

see much merit in this—do you see any points of serious dissimilarity in what could be done to a fixed investment by a strike, in a pear orchard, at a crucial time where, if the picking is not done in a very short time the whole crop is gone, as opposed to a strike in the industry with which you deal primarily?

Would you see this giving rise to any restrictions on agriculture on the right to strike?

MR. REUTHER. I would say that that is no greater a problem or no lesser a problem with respect to the harvesting of the crop than it is in the processing of that crop in the cannery.

Supposing the cannery workers decided to strike just at the peak of the salmon run? That would be just the same kind of problem.

How do you deal with that problem? As I suggested in my testimony, there are two ways of dealing with it. One is a rational way of giving these workers access to the collective bargaining process, so you can work out agreements before that kind of a crisis.

The other way is to turn your back on it and let them develop the tactics of guerrilla warfare.

There is no other way. Either by using the democratic tools of collective bargaining, or let it flow out of the bitterness of guerrilla warfare.

I say that the growers and the canners and everybody else involved in the management side of the problem are in a much more secure and protected position if it is worked out through collective bargaining.

MR. DELLENBACK. Would you see any relaxation of prohibitions on the courts having the power to issue injunctions? Let's assume there were a strike at a critical time—hopefully there would be none—but assume there was one at a critical time.

In this field of agriculture, should the courts have the power to come out with very swift injunctions in order to stop irreparable damages?

MR. REUTHER. When you are dealing with human problems, no one has the judgment to judge the equities of other people.

In that situation, action, in each situation, always with the knowledge that the total community has a greater equity, and that that transcends the equities of labor or management.

When that spirit breaks down completely, there are no simple answers to that question, and I don't care what court of law, or the Congress, or the Presidency, no one has any pat answers that will solve those kinds of problems.

What we need to do in a free society is to work to make the tools of democracy more adequate, and hopefully that men of good will—using those democratic tools—will find the means of resolving their own problems within a framework of a policy that serves the basic needs of our whole society.

You ask hypothetical questions in the automobile questions. Thirty years ago when we began to organize, there were a million hypothetical questions raised about what would happen in this situation on that and could the companies afford our demands?

What has happened? We have made great progress. An automobile worker's economic well-being today reflects tremendous progress over what it was 30 years ago, but the industry has also made great progress.

I think the same thing would be true in the agricultural field. You never can make lasting progress excepting as you share it with everybody else, and the agricultural workers are not sharing, and to the extent that they are denied their equity, then it penalizes the whole economy.

Mr. DELLENBACK. And this was in large part what you said in your testimony, or in part what you said, and I think you said it very eloquently.

I am concerned about some of the hard problems that it seems to me do underly even if we both accept this basic broad-scale philosophy.

Mr. REUTHER. Don't you agree, Mr. Congressman, that if you have rules that regulate the conduct of labor and management, and they are civilized, reasonable rules, and both parties are to live within the framework of those reasonable and civilized rules, that that approach gives you a better possibility of building sound, responsible, and rational relationships than the absence of those rules, where everyone is on his own, and you are working in a jungle?

Mr. DELLENBACK. I accept the thesis that you propound. My question is, What should be the rules?

May I ask one more brief one, and then I will stop, Mr. Chairman?

Would you see in this point of distinction that you have made between large employers and the small family, any particular number of employees where you would draw the line, where in a family farm of one or two or how many workers would you say we would expect these, whereas if we go to a hundred or 500 or 50, we would of course expect coverage?

Is there a number that comes to you as a breaking point on coverage or noncoverage?

Mr. REUTHER. I think when a farmer works his own land and members of his family participate in the working of their own land, and they hire two or three hired hands, I consider that a family-size farm. I do not think that the Congress will have a great difficulty in drawing the line of demarcation in what constitutes a family-size farm and what constitutes a farm group that ought to be covered by the legislation.

This is a problem you have with all other kinds of legislation, whether it is minimum wage, fair labor standards—where do you draw the line of demarcation? I don't think that is a difficult matter.

Mr. DELLENBACK. Do you see a temporary line drawn there, or a permanent line?

Mr. REUTHER. I think you would draw a line with an open mind, and that ought to be subject to review if there are changes that occur in the future.

I don't think that any legislative decision should be made for eternity. I think this ought to be made subject to review.

Mr. DELLENBACK. Thank you.

Thank you, Mr. Chairman. I say to you that I am sorry to leave. It is not because I am not interested in the rest of the questions.

Mr. O'HARA. Thank you. I would like to comment on a couple of points you made.

First, I would like to comment on the regularity of the habits of migratory workers inspite of the seasonal nature of their work.

Studies of migratory workers indicate that they tend to follow the same work pattern year after year. Indeed they tend to continue to work for the same employers.

I think we could expect that if this legislation were adopted, giving these workers seniority and rehiring rights, this pattern would be reinforced, and we would have even more regularity and stability in this labor force than we already have.

As the witness has pointed out, there are numerous seasonal industries. Canning and fruit and vegetable packing are the most obvious examples. But there are many others including gift wrapping, Christmas card operations, toy manufacturing, the resort industry, and so on, I would think that even in the automobile industry, if one of the Big Three were struck at the precise time of their model changeover, the situation would be similar to the situation in agriculture.

Mr. REUTHER. Every industry has a more vulnerable point, and obviously that is always a factor in collective bargaining, as it ought to be in a free society.

Mr. O'HARA. That is right, and the employers will seek to have no-strike provisions in their contract, and a contract expiration date that does not coincide with their peak labor-demand period. If collective-bargaining agreements in the agricultural field had similar provisions, any attempt to strike at harvest time would of course permit recourse to the procedures of the Labor-Management Relations Act.

The gentleman from Michigan, Mr. Ford, do you have any questions?

Mr. FORD. We are very pleased to have our neighbor from Michigan here.

We have heard testimony here in the past few days that indicates that in some instances the provisions of section 8 of the act are being invoked against agricultural workers on a secondary boycott situation, primarily, while at the same time the Board has held they are not employees, properly so, under the present condition of the statute.

We find that the law at the present time which has been interpreted by the Board to make all employees of an organization which includes any employees who are covered by the act, employees for the purpose of enforcing the obligations under the act, but the act doesn't similarly extend the benefits of this act to all employees because some in the organization are members.

Do you have any comment on that?

Mr. REUTHER. This is, I think, a very simple illustration of how we treat agricultural workers as third-rate American citizens. We subject them to all the limitations and restrictions of the act, and we give them none of the benefits and protections of the act.

That is a typical example of how we have trampled on the basic rights of these people. What amazes me is that they have been as patient as they have been.

I can assure you that if I were a worker in the fields, I would have tried to do something about this a long time ago.

Mr. FORD. I was quite young when I read, "The Grapes of Wrath." That was a long time ago, and the conditions haven't changed. The testimony that has been elicited in connection with this legislation is a replay of a very vital period in the development of this country.

I would like to observe in connection with Mr. Dellenback's observations that if the act were extended to agricultural workers it would not only carry positive benefits to the workers that have been covered so thoroughly by your testimony, but the very specific responsibilities in section 8, particularly, that go to both sides, particularly with respect to injunctions. A question of injunction in the case is always the specific matter that is before the court, but the injunction does become available in many instances where it is not now available.

It is conceivable that on the hit-and-run basis you could, one by one, either systematically or accidentally put a lot of people out of business.

But should we cover them by the act, the court would be available to prevent this sort of attack and maintain stability until such time as the collective-bargaining agreement was worked out.

The emergency strike provisions would certainly be in effect here. But isn't it true that at the time that you organized the automobile industry it was in a certain sense a seasonal employment business? As a boy growing up in Detroit, I remember that we counted on a long, long unpaid vacation every year in our family, and automobile workers did consider themselves to be really seasonal employees.

They, like schoolteachers, had to find another way to eat during that long, hot summer.

MR. REUTHER. Your memory is very accurate. The automobile industry was notorious for the seasonal aspects of its employment. They brought hundreds of thousands of people from the South and worked them a few months, and then dumped them on the streets.

Some of them got on the welfare rolls and some of them went back home.

There was a tremendous fluctuation in the levels of employment. The union has made a tremendous change in that, and if you isolate one thing, and that is the SUB program, it is amazing. When the companies had to carry a larger burden of the unemployment cost, they stabilized their working schedule. As long as the workers had to carry the greater part of the cost, the companies did not have the incentive to do anything about it.

MR. FORD. One other point raised by Mr. Dellenback was the possible problem with regard to the hypothesis of having a prehire arrangement where you take a person from one part of the country and in advance commit yourself to his hire without knowing whether the kind of crop he was picking would equip him with skills to handle the crop in your own State.

As a matter of fact, isn't it true that presently the same sort of thing is done with people who engage in the business of supplying farm labor in blocks of 30 people, 50 people, or whatever is demanded, and don't the growers now rely on some other person to pick people that will be qualified to do the work they are seeking the employees for?

MR. REUTHER. A grower could not operate unless he was a very large grower and he has his whole recruitment mechanism himself, he could not work without the service of these contractors who really go out and recruit and sell the manpower to the growers.

Under a hiring hall arrangement, this could all be formalized as a mechanism between the workers through their union and the employer and the growers association. This thing would obviously work much smoother, and the grower would have greater assurance of having

available an adequate and competent force than he can in the present situation.

