the press that Perelli-Minetti had signed a contract with the Teamsters Union.

We were put in a position that we could not ignore this; we thought this was a very dangerous precedent. We would be organizing for the other union, organizing and giving support to the union without the workers having the right to determine which union they wanted.

So, we instituted a national boycott against the Perelli-Minetti Corp. and we have been at it for almost 7 months.

This has been a very bitter dispute. This has been a dispute that includes the Perelli-Minetti Corp., includes the Teamsters Union and our union. We are claiming that that contract was signed without the other union having the right to represent the workers because the workers had not given the right.

We had all the workers signed up not only on authorization cards but many of them had been paying dues to our own union for as much as 2 years. We proceeded then to boycott as the only weapon that we have in such cases to bring economic pressure against that combination, to be able to reverse that immoral decision that they went into when they signed a contract.

Now, we petitioned the National Labor Relations Board for a representation election and we were turned down. Not only were we turned down, but then in the attempts to bring economic pressure to the corporation we began to boycott their products at the Mayfair Stores in Los Angeles. We had a lot of picket line activity and leaflet distribution in bringing to the attention of the consumer the fact that we were boycotting struck wines and brandy that were being sold at this particular store.

The Mayfair Stores went to the Board and the Board interfered and we stopped. We were told that if we did not quit picketing for a cooling-off period we would be enjoined, so we stopped picketing and, in fact, to this day we have not gone back to our consumer boycott.

What I am pointing out here is the imbalance of the National Labor Relations Act turning us down when we wanted a representation election and on the other hand using another part of the act to bring action against us. There are some of us who feel that this is extremely unjust, and that while the National Labor Relations Act will not protect our organizing in fact in this case it has interfered to the detriment of the union.

There are a lot of fears of the opposition, particularly the growers, that if we are covered under the National Labor Relations Act that this would in fact give the unions a license to organize and if we have a license to organize then there will be many, many strikes during harvest time.

We are convinced that if we had the protection of the National Labor Relations Act that out of the 40 growers that were being struck in Delano maybe even less than half would have resisted the attempts of the union to organize. So, the fact that we do not have legislation has brought about more strikes than if we had legislation.

The other thing that should be pointed out that is very significant is that we have run into two growers now who say "we would like to give you a representation procedure, a card check or an election, but if we do we are going to incur the wrath of the other growers and we cannot afford that; therefore, we would rather fight you until you make us, under economic pressure, give you the representation procedures."

So, if we had legislation, this would then back up the growers who do want to recognize the union provided their workers want to have it, and, of course, there are not too many of these but there are some.

Also, because the main issue of the union at this point is recognition, and because there are no procedures, of course the only avenue open to us is to strike them or force them into some recognition procedure. So, I would say that if we get the coverage of the law, that strikes would be lessened.

We know that a union of farmworkers is going to be built somehow because workers are on the move and they want a union; they know a union brings benefits and they will be able to get for themselves and their wives what other union members have been able to do in other industries. We know whether we get legislation or not the effort is going to continue.

We are committed to using the nonviolent method of organizing and we have been extremely successful to this point. The only reason that there has not been any blood shed in Delano—I can say this, I think that all our people in the union would agree with me—is because we have not responded to attacks on us by the opposition.

The issue now is, will the Congress act soon enough to extend the law of the land to the workers to bring about their organization? Will the Congress give the workers the democratic right to self-determination by enacting this legislation? Or will the Congress remain mute as it has for these many years and will it then not give the workers any other avenue except what they have now, which is the law of the jungle where the fittest survive?

We will see that as long as jungle law continues the untold sufferings and the loss on both sides is so tremendous that it will never be made up. So, we say that for orderly organization there must be and

there has to be a procedure. We are convinced, because we have now a few contracts, that workers and growers can get together and resolve their issues.

So, we are saying now that including farmworkers in the protection of the National Labor Relations Act is a must. In the name of those thousands that we represent, as well as those we do not represent but who are anxiously waiting for some position from Congress, we are expecting some action after 32 years of inaction.

Thank you.

Mr. THOMPSON. Thank you very much, Mr. Chavez.

Do you wish to proceed by having the others testify now—I know that you must leave at 11:45—or would you prefer as each of you finishes for the members of the committee to ask questions?

Mr. CHAVEZ. I would like to have the questions asked of me. In this way, I will be able to leave on time.

Mr. THOMPSON. Fine.

Mr. CHAVEZ. Then we could follow the same procedure if it is all right with the committee.

Mr. THOMPSON. That is fine.

During that 4-day period when you wrote letters, sent telegrams, and asked the priest to go and even asked the State to help the growers, what was the attitude of the companies? Did they just simply refuse to discuss this matter with anyone?

Mr. CHAVEZ. Yes; it was an outright refusal. They would not even consider accepting—well, the mail we sent to them were returned even though they were delivered to the persons; all of them were returned with an explanation by the Post Office Department that they were not accepted. Their attitude was one of absolutely no communication with the union.

Mr. GARDNER. Would the gentleman yield?

Mr. THOMPSON. Yes, I will yield.

Mr. GARDNER. At this same time, were there negotiations at all with the Teamsters Union by the companies?

Mr. CHAVEZ. No; the Teamsters Union had not come into the picture at this time.

Mr. THOMPSON. Were workers who belonged to your unions fired from the job during this organization period?

Mr. CHAVEZ. Oh, yes; they were fired from the job. Anyone who appeared at our meetings or who appeared in the picket lines, like, for instance, workers who were working at other ranches but joined us after work or maybe on weekends when they were not working, if they were identified they were fired.

The police department and the sheriff's department in Kern County for a period of about a month and a half photographed all of our pickets, everyone in the picket line, everyone leaving and entering our office, they took down license plate numbers of every car in the picket line, every car coming to visit us in Delano in our offices, and at our meetings in the evening they did the same thing.

Mr. THOMPSON. You mean the local police were doing this?

Mr. CHAVEZ. The local police and the sheriff's office.

There is a case where one of our pickets was stopped and asked to identify himself on the picket line almost 50 times in a period of about 17 days. The same procedure. And what they were doing really was

harassment. Because stationary picket lines are not effective in the fields, ours is a roving picket line, we have about 400 square miles to patrol, we move almost constantly all day long from one end of the field to another. As we were moving around the sheriff's officers were stopping our pickets, photographing them, and asking them to identify themselves and making us lose sometimes more time in talking to them than we would spend in our own job of picketing. Outright harassment.

Mr. THOMPSON. Did you go to the district attorney about this?

Mr. CHAVEZ. Yes. We went to the district attorney about this. We went to the district attorney on several other cases where we had witnesses. There was no question that our pickets had been harassed. For instance, in one case one of our pickets was run down by a car driven by a grower and they refused to take action.

Mr. THOMPSON. Were there any disorderly conduct or other charges made against your pickets?

Mr. CHAVEZ. Yes. We have had many, many arrests. We have had almost a hundred or even over a hundred arrests.

Mr. THOMPSON. What were most of the complaints? On what basis were they arrested, as disorderly persons?

Mr. CHAVEZ. On one occasion, 44 strikers were arrested for refusing to remain silent on the picket line. In other words, the strikers were arguing that they had the right to shout into the fields the word "huelga" which means strike in Spanish. Most of the strikebreakers are from Mexico so we yelled "huelga, huelga," so they would know there was a strike going on.

The sheriff's officer from Kern County came to the picket lines and said they could not use the word "huelga"; they refused to give up using the word, so all 44 were jailed.

Mr. THOMPSON. Have those cases been tried?

Mr. CHAVEZ. No; they were never tried. See, after the election, after the district attorney was reelected, then the charges were dropped.

Mr. THOMPSON. Did those arrested have to post bond?

Mr. CHAVEZ. They did, and we spent almost \$10,000 in these cases.

Mr. THOMPSON. Has the bond been returned?

Mr. CHAVEZ. No. We have to buy the bail from a bail bondsman so we don't get the money back. And we don't get the money back that we have to pay the attorneys to defend the strikers.

Mr. THOMPSON. Well, attorneys never return money.

Mr. CHAVEZ. They went so far as to arrest a minister because he was reading to the strikebreakers the famous Jack London's definition of a strikebreaker and the same sergeant for the same sheriff's department found this to be offensive and he was arrested. He was tried and, of course, the case was thrown out of court.

Mr. THOMPSON. You referred earlier to the fact that with your workers there was no violence and no bloodshed because your workers didn't respond to the physical challenges.

What type of physical challenges did they encounter?

Mr. CHAVEZ. Well, for instance, a very common thing was for the growers—and I am not speaking about the people who were on the growers' staff; I am talking about the growers directly, personally coming to the picket line—would elbow us, kick us, push us around, and in several cases they sat on our cars and refused to get off the cars

so we could leave. In two or three cases, some of our pickets were beaten up. In one case, the grower ordered the spray rig to leave the fields and to go out to the road and spray us with pesticide. We hope it was sulfur, and not anything worse than that, but we don't know.

In another case, they drove a tractor disk rig back and forth right next to the picket line so it would make enough dust to force us to leave the picket line; these are just examples of a number of attempts on their part to discourage our picketing.

We were never able to get the district attorneys in either Kern or Tulare County to file charges against them.

Mr. THOMPSON. Then subsequently the Teamsters moved in and were allowed on the property by the growers; is that right?

Mr. CHAVEZ. They openly asked the Teamsters to come in because at that time the growers thought they were the lesser of the two evils.

On the payday before the DiGiorgio election as the workers were being handed their paycheck they were also handed a letter from the company asking them to vote for the Teamsters Union. We could not go inside the fields. We were kept outside and we could not campaign.

Mr. THOMPSON. Now, in the case that you mentioned where the Teamsters arrived at a contract with the grower, do you know the provisions of that contract?

Mr. CHAVEZ. Yes. The provisions of that contract are less for the workers than the provisions in the contract that we have with another grower who has a similar type of operation. When you look at the Schenley contract as compared with the Perelli-Minetti contract signed with the Teamsters, the Perelli-Minetti contract is much inferior.

Mr. THOMPSON. It sounds like a sweetheart arrangement.

Mr. CHAVEZ. We say it is a sweetheart contract; yes.

Mr. THOMPSON. Of course, you realize that in the circumstances of the *Mauffair* case, that even if you were included under the law as Mr. O'Hara's bill would do, that type of boycott activity at their stores would be a secondary boycott and would be illegal.

Mr. CHAVEZ. Well, we say this was a——

Mr. THOMPSON. I don't say if I were out there I would not be boycotting with you, but——

Mr. CHAVEZ. The question is we probably would not even have to go out there if we had the procedure.

Mr. THOMPSON. Precisely.

Mr. Gardner, do you have any questions of Mr. Chavez?

Mr. GARDNER. Thank you, Mr. Chairman.

Mr. Chavez, I would like to compliment you on your testimony today. There are several questions I would like to ask.

First of all, going back to the numerous arrests which you had among your members, were there ever any convictions at all?

Mr. CHAVEZ. There has been one conviction; yes.

Mr. GARDNER. What was that conviction?

Mr. CHAVEZ. That conviction was for resisting arrest on the picket line where one of the hired guards for the DiGiorgio Corp., attacked one of our pickets, a lady picket. The police came and one of our pickets, Manuel Rozas, who was bleeding from a head wound inflicted when he went to the woman's aid, was found to have been resisting arrest at that point and he was arrested. He has served 8 months.

Mr. GARDNER. Do you happen to have a copy of this letter of the employer asking the employees to join the Teamsters Union?

Mr. CHAVEZ. Yes.

Mr. GARDNER. Do you have it with you today?

Mr. CHAVEZ. No; we don't have it with us today.

Mr. THOMPSON. The Chair asks unanimous consent that it be provided and be put in the record at this point.

(Letters and sample ballots appear on p. 246.)

Mr. GARDNER. Mr. Chavez, what is the average wage per hour, have you broken it down, for the members of your union?

Mr. CHAVEZ. Yes. There are two ways of determining wages for farmworkers.

One is the hourly rate and the other is the piece rate. There are a lot of conflicting views on the piece rate. No one will probably agree on what rate of pay is when they are working piece rate.

Now, on the hourly rate, the wages are at this point in Delano around \$1.40 an hour except where we have contracts. Under the contracts we have risen 15 cents to 25 cents an hour, so we are up to \$1.65 minimum.

Mr. GARDNER. Is this the highest contract you have?

Mr. CHAVEZ. \$1.75 is the highest minimum wage that we have.

Mr. GARDNER. One other question.

Do you know, to your knowledge, of any increase in retail prices of the DiGiorgio products since they have become unionized?

Mr. CHAVEZ. No; we don't. We are aware that as a result of our consumer boycott that they were in some difficulty.

Mr. GARDNER. Would you elaborate on that a little bit more?

Mr. CHAVEZ. Well, the boycott was a national, instantaneous thing; many groups got involved. At one point, there were 400 communities with picket lines; in many cases, priests and ministers and sisters and labor leaders and labor people were involved; so the products that we were boycotting suffered, I think—the labels at least got a very bad name.

As a consequence of that boycott we found in the DiGiorgio report to the stockholders that there was a loss of about a million and a half dollars and he attributes this to a large extent on the labor difficulties on the farms.

Mr. GARDNER. But you know of no significant increase in retail prices?

Mr. CHAVEZ. I am not aware of that; no.

Mr. GARDNER. Thank you very much.

Mr. THOMPSON. Well, DiGiorgio is still competitive; isn't it?

Mr. CHAVEZ. I am sorry.

Mr. THOMPSON. It is competitive in price?

Mr. CHAVEZ. Yes; sure. So is Schenley.

Mr. THOMPSON. Mr. O'Hara.

Mr. O'HARA. Mr. Chavez, I heard you mention in your statement something about some dealings you had with the National Labor Relations Board in connection with an alleged secondary boycott.

Did I hear correctly?

Mr. CHAVEZ. Yes. This came about as a result of our engagement in a consumer boycott in front of the Mayfair Stores in California and in Arizona. The Mayfair Stores went to the Board and complained

we were conducting a secondary boycott and the Board requested that there be a cooling-off period of 2 weeks. We did that.

Now, the question is that we really don't know where we stand because if we go back to the consumer boycotting there may be charges renewed against our union. We know under the law there is no way in which we could offset this and by which we could bring about representation elections; so we think this is a great imbalance.

Mr. O'HARA. Well, I am somewhat confused about this. It is pretty clear that the National Labor Relations Act under section 8(b) would prohibit a labor organization from conducting this kind of picket against a secondary employer, but I can't see how it is that your organization would be considered a labor organization subject to section 8(b) if it isn't a labor organization for purposes of getting representation elections.

Mr. CHAVEZ. What has happened is that in one case we had a small peanut shed that was certified for a representation election with another employer and now the argument from the Board is that because we have these few shedworkers and we used the Board once that then we are covered as a group.

Mr. THOMPSON. Would the gentleman yield?

I agree with Mr. O'Hara. I can't see how conceivably the Board could interfere in this instance and say that this was a secondary boycott even though you have a contract in a shed somewhere. That would be analogous to packingworkers being subject to the law because they can organize in the packinghouses but they cannot organize in the fields where those crops are being harvested. We will look into this.

Mr. O'HARA. I should think we would because I can see how they arrive at that. "Labor organization," the term used in section 8(b), means an organization in which employees participate, and so forth, and so on. So, the fact that you represent one small group of shedworkers some place in the United States of America makes you a labor organization evidently for the purposes of 8(b). That is, you can't yourself engage in any practices forbidden by section 8(b), but the employers with whom you are trying to get contracts would refuse to recognize you because you have no protection of the law and then they are subject to none of the strictures of 8(a) because it does not apply.

I think this is a little bit worse than I had thought it was. I had thought the situation was disgraceful; I now find it is abominable because not only do you not have the protections of the Labor Relations Act, you are subject evidently to some of the strictures of the Labor Relations Act. It is really a one-way street.

Mr. THOMPSON. If the gentleman will yield.

This would be analogous to the historic *O'Sullivan Rubber Manufacturing* case where literally millions of people finding themselves unsympathetic with the lockout and with the action of the company would not dream of having O'Sullivan's heels on their shoes.

Mr. O'HARA. I am sorry I am not a heavier drinker so I would have more of an impact on this matter.

Let me ask you a little bit about some of the contracts that you have entered into.

It seems to me that in seasonal work, such as most of your members will engage in, there are some particular contract problems. In the vineyards, I would suppose that you have a small number of year-

around employees and then a relatively large number of pickers at the proper season.

In the contracts that you have entered into, inasmuch as a new group comes in each year, presumably, how do you deal with your continuing rights under those contracts from harvest to harvest?

Mr. CHAVEZ. Well, first of all, we have in most of the farms a small work force that remains there from year to year. The contract remains; in one case from year to year, in another case it is for a 3-year period. We have a new development as a result of the contract. For instance, Mrs. Huerta will be speaking more on this, but it was after the contract with Schenley that for the first time we have seen that large numbers of workers who would normally work there only for the harvest season for two and a half months have stayed and the same workers are there to do the pruning and some of the other work that is done before the harvesting, preparing the vineyards, and so forth.

So, we are seeing that there is quite a move on the part of the workers themselves to remain there because they know that they do have a job come next year because of the seniority clause in the contract.

Nevertheless, we would have to have and we do have a hiring hall agreement. There is also a need to have the sign-up period for members after hire to be a lot less than the 30 days required in the act as it is. In other words, the solutions in the NLRA granted to the building trades would pretty much apply in agriculture.

Mr. O'HARA. I am glad you brought out that point because I wanted to get that point brought out.

Your situation is certainly analogous to that of the construction industry. In order to give you, it seems to me, a fair shake under the Labor Management Relations Act, one would have to provide for the same hiring hall and 7-day sign-up procedures that now prevail in the construction industry, and the bills introduced would do that. I wanted you to bring out why that was necessary.

Mr. CHAVEZ. Yes. Otherwise, it would be most difficult to have a membership. They would be working under a union contract but there would not be a membership because the periods of high activity, intense activity, are less than 30 days in many cases.

Mr. O'HARA. Mr. Chavez, let me say that I hardly find the things you seem to be seeking revolutionary. As I see it, all you are asking for is the protection of your members from being fired or blacklisted because they want to join the union; right?

Mr. CHAVEZ. Right.

Mr. O'HARA. Or express an interest in the union.

Mr. CHAVEZ. That is right.

Mr. O'HARA. You are asking that if a majority of the workers would decide they wanted you to represent them on a secret ballot election conducted under the National Labor Relations Board that they be permitted to do so; right?

Mr. CHAVEZ. That is right.

Mr. O'HARA. And you are willing in return to abide by all the limitations imposed upon labor organizations under the Taft-Hartley Act?

Mr. CHAVEZ. That is right.

Mr. O'HARA. Well, I can't think of a more reasonable request and it seems to me that there are maybe a few people left in this country

that still don't believe in the right of working people to organize and form associations to bargain collectively on their own behalf. I can't believe there are very many of them left.

It seems to me your request is entirely justified and that this Congress would be making a serious mistake and avoiding a serious obligation if it does not pass this bill.

Mr. CHAVEZ. Mr. Congressman, it seems to us that there may be very few people who will be against unions but it seems to me that most of them are in Delano. [Laughter.]

Mr. O'HARA. I want to congratulate you. I know something of your career and I want to say that you and your associates are doing something that needs doing and I am delighted for America that you are doing it and I think that we ought to give you some help.

Mr. CHAVEZ. Thank you.

Mr. THOMPSON. Mr. Albert.

Mr. ALBERT. Mr. Chavez, do you have contracts with some of the companies in the Delano area?

Mr. CHAVEZ. Yes; we have a contract with the Schenley Corp. We have contracts with the DiGiorgio Corp., and we have now a contract with Christian Bros.

We have negotiated part of an agreement with the Mosesian-Hourigan-Goldberg outfit in Delano.

We have some negotiations starting with the Novitiate Wineries and then we have four, possibly seven, growers who have agreed to provide a representation procedure for us this coming summer.

We still have 33 growers in Delano that we have been striking and now we are going into our 21st month of the strike and we can't get them to establish that procedure.

Mr. ALBERT. Are your relations on the whole good with those growers with whom you do have contracts?

Mr. CHAVEZ. I think that they are very good. The problem is we cannot get them to say so publicly because again they say, "You know our grower friends won't like that."

Again, the Schenley Corp. made a statement to our negotiating committee when we went back just about 2 weeks ago to renew the contract. The representative said that in their experience of 30-some years that this was their best experience with a union; that, while we argue with them any time we felt that we were right and we were not about to give in on anything that we felt belonged to the workers; once we made an agreement, we stuck to it and we did our best to have that agreement work.

So, even with the DiGiorgio Corp., where there was this conflict and intense feelings about unions, I think that we are getting along together now.

Mr. ALBERT. These unfair practices which you have mentioned, do you face these with most of the companies or is it just a few individual companies in your area?

Mr. CHAVEZ. Any company that we are striking, and when they feel the pressure they do these things.

Mr. ALBERT. What you are saying is that as a matter of principle, regardless of how you get along with one company or don't get along with another, you should have the same rights as other laboring people in other industries to participate in the protection and meet the obligations of the National Labor Relations Act?

Mr. CHAVEZ. That is correct.

Mr. ALBERT. Thank you very much.

Mr. THOMPSON. Mr. O'Hara has a question.

Mr. O'HARA. Mr. Chavez, I wanted to return to one question and that has to do with the actions of the police and the district attorney's office and the growers in respect to your continued organizational efforts.

You spoke of past arrests, past harassment, and refusal by the district attorney to take action on complaints that you might have with respect to grower activities.

Could you bring us up to date on that? What is the present situation?

Mr. CHAVEZ. We have one case pending that the district attorney in Kern County will not take. This is where one of our young organizers in the DiGiorgio campaign was beaten up by some Teamster organizers and we tried to bring the complaint against them. We have identified them and the district attorney has refused to take action.

What happens is that every time we go in to a grower and we get him to agree to have a contract or to give us an election and we go to the next grower, the pressure begins to mount and it is at that point the pressure begins to get pretty strong against the grower.

We get this action not only from the police but, in a good many cases, from the city council. We have been subjected to hundreds of investigations—the fire department, the health department, and name it, you know, they are after us day in and day out; some of the community groups. In fact, early in the spring both the high school board and the elementary school board passed resolutions condemning the strike; the strike was only about a week old. It went so far that some of the churchmen in town condemned us and condemned the strike.

See, when you strike out in a community in a rural area like Delano, the only strength that the workers have are themselves, because the whole power structure is in immediate reaction to the whole idea of forming a union.

So, we are not only fighting the growers but we have to put up with all of the other pressure that comes to bear upon us in our efforts. I am sure that if there were coverage under the National Labor Relations Act that the reaction would not be so severe because then it would just be a simple matter of the workers deciding on the ballot whether they want a union or not instead of the present circumstance, where we have to strike and put up the pressure to get the growers to the point where they will give us an election.

In so doing, of course the community reacts very bitterly—not the workers' community, but the other side.

Mr. O'HARA. I think that too was an excellent point, that the community is divided and torn now because unless a grower voluntarily goes through procedures similar to those prescribed in the National Labor Relations Act, the only recourse you have is to bring economic pressure, and when you bring economic pressure the rest of the community reacts.

I don't imagine that Delano is as good a place to live in some ways as it once was although it is certainly better for those who have better wages and better working conditions than they used to have.

Mr. CHAVEZ. The other problem that we are faced with is that the workers have joined together and have started a cooperative program. We have a common disadvantage. The reaction from the community is so severe, not only against the union but against anything that we do; for instance, our cooperative is buying gas from the Texaco Co. There was a period of about, oh, almost 12 days where we could not buy gas for the station in Delano because there was so much pressure against the Texaco Co. not to sell gas to a co-op because it was a co-op and because it belonged to the workers.

Not only that, just 2 weeks ago our gas station was bombed. The windows were destroyed and a lot of merchandise was destroyed. Luckily this was during the night period when there was no activity there but this is how the community shows its resentment.

We have had a series of attempts to set fire to our offices. We have a number of small houses where we have our offices and in one night we had four attempts to set fire to our offices.

Mr. O'HARA. You have a very active, alert police department out there; I assume they have apprehended the people that did all this.

Mr. CHAVEZ. Yes; the police department is costing us just on minor traffic tickets in Delano over \$800 in the first quarter of 1967.

Mr. O'HARA. What about the bombings and the burnings? Have they come up with the people who did this?

Mr. CHAVEZ. Not a thing. Someone broke into the office and they stole our membership records but they also stole a commercial money order, and we found the money order and we gave it to them. There was the name that appeared there and we told them who the man was and they didn't even investigate. We have no protection from them.

Mr. O'HARA. I think they are too busy out on the picket line probably.

Mr. CHAVEZ. See, the city policeman's job has been, since the strike started, to attack rather than defend us because of our efforts to organize, and somehow they are truly convinced that to try to organize farmworkers is un-American.

Mr. THOMPSON. Will the gentleman yield?

Mr. O'HARA. Yes.

Mr. THOMPSON. Does the town have have an organized or a volunteer fire department?

Mr. CHAVEZ. It is an organized fire department and they supplement it with volunteers.

Mr. THOMPSON. Do they finish their game of dominoes before they come to your fire or do they get there quickly?

Mr. CHAVEZ. In the case where we had the four attempts to burn our office, the department had a full-time staff there but also volunteers. One of those volunteers happens to be my brother and he was the first one out there.

Mr. THOMPSON. Did he run out there with a fire extinguisher?

Mr. CHAVEZ. He has a radio and he knows the address, so when he heard the address he came out fast.

Mr. THOMPSON. Mr. Burton.

Mr. BURTON. Just two points.

The first is that my office has some firsthand knowledge of this Texaco incident and their national executives have a better understanding of their corporate responsibilities than did the local dis-

tributor, and I am led to believe that the distributor got off the dime when the national office said he better do it, or else.

Cesar, do you place any significance in the fact that this is Cinco de Mayo?

MR. CHAVEZ. Well, there is some significance for those of us who are of Mexican extraction. Another battle was won many years ago for Mexico on this date.

MR. BURTON. Will you just tell the committee in a sentence or two?

MR. CHAVEZ. Yes.

The Mexican forces defeated the French forces who were trying to invade Mexico on May 5, 1865, I believe.

MR. BURTON. I thought it most symbolic and in the tradition of the great understanding of our subcommittee chairman that he would have you and your organization appear to testify here on Cinco de Mayo. Perhaps it augurs well for the future of this legislation.

MR. THOMPSON. Thank you, Mr. Burton.

With respect to your relations with other unions, the president of the AFL-CIO, Mr. Meany, gave very strong and very splendid testimony here on your behalf the other day and said that they sent you considerable assistance.

It is my understanding also that the United Auto Workers have cooperated with you to the fullest possible extent, including giving you financial support and otherwise. Is that correct?

MR. CHAVEZ. That is correct; yes.

MR. THOMPSON. So, actually your difficulty has been this competition in your organizational activities with the Teamsters?

MR. CHAVEZ. That is where we have had most of our difficulty and that is where I don't see any way out of this unless we gave up and we stop organizing farmworkers or until such time as we have the protection of the National Labor Relations Act.

MR. THOMPSON. I think now, Mr. Chavez, that we could hear from your next witness. Realizing that you have to leave, when that time approaches, please feel free to leave.

MR. O'HARA. Mr. Chairman.

MR. THOMPSON. Mr. O'Hara.

MR. O'HARA. Mr. Chavez, and compatriots, I wish to apologize to you because I have to leave. I have to leave before Mr. Chavez. I have to catch a plane out to Michigan where we are having an annual spring rite on the 5th of May. In Japan, it is Boys' Day; in Mexico, it is Cinco de Mayo; in Michigan, it is Jefferson-Jackson Day. I will have to leave, but I want to say that I will carefully read the testimony of your compatriots as soon as I get back. I am sorry I do have to leave. I think it would be very interesting to stay.

MR. CHAVEZ. We want to thank you very much, Congressman.

The next witness is Brother Serda, who is the committee chairman for the union in the Sierra Vista Ranch in Delano which is also owned by the DiGiorgio Corp. He was a worker inside the farm while our union was trying to organize and was being kept from going inside to talk to the workers during the whole strike period.

He wants to tell the story of what was taking place inside that would most dramatically point out the need of such legislation to prevent such things from occurring again.

**STATEMENT OF JOE SERDA, CHAIRMAN, RANCH COMMITTEE,
SIERRA VISTA RANCH, DELANO, CALIF.**

Mr. SERDA. Before I start, Mr. Chairman, I would like, with your permission, to explain a little bit about myself, and then we will go into the testimony.

My name is Joe Serda. I have been working in the Delano area since 1934. I started working for DiGiorgio in 1953; well, I worked 9 years there, and then I quit and came back in 1962 and worked up until the present time.

Many people have asked me at different times why is it that being a foreman I choose to help the strike. Of course, there are many reasons, but I would only like to take time to cite one.

Not too many years ago, we were picking juice grapes, or otherwise known as gondola picking. We had local people there, and I remember my supervisor told me he wanted me to put a lot of pressure on the workers. I didn't understand why he wanted to do this because I believe we were a little short of men in those days.

So, when I asked him, he says, "Joe, you don't understand. If we can get these people to quit, we can show the Labor Department that we have not got any help, and then we can get braceros."

From that day on, I lost quite a bit of respect for that man. This is only one example. Of course, there are hundreds of others, like a man getting fired because he went up to the boss and told him he was short on his paycheck, or he was overcharged on his board.

In the early part of 1966, DiGiorgio held a general meeting of all the fieldworkers and packing workers. In this meeting, I noticed that there were, well, important-looking people that I took to be reporters or probably even Senators, I didn't know who they were. In this meeting, the company told us that they were not opposed to us having a union or voting for a union; they told us that we were free to pick a union and to vote for a union and that no hard feelings would be held against any worker.

When they told us this, me and a lot of workers were very happy about it, so we started going to union meetings. We came to find out the hard way that this was not true at all. We were told this but a lot of our people were fired.

For example, a case that really stuck in my mind was the case of Manuel Campos. We went to a meeting one time in the summer and we made the mistake of leaving the door open. Evidently somebody who was watching our meeting place saw Manuel Campos in there and the next day he was fired. He was asked why he had gone to this meeting and who was at the meeting and he refused to give the names of the other workers. He was fired but he was told that he was being fired because he had had a fight with a lady, a female, who had been living there at the camp.

We also lost a lot of workers who the company found out were going to union meetings. For example, I understand taking a radio to the field I should not think would be a reason for being fired. It was very common in Sierra Vista to take a radio to the field; no one would ever complain. But after the union started, then people started being fired for taking a radio into the field. I should not think this would be a reason for being fired.

For example, a lot of people were fired because they would be out 1 day. The company never did tell us that we were being fired because we went to a union meeting. It was always either "Your work is not satisfactory any more" or "We just don't need you here."

So, what we had to do from there on was to have meetings very, very secretly. For example, one tactic that we used, at the end of the day I would tell a worker that they would enjoy a very good movie uptown and I invited whoever wanted to go. The workers knew what I was talking about so they would say, "Well, wait for me and I will take a shower and we will go to this movie you are talking about." But, I tell you, we were not going to a movie; we were going to a union meeting.

In my point of view, the company made a very bad mistake when they started firing these men because every man that was fired immediately went to the union office and would sign a paper saying how long he had been working there, why he was fired, and so on. So, this proved very costly for the company, especially in the case of Ophelia Diaz.

Ophelia Diaz had been a forelady there for 12 years and for 12 years before that she had been just a worker. She had been asked the same as I had, the same as everybody else had many times, to sign with the Teamsters. She had also been asked to sign petitions which we will talk about a little later on.

Ophelia Diaz always refused to sign Teamster cards and at the same time she would always refuse to sign petitions.

I don't remember exactly the date but there was a fight at Sierra Vista where a picket was hit over the head but I do remember very clearly that the company wanted Ophelia Diaz to testify against the pickets.

Ophelia refused, saying that she would testify but she would say only what she saw and nothing else. This, of course, made the company very, very mad and she was discharged. She was told that her work was deteriorating—I understand that means that it is not good any more.

Just a few days later, I don't remember how many days later, her husband who was working in a nearby farm was also fired from his job. Her husband later on moved to another farm and he was also discharged from this farm. If my memory serves me right, I understand that the union or somebody went to this grower asking him if there was any connection in the two firings, of the man and his wife. In other words, they wanted to know if they were blacklisting. I understand that that grower refused to even talk to whoever went over there.

Now, again, I say I don't remember the exact dates but one day a foreman went across to my crew and he had a petition with him. The petition read like this. On top of the petition were the words typed, "I don't want a union. What I want is more protection," and it was addressed to Governor Brown.

Everybody in my crew, including myself, refused to sign this petition, the same as we refused to sign the other petition which came about 2 months later asking the Teamsters to come back to Sierra Vista.

I don't know if you gentlemen are familiar with this but the Teamsters left Sierra Vista and then they came back under the pretense that they were called back.

I saw most of these petitions and when I saw them there were very, very few signatures on them because we were doing quite a bit of work on the inside. The workers had seen how the Teamsters were operating, their tactics, what they were doing and saying.

Even though we are just grape pickers and not very intelligent, we know what we want. We know what is best for us, and so on.

Now, as time went by, DiGiorgio kept on firing workers. It is very easy to understand how they knew who to fire because those workers who wanted AFL-CIO never signed a petition; they never signed a Teamster card. So, it would be very easy for the company to understand what this worker had in mind, what the other worker had in mind.

In the month of July, just before the elections, all those Mexicans who live in this one camp were fired and they immediately went to the union saying that they were fired for no reason at all. The company leader said that these people were not fired; they were simply being laid off or there was not any work available.

Now, having worked there for many, many years, I will say that from time to time we do get laid off but as a rule all of us would get laid off; there would only be a skeleton crew left to do whatever work there was. In other words, the older workers would stay and everybody else would go.

But, in this particular case, only these people were singled out and here is the way it happened. When they got in that day from work their luggage or whatever it was was out there on the front lawn and the bunkhouses and the cabins were padlocked. Many of these workers told the company that they wanted to stay there and sleep overnight and they were told that they had to leave. When they kept on insisting, within a matter of a few minutes there were three police cars out there and those people were told that they had to go.

Later on I came to find out that Cesar had talked to somebody or done something and the major part of those people were rehired again. I take it that the idea was for those people just to disappear because the elections were being talked about or negotiated in some way or another.

Later in that month of July, we were told that there would be an election at Sierra Vista to see what union we wanted to represent us. We were told by Cesar to boycott those elections, that they were false.

Now, I may be wrong in this, but I understand that Cesar had a meeting with the company officials and a distant date was set for elections and then the company the following day, I believe, said, "We will have elections the day after tomorrow."

That irritated Cesar quite a bit and, if I am not mistaken, he had a court order to get the union's name off of the ballot. So, actually, the voting turned out to be what they call a write-in because the Teamsters also were dropped.

We were taken to this voting area by one truck at a time. When my crew got there, all of us refused to get off to vote. We were told many times to vote, that we had to vote. Before all this, we had been told many times before by company personnel that we had to vote with the Teamsters.

In the meantime, before this election, the Teamsters would come in, they would give us soda pop, they would give us keyholders, and then later on we came to find out that they were paying \$2 a card for every card that was signed from each worker. In other words, there were certain key personnel, company personnel, that were having these cards signed and they were to get \$2 for each one.

Later on, after the election, I came to find out that this was actually true because at the beginning I found it pretty hard to believe that man would sell another man out for \$2. So, when they had the false election, of course, we boycotted them.

I still say that I am very sure that those elections were not any good because I feel that when elections are held company officials should not be around the polling place, and people that were not supposed to vote voted and the election itself showed indications that were no good at all.

For an example, this lady from Texas was told to vote and taken to the voting place. When she said that she didn't want to vote, she was told, "Now, look, we brought you from Texas; we are helping you get your relatives over here by giving you a company letter and now we want you to vote and we want you to put your 'X' right here."

In fact, she was even called stupid because she kept asking, "Why? Where?"

What really happened is that this lady didn't have her glasses and she could not see. Anyway, this was very, very frequent.

Later on, when Mr. Haugton came to Delano to investigate, we signed sworn affidavits explaining just exactly what happened to each one of us individually in regard to the elections.

Now, during the summer before the supervised second elections, the agreement was that during the noon hour and again after people retired for the day the AFL-CIO organizers and the Teamsters organizers could come into the DiGiorgio property. Then, of course, being a foreman out there I noticed that the Teamsters could come and go just about any time they wanted to. For example, they would get there at 11 a.m. and actually go into the fields while on the other hand our organizers had to stay there on the road. The Teamsters acted in a very nasty way as supervisors. They would say, "You guys get out of here; you are not wanted here," where the Teamsters could go into the property just about any time they wanted to.

Another thing that changed most of the fieldworkers over to our union was when we found out that the Teamsters were actually using rough tactics, like the time that Selma Lina and another organizer, Brock Amens, I think was his name, I am not sure—anyway, those tactics only helped to swing the workers over to the AFL-CIO more.

Well, that is about it.

Mr. THOMPSON. Thank you very much.

Mr. Gardner, do you have any questions?

Mr. GARDNER. No.

Mr. CHAVEZ. Mr. Chairman, I will have to be leaving now.

I want to thank you and the committee and ask permission to leave. I have to catch a plane to go back to California.

Mr. THOMPSON. Thank you.

Mr. CHAVEZ. Mrs. Huerta will be the next one to testify and she will be the one in charge of the others as their turn comes up.

Mr. THOMPSON. Thank you very much. I appreciate your being here. Good luck to you.

Mr. CHAVEZ. Thank you.

**STATEMENT OF MRS. DOLORES HUERTA, DIRECTOR OF
NEGOTIATIONS, UFWOC, AFL-CIO, DELANO, CALIF.**

Mrs. HUERTA. Mr. Chairman and Congressmen, I will give testimony regarding the contracts and you might say successful part of our strike story that we have had and to indicate to the committee that collective bargaining is possible and is a workable solution in agriculture and for these difficulties that we have had over the last few months, we will certainly point this out.

We have had a series of elections that have been conducted in the Delano area and outside the Delano area. One of these elections, the first one, of course, was the one Mr. Chavez referred to at the Sierra Vista Ranch, arranged by Governor Brown and that was, of course, the big election.

Many people said, well, farmworkers won't vote because they don't know how to vote. As a matter of fact, there were over 1,500 people that voted in that election at the Sierra Vista Ranch. One of the reasons there were so many voters, was that, we had held out that strikers also had a right to vote and they were given that right.

Following this election, there was an election conducted at DiGiorgio's King Ranch at Arvin, which was conducted by the State conciliation service. We then had an election with the Mosesian-Hourigan-Goldberg Co. which was also the result of a strike and a boycott.

Leading up to that election one of our pickets was very badly injured by a truck that ran him down on the picket line. By the way, that man was cited by the police department for throwing himself in front of the truck and he is now facing trial on those charges.

We then had another election, a card check with the Christian Brothers employers, covering their workers up in the northern part of the State in the Napa area. All of these elections, when we look back at them, indicate a great deal of suffering on the part of the people who had to try to get those elections and a great deal of suffering that had to go into getting the employer just to agree to an election, just to agree to a procedure.

There is one election that people don't hear about very often and this is the one that we had with the DiGiorgio packing shed, Earl Fruit Co. The reason that no one hears about this election is that it was conducted by the Board. Since it was a packing shed, it was covered by the NLRB and it was a very inconsequential campaign: people went in and voted; there was no campaign. There was not all of this dissension that accompanied the other elections that we had. This is very interesting because the Earl Fruit election shows what could be done if we were covered by the Board and what a savings it would be in terms of not only money but also in terms of the human suffering which we would be able to save.

Mr. THOMPSON. I wonder if you would give us a comparison in an instance or two between the type of contract which you have negotiated and a similar one negotiated by the Teamsters in the same area and for

the same work; the differential, if any, and the hours and the other aspects of the contract.

Mrs. HUERTA. Well, the other contract that we have in our area has been negotiated by what we call a back-door agreement. The hourly wage is 15 cents an hour less than what we have at Schenley. There the hourly base rate is \$1.60; our base rate at Schenley is \$1.75.

Their piece rates on the tonnage rate for picking grapes range from \$3 to \$4 a ton less than what we have at the Schenley Ranch.

There is no seniority provision at all in the Perelli-Minetti contract. In our Schenley and DiGorgio contracts, we have a very tight seniority provision that says workers have seniority and if they have a seasonal layoff this does not constitute breaking their seniority. When a man is laid off, he comes back and reclaims his job when the work starts again. In the Perelli-Minetti contract, there is no seniority provision at all.

Mr. THOMPSON. How about percentage increases?

Mrs. HUERTA. Percentage increases? What do you mean, the wages?

Mr. THOMPSON. Yes.

Mrs. HUERTA. Well, percentagewise, I would say we had, I guess, about a 25-percent increase in the Perelli-Minetti contract, it went from \$1.40 to \$1.60. We went from \$1.40 to \$1.75 in the Schenley contract. I don't know what the exact figure is.

For Schenley, we have an agreement with the company that if the picking rates are too low because of the tonnage per acre, that they can be adjusted so that the worker will get a better rate for his picking. In other words, the rate has to do with the amount of grapes on the vine and if the average worker does not make enough of a wage; then the company will adjust and pay him accordingly. They don't have that in the Perelli-Minetti contract.

One of the biggest things, of course, is to remember that the protections are just as important as the wages. You have heard testimony here about how easy it is for people to get fired. At DiGorgio just a week before we signed the discharge clause in the contract, 30 people were fired because they were not working fast enough on piece rates. There is a tendency on the part of the company to just push and push and push their workers.

Well, in our discharge clause, we have the statement that says the workers cannot be fired because they do not work fast enough on an incentive plan because actually they are getting paid just for what they pick and it says very clearly in the Perelli-Minetti contract that the company has the right to set the pace for the worker; the worker has to stay at this pace all the time. The company can fire a worker any time they feel he is not working, any time they think he should be working faster.

Mr. THOMPSON. This is all on piecework?

Mrs. HUERTA. Yes.