Mr. FORD. Thank you very much for your testimony.

In closing, I would like to observe that I don't know whether this committee would have very much optimism in considering this legislation after the 32 years since the chairman of the committee said we ought to do something quickly.

We in Michigan are very much aware of the change that the one-man, one-vote decision has brought about in the makeup of our delegation, and in other parts of the country; and I do not know whether we would be considering the piece of legislation at this time with the hope that after 32 years it might survive in this Congress if it weren't for the other projects that you in organized labor have engaged in, not directly connected with your own specific problems of representing your people in questions of wages, hours, and working conditions, and I thank you for that contribution, and for your testimony today.

Mr. O'HARA. Thank you, Mr. Ford.

Mr. Scheuer?

Mr. SCHEUER. I wish to express my appreciation for the wonderful testimony we have had from the witness.

It isn't often I disagree with even minor points made by my colleague, Mr. Ford, but he did mention that both the conditions and the expectations of the agricultural workers of 30 years ago remain the same today, and I think it is really pretty clear to all of us that around the world, including the agricultural workers, that we have had an explosion of rising expectations, as you referred to in your testimony, and that these rising expectations are all-pervasive and infectious, and I do not think that, absent action on the part of Congress, we can expect the agricultural workers to continue in the same fashion—the fashion of passive acquiescence and blind acceptance—in which they have functioned over the past generation.

So it seems to me that to avoid very ugly and unattractive manifestations of this resentment, and frustration, the time for us to act is now.

I would like to press with just one further question or two on the point that my colleague, Mr. Dellenback, was making on the question of stability and peace in the agricultural industry, because I think all of us, as Congressman of either party, are concerned with the continuity of production in agriculture as well as in the industrial sector of our economy.

For example, on the union shop, can you give us any thought out of your own experience with the union shop in the industrial sector of our society, as to whether we should intervene in the agricultural sector with the union shop and provide this structural mechanism for employees and employers to negotiate their grievances and their work conditions—whether this would contribute to continuity of production and labor peace, or whether it would be a negative environmental factor which would be troublesome, and would interfere with the flow of foodstuffs to the market?

I think all of us would hope that the passage of this law at least would not interfere with continuity of production, and that perhaps it might even enhance industrial peace and the flow of production.

Does your generation of experience working with organized labor and the structure of the union shop give you any insight as to what we can expect from the agricultural sector if we intervene and make the union shop possible?

Mr. REUTHER. I believe that the union shop which, incidentally was built into the Schenley agreement and the DiGiorgio agreement, would be a constructive force and would contribute much toward stability.

I would insist, No. 1, that the workers democratically determine this, and if this is their will, then I believe that the union shop would be a constructive step, because so long as the union is insecure, if the union feels that its very existence is constantly being challenged or threatened in the employer-employee relationship, an insecure union can never be a responsible union.

It takes a strong, stable union to develop a sense of responsibility and to carry out its contractual commitments, and I think, therefore, trying to find the structure on which you could get the strongest union, I always qualify that, it must be a democratic union.

I don't want a strong union built on an autocratic control of a few people at the top, but a democratic union is a union that I think will give greater stability because it will be strong enough to meet its obligations under the contract.

Mr. SCHEUER. Would you say that this surmise of yours has been borne out in the 31 States that permit the union shop as against the 19 States where the union shop is prohibited?

Mr. REUTHER. I think the proof of the pudding is that the General Motors Co., Ford Motor Co., United States Steel Corp., all these corporations that started out with a built-in bias against the union shop concept, all came to the conclusion that the union shop is necessary to build a responsible, stable, collective-bargaining relationship.

I believe there is no question about it, if they could have their way they would be in favor of extending that principle to every State and eliminate the State obstacles that stand in the way in those States where we have the so-called right-to-work law.

Mr. SCHEUER. And you would say that the absence of the right to work law has not interfered with production, or union unrest?

Mr. REUTHER. Not necessarily. The union shop has been a stabilizing force.

I might say this: If we are suddenly confronted in the General Motors Corp. with a decision, if we were faced with it, that we, the UAW, were going to pass out of existence, that would be the most serious crisis the General Motors management would have to face in its history, because in the absence of a strong union, you would have total chaos.

Mr. O'HARA. Mr. Scheuer, if you would permit me, I would say I recall well your fine speech at the time 14-B was being considered by the last Congress, in which you pointed out a business magazine survey which indicated that those employers who had the union shop the longest liked it the most. I think that point is certainly valid here.

Mr. SCHEUER. I always forget my accumulation of knowledge from Congress to Congress. [Laughter.] And I do not want to have anyone think that with preknowledge of the witness' point of view I was leading him.

Mr. O'HARA. I just want to make a few points.

We have had representatives of the major faiths before us in the last few days, and Mr. Dellenback asked the same questions of them as he did of you.

I finally asked them, "Gentlemen, are you here to favor the same rights for farmworkers as for other workers under labor-management relations act or are you here to favor giving agricultural workers only part of the rights other workers have?"

I would like to ask you that question: Do you think we should act to give these farmworkers just part of the rights enjoyed by other workers, or should we treat all workers equally?

Mr. REUTHER. I repeat what I said earlier: They are entitled to no more and no less. They ought to be given equal treatment under law as all other workers.

Mr. O'HARA. I think that is the essential point, and that is why I for one will not listen for one moment to the demand that we write a jurisdictional standard into this legislation for farm employers.

There are no jurisdictional standards in this legislation for any other employer in America. The question is, Do they affect commerce or not? If the answer is "Yes," than it is up to the Board, after a full investigation of the nature of the industry, to set its own jurisdictional standards according to the particular problems that industry has.

The Board has set varying jurisdictional limits to fit the nature of different industries. For instance, a newspaper enterprise must have a \$200,000 gross volume to be within the Board's jurisdiction; radio, TV, telegraph and telephone a \$100,000 gross volume; transit system, a \$250,000 gross volume; business in the territories and District of Columbia, plenary jurisdiction; public utilities, a \$250,000, and so forth. If administrative determination of jurisdictional questions is good enough for every other employer in America, it should be good enough for the agricultural employers.

Would you agree?

Mr. REUTHER. I agree.

Mr. O'HARA. I wish to say that I think your testimony is the best that we have had on this bill. About a million copies of it should be printed and sent all over the country, because I think you have expressed better than I have ever heard expressed the need for this legislation.

But let me make this point: I would gather from your statement that you are completely determined as the president of the UAW, as the president of the IUD, and as an individual with a conscience, to go forward and do what is necessary to help farmworkers to organize themselves.

Is that correct?

Mr. REUTHER. That is correct. As far as I am concerned as a human being, and as far as I am concerned as an officer of these organizations, we are totally committed and we intend to follow through on this commitment.

Mr. O'HARA. And if they are going to be able to organize through the peaceful, democratic process of a secret ballot election, after a showing of interest, that is the way it will be done. But if they are not permitted recourse to that peaceful machinery, what, from your experience in the labor movement before and after the Wagner Act,

will be the way they are going to organize? What tactics will they be forced to use if they don't have recourse to a peaceful representation?

Mr. REUTHER. Well, they are going to have the tactics of the jungle, because when men are denied access to the procedures of a free society, procedures that are rational and responsible, when they are denied those opportunities by society, then they, in desperation, will revert to the tactics of the jungle.

Mr. O'HARA. In other words, they are going to have to strike right at harvesttime, and do whatever else they can to inflict economic damage on that employer in order to gain recognition. If the machinery is opened to them, it is obvious that these employees could gain recognition by a peaceful election conducted by the NLRB.

Mr. REUTHER. You will be amazed how many ways they can figure out how to skin this cat, and under the circumstances where they can inflict the greatest damage on the employer, because they will be motivated by bitterness and frustration, where sound labor-management ought to be motivated by justice.

Mr. O'HARA. I agree with you, farmworkers are going to organize, and they ought to be able to do it in a peaceful way, or they will do it by whatever method is most effective to that end—by bringing economic pressure. I think the greatest step Congress can take toward preventing disruption would be to adopt this legislation. As I have said, your statement on this question has been outstanding, and I hope the UAW will see fit to have some reprints made and get it around the country.

Mr. REUTHER. May I end on an optimistic note, Mr. Chairman?

My friend, Congressman Ford said, and the rest of us are aware, that 32 years is a long time to carry out the expression of the House committee who steered the Wagner Act through Congress back in 1935.

Thirty-two years is a long time, but on the civil rights front it took a hundred years. That was a great moral issue, and finally its hour had come, and the conscience of America finally caught up with itself and we acted a hundred years late on the civil rights front.

This, I also consider a great moral issue, and I believe that the very fact that the great church organizations are responding, I think more and more people are becoming aware that this is a moral question, this is not just an economic question, this is not just a labor-management problem. This is a great moral question of how does man live with his fellow man in a free society that is built on the values of the worth and dignity of every human person.

That doesn't mean you have to be the president of a corporation, or a Congressman, or the president of a big union to be entitled to your worth and dignity.

Everyone is entitled to theirs. As we make this a political question, this is a great moral question, and only in making it so can we bring to bear upon the problem what is essential. That took us a hundred years, and we won through on the civil rights front in 1964 and 1965. We haven't completed that job, but we made steps.

If you pass the legislation you have before you, you will have made a step, but you will not have completed the job.

When I get discouraged about the 32 years, I look at the civil rights front. Many of us were arguing that many years ago.

I organized my first civil rights picket line in 1931. It took a long time for that to bear fruit.

But we aroused the conscience of America, and if we can get to America on this issue on the same basis of the inhumanity of what is going on, the injustice of what is going on, and make it into the kind of moral crusade I think it must be made into, we will win through.

Mr. O'HARA. Thank you.

The Special Subcommittee on Labor will stand in recess until Friday, May 12, 1967, at 10 a.m., in room 2175, when we will hear testimony from representatives of the American Farm Bureau Federation, the National Council of Agricultural Employers, and the National Council of Farm Cooperatives.

(Whereupon, at 4:32 p.m., the subcommittee recessed, to reconvene Friday, May 12, 1967, at 10 a.m., in room 2175, Rayburn House Office Building.)

EXTENSION OF NATIONAL LABOR RELATIONS ACT TO AGRICULTURAL EMPLOYEES

FRIDAY, MAY 12, 1967

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

The subcommittee met at 10:15 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, and Ford.

Also present: Hon. William J. Scherle.

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

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

We have two witnesses this morning. Our first is Mr. Matt Triggs, the assistant legislative director of the American Farm Bureau Federation.

Good morning, Mr. Triggs.

Mr. TRIGGS. Good morning, Mr. Chairman.

Mr. O'HARA. Would the chairman yield for a moment?

I am delighted to have Mr. Triggs here to testify on a matter concerning agriculture. On all previous occasions his testimony has been on educational matters.

Mr. TRIGGS. I welcome the opportunity.

Mr. THOMPSON. You may proceed with your statement, as you wish, Mr. Triggs. Would you prefer to read it, or enter it into the record and then comment on it?

Mr. TRIGGS. I would like to read it.

Mr. THOMPSON. Please do.

STATEMENT OF MATT TRIGGS, ASSISTANT LEGISLATION DIRECTOR, AMERICAN FARM BUREAU FEDERATION

Mr. TRIGGS. We welcome the opportunity to present the views of the American Farm Bureau Federation relating to the proposal to extend the National Labor Relations Act to agriculture. As a distinguished member of the House used to say, "There is no pancake so flat it does not have two sides." Today, we will look at the other side of this particular pancake.

First, farmers are the most vulnerable employers in the world.

Most of the previous witnesses have suggested we would make this argument, and indeed we will. It is an argument of strength and substance.

While most industrial or commercial concerns may suffer a reduction in profits as a result of a strike, it is rare for them to be disastrously affected. They can usually close down their operations and sit out the strike with nominal losses, in many cases with no losses at all. For example, despite the long-continued steel strike in 1959, the profits of most steel companies in that year were about the same as in 1958 and 1960.

The situation in agriculture is strikingly different. It is not possible to close down a farm. Crops must be harvested and cows must be milked when ready. This, particularly, is true in the fruit and vegetable industries, where most farm labor is employed.

The time to expect a strike is at harvesttime because this is the only time most farmers employ substantial numbers of workers. A successful strike when a perishable crop is ready to harvest would entail much more than a reduction in profits. Most likely it would result in (1) no income for the year and (2) a loss of money invested in bringing the crop to harvest stage—which may run up to \$500 an acre or more. A loss of this size would bankrupt many farmers.

Thus the farmer is in no position to stand a work stoppage. He is under terrific economic pressure to get his crops harvested. It would be difficult to resist any demand at harvesttime which would prevent a work stoppage, no matter how unreasonable or arbitrary the demand might be. Any union which is able to obtain control of the farm labor supply would have farmers at its mercy.

Now, this concern the farmers have with respect to their vulnerability has been referred to in this hearing as a myth. But we would be indeed naive if we accepted such assurances that there really isn't any reason for farmers to be concerned about what unions would do with this power if they had it.

OUTPUT PER MAN-HOUR (1958 DOLLARS)

	Farm	Nonfarm
1950.....	\$1.03	\$3.10
1955.....	1.35	3.64
1960.....	1.78	3.90
1965.....	2.39	4.55
1966.....	2.50	4.68

Source: "Indexes of Output per Man-Hour for the Private Economy," BLS, March 1967.

As you will note in this table, although output per man in agriculture has increased from \$1.03 to \$2.50 in the past 16 years, it is still only 53 percent of the output per man-hour in nonfarm operations.

This is, we submit, a fact of crucial significance. I hope the committee will agree that the output per man-hour for farm operators is more than the output for hired workers, so that the output per man-hour of hired workers is substantially less than the \$2.50 indicated here for all agriculture.

This table is taken from the indexes of output per man-hour for the private economy of the BLS. I have extra copies available if any member of the committee would like to see it.

Thus, although agriculture is gaining, is narrowing the gap percentage-wise, productivity per man-hour in agriculture remains comparatively low. Wherever we go in the world, real wages are determined primarily to productivity. This is no less true in U.S. agriculture.

Thus there is mighty little fat for the unions to slice off. They would soon draw blood.

FARM COSTS AND INCOME

A crucial element affecting farm incomes is that in an inflationary economy, farm costs rise faster than farm incomes, and are becoming a steadily larger percentage of gross returns.

This is illustrated below. And we set forth in this table the trends in growing farm income, production expenses, net income, and the ratio of expenses to gross income.

FARM INCOME—GROSS AND NET

(Dollar amounts in billions)

	Gross income	Production expenses	Net income	Ratio expenses to gross income (percent)
1950.....	\$33.1	\$19.4	\$13.7	58.6
1955.....	33.4	21.9	11.5	65.5
1960.....	38.2	26.2	12.0	68.6
1965.....	45.9	30.7	15.2	66.9
1966.....	49.3	33.2	16.1	67.4

Source: "Farm Income"—USDA. (Does not include inventory changes.)

It is this last column to which I would particularly like to direct your attention.

The percentage of gross farm income represented by farm costs has been steadily increasing, although in the past 2 years it is not quite as large as in 1960.

The upward trend in costs relative to gross income is continuing. Farm prices in 1967 are running about 7 percent less than in 1966, gross income will be down, production expenses will be up, net farm income will decline at least a billion dollars (and that is a very conservative estimate) and the ratio of expenses to gross incomes will reach an all-time peak of about 70 percent. Farmers must get their returns—their labor return and their capital return—from the 30 percent.

In April of this year farm prices averaged 72 percent of parity, the lowest parity ratio since 1936.

I would like to make a correction in our statement at this point: The concluding phrase of this sentence should be corrected to read, "the lowest parity ratio since the summer of 1934." The cost-price squeeze in agriculture is hurting farmers bad. Farmers are being killed by costs. Farmers are more indignant about the current situation than I have ever known them to be.

The margin is thin. Farmers are leaving agriculture for more gainful employment at a rate exceeding 100,000 a year. Enactment of H.R. 4769 would narrow the margin still further and hasten the out-migration from agriculture.

RETURNS ON FARM INVESTMENT

The First National City Bank recently reported (Monthly Economic Letter, April 1967) that the average return on net worth of 3,850 of the leading corporations in 1966 was 11.2 percent after taxes.

How does this compare with agriculture?

I regret to say, Mr. Chairman, that there is an error in our statement as distributed to the committee a week ago. I made a mistake in picking up the total assets of farmers rather than the net worth. This statement should read:

As of January 1, 1966, the net worth of U.S. farmers was \$214.2 billion, with a net farm income of \$16.1 billion in 1966.

MR. THOMPSON. Excuse me. Did you say the net worth of U.S. farms, or farmers?

MR. TRIGGS. Farmers. This is a return on investment in agriculture of 7.5 percent, even if no allowance at all is made for the labor and management of farm operators. If it is considered that the labor return should be \$5,000 per farm family, the return on investment in agriculture in 1966 was zero.

The data on farm versus corporate earnings is not comparable for a number of reasons. Discount the comparability as much as desired because of these reasons, it is still clear that there is a striking difference between earnings on investment in agriculture and industry.

TOTAL RETURNS FROM FARMING

In 1966, which was a good year and much better than 1967, the average net return per farm was \$4,955. This is both a capital return and a labor return for the farmer and members of his family who work on the farm. Average investment per farm in 1966 was \$57,100. This is the bare investment in land and buildings only. If we add, as we should, livestock and farm machinery, the average investment per farm would be \$65,960, and even this figure does not include working capital. A very minimum figure for working capital is \$5,000 (and this is a very essential part of farm operations) and the real investment per farm is around \$70,000.

We know of no other occupational endeavor involving similar management skills, similar risks, and similar investment, with as low returns as those of farmers and ranchers.

Now a word about the use of average data. We would be the first to agree that the use of average data, as used above, is not entirely satisfactory. But, we know of no reason to suppose that if similar data were available for the fruit and vegetable industries, which do employ most farmworkers, that the situation would be different than for agriculture generally. Discount the data as much as you please—it is clear that there are some major differences between industry and agriculture.

Now, let me pause at this point. During the verbal discussion, Mr. Meany told the Committee, "The Bank of America owns all these big farm factories."