We have this protection in all of our contracts, that workers cannot be fired if they are working slowly on an incentive rate. You can see what a toll this brings to the older workers, the 50- and 60-year-old workers. They cannot keep up with the younger fellows on an incentive rate.

The fact now is that if they don't work as fast as the younger fellows, they just get fired. Of course, they still have families to sup-

port at that age because they have 10 or 15 years until retirement and it makes it very difficult for them to keep up with the younger workers.

This is what makes agricultural work so hard; the backbreaking pace at which it is done. When we think in terms of tonnage of fruit that a worker picks, it is just fantastic, and you almost have to see it to believe it.

Mr. THOMPSON. In terms of grapes, what is the production of the average worker in a day?

Mrs. HUERTA. I would say that a grape picker on a wine grape crew picks between 2 and 4 tons of grapes a day. It is fantastic. What they do, they just run through the field—I mean, they run. One of our biggest gains in contracts has been to bring cold drinking water to the fields. The workers consider this a big accomplishment. They didn't have cold water even working at this terrible pace.

Mr. BURTON. My God.

Mr. THOMPSON. Tell us the difference between your health and safety provisions and the Teamsters.

Mrs. HUERTA. Well, the big difference between our plan and the Teamsters plan is this: At the present, we are trying to build a health and welfare program that will take care of the seasonal workers.

Mr. THOMPSON. I am talking about work in the fields.

Mrs. HUERTA. This is what I am talking about.

We are trying to establish a health and welfare plan that will be able to take care of a worker regardless of where he works, whether he works for Christian Brothers in the north or DiGiorgio in the southern part of the State or San Diego.

We are trying to work out a plan so that the workers can have their doctors bill their medical care. In the DiGiorgio contract, there is a \$25,000 contribution to the fund and 5 cents an hour for time worked to go to the fund.

At the present, there will not be any immediate medical benefits but after we go about a year and we get more employees paying into the fund that we will be able then to provide health care.

The difference between this type of approach and the Teamsters approach is this: In their contract, the company pays \$18 a worker to the Teamster plan; however, the eligibility is very restrictive.

Mr. THOMPSON. I see.

Mrs. HUERTA. For eligibility, they say that a worker cannot qualify for the health and welfare plan unless he has worked for the company for an 8-week period of time. So, a worker has to work for the company 2 months before he is qualified for the plan.

If you think in terms of seasonal work, where maybe their entire work period will be something like 2 months on wine grapes, you know, what are you talking about? You are not talking about anybody working for the company long enough to get any kind of coverage.

Furthermore, in the Perelli-Minetti contract, and this is very important, a worker is on a 30-day probationary period and has no recourse to the discharge clause or any kind of grievance procedure clauses during 30 days, so the company can hire workers and then fire them and rehire them and get all this work done with just one turnover of workers, without paying any benefits.

Mr. THOMPSON. How long does the harvest last?

Mrs. HUERTA. Perelli-Minetti is a small company and they only hire about 50-some workers; it only lasts about 2 months.

Mr. THOMPSON. So, for half that time there would be no coverage and no protection?

Mrs. HUERTA. No protection whatsoever.

Mr. THOMPSON. What sort of sanitary facility arrangements do you make in your contract as compared to others?

Mrs. HUERTA. We have all of the the sanitary provisions spelled out. Now, these are State laws.

In California, there are State laws that say that portable latrines have to be out in the field and they do have to have drinking water and individual drinking cups. However, none of these are enforced and one reason is because we have in the State of California a limited budget for this type of enforcement.

So, we write right into our contracts all of the State laws and make it a part of the contract. This way the company, the supervisors and the workers know that this is protection that they are entitled to.

So that, we do have then the toilet facilities in the field, and the portable drinking water.

One item that is important is protective garments for the workers: gloves if they need them; goggles if they need them; clothing that will protect them from the pesticides. This is no small item because in California, the second largest number of occupational deaths and injuries have occurred in agriculture.

Mr. THOMPSON. Are these people protected by the workmen's compensation and unemployment compensation laws?

Mrs. HUERTA. We have a State law and, as Mr. Burton says, it does provide them with workmen's compensation. The unemployment insurance we have written into the contracts so they will get that type of coverage.

Mr. BURTON. The State law does not extend it to farmworkers generally; however, those are the provisions you negotiate for your membership in your contract.

Mrs. HUERTA. Yes.

Mr. THOMPSON. How about workmen's compensation?

Mr. BURTON. Workmen's compensation in our State was mandatory and this flowed from that hearing we held about 11 years ago in our State. Like four others, there is a disability insurance provision that is paid for at 1 percent of payroll by the employees, themselves. It is a very favorable wage loss ratio ranging from a \$25 minimum now up to some \$75 or \$80 a week. It is about 55 percent of what your wages are at the time of the injury.

This disability insurance provision provides for coverage in all of those instances where there is sickness and injury not job related. Compensation is job related; insurance is non-job-related. That is mandatory State law, universal coverage down to one employee. There is no coverage of any kind in terms of unemployment insurance but for this exception in their contracts.

Mr. THOMPSON. Does your State unemployment law provide for strike benefits after a period of time?

Mr. BURTON. No. Unlike some States, no matter what the duration of the strike, benefits cannot be received.

Mr. THOMPSON. We have just passed such a law in New Jersey.

Please proceed, Mrs. Huerta.

Mrs. HUERTA. There is one other answer to your previous question about the difference in contracts.

Another important provision is that in our hiring hall setup we refer workers to the company. Now, in the Perelli-Minetti contract, the company has the right to reject any worker that is sent out by the union hall without any reason at all. Now, in our contract, it cannot reject a worker.

The company has a right to fire a worker if he does not perform his work satisfactorily but they cannot reject a worker just because they want to.

Mr. THOMPSON. Do you have any grievance procedures?

Mrs. HUERTA. Yes; very satisfactory, and it involves the steward who is himself a worker. Furthermore, our discharge policy is very strong.

Since we know that it will take the companies a while to adjust the contracts and working relations with the union, we have a clause that says that before a worker can be fired, the union steward must be consulted and must be told the reason why he is going to be fired. This is interesting because we have instances where a supervisor will want to go out and want to fire the whole crew and say, you are all fired. He may be mad at his wife and fire the whole crew. You cannot do this now, fire the whole crew. This is what happened before; they would probably all get fired.

Mr. THOMPSON. He probably kicks his dog now.

Mrs. HUERTA. That is our hardest problem, to get them used to the idea that they cannot push people around any more and they have to look at the worker like a man.

Going back to the elections, we have other elections that are now pending and we think that they will probably come off without too much incident, hopefully, as this goes along. In our contracts, we cover the whole industrial unit from the picker to the tractor driver, the irrigator, packing worker; all part of one industrial unit. This is the trend we have started in our contracts.

Mr. THOMPSON. What sort of requirement do you have for skilled workers, and what do they do? Are there people in your union who repair machinery and have special skills which the pickers don't have?

Mrs. HUERTA. Yes. We have mechanics and carpenters and plumbers, and all these people are included in our contract.

Of course, it is understood that their wages are very, very much below what they are in comparable AFL-CIO skilled trade contracts but at Schenley we got a 35-cent increase and at DiGiorgio we got a 25-cent increase over what they were getting before, so the wages are still very substandard but higher now for people with special skills.

What we try to do is upgrade from the ranks. One of the things that we have to contend with is that there is a tremendous amount of discrimination in the fields against the Mexican, Filipino, and the Negro worker, so that you will often find that you have all of the Mexican, Negro, and Filipino people working in the field and then you will have all the Anglo people driving tractors and doing the lighter work and the work that pays a little bit better.

So, one of the things we want as much as possible is to upgrade, so when there is an opening for a crewleader or tractor driver or mechanic, we comb the crews to find out if there is anybody there that can do that type of work. This is one of the reasons why we feel so strongly about the unionization of the farmworkers.

We found working in CSO (Community Service Organization) for many years that there was no other way that the Spanish-speaking people or minority people of the State were going to take their place in society was through a labor union because even with all of our work that we did on welfare programs and the civil rights program, this was not going to do it. They need the opportunity and they need the money in their pocket to educate their children and bring them up to standards of other people, and the only way to do this is trying to get a better wage for them.

Mr. THOMPSON. How far does a grape picker travel in a season normally? Do they migrate to any extent from the south to the north? For instance, from southern California to the Napa Valley?

Mrs. HUERTA. Well, there has been a lot of migration. I do believe that unionization is going to curtail the migration considerably but at present there is a flow of migration intrastate, and you also have the interstate and also international migration; people that come up from Mexico.

In the grape industry, a worker in the table grapes will get about 9 months' employment; in the wine grapes, he gets only 5 months' employment. So, he must do some interstate migration during the time he is laid off.

Mr. THOMPSON. When his grape-working season is over does he normally go to other crops?

Mrs. HUERTA. Yes. What most workers do in our area is that they don't go very far; they just go to orange picking and then there is some cotton chopping and things like that.

I have one experience I would like to relate. The people that were working at Schenley were all laid off after the grape pruning season ended; then they started plum thinning in Arvin, which is only about 45 miles from Delano. So, we were able to send 50 of the workers that were working at Schenley on to thin plums. They had never done this before. DiGiorgio had never recruited people from the area; they always went as far as Mexico to get their workers. So, this an interesting, to see how we will be able to stabilize the work force and give the worker fuller employment.

I guess I don't need to tell you a worker would much rather go out and work than he would like to stay on the relief roll. He has to try to keep himself some kind of stipend for existence. We foresee that more extended work seasons will happen as we get more people into contracts.

Furthermore, unionization will bring about a better planning of the crops by the growers. The grape industry has not been paying off too well in the past few years because they have had massive overproduction.

Well, since the union has come in, and, of course, this affects us adversely right now but in the future it will be all right; they have started to pull out some of the grape vines and are going into other crops. This is better for the worker also because it gives him fuller employment at all times of the year instead of having to depend on that one crop. We see a trend in this direction.

At Schenley, they hired 1,600 people in 1965 coming and going to do the work at the Schenley Ranch. In 1966, after the union contract came in, they only had to hire 400 people. See what a difference this makes?

Mr. THOMPSON. Nine hundred?

Mrs. HUERTA. Four hundred.

In 1965, they had 1,600 people working at that ranch and in 1966, after the union contract came in, they had a payroll of 400 people. But the reason for this is because there was less turnover; the workers were treated better.

Mr. THOMPSON. In other words, a difference of 1,200?

Mrs. HUERTA. Yes.

Mr. THOMPSON. With 1,200 fewer employees did Schenley produce the same amount?

Mrs. HUERTA. Yes, they did. The work force was more stable; it was there every day. They were not fired; people didn't quit. Usually people pull their own strikes; they just leave the job when they are dissatisfied. So, all the talk that the union is going to bring about more strikes is false. Actually the workers have been striking every single day. They don't tell the employer, "I am striking"; they just quit. This is why you have this tremendous migration; they are looking for a job that pays a nickel more. When they get paid better and there is some security and they know that that is a good employer, then they will stay there.

We have had very favorable comments, both in DiGiorgio and Schenley, on the labor force that we sent to them to work. Surprisingly enough, it has been just the local people. DiGiorgio in 1964 and 1965 went to Mexico and brought hundreds of people into his camps. This year they have not had to do this. We have been able to send all of the labor force from the local people that live in the area.

This is kind of an aftermath to what Mr. Serda was speaking about.

One thing that happens when the agriculture industry is not organized is that there are a lot of people that come in and take advantage of both the employer and the worker. We have seen this and we have eliminated this in one instance, the labor contractor. In another instance, he is known as the camp operator. What these people do is reap the profits off the room and board charges and charge the worker as he is brought in.

Mr. THOMPSON. In other words, if there is a labor need this middleman goes to the company and says, "I will get people to fill your need," and he is paid by the company for doing that?

Mrs. HUERTA. Yes.

Mr. THOMPSON. He goes and finds the workers and, of course, extracts a fee from them, does he not?

Mrs. HUERTA. That is right. That is right. But the company pays him. He gets money from the worker and he gets money from the company.

Mr. THOMPSON. Yes.

Mrs. HUERTA. The Schenley people were extremely surprised that it did not cost them as much money as they thought because they were giving so much money to the middleman.

Mr. THOMPSON. Do you have any of those economic statistics, the difference in cost to Schenley?

Mrs. HUERTA. I wish that they would give them to you but, as Mr. Chavez says, they will not make them public. They sent us one letter in which they said they were very satisfied with the work force. I am sure they won't say this publicly because they are afraid of the other growers.

They did continue the contract for another year and said they were very satisfied. It is really commonsense. For instance, they had about 300 workers in their camps in April 1965 and these workers were being charged \$2.50 board and room a day. In 1966, after the union contract agreement, they only had 12 workers in the camp and all the rest of the workers were local people.

See, the company had had to pay out maintenance on the camps and they had to pay a camp operator; they had to pay the cooks and all these other expenses that come in when they have to run a boarding operation.

Of course, the workers were also working for those expenses and the worker also was paying \$2.50 a day out of his paycheck to keep that operation going. All this was eliminated when the union came in.

Furthermore, we know they were paying the labor contractor something like \$18 a ton for grapes, to have the grapes picked. Now they end up paying the worker only about, say, \$12, \$6 a ton less and the worker can make a much better wage and it costs the company less money. Growers have been negative in that. They say, "We know it is not going to work," and they refuse to talk to the union. They don't see the sensible aspect of unionization.

So, as long as they have this attitude, and it is hard to get to them, they won't meet with us and they won't meet with us because they have already said so many terrible things about us that they feel they are losing face if they do meet with us. But they are severely handicapped because they don't have any support.

Now, if we were covered under the NLRB, we could use the services of the Federal Mediation Service that has some authority in adjudicating unfair labor practices, on telling what they can and cannot do. The State conciliation service isn't enough. It can only act if all the parties are in complete agreement. Even if we had only one Federal mediator that would come to Delano and then talk to the growers and try to get them to meet with us, I am sure a lot of this would be over and maybe would have been over a year ago.

Now, if we don't get some kind of assistance in this area, we will probably continue for another year with the strike. The longer it goes the harder people's positions become. Of course, we have to present our case to the public and ask them to help us. So, then you know it really becomes a communitywide thing in terms of people taking sides.

Mr. THOMPSON. What is the population of Delano?

Mrs. HUERTA. It is 16,000.

Mr. THOMPSON. 16,000?

Mrs. HUERTA. Yes.

Mr. THOMPSON. And there still exists this incredible hostility to the workers and to the unions; is that correct?

Mrs. HUERTA. Yes; very much so.

Mr. THOMPSON. Yet, you have had a tremendous amount of support, have you not, not only from the AFL-CIO and the autoworkers but also from the clergy of various denominations?

Mrs. HUERTA. Yes; that is true. In fact, the clergy has been acting as a mediator in our Perelli-Minetti dispute in trying to get us together with the company, but again it is very awkward. We notice the difference quite a bit in a meeting we had with the clergy and Perelli-Minetti as against the meetings we had with Mr. DiGiorgio.

When you have somebody that knows labor and they know arbitration procedures and other procedures, there is a tremendous amount of difference that is established for negotiations. So, you need someone that knows something about labor to be able to come in. I think that their assistance would be invaluable because, as I say, the growers say, "We don't want to talk with Chavez and his gang; they are a bunch of agitators running boycotts," but if you had some other third person that could come in, they could speak through that party to us.

Mr. THOMPSON. We are going to hear more about that because we are going to have Mr. Haughton here as well as Mr. Fields, the Executive Secretary of the NLRB.

Mrs. HUERTA. I guess that is about all that I have to say on the contracts. Maybe one of the others could say something.

Mr. THOMPSON. Mr. Albert, do you have any questions?

Mr. ALBERT. I think you have a very informed and articulate statement, Mrs. Huerta; very enthusiastic. Your testimony has been very good.

Mrs. HUERTA. Thank you, Congressman.

Mr. THOMPSON. Tell us something about yourself. What is your educational background?

Mrs. HUERTA. Well, I have had some college and I worked in the Stockton area in various kinds of jobs. One time I worked for the sheriff's office and as a schoolteacher. I became interested in the farm labor problem through the Community Service Organization which Mr. Fred Ross was organizing. I think Mr. Padilla and Mr. Chavez and myself all came out of that organization which was a civic action group for Spanish-speaking people.

As I say, we found there that although a lot could be gained through legislation if we had people like Congressman Burton fighting for you and wanting them to cure some of the symptoms of the ills—the fact was that people didn't have enough money in their pockets and therefore, regardless of how much we did in the civil rights area or in legislation, we could never cure the real problem.

This is where I became interested in farm labor organizing. When Mr. Chavez started this group, he asked if I would help him and I was very honored to do so.

Mr. ALBERT. Mr. Chairman, while Mrs. Huerta is talking about discrimination against those of Spanish origin, I should think that in her case the only discrimination would be from those who discriminate in taste.

Mr. THOMPSON. Very nicely put.

Mrs. HUERTA. It is really a discrimination against the poor because you find when you are working in the community and you put the shoes on the people that are the subject of discrimination, you have to kind of be hit with it a few times to really appreciate how terrible it makes a person feel, and I am talking about just discrimination against the poor, period.

You know, every time a poor person walks into an agency, he is treated different in every procedure, he is humiliated and degraded and this makes you really mad and it makes you want to fight a little bit harder to try to get some of the qualities that other people enjoy.

Mr. BURTON. Mr. Chairman.

Mr. THOMPSON. Mr. Burton.

Mr. BURTON. Mrs. Huerta, in years past when she was virtually the unpaid lobbyist for the Community Service Organization, an organization primarily consisting of the Spanish-speaking in our State, used to tend her several children—how many do you have, Dolores?

Mrs. HUERTA. Seven.

Mr. BURTON. Her seven children, take a bus early in the morning, come into the capital, work all day long until 8, 9 or 10 o'clock, because in our State legislature we had at that time evening meetings, catch a bus again, go back home to Stockton and then repeat the whole routine. She would have sometimes as much as 75 cents a day to eat on during the course of these labors.

I think the committee has probably gathered by now that she is truly one of the unsung heroes of this effort to help the poor and, in my opinion, one of the really great ladies of our country.

Mrs. HUERTA. Thank you, Mr. Burton.

I am not alone in this and I would hate for the committee to feel that any one person does more than any other because we have in Delano many people that have been walking a picket line now for 21 months and their average weekly earnings are \$5 a week. This is what they have been getting. Of course, they didn't get that for a long time; it is something new.

Everyone who works on the staff, which includes Mr. Chavez, we earn \$5 a week stipend plus our subsistence and we have to depend on our food and our clothing from contribution in the caravans.

For our medical care, we have a clinic that has been established by Peggy McGiven, a woman who left the nursing profession to come to Delano and help strikers and farmworkers. She has built up from one room to a clinic, a fantastic facility where she now recruits doctors to come in and take care of strikers. Many people—their lives have been saved. Even the migrant workers would never have gotten any kind of health care had it not been for this wonderful nurse, Peggy.

We have not tried to get any Federal money for any of these programs but are trying to do them strictly on a shoestring and self-help basis.

So, there are many people that are in this, you might say. We have about, I would say, close to 400 people working full time on the strike in various parts of the State and they are all working on the same basis of dedication and no pay. We have just tremendous leadership that has been developed throughout the country.

Mr. THOMPSON. I think it is just marvelous.

I wonder if we could suspend now and return to hear the four remaining people accompanying you at 2 o'clock.

Would that be convenient?

Mrs. HUERTA. That will be all right.

(Whereupon, at 12:07 p.m., the subcommittee recessed, to reconvene at 2 p.m. of the same day.)

AFTERNOON SESSION

Mr. THOMPSON. The subcommittee will be in order.

Mrs. HUERTA. Mr. Chairman, our next witness will be Mr. Mack Lyons.

Mr. THOMPSON. Thank you very much.

Will you please proceed as you wish?

STATEMENT OF MACK LYONS, CHAIRMAN, DIGIORGIO RANCH
COMMITTEE, ARVIN, CALIF.

Mr. LYONS. Mr. Chairman, I would like to tell you about 10 months of organizing but it would take too long to tell the whole story. What I really want to do now is tell you some of the experiences that I had during these 10 months.

You know, in the testimony you heard you have heard that it is pretty tough to organize without being covered by the laws that other industries have. Now, when the workers started to organize at the DiGiorgio Farms, like the Sierra Vista Ranch, they had to organize secretly; they had to sign authorization cards secretly. They thought they would get elections by doing this but instead company representatives came from Delano and they made speeches, they were telling the workers that they didn't object to them having unions, having elections, but when they left the workers at the DiGiorgio Farms never heard of elections, never heard of the DiGiorgio representatives any more. When they started to ask about elections some of them got fired, some of them got blacklisted. They were told not be caught at union meetings, not to be talking to union organizers.

When the company found that this would not work, well, the Teamsters came and were permitted to come on company property at any hour that they wanted, they could talk to the workers. In fact, the company was encouraging the workers at DiGiorgio Farms to talk to Teamsters and there were instances where workers at the DiGiorgio Farms were hired by Teamsters. I do not know this to be a fact but I believe they were hired by Teamsters to sign other workers up on these authorization cards and they were getting \$5 for every person that they signed up.

After the workers found out they could talk to the Teamsters without being fired or blacklisted, they started asking the Teamsters for elections. When they talked to the Teamsters about elections the Teamsters would always talk about something else. If they pressed them too hard, they would just walk away from them, would not talk to them.

After DiGiorgio found that this would not work, the workers got together and signed a petition for an election. Out of 400 workers, 350 of them signed this petition and five of them took it to Governor Brown. About a week later Governor Brown sent letters to the workers that had signed this petition suggesting that they take this matter to Robert DiGiorgio, the president of the DiGiorgio Fruit Corp.

A week later 15 workers from Arvin left Arvin about 5 o'clock in the morning, we got to San Francisco at 12 noon the same day, and we went up to Mr. DiGiorgio's office. We asked to see Mr. DiGiorgio and the excuse was that he was out to lunch, but when they found that we were going to stay until Mr. DiGiorgio returned from lunch

they came back 10 minutes later with another story saying that he had gone home.

Mr. THOMPSON. He was probably tired after lunch.

Mr. LYONS. Yes; after a 10-minute lunch he got tired.

We said that we would just stay until we could get to talk to Mr. DiGiorgio about having elections. The public relations man said that if we didn't leave that he would call the police, and we told him all we wanted was to talk to Mr. DiGiorgio; after all, we worked for Mr. DiGiorgio and we should have a right to see our employer. Then he called the police and they told us that we were under arrest for trespassing.

Mr. THOMPSON. Were you one of those arrested?

Mr. LYONS. Yes; I was one of them.

Mr. THOMPSON. As a trespasser?

Mr. LYONS. As a trespasser on the employer's property.

They told us that we were under arrest and then the police took us downstairs. We were on the sixth floor, they took us downstairs. After we got downstairs they told us that we were not under arrest, that all they wanted us to do was leave the building and go back to Arvin or anywhere we wanted to, just leave the building. They let us go and we went back up to make an appointment with Mr. DiGiorgio. The police came back up and rearrested us, at least they said that we were under arrest.

Mr. THOMPSON. When you called and made your appointment with Mr. DiGiorgio, did you telephone his office?

Mr. LYONS. Well, after the hallway got crowded with photographers and reporters and the workers from Arvin, the public relations man suggested that we try to make an appointment; you know, anything to get us out of there.

Mr. THOMPSON. Whose public relations man?

Mr. LYONS. The company's, DiGiorgio's.

Mr. THOMPSON. But you simply called and asked for an appointment and then you got to see the public relations man?

Mr. LYONS. No; we saw the public relations man all the time.

Mr. THOMPSON. I see.

Mr. LYONS. After he tried everything that he could to get us out without having us arrested, well, it was suggested that we make an appointment for the next day, and we did this.

Mr. THOMPSON. Well, what did you do when you were waiting there?

Mr. LYONS. Well, we were waiting to see Mr. DiGiorgio. We knew if he were out for lunch he was going to come back and we were going to wait until he came back. After they found out that we were going to wait, well, they went inside a little while and came back in about 10 minutes and said that he had gone home.

Mr. THOMPSON. You were sitting down in a waiting room?

Mr. LYONS. Yes.

Mr. THOMPSON. Were you making any noise?

Mr. LYONS. No; we were just sitting there waiting for Mr. DiGiorgio to come back from lunch.

Mr. THOMPSON. I see.

Mr. LYONS. It took us about 15 minutes to get ahold of Mr. DiGiorgio's secretary to make this appointment. During that time the

police were waiting for us to finish making this appointment at the public relations man's request to escort us downstairs again.

Mr. THOMPSON. Where were the police?

Mr. LYONS. They were right there in the lobby, too.

Mr. THOMPSON. With you?

Mr. LYONS. Yes.

Mr. THOMPSON. Waiting for Mr. DiGiorgio to finish his lunch?

Mr. LYONS. No; they were waiting for the public relations man to tell them what to do with us.

Mr. THOMPSON. Oh; I see.

Mr. LYONS. Finally he told them to get us out of the building. Then they took us downstairs again and this time they locked the elevator door and they blocked the stairway.

Mr. THOMPSON. What floor were you on?

Mr. LYONS. We were on the sixth floor.

Mr. THOMPSON. Sixth?

Mr. LYONS. Yes.

We had no choice then but to leave and come back the next morning at 10 o'clock.

Mr. THOMPSON. How could you leave? The elevator was closed.

Mr. LYONS. Well, they took us downstairs, they escorted us on the elevator downstairs, and when we were off the elevator operator was down there to lock the elevator so we could not come back up.

Mr. THOMPSON. Well, that was very nice of them to take you down; wasn't it?

Mr. LYONS. The next day we came back. Mr. DiGiorgio had agreed to see only three of us. When we came back the elevator was still locked, the elevator operator was standing beside the elevator to be sure that nobody went up on the elevator that was not supposed to. After he went up and saw Mr. DiGiorgio to inform him that we were downstairs, he unlocked the elevator and escorted us up.

We went into one of Mr. DiGiorgio's offices to wait for him. When he came in he asked what we wanted, and we told him that we wanted to have an election on union representation. He said his position was the way it had always been, that he would agree to an election if both unions agreed, but he knew that both unions would not agree to have elections. The Teamsters always opposed elections and this was Mr. DiGiorgio's excuse for not having elections. So I asked him who owned the corporation, him or the Teamsters? This made him a little mad and he said that he did, and with that he said that was all that he had to talk about and he left the room. One of his public relations men was there and he told him to take over and do what he could.

We talked to the public relations man and he agreed to call the Teamsters and try to get them to agree to an election. This took about 3 hours. In the meantime we were waiting on his answer. When he came back he said that he could not get ahold of the Teamsters, that we were on private property and we were trespassing and if we didn't leave he would really have us arrested today.

So we said, you know, we came all the way from Arvin up here to talk to Mr. DiGiorgio about having an election and we chose to stay until we got an answer from Mr. DiGiorgio. He called the police again and he had us arrested along with some of the labor leaders in San

Francisco who were up there in the lobby. When the police came they somehow got involved.

Mr. THOMPSON. What were you charged with then; trespassing?

Mr. LYONS. Yes; we were charged with trespassing.

Mr. THOMPSON. Have you ever been tried for those charges?

Mr. LYONS. No; the charges are still pending.

Mr. THOMPSON. Let me ask you this. What did they do when they arrested you? Did they take you to the police station?

Mr. LYONS. This time they did. They took the workers and the union officials in San Francisco to the jail and they booked us.

Mr. THOMPSON. To the city jail?

Mr. LYONS. Yes.

Mr. THOMPSON. Did they mug you and fingerprint you?

Mr. LYONS. Yes.

Mr. THOMPSON. Did they set bond for you?

Mr. LYONS. Yes.

Mr. THOMPSON. How much was your bond?

Mr. LYONS. I am not sure but I believe it was \$110.

Mr. THOMPSON. \$110. So you went to a bondsman and got the bond and then were released on bond?

Mr. LYONS. Yes.

Mr. THOMPSON. How long ago was this?

Mr. LYONS. This was about in October.

Mr. THOMPSON. October of 1966?

Mr. LYONS. Right.

Mr. THOMPSON. Has a trial date been set for you?

Mr. LYONS. The trial date is in May, I believe.

Mr. THOMPSON. What date is the trial set?

Mr. LYONS. I believe it is the 26th of May.

Mr. THOMPSON. The 26th of May.

Mr. LYONS. Yes.

Mr. THOMPSON. In other words, for that reason you have not applied for a dismissal on the grounds of a lack of prosecution?

Mr. LYONS. No; we have not. What we did since we now have an election and the contract, is that I have called Mr. DiGiorgio and talked to him, you know, about dropping the charges but he refused to drop the charges. He, you know, insists on prosecuting us.

Mr. THOMPSON. I see.

Mr. LYONS. So after we were arrested and we didn't accomplish our point we went back to see him.

Mr. THOMPSON. I would not say that you didn't.

Mr. LYONS. Sir?

Mr. THOMPSON. I would not say that you had not accomplished anything.

Mr. LYONS. At that time we didn't.

Mr. THOMPSON. Well, of course.

Mr. LYONS. We went back to Mr. DiGiorgio's office and this time the police were there waiting for us and you might say they had the building surrounded and it was also locked, they were not permitting people in the building without a pass or something.

Mr. THOMPSON. Did you tell the police that you were going back?

Mr. LYONS. No; we did not.

Mr. THOMPSON. Did you have an appointment to go back?

Mr. LYONS. No; we did not. We were just going back to ask Mr. DiGiorgio to talk with us.

Mr. THOMPSON. Does anyone else have an office in that building besides Mr. DiGiorgio?

Mr. LYONS. That is what it is, an office building.

Mr. THOMPSON. A public office building?

Mr. LYONS. Yes.

Mr. THOMPSON. In other words, there might be doctors, lawyers, brokers, and other people in the building?

Mr. LYONS. Yes.

Mr. THOMPSON. How many floors are there in the building?

Mr. LYONS. It is seven, eight, maybe more. I went to the sixth floor and that was it.

Mr. THOMPSON. I see. They were waiting for you?

Mr. LYONS. Yes. Not when we got out of jail.

Mr. THOMPSON. No; when you went back the next time.

Mr. LYONS. Yes; when we got back they were waiting for us and they would not let us in. Some of us went in the lobby and said that we wanted to see Mr. DiGiorgio, and the police were there and they arrested some more of us.

Mr. THOMPSON. When you go into the lobby of that building, do they ask everyone who comes in where he is going and to what floor?

Mr. LYONS. Not before but after we were arrested and when we came back, well, anyone that looked like he was in our group or a farmworker was asked, "Where are you going?" or "What business do you have in the office?"

Mr. THOMPSON. What do your people look like? How can they tell the difference between you and someone who might work for a lawyer on the third floor?

Mr. LYONS. Well, you know, farmworkers—

Mr. THOMPSON. I can look at you. Are you a grape picker?

Mr. LYONS. Yes.

Mr. THOMPSON. You don't look like a grape picker to me.

Mr. LYONS. Well, the grape season is over. [Laughter.]

Mr. THOMPSON. I see.

Mr. LYONS. The way they could tell was at that time, you know, because we were looking like grape pickers.

Mr. THOMPSON. How do you look when you are picking grapes? I know you look tired.

Mr. LYONS. Yes, you would look tired and underfed, I guess.

Mr. THOMPSON. I see.

Mr. LYONS. Anyway they just about knew who to stop and ask.

Mr. THOMPSON. But I cannot help but wonder. Didn't this occur to you? The lobby is on the first floor, right?

Mr. LYONS. Yes.

Mr. THOMPSON. There are police there and other people and there are a lot of other businesses and offices in the building. What do they do, stop everyone and say, "Let me see your hands?" Something like that? Do they ask, "Are you a grape picker?"

Mr. LYONS. No. They went by the quality of your clothes, you know. If you lived in San Francisco and was supposed to be working in the building, you undoubtedly had more expensive looking clothes than farmworkers had and they probably were more expensive, you see.

Mr. THOMPSON. I would think so.

Mr. LYONS. This is the way they are, you know, they could tell.

Mr. THOMPSON. These are the police?

Mr. LYONS. These are building attendants, I guess, DiGiorgio employees.

Mr. THOMPSON. I see.

Mr. LYONS. And the police were there, you know, to assist them.

Anyway, some more fellows got in as far as the lobby and they were stopped and were talking, were questioned by the police and before too long these people were arrested along with some more union leaders from San Francisco.

After about another 3 or 4 days of demonstrations and pickets out on the sidewalk Mr. DiGiorgio decided to have elections. The Teamsters pulled out of the elections and we went back to Arvin. On November 4, last year, we had elections.

This is just one person's experience, and this is not all of my experience. Like I said, it would take weeks to sit down and tell you everything that happened. A lot more important things than I mentioned happened.

Mr. THOMPSON. Mr. Lyons, let me ask you this. If you are convicted on these trespass charges in your trial later in May, what sentence could you get?

Mr. LYONS. What sentence could I get?

Mr. THOMPSON. Yes. Suppose the judge says, "I have heard your case; you are guilty." What could he sentence you to do?

Mr. LYONS. I don't know. It might be a jail sentence; I don't have any money to pay a fine.

Mr. THOMPSON. What would the fine be in that case?

Mr. LYONS. I think the fine would be around \$150 or maybe more.

Mr. THOMPSON. So you might get 150 days or \$150?

Mr. LYONS. You could get some time for it, I imagine; 6 months, a year maybe.

Mr. THOMPSON. For sitting in Mr. DiGiorgio's office?

Mr. LYONS. Yes.

Mr. THOMPSON. That is pretty expensive sitting, isn't it?

How many were arrested in this first instance?

Mr. LYONS. There were six altogether, three workers that got to see Mr. DiGiorgio and three union officials in San Francisco.

Mr. THOMPSON. You were arrested twice as I understand it, is that right?

Mr. LYONS. No, I was arrested once and other workers were arrested.

Mr. THOMPSON. Where were you physically when you were arrested?

Mr. LYONS. When I was told I was under arrest?

Mr. THOMPSON. Yes.

Mr. LYONS. I was in Mr. DiGiorgio's office.

Mr. THOMPSON. I see. And the police were there, they came in and arrested you for trespassing?

Mr. LYONS. That is right.

Mr. THOMPSON. In a public building?

Mr. LYONS. That is right.

Mr. THOMPSON. Who is the chief of police, Mr. DiGiorgio?

Mr. LYONS. I think so.

Mr. THOMPSON. It sounds like it.

Mr. LYONS. You know, farmworkers have been left out of certain laws and certain government elections, they have not been encouraged to participate in these elections, but since the strike started in Delano they have become aware of their vote and they know that one vote does not mean too much but a united vote is about the strongest thing that you can have.

Mr. THOMPSON. Are you registered to vote in Delano, Calif.?

Mr. LYONS. Yes, in Bakersfield.

Mr. THOMPSON. In Bakersfield.

Mr. LYONS. That is right.

Mr. THOMPSON. So you can vote in that county.

Mr. LYONS. Yes.

We are not here to get a new law passed, we are only here to get the same rights that workers in other industries have. We are just asking for the same right, we are not trying to get any special treatment, no special privileges, no special laws passed. We are just asking for the same law that other workers have.

Mr. THOMPSON. That is what Mr. O'Hara's bill does and that is all that Mr. O'Hara's bill does. It would allow agricultural workers the same right to organize as workers in industry, workers in the building trades and workers everywhere else. If this law is to pass, and I fervently hope that it does, then you would have the same rights, responsibilities, and privileges as any other workers. In other words, you would be brought under a whole body of labor-management relations law and you could organize under that law. You would be subject to unfair labor practice cases and so would your employers.

I gather that your big problem has not been your right to organize. The problem has been your inability to get your employer to discuss with you the possibility that you might organize. I am sure you realize that if you were brought under the law 30 percent of your workers in any one given situation would have to indicate by card or otherwise that they wanted an election. Then, under the auspices of the National Labor Relations Board, an election could be held. You understand that?

Mr. LYONS. That is right.

Mr. THOMPSON. And you understand that if a majority did not vote to have a union, that for 1 year you could not petition for another election?

Mr. LYONS. That is right.

Mr. THOMPSON. You are willing to do that? Are you willing to take your chance and say, "OK, we want the NLRB to have an election. If we do not get 30 percent to call it, we cannot have it. But if we do get 30 percent and we have the election and lose by one vote, we are willing to wait the year?"

Mr. LYONS. That is right.

Mr. THOMPSON. Peaceably?

Mr. LYONS. Yes. You know, at DiGiorgio to get an election it took almost a year of strikes and pickets and boycotts.

Mr. THOMPSON. But even then it was not an NLRB election, was it?

Mr. LYONS. No, it was not. If we had had a right to organize like you say, if we had 30 percent of the authorization cards signed, we could have had elections right then.

Mr. THOMPSON. Right. And it would have been over.

Mr. LYONS. We had to wait 10 months, 11 months.

Mr. THOMPSON. Suppose you had only had to wait 2 weeks and had lost the election by two votes, would you have been willing to abide by that rule?

Mr. LYONS. We would rather do that than to picket and strike and boycott.

Mr. THOMPSON. I would think so.

Mr. LYONS. Now this is all we can do. This seems like it is the law. If you can beat them with pickets and strikes and the boycott, this is the law that you get an election with.

Mr. THOMPSON. Under your circumstances, that is right.

Mr. LYONS. That is right, but other workers under other circumstances sign up 30 percent of the workers at a certain factory and they have elections immediately.

Mr. THOMPSON. Right.

Mr. LYONS. This is all we are asking for, is the same privilege.

Mr. THOMPSON. There are lots of industries in America. Lots of people do not understand this, but the workers who are now covered by the law have responsibilities under the law and there are a number of cases where for many years there have been efforts by labor to organize plants and they have had elections as near to Washington as in the Shenandoah Valley in nearby West Virginia where they get 30 percent of the voters to indicate interest in an election; they have a vote and the union does not win. So they wait a year. At least then they can say to themselves, "Well, enough of our fellow workers did not agree with us and we lost." So they go back to work and they work for a year and then try again. You are willing to do this, I gather.

Mr. LYONS. Yes. This is why you have a vote and why it is so important. You are free to vote whatever way you want to vote.

Mr. THOMPSON. All you want is the right to vote?

Mr. LYONS. That is right, the right to have elections and to choose.

You know, it has been said by the growers that, "The people that work for me are satisfied the way things are; we get along perfectly," but with the workers this is not true. They are just saying something to the public like, "Try to get some of the heat off," you might say.

Mr. THOMPSON. Of course, this is ancient history. This has happened in industry throughout the United States.

Our national labor policy attempts to encourage stable and democratic labor relations.

If you are included under the NLRA by Mr. O'Hara's bill, you will simply enjoy access to the Federal law. But you have to get yourselves elected. That is all you are asking; isn't it?

Mr. LYONS. That is all.

Mr. THOMPSON. It sounds pretty reasonable to me.

Mr. LYONS. Thank you.

Mr. THOMPSON. Thank you very much. I very much admire your efforts and the determination that all of you have.

Mrs. Huerta.

Mrs. HUERTA. I just wanted to add that Mr. Lyons was a negotiating member for the DiGiorgio contract and has done a magnificent job along with Mr. Serda in negotiating the part of the contract that was

completed in advance of the arbitration. I think he did a tremendous job.

Our next two witnesses are Gilbert Padilla, who is in charge of organizing in Rio Grande City, Tex., and Domingo Arredondo, who is one of the striking workers.

**STATEMENT OF GILBERT PADILLA, DIRECTOR OF ORGANIZATION,
UNITED FARM WORKERS ORGANIZING COMMITTEE, AFL-CIO,
RIO GRANDE CITY, TEX.**

Mr. PADILLA. Mr. Chairman—

Mr. THOMPSON. Before you start, Mr. Padilla, tell us something about yourself. Where are you from?

Mr. PADILLA. I am from California. I came down in January to Rio Grande City to help the strikers in Rio Grande City in Texas.

Mr. THOMPSON. What are they trying to do there?

Mr. PADILLA. They have a little problem in Texas, something like the strike of nine growers.

Mr. THOMPSON. What is this little problem in Texas?

Mr. PADILLA. I would like to tell you about it and I would like to tell you what I have seen since my stay in Texas and then I will also tell you some of the things that happened when we walked out on the strike.

The atmosphere in Texas is completely different than in California.

The strike started on June 1, 1966, with one of the biggest growers in Starr County, which is La Casita Farms.

Mr. THOMPSON. What crops are involved?

Mr. PADILLA. La Casita has melons, onions, potatoes, peppers, celery, and lettuce.

What happened in Texas should never happen again in the United States. Immediately after the walkout of the workers—several hundred walked out in Starr County, Tex.—the deputy sheriff deputized the growers. A week later, with the assistance of the sheriff, the growers recruited green-card carriers from the Mexican towns adjoining the United States which are Ciudad Mequil Aleman and Ciudad Camargo and brought them in to break the strike. How they did it, to bring the strikebreakers in, was to have buses drive up to the International Bridge and park and let the workers walk across the bridge from Mexico with the protection of the sheriff.

Mr. THOMPSON. And they have green cards.

Mr. PADILLA. They have green cards.

Mr. THOMPSON. In other words, Mexican nationals are being used as workers during strikes?

Mr. PADILLA. Right.

Mr. THOMPSON. Do you know of any instances where the growers have told the Mexican citizens that because they were Mexican they could not strike?

Mr. PADILLA. Yes. In many instances most all of them have been told that they could not strike, that it was against the law, that they were not citizens. They were told that they had gotten their green cards legally and they should abide by the laws, and not to come here and get in any kind of a dispute. As a matter of fact, they have been told that they cannot vote even in an election of the workers.

Mr. THOMPSON. Were any of them told that they would be deported if they did strike?

Mr. PADILLA. Yes. In other words, they have been told that they cannot go out on strike because it was against the law and that when they were given the green card to come into the United States they had sworn they would not violate any law of the United States, and if they did they would be deported.

Mr. THOMPSON. Then they were told that the laws of the United States prohibited them from striking?

Mr. PADILLA. Yes.

Mr. THOMPSON. I see.

Mr. PADILLA. Now, in Starr County, the sheriff of Starr County is a doctor of Starr County, and the county judge of Starr County is the other doctor of Starr County, so Starr County has two doctors, the judge and the sheriff.

Mr. THOMPSON. You mean medical doctors?

Mr. PADILLA. Medical doctors, M.D.'s.

Now the county counsel, who is supposed to be the district attorney, represents La Casita Farms, Starr Produce, and El Negro Ranch; he is the representative of the growers and he is the prosecutor of the county.

We have had 56 arrests between June 1, 1966, up to January 20, 1967. It is very interesting that we had 56 arrests but no prosecutions.

Mr. THOMPSON. What were the charges against those arrested?

Mr. PADILLA. One charge was secondary picketing.

Mr. THOMPSON. Secondary picketing?

Mr. PADILLA. Secondary picketing. This is not all. To top it all, besides having the sheriff—

Mr. THOMPSON. Don't hurry it.

Mr. PADILLA. All right. I was just going to inject something that goes with the law that they brought in—

Mr. THOMPSON. This was an arrest made for secondary picketing?

Mr. PADILLA. Right.

Mr. THOMPSON. If my information is correct, the arrest was made under a law which had been declared unconstitutional?

Mr. PADILLA. That is right. See, they have funny laws in Texas.

They don't arrest them the same day, they wait a week and then one day they walk down the street and say, "The judge wants to see you," and they get in the car and when they get to the courthouse then they are under arrest.

Mr. THOMPSON. I see. Then do they post bond?

Mr. PADILLA. Yes.

Mr. THOMPSON. How much is the bond?

Mr. PADILLA. Some bonds run up to \$1,500.

Mr. THOMPSON. \$1,500?

Mr. PADILLA. Right.

Mr. THOMPSON. For secondary picketing?

Mr. PADILLA. For secondary picketing and unlawful assembly.

Mr. THOMPSON. How much does it cost a man who has been arrested for secondary picketing and is held on \$1,500 bond? What does he have to pay the bondsman?

Mr. PADILLA. That is 10 percent of the \$1,500.

Mr. THOMPSON. \$150?

Mr. PADILLA. Right.

Mr. THOMPSON. Where does he get it?

Mr. PADILLA. Well, we have supporters, as we mentioned before in the testimony. We have friends in organized labor who have been behind us all along, and church people and sympathetic people that have been helping us along.

Mr. THOMPSON. They loan the money?

Mr. PADILLA. Yes, and sometimes we get lawyers that donate their time to come into Rio Grande and try to get us out. In one instance we had 11 people arrested who had to stay in jail for 7 days. As a matter of fact, we have one now who has been there for 2 months and the bond goes up and down. First it was \$1,500 and we got \$1,500 bond, and they said it was \$500. We went back and they said it is now \$10,000. So each bond we got was not worth anything because it was not the right amount.

Mr. THOMPSON. How are they treated while they are in that jail?

Mr. PADILLA. Domingo Arredondo will tell you his experience with the doctor's employees.

Mr. THOMPSON. By the doctor do you mean the judge or the sheriff?

Mr. PADILLA. The sheriff.

Mr. THOMPSON. I see. It saves a lot of costs if the sheriff is the doctor. If a prisoner falls downstairs and gets hurt in prison and the sheriff is a doctor, he can treat the prisoner. I am going to introduce a bill some day requiring that no jail in the United States of America be built on more than one floor. This will save a lot of medical expenses for people falling downstairs in jails.

Mr. PADILLA. Well, I could mention, Mr. Chairman, we have a little peculiar problem right there in the lower Rio Grande Valley. The second day I was in Texas, the deputy had gone down to the union office and said that the judge wanted to see four of our pickets. I drove with them to the courthouse and while we were in the courthouse Randall Nye, who is the county counsel, came down and arrested the four of them.

I protested and asked why, and his answer was that he had a complaint signed by one of the workers in the field, a strikebreaker, for abusive language. I said, "What was the abusive language?" and he said that the pickets were calling the strikebreakers "scabs." They got arrested and had to post bail of \$110 apiece.

That night a minister from California and myself with 15 other workers, went to the courthouse and had a prayer vigil. This must have been about 9 o'clock in the evening, and the door was locked at the courthouse. We started our prayer and the deputy came out and said to go away, that if we wanted to pray, we had to go to church. I explained to him that our brothers were in jail and it was our custom that if one of our brothers was in jail that we have a minister and pray for him, and I invited him to pray with us. We started the Lord's Prayer and he said, "If you don't go, I am going to arrest you." I said, "We came here very peaceful and we are just going to say a prayer." He arrested me and placed me in jail, and I asked why and he said I was disturbing the peace.

Mr. THOMPSON. By praying?

Mr. PADILLA. Forty-five minutes later he arrested the minister and he was also charged——

Mr. THOMPSON. Why did they wait?

Mr. PADILLA. What?

Mr. THOMPSON. Why did they wait?

Mr. PADILLA. They didn't know what to do with him.

Mr. THOMPSON. I see.

Mr. PADILLA. After they got him, they found out he was a minister, they had him locked up. They arrested him at 10 o'clock at night and it took them until 11 o'clock the next day to figure out a charge. Finally, it was disturbing the peace. I kept saying I was not disturbing the peace, I was just praying; the courthouse was closed for business and there was no employee in there doing business that I could distract. So Mr. Nye filed a charge that I disturbed the janitor on the third floor from performing his duties.

Mr. THOMPSON. Why? Did he want to kneel when you prayed?

Mr. PADILLA. I suppose he wanted to pray with us.

Mr. THOMPSON. I see.

Mr. PADILLA. In any event——

Mr. THOMPSON. I wonder how much he was being paid an hour?

Mr. PADILLA. I would hate to say that.

Mr. THOMPSON. You know, we do not put our witnesses under oath but just informally are you telling me the truth?

Mr. PADILLA. I am telling you the truth and I swear it on a stack of Bibles. I know nobody could believe me so I have brought something to show my charges.

Mr. THOMPSON. I find it hard to believe.

Mr. PADILLA. I know it is hard to believe but it is true.

Mr. THOMPSON. I believe you.

Mr. PADILLA. Now I think and I know that if we have an election now in Starr County with the people who have been oppressed for so many years, we will prove that the process of voting, the democratic process of doing things quietly and nonviolently, works.

Recently we had an election in the packingshed, the only packingshed in the county that is covered under the National Labor Relations Act. We petitioned for the election and there were 36 employees involved. In spite of the harassment of the power structure, in spite of the harassment of the courthouse people who were going to the workers and telling them not to vote for the union, in spite of the fact that the company hired a special superintendent to work against the union, to tell them not to vote for the union, despite the fact that they put a sample ballot on the wall marked "No," on the date of the election, when the odds were against us very heavily, we still wanted to go ahead just to prove that people can vote and people want the union. The day of the election the deputy sheriffs were there, Mr. Randall Nye, the county counsel was there representing the company, the superintendent——

Mr. THOMPSON. Wait. Is this the doctor again?

Mr. PADILLA. No, this is the county counsel; he has not got his M.D.

The superintendent who had been campaigning against the union was in the polling place and even despite the fact that they offered the workers higher wages—they had never seen this in Starr County before the strike—of 50 cents an hour in the shed so they were getting

\$1.65 and \$1.45, everybody voted and we had a tie election. So things are very unusual in Texas. We have a tie election.

Mr. THOMPSON. Eighteen to eighteen?

Mr. PADILLA. Fourteen to fourteen. We have three challenged votes. This election proves that if the workers have a right under supervision of the Board that they are not going to be scared any more, and it adds to the proof of 56 arrests and 10 months of striking and 10 months of suffering—it proves that the workers want a union.

Mr. THOMPSON. Let me ask you this. The arrests for the strikers on secondary picketing charges, a number of them were made on November 9, 1966.

Mr. PADILLA. That is right. On the day after general election day.

Mr. THOMPSON. But they picketed 6 days earlier on November 3; did they not?

Mr. PADILLA. That is right.

Mr. THOMPSON. Let me ask you one further question. In the course of your organizing, have you ever had any disputes with those who oppose you?

Mr. PADILLA. No.

Mr. THOMPSON. Have there been any persons injured?

Mr. PADILLA. There has been pushing around, slapping on the part of the sheriffs.

Mr. THOMPSON. None of your members have been arrested for assault and battery?

Mr. PADILLA. No.

Mr. THOMPSON. Just breach of the peace, disorderly conduct and secondary picketing.

Mr. PADILLA. Abusive language.

Mr. THOMPSON. And abusive language.

Mr. PADILLA. Praying.

Mr. THOMPSON. I see.

Mr. PADILLA. You know, it is fantastic, I don't know if you believe this, I had requested some priests to come down because it was such a mess and some five priests came from San Antonio to be on the picket line and to talk to the strikebreakers from Mexico. The five priests and some other workers were standing adjacent to the La Casita Farms on private property. One of our members who owns that property has given us permission to go on his property, and they were arrested for disturbing the peace.

Mr. THOMPSON. What were they doing?

Mr. PADILLA. They were standing adjacent to the La Casita property.

Mr. THOMPSON. Were they taken to jail?

Mr. PADILLA. They were taken to jail.

Mr. THOMPSON. Did they have to post bond?

Mr. PADILLA. Yes.

Mr. THOMPSON. Have those cases been tried yet?

Mr. PADILLA. No; none of the cases have been tried. They say that my case got lost in the files because they could not find it.

Mr. THOMPSON. I see.

Mr. PADILLA. I would like to have Mr. Arredondo talk now about what happened.

Mr. THOMPSON. I would like to hear from him.

Mr. PADILLA. Mr. Arredondo is one of the original strikers that walked out.

STATEMENT OF DOMINGO ARREDONDO, CHAIRMAN, UNITED FARM WORKERS ORGANIZATION COMMITTEE, AFL-CIO, RIO GRANDE CITY, TEX.

Mr. ARREDONDO. Mr. Chairman, my name is Domingo Arredondo. I was born and raised in Rio Grande City, Tex., County of Starr, and I went out on strike. I joined the strike organization and since then many things have been happening in Starr County or in Rio Grande City. Like you said, some arrests were for secondary picketing. Eight days before an election they had in Starr County for—I don't know what the election was going to be all about. Anyway, the deputy sheriffs went to our picket line. We talked to them, we asked them, "Are we on the right procedure? Are we violating any law?"

"Oh, no, no, no; you are doing perfectly all right, just don't go into anybody's property, just stay where you are and nobody will harm you."

Mr. THOMPSON. Who were the deputy sheriffs? Were they growers?

Mr. ARREDONDO. Well, we got growers deputized.

Mr. THOMPSON. Were they wearing a badge?

Mr. ARREDONDO. I think they wear secret badges. Anyway, they carry pistols on their hip.

Mr. THOMPSON. Do you carry a pistol?

Mr. ARREDONDO. Pardon?

Mr. THOMPSON. Do you carry a pistol?

Mr. ARREDONDO. When I am on my farm I shoot rabbits with a pistol.

Mr. THOMPSON. You shoot rabbits with a pistol?

Mr. ARREDONDO. Yes.

Mr. THOMPSON. You must be a good shot.

Mr. ARREDONDO. No, I always miss when I shoot.

Anyway, we kept our picket line on the right spot all the time so we could not violate any law by being on private property or anything like that. Anyway, we were very happy about the law telling all that we were on the right spot. It made us think and believe that they were for us but they acted that way because that election was going to take place either on the 1st or 2d of November, sometime in there. So they acted real nice with us during those days before the election. After the election was over and they realized that they were turned down they started making the arrests for secondary picketing.

Mr. THOMPSON. When was this, what date?

Mr. ARREDONDO. Of the arrests, that must have been around the 8th or 9th of November.

Mr. THOMPSON. 1966?

Mr. ARREDONDO. 1966, right.

Mr. THOMPSON. Were you arrested?

Mr. ARREDONDO. I was arrested; yes, sir.

Mr. THOMPSON. Were you taken to jail?

Mr. ARREDONDO. Yes, sir; I was placed in jail.

Mr. THOMPSON. Did you have to make bond?

Mr. ARREDONDO. Yes, sir.

Mr. THOMPSON. One hundred and fifty dollars?

Mr. ARREDONDO. No, I think that time it went to a thousand dollars.

Mr. THOMPSON. A thousand dollars?

Mr. ARREDONDO. Yes. There were maybe 11 of us in jail; we got different bond.

Mr. THOMPSON. I think you are right. I think there were 11 of you arrested on November 8, 1966.

Mr. ARREDONDO. Yes, sir.

Mr. THOMPSON. For picketing on October 30.

Mr. ARREDONDO. Right.

Mr. THOMPSON. I see.

Mr. ARREDONDO. The bonds were set at different amounts. Some bonds were set at \$1,500, some of them were set at \$500; anything up from \$500 to \$1,000 to \$1,500.

Mr. THOMPSON. When are you going to be tried on your charge?

Mr. ARREDONDO. That is one thing I don't know, is when they are going to go to trial.

Mr. THOMPSON. Was the only charge against you secondary picketing?

Mr. ARREDONDO. Secondary picketing.

Mr. THOMPSON. Not disturbing the peace?

Mr. ARREDONDO. No, sir.

Mr. THOMPSON. Not assault and battery?

Mr. ARREDONDO. No, sir.

Mr. THOMPSON. Just secondary picketing?

Mr. ARREDONDO. Secondary picketing.

Mr. THOMPSON. Do you work in the fields?

Mr. ARREDONDO. Yes, sir; I have been a farmworker all my life.

Mr. THOMPSON. What do you do? What kind of farmwork do you do?

Mr. ARREDONDO. I can operate a tractor and pick cantaloupes and do most any kind of work in the fields.

Mr. THOMPSON. How much do you make an hour?

Mr. ARREDONDO. Before November I was operating a tractor at night working 13 hours at 80 cents an hour.

Mr. THOMPSON. At 80 cents an hour?

Mr. ARREDONDO. Yes.

Mr. THOMPSON. Thirteen hours?

Mr. ARREDONDO. Thirteen hours. I went to work at 6 o'clock in the evening and left the field at 7 o'clock the next morning.

Mr. THOMPSON. At 80 cents an hour?

Mr. ARREDONDO. Eighty cents an hour.

Mr. THOMPSON. How many days a week?

Mr. ARREDONDO. Seven days a week.

Mr. THOMPSON. Seven days a week?

Mr. ARREDONDO. Yes.

Mr. THOMPSON. You made a lot of money, didn't you?

How much would you have made if you had been picking cantaloupes?

Mr. ARREDONDO. Well, in that last year they were still paying 80 cents an hour and for picking cantaloupes, carrying a bag that weighs about 90 to 100 pounds every time you fill it up with cantaloupes—

Mr. THOMPSON. Our arithmetic shows you drove a tractor 91 hours a week.

Mr. ARREDONDO. Right.

Mr. THOMPSON. Thirteen hours a day, 7 days a week.

Mr. ARREDONDO. Yes.

Mr. THOMPSON. At 80 cents an hour.

Mr. ARREDONDO. Yes.

Mr. THOMPSON. So that you made \$72.80 a week.

Mr. ARREDONDO. Correct.

Mr. THOMPSON. Do you have a wife?

Mr. ARREDONDO. I got a wife and six kids.

Mr. THOMPSON. Six children.

Mr. ARREDONDO. Yes.

Mr. THOMPSON. How many hours would you have worked a week if you had picked cantaloupes?

Mr. ARREDONDO. It would be 70 hours a week.

Mr. THOMPSON. Seventy?

Mr. ARREDONDO. Seventy hours a week, 10 hours a day.

Mr. THOMPSON. And 80 cents an hour?

Mr. ARREDONDO. Yes, sir.

Mr. THOMPSON. I see. You can see how very well off the grape pickers are, can't you? They make up to \$1.60 an hour and they make up to \$11 a ton for grapes. They can make \$35 a day if they pick grapes by the ton.

Mr. ARREDONDO. That is right.

Mr. THOMPSON. What is the highest paying job on the farms in Texas on which you have worked?

Mr. ARREDONDO. Well, after they passed this minimum wage of a dollar, that is what we are getting.

Mr. THOMPSON. One dollar an hour?

Mr. ARREDONDO. On some farms such as La Casita the truck operators or truckdrivers that have been working there for over 8 years are getting from \$1 to \$1.65 an hour, but it seems to me like it is the procedure of La Casita to keep the truck operators from feeling free to have an election with our business agent. It seems to me like that is their plan. The farmers talk to the workers about, "We are giving you so much, why should you mess around with this?"

Mr. THOMPSON. Well, do they feed you during the time when you are driving that tractor? Do they pay for your food?

Mr. ARREDONDO. Oh, no. I have to pay for my own food.

Mr. THOMPSON. Do you have time off to eat it?

Mr. ARREDONDO. No, not at night because if you stop to eat, well, probably your lunch would be all dust. You see, sometimes we just eat supper at night when we leave at 6 o'clock and go to work without eating all during the night, just drinking water until the next day because when you are operating a tractor you cannot leave your lunch anywhere, you have to carry it with you all the time on the tractor. If you are ploughing, there is a lot of dust. No matter how well wrapped you have your lunch, it still gets dusty. So it is best for us to eat before we come to work and that is it, maybe take a thermos bottle with coffee or something with us.

Mr. THOMPSON. What is the best job that there is on the farm down where you live in Texas, the very best job?

Mr. ARREDONDO. It is kind of hard to say which one is the best because some say irrigating is best, but coming to the irrigating problem you are always in the mud up to your knee. You can never be

looking around or sitting or waiting for 5 or 10 minutes, you always have to be walking up and down, moving pipes back and forth, putting the stuff to the wheel where it will not roll too fast.

Mr. THOMPSON. Do you travel from one part of Texas to another in your work?

Mr. ARREDONDO. I used to travel; not after I got this tractor work in the fields.

Mr. THOMPSON. How many months in the year can you find work as a farmworker?

Mr. ARREDONDO. The most is 9 months of the year.

Mr. THOMPSON. What happens to your wife and children when you are working away from your home? Do they stay at home?

Mr. ARREDONDO. No, I always carry them around with me.

Mr. THOMPSON. Where do the children go to school?

Mr. ARREDONDO. Well, every time, I keep them in school. For example, in 1964 I came from Rio Grande City to Seminole, Tex., for wheat cutting. I had my kids put in school there in Seminole. For example, I got into Seminole, let's say, Sunday night, well, Monday morning I went to report my kids to the school and sent them to school that same day or maybe the next day.

Mr. THOMPSON. How old are your children?

Mr. ARREDONDO. The oldest one is 12.

Mr. THOMPSON. How old is your baby?

Mr. ARREDONDO. Seven months.

Mr. THOMPSON. Seven months?

Mr. ARREDONDO. Yes.

Mr. THOMPSON. Do you have any others of school age; 6, 7?

Mr. ARREDONDO. I got three school kids right now.

Mr. THOMPSON. And they travel from school to school?

Mr. ARREDONDO. Yes, sir.

Mr. THOMPSON. Can they read and write?

Mr. ARREDONDO. They can.

Mr. THOMPSON. They have learned to read and write?

Mr. ARREDONDO. Yes, sir.

Mr. THOMPSON. Can your wife read and write?

Mr. ARREDONDO. No, she cannot read or write.

Mr. THOMPSON. Can you?

Mr. ARREDONDO. I do.

Mr. THOMPSON. Do you work with your children?

Mr. ARREDONDO. I do.

Mr. THOMPSON. Teaching them?

Mr. ARREDONDO. Yes. Yes, sir, I always help them out with their problems when they come from school and start asking questions or if they don't know how to do something or don't understand the problem, they come to me and I will just help them out.

Mr. THOMPSON. You are just one of millions of people just like yourself, aren't you?

Mr. ARREDONDO. Yes.

Mr. THOMPSON. You know, I sit up here and really right at this moment I am struggling not to weep. I am ashamed of all of the things that I enjoy and that I have and that my children have. I swear to you I will stick with this thing as long as I am here to see that you get

the opportunity that you want. All you want is to have an opportunity to make a little bit better way for your family.

Mr. ARREDONDO. That is right.

Thank you, Mr. Chairman.

Mr. THOMPSON. Mrs. Huerta.

Mrs. HUERTA. The next witness will be Assistant Director of the United Farm Workers Organizing Committee, Mr. Larry Itliong who is in a great way responsible for the whole farm labor struggle.

STATEMENT OF LARRY ITLIONG, ASSISTANT DIRECTOR, UNITED FARM WORKERS ORGANIZING COMMITTEE, AFL-CIO, DELANO, CALIF.

Mr. ITLIONG. Mr. Chairman, I want to tell you a little something about myself so you will understand my concern on behalf of the plight and hardship of the farmworkers of our country.

I am a Filipino American. I came to this country in 1929. My ambition at that time was to go to the American schools thinking that I would get a better education in this country. When I left the Philippines I was 15 years old and I went through the sixth grade.

At the time when I came here, that was the beginning of the great depression during the thirties. I didn't know there were such things as the depression. I am the son of a farmer, a small farmer in the Philippines and I never did know what hunger was until I came to this country.

Mr. THOMPSON. From which island were you?

Mr. ITLIONG. From Luzon.

Mr. THOMPSON. Luzon.

Mr. ITLIONG. Yes.

I arrived in this country in April of 1929. At that time I arrived in the State of Washington and it was hard to look for a job. Some people were recruiting workers to go to work in Montana to work as sugar beet workers. They recruited us about the end of April to go and work in the beet fields of Montana. The people that recruited us said that we were going to be working in about a week after we arrived in Montana.

Well, we came to find out that after we arrived in Sidney, Mont., the beets were not even planted yet and it was not until June that we were able to do any kind of a job and it only lasted about 5 weeks. The planting took less than 5 weeks. While we were there we were being boarded, charged with rent at the camp at which we were staying, so when we got out I think I made about \$27.

We were brought to Montana for free transportation but after we finished cutting if we wanted to go back to Seattle, Wash., we had to pay for our fare. So quite a chunk of my \$27 was taken out of that pay for transportation. I went back to Seattle.

I looked for another job and went to work for the railroad. I made a few dollars while working for the railroad before I got into an accident riding the freight train and that is where I lost three of my fingers on my right hand.

I went back to Seattle, Wash., and I happened to get a job picking tomatoes on one of the big ranches in Monroe, Wash. I was not there a couple of weeks when they had a strike in that particular ranch.

That was in 1929, the first strike I was involved in. I didn't know how strikes were run at that time so I was afraid to go on strike with the people that went on strike. So I left that job and went to California in 1930 to work in the fields. Let me tell you it is not an easy job, and besides at that time my hand was not well enough so I had to work with my left hand.

Anyway, in my travel working in the fields I began to see minority workers being discriminated against in pay, being discriminated against in employment chances and not having any kind of a right at all. This of course amazes me because while I was in the Philippines we heard and read about the kind of government that this country had and the kind of system that the United States has in a lot of things that are beneficial to its citizenship. But I found out differently; that if you are in a minority group, you don't have any kind of a chance to help yourself.

So from year to year I traveled all over the State trying to get a job that I could make money on. In the meantime I had forgotten about going to school. I never made enough money, and whatever money I made from one job was not even enough for me to live on until I got to the next job.

I learned also that other farmworkers have the same kind of problem. I began to learn the causes of the problems of the farmworkers. I learned that if you do not have any kind of an organization, if you have any complaint, your complaint is going to be heard in one ear and it passes through the other ear. Like if you said to your employer that you wanted some cold water while you are working for him during the hot season, he was going to tell you that you must bring your own jug, he has no time to bring any water to you.

In 1948 I was in the asparagus fields in Stockton and we had a strike there. We pulled a strike to have a union of the asparagus workers. We had not been on strike 3 days and the growers were able to recruit bracero workers to take our jobs. So what happened to us, we were left walking on the picket lines being harassed by the sheriff and in a lot of instances being run off the road by the growers themselves. We were on strike for 3 months. We ran out of money so we went some place else.

In 1949 the same thing happened. We did not get any kind of support then from the labor movement, from anybody as a matter of fact, so our strikes at that time in trying to organize were not successful.

In September of 1965, when we started our strike in Delano, the workers, I would imagine especially the Filipinos, were so mad at their employers that they were willing to go on strike again even if they had to lose everything that they had because of the fear that they are getting older, they have been here in this country for a number of years and they have not got anything to show for their labor, so what have they got to lose?

So in 1965 we went on strike without any money, without any kind of financial assistance that we could be sure of, and the very first few days that we were on strike we were allowed to stay in the camps of the growers. Why they let us stay in the camps at that time we don't know but probably because they felt that if we stayed in the camp that they would be able to convince us to go back to work. They figured that in a week's time we would all get hungry and be begging

for our jobs back, but the strikers were determined to fight for their union.

The growers then started shutting off the water, the lights and the gas so that even if you stayed in the camp you could not cook and at night you had no light and it was cold and you could not get a drink there, and they tried to drive the strikers away from the camps. We told the strikers to stay there and come to town to eat even if they had to walk. This made the growers so mad that one day while we were on the picket lines they bolted up all the rooms, they threw all the workers' stuff outside the rooms, they threw it all over camp. So when the workers went back in the evening hoping to be able to sleep in the camp, they were met by security guards of the employer and they were told that in order for them to get into the property where the camp is located they had to go and see the grower to get a permit to get their clothing so that they could move out.

Well, it was around 6 or 7 o'clock in the evening when we came back from picket duty, and try to find where the employer was at that time was quite a job. Some strikers went to the office of the employer and there was nobody there. So a lot of these people slept on the road and slept in their cars. We had no room for them at the place where we have a messhall for them to eat, so we told them that they had to sleep outside and we hoped that they wouldn't get too cold and get sick. A lot of them slept out on the road.

The next day they went to the employer's offices and asked permission to get their belongings. The lack of housing entailed a great deal of problem for us as organizers, so we started asking for public assistance. We sent out letters to people asking that they give us assistance in our struggle to better ourselves as farmworkers. Luckily it was at that time that the organization of Mr. Chavez supported our strike. Mr. Chavez was smart enough to utilize publicity to make the people understand that the farmworkers have a just cause in trying to get the workers the kinds of conditions that they should be working under and the kind of pay that they should be getting.

In the early parts of the strike we were attacked by the growers. I myself have been attacked by the growers and I have been arrested.

MR. THOMPSON. What do you mean by "attacked by the growers"?

MR. ITLIONG. We were being pushed around. As a matter of fact, one of the growers pushed me so hard, I think he pushed me about 10 feet for no reason when I was walking on the picket line. I was just walking in the picket line when all of a sudden a grower came and just shoved me as hard as he could.

MR. THOMPSON. What did you do?

MR. ITLIONG. What can I do?

MR. THOMPSON. You didn't fight back?

MR. ITLIONG. No; I could not even if I wanted to. I know that I have experience in the past that if you fight these people you are not going to get anyplace.

MR. THOMPSON. It is all right for them to push you around but you cannot push them around?

MR. ITLIONG. That is right.

During my organizational work a grower beat the hell out of me and I filed a complaint at the D.A.'s office. You know what they told me? "You have no business going there; you are lucky he didn't kill

you." That is the response I got from them. So if I go to the police department and file a complaint, I won't get anyplace.

In one of the instances that happened, one of our organizers who was on the picket lines directing the activity of our picketers, was beat up by one of the growers one day while he was walking into town. This fellow is a crippled fellow, with one limp leg, and a 6 foot 6 grower beat the heck out of him for nothing. We filed a complaint at the police department and they said, "Where are your witnesses?" It so happened that there was nobody there as his witness.

So if you are just a striker, you just might as well not file a complaint. They say, "We are not going to take your case." If you get beat up and you go to the police department, what are you going to do?

Mr. THOMPSON. I see. What do you do now for a living? Are you an organizer or do you work in the fields?

Mr. ITLIONG. Yes; I am one of the organizers now.

Mr. THOMPSON. But you have worked in the fields since 1929?

Mr. ITLIONG. Yes.

Mr. THOMPSON. You picked grapes?

Mr. ITLIONG. I picked grapes, I picked potatoes, I cut lettuce, I bunched carrots—you name it, I have done it. I picked fruits, everything.

Mr. THOMPSON. Do you have a family?

Mr. ITLIONG. Yes, sir. I have three children.

I think that our country, Mr. Chairman, is sophisticated enough in its ways and in its rules and in its laws that I don't think the farmworkers should be excluded from this one thing in wanting to help themselves. The farmworkers in wanting to organize are not organizing because they want to put the growers out of business, they want to be organized because they want to have some dignity in the kind of work that they want to do. They want to have at least the right to tell their employers when they have some kind of complaint that they feel as human beings, they have feelings, they have decided to have a good life like anybody else. I think our people have suffered long enough.

The President of our country says that he wants to help eradicate poverty in our country, and that is very good, we are grateful for that. Including us in this coverage will help implement that desire of the President of our country.

I think our legislators are intelligent enough to know and that this in itself is going to help them tremendously in their desire to help themselves. Sometimes I am really amazed at the plight of our legislators in worrying about how powerful the growers are, worrying that maybe if they give the farmworkers some right that they will not be elected in the next election.

Mr. THOMPSON. Well, you have seen that happen in California.

Mr. ITLIONG. Yes; I sure have seen it, Mr. Chairman.

Mr. THOMPSON. Well, let me say this, that I am very grateful for all of this testimony. Even the members who could not be here today, I assure you are interested and will read the testimony very carefully.

I do not know what is going to happen with this legislation. I know what I am going to try to do and what Mr. O'Hara and the others are going to try to do. I do not want you to leave here thinking that because I am sympathetic and Mr. O'Hara is sympathetic and others are that this is going to bring about the enactment of this legislation right now. History shows that it took over 100 years for the Negro to be given

any degree of equality under the law. History shows that it takes a long, long time to pass legislation of this nature, social legislation which benefits people.

This is to my knowledge the first time in the House of Representatives that this subject has been really very seriously considered. Senator Williams of New Jersey has worked for a number of years to help migrant laborers in the Senate and he is working on this very legislation as you know.

The passage of this legislation is inevitable. Whether it will come in your working lifetime is the question. It might come next year, it might not. But a fight will be made and your voices will be heard. I think the strikes in California have been the very first ones ever to capture national attention and national sympathy. One did not read a few years ago articles in the major magazines of the United States describing your activities and your problems; they are now being written.

Never before recently that I know of, or ever that I know of, have people on the east coast felt so strongly about your problems that they boycotted in their own quiet way the products of the west coast. I offered a friend of mine a martini the other day and my friend said, "I will have one unless that is Tribuno vermouth." I said, "No, it is not Tribuno vermouth." He would not have had any vermouth with his gin, he did not get much anyway, but he would not have had any vermouth if it had been Tribuno.

I know literally hundreds of people on this coast who, during the Schenley difficulties, said "No Schenley."

Even though there is a thread of disbelief in this testimony because the stories that you tell are completely and absolutely incredible, we know that the stories are true.

This legislation is going to come about, and, even if it does not come about this year, you people are going to persist and you are going to win. For myself, I say stay with it and keep fighting until it does come.

One of the problems is that so many Members of the Congress who come from farm areas love nothing better than to say, "I was born and raised on a farm and I went out and I did my chores and I walked down the road to school and came back and milked the cows and pitched the hay," and so on. When I was a boy, my father sent me to Maine for three or four summers and had me work as a junior grade farmworker so that I would learn something of the problems of a farmer. I remember how tough it was to do the chores that they gave me during the day. And they let me swim an hour or two a day and fish early in the morning.

The family farm is not involved in this legislation as Mr. Meany pointed out. I do not think that you could have less interest than you do, any of you, in the fellow who has a small farm he works with his wife and his two sons and maybe a hired man. You are not going to organize them, are you?

Mr. LYONS. No.

Mr. THOMPSON. You are interested in the industrial farm, the farm factory. The sacred American farm which in the minds of many of our colleagues means the family farm is not your target. These large farmers are in industry; they ship their products, thanks to mass transportation and refrigeration and aircraft, north, east, south, and west across the country. You can get tomatoes in New Jersey 12 months a year—they are only good for 3 months when they are New Jersey

tomatoes—but you can get tomatoes, they are shipped from California or Florida. You can get asparagus from California and now it is coming in from the Carolinas. I had some last night. These are mass-production industries just like the poultry industry is, and this is what this legislation aims at.

We are going to hear next week from the opponents of this legislation. They mean well, even though we do not agree with them. They are going to come in and say what an expensive farm operation it is. They are going to want to know how much more a dozen oranges are going to cost if union agricultural workers picked them than they do now. This was one of the reasons why I asked Mrs. Huerta the economics of the industry out there and learned that so many fewer workers can do the work of so many more only a couple years ago.

They are going to argue that the Nation's grocery bill is going to increase in price because of the unionization of farmworkers. That is not so, and I think that we will be able to establish satisfactorily; that is not so.

Even if it is, I believe that the American consumer is willing to pay a cent or two more for an agricultural product and to be able to sit down and eat it and know that they are not eating the sweat and toil of children who cannot go to school and of laborers who nearly starve in order to put the food on the table.

I am convinced that this legislation is imperative; and like everything else that we do around here it is overdue. I think that it is going to succeed.

I want to thank you on behalf of the members of the committee and myself for the enormous sacrifices that you have made, for your integrity and for your honesty and for your candor. I have been in this business a long time and I am seldom touched as I have been by your testimony. From the bottom of my heart I wish you well and express my determination that you shall have your place in the sun. And I do not mean just the hot sun without any water, either; I mean your place in the economic sun.

Mrs. HUERTA. Mr. Congressman, I hope when you hear the growers testimony next week that someone on the committee will remind them that the American farmer, and now he is really an operator of big business, as a businessman has been in a very favorable position in the last few years with the type of Government protections that he has. Right down in our area they have soil bank subsidies, and the growers in the California area have gotten a tremendous amount of money from the Federal Government on water—I think something like \$577 per acre for water. So this in terms of dollars and cents is just hundreds and thousands, practically millions of dollars that they have gotten from the Federal Government in addition to their parities.

The Federal Government often subsidizes the growers in terms of costs to the country, for example, in social security pensions that they have to give the workers because these people were not able to earn enough money. So the Government has to subsidize for medicare and the State medicare programs and social security programs—the Government subsidizing these employers.

Mr. THOMPSON. Not to mention the deductions for the cost of their doing business.

Mrs. HUERTA. That is right, all the tax and gasoline rebates they get and all of the expenses. The Government has special loan programs for the growers, they can get a low-interest-rate loan. The workers are

also subsidizing the growers' investments because the workers have to use their cars on the jobs, the workers have to provide their own protective clothing. Workers even subsidize growers by donating their health. Farmworkers at present cannot keep their health.

There was an interesting occurrence. One of the Perelli-Minetti brothers said, "Look what you have done to my father. My father is 85 years old and all of this harassment about a union has really bothered him. He is an older man and it has made him very nervous." The farmworker turned around and said to Mr. Perelli-Minetti, "You should be glad that you have your father; my father died when he was only 55 because he was worn out from work in the fields. You are very fortunate you have your father still with you." He said, "My father could not live that long," but that is the kind of thing the growers would not understand.

What I am going to tell you now has happened on several occasions. At the negotiating tables the growers are always ashamed of the way they have treated the workers. They start out with an attitude toward the workers that they are subhuman, that somehow they are not really people, and when they get down to the negotiating table and we start talking about terms and conditions of a contract and then when we bring up to them that we need protective clothing and cold drinking water they are extremely ashamed because they have not provided these things. This has happened every single time that we have sat down and negotiated a contract, and they are extremely embarrassed because of the attitude they have had in the past.

MR. THOMPSON. I think what you are saying is what is true and what all of us believe, that the growers are not evil people or venal people. In some cases they are unenlightened and selfish and greedy. All of us have these characteristics at one time or another. I do not think that the growers are so cruel that they would deliberately do this; I think as a matter of fact they would welcome this advice. A thread of this runs through the testimony of today when it said that Schenley is organized and does not want to announce the success of its organization because their neighbors or their fellow growers might disapprove of it. This is historic. It has happened in every other industry, and it is just so many years late in this.

I refer to the original passage of the Wagner Act, when the managers of the bill excluded agricultural workers from the Wagner Act in order to pass it. The NLRA was a benefit which would accrue to a majority of the workers and a sacrifice was made. At the same time, 30 years ago, the promise was made that the agricultural workers would be included shortly. Well, it has been a lot longer than shortly.

So we are going to examine these other witnesses very carefully. We are going to find out from them what their real attitudes are, what the economics of the industry is, and so forth. I, for instance, have introduced legislation to protect the right of farmers to engage in cooperatives. I believe this: If the farmers want to cooperate and pool their resources, there is no reason why the people who harvest the crops should not have the same right, and I hope that we can bring this about.

I thank you all very, very much for testifying. We will see you a little later.

Thank you.

(Whereupon, at 3:55 p.m., the subcommittee recessed, to reconvene at 10 a.m., Monday, May 8, 1967.)

EXTENSION OF NATIONAL LABOR RELATIONS ACT TO AGRICULTURAL EMPLOYEES

MONDAY, MAY 8, 1967

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 10:25 a.m., pursuant to call, in room 2175, Rayburn House Office Building, Hon. Frank Thompson, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Thompson, O'Hara, Scheuer, and Ford.

Also present: Peter W. Tredick, counsel; and Jeunesse M. Zeifman, clerk.

MR. THOMPSON. The subcommittee will be in order for the continuation of the hearings on H.R. 4769, introduced by our colleague from Michigan, Mr. O'Hara, who will introduce our first witness.

MR. O'HARA. Mr. Chairman, it is a great pleasure to introduce an old friend this morning. He is Prof. Ronald Haughton, of Wayne State University and the University of Michigan's Department of Industrial Public Relations.

Mr. Haughton, with whom I have had an opportunity to work on a number of matters dealing with the manpower training program, is a valued consultant in Michigan, especially in the Detroit area, on manpower training questions.

He has had experience which I believe will be valuable in connection with consideration of H.R. 4769. Mr. Haughton was the mediator and coarbitrator of the labor dispute involving the DiGiorgio Corp. of California. This is the dispute on which we had testimony from spokesmen for the labor organizations involved.

I know Mr. Haughton will provide valuable insights into the farm labor problem. He is also an excellent speaker, Mr. Chairman.

MR. THOMPSON. Thank you very much.

You are most welcome, Dr. Haughton. I hope that you will feel free to proceed as you wish. We have been looking forward to having you here so that we can ask you some specific questions.

STATEMENT OF PROF. RONALD W. HAUGHTON, WAYNE STATE UNIVERSITY

DR. HAUGHTON. Thank you, Chairman Thompson. And thank you, Congressman O'Hara.

I certainly would be remiss if I did not say here that those of us who are rather totally immersed in manpower training activities and the

pushing of this great work in Michigan look to Congressman O'Hara for leadership.

I have a written statement here, which has been provided to the committee. I will make a few remarks as an introduction. Perhaps I should take the judgment of the committee chairman as to how much I should inflict on him in a reading of the statement.

MR. THOMPSON. I think, Dr. Haughton, it is short enough to read. However, please feel free to treat it as you wish.

DR. HAUGHTON. There is no philosophy in this statement. Because of its shortness and because it covered a period of 11 months of activity, it is almost a chronology and has little qualitative flavor.

The appendixes are there not for your particular reading at this point, they are submitted in the light of some obligation to history. I think this is the first time that even a skeleton package has been put together on what happened regarding the collective bargaining picture in the DiGiorgio situation in California. These appendixes purport to give a feeling of continuity up to and including the negotiations of a full collective bargaining agreement. The agreement, itself, is a first-class document quite comparable to those negotiated in industries covered by NLRA.

While I am going through my general statement, I would like you to glance at the index to exhibit F attached to my statement. The context and range of this index will be recognized by Congressman O'Hara in particular. It is typical of what one would expect to find in any long-established collective bargaining contract. It covers virtually all aspects of collective bargaining. In terms of its being accepted in this giant operation, DiGiorgio being the largest grower in the Delano area, it is a situation comparable to General Motors and auto-workers agreeing on a basic contract.

The important thing is that this contract was accomplished through a voluntary arrangement and is acceptable to both DiGiorgio and the farmworkers. They can live with it. Maybe they don't like all parts of it, but it is theirs. They had nothing. Now they have a real contract. It is just amazing. There is a hiring hall in here which gives institutional protection to the union and to DiGiorgio. The company gets employees and the union can keep track of its members.

Just one more thing. You see there is a certain amount of enthusiasm on my part. I was paid for my work on this, but I think I would have paid the people to have allowed me to do it anyway. It was the most exciting, total-immersion, collective-bargaining experience I have had in some 25 years in this activity.

My colleague and coarbitrator in the final product, Mr. Sam Kagel, of San Francisco, had the same experience. I think he started this work in 1929. He is "Mr. San Francisco" as far as collective bargaining is concerned. I believe that he considers this to be the most significant collective-bargaining experience that he has had.

MR. THOMPSON. I am particularly happy that you have this documentation. Without objection the appendixes will be made a part of the record immediately following the testimony of Professor Haughton.

DR. HAUGHTON. Thank you very much, Mr. Chairman.

I am here to testify affirmatively on H.R. 4769, a bill which will extend collective bargaining rights guaranteed by the National Labor Relations Act to agricultural workers.

Specifically, I have been asked to speak within the framework of my recent experience as a mediator and coarbitrator of the labor dispute involving certain properties of the DiGiorgio Corp. in California.

The entire procedure in which I was involved was instituted by then California Gov. Edmund G. Brown in June 1966, when he asked the American Arbitration Association to nominate someone to work on the problem. After my nomination on June 30 the Governor asked me to study a representation election which had been conducted by the DiGiorgio Corp. on June 24 and certain charges that it did not accurately reflect the wishes of the farmworkers for representation at the Borrego Springs and Delano properties.

The Governor asked that there be recommended a fair and equitable resolution of this matter, which he referred to as a part of a total problem.

Finally, the Governor stated that, "in view of the absence, at present, of any State or National labor relations law covering farmworkers," he would like to receive a set of guidelines for the holding of representation elections in agriculture.