I would like to read a telegram addressed to me from Richard Owens, secretary of the California Farm Bureau dated May 3, which reads:

The following statement is from the Bank of America.

While the Bank of America does finance substantial crop production and other agricultural enterprises in California, as a national bank it neither owns nor operates any farms or ranches, and cannot do so even if the bank acquires farm land by foreclosures. The law requires it to be sold as promptly as possible.

Mr. THOMPSON. I am sure you realize that Mr. Meany was referring to the loans made by the bank, and did not mean to portray the Bank of America as the physical operator of farms, any more than the Farm Bureau Federation itself is a farmer.

Essentially it is an insurance company, isn't it?

Mr. TRIGGS. No, that is a very relatively unimportant part of the total Farm Bureau operation.

All I can do is quote what Mr. Meany said, and I have an exact quote, I was here, and I copied it down at the moment. I am sure that is what the record will indicate.

To continue.

We would submit to the contrary that the percentage of all farms owned by banks is negligible, and that the family farm, although larger and using more capital, is still the dominant form in U.S. agriculture.

In 1963, the House Agriculture Committee reviewed the changing situation in agriculture with respect to family farms. Incident to this review was an analysis of census returns over a long period of years by the Department of Agriculture.

The following is quoted from the report of the Secretary of Agriculture to the Committee on Agriculture:

For the purpose of presenting general statistics, those farms that use less than 1.5 man years of hired labor are classed as family farms. Those farms that use 1.5 or more man years of hired labor are classed as larger than family farms.

Mr. THOMPSON. To help me, would you please tell me, because I don't know, what is a man-year of hired labor?

Mr. TRIGGS. That is a man working 12 months in the year.

Mr. THOMPSON. In other words, 365 days of employment?

Mr. TRIGGS. Not working every day in the year. It is the usual number of days worked.

Mr. THOMPSON. Well, 52 weeks times 40 hours, for instance, that would be a man-year?

Mr. TRIGGS. Yes.

Now, continuing with the quotation from the Secretary of Agriculture:

Contrary to what seems to be a general impression, the role of the family farm in the American agricultural economy has been increasing in importance in the latest years for which we have figures . . .

1. Although the number of farms has been steadily decreasing—from 5,209,000 in 1944 to 3,701,000 in 1959—the proportion of family farms increased from 94.5 percent to 95.7 percent during those years.

2. Even more important, between those years the family farms increased their share of total farm marketings from 66.5 percent to more than 70 percent.

I have copies of the full report here, if any member of the committee would like to look at it.

Mr. THOMPSON. For the purpose of this discussion, do I understand that they say a farm using less than one and a half man-years of labor is a family farm, and all others are in another classification?

Mr. TRIGGS. The report referred to them as "larger than family farms."

Mr. THOMPSON. Then the statement goes on to say that although the total number of farms has decreased by nearly 2 million, the proportion of family farms increased from 94.5 to 95.7 percent.

Mr. TRIGGS. Yes, sir.

Mr. THOMPSON. In other words, 95.7 percent of the farms in the United States use less than 1.5 man-years of labor?

Mr. TRIGGS. That is correct.

Mr. THOMPSON. So that it would be obvious, wouldn't it, that they are increasing their productivity on those farms with less—even though the farms are growing in size—with less than 1.5 man-years of hired labor?

Mr. TRIGGS. Yes, sir.

Mr. THOMPSON. So that in effect, really, the farms which use substantial amounts of labor are the very large corporate-type farms.

TRIGGS. Let me continue, because I am coming to this point.

I would like to comment in this connection, Mr. Chairman, that in our opinion the dividing line between what the Secretary defined as a family farm and what he has defined as a farm that is larger than a family farm, is far too low.

There are thousands of farmers, fruit and vegetable farmers in particular, who employ no workers during 9, 10, or 11 months of the year, or perhaps one hired man, or a little casual labor, but who employ 15 or 20 men during a short harvest season of perhaps 6 or 9—6 or 8 weeks.

Under the Secretary's criteria, these farms are classified as "larger than family farms," and we would submit that in fact most of these farms are family farms.

Mr. THOMPSON. Actually, we have heard testimony that the bill before us would affect only 3 percent of the farms in the United States.

Mr. TRIGGS. I would have to disagree with that, Mr. Chairman. There is not any close relationship.

Mr. THOMPSON. You can't conceive of a labor organization trying to organize a farmer such as the one you have just described, one who has a hired man, uses casual labor during 9 months, and then for a very short harvest season employs as few as five or 10 agricultural workers?

Mr. TRIGGS. Yes, I can conceive of it. They are signing up farmworkers in Florida at the present time. They have signed an asserted 30,000 farmworkers, and these farmworkers are coming north to work on farms of all sizes.

Mr. THOMPSON. Where would the union organizers find either the energy or the personnel to go after 3.7 million farms?

Mr. TRIGGS. I don't think they have an easy job of it, that's for sure.

Mr. THOMPSON. I don't think we need to worry much about it.

Mr. TRIGGS. I am perfectly free to admit that we are talking about a relatively small segment of American agriculture in this area.

It is not just the size of farm involved, it is the kind of crops they produce.

Mr. THOMPSON. Are the DiGiorgios members of the Farm Bureau?

Mr. TRIGGS. I don't know. I would suppose that they are.

We are up to the farmers and the NLRB.

Most businesses follow the practice of employing an attorney or attorneys to provide counsel with respect to the many complex problems involved in their relationship with labor unions under the rules, procedures, and provisions of the National Labor Relations Act.

This is indeed a complex area of law and only competent and specialized attorneys who follow the shifting policies and interpretations of NLRB and the courts are able to give sound advice with respect to these problems and relationships.

There are some farmers who would and could do likewise if they were covered by the act. But the majority of affected farmers cannot afford the costs of continuing legal consultation and would be overwhelmed by the legal problems associated with the administration of the act.

Now we have a paragraph on the impact on consumers. We include it because members of the committee have asked previous witnesses about the effect the bill would have on consumers.

No precise answer can be provided to this question because there are too many variables which would apply differently in different areas and for different commodities. The two major variables would be: (1) How much, if any, wage increases would unions be able to obtain above those that would occur anyhow? (2) Is new technology available which would enable farmers to offset increased wage costs by a reduction in the number of workers hired?

We would hope that farmers would be able to shift to consumers all of the increased costs involved. Ordinarily it is difficult for farmers to pass on increased costs to consumers. Consumer prices are not affected unless farmers are hurt badly enough by the increased costs to reduce production.

This does happen. For example, the termination of the bracero program hurt California growers of strawberries and asparagus badly enough that they reduced the acreage of these crops.

Mr. THOMPSON. Well, in connection with strawberries, I have some interesting statistics. Increases of 35 to 40 cents in the hourly pre-harvest rate and 15 to 35 cents per 12-pound tray of strawberries at harvest time raised the 1965 field labor costs by an average of 1.7 cents a pound.

Both the seasonal average price to the producer and the average retail price rose by about the same amount or more, indicating that labor costs had in fact been passed on to the consumer.

Mr. TRIGGS. I think in this case that labor costs have been passed on, and perhaps your wives have noted that the price of strawberries and asparagus in produce markets has been higher, quite a bit higher, in the past couple of years.

Mr. THOMPSON. Mr. Triggs, have you read, or are you familiar with the contracts recently signed between the United Farmer Workers Organizing Committee and the DiGiorgio Co.?

Mr. TRIGGS. Yes, I am.

Mr. THOMPSON. Do you know that the contract contained no strike, no lockout clauses?

Mr. TRIGGS. I am familiar with that fact, Mr. Chairman, yes.

Mr. THOMPSON. Just how, then, can you be so sure that bringing farmworkers under the act would increase strikes and conflict?

Mr. TRIGGS. Mr. Chairman, much of the attention of this committee has been focused on the *DiGiorgio* case.

Mr. THOMPSON. Because it is a success story from both the workers' and the company's viewpoint.

Mr. TRIGGS. We would argue it would be most unrealistic to base national policy on the *DiGiorgio* experience. I think *DiGiorgio* is the country's largest farm—it is a large operation, it is not typical of California, and it is not typical of the Nation, and to look at the *DiGiorgio* case and write policy—

Mr. THOMPSON. And yet you would have us believe by your testimony that these unions will be going around to 3 million farms and trying to organize them, asking for card checks, for proof that one-third of the 10 workers want a union, and calling the NLRB in and call an election.

Mr. TRIGGS. I have given you a wrong impression, if I have given you that impression. The 3 million farms would not be involved. Primarily the fruit and vegetable industry would be involved.

Mr. THOMPSON. As a matter of fact, you know, right now there is unrest and there are strikes in Texas and elsewhere. These are going to continue, notwithstanding what happens to this legislation.

As a matter of fact, I would predict that they are going to increase in number, in unpleasantness and perhaps in violence unless there is some legal mechanism by which there can be an orderly process for agricultural workers to seek to increase their wages.

Now this bill is not going to increase the minimum wage for agricultural workers. You seem to say here, "Well, what difference would it make, really, because how much, if any, wage increase would unions be able to obtain over those which would occur anyhow without winners?"

Mr. TRIGGS. There will be a real struggle in every situation between farmers and unions if they proceed to try to organize farmers without the act or with the act.

Mr. THOMPSON. It is going to be infinitely worse without the act.

Mr. TRIGGS. We will take our chances without the act, as one of the parties to the conflict.

Mr. THOMPSON. You are brave.

Mr. TRIGGS. That is virtually a unanimous position of the farmers.

Now we come to a crucial point, the effect on workers. I think it is important to avoid the oversimple answers to problems that aren't really answers at all. For example the major effect of the extension of minimum wage legislation to some farmworkers and sharecroppers is the disemployment of tens of thousands of workers in the southeastern States and an acceleration of mechanization of farm operations.

Unfortunately those who are being disemployed by this process are those least equipped to find alternative job opportunities. The welfare and poverty problems in many areas have been magnified.

The supposition that the welfare of farmworkers would be enhanced by the proposed bill fails to recognize three important factors:

First, the demand for farm labor is elastic. In the period 1950-66 each 1-percent increase in real farm wages was accompanied by a 1.7-percent decline in farm labor employment.

It is commonly assumed that this decline in farm labor employment is due to mechanization. This is an over-simplification. What causes mechanization? Mechanization is very expensive. It requires heavy investment by farmers of "hard to come by" capital. Farmers make such investments only when this will result in lower costs. The trend in wage costs is the driving force.

Mr. THOMPSON. They are mechanizing, aren't they?

Mr. TRIGGS. Yes, because farm wages have been rising.

Mr. THOMPSON. And they will mechanize at any time when they can lower their overall costs.

Mr. TRIGGS. This is correct, and the crucial factor is wage costs. The crucial factor affecting the rate of mechanization and the number of people employed is wage costs.

Second, if we add to the expectation of higher wage rates resulting from enactment of the bill—and farmers would expect an all-out drive for higher wages, if we were to do that—the concern that farmers would have because of their vulnerability, as discussed above, we would create two major incentives for farmers to expedite the substitution of capital for labor.

Third, and very important, any significant increase in costs of producing fruits and vegetables in the United States will result in transferring production of high labor requirement crops to Mexico. The potential to do this in Mexico is fantastic.

Imports of fruits and vegetables from Mexico have increased seven times since 1955. Data relative to this situation is set forth below.

Value of U.S. imports of fruits and vegetables from Mexico

1955	-----	\$15, 493, 000
1960	-----	45, 306, 000
1965	-----	73, 064, 000
1966	-----	107, 454, 000

Source: Foreign Agricultural Service Report, March 1967, USDA.

As you will note, it indicates that the value of U.S. imports of fruits and vegetables from Mexico has increased from \$15 to \$107 million in an 11-year period.

The nature of this trend will be indicated by the fact that the increase in the 1 year, 1966 over 1965, is larger than any previous 5-year increase.

In this connection you will be told, and perhaps have already been told—in fact an article to that effect has been put in the Congressional Record on two occasions—that this Mexican development is not very important because it is noncompetitive out-of-season produce.

The fact of the matter is that the largest item, about half the total is fresh tomatoes, which compete with Texas and Florida and hot-house tomatoes.

The increase is from 66 million pounds in 1955 to 359 million pounds in 1966. The second largest item is frozen strawberries. Imports of frozen strawberries from Mexico increased to 12 million pounds in

1955 to 83 million pounds in 1966. Frozen strawberries are, of course, competitive 12 months in the year.

Even the small amount of Mexican produce that is out of season is still competitive, because everything on the produce counter is competing for the housewife's dollar.

A trend as strong as this may be expected to continue. Mexico has large acreages of land on the west coast adaptable to the production of fruits and vegetables. The upward trend in imports of such products would be accelerated by any substantial increase in wage costs or labor controversy.

Since Mexico produces and sells to the United States primarily those fruits and vegetables which require large amounts of labor to produce, an acceleration of such imports would result in displacement of comparatively large numbers of farmworkers in the United States.

So, while some workers would gain from the economic power the bill would place in the hands of labor unions, others would be hurt by a sharp reduction in farm employment. We suggest that the number of workers who would be hurt would be considerably larger than the number who would be helped.

Farm wages have been going up and will continue to go up. But any program that would have the effect of accelerating this trend would have undesirable consequences to both workers and farmers.

We summarize our statement.

Thus, there are some very real differences between industry and agriculture: The vulnerability of farmers. Productivity per man-hour in agriculture. The income position of farmers. A very elastic demand for labor in agriculture.

We submit that these factors are adequate justification to oppose enactment of the bill.

(The appendices referred to follow:)

APPENDIX A

SEASONALITY OF HIRED FARM LABOR EMPLOYMENT—1966—SELECTED STATES

[Thousands of farmworkers]

Month	New York	New Jersey	Pennsylvania	Ohio	Illinois	Michigan	Florida	Texas	California	Washington	Oregon
January.....	19	6	11	8	17	15	105	32	148	12	8
February.....	20	6	14	10	19	18	103	58	145	17	11
March.....	27	7	14	17	27	21	100	72	142	22	14
April.....	32	14	17	18	29	21	97	83	160	38	16
May.....	42	20	20	29	43	27	97	118	187	44	19
June.....	43	20	32	37	48	42	67	155	216	60	63
July.....	45	29	27	35	48	56	45	131	220	52	54
August.....	47	26	25	31	39	45	45	119	238	54	46
September.....	46	18	26	33	31	34	54	188	261	36	21
October.....	32	13	21	21	38	30	65	171	228	29	16
November.....	23	7	14	17	31	18	95	103	162	16	8
December.....	21	6	13	7	20	16	96	58	141	11	9

Source: "Farm Labor," USDA.

Annual average hired farm labor employment—United States—Selected years

[Thousands of workers]

1930	3, 190
1940	2, 679
1950	2, 329
1960	1, 869
1965	1, 482
1966	1, 357

Source: "Farm Labor," USDA.

INDICES OF FARM COSTS 1957-59=100

Year	Feed	Livestock	Motor supplies	Motor vehicles	Farm machinery	Farm supplies	Building materials	Seed	Wage rates
1950.....	105	113	86	78	78	94	81	109	73
1955.....	106	83	95	87	87	98	92	114	89
1960.....	97	100	101	102	107	100	102	101	109
1965.....	104	96	102	113	119	103	101	113	125
1966.....	109	107	102	117	124	104	103	110	135

Source: "Farm Cost Situation," USDA.

Estimated man-months of seasonal hired farm labor, 1966

Vegetables	1,787,000
Fruits	1,542,500
Cotton	821,400
Tobacco	674,900
Grain	395,200
Hay	229,600
Nursery stock	200,400
All other	1,565,200
Total	7,466,200
Annual average	622,200

Source: "Farm Labor Developments," USDL, January 1967. (Does not include permanent farm employees of about an equal number.)

APPENDIX B

[From the Wall Street Journal, May 1, 1967]

EXPORTS OF U.S. FRUITS, VEGETABLES SHRINK AS FOOD PROCESSORS SET UP PLANTS ABROAD

U.S. food processors, eyeing market potentials in economically growing foreign countries, are setting up fruit- and vegetable-canning plants around the globe. As a result, U.S. exports of these items already are shrinking, and experts say foreign-processed fruits and vegetables eventually could flood into the U.S. and compete with those grown and canned here.

Americans have operated food plants outside U.S. borders since the turn of the century. In recent years, however, the pace of overseas development in fruit and vegetable canning has quickened considerably. Rising labor costs, increasing transportation rates and technological advances overseas are convincing more and more U.S. food companies that profit margins can be widened by processing foods for foreign markets in foreign plants.

The rapid growth of foreign fruit and vegetable processing has made serious dents in export levels of the products. Exports of canned vegetables steadily dropped to 138 million pounds in the fiscal year ended June 30, 1966, from a peak of 245 million pounds nine years ago, according to the Agriculture Department. Exports of canned fruits, though buoyed through the early 1960s by swelling European demand, are now starting to slip, declining to 503 million pounds in fiscal 1966 from 550 million pounds in 1964-65.

IMPORTS MAY REPLACE EXPORTS

Apparently the trend will continue. "We're looking at all corners of the globe at the moment," says Charles Angin, procurement director for S&W Fine Foods Inc., a division of San Francisco-based Di Giorgio Corp., which recently farmed out custom-packing of 20 fruit and vegetable items to European processors. "Eventually most (U.S. canned fruit and vegetable exports) will be eliminated."

While cutting exports, the new foreign plants are assuming more of the production once turned out by U.S. facilities. That means, food companies admit, that some operations on U.S. soil must be closed or slowed down, throwing some em-

ployes out of work at least temporarily. But Mr. Angin, for one, expects expanding domestic demand from a growing population will soften the overall impact on U.S. growers and processors.

Nevertheless, experts believe American-owned plants in foreign countries may operate so efficiently before long that foods processed outside the U.S. will flow back across the borders and complete fiercely with domestic products. Pineapples, strawberries and tomato paste processed in U.S.-owned Mexican plants have been exported to the U.S. recently. A Libby, McNeill & Libby plant started last year in Spain has used inexpensive Spanish labor to produce hand-packed Spanish green olives that are marketed here in competition with less-desirable U.S. machine-packed olives. California Packing Co., San Francisco, producer of Del Monte brand foods, says it is studying the possibility of growing asparagus in Mexico for export to the U.S.