During the next 2 weeks, I visited the properties and interviewed some 200 persons in an area stretching from San Francisco in the north to Borrego Springs in the south.

I did make one trip in the south through some desert country, with Mr. Chavez as my chauffeur, an all-night trip in his automobile. We are very conscious of automobiles in Detroit. Chavez needs a new car. He has a Volvo that had real mechanical problems.

One of Mr. Chavez' minister friends thought the car looked in such bad shape that he insisted on driving up the hills behind us to make sure we made it up on to the plateau.

In the interest of accomplishing a fair and equitable resolution of the total problems, the focus of my efforts was on the development of solutions and procedures leading thereto. I neither condemned nor endorsed the election of June 24. I simply recognized the importance of an impartial agency doing the job. Therefore, on July 14, 1966, in the absence of applicable law, I recommended, among other matters, the scheduling of an election under the auspices of the American Arbitration Association. As you gentlemen know, of course, this is a private, nonprofit operation.

A copy of my July recommendations is attached hereto as exhibit A. The 22 points of this document, upon formal acceptance by the two unions involved and by the DiGiorgio Corp. became enforceable in court as a contract, and became the basic charter for all subsequent procedures up to and including negotiation and arbitration of the complete contract.

What the parties, in effect, did was to establish by private agreement a procedure which was generally patterned after the National Labor Relations Act. This was a very exciting quasi-legal operation. There was no coverage by the Labor Relations Act. The parties therefore set up their own rules.

You will see that the document, among other things, provided for determination of appropriate bargaining units; determination of eligibility to vote; and through exhibits B and C, organizing and campaign procedures.

I put exhibit B and exhibit C in to give you a flavor of the kind of detail that this contract provided for regarding what might have been unfair labor practices if there had been coverage under the act. When, for example, if at all, should an organizer get to go into a bunkhouse and disturb four out of eight people who don't want to join the union?

You will see that the document provides a procedure for resolving complaints which under existing law might have been unfair labor practices; cessation of all strike and boycott activities; full cooperation by the company, and an election to be administered by the American Arbitration Association.

A unique provision accepted by all of the concerned parties, and which went far beyond what is required by existing law in covered industry, is set forth in item 21 of exhibit A.

Now, this clause was quite unique. It recognized that one could set up an NLRB-type procedure, and still have problems after the certification of an appropriate bargaining unit. Absent agreement on a contract, DiGiorgio could still be expected to have a problem of a strike and boycott.

A strike at that point in time was an unpleasant alternative to both DiGiorgio and the farmworkers.

They, therefore, agreed to a procedure whereby they would not have a strike. They agreed they would arbitrate their contract right through to a completion, if necessary. This gimmick, if you will, that is in exhibit A, item 21, guaranteed continuity of production of grapes and the payment of wages after the election and through a contract.

I will quote item 21:

In the event there is a union selected in an appropriate collective bargaining unit, negotiations leading to a collective bargaining agreement shall commence immediately, . . .

That is the "negotiation-in-good-faith" aspect of the NLRA.

. . . and will continue for a period of 45 days after the date of certifications by the undersigned.

Actually, Mr. Kagel and I both signed the certification.

If two unions are certified a common expiration date for the first contract is a "must" in order to ensure stable collective bargaining relationships at the end of the 45-day period.

You see, there was a shed unit here and a farm unit. However, we were insuring that there would not be "whipsawing" between the two units, by providing for the common expiration date.

Unless the time is extended by mutual agreement, all remaining differences shall be submitted to final and binding arbitration before Mr. Sam Kagel of San Francisco, and Mr. Ronald Haughton of Detroit.

The Award of the arbitrators shall be retroactive to the date of certification.

Mr. Kagel and I referred to this clause as a "taxi meter." The people there knew that they would not lose by the passage of time, and the company had the pressure of knowing that the taxi meter on retroactivity was ticking.

It goes without saying that a union which might not be successful in the election—

and we figured one might lose—

is barred from obtaining another election for the one-year period now recognized in covered industry by the NLRB, and is also barred in accordance with estab-

lished Labor Relations Law. For a like period of one year from boycotting or engaging in similar economic activity resigned to force recognition without an election.

There was, thus, established a total procedure which guaranteed continuity of production through the final acceptance of a full collective bargaining contract. Further, a union which might have been unsuccessful in the election is barred for a period of 1 years from boycotting or engaging in similar economic activity designed to force recognition without an election. These binding arrangements, of course, could not have been made without the full commitment of the two unions and the company.

The professional can see that throughout there was a heavy reliance upon the tried and tested procedures of the NLRB as established by statute and by case law. I can say without reservation that the July 14 document could not have been put together, and could not have been effectively administered if it had not been for the fact, in the main, the way had already been charted by the work of the NLRB in administering the NLRA over the years.

Here, with the permission of the parties, I was able to obtain valuable advice from the regional directors and staff of the Board in Detroit and San Francisco. I mention this not only because I am grateful, and these people were tremendously helpful, but because it relates to my conviction, from solid experience, that the National Labor Relations Act, as it has been interpreted and administered, is quite susceptible to application to the farm industry.

I am not alone in this opinion. The affirmative position of the AFL-CIO on this point is so well known that I simply need to refer to it. I don't know it specifically, but I can't conceive of their not supporting the bill, Congressman O'Hara.

The formal position of the DiGiorgio Corp., largest of the growers in the Delano, Calif., area, is worth repeating. In his July 20, 1966, testimony before the Fact-finding Commission on Agriculture of the California State Senate, Robert DiGiorgio, president of the firm, told the committee—

Now, before I quote this July 20, 1966, statement, I would like to point out something which is very significant. It was 6 days after Mr. DiGiorgio signed the July 14 charter which set up his own private NLRA. So he knew whereof he spoke when he made this statement:

Speaking strictly for the DiGiorgio Corp., I believe that the greatest single need of both growers and workers is for the legal procedures allowing workers, if they desire to, to choose whether or not they wish to be represented by a union, and, if so, what union. It is my belief that procedures should be established that would create a counterpart of the NLRB in dealing with farm labor disputes in California.

Without trying to give any impression that there is an industry consensus on the stated DiGiorgio position—and I have met some growers in California who don't like this idea, and it would be unfair to them if I ignored them completely, but I assume they will have an opportunity to testify before your committee—there are at least two other farm labor contracts currently in existence in California, with another company having recently agreed to an election.

J. B. Quinn, master of the California Grange, was reported in the Los Angeles Times for July 21, 1966, as having urged to the California State Senate Committee that "a system of compulsory arbi-

tration be adopted in California so that farm strikes can be avoided in the future."

He went on to say that "bitter as it may be, we will be obligated to recognize the right of workers to organize."

I make no invidious suggestion in referring to the word "bitter." I am sure Mr. Quinn had some membership to bring along. The impact of the statement is to show, however, that, for whatever reason, he was thinking in terms of collective bargaining as coming to California's farm industry.

He was reported as going on to say that the growers should form stronger organizations, not only to deal with the unions—but also to negotiate for higher prices with food processors.

I am in favor of strong organizations for both unions and companies. Parallel structures are thus established. The resulting balance of power should result in good contracts.

I do not agree with all that Mr. Quinn has suggested. However, the net effect of his remark was to indicate an acceptability of the necessity to bargain collectively in the California farm industry.

The terms of the July 14 document were made effective through the point of election and certification of the winning unions for the Borrego Springs and Delano properties by September 2, 1966, the date of formal certification.

By the agreement of October 25, 1966 (exhibit D) the United Farm Workers and DiGiorgio agreed that there would be an election at the Arvin property of the corporation on November 4. The Teamsters Union had by this time withdrawn its request for representation at the Arvin and Merryville properties.

The Teamsters were on the ballot at the Delano and Borrego Springs election, but they withdrew voluntarily on this order.

The November 4 election was duly conducted by the California State Conciliation Service, and the United Farm Workers were certified as the exclusive collective-bargaining agent.

The United Farm Workers and DiGiorgio thereupon undertook to negotiate a contract. They did not negotiate an entire agreement, but they did freely and voluntarily agree—and I suggest this is important—to such important items as the union shop, the check-off of dues; no-strike no-lockout provisions; recognition of seniority; subcontracting provisions; and final and binding arbitration of grievances. I note in passing that there are still some people in industry who don't accept final and binding arbitration of grievances.

The parties submitted all the unresolved issues to arbitration in accordance with the terms of the July 14 and October 25 agreements. These were primarily money items.

The award is attached hereto as exhibit E. Now, you don't even have to glance at exhibit E. Exhibit E is just a legal document. But I feel it is really quite important. You can see the parties themselves were very much a part of it, because the heart of it, except for the money, was really negotiated voluntarily by them.

The combined agreement and award is attached as exhibit F. The provisions of the exhibit which are the specific awards of the arbitrators are identified by asterisks in front of the section awarded. Note, for example, when you come to "Union Shop," there are no asterisks. The parties agreed voluntarily to this provision.

What we did was put the whole award together, and then we just visualized a book which is just the same as any other first-class company and union collective-bargaining arrangement would have.

Exhibit G is the arbitrators' summary of the provisions of the collective-bargaining agreement settled directly by the parties and of the awards. It was read to the parties jointly by Mr. Kagel and me in San Francisco.

We laid it out so there was no question as to what was in the document. At this point, I want to pay particular tribute to the work of Mr. Sam Kagel, the San Francisco attorney, arbitrator, and professor of law at the University of California. He was coarbitrator of the award, and was a close adviser during the entire proceedings. His great experience and judgment were essential to the final product.

I can report that the contract in its final negotiated and arbitrated form has been well received. Mr. George Meany, president of the AFL-CIO, was reported in the New York Times of April 4, 1967, as "acclaiming" the pact. He said that the contract would point the way to new gains for farmworkers throughout the country.

In the same article Mr. J. Max O'Neill, president of the DiGiorgio Fruit Corp., which operates farms for the parent corporation, was reported as saying that the new agreement "will, in all likelihood, establish procedures for collective-bargaining agreements in California and other agricultural States." A company announcement quoted in the San Francisco Examiner for April 2, 1967, the day after we issued our award, said: "DiGiorgio Fruit Corporation accepts with satisfaction the judgment of the arbitrators."

The contract is now being administered just as would be expected in the case of any long-established agreement. The grievance procedure is operative, and Mr. Kagel, mutually agreed-upon arbitrator, informs me that several grievances are scheduled for hearings.

In conclusion, and on the basis of my experience in California during the past year, I repeat that I favor the extension of the jurisdiction of the National Labor Relations Act to cover agricultural labor. Existing National Labor Relations Board case law and procedures are flexible enough that Board personnel could be assigned to this kind of work with a minimum of difficulty.

Thank you very much, Mr. Chairman.

(The documents accompanying the statement follow:)

EXHIBIT A

AMERICAN ARBITRATION ASSOCIATION,
San Francisco, Calif., July 14, 1966.

HON. EDMUND G. BROWN,
*Governor of California,
Sacramento, Calif.*

DEAR GOVERNOR BROWN: I have the honor to enclose herewith six (6) copies of my Report and Recommendations regarding the matter of the Di Giorgio Corporation, Borrego Springs and Delano, California Properties, the National Farm Workers Association, the Agricultural Workers Organizing Committee and the International Brotherhood of Teamsters.

The Parties have not heretofore seen copies of the document in its final form. However, to facilitate discussion, and in an effort to narrow the issues, draft copies were provided to them on July 7 and 12, respectively.

I sincerely believe that the attached Recommendations are fair and equitable to all concerned, and should be accepted by them. Otherwise there could be a continuation of a situation which would be contrary to the good of the State of California.

All of the concerned parties understand that their copies of the attached are confidential until publicly released by your office.

I want to thank you and the some two hundred persons who cooperated with me so fully during the course of my fact finding. It would not have been possible to complete this report in the time available if it had not been for the full support of people in the Industrial Relations Department of the State of California.

In closing, special thanks is due to Mr. Sam Kagel of San Francisco for the public spirited way in which he has made his time available, and for his generosity in agreeing to serve as one of the arbitrators for the final resolution of the problem.

Sincerely yours,

RONALD W. HAUGHTON.

AMERICAN ARBITRATION ASSOCIATION, ADMINISTRATOR

IN THE MATTER OF THE FACT FINDING PROCEDURE THE DI GIORGIO CORP., BORRERO SPRINGS AND DELANO, CALIFORNIA PROPERTIES, ET AL.

REPORT AND RECOMMENDATIONS

1. On June 30, 1966, the undersigned was nominated by the American Arbitration Association at the request of the Honorable Edmund G. Brown, Governor of the State of California.

2. The request by the Governor was to study the recent representation election held by the Di Giorgio Corporation and certain charges that it does not accurately reflect the wishes of the farm workers for representation at the Borrego Springs and Delano Properties. The Governor asked that there be recommended a fair and equitable resolution of this matter, which he referred to as a part of a total problem. Finally, the Governor stated that, "in view of the absence, at present, of any State or National labor relations law covering farm workers" he would like to receive a set of guidelines for the holding or representation elections in agriculture.

3. Because of the importance of the matter to the people of the areas, to the employees, to Di Giorgio, and to the concerned unions, an immediate fact finding effort was undertaken. I can now Report that there have been face-to-face meetings with some 200 persons in Sacramento, Los Angeles, San Diego, Julian, Borrego Springs, Hemet, Delano, Burlingame, and San Francisco. These include members and representatives of all of the concerned unions, the corporation, rank-and file employees of Di Giorgio, members of the Catholic and Protestant Ministry, private citizens and State government officials.

4. By all normal measures the time span has been short. But because of the complete cooperation of the parties, and of citizens, any additional fact finding at this point would be superfluous.

5. All of the parties were furnished with a preliminary draft of a Report and Recommendations on July 7, 1966. The purpose of this document was to narrow areas of disagreement and to serve as a basis for in depth discussions with each party separately. Finally, at a joint meeting in the offices of the American Arbitration Association, San Francisco, on July 12, 1966, each party was furnished with a second draft document and was advised that, subject to consideration of exceptions to be made on that date, such document would be the basis of a final Report and Recommendations which would be sent to the Governor on July 14, 1966.

6. In the interest of accomplishing a fair and equitable resolution of the total problem as requested, attention will be directed not to what happened, or to "who-shot-John" but to solutions and to precise procedures leading thereto. Lest there be any doubt I am neither condemning nor endorsing the election of June 24, 1966. I am recommending among other matters the scheduling of an election under the auspices of the American Arbitration Association.

7. My Recommendations as to the election and other matters are set forth below. Prompt acceptance of such Recommendations is required to establish the climate of fair play and consideration of the rights of all concerned. Acceptance or rejection by the concerned parties of the Recommendations herein should be provided to the office of the Governor of California by telegram not later than Tuesday, July 19, 1966. Failure to respond on or before this date will be regarded as rejection of the Recommendations. Thus, the National Farm Workers Association, the Agricultural Workers Organizing Committee, the Teamsters Union and Di Giorgio must accept the terms of the Recommendations in their entirety or not

at all. For the purpose of this proceeding they cannot elect to accept only a part without committing themselves to the whole.

8. Upon acceptance of the Recommendations there shall forthwith be a termination of all current strike and boycott activities, and public notice thereof with a copy to the undersigned. Company cooperation to carry out the letter and spirit of the Recommendations is required. If there is acceptance, and there subsequently is a charge that strike or boycott activities are continuing, or that there is a failure of the Company to cooperate fully, a finding will be made with respect to such charge, by Messrs. Kagel and Haughton and in an appropriate case a cease and desist order will be issued, which the accepting parties hereby agree shall be enforceable in an appropriate court as an order finding a breach of contract.

9. If there is an acceptance of this Report and Recommendations each party must sign a joint statement of such acceptance, which will be drafted by the undersigned after consultation with the parties. Such notice shall be posted on the properties.

10. There shall be scheduled under the administration of the American Arbitration Association on August 30, 1966, at the Sierra Vista Ranch property, Di Giorgio Corporation, in Delano, and at other appropriate sites in order also to determine representation at Borrago Springs, a representation election. Depending on circumstances, and subject to decision by Messrs. Kagel and Haughton it may be necessary to keep the polls open an additional day. Eligible employees will express free choice by secret ballot, without restraint, interference, or coercion, before the election and during such election, as to their preferences of a collective bargaining representative. The Association as the Administrator, will supervise such other agencies as it may call upon to assist it in the administration of the election.

11. Totals of all votes cast in the election shall be counted as if they were cast at a single geographic unit.

12. Union representatives shall have access to corporate properties during non-working hours in order to meet with eligible employees.

13. The Di Giorgio Company shall supply to the concerned unions and to the designated representative of the undersigned from payroll records and/or personnel records, names and addresses of employees eligible to vote in the election. Such a list is to be supplied within 14 days of the date of this Report and Recommendations. The names and addresses of new hires are similarly to be supplied within 24 hours of the dates of hire.

14. The Notice of Election and the Sample Official Secret Ballots, will be provided within five days of these Recommendations.

15. The undersigned will retain continuing jurisdiction over the conduct of the representation election and circumstances relating thereto as they may occur prior to the election and at the time of such election. Further, for the purpose of receiving complaints he shall designate a resident representative to be assigned to Delano until and including August 30, 1966.

16. Complaints and questions directed to the resident representative will be answered or decided promptly by Mr. Haughton and Mr. Kagel.

17. As a part of the procedure to assure that a fair and orderly election will be conducted, each party on a ballot shall have the right to appoint two observers at each election site. Such observers for Company or Union shall be Non-Supervisory employees. No member of Supervision or non employee union representative shall be permitted in the proximity of the polling places during election hours. For the purposes of this section, and without precedent for this or any other proceedings, a laid off or terminated employee, otherwise eligible, may be designated as an observer.

18. If a person desiring to cast a vote is challenged such individual shall vote, but his or her vote shall be placed in a separate envelope with the voters name entered thereon. Thereafter Messrs. Haughton and Kagel, after hearing evidence relating to such challenge, shall make a final and binding decision as to whether the vote shall be counted or not.

19. Supervisory employees who have the right to hire and fire employees or to effectively recommend hiring and firing are ineligible to vote and shall be excluded from any resulting collective bargaining unit. Similarly there shall be excluded office clerical employees.

Voting shall be conducted on ballots which give to employees a choice to vote if they wish to be represented by a Union, and the Union, if any, they wish to be represented by.

These ballots shall be as follows:

White: The unit will consist of all field workers directly connected with field operations except truck drivers.

Green:* The unit will consist of all other employees except field workers.

The name of each union accepting these Recommendations will be placed on each ballot together with a place for a "non-union" vote.

a. If one union wins both ballots the unit will be *one* combined unit.

b. If different unions win there then will be two different units, each with a different bargaining representative.

c. If a union wins one unit and "no union" wins the other, there then will be a bargaining agent *only* for those workers in the unit for which a union has won a majority.

d. If "no union" wins both units then there will not be any union designated as a collective bargaining agency.

20. Any eligible employee who was on the payroll at Delano as of September 19, 1965, the day preceding the start of the strike at that property, shall have the right to vote. Similarly any eligible employee who after September 20, was or is on the payroll at Delano for 15 working days prior to August 30, 1966, shall have the right to vote.

Any employee who was on the payroll at Borrego Springs as of June 23, 1966, shall have the right to vote. Similarly any eligible employee after June 23, 1966, who was or is on the payroll at Borrego Springs for 15 working days prior to August 30, 1966, shall have the right to vote.

Because of the particular circumstances, employees who went on strike at Delano on September 20, and who signed authorization cards with the NFWA or a comparable document prior to September 20, on September 20, or the day thereafter shall be counted as "Yes" votes for the NFWA on the White Ballot.

Otherwise eligible employees who were at Borrego Springs as of June 24, or thereafter, and who subsequently were transferred to Arvin, shall be given the same opportunity to vote as is given eligible employees at Borrego Springs and Delano.

21. In the event there is a union selected in an appropriate collective bargaining unit, negotiations leading to a collective bargaining agreement shall commence immediately, and will continue for a period of 45 days after the date of certifications by the undersigned. If two unions are certified a common expiration date for the first contract is a "must" in order to ensure stable collective bargaining relationship at the end of the 45 day period. Unless the time is extended by mutual agreement, all remaining differences shall be submitted to final and binding arbitration before Mr. Sam Kagel of San Francisco, and Mr. Ronald Haughton of Detroit. The Award of the arbitrators shall be retroactive to the date of certification. It goes without saying that a union which might not be successful in the election is barred from obtaining another election for the one year period recognized in covered industry by the NLRB, and is also barred in accordance with established Labor Relations Law for a like period of one year from boycotting or engaging in similar economic activity designed to force recognition without an election.

22. It is hoped that this Report and its Recommendations will provide a guide for future situations as they arise.

Dated this 14th day of July, 1966.

*The matter of whether or not employees working in a shed at the eligibility time for the proposed election are to be counted as in the "Green" unit or in the "White" unit is a subject on which the undersigned lacks precise evidence. Therefore, in the event this Report and Recommendations is accepted the matter referenced to in this footnote can, in the absence of agreement, be referred by any accepting party for the taking of evidence, if necessary, and prompt and final binding decision by Messrs. Kagel and Haughton. If there is disagreement on the subject discussed in this footnote any one of the concerned parties may direct a formal request to the undersigned that it be arbitrated. This is notice to the parties that if there is a request for arbitration before Messrs. Kagel and Haughton on the matter referred to in this footnote, the arbitration proceeding will be at the offices of the American Arbitration Association, San Francisco, at 9:30 a.m., Saturday, August 6, 1966.

EXHIBIT B

MEMORANDUM

The following are to be in the Organizing Campaigning Procedures applicable at the DeLano, Borrego Springs, Arvin and Marysville Orchards, Properties of the Di Giorgio Corporation.

1. Union Representatives shall have access to corporate Properties during non-working hours in order to meet eligible employees.

a. No campaigning on Properties prior to starting times in the morning.

b. Campaigning to be allowed during lunch breaks with employees who voluntarily meet with particular Union Representatives. Employees who do not wish to participate in a particular campaigning meeting do not have to do so.

c. Campaigning to be allowed on company property after quitting hours up to and including 10:30 P.M.

d. Campaigning to be allowed on company property during non-scheduled work days from the time of what other wise would be the start of a regularly scheduled day to end and including 10:30 P.M.

e. In the event employees attend an evening campaigning meeting off company property, they can be transported by Union transportation back to their living quarters on company property, after 10:30 P.M. However no campaigning is to take place on company property after 10:30 P.M.

f. The number of Union Organizers to be on a particular company property at any one time, is to be limited to five persons (5) during lunch breaks and seven persons (7) during non-working hours than the lunch periods.

EXHIBIT C

ORGANIZING CAMPAIGN PROCEDURES APPLICABLE TO ARVIN

1. Union Representatives shall have access to corporate Properties during non-working hours in order to meet eligible employees.

a. No campaigning on Properties prior to starting time in the morning.

b. Campaigning to be allowed during lunch breaks with employees who voluntarily meet with particular Union Representatives. Employees who do not wish to participate in a particular campaigning meeting do not have to do so.

c. Campaigning to be allowed on company property after quitting hours up to and including 10:30 p.m.

d. No campaigning by Union Organizers on dormitories.

e. Campaigning to be allowed on company property during non-scheduled work days from the time of what otherwise would be the start of a regularly scheduled day to end and including 10:30 p.m.

f. In the event employees attend an evening campaigning meeting off company property, they can be transported by Union transportation back to their living quarters on company property, after 10:30 p.m. However, no campaigning is to take place on company property after 10:30 p.m.

g. The number of Union Organizers to be on a particular company property at any one time, is to be limited to five persons (5) during lunch breaks and seven persons (7) during non-working hours than the lunch periods.

2. Company and Union representatives are expected to give proper consideration to the rights of each. Individual employees also are expected to maintain this code of conduct.

EXHIBIT D

AGREEMENT

In consideration of mutual promises exchanged, and for other consideration acceptable to the parties hereto, it is mutually agreed as follows:

1. *Election at Arvin.* There shall be scheduled under the administration of the California State Conciliation Service on Friday, November 4, 1966, at the Arvin Property of the Di Giorgio Corporation, a representation election. Eligible em-

ployees will express free choice by secret ballot without restraint, interference, or coercion, before the election and during such election, as to their preference of a collective bargaining representative.

2. *Campaign Rules.* Union representatives shall have access to corporate properties during nonworking hours in order to meet with eligible employees. This right shall be exercised in accordance with the campaign rules already in effect at Arvin. They are attached hereto as Appendix "A."

3. *Company to Supply List of Eligible Voters.* The Di Giorgio Corporation shall supply to the concerned employee organizations and to the designated representative of the undersigned from payroll and/or personnel records, names and addresses of employees eligible to vote in the election. Such list is to be supplied at Arvin within five days of the date of this agreement.

4. *Issuance of Notice of Election and Sample Ballot.* The Notice of Election and sample official secret ballots will be supplied at least five days prior to the election at Arvin.

5. *Appointment of Observers.* As a part of the procedure to assure that a fair and orderly election will be conducted, each party on a ballot shall have the right to appoint two observers at each election site. Such observers for Company and Union shall be nonsupervisory employees. No member of supervision or nonemployee union representative shall be permitted in the proximity of the polling places during election hours.

6. *Challenged Ballots.* If a person desiring to cast a vote is challenged, such individual shall vote, but his or her vote shall be placed in a separate envelope with the voter's name and address entered thereon. Thereafter, the Conciliation Service, after hearing evidence relating to such challenge, shall make a final and binding decision as to whether the vote shall be counted or not.

7. *Employees Ineligible to Vote.* Supervisory employees who have the right to hire and fire employees or to effectively recommend hiring and firing are ineligible to vote and shall be excluded from any resulting collective bargaining unit. Similarly, there shall be excluded office clerical employees.

8. *Eligible Voters.* Any otherwise eligible employees who were on the payroll at Arvin during the period October 18, 1966, to October 26, 1966, shall have the right to vote.

9. *Certification of a Collective Bargaining Representative.* After the votes have been counted by the California State Conciliation Service, it will certify the results and the collective bargaining representative, if any.

10. *Continuing Jurisdiction of Undersigned.* Working in cooperation with the California State Conciliation Service the undersigned will retain continuing jurisdiction over the conduct of the representation elections and circumstances relating thereto as they may occur prior to such elections and at the time thereof.

11. *Resident Representative and Complaint Handling.* For the purpose of receiving complaints, the parties shall select a resident representative to be assigned to the property for periods prior to the elections. Complaints and questions directed to such resident representative will be answered or decided promptly by Messrs. Haughton and Kagel.

12. *Collective Bargaining and Arbitration after Certification.* In the event there is a union selected in an appropriate collective bargaining unit, negotiations leading to a collective bargaining agreement shall commence immediately, and will continue for a period of 45 days after the date of certification by Messrs. Haughton and Kagel. Unless the time is extended by mutual agreement, all remaining differences shall be submitted to final and binding arbitration before Mr. Sam Kagel of San Francisco and Mr. Ronald W. Haughton of Detroit. The Awards of the arbitrators shall be retroactive to the dates of certification. It goes without saying that a union which might not be successful in an election is barred from obtaining another election for the one-year period recognized in covered industry by the NLRB, and is also barred in accordance with established Labor Relations Law for a like period for one year from boycotting or engaging in similar economic activity designed to force recognition without an election. The costs of any arbitration proceeding stemming from this agreement, excluding costs of counsel, shall be borne equally by the parties.

13. *Obligations upon Acceptance.* With acceptance of this agreement, it shall be a violation thereof for any accepting employee organization to engage in a strike, picketing, or boycott against Di Giorgio Corporation. Company co-

operation to carry out the letter and spirit of the agreement is required. If there is acceptance, and there subsequently is a charge that there are strike or boycott actions, or there is a failure of the Company to cooperate fully, or that improper electioneering is being conducted by any party, a finding will be made with respect to such charge by Messrs. Kagel and Haughton, and in an appropriate case, a cease-and-desist order will be issued, which the accepting parties hereby agree shall be enforceable in an appropriate court as an order finding a breach of contract. Any other order issued by Messrs. Kagel and Haughton which arises out of the interpretation, application, or enforcement of any part of this agreement shall likewise be enforceable in an appropriate court as an order finding a breach of contract.

Executed in San Francisco, California, on October 25, 1966.

UNITED FARM WORKERS ORGANIZING COMMITTEE,
By DOLORES C. HUERTA,
TEAMSTERS FARM WORKERS UNION,
By _____
DI GIORGIO CORPORATION,
By _____

RONALD W. HAUGHTON.
SAM KAGEL.

EXHIBIT E

IN ARBITRATION PROCEEDINGS BETWEEN UNITED FARM WORKERS ORGANIZING COMMITTEE, AFL-CIO, AND DI GIORGIO FRUIT CORPORATION OPERATIONS AT SIERRA VISTA RANCH, BORREGO SPRINGS RANCH, AND DI GIORGIO FARMS, AS TO VARIOUS TERMS OF THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE PARTIES

ARBITRATORS : SAM KAGEL, RONALD W. HAUGHTON

San Francisco, California, April 1, 1967

INTRODUCTION

Four days of hearings were held in Delano and three days in San Francisco on the issues presented by both parties. The transcript of the hearings consists of 762 pages. The parties introduced a total of 173 exhibits and submitted written briefs totaling 97 pages.

THE RECORD

The Arbitrators in arriving at their awards studied, considered and weighed the entire record in this case. Because of the large number of issues and time element involved no opinion accompanies the awards.

DECISIONS AND AWARDS

Attached hereto is the complete Agreement between the parties. It consists of provisions which the parties themselves agreed to prior to the arbitration, together with the specific Awards made by the Arbitrators. Those provisions which are the Awards of the Arbitrators are identified in the attached Agreement by asterisks in front of the Section awarded.

DECISIONS AND AWARDS

1. All provisions of the attached Agreement marked by asterisks constitute the awards of the undersigned Arbitrators on the issues submitted for decision.
2. All issues and proposals submitted by either party not covered by or contained in an Award as noted in paragraph 1 above are denied.

Signed at San Francisco, California, on April 1, 1967.

SAM KAGEL,

Arbitrator.

RONALD W. HAUGHTON,
Arbitrator.

EXHIBIT F

AGREEMENT BETWEEN UNITED FARM WORKERS ORGANIZING COMMITTEE, AFL-CIO, AND DI GIORGIO FRUIT CORP. (SIERRA VISTA RANCH, DELANO, CALIFORNIA; BORREGO SPRINGS RANCH, BORREGO SPRINGS, CALIFORNIA; DI GIORGIO FARMS, ARVIN, CALIFORNIA)

Effective April 3, 1967

AGREEMENT

This Agreement is made and entered into by and between the United Farm Workers Organizing Committee, AFL-CIO (hereinafter referred to as Union) and Di Giorgio Fruit Corporation (hereinafter referred to as Employer).

(NOTE.—Sections marked with asterisks are provisions awarded in arbitration case; all other sections are provisions agreed to between the parties prior to the arbitration.)

SECTION 1—UNION RECOGNITION

(a) The Employer recognizes the Union as the sole and exclusive representative for the purpose of collective bargaining with respect to rates of pay, wages, hours of employment and other conditions of employment of all field workers, irrigators, tractor drivers excluding truck drivers, swamper, shed workers, kitchen employees, maintenance workers or pipeline repairmen of the Employer as certified by the American Arbitration Association on September 2, 1966 employed on all agricultural fields leased, owned or rented by the Employer at Sierra Vista Ranch, Delano, California, and Borrego Springs Ranch, Borrego Springs, California, and for all of the employees at Company's Di Giorgio Farms, at Arvin, California, as certified by the California State Conciliation Service on November 4, 1966, excluding however at all locations supervisory employees who have the right to hire or fire or effectively to recommend same, and office clerical employees.

(b) The Employer further recognizes the rights and obligations of the Union to negotiate wages, hours, and conditions of employment, and to administer this Agreement on behalf of all covered employees.

(c) The Employer and its representatives will not undermine the Union or promote or finance any competing labor organization.

(d) The Employer and its representatives will not interfere with the right of any employee to join and assist the Union, and will make known to all employees that they will secure no advantage, more favorable consideration, or any form of special privilege because of non-membership in the Union.

(e) The Employer and its representatives will make known to all employees, supervisors and officers, its policies and commitments as set forth above with respect to recognition of the Union and that employees in the bargaining units should give the utmost consideration to supporting and participating in collective bargaining and contract administration functions.

(f) All agricultural operations of the Employer, and those that may be hereafter established or purchased, leased or rented, within the intentions of the September 2, 1966 American Arbitration Association Certification, or the Certification of November 4, 1966, shall automatically be brought under this agreement.

SECTION 2—MANAGEMENT RIGHTS

(a) Employer retains any and all rights and prerogatives of management it enjoyed prior to the execution of this contract except as specifically and expressly limited or modified by the provisions of this contract.

SECTION 3—MAINTENANCE OF STANDARDS

(a) The Employer agrees that all conditions of employment relating to wages, hours of work and general working conditions shall be maintained at no less than the highest standards in effect at these ranches at the time of the signing of this Agreement and conditions of employment shall be improved wherever specific provisions for improvement are made elsewhere in this agreement.

SECTION 4—NO DISCRIMINATION

(a) In accord with the past and present policies of the Employer and of the Union, it is agreed that neither party will discriminate against any Employee on the basis of race, creed, color, religion or national origin.

* * * SECTION 5—INTERCHANGE

(a) The parties hereto are cognizant that the recognition conferred by this Agreement as to the Sierra Vista Ranch and Borrego Springs Ranch resulted from an election held August 30, 1966, and that also as a result of this election Employer will execute another contract with the Teamsters Farm Workers Union. Because of the particular circumstances which gave rise to this election, the employees voting in the election were split into two voting units, the so-called white unit and the so-called green unit.

(b) The parties agree that the creation of the green and white units will not in any way limit or condition the continuation of past practice of free and complete interchange by and at the discretion of the Employer of duties and assignments of employee back and forth among job categories, irrespective of whether such interchange involves job assignments from the white to the green unit, or vice versa.

(c) All employees who were employed as of January 18, 1967 shall be covered by the Agreement applicable to the unit in which they voted, or would have been eligible to vote in, i.e., the white unit, Farm Workers; the green unit, Teamsters.

(d) As of January 19, 1967 and thereafter any hires whether new or rehires shall be covered by the Agreement within whose jurisdiction such employee works for a majority of the time of his first ten days of employment.

(e) If an employee is transferred on a permanent basis from the jurisdiction of the Farm Workers Agreement to the Teamsters Agreement or vice versa, then such employee shall thereafter be covered by all the terms of the applicable Agreement applying to the unit into which he was transferred. Any dispute as to whether a transfer is permanent or not shall be processed by and settled through the Interchange Committee hereinafter created.

(f) An Interchange Committee consisting of one representative of the United Farm Workers Organizing Committee, one representative of the Teamsters Farm Workers Union and one representative from the Employer shall be set up forthwith. This committee shall consider and process and decide on a unanimous basis all matters pertaining to interchangeability within the Sierra Vista Ranch, and as between Sierra Vista Ranch, Borrego Springs Ranch and DiGiorgio Farms. Matters not settled unanimously may be referred by any of the parties to the Arbitrator provided for under the grievance procedure whose decision shall be final and binding on all the parties.

(g) The union security, checkoff and interchange provisions as they are set forth in this Agreement shall be agreed to by the Employer and Teamster's Farm Workers Union and made a part of that Agreement. This is in accord with the Agreement reached on this matter between all the parties at the Delano hearing held on January 18, 1967. (Tr. p 171-177)

* * * SECTION 6—APPLICATION OF AGREEMENT

(a) If the Employer leases, rents or transfers by any other arrangement, other than by a bona fide sale for value, land which is within the coverage of this Agreement and upon which agricultural operations are or can be carried on, then this Agreement shall apply to such land and operations. The Employer shall accordingly provide in any such lease, rental or transfer by any other arrangement, other than by a bona fide sale for value that this Agreement and any succeeding agreement shall apply to agricultural operations if and when carried on the land involved in such transaction.

(b) If after April 3, 1967 any land coming within the terms of this Agreement is sold and the Employer agrees to manage and farm such land for the new owner, then this Agreement and succeeding agreements as long as Employer farms such land shall apply, and the Employer shall make this a condition of his managing or farming such land.

* * * SECTION 7—SUPERVISORS AND BARGAINING UNIT WORK

(a) Supervisors outside of the bargaining unit shall not perform work regularly performed by employees in the bargaining unit except as they have performed such work in accordance with past practice at Sierra Vista Ranch, Borrego Springs Ranch and DiGiorgio Farms. When they perform such work such supervisors shall be subject to all of the provisions of this Agreement except that as to Section 13, Union Security, paragraphs (b), (c), and (d) only shall apply.

* * * SECTION 8—NEW JOB CLASSIFICATIONS

(a) New job classifications and applicable wage rates may be established and made effective by the Employer in accordance with the following procedure:

(b) The Employer shall notify the Union of its intended action in writing.

(c) The Union, if it questions the Employer's action, shall do so in writing within five days of Employer's notice, and the parties shall meet with the Employer within five days of such written notice for the purpose of arriving at an agreement on the intended action. Fifteen (15) days after Employer's written notice if no agreement has been reached earlier then the Employer may make the job classification and the rate effective.

(d) If the Union thereafter still objects to the Employer's action it may submit in writing within 10 days of the Employer's action the matter to the Arbitrator provided for in the grievance procedure who shall decide the dispute.

(e) The scope of such arbitration shall be the establishment of the job classification, the job content and the job wage rate.

(f) The Employer shall not change or modify any present job so as to remove it from the bargaining unit.

SECTION 9—SUBCONTRACTING

(a) The parties understand and agree that the hazards of agriculture are such that subcontracting by Employer is necessary and proper, but also understand and agree that Employer should not subcontract to the detriment of Union. They consequently agree that Employer shall have the right to subcontract as it has in the past, viz, for crop-dusting, barley planting and harvesting, potato harvesting, plumbing, electrical work and the like. The foregoing are examples only and are not intended as limitations on the Employer's right to subcontract. On the other hand, the Employer shall not utilize the services of any labor contractor to supply field or packing house personnel within Union jurisdiction unless Employer first requests Union to supply such personnel and Union is unable to do so within 72 hours of such request.

SECTION 10—DISCHARGE

(a) The Employer shall have the sole right to discipline and discharge employees for just cause provided that in the exercise of this right it will not act in violation of the terms of this Agreement.

(b) Prior to any discharge, the Employer shall notify a steward and/or a Union official and such Union steward shall be present when formal charges are made.

(c) The Union official(s) and/or steward shall have the right to interview discharged employees in private.

(d) Within 24 hours after any discharge, for just cause, the Union will be notified in writing of the reason for discharge.

(e) Individual performance in relation to a piece rate or incentive plan shall not be conclusive evidence for the purpose of disciplining or discharging an employee. This provision shall not, however, constitute any limitation on any of the Employer's rights to discipline or discharge for unsatisfactory work performance.

(f) As used herein, "just cause" includes, but is not limited to, drunkenness on duty, theft of Employer's property, premeditated, deliberate destruction of Employer's property. Complaints that the Employer has violated this paragraph may be taken up through the grievance procedure provided in this Agreement.

(g) An employee who has been discharged for drunkenness, theft, or deliberate destruction of Employer's property may be eligible for rehire with the consent of the Company.

SECTION 11—NO STRIKE OR LOCKOUT

(a) During the term of this Agreement there shall be no cessation of work, whether by strike, walkout or lockout, and there shall likewise be no boycott or other interference by the Union, within the control of the Union, or with the Union's consent or approval, with the sale or distribution of any product or products sold, distributed or marketed by DiGiorgio Corporation, including products of any of said corporation's divisions or subsidiaries.

(b) If any violation of the foregoing is charged, the parties will proceed forthwith to final and binding arbitration, and in no event will either party violate the provisions of this Section during or after the arbitration. The arbitrator will be Sam Kagel, or, if he cannot so act, the arbitrator will be chosen in the manner provided in Section 37(e) hereof, but no other provision of Section 37 shall be applicable to any arbitration under this Section.

* * * SECTION 12—PICKET LINES

(a) Refusal to cross a legitimate and bona fide picket line as defined in this Section shall not be deemed a violation of this Agreement. Such a picket line is one established and maintained by a Union, acting independently of the Union party to this Agreement at or about the premises of an employer with whom it is engaged in a bona fide dispute over wages, hours or working conditions of employees of said Employer, a majority of which employees it represents as their collective bargaining agency. Collusive picket lines, jurisdictional picket lines, hot cargo picket lines, secondary boycott picket lines, and informational picket lines, demonstration picket lines are not legitimate and bona fide picket lines within the meaning of this Agreement. Any alleged violation of this provision shall proceed forthwith to final and binding arbitration as provided in Section 11 (b).

SECTION 13—UNION SECURITY AND CHECK-OFF

(a) Employees within the bargaining unit who are members of the Union or who have authorized the Union in writing to represent them shall maintain such membership during the term of this Agreement. All employees hired after January 23, 1967, shall not later than the 10th day following commencement of their employment, become and remain members of the Union in good standing. The Union shall be the sole judge of the good standing of its members. Any of the above-mentioned employees who fail to become a member of the Union within the time limit set forth herein, or who fail to pay the required initiation fees, periodic dues and regularly authorized assessments as prescribed by the Union shall be immediately discharged upon written notice and from the Union to the Employer.

(b) All employees within the bargaining unit who are not members of the Union, shall as a condition of continued employment after January 23, 1967, pay to the Union each month a service charge as a contribution toward the administration of this Agreement. The service charge shall be in an amount equal to the Union's regular initiation fee and monthly dues.

(c) The Employer agrees to deduct said initiation fees, dues and service charges and remit the monies to the Union not later than the 15th day of the following month. Vacation pay is subject to such deduction.

(d) Union shall provide Employer with written authorization forms authorizing the above deductions, and Employer shall use its best efforts, in cooperation with Union, to assure that employees within the bargaining unit execute such authorizations. Said authorizations shall be valid for the term of this Agreement. Employer shall not be required to make any deductions from the wages of employees who have not executed authorizations, but deliberate refusal to execute such an authorization shall be reason for discharge, as above provided.

(e) The Employer agrees to furnish the Union in writing, the names of employees, addresses, Social Security numbers and type of job classifications on a quarterly basis.

* * * SECTION 14—HIRING HALL

(a) Whenever employees are needed by Employer to perform any work covered by this Agreement, Employer shall notify the Union in writing stating the number of employees needed, the type of work to be performed, the starting date of the work and the approximate duration of the job or jobs.

(b) Upon receipt of such notice, the Union shall immediately use its best efforts to furnish the requested employees. If the Union does not furnish such employees within 72 hours, or on the date of the beginning of the work (whichever date is later), the Employer shall be free to procure needed employees not furnished by the Union from any other source. The Employer shall, in such event, notify the Union in writing within 48 hours of the names and addresses of all employees so hired by Employer.

(c) Union shall not refuse to register and refer for employment under this Section, any person who is not at the time of registration or referral a Union member in accordance with Section 13.

(d) Preference in referral shall be given to persons coming within the terms of Section 15, the Seniority provision, and Section 16, the Work Opportunity provision.

(e) Employer shall have the unqualified right to refuse to employ any person referred by the Union if on or after April 3, 1967 that person has been discharged for cause by Employer, and the discharge was sustained on appeal, or if such discharge was not appealed.

SECTION 15—SENIORITY

(a) When filling vacancies or making promotions, transfers, reclassifications or demotions, Employer will give preference to employees with the greatest length of continuous service, provided that qualifications and ability are equal.

(b) Seasonal Layoffs shall not constitute a break in the continuity of service. Layoffs and re-employment after layoffs shall be on the basis of continuous service.

(c) Employer shall furnish an up to date list of all employees on a quarterly basis. Seniority shall begin after 15 days worked and shall be retroactive to date of hire.

SECTION 16—WORK OPPORTUNITY

(a) If less than the normal work opportunity is available, preference shall be given to employees of the regular full-time work force.

SECTION 17—SAFETY COMMITTEE

(a) A joint safety committee consisting of equal numbers of employee representatives selected by the Union and representatives selected by the Employer shall be established at each farm.

(b) The safety committee shall consider existing practices and rules relating to safety, formulate suggested changes in existing practices and rules, and make recommendations to local management with respect to the adoption of new rules and practices.

SECTION 18—HEALTH AND SAFETY

(a) *Sanitary Facilities:* There shall be adequate toilet in the field readily accessible to employees, that will be maintained in a clean and sanitary manner. These may be portable facilities and shall be maintained at the rate of one for every 35 employees, insofar as possible.

(b) *Drinking Water:* Each place where there is work being performed shall be provided with suitable cool, potable drinking water convenient to employees. Individual paper drinking cups shall be provided.

(c) *First Aid:* Adequate first aid supplies shall be provided and kept clean and sanitary in a dust proof container; safe-keeping of same during work hours shall be the responsibility of the foreman, who may delegate such responsibility.

* * * SECTION 19—PROTECTIVE GARMENTS, ETC.

(a) Protective garments, tools and equipment necessary to safeguard the health of or to prevent injury to an employee's person shall be provided, maintained and paid for by the Employer.

(b) It is understood that the Employer shall furnish protective equipment for sprayers, umbrellas for tractor drivers and hooks or jacks ladders for pipemen when going into large pipes.

SECTION 20—CAMP HOUSING

(a) Rentals to employees of available camp housing on the Employer's premises shall continue to be made to employees on a nondiscriminatory basis and without favoritism; the factors of race, color, creed, religion or national origin shall continue not to be considered in the distribution of available rentals.

* * * SECTION 21—OPERATION OF CAMPS

(a) Camps and meal service when operated by the Employer shall be operated on a non-profit basis.

(b) Where the Employer presently provides free sleeping accommodations in its camps, it shall continue to do so.

* * * SECTION 22—LEAVES OF ABSENCE; JUST PAY

(a) A leave of absence shall be granted to employees on the seniority list for any of the following reasons without loss of seniority:

(1) For jury duty or when subpoenaed as a witness;

(2) Up to one (1) year in the event of his illness or injury. The Employer may extend the period of such leave.

(3) Such employee shall, while serving on jury duty, receive from the Employer the difference in pay between his jury pay and his regular wages for the duration of such jury service.

SECTION 23—LEAVES OF ABSENCE FOR UNION BUSINESS

(a) Any employee elected or appointed to an office or position in the Union shall be granted a leave of absence for a period of continuous service with the Union. Fifteen (15) days' notice must be given the Employer before the employee taking leave to accept such office or position or chooses to return to work. Such leave of absence will be without pay. (Seniority shall not be broken or suspended by reason of such leave).

(b) A leave of absence shall also be granted for temporary leave to attend Union business provided five (5) days' notice is given.

SECTION 24—MILITARY LEAVE

(a) In the event an employee of the Employer serves in the armed forces pursuant to selective service act he shall not lose any seniority job rights or other benefits. Upon their discharge from the military, they shall be granted a job equal to that which they would have had with the Employer had they remained in continual employment of the Employer.

SECTION 25—RIGHT OF ACCESS TO EMPLOYER PROPERTY

(a) Employer agrees to admit to Sierra Vista Ranch, Borrego Springs Ranch and DiGiorgio Farms the authorized representatives of the Union for the purposes of collecting dues, observing the application of this Agreement, and adjusting grievances. Union representatives shall advise Employer of such visits in advance by notifying the Ranch Supervisor or Director of Personnel.

SECTION 26—BULLETIN BOARDS

(a) The Employer will provide bulletin boards placed at such central locations as the Union may designate, subject to approval of the Employer, upon which the Union may post its formal notices.

SECTION 27—TAX WITHHOLDING

(a) Employer shall deduct federal income tax in accordance with standard practices, with scaled dependent deductions, for employees agreeing in writing to such withholding.

* * * SECTION 28—CREDIT UNION WITHHOLDING

(a) Upon proper written employee authorization deductions as provided in such authorization shall be made by the Employer for the Farm Workers Credit Union, and such monies forwarded to that organization.

* * * SECTION 29—WAGES

(a) *Wages from April 3, 1967 until April 2, 1968:* All hourly rated employees shall receive a twenty-five cents (25¢) per hour wage increase effective April 3, 1967, and all wage rates shall be raised twenty-five cents (25¢). The basic minimum hourly rate shall be \$1.65 per hour.

(b) All piece work or incentive rates shall be adjusted to reflect a twenty-five cents (25¢) per hour increase effective April 3, 1967. Piece workers shall have guaranteed earnings of not less than the basic minimum hourly rate.

(c) *Establishing Appendix A:* The parties shall forthwith agree to a schedule of wage rates in accordance with paragraphs (a) and (b) above and such schedule shall be marked Appendix A attached to this Agreement and be considered a part hereof. This schedule shall set forth the classifications and applicable hourly rates. It shall also set forth the piece rates and tonnage rates. Any differences between the parties relative to formulating Appendix A shall be referred for decision to the Arbitrator provided for in the grievance procedure, Section 37.

(d) *Wages as of April 3, 1968:* Effective April 3, 1968 the hourly wage rates set forth in Appendix A shall be increased five cents (5¢) per hour and all hourly workers shall receive five cents (5¢) per hour increase. The basic minimum hourly rate shall be \$1.70 per hour. All piece work rates set forth in Appendix A shall be adjusted to reflect a five cents (5¢) per hour wage increase, and piece workers shall have guaranteed earnings of not less than the basic minimum hourly rate.

(e) *Retroactivity:* All employees who worked at any time during the period from September 2, 1966 to April 2, 1967 at Sierra Vista Ranch and Borrego Springs Ranch and/or worked at any time from November 4, 1966 to April 2, 1967 at Di-Giorgio Farms shall receive fifteen cents (15¢) per hour for each hour worked as back pay. Such payments shall be made regardless of whether the employee worked on an hourly basis or piece work basis.

(f) The Employer shall within ninety (90) days from April 3, 1967 supply the Union with a list showing the names of persons and last known address who are entitled to receive such back pay together with the amount due each person. Such list shall also be posted at each of the locations covered by this Agreement.

(g) Any monies which remain unclaimed as of April 3, 1968 by the persons named on the list shall be paid by the Employer into the Special Benefit Fund provided for in Section 35, and the Employer shall not in any manner thereafter be liable for monies to any person whose name was on the list but who did not claim such monies as of April 3, 1968.

SECTION 30—HOURS

(a) *Relief Periods:* Farm workers are entitled to reasonable and necessary time off for relief. Relief periods shall be fifteen (15) minutes for every four (4) hours worked, falling around the mid-point of the work involved, provided that relief not taken by the employee shall not be compensable time, and further provided that relief time not taken in any forenoon by choice of the worker may be cumulated and taken in the afternoon of the same day.

(b) *Meal Time:* Lunch time shall be one (1) hour.

(c) *Day of Rest:* Each farm worker shall be entitled to one (1) full day (24 hours) off without pay each payroll week as follows: insofar as possible, the work shall be arranged so that each worker will have Sunday off.

* * * SECTION 31—REPORTING AND STANDBY TIME

(a) An employee paid on an hourly or piecework basis who is required to report for work and does report and is furnished no work or less than four hours of work for reasons other than an Act of God shall be paid at least four hours for that day at the employee's hourly rate of pay, or the employee's average hourly piece rate earnings.

SECTION 32—RECORDS AND PAY PERIODS

(a) Full and accurate records shall be kept, including total hours worked, piece rate or incentive records, total wages and total deductions. Employees shall be furnished a copy of the itemized wages and itemized deductions each pay day which shall include the employee's daily wage and hour record.

(b) The Union shall have the right to examine time sheets, work production or other records that pertain to employee's compensation, in case of a dispute as to pay.

* * * SECTION 33—VACATIONS

(a) Employees who work a total of 1600 hours in either the calendar year preceding the vacation or 12 months immediately preceding the vacation at Sierra Vista Ranch or Borrego Springs Ranch or DiGiorgio Farms or at all such locations shall receive one week of paid vacation per year. Such vacation pay to be equal to 1/52 of the employee's earnings for the 12 months preceding the vacation.

(b) Employees who have worked such total of 1600 hours at either Sierra Vista Ranch or Borrego Springs Ranch or DiGiorgio Farms or at all such locations in each year (calendar year or 12 months immediately preceding annual vacation, of three consecutive years shall receive two (2) weeks' paid vacation, such vacation pay to be equal to 2/52 of the employee's earnings for the 12 months preceding the vacation.

(c) If an employee's vacation period includes one of the holidays set forth in Section 34 his vacation period shall be extended to include such holiday, but without pay for that day.

(d) Vacation schedules shall be mutually agreed upon except if more employees in the judgment of the Employer want a particular vacation period than can be reasonably spared, the worker with the highest seniority shall have first preference for the vacation period.

(e) If an employee is entitled to a paid vacation and requests the pay so due him prior to taking the vacation he shall be paid the sum of money he is entitled to.

* * * SECTION 34—HOLIDAYS

(a) Time worked on holidays hereinafter enumerated shall be at one and one-half times the regular rate of pay for work performed.

(b) The following days shall be the holidays referred to in (a) above:

New Year's Day
Good Friday
Fourth of July
Labor Day
Thanksgiving Day
Christmas Day

* * * SECTION 35—SPECIAL BENEFITS FUND

(a) *Purpose of Fund:* The purpose of this Fund is to provide for health and welfare benefits and/or life insurance benefits and/or pensions as agreed upon by the parties. The parties shall agree upon the final purpose or purposes for which the monies accumulated shall be used and all of the conditions applicable to such use on or before sixty (60) days prior to April 3, 1968. If the parties are unable to so agree by that date then all disputes and differences shall be submitted for final and binding arbitration to Sam Kagel and Ronald Houghton, or if both of them cannot then serve, to the one who is available, and if neither can serve, then to an arbitrator selected from a list of five names submitted to the parties by the California State Conciliation Service.

(b) *Accumulation of Funds:* The Employer as retroactive payments for the period from the dates of certification to December 31, 1966 shall pay into such fund the sum of Twenty-Five Thousand Dollars (\$25,000.00). Then commencing as of January 1, 1967 the Employer shall contribute five cents (5¢) per hour for each hour worked by all employees covered by this Agreement to this Fund.

(c) *The Trust Fund and Trust Agreement:* The monies to be contributed hereunder shall be paid into a trust which shall forthwith be established by an

equal number of representatives of the Employer and the Union for the sole and exclusive benefit of the employees of such Employer, and their families and dependents (or of such employees, families, and dependents jointly with the employees of other employers making similar payments, and their families and dependents): Provide that (A), such payments shall be held in trust for the purpose of paying, either from principal or income or both, for the benefit of employees, their families and dependents, for medical, dental, or hospital care, pension or retirement of employees or life insurance or insurance to provide any of the foregoing; (B), the detailed basis on which such payments are to be made shall be specified in a written agreement with the Employer, and employees and Employer are equally represented in the administration of such fund. In the event the Employer and Employee trustees deadlock on the administration of such fund Sam Kagel shall, acting as arbitrator, decide such dispute and his decision shall be final and binding. If Sam Kagel is unable to serve then an arbitrator shall be selected from a list of five names supplied by the California State Conciliation Service.

The Agreement between the parties shall also provide for an annual audit of the trust fund by a Certified Public Accountant, a statement of the results of which shall be available for inspection by interested persons at the principal office of the Trust Fund. If payments are intended to be used for the purpose of providing pensions for employees then such payments shall be made to a separate trust which provides that the funds held therein cannot be used for any purpose other than paying such pensions.

* * * SECTION 36—UNEMPLOYMENT INSURANCE

(a) The Employer, to the extent that he is not covered by the compulsory provisions of the California Unemployment Insurance Act, shall file with the California Employment Commission a written election that all employment in the units covered by this Agreement shall be deemed to be employment for all of the purposes of the Act and upon approval by the Commission of such election the Employer will make payments and deductions provided for under the Act.

(b) If the California Employment Commission does not approve the coverage requested then the amount of the Employer's monthly contribution which would be payable initially under the Act for each covered employee shall be paid monthly into the Special Benefits Fund provided for in Section 35, and such payments shall be retroactive to and commence as of April 3, 1967.

SECTION 37—GRIEVANCE PROCEDURE

(a) The parties to this Agreement agree that as to all differences, misunderstandings, or disputes which arise between the Employer and the Union out of the interpretation or application of this Agreement, including but not limited to discharges, and wages, an earnest effort shall be made to settle same immediately, as follows:

(b) *First Step:* Within 24 hours of notice from one party to the other, the matter shall be taken up between the immediate supervisor, representing the Company and the Union steward, and they shall use their best good faith efforts to resolve the grievance.

(c) *Second Step:* In the event they are unable to adjust the dispute within one work day, the matter shall then be taken up by an official of the Union and the Branch Personnel Manager of the Employer.

(d) *Third Step:* If there be no settlement between the above-mentioned parties within two work days, the matter shall be taken up by the Employer's district or local Personnel Manager and a District Officer of the Union.

(e) *Fourth Step:* In the event that these parties cannot resolve the dispute within five working days, the matter shall be submitted to an impartial arbitrator for a decision which shall be final and binding on all parties. The said impartial arbitrator shall be Sam Kagel. In the event that Sam Kagel shall not be available, then an arbitrator shall be selected from a list of five persons submitted to the parties by the California Conciliation Service.

(f) *Grievance Committee:* A grievance committee of five (5) workers shall be established by the Union which may participate in any step of the grievance.

(g) *Harmonious Working Relations:* Any claim by Union that action on the job of any non-bargaining unit employee is disrupting harmonious working relations may be taken up as a grievance.

(h) *Failure to file* the grievance within thirty (30) days from the date that such grievance came to the notice of the moving party shall constitute a waiver of said grievance, provided, however, that a grievance on a discharge shall be filed within five (5) days from the date that it comes to the attention of the Union, and failure to file such a grievance within five (5) days shall constitute a waiver thereof. In computing time under this section, Sundays and Holidays will be excluded.

(i) *Union Security or Hiring Disputes*: Disputes arising between the Union and the Employer under Recognition, Union Security or Hiring shall be taken up directly by the District Personnel Manager and the District Union Officer and shall proceed immediately to arbitration if said persons cannot resolve the dispute within five (5) days.

(j) *Arbitration Procedures*: All testimony taken at arbitration hearings shall be taken under oath, reported and transcribed. The expenses and fees of the arbitrator and reporter, and the cost if any, of a hearing room shall be shared equally between the Employer and the Union. All other expenses incident to arbitration shall be borne by the party incurring them.

(k) *Arbitrators Authority*: The impartial arbitrator shall not modify any provision or provisions of this Agreement.

SECTION 38—MODIFICATION

(a) No provision or term of this Agreement may be amended, modified, changed, altered or waived except by the parties hereto.

SECTION 39—WAIVER

(a) The parties acknowledge that during the negotiations which resulted in this Agreement, each had the unlimited right and opportunity to make demands and proposals with respect to any subject or matter not removed by law from the area of collective bargaining, and that the understandings and agreements arrived at by the parties after the exercise of that right and opportunity are set forth in this Agreement. Therefore, the Employer and the Union, for the life of this Agreement, each voluntarily and unqualifiedly waives the right, and each agrees that the other shall not be obligated to bargain collectively with respect to any subject or matter referred to, or covered in this Agreement, or with respect to any subject or matter not specifically referred to or covered in this Agreement, even though such subject or matter may not have been within the knowledge or contemplation of either or both of the parties at the time that they negotiated or signed this Agreement, provided, however, that this waiver shall not be applicable to the creation of new jobs, changes in existing jobs, classification or changes in existing practices with respect to hours or conditions of work.

SECTION 40—SAVINGS CLAUSE

(a) In the event any portion of this Agreement shall become ineffective as the result of any applicable local, state or federal law, only that portion of the Agreement so affected shall be ineffective; in no event shall the fact that a portion of this Agreement be not applicable or illegal in accordance with such laws render the remainder of the Agreement ineffective or work a termination.

* * * SECTION 41—EFFECTIVE DATE, ANNUAL REVIEWS, AND DURATION OF AGREEMENT

(a) Except as different effective dates are specifically stated in particular Sections of the Agreement, this Agreement shall be effective April 3, 1967.

(b) Not later than ninety (90) days prior to April 3, 1969 either party may propose to the other in writing, modifications or amendments to the following sections of the Agreement: Section 29, and Appendix A; Wages; Section 30, Hours; Section 33, Vacations; Section 34, Holidays; Section 35, Special Benefit Funds, including those provisions negotiated or settled by arbitration as provided in Section 35(a) and Employer contributions; and Section 36, Unemployment Insurance. The parties shall negotiate on such proposals and whatever remains unsettled between them shall be submitted to final and binding arbitration thirty (30) days prior to April 3, 1969. The parties by mutual agreement may extend the period for negotiation and extend the date for arbitration, but any negotiated settlements or arbitration awards, whenever made, shall be for the full year April 3, 1969 to April 3, 1970. The arbitrators shall be Sam Kagel and Ronald Haughton, or if both of them cannot then serve then either of them

who might be available shall be the arbitrator; and if neither of them are available then the arbitrator shall be selected by the parties from a list of five (5) names submitted by the California State Conciliation Service.

(c) This Agreement shall remain in full force and effect until April 3, 1970 and shall be automatically renewed from year to year thereafter unless either party gives written notice of a desire to modify, amend or terminate this Agreement, at least ninety (90) days prior to April 3, 1970 or any subsequent April 3. Negotiations concerning modifications or amendments of this Agreement under this paragraph of the Agreement shall begin not later than thirty (30) days after receipt of the written notice to modify or amend. During negotiations beyond April 3, 1970 this Agreement shall remain in full force and effect unless either party thereafter gives the other party twenty (20) days notice in writing terminating the Agreement.

(d) Notifications provided for in this Section shall be made by certified or registered mail.

This Agreement signed at _____ on _____.

FOR UNITED FARM WORKERS ORGANIZA-
TION COMMITTEE, AFL-CIO

FOR DI GIORGIO FRUIT CORPORATION

EXHIBIT G

RELEASE OF ARBITRATORS SAM KAGEL AND RONALD HAUGHTON IN THE ARBITRATION BETWEEN THE UNITED FARM WORKERS ORGANIZING COMMITTEE, AFL-CIO, AND DI GIORGIO FRUIT CORP., OPERATING AT DELANO, BORREGO SPRINGS AND ARVIN

Ordinarily arbitrators make no announcement of their decisions. This is left to the parties. However, in this case because of the large number of issues submitted to arbitration and with the approval of the parties the following is a summary of the provisions of the collective bargaining agreement settled directly by the parties and the awards made by the arbitrators:

The Collective Bargaining Agreement contains a number of important provisions which the parties themselves agreed to prior to the arbitration. These provisions include the union shop and union dues checkoff; a grievance procedure with arbitration as the terminal point; management rights clause; no discrimination clause; subcontracting provisions; a no strike-no lockout provisions; recognition of seniority; establishment of a safety committee and other provisions.

The Awards of Arbitrators Kagel and Haughton include the following:

Provisions for a *hiring hall*. If the Union cannot supply the required employees within 72 hours the Employer may hire from any source.

The Agreement is to be binding in all instances where the Employer may rent or lease the land covered by the Agreement. However, it shall not apply to land sold by the Employer.

Leaves of absence for seniority employees for jury duty and illness or injury. Pay for jury duty.

Wages: From April 3, 1967 until April 2, 1968 all wages to be increased \$.25 per hour with the minimum wage set at \$1.65 per hour.

From April 3, 1968 to April 2, 1969 all wages to be increased \$.05 per hour with minimum wage set at \$1.70 per hour.

Retroactive pay for all employees who worked from the dates of certification. September and November 1963 until April 2, 1967 of \$.15 per hour is provided.

Reporting and standby time of four hours payment is provided if less than four hours work provided.

Vacations for employees working 1600 hours per year as follows: One week paid vacation after one year, two weeks after three years service.

Six *holidays* are named for which time and one-half shall be paid if work is performed on such days.

A *Special Benefits Fund* is created to be used for health and welfare, dental, pension and insurance benefits. The parties are to agree on the details of such benefits by April 1969; otherwise they shall be settled by binding arbitration.

The monies for such Fund shall be obtained as follows:

As a retroactive contribution up to January 1, 1967 the Employer shall pay \$25,000 into the Fund.

As of January 1, 1967 and thereafter the Employer shall contribute \$.05 per hour per employee into the Fund.

All retroactive wages not collected by April 3, 1968 by employees entitled to same shall be paid into the Fund. If unemployment insurance is not granted by the State then the contributions that would be made for such purpose shall go into the Special Benefits Fund.

The Fund shall be administered by an equal number of Union and Employer trustees. Any differences between them shall be settled by arbitration.

The Employer shall apply to the State for *Unemployment Insurance*. If it is not granted the amount of the contributions that would have been made shall be paid into the Special Benefits Fund.

The *term of the Agreement* is three years until April 3, 1970. The only interim review during this period shall be on April 3, 1969 when the parties may open the Agreement for a review of wages, vacations, special Fund contributions and other cost items. Any unsettled matters shall be submitted to arbitrator. The parties by mutual agreement may extend the Agreement beyond April 3, 1970.

The arbitration proceedings included four days of hearing at Delano and three days in San Francisco. The transcript of the hearings consists of 762 pages. The parties introduced a total of 173 exhibits and submitted written briefs totaling 97 pages.

Mr. THOMPSON. Thank you very much, indeed.

These documents are going to be extraordinarily valuable, not only to us but to others in studying the history of this particular contract. As a matter of fact, I was thinking that the contract itself might be of great interest to organizations which may be organized soon.

H.R. 4769 is in essence, of course, and you recognize it to be, a very simple bill. There no doubt will be concern by a great number of people that the enactment of such legislation might affect small farms.

What recommendation would you have for exemptions for such a piece of legislation?

Dr. HAUGHTON. I wouldn't be human if I had not thought of that. I did not include it in my testimony because, it seemed to me, it was getting into the political area and, basically, I have been testifying as almost a technician here. But I am happy to respond to the question.

In my judgment it would be extremely difficult to get something like this through if, using the analogy of the mom and pop grocery store, if the mom and pop farm were covered to the point that they might be subject to writing a fancy contract like this DiGiorgio-Farm Workers' document.

Mr. THOMPSON. Of course, the thrust of the legislation is not in the direction of the small farm. The politics of it aside, the fact is that there might be consideration of some reasonable exemption for no man's land.

Dr. HAUGHTON. I think that is what it is called under the present administration of the NLRA. It is called a gray area, a no man's land.

I had to go to school, so to speak, with directors of the NLRB and their staffs in San Francisco and Detroit to learn my A B C's. And all I know about the NLRA I learned in the last year.

I suppose in a farm situation you could have a particular money income as a criterion for coverage. You could also have an acreage amount, or you could have the number of employees. Actually, I am not so naive as to say that everything can be switched from the NLRA to farm relations. I say that the framework, the structure, is there.

Now, I was able to grub through the books of NLRB decisions, and I found that, as far as I was concerned, they showed a flexibility of approach on seasonal workers that fitted my concerns out there in California.

Mr. THOMPSON. Of course, in the administration of the law there are considerations, for instance, for the building trades which involve seasonable employment.

Dr. HAUGHTON. That is right.

Another one that comes to mind is an election involving longshore workers in Toledo, with all the intermittency there.

Mr. THOMPSON. Mr. Scheuer, our colleague, has a bill on which we had hearings in the last Congress to extend these types of exemptions to the performing arts, where people work for short periods of time.

Dr. HAUGHTON. Congressman, another piece of legislation that I have been most interested in, in terms of administration, and have done a good deal of consulting work in for the Government is the equal employment law. There must be some considerations there in terms of exemptions.

What was the first year? I think you had to have a hundred people before you were subject to it the first year. It went down, and it is now down to 25 or 50.

My first Government work was in unemployment insurance. The original law exempted only employers of eight or less. Now, with long experience, I think, most State laws are down to the coverage of employers of one or more.

So, my answer is that I think the NLRB has within its power to create gray areas or no man's land. It can say, "We will apply this as long as it is a nondiscriminatory and legitimate approach. It can use a number of people, size of land, or whatever set of criteria, whereby the "mom-and-pop farm," if we can coin a phrase, would be exempted.

And this has a very practical point. They would be so swamped if they had to conduct an election at every little farm that had one hired man for 7 weeks that the real thrust of this proposed legislation would be vitiated.

Does that respond to your question?

Mr. THOMPSON. Yes; I quite agree.

Mr. O'Hara?

Mr. O'HARA. Dr. Haughton, I would like to cover first things first.

I have read in the newspapers that the United Auto Workers are assisting the Farm Workers Organizing Committee. I am going to suggest that the Farm Workers earmark part of their assistance for the purchase of a certain Detroit product.

With respect to the jurisdictional question, our next witness will be representing the NLRB and I hope to explore this problem with them.

Dr. HAUGHTON. I am out of my field. I just gave a sort of political answer. They know the answer.

Mr. O'HARA. You are entirely correct, both in political and administrative terms.

You are also correct, I think, with respect to another approach to the jurisdictional problem. As a practical matter it just is not worth while to devote organizing efforts to very small operations. As you well know, in industry, labor organizations have adopted their own criteria. They, for instance, don't bother spending time and effort in organizing drives at concerns which employ less than a certain number of people.

I think, that as a practical matter, we don't have to worry about organization on small farms, in light of the NLRB's jurisdictional standards and the practical aspects of the operation of labor organizations and, in addition, the practical aspects of the employer-and-employee relationship in very small businesses, including small farms.

I think your experience has shed a good deal of light on the farm labor situation. It is extremely interesting to me that in discharging your responsibilities in the DiGiorgio organizational matter you, while not an old NLRB attorney or authority steeped in the existing ways of doing things under the National Labor Relations Act, ended up, in essence, with a NLRB proceeding when you cast about for a practical means of doing real justice for both the workers and the employer.

The NLRB has worked with problems of this sort for a long time. They have arrived at a certain methodology or *modus operandi*. When you set out completely fresh in looking for ways to resolve this problem, you ended up with the same procedures.

Dr. HAUGHTON. Those fellows were my advisers. I hasten to say that I was encouraged by the taxpayers, both the farmworkers and DiGiorgio, to go see the Government people to find out how they did it.

Mr. O'HARA. It is interesting to me that the principal differences between the procedures you arrived at and those which the Labor Relations Act, as interpreted by the NLRB provides, were extensions of the NLRB procedures. In other words, you went beyond NLRB practice in some cases, but you did not fall short of them.

Dr. HAUGHTON. Yes. I had two well-qualified tutors outside of the Government itself.

William Kircher, the director of organization for the AFL, who was working with Mr. Chavez, is steeped in NLRB background from his own industrial work.

And the attorney, Mr. Don Connors, for DiGiorgio, is a total "pro" on NLRB matters. He does it for a living in San Francisco, representing other industries.

Where I failed to get something, the combination of Kircher and Connors could always fill me in. These two men knew the act like the backs of their hands.

Mr. O'HARA. What I am trying to add is, although I certainly do not intend to inject the issues in the consideration of this legislation, that the addendum which you added to several procedures under the Labor Relations Act will be valuable to us in considering more general legislation in this field.

For instance, regarding the NLRA requirement that the parties bargain in good faith, you gave a specific interpretation to what bargaining in good faith consists of. It is a very interesting interpretation.

Dr. HAUGHTON. The important thing is that it was voluntary.

Mr. O'HARA. My bill also provides for a hiring-hall procedure. I believe that this provision is appropriate in view of the seasonal fluctuations in the agriculture work force.

I believe that in your decision in the DiGiorgio case you arrived at the same conclusion.

Dr. HAUGHTON. Yes, a summary of that hiring-hall provision is contained on the bottom of page 1 and the top of page 2 of exhibit G.

Mr. O'HARA. That was a decision by the arbitrator?

Dr. HAUGHTON. Yes.

Mr. O'HARA. I wonder if you could help us in dealing with this aspect of the problem. What considerations went into the arbitrator's decision on the hiring-hall question?

Dr. HAUGHTON. I think that everybody is a product of his own biases, background, and so on.

I originally came from the west coast. Mr. Kagel is "Mr. West Coast" in terms of labor. We knew of hiring halls from experience in maritime and longshore industries in 1933, which is the year I got out of high school. They seemed to work, and they related to this sporadic employment type of situation. I would say this past experience had a great deal to do with our thinking.

A hiring hall would be much more shocking in my home State of Michigan than it was in San Francisco. It did not shock DiGiorgio, in my opinion. As a matter of fact it could be looked upon as an extension of the seniority arrangement that the parties themselves agreed to.

Given the California environment and experience, and given genuine seniority provisions, the parties themselves had already decided on a union shop, the hiring hall was not such an upsetting concept. We gave the company full freedom, I think, after 72 hours, to go out in the open market if the union couldn't deliver. In the meantime, hopefully, it saves the company a lot of trouble in the hiring process.

Mr. O'HARA. In other words, hiring halls have some advantages for the employer, because they give an incentive to the labor organization to assist in the recruiting process?

Dr. HAUGHTON. Yes.

The way this contract was written, seniority applied anyway. It is easier for the company to hire the person it has to hire under the seniority clause if they can find them. On the whole matters of the addresses of migrant farmworkers, we spent just days, all of us, looking for people. It can be difficult.

Mr. O'HARA. The point is that my bill does two things.

First, it amends the definitions of an "employee" so that it no longer excludes agricultural workers. One can say that all we are doing in dealing with agriculture is giving the same rights and obligations, vis-a-vis one another, to farm employers and farm employees, that others have had for many, many years.

Second, it contains hiring-hall provisions similar to those which the NLRA provides for certain other industries.

Dr. HAUGHTON. Where are you reading from there, Congressman?

Mr. O'HARA. The second section.

Dr. HAUGHTON. What lines from that?

Mr. O'HARA. Starting on line 8, page 1.

The hiring-hall procedure, in other words, would be an unfair labor practice were it not for the language starting on line 6.

Dr. HAUGHTON. I understand.

Mr. O'HARA. We are saying, in effect, that the hiring-hall procedure, because of the fluctuation of work force, and so forth, is appropriate in the farm industry.

Dr. HAUGHTON. But you are leaving it up to them to do it or not?

Mr. O'HARA. Yes. If they want a hiring hall, they can have one.

Dr. HAUGHTON. The farmer could fight it. The workers could push it. It is up to them.

Mr. O'HARA. It is up to those involved. We don't require it. We say that if they do agree on such a provision, it is all right.

I think the point you make is valuable in assessing this provision of the bill. This is a procedure appropriate for the farm industry and the parties should be able, if they can agree, to utilize it.

Dr. HAUGHTON. Yes, but I would say "voluntarily."

Mr. O'HARA. Professor Haughton, I think your testimony has been extremely valuable. I hope you will find time in your very busy life to write a book about your experiences.

Dr. HAUGHTON. I guess I am what you would call a "nonscholar." Fortunately, there are a few of those in the universities.

I am very grateful for the opportunity that you fellows gave to me to make me write up this testimony, and pull together the exhibits. I am afraid even that would not have been done if it had not been for this occasion.

Mr. O'HARA. We are happy to have helped you out.

Dr. HAUGHTON. Thank you again.

Mr. THOMPSON. Mr. Scheuer?

Mr. SCHEUER. We are tremendously impressed with your testimony, Dr. Haughton. I am particularly impressed with the large number of items which you cite on page 6 in the first full paragraph, that were resolved in the voluntary collective bargaining.

Dr. HAUGHTON. This was simply astonishing to us. The union shop for example, was agreed upon.

Mr. SCHEUER. Union shop that had no strike, lockout, recognition of seniority, and arbitration of grievances.

If you had to give a quick opinion of the total percentage of the outstanding issues that were voluntary before the thing was dumped into your lap, what would be your benchmark figure?

Dr. HAUGHTON. I would think the real structure of the contract was fabricated and built by the parties in voluntary negotiations. The basic money matters were sent to arbitration.

Mr. SCHEUER. Would you say they solved 75 to 80 percent?

Dr. HAUGHTON. Certainly more than 50 percent. The basic structure of the contract was constructed by the parties themselves, and we filled in the money items.

Mr. SCHEUER. In other words, you dotted the i's and crossed the t's.

Dr. HAUGHTON. For the money.

Mr. SCHEUER. Right.

Dr. HAUGHTON. If that is important.

Mr. SCHEUER. This whole process was successfully brought to a conclusion, (a), through the willingness of the parties to compromise some of their provisions and stabilize a basic structure.

Dr. HAUGHTON. Yes. Just take the one item of union shop. It is astonishing.

Mr. SCHEUER. Yes.

And then, (b), the existence of a final process that dotted the i's and crossed the t's where they weren't able to do it on the dollars and cents.

Dr. HAUGHTON. If there had been less good-faith bargaining, the one who was feeling he was having to give too much would have waited for the final arbitration process. But this was not the case.

Mr. SCHEUER. That is the unhappy experience we have had in some of these other public-service strikes—that they never got down and really attempted to solve the main issues.

Can you give us any expectation you might have or any surmise you might have of what the results would have been here had you not had the final arbitration process as a court of last resort, so to speak, on dotting some of these i's and crossing the t's?

Dr. HAUGHTON. Getting fancy, I don't suppose you would say they were locked in mortal combat, but they were locked in combat for a couple of years. And they were hurting just the same as in any war.

There is a figure in the Saturday Evening Post this last week of how much Chavez was spending per month during the war, so to speak. DiGiorgio was hurting. It was a matter of record. They have a fine prestige product, S. & W. brand, which I grew up knowing, and it was being boycotted.

They really could have hurt each other even more, and it would have gone on and on. They both knew it would go on and on. There has to be a will to end these things, and this is what we had there.

DiGiorgio knew that it could get badly hurt on its brand. I am told by the retail people that if you take a brand like S. & W. off the shelves and you get a second-rate brand, you can make more money on it. It is hard to get the retailer to put the S. & W. brand back on the shelves.

From Chavez' standpoint he was spending tremendous sums to support his people. And it could have gone on and on a long time.

Mr. SCHEUER. I think they were all saved by the fact that there was some mechanism to solve the problem.

Dr. HAUGHTON. Yes, and they accepted the mechanism, I would say, almost with enthusiasm, because then, you see, they didn't know who was going to win.

I would say there were varying degrees of reservations on what they got out of the arbitration.

Mr. SCHEUER. It has to be that way.

Dr. HAUGHTON. Yes, that is life.

Mr. SCHEUER. I certainly am very impressed with your testimony. I am very impressed with how this machinery worked, not only in the interest of the union and the company, but in the interest of the public, too.

I think there is a real lesson in here for all of us.

Dr. HAUGHTON. It has been the most exciting thing I have been involved in in 25 years.

Mr. SCHEUER. I think that the formula and the mechanism that you developed will ultimately have some far-reaching implications throughout our society and our economy.

Dr. HAUGHTON. Thank you, Congressman.

Mr. THOMPSON. Mr. William Ford, of Michigan.

Mr. FORD. Thank you, Mr. Chairman.

I would like to join my colleagues in complimenting you on this testimony.

On page 4, I was particularly interested in the last sentence of the first paragraph, where you draw the conclusion that the experience in the case cited should serve as an example of how well the NLRA

would work if it were applied to agricultural workers of the kind that were involved in this entire transaction.

Dr. HAUGHTON. Yes, we speak from our own experience. All I know is DiGiorgio.

Mr. FORD. There is one item that concerns me, however. If we bring these people under the NLRA, this preliminary procedure that you described, which came after 2 years of painful experience of having both sides agree to compulsory arbitration of the initial contract, would not be present.

I am curious as to whether or not the willingness of management in this case to enter into an agreement would have been there if that aspect weren't present.

In other words, this is missing from the procedure that would be followed if it were under the National Labor Relations Act.

Dr. HAUGHTON. You are very sensitive to these things, Congressman, and you have put your finger on it.

As a neutral, I believe in the balance of power. In fact, if I talk to a weak company and it is dealing with the Auto Workers, I would consider referring them to where they can get some help. Or if I were talking to a weak union dealing with a large company, I would be happy to suggest some professional help.

I believe in the balance of power. Also, I feel they should fight it out.

Certainly, this charter of July 14 would not have been agreed to if DiGiorgio had not been under great economic pressure and if Chavez had not been under similar strain.

Mr. FORD. As a step further, if under the National Labor Relations Act we reached the stage where a request was made for an election of a representative organization, prior to the time that you conclude that proceeding, it is clear that the other provisions of the act prohibiting secondary boycotts would be applicable to everybody involved.

Dr. HAUGHTON. This would be helpful, you see, to the farmowner.

Mr. FORD. What happens is that the very thing you mentioned that was putting pressure on management in this case would be removed before the solution of the problem.

Dr. HAUGHTON. This is all right. I don't think labor is entitled to any extra weapons.

Mr. FORD. But there would be no compulsion to arbitrate, you see, after the pressure had been removed from one side.

Dr. HAUGHTON. The only pressure that would be removed is the pressure of secondary boycott.

Mr. FORD. Isn't that the only practical pressure the workers have to exert?

Dr. HAUGHTON. Oh, no; DiGiorgio was particularly susceptible to secondary boycott, because it happened to own a prestige brand, S. & W., which could be reached at the supermarket.

I am going to overstate my case, but it could be argued that a message I received as mediator was: "The strike isn't hurting us, but get rid of that boycott."

From Chavez's standpoint, he was just lucky he was able to secondary boycott, and that he had an employer who was susceptible to it. It would be very difficult to conduct a secondary boycott against a farmer growing grapes for the general juice market, because the stuff disappears in a big vat, like orange juice.

They were successful against Schenley with the first contract covering a very few people. But why were they successful?

In my opinion, Schenley Corp. took a look at all the intellectuals picketing the liquor stores, and they said, "Settle that thing out in California."

There was a secondary boycott regarding Schenley. If the farm industry had been covered under NLRA, the farmworkers would not have been able to boycott Schenley or DiGiorgio in terms of their other products.

Mr. FORD. Also, on page 6, is a list of things that you thought were exceptional. From your answer to Mr. Scheuer, I got the impression that you thought that it was at least startling that management would agree to the union shop.

Dr. HAUGHTON. As a first contract, really a first major contract in an entire industry. You and I know that if General Motors did not have a union shop, they would—

Mr. FORD. General Motors management has disassociated itself as much as anyone else in the industry from an effort to fight repeal of 14(b), because they now believe it is to their advantage to have union shop, as distinguished from the farm industry.

Dr. HAUGHTON. I wouldn't know. I would accept your statement.

Mr. FORD. This committee has held hearings, and one of the interesting places where we have found relative labor peace has been in the automobile industry.

In hearings we have had in the past, everyone in the automobile industry has very carefully disassociated themselves from the attempts by the regular working people to fight the concept of the union shop. They stop short of national endorsement, but they demonstrate that it is something that they prefer to live with.

Dr. HAUGHTON. I can understand what has been said here.

I will say that General Motors management and management of that type are unbelievably sophisticated, and whatever answers they are to be had, they know how to get them, and they know how to analyze them.

If one goes even into upstate Michigan, it would not be hard to find an employer covered under the NLRA who would be violently opposed to the union shop.

This does not bother me. This is his privilege, and there would be unions who would be for it.

The point I am making is that except for these highly sophisticated places a union shop is still considered controversial.

I don't think the union shop is noncontroversial in our society.

Mr. FORD. Can you tell me what the principal item was that had to be settled by the first arbitration procedure?

Dr. HAUGHTON. We had a preliminary sort of administrative arbitration on who gets to vote. We will forget about that.

We had only one arbitration, and there is some scheduled arbitration now under this new contract, under "grievances."

Mr. FORD. What was the most serious issue?

Dr. HAUGHTON. Money and money items, because we recommended voluntary coverage under the California Unemployment Insurance Act, for example. To a totally unsophisticated person that is not money, but it is 2.8 percent of the payroll.

Mr. FORD. On page 6, again, the last item you mentioned is the arbitration of grievances. You would not consider the rate of the contract in arriving at the economic part of the package as an arbitration of a grievance?