OPERATIONS IN MEXICO

Mexico's abundance of inexpensive labor has drawn many U.S. food processors south of the border. Until 1965, American food processors in the Southwest were able to hire low-paid Mexicans who crossed the border during harvest time, under the Bracero labor program. When the program was allowed to expire at the end of 1964, some U.S. processors simply followed the cheap labor back to Mexico.

One of the largest U.S. processors in Mexico, H. J. Heinz Co., Pittsburgh, brought in experts from Hawaii to improve production of the once-discredited Mexican pineapple. Since Heinz began its improvement program three years ago, pineapple yields have jumped to 65 tons per hectare (about 160 tons an acre) from 45 tons (about 110 tons an acre), Heinz says. Production of canned pineapples in Mexico increased to 75,000 tons last year from 60,000 tons in 1964, and an output of 90,000 tons is forecast for 1968.

The high tariffs established by the six Common Market nations of Western Europe—West Germany, France, Belgium, the Netherlands, Italy, and Luxembourg—encourage U.S. food processors to start fruit and vegetable plants there. "Europe is building a wall around itself," says S&W's Mr. Angin. Extremely high duties, especially in the Common Market countries, are pricing and will continue to price U.S. exports out of the market, he says. S&W plans to replace some of its foreign custom-packing operations with overseas facilities of its own.

U.S. TECHNOLOGY CONTRIBUTED

"What it boils down to is that eventually we will have to move our operations close to the market we produce for," says William A. Busick, executive vice president of operations for Chicago-based Consolidated Foods Corp., which recently acquired a plant in the Netherlands. Libby, also headquartered in Chicago, has added two European plants to its overseas roster in the past five years. Campbell Soup Co., Camden, N.J., has expanded its Italian tomato and asparagus plant to supply Common Market countries with soups and V8 vegetable juice.

Ironically, American dollars and technology have contributed heavily to the advances in European canning and agriculture that have made overseas foods competitive with U.S. products. Until recently, American exports were cheaper and of higher quality than European products.

I would like to take just a minute, Mr. Chairman, to go over these attached appendices with you.

This first table shows the variation in farm employment during a season for selected States.

Take, for example, your State of New Jersey. Farm labor employed increased from 6,000 in the winter months to 29,000 in July, nearly five times as much. The seasonality explains why it is so common to have a surplus of farm labor during 9 or 10 months of the year and a critical shortage in perhaps 2 or 3 months.

It also explains why it is quite possible to have a surplus of labor in some areas at the same time there is a shortage someplace else.

The next table in Appendix A discloses the sharp decline in farm labor employment. During the first 4 months of 1967, the downward trend is continuing. As of April, farm labor employment was 6½

percent below April of 1966, and 29 percent below the 1961-65 average.

The next table shows indexes of farm costs. It illustrates trends in prices of farm inputs in the past 16 years. It will be noted that the prices of some inputs have been fairly stable, the prices of motor vehicles and farm machinery have increased substantially, and then over in the last column, that the upward trend in farm wage rates is the sharpest trend of any.

Farm wage rates have increased 85 percent since 1950. But the average prices received by farmers as of April 1, 1967, were 5-percent lower than in the year 1950.

Incidentally, the index of farm wage rates of April reported by the Department—

Mr. THOMPSON. Do you have any statistics on productivity on those years, the increase in productivity?

Mr. TRIGGS. Those would be indicated in the table on page 2, which indicate that output per man-hour has gone from \$1.03 in 1950 to \$2.50 in 1966.

Mr. THOMPSON. So wages went up 85 percent and during the same time productivity went up over 100 percent.

Mr. TRIGGS. Yes, but we have also made the point, Mr. Chairman—

Mr. THOMPSON. 150 percent.

Mr. TRIGGS (continuing). That the productivity of the average worker who is still engaged in hand harvest, and that is where most of them are employed, has been static, has not changed in the past 25 years.

Mr. THOMPSON. Can't part of this be attributed to the mobility of the farmworker? If a fellow is a migrant worker and is, let us say, harvesting a crop in Maryland, and learns that he can make 10 cents an hour more in nearby New Jersey, he will go there, won't he?

Mr. TRIGGS. Yes, he will.

Mr. THOMPSON. Isn't this a factor in the instability of the work force?

Mr. TRIGGS. Yes. We do have to keep in mind in this connection that of the total farmworkers, about 10 or 11 percent is migratory.

Mr. THOMPSON. Yes.

Mr. TRIGGS. The balance is local labor. People who are resident in the areas, go to work during the summertime, such as high school students.

Mr. THOMPSON. Such as the strawberry crop in Washington and Oregon, for instance.

Mr. TRIGGS. This is handled almost altogether by local labor.

Mr. THOMPSON. Families do this.

Mr. TRIGGS. And because of the provisions that Congress made in the Fair Labor Standards Act, it is continuing.

Mr. THOMPSON. They insisted it is good for the children?

Mr. TRIGGS. I would say it is. It is supported by the community and the churches.

The last table shows that vegetables and fruits are the commodities in which the largest number of seasonal workers are employed.

The last, appendix B, briefly, we have noted the steady increase of imports of fruits and vegetables from Mexico and this appendix is

a feature article from the Wall Street Journal, from May 1, looking to the future.

Let me read a paragraph.

U.S. food processors, eyeing market potentials in economically growing foreign countries, are setting up fruit and vegetable canning plants around the globe. As a result, U.S. exports of these items already are shrinking, and experts say foreign-processed fruits and vegetables eventually could flood into the U.S. and compete with those grown and canned here.

And then:

While cutting exports the new foreign plants are assuming more of the production once turned out by U.S. facilities. That means, food companies admit, that some operations on U.S. soil must be closed or slowed down, throwing some employees out of work at least temporarily.

Nevertheless, experts believe American-owned plants in foreign countries may operate so efficiently before long that foods processed outside the U.S. will flow back across the borders and compete fiercely with domestic products.

Domestic jobs are reduced in number when our competitive capacity in export markets is reduced. They are reduced in number when imports have increased, and the enactment of this bill, in our opinion, would have a major impact on this situation, materially reducing the competitive capacity of the fruit and vegetable industry in the United States.

I thank you, Mr. Chairman, and members of the committee. Pursuant to the committee's request, copies of our statement were delivered to you a week ago today, and since you have had some time to analyze our statement, I await your questions with trepidation.

Mr. THOMPSON. Thank you.

I noted that you had analyzed earlier statements.

Mr. TRIGGS. I did the best I could.

Mr. THOMPSON. This is good, because we are trying to learn as much as we can.

I do read the Wall Street Journal, and I also, referring to the Mexican situation, have an article from a paper printed right next to Mexico, "The California Farmer." And let me read part of that to you.

They take the position that the Mexican imports aren't nearly so devastating economically as one would indicate. This says:

We boiled down to the bare truth, and the information we garnered seemed to lead to a simple conclusion: "If you can't make a go of farming in California, you'll never strike it rich in Mexico."

This is not to say that money is not being made in the vegetable industry in Mexico; some growers and distributors have managed highly successful deals, but not, we feel, at the expense of the U.S. industry.

And for every dollar made, there is every likely one lost, for it is not uncommon for an enthusiastic grower to go south, only to come back with his "tail between his legs," so to speak. It's a risky business and the problems are great.

Certainly our statement that growers in the U.S. aren't suffering because of Mexican imports is counter to virtually all of the news stories which have circulated in this State. But we feel we can justify the statement, and intend to do so.

This writer interviewed a host of growers, distributors, and agricultural association officials and no matter whom we talked to, our figures always seemed to add up to the same sum. "If the U.S. has a short crop, then there is money in Mexican product; if the U.S. has a big crop, Mexican growers fall on their faces."

To illustrate this point, let us quote Walter Holm, one of the more successful distributors of Mexican produce in Nogales, Arizona, and also a financial backer of a Mexican growing operation.

"It costs from \$2 to \$2.25 just to get a lug of tomatoes to the border, and this doesn't include growing costs," Holm said. These costs were verified by every other person and agency we consulted.

Consequently, when growing costs are considered, a grower has to get at least \$3.10 for a three-layer lug of tomatoes to break even.

Angus MacKenzie, a buyer from Coast Marketing Company, which also has a financial arrangement with a Mexican grower, probably put this into proper perspective with this: "The cost per acre of growing in Culiacan is a lot less per acre, but not less per package."

MacKenzie should know whereof he speaks, because his firm also has a tomato operations in San Diego County. While San Diego growers can boast yields of 2000-2500 boxes per acre, he said, growers in Culiacan must content themselves with 500-600 marketable lugs.

This ignores even further, though, the fact that farm economists might be worrying about overseas operation and the development of farms elsewhere and the importation of foodstuffs into the United States.

Sociologists are worried about the population growth and how throughout the rest of the world people are going to have enough to eat in the future, even to the point of developing methods by which fish can be processed and flour made, and planting crops in the sea.

I really don't worry very much about the development of land in Mexico. As a matter of fact, I wish they would develop it faster.

(The newspaper article referred to follows:)

[From the California Farmer, Mar. 18, 1967]

LAND OF PROMISE—IF YOU'RE LUCKY

By Alton Pryor

You're thinking of moving your farming operation to Mexico?