Dr. HAUGHTON. No.

You know, you have to look at community expectations. California, and especially northern California, is the area in the United States which is most apt to arbitrate a new contract.

To get the UAW, the Auto Workers Union, and a large automobile company to arbitrate a matter like this is so foreign to their thinking that it would just not happen. In fact, they would be surprised if it happened anywhere else.

The way things work in our country is varied. There are all kinds of things happening, which is part of the exciting experimentation that goes on in a voluntary system.

It happens that arbitration of new contracts, interest arbitration, is not unusual in California. Mr. Kagel and I probably have had more experience with that than most people.

I used to be in California. In Michigan and Indiana and Illinois and Ohio, where I arbitrate, I would say I have arbitrated perhaps 4,000 grievance arbitrations in the last 20 years, with no more than four cases involving new contract arbitration.

Mr. FORD. Thank you very much for your testimony. We have to move along. We appreciate your experience.

Dr. HAUGHTON. Thank you very much.

Mr. THOMPSON. Thank you very much.

Dr. HAUGHTON. Thank you, Mr. Chairman.

Mr. THOMPSON. Our next witness is Mr. Ogden Fields, the executive secretary of the National Labor Relations Board.

Good morning, Mr. Fields.

STATEMENT OF OGDEN W. FIELDS, EXECUTIVE SECRETARY, NATIONAL LABOR RELATIONS BOARD

Mr. FIELDS. Good morning, Mr. Thompson.

Mr. THOMPSON. I note you have a summary statement here of your full statement.

Without objection, your full statement will be a matter of record at this point.

You may proceed with your summary.

(The statement follows:)

STATEMENT OF OGDEN W. FIELDS, EXECUTIVE SECRETARY, NATIONAL LABOR RELATIONS BOARD

My name is Ogden W. Fields. I have been employed by the National Labor Relations Board since 1941. Since 1960 I have served as its Executive Secretary. I feel honored to respond to the Committee's invitation to appear and testify concerning the probable impact of the proposed amendment on my agency's administration of the Statute.

I have been asked to discuss whether it is practicable for the Board to conduct elections in seasonal and migratory industries and what particular administrative problems may be foreseen in conducting elections in the agricultural field in the event H.R. 4769 is enacted by Congress. I am here as a so-called "expert witness," if you please, not on the policy question of whether the Act should be amended to cover agricultural employees—that is a matter for the Congress

to decide—but on the question of whether the Board can do the job if Congress decides to give it to us.

My simple answer is that we can.

As you know, in addition to removing the agricultural exemption from Section 2(3) (National Labor Relations Act, as amended), the rider attached to our appropriations annually since 1946, precluding the use of Board funds in connection with agricultural labor, would also have to be removed if the Board is to exercise jurisdiction.¹

Other legislative amendments would be necessary only if the Congress itself wishes to determine the standard for the Board's assertion of jurisdiction over agricultural employers and to broaden the scope of bargaining units beyond single-employer units into multi-employer or production or marketing area units.

The problems that may be reasonably anticipated if H.R. 4769 is enacted can, and should without too much difficulty, be solved through the administrative process rather than by legislation.

The Board has had a wealth of experience in exercising jurisdiction over seasonal and migratory industries. Over many years it has built up in these industries a substantial body of case law and procedural practices that have won the approval and support of the Circuit Courts of Appeal and the Supreme Court.² And much of this experience was developed in industries directly and immediately related to agriculture, such as the packing, canning, and food-processing industries. Definition and content was given to the term "agricultural laborer" by the Board and the Courts in a number of representation and unfair labor practice cases. The tests were practical, evolved from the character of the work performed as modified by custom.³

The seasonal need for large numbers of temporary employees to handle highly perishable products is not unique to agriculture. Nor is the fact that some employees are migratory. These characteristics exist in fruit and vegetable packing, canning, and freezing, sugar processing, cotton ginning, production of alfalfa meal, fertilizer, potato warehousing, nursery stock warehousing, etc.⁴

¹ Since the establishment of the National Labor Relations Act in 1935, agricultural labor has been excluded from the coverage of the act and thus from its benefits and protection as well as from the responsibilities the Act imposes. The definition of employee, under Section 2(3) of the Wagner Act, specifically excludes "... any individual employed as an agricultural laborer..." This identical language was retained in the Taft-Hartley and Landrum-Griffin amendments of the Wagner Act.

In addition to this statutory exclusion, since 1946 Congress has added a rider to the Board's annual appropriation act which provides that no part of its funds shall be used in connection with bargaining units of agricultural laborers. However, unlike the statute which does not define or otherwise clarify the term "agriculture laborer," the appropriation rider defines the term as found in Section 3(f) of the Fair Labor Standards Act. Appendix A.

² *North Whittier Heights Citrus Ass'n. v. N.L.R.B.* 109 F. 2d 76 (9th Cir. 1940), cert. den. 310 U.S. 632; *N.L.R.B. v. Tovrea Packing Co.* 111 F. 2d 626 (9th Cir. 1940), cert. den. 311 U.S. 669; *Idaho Potato Growers, Inc. v. N.L.R.B.* 144 F. 2d 295 (9th Cir. 1944), cert. den. 323 U.S. 769; *N.L.R.B. v. Edinburg Citrus Association, Inc.* 147 F. 2d 353 (5th Cir. 1945); *Bowie v. Gonzales*, 117 F. 2d 11 (1st Cir. 1941).

³ See cases cited in footnote 2.

⁴ (1) Packing: *American Fruit Growers*, 10 NLRB 316 (1938) (lettuce packing sheds in Salt River Valley, Arizona); *North Whittier Heights Citrus Association*, 10 NLRB 1269 (packing citrus); *Grower-Shipper Vegetable Association of Central California*, 15 NLRB 322 (1939) (packing lettuce); *John W. Campbell, Inc.*, 58 NLRB 1153 (1944) (packing tomatoes); *J. J. Crosetti Co.*, 98 NLRB 268 (1952); *Antile Carrots, Inc.*, 110 NLRB 741 (1954) (packing carrots); and *C. A. Glass Company, Inc.*, 111 NLRB 1366 (1955) (packing carrots and corn); *Bodine Produce Co.*, 147 NLRB 832 (melon packing shed); *Garin Co.*, 148 NLRB 1499 (asparagus packing house); *H. H. Zimmerli*, 133 NLRB 1217 (potato packing shed); *Norton & McElroy Produce*, 133 NLRB 104 (preparation of lettuce & trucking); *Stockbridge Vegetable Producers, Inc.*, 131 NLRB 1395 (lettuce warehouse).

(2) Canning: *H. J. Heinz Company*, 49 NLRB 573 (1943) (tomato catsup, chili sauce, tomato juice, etc.); *Wm. P. McDonald Corporation*, 83 NLRB 427 (1949) (canning citrus fruits and juices); *Stokely-Van Camp, Inc.*, 102 NLRB 1259 (1953) (canning peas, lima beans, potatoes, etc.); *G. L. Webster*, 133 NLRB 440 (1961) (canning asparagus, tomatoes, etc.).

(3) Processing sugar: *Franklin County Sugar Company*, 92 NLRB 1341 (1951); *Evan Hall Sugar Cooperative, Inc.*, 97 NLRB 1258 (1952).

(4) Processing green alfalfa into alfalfa meal: *Archer-Daniels-Midland Company*, 97 NLRB 1463 (1952).

(5) Ginning cotton: *J. G. Boswell Company*, 107 NLRB 360 (1953).

(6) Processing turkeys: *Nephi Processing Plant, Inc.*, 107 NLRB 647 (1953).

(7) Freezing vegetables: *Oregon Frozen Foods Company*, 108 NLRB 1668 (1954).

(8) Warehousing potatoes: *The Great Atlantic & Pacific Tea Company*, 113 NLRB 865 (1955).

(9) Seafood packing: *Coubourne & Jewett*, 59 NLRB 176 (1944).

(10) Milk processing: *Alta-Dena Dairy*, 150 NLRB 1587; *Shoenberg Farms*, 129 NLRB 966.

(11) Egg and poultry processing: *Strain Poultry Farms*, 160 NLRB No. 22.

The Board has also gained much experience from other industries where employment is seasonal or of brief duration and the employees migratory or mobile, such as the fishing and construction industries, in addition to a miscellany of non-food seasonal industries, such as toy manufacturing, lawn mowers, recreation, soft drink, gift packing, greeting cards, etc.⁵ The Board has decided representation issues and conducted elections successfully in thousands of cases in these industries.

Accordingly, in my opinion, many of the principles, procedural practices, and techniques in these related or analogous industries would be readily applicable to agricultural employees now excluded from the Act.

There would, of course, still be some difficult and complicated problems. And the degree to which Board policies and practices evolved for other industries may be successfully transmuted to agricultural labor, to solve such problems, varies. Let us try to anticipate some of the problems that might arise and see if existing policies or principles apply or whether new solutions need be found by the Board or be provided by legislation.

Jurisdiction

Although the Board's statutory jurisdiction extends to all employers whose operations affect commerce, the Board has, with Congressional approval, limited the exercise of its power to those enterprises whose effect on commerce is substantial. It has done this by setting up monetary jurisdictional standards for different kinds of enterprises stated in terms of total dollar volume of business.

Since 1958 the standard for nonretail enterprises has been that the Board will assert jurisdiction over all nonretail operations which have an outflow or inflow across state lines of at least \$50,000 a year, whether such outflow or inflow be direct or indirect.⁶

(12) Feed mills: *Samuel B. Gass*, 154 NLRB 728; *Empire Milling Co.*, 117 NLRB 1782.

(13) Rice drying: *Sweetlake Land & Oil Co.*, 138 NLRB 155.

(14) Mushroom processing: *Oxford Royal Mushroom Products*, 139 NLRB 1015.

(15) Nursery stock: *Kelly Bros. Nurseries*, 140 NLRB 82.

⁵ (1) Fishing: *Alaska Salmon Industry, Inc.*, 110 NLRB 900, 81 NLRB 1335, 82 NLRB 1056; *Southern Shell Fish Company, Inc.*, 95 NLRB 957; *Seafood Producers Association of New Bedford, Inc.*, 95 NLRB 1137; *F. Akoto Company, et al.*, 129 NLRB 27; *Boat Sarafina II, Inc.*, 155 NLRB 910; *Cusebeer & Foland*, 149 NLRB 742 (whaling); *Krist Gradis, et al.*, 121 NLRB 601; *Monterey-Sarine Industries, Inc.*, 26 NLRB 731; *Fisherman's Cooperative Association, et al.*, 128 NLRB 62.

(2) Construction: *Plumbing Contractors Association of Baltimore, Maryland, Inc.*, 93 NLRB 1081; *Daniel Construction Co.*, 133 NLRB 264; *Trammell Construction Company, Inc.*, 126 NLRB 1365; *Broomall Construction Company*, 127 NLRB 344; *Greene Construction Company*, 133 NLRB 152; *Sioux Falls Builders Association*, 143 NLRB 27; *Delmont Construction Company*, 150 NLRB 85; *R. B. Butler, Inc.*, 160 NLRB No. 131.

(3) Miscellaneous: *Musgrave Mfg. Co.*, 124 NLRB 258 (lawn movers); *Aspen Skiing Corp.*, 143 NLRB 707 (ski facility); *Coney Island*, 140 NLRB 77 (amusement park and concessions); *Sprecher Drilling Corporation*, 139 NLRB 1009 (oil well drilling); *Trade Winds Drilling Co.*, 139 NLRB 1012 (oil well drilling); *Baugh Chemical Co.*, 150 NLRB 1034 (fertilizer plant); *Micro Metalizing Company, Inc.*, 134 NLRB 293 (metal plating plant); *Pepsi Cola Bottling Co. of Chattanooga*, 132 NLRB 1441 (soft drink bottling); *The F. A. Bartlett Tree Expert Co.*, 137 NLRB 501 (foliage spraying); *Lilliston Implement Co.*, 121 NLRB 868 (farm implements); *Mission Pak Co.*, 127 NLRB 1097 (gift packing plant); *Freeman Loader Corp.*, 127 NLRB 514 (farm tractor); *The Great Atlantic and Pacific Tea Company*, 116 NLRB 1463 (holiday season); *Root Dry Goods Co.*, 126 NLRB 953 (retail department store); *F. W. Woolworth Co.*, 119 NLRB 480 (retail store); *Brown Cigar Co.*, 124 NLRB 1435 (wholesale cigars).

⁶ *Siemons Mailing Service*, 122 NLRB 51.

The other jurisdictional standards are as follows:

Retail enterprises: \$500,000 gross volume of business. *Carolina Supplies and Cement Co.*, 122 NLRB 88.

Office buildings: Gross revenue of \$100,000, of which \$25,000 or more must be derived from organizations which meet any of the Board's standards other than the indirect standard for nonretail operations. *Mistletoe Operating Company*, 122 NLRB 1534.

Instrumentalities, links, and channels of interstate commerce: \$50,000 from interstate (or linkage) part of enterprise, or from services performed for employers which meet any of the Board's standards other than the indirect standard for nonretail operations. *HPO Service, Inc.*, 122 NLRB 394.

Public utilities: \$250,000 gross volume, or meet standard for nonretail. *Sioux Valley Empire Electric Assn.*, 122 NLRB 92.

Transit systems: \$250,000 gross volume. *Charleston Transit Co.*, 123 NLRB 1296 (Except taxicabs, to which the retail test (\$500,000 gross volume of business) shall apply. *Carolina Supplies and Cement Co.*, 122 NLRB 88.

Radio, television, telegraph, and telephone: \$100,000 gross volume. *Raritan Valley Broadcasting Co., Inc.*, 122 NLRB 90.

Newspaper enterprise: \$200,000 gross volume. *Belleville Employing Printers*, 122 NLRB 350.

National defense: Substantial impact on national defense. *Ready Mixed Concrete & Materials, Inc.*, 122 NLRB 318.

Business in the Territories and District of Columbia: D.C.—Plenary. *M. S. Ginn &*

This is the standard applied to the packing, canning, and food-processing industries as well as to all manufacture.

In the event agricultural employees were brought under the Act, the Board would very likely adopt some similar jurisdictional test for this industry if Congress itself had made no provision in the legislation for a standard.

The standard would be set only after full inquiry into the pertinent facts, special needs and problems of agriculture.⁷ Most probably the Board would hold oral argument on the question to which interested labor unions and employer organizations and associations, in addition to the parties, would be invited to participate.

Unfair Labor Practice Cases

The administration of the unfair labor practice provisions of the Act, Sections 8(a) and 8(b), do not appear to involve any particular problems which the Agency has not already experienced where employment is seasonal and the employees migratory.

Representation Elections

Scope of Bargaining Unit

Section 9(b) of the Act provides that "The Board shall decide in each case whether, in order to assure to employees the fullest freedom in exercising the rights guaranteed by this Act, the unit appropriate for the purposes of collective bargaining shall be the employer unit, craft unit, plant unit, or subdivision thereof . . ." Thus, the basic unit is the single-employer unit.

Under current law, the Board will not establish multi-employer units unless it finds that the employers have voluntarily formed an association for the purpose of collective bargaining and the union has agreed to bargain on that basis. These requirements of consent of the parties for purposes of establishing multi-employer bargaining units apply equally to seasonal industry.⁸ Thus, if in a given area a number of growers employing their workers from a common labor pool insisted on single-employer units but the union wanted a multi-employer unit, under present law single units would be bound appropriate and elections held accordingly. Were the positions reversed the results would be the same.

Consent is the key to the continuance of multi-employer units as well as to their creation. Where an association-wide unit has been voluntarily established, an employer member may, with due notice at an appropriate time, withdraw from the broad unit and thereafter bargain on a single-employer basis.⁹ Likewise, a union may serve notice at an appropriate time of its intent to cease bargaining on a multi-employer basis, and thereafter bargain in single-employer units.¹⁰

Units broader than single employers may be particularly appropriate to certain phases of agriculture and the parties may well agree since it would be in their mutual interest. In the unlikely event that they do not the Committee might wish to explore the possibility of permitting the Board to formulate bargaining units in the field of agriculture on a broader and different basis from those which the present Act allows, such as multi-employer units, other than those obtained by consent of the parties, or production or marketing area units.

Composition of bargaining unit

The composition of an appropriate unit for collective-bargaining purposes is an issue in many representation cases. The history of collective bargaining, if any, in a particular situation has always been an important factor in determining the composition and scope of the unit. Likewise, the patterns of bargaining in the industry have also been a factor. In agriculture, with collective-bargaining history still to be made and patterns of bargaining not yet developed, these factors are not present. Many analogies to related or similar industries exist, however, that may assist the Board in establishing appropriate units.

Company, 114 NLRB 112 Territories—Standards apply. Sixto Ortego d/b/a Sixto 110 NLRB 1917.

Associations: Regarded as a single employer in that the annual business of all members is totaled to determine whether any of the standards will apply. *Laundry Owners' Association of Greater Cincinnati, 123 NLRB 543.*

⁷ The question of jurisdictional standards should also be considered in relation to labor contractors. See page 19 for a discussion of this.

⁸ *Strathmore District Orange Association, et al., 85 NLRB 1029.*

⁹ *Retail Associates, 120 NLRB 388.*

¹⁰ *Evening News Association, 154 NLRB 1494.* See also, *Evening News Association, 154 NLRB 1482.*

In general, the Board seeks to include in the unit employees who share common interests, similarity of skills and working conditions, etc. In seasonal industries, including those related to agriculture, the Board has established units taking into account the special attributes of those industries. In such industries, the factors most important to determining the inclusion of employees in the unit are (1) the expectancy of reemployment in the future and (2) the extent to which the interests of the seasonal employees are similar to nonseasonal in the unit.

Thus, where the employer draws from the same labor force each season,¹¹ or where former employees are given preference in rehiring or recall,¹² the Board, as a general rule, finds that the community of interest with the permanent employees is sufficient to warrant inclusion of the seasonal employees in the unit.

In order to determine questions relating to likelihood of return of employees from season to season, the Board routinely takes evidence on this subject in these cases. For example, in *California Vegetable Concentrates Inc.*, 137 NLRB 1779 (processing of vegetables), the Company operated on a year-round basis with a permanent complement of between 240 and 290 employees. Also, seasonal employees were regularly employed each year from August to November, with peak employment of about 600 seasonals usually occurring in October. The employer did not maintain a recall list of seasonals but it did give hiring preference to former seasonal employees who were known to be reliable workers; between 20 and 50 seasonals became permanent employees each year. Of 270 seasonals on the September 1961 payroll, over 50 percent had worked during the 1960 season. The Board included the seasonal employees in the unit in accordance with its usual practice in this industry.

The inter-relation or inter-action of the working conditions and pay of seasonal and nonseasonal employees makes it obvious that for the bargaining to be effective for either, the bargaining unit should, if possible, include both.

Showing of interest

Before the Board will conduct an election in a year round or nonseasonal industry with relative regularity of employment, it is the Board's normal policy to require the petitioning union to make a "30% showing of interest"—i.e., to produce evidence (usually in the form of signed authorization or membership cards) to show that at least 30% of the employees in the unit wish to be represented by the union for purposes of collective bargaining. The purpose of this rule is to avoid spending the taxpayers' money on running an election unless there is a reasonable ground to believe that a substantial number of employees are interested.¹³ However, where an employer files a petition for an election following a claim of majority representation by a union, no showing of interest is required.

The Board does not apply this same rule in seasonal-industry cases. In such cases it is the Board's long-established policy to require a showing only among those employed in the unit at the time the petition is filed. This policy recognizes the practical, special problems incident to the conduct of elections in seasonal industries, where the Board seeks to have the election conducted at the peak of the season in order to allow a maximum number of employees in the unit to vote. Accordingly, if a cannery began its operations in May with 100 employees, built up to a peak of 500 employees in September, and the union filed its petition in May, the Board would require a 30% showing among the 100 employees employed at the time the petition was filed. This would allow time for a hearing to be held, in the event the parties did not consent to an election, and an election to be directed among the 500 employees working during the peak of the season in September.

Another type of question is reflected by the Board's decision involving an apple cannery in California. *Sebastopol Co-operative Cannery*, 111 NLRB 530. "The employer contends, however, that (1) the seasonal nature of its operation and the high rate of labor turnover in its plant make it improper to conduct an election among next season's employees; and (2) that for the same reason, the petitioner's present showing of interest is inadequate to warrant a direction of election among next season employees. We find these contentions without merit.

¹¹ *Kelly Bros. Nurseries, Inc.*, 140 NLRB 82 (growing and sale of nursery stock); *Carol Management Corp.*, 133 NLRB 1126 (ownership and management of residential properties-gardeners).

¹² *Aspen Skiing Corp.*, 143 NLRB 707 (operation of skiing facilities); *Brown Cigar Co.*, 124 NLRB 1435 (cigar wholesaler-summer employees); *Knouse Food Co-operative*, 131 NLRB 801 (processing of fruits).

¹³ *O. D. Jennings*, 68 NLRB 516.

It is clear, as to the employer's first contention, if the Board were to adopt the employer's reasoning the Board would be precluded from conducting an election in any seasonal industry where, as is often the case, there is high turnover of labor from one season to another. *Franklin County Sugar Company*, 97 NLRB 936. As to its second contention, it is well established that, in seasonal industries, it is the Board's policy to require a showing only among those employed in the unit at the time the petition is filed. *Nephi Processing Plant, Inc.*, 107 NLRB 647; *J. J. Crossetti Co.*, 98 NLRB 268."

Eligibility to vote

The general rule governing eligibility to vote in seasonal industries is to vote those employees employed during the payroll period immediately preceding the date of issuance of the notice of election and who are employed on the date of the election. This includes those who did not work during the designated payroll period because they were ill or on vacation or temporarily laid off.

The application of this practice to agricultural workers would have to be carefully examined to be sure that it does not disenfranchise significant numbers of employees. For example, the peak of the season for the harvesting of the crop of a large grower may occur in the last half of August. The eligible payroll period may be set for the third week in August with the election to be held on August 30. Accordingly, to be eligible to vote under present policy a worker's name must appear on that payroll. Thus, if a migratory worker during the designated payroll period was not employed by this grower because he was engaged in the same area in winding up the harvesting of another crop or was migrating from another area he would not be eligible to vote even though he began work during the next payroll period and was employed on election day and remained at work several days to finish the crop. It would appear that if there were a number of true migratory workers in this category that the Board would have to accommodate its eligibility policies to such circumstances. On the other hand the Board would want to know whether or not this eligibility rule would give a vote to those who may not have a common interest in the work. Therefore, the status of part-time and casual employees as distinguished from seasonal workers in agriculture will also have to be studied.

Where there is no significant difference between the work of seasonal and nonseasonal workers and they have other interests in common, both groups may be joined into a single bargaining unit.¹⁴ Foreign Nationals recruited under inter-government agreements for temporary agricultural work are not eligible to vote.¹⁵ However, this is no longer significant.

Timing of Election

Consistent with the Board's policy of enfranchising a maximum number of employees, the present rule in seasonal industries is to conduct the election at the peak of the season.¹⁶ The date of election is selected by the Regional Director in consultation with the parties and usually with their agreement.¹⁷ Timing the election at the harvest peak is also based on the assumption that the seasonal employees are genuinely interested in the conditions of their employment even though any benefit derived from collective bargaining may not be realized until the following season, and on a recognition that a proportion of the workers will not return to the cannery or shed the next season. A study of each crop in order to determine the point of highest employment will have to be made. Likewise, consideration must be given to the effect of the varying season and work force for different crops of the same employer.

Where, of course, there is virtually year round employment or where the diversification of crops reduces the fluctuations in employment the timing of elections is not significant.

Conduct of elections

The actual, physical conduct of secret-ballot elections among agricultural employees would present no insuperable problems. The Board has conducted more than 200,000 elections among more than 25,000,000 voters since 1935. Board agents have taken the voting booth and ballot box to employees in units ranging from two to many thousands, and have conducted elections ranging in length from

¹⁴ *Libby, McNeill and Libby, et al.*, 90 NLRB 279.

¹⁵ *Stokely-Van Camp, et al.*, 107 NLRB 1137.

¹⁶ *Arena Norton, Inc.*, 93 NLRB 375.

¹⁷ *Wade and Paston*, 90 NLRB 1227.

15 minutes to 112 days (the latter one in the maritime industry where it was necessary to vote each of twenty ships three times due to crew changes in various ports). Polling places have been set up in factories and mills, of course, but also aboard ships and fishing vessels, in shacks or railroad boxcars, borrowed schoolrooms or empty stores, and even, when necessary, in the Board agent's car or a rented tent. Election notices have been posted in many languages, including Spanish, Italian, Polish, German, Russian, Chinese, Tagalog, Greek, Portuguese, Hungarian, Ukrainian, Yugoslavian, French, and probably others. Men working along hundreds of miles of pipelines or in isolated logging camps or in shrimping and fishing fleets have been voted. Board agents have hitchhiked to inaccessible Alaskan salmon canneries by fishing vessel and single-motor pontoon plane. In 1945, 2,200 Board agents (experienced regulars augmented by temporary employees) voted, in 22 hours, more than 300,000 employees at more than 2,000 mines in 31 states.

This is not to brag. It but recites experience that promises resourcefulness in new fields.

Post-election procedures

New, speedier procedures also may have to be devised to deal with challenged ballots and objections to the election. The normal pace of investigation or hearing, reports, and appeals may have to be quickened so that objections may be resolved and, if necessary, a second election held before the season is over and most of the employees in the unit move on to other work.

Contract Bar

An accommodation of Board policy governing contract bars to elections may have to be made in agriculture. A contract bar is an existing contract held by an incumbent union that constitutes a bar to an election petition by a rival union until the incumbents contract is about to expire.

There are so few existing contracts covering agricultural employees that any discussion of contract bar seems academic. Contracts made following a peak of season election usually are made to apply to the next season. Thus, in an organized operation an election would have to take place at a time when an incumbent union has an existing contract. This fact may require an exception to the Board's usual "contract bar" rule of refusing to conduct an election during the life of an outstanding contract. This in turn will require consideration of the status of an incumbent union and its contract when it loses an election to another union during the life of its contract.

Certification Period

Likewise, the normal length of the certification period may have to be extended where a union has been chosen but the execution of a contract is delayed because of the seasonal nature of agriculture. The usual rule is that a certification bars an election for one year. But, where a union is certified during one season and a contract is not agreed upon by the end of the season or during the off season, the certification year may be up before a contract is achieved. To avoid this problem the certification year may have to run through the next season. Whether a petition from a rival union should be entertained that is filed during the season following certification of the incumbent union must also be studied.

Labor Contractors

Apparently a great variety of employment and economic practices exists in agriculture as in other industries. A farm may be leased by a cannery which will employ help directly to harvest the crops, or workers may be hired directly by growers, or obtained through labor contractors, or through farm association or cooperative channels. The methods or techniques of employment are flexible and vary geographically and by crop. Thus, who the employer is, who exercises control, varies with the facts. It may range from a grower who turns his crop over to a cannery for harvesting and goes on a vacation, clearly making the cannery the employer, to a grower who enters into an arrangement whereby a crew leader is himself the employer with every sort of control or combination of control in between.

One employment practice that warrants added comment is the recruitment of migratory farm workers through "labor contractors" or "crew leaders." The crew leaders usually provide transportation, loan money, pay wages, keep books, handle contracts with growers, supervise workers on the job, and some-

times pay OASI taxes.¹⁸ In 1961, the Secretary of Labor estimated that there were about 8,000 migratory "crew leaders" with 200,000 workers.¹⁹ There appears to be little question but that crew leaders will present a problem in the administration of the proposed legislation. The Board will be required to determine the status of crew leaders as employees, independent subcontractors, joint employers, or employers; and such determination will critically affect appropriate units, the bargaining duty, and whether employees will be covered by the Act in terms of such jurisdictional standards as may be applied.

In determining the status of independent contractors, the Act requires the application of the "right of control test."²⁰ Where the person for whom the services are performed retains the right of control and the means by which the result is to be accomplished, the relationship is one of employment, but where control is reserved only as to the result sought, it is that of independent contractor. The resolution of this question depends on the facts of each case, and any one factor alone is not determinative. Factors to be considered are, for example, the right to hire and discharge, the extent of capital investment, the risk of loss, the opportunity for making a profit, and the freedom to terminate the relationship.²¹

The relationship of crew leaders and farm operators may be construed, in some situations, as that of "joint employers." In cases of this kind, the degree of control exercised, the relative dependence of the contractor on his principal, the degree of physical and functional integration of the two, and the joint use of personnel and equipment for common purposes, are among the factors to be considered.²²

On the other hand, if the labor contractor serving a number of farm owners is found to be an employer, the problem of a broader unit including agricultural employees working on a number of farms may be resolved by a finding of a single-employer (labor contractor) unit embracing a larger pool of employees.

The numerous labor contractors or crew leaders in agriculture, and the variety of employment arrangements under which they may operate, constitute a very real potential for the removal of large numbers of agricultural employees from the jurisdiction of the Act if the proposed legislation is enacted without special consideration being given to this problem.

SUBSTITUTE AGRICULTURAL "EMPLOYEES" FOR LABORERS

Finally, I have noted that the proposed legislation before the Committee in H.R. 4769 contains the term (page 2, line 3) "agricultural laborers" in extending the application of Section 8(f) to agriculture. In view of the fact that there are categories of employees whose skills take them out of the "laborer" classification, this language may result in rulings inconsistent with the Committee's apparent intention to apply the Act to semi-skilled and skilled agricultural employees as well as to "laborers." If the Committee seeks the broader coverage, it may wish to substitute "employees" for "laborers."

The *Dictionary of Occupational Titles, 1965, Vol. II*, lists almost 750 different job classifications in agriculture. (At pp. 531-533). Among these are many which describe the operation of complex, sophisticated equipment or the maintenance thereof. For example, Bean Harvesting Machine Operator, Combine Operator, Cotton Picking Machine Operator, Peanut-Digger-Shaker Operator, etc., appear from the descriptions of their functions, to be of significantly higher skills than that of farm "laborer". These men, among other duties, prepare the harvesting equipment by adjusting speeds of cutters, blowers, and conveyors and the height of cutting head or depth of digging blades according to the type, height, weight,

¹⁸ Hearings before the Subcommittee on Migratory Labor, U.S. Senate, prepared statement of Secretary of Labor Goldberg, April 1961, pp. 38-39.

¹⁹ *Golden Age Dayton Corp.*, 124 NLRB 916; *C. J. Patterson d/b/a Serv-Us Bakers of Oklahoma*, 121 NLRB 84; *Albert Lea Cooperative Creamery Assn.*, 119 NLRB 817.

²⁰ *Buffalo Courier-Express, Inc.*, 129 NLRB 932; *American Broadcasting Co., et al.*, 117 NLRB 13, 17-18; *Squirt-Nesbitt Bottling Corp.*, 130 NLRB 24; *Citizen-News Co., Inc.*, 97 NLRB 428, 433-434; *Nu-Carriers, Inc.*, 189 F. 2d 756, 759; *Clark Oil & Refining Corp.*, 129 NLRB 750; *Keystone Floors, Inc.*, 130 NLRB 4; *Whiting Lumber Co.*, 97 NLRB 265; *Southern Shellfish Co., Inc.*, 95 NLRB 957.

²¹ Under the Farm Labor Contractor Registration Act, P.L. 88-582, "crew leaders" are required to apply for a certificate of registration through the Department of Labor or, in certain States, at the offices of the State labor commissioner. Their treatment of employees is, to an extent, regulated by the Act. See 1966 Report of the Committee on Labor and Public Welfare, U.S. Senate, *The Migratory Farm Labor Problem in the United States*, Report No. 1549, 1966.

²² *Freda Redmond and Sir James*, 147 NLRB 1025; *Checker Cab Co.*, 141 NLRB 583; *Spartan Dept. Stores*, 140 NLRB 608; *Panther Coal Co., Inc.*, 128 NLRB 409; *Dayton Coal and Iron Corp.*, 208 F. 2d 394 (C.A. 6).

and conditions of the crop being harvested and the contour of the terrain, and they operate the same. In addition, there are, of course, tractor, lift fork, and truck drivers. Farm Equipment Mechanics are responsible for maintaining, repairing, and overhauling farm equipment and vehicles such as those described above.

Irrigation occupations run the vital irrigation systems and the usual building construction trades such as electricians, carpenters, plumbers, operating engineers, etc., maintain farm electrical systems, refrigeration, plumbing systems, buildings, etc.

Cursory review of the functions of these employees, among many others similarly occupied, may create doubt as to their coverage by the term "agricultural laborers."

CONCLUSION

No matter how much time was spent looking ahead in any new undertaking, there would arise, of course, unexpected problems new to the Board's experience.

The field of labor-management relations is dynamic and ever-changing, and for 32 years now the Board has proved that it has the needed flexibility and resourcefulness to cope with the uncertainties of our changing economic patterns. It is for the Congress to determine whether now to extend the Act to cover agricultural employees. If this be done, experience teaches that the Board usually can find workable solutions both for the problems anticipated and for those not yet foreseen.

APPENDIX A

NLRB Appropriation Bill Rider

79 Stat. 609, Title III National Labor Relations Board, Salaries and Expenses.

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141-167), and other laws, \$28,165,000 (1967) : *Provided*, that no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, non-profit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes.

Fair Labor Standards Act, Section 3(b)

Section 3(f) FLSA (agriculture)

"Agriculture" includes farming in all the branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

Mr. FIELDS. My name is Ogden W. Fields. I have been employed by the National Labor Relations Board since 1941. Since 1960, I have served as its Executive Secretary.

I feel honored to respond to the committee's invitation to appear and testify concerning the probable impact of the proposed amendment on my agency's administration of the statute.

I want to also add that preparing for this testimony brought me back 30 years. In 1937, I served for a year as a migratory labor camp manager in Marysville, Calif., under the U.S. Department of Agriculture.

I have been asked to discuss whether it is practical for the Board to conduct elections in seasonal and migratory industries and what par-

ticular administrative problems may be foreseen in conducting elections in the agricultural field in the event H.R. 4769 is enacted by Congress.

I am here as a so-called expert witness, if you please, not on the policy question of whether the act should be amended to cover agricultural employees—that is a matter for the Congress to decide—but on the question of whether the Board can do the job if Congress decides to give it to us. My simple answer is that we can.

As you know, in addition to removing the agricultural section from section 2(3) of the National Labor Relations Act, as amended, the rider attached to our appropriations every year since 1946, precluding the use of Board funds in connection with agricultural labor would also have to be removed if the Board is to exercise jurisdiction. Other legislative amendments would be necessary only if the Congress itself wishes to determine the standard for the Board's assertion of jurisdiction over agricultural employers and to broaden the scope of bargaining units beyond single-employer units into multiple employer or production or marketing area units.

The problems that may be reasonably anticipated if H.R. 4769 is enacted can and should without too much difficulty be solved through the administrative process rather than by legislation.

The Board has had a wealth of experience in exercising jurisdiction over seasonal and migratory industries. Over many years it has built up in these industries a substantial body of case law and procedural practices that have won the approval and support of the circuit courts of appeal and the Supreme Court. And much of this experience was developed in industries directly and immediately related to agriculture such as the packing and canning and food processing industries. Definition and content was given to the term "agricultural laborer" by the Board and the courts in a number of representation and unfair labor practice cases. The tests were practical, evolved from the character of the work performed as modified by custom.

The seasonal need for large numbers of temporary employees to handle highly perishable products is not unique to agriculture. Nor is the fact that some employees are migratory. These characteristics exist in fruit and vegetable packing, canning and freezing and many other agricultural related industries listed in my full statement under footnote 4.

The Board has also gained much experience from other industries where employment is seasonal or of brief duration and the employees migratory or mobile such as the fishing and construction industries in addition to a miscellany of nonfood seasonal industries such as toy manufacturing, lawnmowers, recreation, garden furniture, greeting cards, and so forth.

I refer you to footnote 5 in my full statement. The Board has decided representation issues and conducted elections successfully in thousands of cases in these industries.

Accordingly, in my opinion, many of the principles, procedural practices, and techniques in these related or analogous industries would be readily applicable to agricultural employees now excluded from the act.

There would, of course, still be some difficult and complicated problems. And the degree to which Board policies and practices evolve

for other industries may be successfully transmuted to agricultural labor to solve such problems varies.

Let us try to anticipate some of the problems that might arise and see if existing policies or principles apply or whether new solutions need to be found by the Board or be provided by legislation.

JURISDICTION

Although the Board's statutory jurisdiction extends to all employers whose operations affect commerce, the Board has, with congressional approval, limited the exercise of its power to those enterprises whose effect on commerce is substantial.

It has done this by setting up monetary jurisdictional standards for different kinds of enterprises stated in terms of total dollar volume business.

Since 1958, the standard for retail enterprises has been that the Board will assert jurisdiction over all nonretail operations which have an outflow or inflow across State lines at least \$50,000 a year, whether such outflow or inflow be direct or indirect.

This is the standard applied to the packing, canning, and food-processing industries as well as to all manufacture.

In the event agricultural employees were brought under the act, the Board would very likely adopt some similar jurisdictional test for this industry if Congress itself had made no provision in the legislation for a standard.

The standard would be set only after full inquiry into the pertinent facts, special needs and problems of agricultural. Most probably the Board would hold oral argument on the question to which interested unions, employer organizations, and associations, in addition to the parties, would be invited to participate.

The administration of the unfair labor practice provisions of the act do not appear to involve any particular problems which the agency has not already experienced where employment is seasonal and the employees migratory.

Specifically, the problem here is the additional time it takes to run down witnesses or to keep up with them incident to the investigation of charges.

Under section 9(b) of the act, the basic unit is the single-employer unit. Under current law, the Board will not establish multiemployer units unless it finds that the employers have voluntarily formed an association for the purpose of collective bargaining and the union has agreed to bargain on that basis.

These requirements of consent of the parties for purposes of establishing multiemployer bargaining units apply equally to seasonal industry. For example, if in a given area a number of growers employing their workers from a common labor pool insisted on single-employer units but the union wanted a multiemployer unit, under present law single units would be found appropriate and elections held accordingly. Were the positions reversed the results would be the same.

Consent is the key to the continuance of multiemployer units as well as to their creation. Where an associationwide unit has been voluntarily established, an employer member may, with due notice at an

appropriate time, withdraw from the broad unit and thereafter bargain on a single-employer basis. Likewise, a union may serve notice at an appropriate time of its intent to cease bargaining on a multi-employer basis and thereafter bargain in single-employer units. Units broader than single employers may be particularly appropriate to certain phases of agriculture and the parties may well agree since it would be in their mutual interest.

In the unlikely event that they do not, the committee might wish to explore the possibility of permitting the Board to formulate bargaining units in the field of agriculture on a broader and different basis from those which the present act allows, such as multiemployer units other than those obtained by consent of the parties, or production- or marketing-area units.

BARGAINING UNIT

In agriculture, with collective bargaining history still to be made and patterns of bargaining not yet developed, analogies to related or similar industries may assist the Board in establishing appropriate units. That is the appropriate grouping of employers for an election and collective bargaining.

In general, the Board seeks to include in the unit employees who share common interests, similarity of skills and working conditions, duties, common supervision, and so forth.

In seasonal migratory industries, the primary factors are (1) the expectancy of reemployment in the future and (2) the extent to which the interests of the seasonal employees are similar to the nonseasonal employees. Thus, where the employer draws from the same labor force each season and former employees are given preference in rehiring or recall, the Board as a general rule finds that the community of interest with the permanent employers is sufficient to warrant inclusion of the seasonal employees in the unit with nonseasonal or year-around employees.

In order to determine questions relating to the likelihood of return of employees from season to season, the Board routinely takes evidence on this subject in these cases. For example, in California Vegetable Concentrates, an employee engaged in processing of vegetables, the company operated on a year-round basis with a permanent complement of between 240 and 290 employees. Also, seasonal employees were regularly employed each year from August to November with peak employment of about 600 seasonals usually occurring in October.

The employer did not maintain a recall list of seasonals but it did give hiring preference to former seasonal employees who were known to be reliable workers. Also, between 20 and 50 seasonals became permanent employees each year.

Of 270 seasonals on the September 1961 payroll, over 50 percent had worked during the 1960 season.

In its decision, the Board included the seasonal employees in the unit in accordance with the usual practice in this industry.

SHOWING OF INTEREST

The Board's normal practices require the petition of the union to show that at least 30 percent of the employees in the unit wish to be represented by the union.

The purpose of this rule is to avoid spending the taxpayers' money on an election unless there is reasonable ground to believe that a substantial number of employees are interested.

In seasonal industry cases, however, the Board's policy does require a showing only among those employed in the unit at the time the petition is filed. This policy recognizes the practical, special problems incident to the conduct of elections in seasonal industries where the Board seeks to have the election conducted at the peak of the season in order to allow a maximum of employees in the unit to vote.

Accordingly, if a cannery began its operations in May with 100 employees, built up to a peak of 500 employees in September, and the union filed its petition in May, the Board would require a 30-percent showing or 30 cards among the 100 employees employed at the time the petition was filed.

This would allow for a hearing to be held in the event the parties did not consent to an election and an election to be directed among the 500 employees during the peak of the season in September.

ELIGIBILITY TO VOTE

The general rule governing eligibility to vote in seasonal industries is to vote those employees employed during the payroll period immediately preceding the date of issuance of the notice of election and who are employed on the date of the election.

The application of this practice to agricultural workers would have to be carefully examined to be sure that it does not disenfranchise significant numbers of employees. For example, the peak of the season for the harvesting of the crop of a large grower may occur in the last half of August. The eligible payroll period may be set for the third week in August with the election to be held on August 30.

Accordingly, to be eligible to vote under present policy a worker's name must appear on the payroll for the third week. Thus, if a migratory worker during the designated payroll period was not employed by this grower because he was engaged in the same area in winding up the harvesting of another crop or was migrating from another area, he would not be eligible to vote even though he began work during the next payroll period and was employed on election day and remained at work several days to finish the crop.

It would appear that if there were a number of true migratory workers in this category that the Board would have to accommodate its eligibility policies to such circumstances.

On the other hand, the Board would want to know whether or not this eligibility rule would give a vote to those who may not have a common interest in the work.

Therefore, the status of part-time and casual employees as distinguished from the seasonal workers in agriculture will also have to be studied.

TIMING OF ELECTION

To allow a maximum number of employees to vote the present rule in seasonal industries is to conduct the election at the peak of the season. Timing the election at the harvest peak is also based on the assumption that the seasonal employees are genuinely interested in the

conditions of their employment even though any benefit derived from collective bargaining may not be realized until the following season and on a recognition that a proportion of the workers will not return to the cannery or shed the next season.

Where, of course, there is virtually year-round employment or where the diversification of crops reduces the fluctuations in employment, the timing of elections is not significant.

CONDUCT OF ELECTIONS

The actual, physical conduct of secret-ballot elections among agricultural employees would present no insuperable problems. The Board has conducted more than 200,000 elections among more than 25 million voters since 1935. Board agents have taken the voting booth and ballot box to employees in units ranging from two to many thousands and have conducted elections ranging in length from 15 minutes to 112 days. Polling places have been set up in factories and mills, of course, but also aboard ships and fishing vessels, in shacks or railroad boxcars, borrowed schoolrooms or empty stores, and even, when necessary, in the Board agent's car or a rented tent.

Election notices have been posted in many languages, including Spanish, Italian, Polish, German, Russian, Chinese, Tagalog, Greek, Portuguese, Hungarian, Ukrainian, French, and probably others.

Men working along hundreds of miles of pipelines or in isolated logging camps or in shrimping and fishing fleets have been voted. Board agents have hitchhiked to inaccessible Alaskan salmon canneries by fishing vessels and single-motor pontoon plane.

In 1945, 2,200 board agents—experienced regulars augmented by temporary employees—voted, in 22 hours, more than 300,000 employees at more than 2,000 mines in 31 States.

This is not to brag. It but recites experience that promises resourcefulness in new fields.

A brief discussion of postelection problems, contract bars, and certification periods is contained in my full statement so I will not mention them here.

EMPLOYMENT PRACTICES AND LABOR CONTRACTORS

Apparently a great variety of employment and economic practices exist in agriculture as in other industries. A farm may be leased by a cannery which will employ help directly to harvest the crops or workers may be hired directly by growers or obtained through labor contractors or through farm association or cooperative channels.

The methods or techniques of employment are flexible and vary geographically and by crop.

One employment practice that warrants added comment is the recruitment of migratory farmworkers through labor contractors or crew leaders.

As of October 31, 1966, almost 2,000 were registered under the 1964 Farm Labor Contract Registration Act. The Department of Labor estimates that between 3,000 and 12,000 farm labor contractors will be ultimately registered.

The Board will be required to determine the status of crew leaders as employees, independent subcontractors, joint employers, or em-

ployers. And such determination will critically affect appropriate units, the bargaining duty, and whether employees will be covered by the act in terms of such jurisdictional standards as may be applied.

In determining the status of independent contractors, the act requires the application of the right-of-control test. The resolution of this question depends on the facts of each case and any one factor alone is not determinative.

The numerous labor contractors or crew leaders in agriculture and the variety of employment arrangements under which they may operate constitute a very real potential for the removal of large numbers of agricultural employees from the jurisdiction of the act if the proposed legislation is enacted without special consideration being given to this problem.

SUBSTITUTION OF THE TERM AGRICULTURAL LABORERS FOR AGRICULTURAL EMPLOYEES

H.R. 4769 contains the term "agricultural laborers." Since there are agricultural employees whose skills take them out of the laborer classification, the committee may wish to substitute the word "employees" for "laborers" in keeping with its apparent intent to apply the act to semiskilled and skilled agricultural employees as well as to laborers.

The Dictionary of Occupational Titles lists almost 750 different job classifications in agriculture. cursory review of the functions of these employees, among many other similarly occupied, may create doubt as to their coverage by the term "agricultural laborers."

In conclusion, no matter how much time was spent looking ahead in any new undertaking there would arise, of course, unexpected problems new to the Board's experience.

The field of labor-management relations is dynamic and ever changing and for 32 years now the Board has proved that it has the needed flexibility and the resourcefulness to cope with the uncertainties of our changing economic patterns.

It is for the Congress to determine whether now to extend the act to cover agricultural employees. If this be done, experience teaches that the Board usually can find workable solutions both for the problems anticipated and for those not yet foreseen.

Mr. THOMPSON. Thank you very much, Mr. Fields. This is extraordinarily fine, useful testimony. We especially appreciate the specific suggestions that run through it.

Mr. O'Hara?

Mr. O'HARA. Mr. Fields, I want to underscore what the chairman has said. I think your testimony has been extremely helpful in considering this legislation. The most important question in applying this act to a new field is: Will it work? And this is a question to which you have addressed yourself.

Without expressing an opinion on whether or not the NLRA should cover agricultural employees, you have given us insights into the question of whether or not it will work.

I would like to cover several additional points. By the way, before I do so, I would like to commend to all members of the committee the full statement that you submitted to the committee. A thorough reading and analysis of your statement, I think, will answer most of the questions that have been or will be raised.

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 *DiGorgio 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.

Now you must understand that this was done because they included in their organization some packing shed workers. Originally the National Farm Union represented agricultural workers only and at the same time another organization, the AWOC, or the Agricultural Workers Organizing Committee, included agricultural laborers but also packing shed workers.

Then they merged into an organization known as the UFWOC, the United Farm Workers Organizing Committee, AFL-CIO, that organization included both, even though the packing shed workers were in a minority.

So that under the statute the general counsel had no alternative.

Mr. O'HARA. That confirms my analysis of how the Board arrived at the results it did. That the correct application of the law should lead to such an outrageous result is another reason for this committee doing something to change the law.

Mr. FIELDS. Yes, sir. I would like, if I may, to give the reporter citations to the cases I mentioned.

Mr. O'HARA. I ask unanimous consent that he be permitted to do so.

Mr. THOMPSON. Without objection.

(The citations referred to follow:)

DiGiorgio Fruit Corp. 28 LRRM 2195 89 U.S. APP. DC 155 29 LRRM 2022. Certiorari denied.

Masters, Mates and Pilots v. NLRB (Chicago Calumet Stevedoring Company, 59 LRRM 2566).

Electrical Workers Union (B. B. McCormick & Sons, 59 LRRM 276).

Mr. O'HARA. Mr. Fields, there are two other particular points in your testimony which I would like to ask about.

First, jurisdictional standards. There has been some hint that we might want to adopt jurisdictional standards in any legislation we agree to with respect to agricultural employees. I would like to make it clear that I am not in favor of doing so. A very good case can be made, in terms of consistency and flexibility, that we leave such standards to the discretion of the Board.

Am I not correct in saying that if legislative jurisdictional standards were adopted for agricultural workers, they would be the only set of jurisdictional standards in the National Labor Relations Act?

Mr. FIELDS. That is right.

Mr. O'HARA. You have a very sensitive and complex set of administrative jurisdictional standards, which while I don't agree with them, are geared to the specific requirements of particular industries.

Mr. FIELDS. They are contained in a footnote in my full statement, as you know.

Mr. O'HARA. Yes. You suggest that standards be adopted after a hearing and a thorough discussion of the requirements of this particular industry. That makes a lot of sense.

Mr. THOMPSON. If the gentleman will yield at that point, I agree with his statement. I have read the cases under which the administrative rulings were made. I gather that the thrust of this colloquy is that the Board in exercising its administrative responsibility would exclude the small farmer, not only in light of the history of this experience but in light of the application of the one criteria which is absolutely necessary under the NLRA; namely, are they in interstate commerce.

Mr. O'HARA. Mr. Fields, I would like to ask you about the amendments that are proposed by section 8(f).

You have pointed out the difficulty that we face if we use the term "agricultural laborers" in this legislation.

I would like to know whether we might bring in other problems if we used the term "employees" instead of "laborers." I haven't given it enough thought to determine whether that might be the case.

Mr. FIELDS. I think it would be the intention to include in the definition skilled, semiskilled, and unskilled agricultural workers, which the term "employees" would embrace whereas the connotations of the word "agricultural laborer," in view of the infinite number of occupations, may cause some difficulty unless the statute clarified it or clearly defined it.

For example, in the definitions of occupational—there are just innumerable, skilled machine operators. For example, the occupational dictionary lists as agricultural occupational classifications, bean harvesting machine operator, combine operator, peanut digger-shaker operator; and so forth, as well as electricians, carpenters, plumbers, operating engineers, just an infinite variety.

So that person, psychologically at least, would think, "I am not covered, I am not a laborer, I am an operating engineer."

Mr. O'HARA. At first glance you comment on the use of the word "laborers" seems to me to be entirely correct as does your observation with reference to the difference between the term "laborers" and "employees."

But I want to make sure that we would not get into a new set of problems were I to offer that change. I want to think about it a little bit.

Mr. FIELDS. All I am suggesting is that this be looked into.

Mr. O'HARA. I thank you very much. Your testimony with respect to the practical application of the Labor Relations Act to farm labor has been very, very helpful.

Thank you.

Mr. THOMPSON. Mr. Ford.

Mr. FORD. I join Mr. O'Hara in his comments and ask you just two specific questions.

The first pertains to the cases that you are going to put into the record concerning the determination that organizations of farm or agricultural laborers are covered by the act for the purpose of stopping a product boycott. How old are these cases?

Mr. FIELDS. The *DiGiorgio Fruit Corp.* case was decided in 1951.

The Masters, Mates, and Pilots, 1965, Chicago Calumet Stevedoring Co.

Mr. FORD. They are all in the 1960's?

Mr. FIELDS. No. The *DiGiorgio* case was 1951. In that case the circuit court held that because the Agricultural Laborers Union represented agricultural laborers only, all excluded from the act, they could not be enjoined. They were free. They had neither the benefits nor the proscriptions and they could engage in secondary activities or consumer boycott.

Mr. FORD. When did the Board make the finding on the other subject?

Mr. FIELDS. I think the case arose in 1963. It went up and was decided by the Circuit Court of Appeals in 1965. That leaves the case I referred to, Chicago Calumet Stevedoring Co., involving masters and pilots. The circuit in the District of Columbia in 1965 enforced the Board's order.

Then there was another case about the same time involving the B. B. McCormick & Sons and involved, of course, the Florida East Coast Railway. That occurred at about the same time. Around 1964 or 1965.

Mr. FORD. Actually, the decisions are relatively new that seem to indicate that a proper technical description of the act as it now stands would mean that the worker has the right to be sued but not to sue, or is a citizen for tax purposes but not for voting purposes to use an even more severe comparison.

I would simply like to observe that if this is going to be used very frequently by people on one side of the dispute, it will probably do more to excite the imagination of Members of the Congress and the public across this country for the passage of this type of legislation than anything we might do in this committee.

Hopefully, one of the things that is going to come out of these hearings is that people across the country will realize that some of the things that have come to light during this hearing are still going on in this country.

Certainly as to the enforcement of this provision by the Board, I make no criticism of the Board in doing this, I agree with Mr. O'Hara that you appear to be absolutely correct in your interpretation of the law, leaving to Congress responsibility for any addition to that law.

Mr. FIELDS. It is not because the cases are recent, it is just that they didn't arise until recent years. I did not exhaust the research on this point. There might well have been cases with these interpretations in earlier years. We did have a case going back in 1951, the *DiGiorgio* case. There have been relatively few cases throughout this period.

Mr. FORD. The bill that is before us picks up almost in toto the present exceptions and provisions that were written originally for the building trade.

Have you made any examination of this language from the point of view of the Board to determine whether there are circumstances that might not make the exact language appropriate? In other words, might it not be appropriate for us to examine the possibility of a new section rather than hitchhiking on the building trade section?

One of the things that brings this to my attention is that one of the provisions of this section is to provide that in labor contracts minimum training or experience requirements may be specified. This at first blush does not seem to me to be appropriate to the kind of employment that we are talking about here.

If you could compare the situation with an industrial-type union, it would have some bearing because you would be talking about seniority. If we are talking here about the possibility of a contract including the program for apprentices, master pickers and associate pickers and what-have-you, this raises the question, assuming the possibility of accomplishing what this, legislation intends to accomplish, of whether or not using the language of the present section without more specific tailoring to this industry might lead us into problems?

Mr. FIELDS. I would suggest that it be very, very carefully studied, because of this basic fact. The construction industry has been a highly organized industry. Every year since Congress provided for this prehire arrangement, prehire contracts in 1959, there have been thousands entered into every year.

The Board has had relatively few problems with it. But when you apply that to an agricultural field where there is just a very low level of organizing, it may well present problems where an effort might be made to anticipate. We have a few problems arising under the prehire contract by the Board. But as applied to this industry it is difficult to judge what would happen.

In my opinion, it would not have much of an impact, the prehire arrangements in agriculture, for several years. I think that it might have to be organized first before employers would be consenting to these prehire arrangements.

So, because of the basic difference, one highly organized, the other a very low level of organization, I would suggest a most careful study.

Mr. FORD. I am not particularly concerned with prehire. I see no real problem with the concept, itself, except where it applies to this aspect of the contract that would accommodate provisions for minimum training and experience requirements as contrasted with the building trades that have a long tradition of apprenticeship programs and very strict, tight controls by the labor organization of these factors.

Most persons could understand what you mean when you use the term prehire with respect to established labor as distinguished from the people who are most likely to be affected by this legislation who have no tradition of classification or union discipline. This, incidentally, is one area where even the building trades are subject to considerable criticism from time to time by such people as the civil rights advocates with respect to how such provisions are sometimes used in contracts.

I would appreciate it if you people would take a look at this specific aspect of the language and if you see a problem such as I suspect might exist, will you comment on it before we conclude the hearing.

Mr. FIELDS. I will be delighted to.

Mr. THOMPSON. Once again, Mr. Fields, thank you very much. I am really delighted with the substance and the depth of your testimony. It will be most useful to us.

Mr. FIELDS. Thank you very much.

Mr. THOMPSON. The subcommittee will adjourn until tomorrow afternoon at 2 p.m. in room 2261. We will hear Members of Congress and Mr. Walter Reuther of the United Auto Workers at that time.

The subcommittee is adjourned.

(Whereupon, at 12:30 p.m. the subcommittee recessed, to reconvene at 2 p.m., Tuesday, May 9, 1967, in room 2261.)

EXTENSION OF NATIONAL LABOR RELATIONS ACT TO AGRICULTURAL EMPLOYEES

TUESDAY, MAY 9, 1967

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 2:12 p.m., pursuant to adjournment, in room 2175, Rayburn House Office Building, Hon. Frank Thompson, Jr. (chairman of the subcommittee), presiding.

Present: Representatives Thompson, Dellenback, Gardner, O'Hara, Scheuer, Brademas, Ford, and Goodell.

Also present: Hon. Phillip Burton, of California.

Peter W. Tredick, counsel; Daniel Pollitt, special counsel; Jeunesse M. Zeifman, clerk.

Mr. THOMPSON. The subcommittee will be in order for the continuation of the hearings on H. R. 4769, by Mr. O'Hara of Michigan.

STATEMENT OF HON. ELMER J. HOLLAND, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Mr. THOMPSON. We will now hear the statement of our colleague, the Honorable Elmer J. Holland of the State of Pennsylvania.

Mr. HOLLAND. Mr. Chairman, members of the subcommittee, I am delighted to have the opportunity to testify in favor of H.R. 4769 and my companion bill, H.R. 1999. I do not claim to be an expert on agricultural economics. I do know a little bit about the structure of the agricultural labor force, and the role which the public employment service has played in past years in this area. But the main reason for my deep interest in this problem and my deep commitment to the principle of bringing agricultural labor under the National Labor Relations Act lies in my own personal background.

Many years before I even dreamed of coming to the Congress, I had the privilege of working with the late beloved Phillip Murray in helping to organize the United Steelworkers of America. In those early years of the labor movement, when the right to organize was itself under question, and the right to strike only a dream in the minds of some of us, I learned a few lessons very thoroughly. And I am unlikely to unlearn them now.

The first such lesson is that the workingman has only his labor, only his strength and his ingenuity and his creativity to bring to the marketplace. He cannot bargain on an individual basis with an employer. He cannot debate fine points of contracts with the employer's attorney.

He cannot easily withdraw from the marketplace and live on his capital until conditions become more favorable for him.

The second lesson—or maybe it's only another way of stating the first—is that the workingman must organize if he is to talk on a plane of equality with the employer.

In labor negotiations, the whole, if not greater, is at least stronger than the sum of its parts.

The third lesson I have learned is that while legislation to improve the life of the workingman is vitally important, it must necessarily take a second place to the efforts of free working people, organized into free unions, to improve their own lot. We can legislate minimum wages, we can legislate workmen's compensation, we can legislate health and retirement insurance programs, but none of our legislative efforts can ever do more than establish a floor below which negotiations are not allowed, as a matter of simple public decency, to plunge the workingman. If he is to rise above that floor, if he is to participate as fully as his contribution to the general welfare entitles him in the benefits of society, then he will do so more completely, more rapidly, and more permanently through collective bargaining than through all the efforts of the most forward-looking legislative bodies.

I believe, Mr. Chairman, in a free economy. I do not believe in more Government regulation than is necessary to maintain minimum standards of decency. But I believe, and these beliefs are inseparable, that the parties to that free economy must be of equal strength. It follows from this, that agricultural workers must be able to be as free to help set the conditions under which they work as are agricultural employers. And the first essential step to achieve this must be the extension to these workers of the same rights that are enjoyed by their fellow workers on the assembly line, in the cabs of trucks, and behind sales counters.

As I have heard it argued that allowing farmworkers to organize would be "different" because if farm labor strikes during the harvest season, the employer is under a disadvantage. That's absolutely true. If farmworkers are organized, if they can refuse their labor to an employer because he offers them substandard wages or working conditions, if they can simply opt out of the labor market, the employer is under pressure. But he is under pressure to pay decent wages and to provide decent working conditions. And, Mr. Chairman, he very well ought to be under such pressure.

Labor negotiation is not supposed to be a set of circumstances in which there is a phony semblance of equality, in which the employer is very pleasant and polite to the employee, but in which the end result is foreordained because the employees simply have no way of making their point. The very purpose of the right to organize and the right to strike is to give to labor some leverage, some method of bringing pressure to bear on the employer. It assumes—and the history of agricultural labor proves the assumption fully—that employers are not going to pay as much as they can afford, but rather as little as they can get away with.

We are told that if agricultural labor can organize and strike, that in some circumstances crops are not going to get picked, and growers will be in trouble. That's too bad, and for the most part agricultural labor is not going to be any more anxious to put growers out of business

than Walter Reuther wants to run the automobile makers out of business. But if an employer simply refuses to pay decent wages, if he simply insists upon treating his labor force like so many domesticated animals, then the Nation will be better off if he is run out of business.

The grower's right to have his crops harvested and put on the market is no more basic than the worker's right to withhold his labor if offered impossible working conditions—and the further right to withhold that labor on an organized basis, and to advise other working people that a strike is in progress.

The frightening pictures we have drawn for us of growers going out of business, and crops not getting harvested, and the housewife being denied her avocado salad or her cocktail hour artichoke—all these frightening pictures assume that the farm employee has some kind of "duty to the public" to perform his labor at whatever is offered him. But I never hear the growers suggest that they have any corresponding duty to offer the kind of wages that are necessary to let the employees rise out of serfdom. If the farmworker has some moral obligation not to strike, then the farm employer has a corresponding moral obligation to improve the conditions under which the worker exists.

The pending bill, Mr. Chairman, will not enforce these moral obligations, nor will it bring the hand of Government into the relationship between employer and employee by such devices as wage scales, Government hiring halls, licensing, or the rest. What it will do will be to bring the employer-employee relationship out of the 15th century and into the 20th, and it will equip both sides equally to engage in honest collective bargaining, starting from a plane of equality. This right—and it is a right, Mr. Chairman—has been recognized for other segments of the labor force for nearly 30 years now. It is time that the food on our tables had the blood and sweat of generations of exploited workers scrubbed from it. It is time to pass H.R. 4769.

Mr. THOMPSON. Thank you, Congressman Holland, for appearing before this subcommittee.

STATEMENT OF HON. JEFFERY COHELAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Mr. THOMPSON. Our next witness will be Congressman Cohelan. Mr. Cohelan represents the Seventh Congressional District of California. We will be glad to hear your testimony at this time.

Mr. COHELAN. Mr. Chairman, I appreciate your invitation to testify on this very important legislation, which would extend collective bargaining rights, under the National Labor Relations Act, to agricultural workers. As you know, I have been deeply and actively concerned for a number of years with efforts to improve the lot of those Americans who toil in the fields of this country. There is no more honest and honorable work than farm labor; yet no group of workers has so regularly and systematically been discriminated against and exploited.

One of the most important steps we can take to correct these past injustices is to include agricultural workers under the National Labor Relations Act. I have been sponsoring legislation to this effect since 1963. I hope that it will receive the favorable consideration of this committee and the Congress this year.

There can be no question that within the last few years we have made important gains in the field of farm labor. As one who was active in the successful fight to end the mass importation of "braceros" under Public Law 78, I am delighted with the first steps that have been taken in minimum wage protections, education and health services, and day care centers for the children of migrant farmworkers. These, though, are only beginnings. We need to do much more, and in other fields as well, and we need to do it quickly.

For let us recognize very clearly that until recently there has been a conscious, and a largely successful, effort to exclude the farmworkers of this country from much of the basic economic and social legislation written in the last 34 years.

They have been denied unemployment compensation, and yet their need for income protection may even be greater than that of other workers because of the seasonal employment patterns and low wage structure of agriculture.

They have been denied workmen's compensation in all but a few States, and yet farmwork has become one of the most dangerous of all occupations.

Until the end of Public Law 78 on December 31, 1964, we even interfered with their labor market by importing thousands of foreign workers to do the jobs that American workers were prepared to do if paid decent wages and afforded decent working conditions.

In brief, we have treated our hired farmworkers like second-class citizens. The result has been predictable: American farmworkers today are one of the most deprived and disadvantaged groups in our society. Their poverty truly deserves the description of "a harvest of shame."

Thomas Pitts, the very able secretary-treasury of the California Labor Federation, pointed out earlier this year that:

The events of the last few years suggest that domestic farm workers are likely to remain second-class citizens in an affluent society unless the social-economic legislation applicable to most of the nation's workers is extended to them.

As first order of business, Mr. Chairman, we should grant farmworkers the same rights to organize and bargain collectively as are enjoyed by their industrial brothers. Let us acknowledge the facts: big agriculture is big business. The myth of the small family farm has been largely replaced, if not devoured, by the giant of corporate agriculture.

But despite the changes of the last 100, 50, and even the last dozen years, farmworkers are still treated as dispensable, second-class employees. They can achieve a collective-bargaining relationship—the basis of working relationships in almost every other sector of our economy—only with the consent of their employer. In other words, collective bargaining may occur only in those cases where the farmworkers themselves—through strikes, boycotts, and other means—are able to force their employers to bargain with them. Industrial workers passed through this barrier 32 years ago with the Wagner Act. But agricultural employees are still waiting for this fundamental employment security.

The very reasons that have historically been used to oppose this basic protection for farmworkers are, in reality, the very reasons why it is so important to provide it. The fact that agriculture is subject to

the whims of nature, the fact that agricultural work is highly mobile, only increases the need of the workers involved to have a collective-bargaining relationship with their employers.

When we look at the record it is clear what some of the consequences of this denial have been.

Over the last 10 years farmworker earnings have risen only half as rapidly as their gains in productivity,

Since the end of World War II the gap in pay and other benefits between industrial and agricultural workers, relatively and absolutely, has grown greater,

In my own State of California only 31 percent of the male workers—based on 1964 data—between the prime working ages of 30 and 50 earned more than the poverty-line minimum of \$3,000 per year.

My only criticism of this proposed legislation, Mr. Chairman, is that it is too limited. Under the National Labor Relations Board's current jurisdictional standards it would affect only that 3 percent of our Nation's farms whose interstate shipments amount to more than \$50,000 a year. Fortunately, this would benefit a significant portion of our hired farm laborers, but like minimum wage and other guarantees, its benefits should be broadened to include more workers.

Despite this limitation, I strongly urge this committee to report this measure and to press for its passage. Farmworkers should have the same rights to negotiate their terms of employment that workers in other industries have long enjoyed. Clearly they cannot redress the present inequities of their situation, clearly they cannot enter the mainstream of the American working force without this basic employment protection.

Mr. THOMPSON. Congressman Cohelan, it has been a pleasure to hear your testimony. Thank you for appearing here today.

Our next witness is the Honorable Henry B. Gonzalez. Congressman Gonzalez represents the 20th Congressional District of Texas. Congressman, will you have a seat at the witness table.

STATEMENT OF HON. HENRY B. GONZALEZ, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. GONZALEZ. Mr. Chairman, I consider it an honor and a privilege to appear before you in behalf of H.R. 4769 and similar bills, including my own H.R. 6928, which would extend the benefits of collective bargaining under the National Labor Relations Act to agricultural workers.

All through our history, the hewers of wood and the drawers of water have served as the very root and foundation of the growth and strength of our Nation, and their contribution has been acknowledged. But recognition in history books does not conceal the fact that these people, who today are farmworkers, have been left far behind in the benefits that the growth and wealth of our country have given to virtually all our citizens. The agricultural worker has the least security in his job; he has the least wage for his work; he has the least hope of obtaining compensation if he is hurt on the job; and worst of all, his plight is hidden because he is out in the country, where few people see his burden, and fewer still care.

The history of labor relations in this country reflects that there have been sporadic efforts by farmworkers to organize themselves into labor unions. Perhaps the greatest such efforts came about in the thirties, when farmworkers in California, driven there by the great drought in the central plains, found that the promised land contained nothing for them but despair. These workers tried to unionize, but they were met with clubs and guns, and they found that camps could be concentration camps, and farms, prisons. Their effort failed, but the idea has never faded, and last year, there was at long last a successful effort to organize a significant number of agricultural workers.

In the absence of a framework of laws within which to conduct matters, efforts to organize workers into unions will meet with resistance of every sort, and the result is chaos. Not every employer resists unions, but the fact is that when there is no law, anarchy prevails, and in a state of anarchy, it is the powerful who prevail. For this reason, union activities in the absence of law results very often in the employment of mass firings, violence on both sides, economic reprisals, lockouts and other needless and ruinous actions. More often than not, in such a situation, a company or activity can be organized only after strenuous and violent efforts, with damage to both sides. If an employee group is able to beat down a recalcitrant employer, there will be a contract; otherwise there will not.

We witnessed industrial anarchy in the 1930's and we saw warfare between farmers and workers in the same period. There was widespread economic dislocation, and there was even more widespread injustice. We solved this by creating a framework of laws within which unions and employers could operate in conducting their relations.

Since that time, we have not had the yellow dog contract or the blacklist; we have not had industrial warfare. But the farmworker who would organize into a union must face the same obstacles that the industrial organizer of 1934 had to face.

In the Rio Grande Valley of Texas, today, there are efforts to start farm employee unions. These efforts are met with firings of those who are union members, or who look or talk as if they might be, or might like to be, union members. There are jailings, there are ugly incidents, and there are the old tools on the twenties and the 19th century: economic threats and reprisals, blacklists and employment of physical threats. All of this might not be halted by the bill before the committee, but one thing is clear: we can no more afford the kind of warfare between farmer and farmworker than we could the warfare between worker and industry 30 years ago.

Nor is this simply an economic question; it is a moral one as well. I do not believe that Congress can say to the majority of workers in this land that they have certain rights and that there are fair and unfair labor practices, and then deny this same privilege and protection to farmworkers.

I believe that if one man has a right under law, then all other men are entitled to it as well. I believe that if firing a man for union activity is an unfair labor practice at General Motors, then it is also an unfair labor practice in a factory field in California or Texas. But the fact is that there is no such thing as an unfair labor practice in the Federal lexicon, as far as farmworkers are concerned.

I believe that efforts to organize workers in the fields will take place regardless of whether there is legal framework for it. I believe that a legal framework would permit such activities to take place in a peaceful way, and that much of the friction and tragedy that is taking place today would be halted.

I find it hard to believe that in this country, there can still exist, quite legally, labor practices that were considered shameful 50 years ago, and practices which we outlawed 31 years ago. But it is true, and it is time that we did something about it. I urge approval of legislation which will enable framworkers to enjoy the same benefits and protections that the majority of our workers now have.

I believe that if we deny this protection to these workers, we will be creating a class of second-class citizens, a class of untouchables in a land built on the belief that every man is created equal.

Mr. THOMPSON. Thank you. I am sure that you have made a fine contribution to the deliberation of this committee.

Mr. O'Hara, would you like to introduce your constituent?

Mr. O'HARA. Mr. Chairman, he is not my constituent, although he comes awfully close to being my constituent, his residence being just a few miles outside of my district.

Our first witness, Mr. Chairman, is Mr. Walter Reuther, who is president of the UAW and of the Industrial Union Department of the AFL-CIO.

As you know, Mr. Chairman, Mr. Reuther has been very active not only in representing his own membership, the Auto Workers, but in fighting for social justice and for working people, whether organized or unorganized, in whatever field of endeavor, and in pursuit of that interest, Mr. Reuther and his union, and the Industrial Union Department of the AFL-CIO have strongly supported the efforts of agricultural workers to organize and bargain collectively.

I, myself, and I am sure the other members of the committee, are looking forward to Mr. Reuther's presentation of the reasons why he believes this is so important, and his thoughts on what the particular legislation before us would do along those lines.

I am very proud and pleased that he is here today.

Mr. BRADEMAS. Mr. Chairman, I, too, would like to welcome our distinguished witness, Mr. Reuther. I represent a district where there are many members of the United Auto Workers, the district where we used to make Studebaker automobiles, and I am very proud to say that during my college days I worked on the assembly line and I was a member of the UAW Studebaker Local 5.

I have great admiration for Mr. Reuther and his leadership, not only in the American labor movement, but he is one of the outstanding leaders in American life today, and I am glad to see him here.

Mr. THOMPSON. Thank you, Mr. Brademas.

I might note—without trying to reassert my right to my nickname of "Topper," that I was a charter member of US Local 731, [laughter] while your mother was still attempting to train you. [Laughter.] She met with success, but only in recent years.

That is the Turnstedt Division of General Motors in Trenton, N.J., and this is almost like all-star day. I notice in the rear of the room our distinguished colleagues, one a member of this committee, Hon. Roman Pucinski, and another, a member of the Committee on Appropriations, Sidney Yates. And with them is a popular gentleman,

according to recent returns, the distinguished mayor of the city of Chicago, Mayor Daley.

Also, with Mr. Walter Reuther is Mr. Jack Conway, who is known to all of us for his service to Government and to organized labor. He is well known, and his reputation is well deserved. I also note the presence here of a very dear and old personal friend of mine, Mr. Roy Reuther.

Now, Mr. Reuther, you may proceed as you wish.

STATEMENT OF WALTER REUTHER, PRESIDENT, UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, INTERNATIONAL UNION, AFL-CIO, ACCOMPANIED BY JACK CONWAY

Mr. REUTHER. Thank you, Mr. Chairman, and I do appreciate the very kind remarks.

I might say that I think both of you belonged to very good UAW local unions. I hope that won't divide us in that argument.

I am privileged today to appear, both as president of UAW, representing 1,206,000 workers, working in the auto, aerospace, and agricultural implement industry, and I also appear as president of the industrial union department, representing 1.5 million workers; and I appear, Mr. Chairman, to add our voice in support of H.R. 4769, as introduced by Congressman O'Hara, and I understand there are a number of other identical bills to provide essentially for the same legislation.

I come here because I want to identify our voice, both in the UAW and the industrial union department, with the efforts of migratory farmworkers to win for themselves the same basic rights that millions of other American workers have enjoyed for many years.

Agricultural workers have been denied the right of self-organization, the right to collective bargaining, the right to a meaningful voice in dealing with their working conditions, their hours, and their wages, and all of the other things in the broad area of collective bargaining that other workers have had a voice and influence in.

I believe all of us who have had any contact with the problems of agricultural workers will have to agree that they have been treated as second- and third-class economic citizens. They are in truth the "have-not" people of America.

They have been disinherited, they have been disadvantaged, they have been denied, and they have been shut out of our society, because they have been denied the rights that other workers have enjoyed, and I believe that they are among the most exploited people in our Nation.

They contribute a great deal to the welfare and well-being of this country. We enjoy the very high living standards, and the average American family enjoys a better diet than does any group of people in the world, and this has been made possible by the sweat and the sacrifice and the tears of these people who have cultivated and nourished the earth, and we believe that it is time that we recognize their right to share in the tremendous abundance and the good life which they help make possible.

It is our judgment that there can be no economic or moral justification for denying agricultural workers the same measure of social

justice that other workers share, and we believe that they could not achieve that measure of social justice unless we bring them under the law so that they can enjoy the rights of collective bargaining.

I would like to read into the record several short paragraphs that came in a long 12-page letter that I received the other day from a farmworker in New York State.

They had read some of the material that we had put out, because we are making an effort to try to mobilize the American labor movement, to do a more meaningful job of organizing agricultural workers, and it was in response to that public appeal that we made that this woman, who works in the fields of New York State, wrote these words, and I quote:

We are among something like 3,000 unorganized workers in this Upstate county. There are 40,000 of us scattered throughout New York State. We are mostly all of us Puerto Rican and Negro farm workers. Agriculture has devoured us. We work for \$0.67 to \$1.35 per hour.

In Dunkirk vicinity, we are fighting on the one hand for an additional ten cents per hour, on the other hand for the protection of bare life itself.

We are housed in camps with leaking gas, faulty electrical installations, kerosene stoves, and deadly radiant heaters, with polluted drinking water and sometimes with no water at all.

We are housed as though we were hoes, wagons and tractor parts.

And she continues:

We need organizing, God knows we need it here on the farms. We work a 14, 15, 17-hour workday, and we work seven days a week. Time and a half is unknown. Holiday pay is unknown. Holidays are unknown. In a word, the relationship between work and rest has gone crazy, where farm labor is concerned.

The long hours are accepted as a fact of nature, like thistle and the leaf mold. Almost no one has observed that they stand straighter than the thistle, the facts of low base pay.

Tacawa County is a part of the Concord grape belt. Fantastic care goes into the cultivation of the vines, our care and our toil. Painstaking work, our work, goes into the preparation of the soil, that is to bear tomatoes or string beans or other major crops.

The ground is worked patiently, tenderly, it is worried over, it is turned over, spaded and hoed. It is braced with minerals, it is weeded, loosened, dusted with chemicals, sometimes irrigated. A fantastic amount of care, skilled labor, our labor, goes into the preparation of the ground and tending the crops.

By contrast, the lives of the men and women who work the land are left a wilderness. No care or worry is lavished upon us. No one calls upon modern science to protect us against disease and over-exhaustion. No one takes the trouble to investigate our needs for nutrition or find out whether we are growing straight or crooked.

We are like the needle that clothes everyone and yet is naked unto itself. We are treated as accessories to the grapes and tomatoes. We are used, then trampled. That is the tragic and terrible condition, in Tacawa, in Genesee County, where the pebbles are cherished, but the field of human workers is left to wither.

This is the tragic story all over this abundant land of ours. Workers who make possible increasing agricultural abundance are denied their measure of economic and social justice.

And when you look at their hourly rate that only tells part of the story, Mr. Chairman, because as we know, these workers do not work a full year.

Last year, Congress took what we consider to be a long-overdue, but relatively small step. You included, roughly, 390,000 workers under the minimum wage law. That was a small beginning, and we would urge very strongly, with the greatest sense of urgency, that the

Congress in this session take further steps to right these ancient wrongs that we have been doing as a free nation to our agricultural workers.

The average wage in 1966, among agricultural workers, was \$1.07 per hour, and the average wage for manufacturing workers was \$2.75 an hour.

Of the 3 million agricultural workers, out of the 3 million, only 600,000, it is estimated, worked more than 150 days. So if you take their hourly rate and translate that into an annual income based upon the short period of their employment, you will understand the level of poverty in which they are engulfed.

Now, the wage increases that workers seek in the American economy are not made possible by an economic Santa Clause. Higher wages, improved benefits, greater security, all these things are possible out of our developing technology.

If you look at the automobile industry, where we have had a fantastic increase in labor productivity, because we have had the application there of the most advanced tools of science and technology, of automation, of the tools of the computer—in 1946 as compared to 1966, in 1966 7 percent more automobile workers turned out 116 percent more cars and trucks.

Now they were not the same cars and trucks. They were much more complicated, they had bigger engines, they had many accessories that did not exist in 1947, and yet the productivity increase in the field of agriculture has increased much more rapidly than has the increase in the manufacturing sector of the American economy.

Workers in the manufacturing section have shared in the greater equity of that increased productivity. They have not realized their full equity, and that is why we keep going back to the collective bargaining table, but in the agricultural sector of our economy, where the productivity has been greater, the workers there fall further and further behind and are denied a smaller and smaller share of the fruits of their labor.

In 1935, when the Wagner Act was enacted, when it became the law of the land that the right to self-organization, to the choice of a union and access to the processes of collective bargaining were built into the structure of the laws of this land, why weren't the agricultural workers included?

Was it a matter of philosophy? Was it a matter of economics, or a matter of justice? It was a matter of pure and simple political expediency.

The people who were managing that bill looked at the Congress and they said, "We are charting new ground in the field of labor-management relations, and if we include the agricultural workers, it may create some problems and, therefore, as a matter of expediency, we will exclude them."

And the chairman of that committee, Congressman Connery, said at the time that that legislation was being considered, these words, taken from the Congressional Record—and I quote:

We hope that the agricultural workers eventually will be taken care of. If we can get this bill through and get it working properly, there will be opportunity later, I hope soon, to take care of the agricultural workers.

It has been 32 years, and his hopes still have not been realized, and this is why we believe we need the greatest sense of urgency with respect to the legislation that you are currently considering.

Mr. James R. Wayson, a specialist on labor-management relations in the Library of Congress, had these words to say concerning the legislation.

He said:

The clear indication is that the decision to exclude agricultural workers from the Wagner Act was taken on the grounds of expediency, not philosophy.

And so what we need to do is that we need now to face up with both courage and compassion and do what is right, and undo what was done because of political expedience 32 years ago.

The La Follette committee got into this question, and they made exhaustive studies throughout the country dealing with the problems of agricultural workers, and Mr. Henry Fowler, who now has the distinction of being the Secretary of the Treasury, was chief counsel of the La Follette committee and he said:

Collective action by the hired workers in industrialized agriculture supplemented by social action of the government agencies similar to that applied by other industries must become the order of the day.

What we need to do is take what he proposed 30 years ago and make it the order of the day now, because for 30 years we have been paralyzed by indifference and inaction, and we believe that Congress has a moral duty, and serious social obligation now to bridge this gap that denies agricultural workers their rights as American citizens and American wage earners.

Now, whenever you try to do something meaningful for people, there are always those people who have a vested interest in the status quo, and this is true whether the legislation deals with social security, minimum wages, the right to organize, or any other aspect of the problems of a people in a free society.

There are always those people who are prepared to get up early in the morning and work late into the night finding all the reasons why something should not be done, or why it is difficult, if not impossible, to do it.

And so these people again are working overtime, and they are coming up with all the reasons that they believe represent obstacles in the way of extending the rights of collective bargaining to agricultural workers.

And one of the things that they place great stress upon is the seasonal aspects of agricultural employment. Now, we all know—you don't have to be an agricultural expert to know—that you plant in the spring and you harvest in the fall, and that Mother Nature dictates the essential time schedule in agriculture. This is why agriculture economy is much more complex than industrial economy. The Chevrolet Co. can step up production any time that they want to add more people, and put on an extra shift. But when you breed a sow in the spring, you can't turn over the production process halfway through the cycle. Mother Nature takes over.

And when you plant a crop in the spring, Mother Nature takes over and determines that productive cycle, and agriculture workers are obviously related to that productive cycle which is dictated essentially by the laws of nature.

But does that mean that this presents insurmountable problems with—dealing with how does a free society go about extending the rights of collective bargaining to workers who are in the sector of the

economy in which the laws of nature have a great deal to say about the cycle of production?

It is our contention that the Labor Board has already demonstrated the ingenuity and the capability of finding the ways to apply the rights to collective bargaining to many varied situations.

The building trade is not the same as the automobile industry. The automobile industry is not the same as the maritime industry. The maritime industry is not the same as the canning industry, and the canning industry is much more nearly related to agricultural workers because they can the products that agricultural workers produce in the fields.

And so we believe that those people who are working overtime because they are committed and have a vested interest in a continuation of the status quo, we ought to point out that these kind of people have always been around, and we need to work just as hard on the affirmative side of the question as they work on the negative side.

Now, the legislation, we think, makes the approach in two basic areas:

First, then, it applies the right to collective bargaining to agricultural workers and would give them the same privileges to exercise their right to shape their wages and their hours and their working conditions and the other things that affect their lives, as do other workers who have access to the collective bargaining process.

And then in recognition that you are dealing here with a kind of an industry that has special problems, you provide the right to have hiring halls here as the law provides other industries that have special problems.

The maritime industry and the building trades industry have the hiring hall, not because the law gives them special privileges, but the law recognizes that dealing with their problems under the circumstances that surround their kind of industry requires an approach to the hiring hall as part of the mechanism to make collective bargaining meaningful and workable and adequate.

Now, as I have suggested, the canning industry and the food-processing industry is a parallel industry in terms of its seasonal aspects. You can fish when the salmon are running in the Northwest; you don't can them based upon an arbitrary managerial decision made in the front office.

You can the fish when nature somehow motivates them to make their run upstream, and they are available to be caught.

And you can fruit and vegetables when Mother Nature has made them available at the end of the productive cycle, and the agricultural workers are bent over harvesting them.