If so, you might be well-advised to hang onto your homestead until you've surveyed the situation from every angle. In a mere five days' investigation of the Culiacan area of Mexico, where the winter vegetable deal flourishes, *California Farmer* feels it uncovered sufficient information to determine that Mexico doesn't necessarily house the coveted golden egg.

When boiled down to the bare truth, the information we garnered seemed to lead to a simple conclusion: "If you can't make a go of farming in California, you'll never strike it rich in Mexico."

This is not to say that money is not being made in the vegetable industry in Mexico; some growers and distributors have managed highly successful deals, but not, we feel, at the expense of the U.S. industry.

And, for every dollar made, there is very likely one lost, for it is not uncommon for an enthusiastic grower to go south, only to come back with his "tail between his legs," so to speak. It's a risky business and the problems are great.

Certainly, our statement that growers in the U.S. aren't suffering because of Mexican imports is counter to virtually all of the news stories which have circulated in this State. But we feel we can justify the statement, and intend to do so.

This writer interviewed a host of growers, distributors and agricultural association officials and no matter whom we talked to, our figures always seemed to add up to the same sum "If the U.S. has a short crop, then there is money in Mexican produce: if the U.S. has a big crop, Mexican growers fall on their faces."

To illustrate this point, let us quote Walter Holm, one of the more successful distributors of Mexican produce in Nogales, Arizona, and also a financial backer of a Mexican growing operation.

"It costs from \$2 to \$2.25 just to get a lug of tomatoes to the border, and this doesn't include growing costs," Holm said. These costs were verified by every other person and agency we consulted.

Consequently, when growing costs are considered, a grower has to get at least \$3.10 for a 3-layer lug of tomatoes to break even.

Angus MacKenzie, a buyer for Coast Marketing Company, which also has a financial arrangement with a Mexican grower, probably put this into proper perspective with this: "The cost per acre of growing in Culiacan is a lot less per acre, but not less per package."

MacKenzie should know whereof he speaks, because his firm also has a tomato operation in San Diego County. While San Diego growers can boast yields of 2000-2500 boxes per acre, he said, growers in Culiacan must content themselves with 500-600 marketable lugs.

Culiacan growers harvest more than the 500-600 boxes mentioned, but, because of a self-imposed restriction, cannot ship any fruit which grades below 85 per cent U.S. 1.

Even if it weren't necessary to cull so heavily, Mexican growers would not reap the yields that San Diego growers experience. For one thing, as Angus MacKenzie explained, "In Mexico, we're growing in the winter. We have cold nights. The vines can be loaded with blooms and we get three cold nights in a row and they are all knocked off."

There is a reason for the heavy culling other than the restriction of the growers themselves, and this is the distance the fruit must travel to reach its ultimate destination.

There is a 2-day period from the time the fruit is picked until it reaches the border at Nogales and is sold. Fruit which could easily reach a major market in good condition from San Diego, would deteriorate considerably with this added waiting period.

The culled tomatoes aren't a complete loss, as they are sold on the Mexican domestic market, but can hardly be considered a profitable operation. The West Mexico Vegetable Distributors Association at Nogales figures that only 40 percent of the tomatoes harvested meet U.S. No. 1 shipping requirements.

The other 60 percent, classified as No. 2's and culls, are sold on the domestic market for 8.00 to 12.50 pesos (64 cents to \$1.00 U.S. currency). This includes the cost of the crate which is about 32 cents in U.S. money.

Tomatoes account for about two-thirds of the produce volume shipped into the U.S. from Mexico, with cantaloups running second, but considerably lower in number than tomato shipments.

The Mexican crop comes off at the same time Florida is harvesting vegetables, and therein lies the success or failure for growers in Mexico.

If Florida has a good year, it doesn't matter what Mexican growers do. They can't compete. It's when Florida experiences a serious setback, such as a major freeze, that Mexican production comes into play.

And then, this imported production is not grabbing markets from Florida growers. They are merely shipping what Florida is unable to produce. It's a matter of supply and demand.

Labor is plentiful, and compared to American standards, is considered cheap. Even this might be disputed when you consider an operation like Horacio Campana's and his three partners.

Campana said they farm 600 hectares, or the equivalent of 1500 acres. For the 7-month growing season, it is necessary to employ 800 persons. A tractor driver earns 30 pesos a day, while a woman tying tomatoes to poles can make from 20-25 pesos per day. A peso is equivalent to eight cents American.

If you figure that each of these workers puts in 25 days a month earning an average of \$1.75 per day, it doesn't take a mathematician to see that the total labor bill comes to a sizable \$245.00 a year, and this is a conservative estimate.

Mexican growers have many problems which U.S. growers don't face, such as acquiring machinery and parts (and at exorbitant prices), added freight and export duties just to get the produce into the U.S., and difficulty in acquiring packing materials.

All of these things will be explored in future installments.

At the same time, we do not want to underrate the tremendous potential of the west coast of Mexico as a supplier of vegetables.

Certainly the potential is there and should, we feel, be explored. As Carlos Bennen, who operates a packing house and works with a Mexican growing operation, said, "Mexico has the potential to feed the entire North American continent." But certainly this is not an overnight development.

While the importing of fruits and vegetables from Mexico might appear to be a one-way street, nothing could be further from the truth.

According to the U.S. Department of Commerce, in 1964, Mexico bought \$1,023,000,000 worth of goods from the United States. During the same year, Mexican sales to the U.S. were \$600,000,000.

In our next installment, we will take a closer look at a Mexican growing operation, detailing some of the problems we mentioned previously. In future installments, we will concentrate on some of the costs involved.

Mr. Triggs. I have read that article to which you refer, and it is quite true that U.S. farmers who have gone down to Mexico and tried to grow crops in Mexico run up against some kinds of problems that

they find very difficult to deal with, and most of them have not been satisfied with their experience.

Some have. Some are doing very well——

Mr. THOMPSON. You know, the Mexican worker is an intelligent human being, and as those lands are developed he is going to seek his share of the profits through increased wages.

These things have a tendency to level off. In the meantime, the American farmer is trying to improve his lot and I, for one, am for that.

For instance, on the other side, the Farm Bureau testified on behalf of a bill by Senator Aiken and others to control some unfair trade practices and to allow farmers to get together for marketing in such a way that it won't violate the present law.

I am a sponsor of that legislation in the House, because I am interested not only in the worker but in the farmer who is going to employ the worker.

The Farm Bureau's statement in the Senate said, and I quote:

Producers want to work together to earn a higher net income in a market-directed economy.

Now, I think that that is a reasonable thing, and I hope that it comes about, and that you can do it. I particularly hope for that for the dairy farmers in my area of New Jersey, who are suffering terribly.

I don't know of a dairy farm in the area of New Jersey, which I represent, which would be organized if agricultural workers would be granted rights under the NLRB. I don't think there is one that employs enough workers at any time so that the unions would have any interest in it.

Mr. TRIGGS. First let me express our appreciation to the chairman for introducing H.R. 6172. What this bill and many similar bills do is to prohibit a buyer from discriminating against the farmer solely because the farmer is a member of a cooperative or bargaining association.

It does not require any farmer to become a member of a bargaining association, nor does it require any buyer to buy from the cooperative association.

Mr. THOMPSON. I subscribe to that philosophy. Now, if agricultural workers are allowed to organize or are brought into the NLRA, not one of them will be required to join the union. Not one of them will be.

Mr. TRIGGS. Mr. Chairman, the contract in the *DiGiorgio* case—I use that because it is the only one I know of——

Mr. THOMPSON. That is why we use it, too.

Mr. TRIGGS. It does require a union shop arrangement.

Mr. THOMPSON. How did that come about?

Mr. TRIGGS. By voluntary agreement. We will not oppose that by voluntary agreement.

Mr. THOMPSON. Your cotton farmers in the South, and I assume they are members of the Farm Bureau, they are the victims of a closed shop under the Cotton Act, aren't they?

Mr. TRIGGS. Mr. Chairman, you have got two questions before me.

Let me finish the first one, and then I will come to that one.

If this were all your bill H.R. 6172 does for farmers, if this were all that H.R. 4769 did, that is, to recognize the right of workers to join a union if they choose to do so voluntarily, and to prohibit discrimination against a worker solely because he is a union member, and if this were introduced as an independent bill, not as an amendment to the National

Labor Relations Act, I am confident we would not be here to oppose the bill, but 4769 does far more than that.

This is a miniscule part of the bill. It establishes the principle—it authorizes compulsory union and checkoffs—

Mr. THOMPSON. In what way?

Mr. TRIGGS. Because the National Labor Relations Act authorizes it.

Mr. THOMPSON. Compulsory unionism?

Mr. TRIGGS. Yes.

Mr. THOMPSON. That is not so, that is absolutely not so. This is an oblique return to the 14(b) question.

Mr. TRIGGS. Which I am glad to note is now dormant.

I haven't quite finished, though.

The bill before the committee includes authorization for I won't say "compulsory" but union shop.

Mr. THOMPSON. There is a difference, isn't there?

Mr. TRIGGS. And a requirement for checkoffs—

Mr. THOMPSON. If, as a matter of contract, checkoffs are agreed upon?

Mr. TRIGGS. And requires it applies to collective bargaining with a union, it includes hiring halls and preemployment contracts, and these are the parts of this bill that we are opposed to.