Eighty percent of the cannery workers, whether they pack fruits and vegetables or whether they can fish on the west coast, are organized, and they have access to collective bargaining, and it is utterly illogical, and I think recklessly irresponsible, to suggest that you can't take one step closer to the productive cycle and apply the same concepts and basic rights to the agriculture workers that you give the cannery workers, since they are both tied to the basic, same productive cycle.

Then the question arises, if you give agricultural workers the right to collective bargaining, then aren't they going to subject the industry

and the economy to reoccurring crises of trying to flex their collective bargaining muscles when we are at the peak of the harvest season, and aren't they, therefore, going to take undue advantage of not only the employer, but of the people in the community in general?

Now this is the second argument around which they would build these insurmountable roadblocks because they have a vested interest in the status quo.

Mr. Chairman, there are many things that I know very little about, but I do know a great deal about collective bargaining, and I know that a free society has a very basic choice to make when it wrestles with this problem that your economy is confronted with, and I believe that the choice before us is very simple: either we extend to agricultural workers the right of self-organization and collective bargaining which is enjoyed by all the others of the millions of wage earners in America, so that having access to that machinery we will put in motion those forces that are capable of building a rational and responsible basis upon which you can build sound and stable and responsible labor-management relations.

Now, the other choice is to deny these workers access to this kind of machinery, and say, "You are perpetually committed to live in an economic and social jungle. We can't give you the benefits other workers enjoy; we can't give you the access to the tools of responsible and rational collective bargaining. You have got to shift for yourselves in this economic and social jungle, and therefore you will have to develop out of your sense of desperation the instruments of social and economic struggle based upon a kind of guerrilla warfare, because the normal tools of the civilized free society are not made available to you, and so you are on your own."

And out of a sense of desperation, and out of increased bitterness, out of a sense of hopelessness because they have been shut out of society these will determine the climate and the backdrop in which these people will struggle for their measure of justice.

Because struggle they will.

You know, the choice is not whether to do it the right way or not at all. It is whether to do it the right way or the wrong way.

Now the right way is to say, "You will have access to the tools that everybody else has access to, and with those tools, working together with a sense of good will and a sense of common responsibility, labor and management will begin to build a structure in which stable, sensible, responsible, and constructive labor-management relations can evolve."

But if you deny the tools, then the pattern of that relationship will be dictated by the forces of desperation and bitterness; because the struggle will take place.

I have said many times on many occasions that the essential differences—and I know about this firsthand because I spent a year in the German underground fighting the—fighting against Hitlerism, and I worked 2 years in the Soviet Union in an automobile plant under Joe Stalin, so that my knowledge about tyranny and totalitarianism is very real and practical.

In a totalitarian society you can get industrial peace in the absence of justice, because there is a bayonet in the back of every worker, and if he dares to challenge the status quo, he can be lined up before a

firing squad, and if he is real lucky they may just send him to a labor camp.

But in a free society, you can only get industrial peace and sound and satisfactory labor-management relations if they are built upon a foundation of economic and social justice, because when workers are denied their measure of justice, they are going to struggle for it, and so the agricultural workers are going to struggle for it, and the revolution of rising expectation moves them just as it moves the people who are marching in Asia and Africa.

They know that it is possible now to have the good life, and they know that they are entitled to their share of the good life, and if they are denied access to their share they are going to struggle, and when they sit around in their inadequate housing and they are hungry and their children are hungry, their bitterness will multiply in direct proportion to their denial, and they will dream up means of struggle, and out of that struggle will come more instability and a greater threat to the economic well-being of the total community than possibly could happen if we made the other approach.

And it is that simple. We will either make it possible to do this rationally and responsibly, or other forms of social and economic struggle will be developed.

The thing that is so amazing is the ingenuity of the human mind. What they won't figure out to do if you deny them the right to do it the right way.

Now I know that—I met with the growers in Delano. I went from the AFL-CIO convention in San Francisco in December of 1965, I went down with a small delegation to Delano where the grape strikers were struggling.

The growers had refused to meet with the delegation of ministers and priests and rabbis the week before I got there, and they had some very bad publicity because of that, and I think they were a bit overly sensitive about their public image when I arrived. And they wanted to meet with me. And I quite willingly agreed. The mayor of the city worked out the meeting and it was right before the Christmas holidays.

They were having a Christmas party at this grower's home, with much festivity, and I couldn't help but sense the tremendous contrast between what they were doing in their lives at that festive period as contrasted to the naked, stark poverty of the grape strikers and their families.

We met in the library of this very spacious home, and I said to the grape growers, "Why don't you sit down in good faith as men of good will, moved by the spirit of this holiday, and sit down and work out your problems with the grape strikers?"

"They don't want to destroy your vineyards. They want to make a better life for themselves and their children out of working in your vineyards.

"Your economic well-being and their economic well-being are inseparably tied together. You may own the vineyards, but you cannot produce your crops without their hands and without their sweat. You need each other. Why don't you sit down?"

And they had two arguments: They said, "First of all, the law doesn't give them the right to collective bargaining. The Congress very specifically excluded them when the law was written, and, there-

fore, we have no legal obligation to sit at the bargaining table, because the law does not give them the right to bargaining collectively."

And so the law itself helped create that strike situation, because the growers were using that as an excuse. They said, "We are not obligated." They said, "General Motors is obligated to sit at the bargaining table with you, but we are not, because if Congress wanted agricultural workers to have access to the process of collective bargaining, it would have been written into the law."

So this is why it must be written into the law, so that everyone will know they do have a legal obligation to bargain in good faith with their employees when they choose to have a union through which they hope to solve their problems.

The other question they said to me, "You know, we would be willing," a couple of these growers started out with a small plot and had worked on the land themselves, and they said, "If we worked out a decent wage here, how do we protect ourselves from the growers in Texas and the growers in Florida unless they do it?"

And that is exactly the argument we got from every employer when we went to the bargaining table back in the early 1930's.

They said, "If we give you a living wage, if we pay you overtime, if we give you vacation pay, how do we meet the competition if our competitor doesn't do it?"

And that is why you have to do it by law, so that every grower has equal obligations under a Federal law.

This is why the minimum wage is so crucial in this area.

This is one of the problems that we find in marginal industries. A marginal employer says, "I would like to give you more, but my competitor is running away from his obligation, so if we raise the minimum wage so that there is a floor under everybody's obligation, then no one can get an unfair competitive advantage by exploiting his workers below that level."

And so we spent most of the evening talking about minimum wages.

They said, "We are in favor of a minimum wage, that would protect us, and if everybody did it, then our attitude would be different."

That is why we say to the Congress, that only the Congress has the power and, therefore, the responsibility to deal with this problem by making it an obligation of all of these growers so that they all must meet their responsibilities.

Now, the third argument that these people who have a vested interest in the status quo are raising is the family-size farmer. Well, they know that we are not asking the Congress to apply collective bargaining to a family-sized farm where most of the work is done by the owner and his family, or where they may have one or two hired hands.

I worked on such a farm when I was a boy, and I want to say that the people who own those kinds of farms work pretty hard.

The kind of farms we are talking about in general are large industrial farms where absentee ownership, where the people who own them, the most strenuous thing they do is to clip their coupons at the end of the year. These are the kind of farms we are talking about, and we know when we talk about agricultural workers that they are concentrated in a small number of large farms.

Three percent of all the farms in the United States have a payroll of more than 50 percent of all the agricultural workers, and 6 percent

of the farms have a payroll of more than 75 percent. These are the farms that we are talking about.

And the people who raise these false issues know that, because they are not representing the small farmer. They are representing the large farmer, farms like the Kern Land Corp. It is something like the General Motors Corp.

We used to have a wonderful fellow in the CIO by the name of Leo Krzycki. He was just one of the most wonderful human beings that the labor movement was ever blessed with, and he used to describe the General Motors Corp. as the corporation with its headquarters in Wall Street and its hindquarters all over America.

That is the way it is with the Kern Land Corp. Its headquarters are in an air-conditioned building. Its tentacles goes all over the world. It has acreage in the United States twice the size of Rhode Island. It is not a small farmer.

These are the very large corporations who in violation of the laws of this Nation are being subsidized in terms of their access to water and are being subsidized by the American consumer who pays as a consumer to maintain an artificially high price and then have to pay double by having to pay for that high price as a consumer.

As a matter of fact, what we are urging you do by extending the Wagner Act and the present status of that legislation that grew out of the Wagner Act, to agricultural workers so that agricultural workers through the process of self-organization and collective bargaining can begin to get that increasing measure of security that they are entitled to, and their families need in terms of wages and working conditions, et cetera, that that will be a significant contribution that will help the family-sized farmer, because who competes with the exploitation on the big farms? Who competes with the underpaid migratory worker who works 14 and 16 and 18 hours, 7 days a week?

Who competes with them?

We don't compete on the GM assembly lines. They are not making Chevrolets.

It is the family-sized farmer, and he meets that competition quite unsuccessfully when you look at how many farms are going out of existence, and he tries to meet it by exploiting his children and his wife and his family, and they have to compete.

They have to stoop and hoe and pick and harvest in competition with the most exploited Americans, who are the agricultural workers, and if we can raise the living standards and the wages and the dignity of the agricultural workers, we will begin to make an indirect contribution to the economic well-being and the security of the family-sized farmer.

This is the way we see it, and we think you cannot challenge this conclusion, because if half of the automobile industry was organized and the other half was unorganized, and the organized half was trying to raise its living standards and the industry said, "We cannot do it because the other half is unorganized because they are denied the right to organize," how far could we get in raising our living standards?

That is precisely where the family-sized farmer is. As long as the migratory farmworker and the agricultural farmworker on the large, giant, industrialized farms are being exploited, a family-sized farmer must exploit his family and himself in order to compete.

Now one of the other arguments that are raised by these people who have a vested interest in the status quo, and who, without doubt, live quite well—it is amazing how a person who lives well is always willing to talk about the other person who lives badly.

We have seen this happen. This is the old double standard that we face at the bargaining table. These are the people who tell us, "If you make \$800,000 a year, and if you are motivated by the thing called individual initiative, and you are trying to get \$900,000 a year, that this somehow is economically sound, noninflationary and the highest expression of American patriotism."

But if you are an \$8,000 worker, and you are trying to get \$9,000, that is highly inflationary and downright subversive.

This is nonsense. It takes a kind of mental gymnastics to arrive at these cockeyed ideas.

These people who are trying to hold down the agricultural workers are living high on the hog.

They raise as a fourth point, "If you improve the lot of the agricultural worker, you are going to increase the cost of food," and this of course is supposed to mobilize the American housewife so that she is ready to march on Washington to see that you fellows don't raise the price of their grocery bills.

What are the facts?

The facts are that the index of the cost of living in 1966 went up 3 percent. Food went up 5 percent. But was it because agricultural workers made such tremendous progress in raising their wages and improving their economic conditions? The answer is "No."

Most of the increase in the cost of food was an act of God, and if you look at those items in the food basket where the real pressures were, you will find that the freeze on citrus fruits was a factor. On vegetables, in other areas of the country, the drought.

These are the things that had more of an impact on the price of food than the wage levels of agricultural workers, and the Department of Labor made a study of this in 1966, and it was published in February of 1967, and that report has the following to say, and I quote:

Farm labor costs are such a small fraction of the retail price of most fruits and vegetables that it is doubtful that they contributed significantly to the rise in the cost of living.

They also, in the conjunction of the minimum wage bill to the very limited number of agricultural workers, had this to say in their study that was published in January of 1966, and I quote again:

The greater wage bill increase required to adjust to a minimum wage in agriculture is offset to some extent by the fact that in agriculture wages constitute a smaller proportion of receipts than do wages in low-wage industries.

In agriculture—

And this is the significant part of this report.

In agriculture, cash wages of hired workers were 7 percent of cash receipts from marketing in recent years. Cash receipts do not include government payments.

If you include Government payments, it would be much less than 7 percent.

Then it goes on :

Thus, for example, an increase of 20 percent in the wage bill could be more readily absorbed in agriculture than in these low-wage manufacturing industries.

And so the argument that in giving workers a living wage agriculture is going to have a tremendous impact upon increasing the costs of food does not have economics as a base for its contention.

But again, it is one of those propaganda items.

Now the agriculture industry is not poverty stricken, and the large growers are not standing in line waiting to see Mr. Shriver to qualify for a contribution under the poverty program. They are doing quite well, and I would like to refer you to the report, the article which was published in the Los Angeles Times, by a person that we consider to be quite an authority in this field because he has done a lot of research work and a lot of writing, Mr. Harry Bernstein, of the Los Angeles Times.

He wrote recently these words, and I quote from the Los Angeles Times:

The gross income for California agriculture went up from \$3.7 billion in 1964 to \$3.75 billion in 1965. An expert predicted toward the end of last year that the 1966 gross would finally hit about \$3.8 billion, an all-time record which would have been well over one billion ahead of the nation's second largest farm state, Iowa.

In fact, 1966 gross turned out to be even more. It was \$4.08 billion, and this year's gross should be about the same. The combined net income for California growers in 1964 was \$1 billion compared to \$862 million in 1965. It rose to \$936 million last year.

As the gross continues to soar to record heights, the net income for farm is also rising since the number of farms continues to drop, as it has over the past decade. The net income which is the amount the growers realize after deducting costs of production, taxes and all other operating costs, was actually up 14 percent in 1966 over the 1960-1964 period.

These growers are not poverty stricken. They do not need to be bailed out by the continued exploitation of agricultural workers.

If you look at the facts that bear upon the increase in the cost of food, as I said, the biggest single factor was the behavior of Mother Nature.

Right now in Florida—and I made a meeting in Florida the other day—it has the worst drought in 25 years. Well that will have an impact upon agriculture's production in Florida, and that impact will be much more marked and serious than anything the agricultural workers can possibly do.

But if you look at the period 10 years preceding 1960, you will find that the cost of money went up 175 percent. The cost of fertilizer went up between 70 and 90 percent. All of these factors were much more significant in their impact upon the cost of food in the marketplace than was the behavior of agricultural workers.

And so it seems to me that we need to keep these things in mind when we listen to this propaganda of the people who have a vested interest in the status quo.

Now I believe, Mr. Chairman, that given the protection of the law, given the right of self-organization and access to the collective-bargaining process, that agricultural workers can and will be organized.

I have always felt guilty as a part of the leadership of the American labor movement, and I think it is one of the dark spots on the conscience of the American labor movement, that the American labor movement was not willing to contribute and to allocate from its resources the kind of resources needed to organize agricultural workers.

We in effect turned our backs on these people.

Oh, we had a lot of noble resolutions, but you have got to measure the labor movement, not by how eloquent it is able to put on a piece of paper a policy declaration, you have got to measure its commitment by what it is willing to translate—what it is willing to do to translate those words into action.

And this means manpower, this means the allocation of resources. This is one of my big arguments with the American labor movement, that it hasn't done this job.

The UAW is suggesting—and the IUD has made a contribution—we believe we ought to put at least \$5 million a year into the task of helping agricultural workers to organize themselves.

We are going to go ahead with this.

We know that if the law is changed, and we urge that the law be changed, that we then will be working in a more favorable climate, because then the growers can't say, "It was the intention of Congress not to include agricultural workers and therefore we have no legal obligation to bargain with agricultural workers."

But we believe that with the law that will make this clear that they are obligated to bargain, we can get on the march, and we can organize hundreds of thousands of agricultural workers, and we can give them access to collective bargaining.

Now, I have been somewhat personally involved throughout the UAW and the IUD. We have been working closely with Mr. Chavez and the grapeworkers in Delano. We have been the two sources of their main financial help, both in terms of their organizing effort, and in terms of their strike struggle.

We know that more must be done, and we are going to try to help mobilize the American labor movement to make that greater effort.

We are making a beginning in Texas under the most adverse and difficult situations. I am told that you had people before your committee from Texas. It is almost unbelievable the indignation and the denial of human dignity, and the abuse, and the denial of social justice that takes place in some parts of this great land of ours, and yet when you talk to these workers and you hear their story, it breaks your heart, and you have got to have a heart of stone, almost, to hold back the tears, and yet this is something going on.

We are making a beginning in Florida. There are really three major groups. There is the California group who work their way up the west coast; there is the group in Texas, and they work themselves up through the Midwest; and your group in Florida, who work up the east coast. And some of it spills over into the bean fields of Michigan, and the cherry orchards of Michigan, and we are trying to deal with that, but our hands are tied, because the law is not with us.

We want our hands untied, we want the hands of the agricultural workers untied so that they can have the tools, the legal tools, with which they can build their own organization and they can get access to collective bargaining.

Their cry is a simple cry: They want no special privileges. Their cry is for social justice, and we believe that that cry transcends partisan politics, that this is the kind of simple matter of basic human justice, of human dignity, of human morality, that Congress could unite on, and everybody could step up to their responsibilities.

In no other aspect of our economic life is there such a serious moral gap between America's promise and its performance as we find in the lives of these people.

This, I think, is a matter of conscience. We talk about helping the peoples of Africa. We talk about helping the impoverished peoples of Asia, and I have seen ugly, naked poverty in Asia. I have always said, "You can never understand human poverty intellectually. You can only understand it with your heart."

We have unfinished problems in America. People go hungry in Asia and Africa, because they do not have access to the tools of abundance. People go hungry in America in the midst of plenty.

There is less excuse for the denial of the social justice in America than any other nation in the world, because we are richly blessed.

What stands between poverty and human abundance in America is social callousness, social indifference, and we urge the Congress to move and to act now to wipe out on the statute books of this country that serious legislative gap that denies agricultural workers the same rights and privileges as wage earners, that other wage earners enjoy and exercise, so that they can build their own organization, so that they will then have the democratic tools of collective bargaining, and with the use of those tools they can begin to win for themselves and their families that fuller measure of economic justice and human dignity which we think is entitled and is there for the having if they are given the rights.

It is in that spirit, Mr. Chairman, that I urge you and your committee to move with urgency on this pending legislation.

Thank you.

Mr. THOMPSON. Thank you, Mr. Reuther.

As always, you are most eloquent and most instructive.

Your formal statement is before us, and it contains some matters which I think should be in the record. So, without objection, your full statement will be made a matter of record at this point.

(Mr. Reuther's prepared statement follows:)

STATEMENT OF WALTER P. REUTHER, PRESIDENT, INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE, AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), AND THE INDUSTRIAL UNION DEPARTMENT, AFL-CIO

Mr. Chairman and members of the House Labor Subcommittee, I appreciate this opportunity to ask Congress to act on an urgent matter—the right of farm workers to the protection of the Federal Government to organize, to belong to a union of their choice and to enjoy the benefits of collective bargaining as do millions of other wage earners.

Farm workers are the disinherited in our land—they are the have-not people engulfed in poverty in a land of plenty. For 30 years, while the rest of America has marched forward, farm workers have been left behind and have been denied such basic rights as Social Security, unemployment insurance, minimum wage, workmen's compensation, and membership in unions.

Last year Congress corrected one of these deficiencies by giving 390,000 farm workers on 33,000 of the nation's largest commercial farms, the right to a minimum wage of \$1 an hour, with no guarantee of overtime pay. This was not much—but it was a small but important step in the right direction.

I am here today to urge that Congress continue to right the ancient wrongs done to America's farm workers—the poorest of the poor and the most exploited.

You know the facts, as well as I do. The average farm worker wage in 1966 was \$1.07 an hour, while the average wage for manufacturing was \$2.75 an hour—over twice as much.¹ There are some 3 million people who do some farm work for wages during a year. Only about 600,000 work for more than 150 days of the year. And 400,000 to 500,000 constitute migrant farm workers, who seek jobs and incomes where they can—often without work or income or help of any kind for numerous weeks.

Even more cruel is the amazing record of productivity for American agriculture not shared by farm workers. Their productivity has climbed from 103 percent in 1958 to 155.8 percent in 1966 using 1957-59 as a base year.¹

Much of the fantastic rise in farm worker productivity is a result of rapid mechanization plus more and better use of fertilizers, seeds, chemicals, and other forms of scientific agriculture. It means cheaper food and fiber for American consumers.

We, therefore, have a compounding of injustice—farm workers wages are half the size of manufacturing workers wages, while farm worker productivity is going up twice the rate for the rest of the economy.

1. *Farm Workers Left Out of Law for Expediency's Sake.* The legislative history of the Wagner Act indicates that farm workers were left out of the basic labor-management law of the land in order to get the Wagner Act through Congress. Some arguments were raised by farm organizations to exempt farm workers because of farming's uniqueness. The basic reason was raw politics. Supporters of the Wagner Act felt farm workers would eventually be covered. They feared inclusion of farm workers would load the bill down and kill any chance of enacting the Wagner Act.

Chairman Connery of the House Labor Committee in 1935 said:

"We hope that the agricultural workers eventually will be taken care of . . . If we can get this bill through and get it working properly, there will be opportunity later, I hope soon, to take care of the agricultural worker."

In his study of the legislative history of farm worker exemption, James R. Wason, specialist in labor relations for the economics division of the Library of Congress Legislative Reference Service, says:

"The clear indication is that the decision to exclude agricultural workers from the Wagner Act was taken on the grounds of expediency, not philosophy."

During the same period, the LaFollette Committee was investigating the denial of free speech and assembly among farm workers. Its counsel is the now Secretary of the Treasury Henry Fowler.

In a report on farm workers, the LaFollette Committee stated:

"Collective action by the hired workers in industrialized agriculture, supplemented by social action of government agencies, similar to that applied to other industry, must become the order of the day."

"Order of the day," indeed! That call for action echoes down the corridors of American history. The farm worker's plight has been studied and pitied and studied again. Congress has a moral duty to respond now with legislation to right this wrong.

2. *There Is Nothing Unique About Industrialized Agriculture.* It has been argued that because farming is seasonal and because harvest time puts farm operators at a vulnerable disadvantage, farm workers cannot and should not be organized into unions the same as industrial workers.

Thousands of workers in processing plants are today organized into unions. Their representation elections are supervised and conducted by the National Labor Relations Board.

There is no practical reason why the NLRB cannot use the same administrative ingenuity in setting up elections and bargaining units for field workers on large commercial farms which it uses in handling elections for workers in fruit and vegetable processing plants.

Commercial agriculture is a highly profitable business. It has been made more profitable by heavy government subsidies which are no respecter of size of farm or size of income.

The proposed legislation does two things: 1) includes farm workers under the basic labor-management act; and 2) provides for hiring halls in setting up a labor pool with contract rights on seniority, wages and working conditions.

¹ Weighted average of all farm wage rates on a per hour basis, 1967 Economic Report to the President, p. 245.

There is nothing essentially different about agricultural field workers when compared to workers in canneries or packing sheds. In California, nearly 80 percent of the fruit and vegetable canneries are organized. The work is seasonal, but the administrative procedures for setting up bargaining units and representation elections have not proved insurmountable.

Nor can we accept the argument that farming is more vulnerable to economic loss during a strike. Workers never welcome strikes. The strike weapon is the last resort in seeking economic justice. In a highly seasonal industry, workers who strike have as much to lose as an employer, perhaps more.

If farm workers have unions with contracts setting forth wages, hours, and working conditions, they are apt to be more responsible, not less.

Farm workers live in a jungle world today. Few rules, and not many regulations protect them from days without work, and work with little pay.

Farm worker unions will certainly change that. Unions will civilize this huge, profitable industry. A union of farm workers that negotiates with large commercial farmers can give farm workers a voice in their daily work for the first time in their lives. Today they must work at the whim of such giant, multi-million dollar enterprises as the Kern Land Company—twice the size of Rhode Island, fattened by lush government subsidies.

Nobody is suggesting that unions be organized in family farms with one or two hired hands. Today the family farmer must send himself, his wife and children into the fields to compete against the miserable wages paid farm workers on giant farms. Farm work unions can change that. As farm worker wages rise, farm family living standards will rise accordingly.

3. *There Is Little Relationship Between Farm Wages and Food Prices.* Some alarmists say food prices would rise precipitously if farm workers were paid a living wage. There is little evidence to back up this charge.

The Cost of Living Index during 1966 rose by 3 percent and food prices during this time went up 5 percent. But there is virtually no relationship between this and labor costs. Acts of God, good and bad weather, have much more to do with prices, than labor costs. Congress cannot do much about the weather—but it can do something about low farm labor wages.

"Farm labor costs are such a small fraction of the retail price of most fruits and vegetables that it is doubtful that they contributed significantly to the rise in the cost of living." (Farm Labor Situation in 1966, U.S. Department of Labor, Feb. 1967.)

The impact of the minimum wage among agricultural workers was forecast by a Department of Labor study in January 1966:

"The greater wage bill increase required to adjust to a minimum wage in agriculture is offset to some extent by the fact that in agriculture wages constitute a smaller proportion of receipts than do wages in the low wage industries. . . . In agriculture, cash wages of hired workers were 7 percent of cash receipts from marketings in recent years (cash receipts do not include government payments.) Thus, for example, an increase of 20 percent in the wage bill could be more readily absorbed in agriculture than in these low-wage manufacturing industries."

Another study by the Department of Labor in 1961 showed that hired labor costs rose less than any other item. Interest costs were up 175 percent in the ten years preceding 1960, while fertilizer and taxes went up 70 and 90 percent respectively during the same time. Labor costs rose less than any other item during this time.

Much of the food price increase last year occurred among fruit and vegetables. Recent reports by the California Department of Agriculture show that California agriculture—where much of this type of farming is concentrated—is enjoying substantial profits.

A summary of the facts prepared by Harry Bernstein of the Los Angeles Times notes:

"The gross income for California agriculture went up from \$3.7 billion in 1964 to \$3.75 billion in 1965.

"An experts predicted toward the end of last year that the 1966 gross would finally hit about \$3.8 billion, an all-time record which would have been well over \$1 billion ahead of the nation's second largest farm state, Iowa.

"In fact, 1966's gross turned out to be even more—\$4.08 billion—and this year's gross should be about the same.

"The combined net income for California growers in 1964 was \$1 billion compared to \$862 million in 1965. It rose to \$936 million last year.

"And as the gross continues to soar to record heights, the net income per farm is also rising, since the number of farms continues to drop as it has over the past decades with the movement from rural to urban life.

"The net income, which is the amount the grower realizes after deducting costs of production and taxes, was actually up 14 percent in 1966 over the 1960-64 average on a per farm basis."

Mr. Chairman, the profitability of big agriculture is helped by big inputs of non-rural capital in addition to government subsidies. The prize-winning subsidy is given by the American taxpayers to the Kern Land Company and other agricultural giants. Low-cost, government-financed irrigated water, provided in direct violation of the 160-acre limitation is another big factor in heavy profits reaped by California and Arizona agricultural combines.

4. *What Will Happen to People Whose Jobs Are Eliminated By Farm Mechanization?* There is a recurring theme among critics of protective legislation for farm workers. Employment of field workers is sometimes regarded as akin to public charity. Some witnesses before congressional committees have indicated much stoop labor in the fields is done by workers who might otherwise be unemployed.

Mr. Charles Kreuzinger, President of the Vegetable Growers Association of America, told the Senate Subcommittee on Migratory Labor:

"The supply of qualified agricultural labor is far below our industry's needs. To get the crops harvested, we must employ many people considered by many as unemployable; the unskilled, the young, the aged, the lazy, et cetera, who are neither capable or willing to work hard enough to earn even the present minimum wage. . . . Such individual as a marginal worker does not have the motivation in the first place to produce in the same manner in which a normal individual produces and thus, it will have a tendency to increase the relief rolls again."

The relentless mechanization on both large and small American farms is taking its toll in reducing the farm population, especially hired farm workers.

Supporters of farm labor unions and higher incomes for farm workers must recognize that great social upheavals will occur. This is happening at the present time in the Delta region of Mississippi.

A private report to the Office of Economic Opportunity tells how human misery is accelerated by farm mechanization:

"The employment problem in Fayette County (Tennessee) is acute. One farmer who last year employed eighteen families for example, this year has one family working for him. The rest of the workers have, in most cases, been permitted to remain on the land but they have no income. This is typical, and since the County already has the unfortunate distinction of being the fourth poorest County in the country, new employment opportunities must be created fast."

This tragedy is repeating itself over and over again in every part of America with a large rural population. For many poorly paid farm workers, there is little hope for them to stay on the land. They need special adult reading courses, special training, and other emergency assistance—to make up for years of educational and social neglect. There is useful work for them to do. The answer to their troubles is not to stay crouched like animals at the edge of huge farms, living off scraps of food, their children denied schooling, tossed from place to place like human flotsam, living at the very bottom of human existence.

Job opportunities to stoop, to hoe, to pick, to cut crops in the fields are diminishing—and unionization and mechanization will undoubtedly hasten this trend. The answer must be remedial catch-up education as part of the war on poverty.

A new day for the rural poor must dawn—and unionization of farm workers may accelerate the pace. We must see the problems clearly and do something to help those whose lives are dislocated.

5. *Will Unions Be Willing to Organize Farm Workers?* The question is often raised that once the National Labor Relations Act is changed to permit unionizing farm workers—would any unions be will to organize such workers, who are paid little, move frequently, and work for short periods of time?

Speaking as President of the Industrial Union Department and of the United Automobile Workers, I can say we have resolved long ago to help organize the working poor. We have every intention of continuing to do this. When the grape workers struck in Delano, the IUD and the UAW were the first major labor organizations to respond to their call for help. As a result their cause did not falter and they scored an unprecedented breakthrough in union recognition for farm workers and eventually negotiated a union contract.

The Delano experience is an exceptional case. Without any basic law or machinery to protect unions among farm field workers, the prevailing situation in the United States resembles guerrilla warfare. Farm worker unions launch a campaign here or there. The massive power of large farmers and their wealthy allies can break the will of most farm worker unions lacking any legal standing.

What has happened over the years in canneries and processing plants is a fair indication of what we can expect among farm workers. Many of their operations have short seasons. While many cannery and processing workers are recruited locally, their contracts are like the kinds of agreements which might be negotiated for farm workers.

The recently-negotiated contract at DiGiorgio in California, demonstrates that organizing of farm workers is possible, that practical contracts can be written and agreed upon, and that farm workers have a genuine desire for union membership.

The auto industry before the days of the UAW had short work sessions and workers were treated with total disregard. In those days we heard the same dismal predictions about the impossibility of ever unionizing auto workers. Today auto employment is stable, wages are higher and workers have won substantial fringe benefits and yet the auto industry is more profitable than it was 30 years ago.

6. *The Need for Congressional Action.* Farm workers are living on the thin edge of human existence. An eloquent and moving portrayal of their abject poverty was recited by an American Friends Service Committee worker who lived among migrants along the eastern seaboard. A trained accountant with a sensitive grasp of human problems, Mr. Scott Neilsen told a Senate subcommittee how machinery and animals on large commercial farms got better treatment than workers and their families:

"At the grader shed where I spent 2 weeks the farmer had at one time animals and they had cups for cows to drink water out of, and on the grader machine itself they had water to wash the potatoes but they had no running water for the humans."

Farm workers degraded this way get an average income of between \$1,100 to \$1,500 a year. The right of farm workers to organize, join and belong to labor unions with the full protection of federal law is a fundamental part of the help they need.

Two Republican U.S. Senators, George Murphy and Paul J. Fannin, expressed the growing view this year that "the principle of collective bargaining is the heart and soul of American labor relations" in their dissent to the 1967 report of the Senate Subcommittee on Migratory Labor. While they disagreed with the hiring hall approach as the way to represent farm workers, they nevertheless stated "these questions are not insoluble."

Americans of all political creeds have a moral obligation now to grapple with the dire poverty which condemns thousands of their fellow Americans who work in the fields. Many farm operators who resist the very thought of unionizing their own workers would be better off if federal laws provided a floor of decency below which no other farm operator could fall. The right of farm worker unions to function on a par with other unions will accomplish this goal. At one time sweatshop conditions were widespread in the garment industry. Various things were done—minimum wages, unionization of the industry, among others—to drive the sweatshops out of business and to reform them. Employers who pay good wages, who provide good housing, and who treat their workers well, need protective legislation as much as workers do.

Congress must fill the legislative gap which deprives thousands of farm workers from partaking of the fullness of American life. As it has in every other industry and occupation it touches, membership in labor unions with the full protection of federal law can enable farm workers to improve their lot, enhance their lives, and offer their children the opportunity they have been so long denied.

The hour is late and justice has been denied too long. It is urgent that Congress act now to right this wrong by providing agricultural workers the legal protection, organization, and the right to bargain collectively so that they may achieve a sense of human dignity and economic benefits of first-class economic citizenship. I urge you to enact H.R. 4769 to help achieve these goals.

Mr. THOMPSON. I notice that our colleague, Mr. Scherle, of Iowa, a member of the full committee, is here. You are welcome to come up and participate, if you like.

Mr. SCHERLE. Thank you.

Mr. THOMPSON. Mr Reuther, essentially what Mr. O'Hara's legislation is asking is that agricultural workers be given the very same rights as other workers and nothing more.

A number of the opponents of the legislation seem to envision an immediate and enormous organization of farm workers throughout the United States, when in fact all that this legislation would do would be to give agricultural workers the same right that industrial workers have. Thirty percent of them must petition or show evidence that they would like to have a union, then there is a campaign under NLRB procedures and rules, and then the decision is made as to whether or not they want to be represented.

So I agree with you that although social justice is the ultimate end, it is by no means guaranteed. The only thing that H.R. 4769 guarantees is the right of that worker to organize.

Why, aside from the moral aspect of it, are you and the United Auto Workers so deeply interested in this legislation, Mr. Reuther?

Mr. REUTHER. To begin with, to respond to your first point, it seems to me that we need to make the people understand that the agricultural workers are asking for nothing more than other workers have, and that they are entitled to nothing less than what other workers have.

Mr. THOMPSON. This would give them nothing more, would it?

Mr. REUTHER. That is exactly right. It would give them nothing more. This would only give them access to a democratic tool, the right of self-organization and the right to bargain collectively if they comply with all the other rules of the Labor Board and they have a vote and vote by majority vote, or the company involved uses a card check—it gives them nothing more than any other worker, and it seems to me that no one who is concerned about establishing sound and constructive labor-management relations can possibly object to this, because this is the only basis upon which you can build sound management-labor relations.

The UAW is deeply committed to this. As a matter of conscience, as a matter of social justice, but also something broader than that: We believe that social justice, like peace and freedom, are essentially indivisible. We do not believe in a free society that you can have your freedom and your measure of social justice in a vacuum, that ultimately all of these basic values around which a free society is built, are essentially indivisible, one in their relationship to the other, and you can make them secure for yourself only as you make them universal.

Only as you make social justice, freedom and peace and these other values universal can you protect them for yourself.

And then there is a further interest. As a matter of simple, sound, economics, if we could raise the wages of agricultural workers and give them a greater measure of equity out of the wealth that their labor makes possible, we will be broadening the market. We will be generating high velocity purchasing power, and they will be much more important consumers of industrial production.

How many new automobiles do you think the average migratory worker buys with an income of around \$1,200 to \$1,500 a year?

Mr. THOMPSON. I imagine he buys a fifth-hand one.

Mr. REUTHER. In most cases they don't even get that, they are transported in old beat-up trucks, with their families and their worldly belongings in the back end.

Mr. THOMPSON. We heard an interesting story from Professor Haughton, who rode in Cesar Chavez' automobile, and Mr. O'Hara, who has just left for a rolcall, suggested that Mr. Chavez could use an American automobile. He uses a beatup Volvo now.

Mr. REUTHER. I heard of that incident.

Mr. THOMPSON. Not that the Volvo is not good, or that we don't believe in trade, but I think it might be well if you could send one of your Detroit products out there.

Mr. REUTHER. We shall be approaching Mr. Chavez on a very friendly basis on this problem.

Mr. DELLENBACK. Mr. Chairman, with a bad leg, it takes me twice as long to get to the floor. I am going to have to go back.

What is your plan for the continuation of Mr. Reuther's people?

Mr. THOMPSON. Mr. Reuther, how much time do you have for the members? I know they have questions.

Mr. REUTHER. I am available. I have one other meeting late this afternoon.

Mr. THOMPSON. Why don't we suspend for 20 minutes?

Mr. O'Hara or Mr. Brademas will preside then.

(Whereupon, at 3:15 p.m., a recess was taken, the subcommittee to reconvene at 3:45 p.m., the same day.)

Mr. O'HARA (presiding). The Special Subcommittee on Labor of the House Committee on Education and Labor will resume its consideration of the bill before us.

At the time the subcommittee recessed, Mr. Walter P. Reuther, president of the UAW, had finished his statement. Questions are now solicited from the members of the committee.

The Chair will recognize the gentleman from Oregon, Mr. Dellenback.

Mr. DELLENBACK. Thank you, Mr. Chairman.

May I say to the witness that I was not a member of any of his locals at the early stages of my career, and unfortunately we don't have any plants in my section of Oregon, but I do have a lot of farm-workers, and I was very much impressed by much of your testimony.

There are a couple of points, though, Mr. Reuther, on which I would like to ask your opinion.

I have both read through your testimony and listened to the elaboration of it as you were going through, and I am concerned about what your feeling would be on the instability of fluctuating nature of the work forces involved in areas like mine, where there is a migratory work force that comes through.

I see a point of distinction with the work force as opposed to the migratory force, as I am sure you have in your locals.

Can you comment on how this could be handled?

Mr. REUTHER. I believe if you will look at situations in the absence of the collective bargaining situations, you will always find more instability than when you get the collective bargaining aspect.

As you increase wages, make their employment more attractive, you get built-in stability in the work force, and part of the instability in the agricultural field is not only the nature of the industry, which is highly seasonal, and workers move from crop to crop and move about the country, but the very fact that the industry does not provide these workers with the kind of wages and working conditions

and fringe benefits that they can get elsewhere, builds into the labor force greater forces of instability.

I am confident, based upon my years of experience in the labor movement, we have greater stability in our work force today than we had before the union, a great deal more. We have more today with a pension program than we had before we had a pension program.

As we improve the conditions, and we make each job more attractive, we build automatically into the work force an increasing degree of stability, and I believe that the experience of the grapeworkers under the Schenley contract, and now the DiGeorgio contract will bear this out. You give them 5 years, and you will find they will develop a core of stability which will be supplemented by new workers.

It may be workers who are only in the work force temporarily for a given crop, but as they improve their lot, they will automatically begin to take on the greater stability in the work force.

So you cannot measure the instability in the past, which has been based on many factors, which will be changed at the point when you have a collective bargaining relationship.

Mr. DELLENBACK. I know in the southern area of Oregon one of the crops of significance is the fruit crop. There is some work off the heavy season, but it is not a case of whether they want employees in other periods, but the heavy work is concentrated in a short period of time.

Are you suggesting that what would happen is that for that short period of time workers would emerge in that local area who would work that short period and not the rest of the year, or, are you suggesting that there would be a stable force that would appear in that area the same time each year?

Mr. REUTHER. I think that what will happen is you will develop a labor market area which will encompass a given number of crops in a geographical area, and those workers who are mobile, who move from crop to crop, will ultimately form a basic core of the labor force, will be tied into a collective-bargaining unit, and they will have to be supplemented by temporary workers.

I believe you could, over a period of time, develop a very stable core of people who rely essentially upon this as a full-time job, and they will make up the membership of that core which would be supplemented then by people who may only come into an area in terms of a given crop, or several given crops.

Mr. DELLENBACK. During your main testimony you spoke of three points of origin: California, Texas and Florida. And they sweep north.

Since we are part of the west coast group, there would be a work force that would commence in California some place, and as the season advances, it of course would move into the Oregon area and then into Washington, and here would come the stability, as you see it, necessary to have this sort of relationship?

Mr. REUTHER. If you had a contract that said to a worker:

Based upon your collective bargaining rights, you will be the first person to be hired by this organization or fruitgrower, you were there last year and he will hire you first.

Now, that worker goes up there. He has no assurance that he, as he makes his way north, that when he gets to Oregon he will be employed.

However, under a union contract, he would know that if that grower needs 200 pickers and he is there at the beginning of the crop harvest that he will be employed.

Knowing that gives him the security, because he is a part of a stable work force, and it is around these kinds of concepts that you can build stability.

How do you expect the worker to go from southern California to the northern part of Oregon or the southern part of Washington just in the hope that he might be hired by the grower?

He might decide not to make it. He might find something else that attracts him on the way up; but if he knows when he gets there he has got first choice, because he has got seniority, and until that seniority list is exhausted they are not permitted under the contract to hire new workers, he then has the kind of security to have him show up to harvest that crop in Oregon.

It is these things, and the justice of better working conditions and better housing, these are elements out of which you will build increasing labor stability. In the absence of these, you will have an unstable labor supply.

MR. DELLENBACK. I don't argue with you. I don't consider myself as part of the vested interests you referred to.

MR. REUTHER. It is good to know that.

MR. DELLENBACK. I am genuinely searching for information on this as we go along.

MR. REUTHER. I understand.

MR. DELLENBACK. Would you see difficulties in having the same workers equally well able to perform various types of labor—for example, in our area again, it is primarily picking that is involved. Down south it is stoop labor, and somewhere else it is something else. It may take skill to do slightly different things.

Would you see the same group moving north to do these things, or would they have to be good at this, and that and something else?

MR. REUTHER. I think there is no problem of the ability of the worker to do the jobs.

Take pruning, which is highly skilled. You have to know what part of the growth to cut away. If you cut away the wrong growth on the grapevines, there won't be anything to yield on next year.

But in stooping and picking; there is no problem. We train people in the automotive industry where the tasks are highly complex, and it is amazing how a person can be versatile if he is given the opportunity.

So I do not think that is a real problem. Obviously the grapegrowers, they will have a corps of people they will want to maintain the year round. These will be people who do their pruning, because the grape cycle has a longer cycle than some other agriculture.

So they will retain people on as near a year-round basis as possible, so they won't lose them.

The people who would be moving would be doing what you call stoop labor and doing the picking of the crops. I don't see any problem at all with the problem you raise.

MR. DELLENBACK. I don't intend to continue too long with this, Mr. Chairman.

While I recognize the validity of what you talk about in terms of the equalization of the rights of labor in one field and another—I can