We are not opposed to the right of people to join an organization and protect their interests.

Mr. THOMPSON. What you are really saying is that you are opposed to the sections of the National Labor Relations Act which allow as a matter of national policy the organization of workers into unions.

Mr. TRIGGS. No, we are not opposing those features. We are not opposing the extension of those features to agriculture.

Mr. THOMPSON. You don't mind it at all as long as you are not required to bargain with them. They can join a union, and you are perfectly happy so long as you don't have to bargain with them?

Mr. TRIGGS. Most farmers in the country do bargain with their workers, will talk to a committee of workers representing the whole group, but that is quite a different proposition in our view as compared with the proposition of forcing them to deal with the union.

Mr. THOMPSON. I would credit most farmers with being willing to talk to their workers.

But some wouldn't in California. They wouldn't even talk to the clergy, but they, no doubt, represented a small group.

My questions are not based on any personal hostility.

Mr. TRIGGS. I appreciate that.

Mr. THOMPSON. Just from a deep conviction that you are as wrong as you think I am.

Now, Mr. Scherle, from Iowa, is here. He is not a member of the subcommittee, but he is a member of the full committee, and I would like to give him an opportunity to ask you questions.

Mr. TRIGGS. Let me comment, that I appreciate the gentlemanly treatment.

Mr. THOMPSON. I once had an agreement with the Farm Bureau. The agreement I had was with respect to the migration of the red-winged blackbird up the east coast. I have a very glowing letter from

them that I have framed, and I show it to people once in awhile to show that the Farm Bureau and I have agreed.

Mr. Scherle?

Mr. SCHERLE. Mr. Chairman, I have no questions.

I am here as a vitally interested spectator this morning.

Mr. THOMPSON. If you have any questions, please feel free to ask them. I realize you come from a farm area.

Mr. SCHERLE. A big one in Iowa.

Mr. THOMPSON. Mr. O'Hara?

Mr. O'HARA. Mr. Triggs, you say you are opposed to the application of the National Labor Relations Act to agriculture. Would you specify what provisions of that act you don't want applied to agriculture?

Mr. TRIGGS. We are opposed to the provision requiring the farmer to deal with the union.

We are opposed to the hiring hall arrangement.

We are opposed to the preseason employment arrangement, and we are opposed to the union shop.

Mr. THOMPSON. It may be a matter of semantics, but—

Mr. TRIGGS. It may be. The worker has little choice in the matter. That is what we are trying to give him.

Mr. O'HARA. If I may sum it up, you are not opposed to any provisions of the act, except the requirement that the farmer bargain with the labor organization once it is certified as the representative of the workers; right?

Mr. TRIGGS. This is the crucial point.

Mr. O'HARA. And you are opposed to the prehire arrangements and the union shop both of which would be possible if the NLRA is extended to cover agriculture. Is there anything else?

Mr. TRIGGS. Well, also to the preseason contract. This we would suggest, is inconsistent with the whole purpose of the National Labor Relations Act, which is designed to give workers a voice.

Mr. O'HARA. That is a part of the hiring hall—

Mr. TRIGGS. The preseason contract is entered into before the workers are employed. They would have no choice as to whether they wanted any representation or as to the terms of the contract.

Mr. O'HARA. Then we will add a fourth item to which you object: the preseason contract.

The requirement that the grower bargain with the labor organization, would only apply once a secret ballot election had been conducted and a majority of the employees had indicated that they wanted the labor organization to bargain for them with the growers.

Isn't that right?

Mr. TRIGGS. Not as long as these preseason contracts and hiring hall arrangements are in the bill.

Mr. O'HARA. At some stage we are going to have to have an election which goes through the regular certification procedure.

Mr. TRIGGS. I don't read your bill that way. It appears to exclude the necessity for an election when you have a preseason contract.

Mr. O'HARA. It is true that an agreement can be entered into under the NLRA without an election if the union and the employer voluntarily agree to it, but if the employer has a good faith doubt about majority status of the labor organization, he can request an election before he is under any obligation to bargain. Isn't that correct?

Mr. TRIGGS. This provision is voluntary so far as the farmer is concerned; yes, but we would presume that there would be many strikes over this very factor.

Mr. O'HARA. All the NLRA requires is that the bargaining take place after an election has established that the labor organization represents a majority of the employees. That is the only thing you are compelled to do under the act along the bargaining line. Is that right?

Mr. TRIGGS. That is correct.

Mr. O'HARA. What you are in effect saying is that you don't want the grower compelled to bargain with the organization, even though the organization has been selected by a majority of the employees. It wouldn't matter to you if every single employee of that grower wanted the union to bargain with him. You still wouldn't permit it to bargain with him?

Mr. TRIGGS. This is a correct statement of our position, Mr. O'Hara.

Mr. O'HARA. You have made a great to-do about the seasonal nature of this industry as the basis for opposing the application of the NLRA to agriculture, but you don't want to consider the problems of seasonality when it comes to a hiring hall arrangement.

Hiring hall arrangements generally do not exist in industries with a stable workforce. But such arrangements are very necessary where employment is seasonal and of a relatively short duration.

My recollection is that President Eisenhower proposed that the act be amended to establish hiring hall provisions for seasonal industries in general.

As a matter of fact, the Congress only did it with respect to the construction industry, but it did it because it felt that this was an industry that had a seasonal fluctuation in its employment pattern.

You are willing to say that seasonality poses particular problems that argue against NLRA coverage, but if coverage is extended to agriculture you wouldn't want any recognition of the seasonality factor in determining whether a hiring hall should be permitted?

Mr. TRIGGS. I think the committee is presented with the horns of a dilemma on this, because if hiring halls are approved, and preseasonal contracts, we abandon the thought that the workers themselves have anything to say about representation, or the contract.

On the other hand, if we are going to hold an election after the workers have come to work, the election is held, and the whole controversy is involved in the middle of the harvest season.

In our view, both alternatives are deplorable for farmers, and we just aren't going to choose between them.

Mr. O'HARA. Elections are conducted in almost all cases in an orderly fashion, without any significant interruption of the production in the particular industry. I don't see how the holding of an election under NLRB supervision in the agricultural industry would be any different.

Mr. TRIGGS. It would be followed by an attempt to negotiate a contract, and this is where the conflict would be.

Mr. THOMPSON. Mr. Fields, Executive Secretary of the NLRB, described the other day some of the efforts made by the NLRB in the process of having 25 million workers vote since the enactment of the act. He described trips by NLRB people to trawlers—in other words, out at sea—and in every conceivable place.

Obviously the NLRB has made a prodigious and successful effort to be where the workers are, and to facilitate the whole election process in an orderly fashion.

Mr. TRIGGS. I wouldn't argue that the election is not possible, the physical arrangement. I didn't intend to say that. I don't think I did.

Mr. THOMPSON. You just don't want it to happen?

Mr. TRIGGS. I just don't want it to happen.

Mr. O'HARA. With respect to the union shop provisions we have gone over all the points to which you object. This is something you and I are never going to agree upon, and there is no sense in beating it to death.

Mr. TRIGGS. That's right.

Mr. O'HARA. I do want to clear up the record on one point before we move on. The Labor Management Relations Act, does not permit compulsory union membership. We went all over that during debate on 14(b), and I am sure you will agree with my analysis. Under the provisions of 8(a) (3), as interpreted by the National Labor Relations Board and by the courts, even though the contract says that the worker has to join the union by a certain day and retain membership in the union, in fact he cannot be required to do so. He can only be required to pay the equivalent of initiation fee and dues to the union.

Mr. TRIGGS. He must proffer to pay the dues.

Mr. O'HARA. Yes, an equivalent amount of the dues.

Now, tell us if you would, how marketing orders under the Agricultural Adjustment Act—

Mr. TRIGGS. Marketing orders?

Mr. O'HARA. Yes.

Mr. TRIGGS. That is a pretty big order to ask me offhand.

The marketing orders provide a cafeteria of programs. Most of them relate to quality control, third-party inspection, and similar things.

The marketing order may provide for orderly marketing. In other words, a regulation of the number of cars shipped per week. It may provide—well, those are two of the key provisions.

In order to undertake a marketing order, normally two-thirds of the farmers must agree to it.

Mr. O'HARA. The marketing order will also frequently involve considerations of how much producers subject to the marketing order can produce.

Mr. TRIGGS. No.

Mr. O'HARA. And can sell?

Mr. TRIGGS. Can sell, although not a regulation of total sales, but a regulation of weekly distribution.

Mr. O'HARA. When a marketing order referendum is held among the producers and more than two-thirds of the producers of that commodity express their approval of the proposed marketing order, what happens to the less than one-third who don't want to go along?

Mr. TRIGGS. They must go along.

Mr. O'HARA. They must go along?

Mr. TRIGGS. I really need to point out a substantial difference here.

It is not compulsory that the members—that the farmers who are participating turn over to the marketing association the possession or the marketing of the crop itself.

The marketing order surrounds the marketing of the crop with certain restrictions, but there is no compulsory marketing mechanism provided.

Mr. O'HARA. But the practical effect of it is that once a marketing order is agreed to, producers in that industry must conform to the provisions of the marketing order?

Mr. TRIGGS. Yes. This takes the place in many instances, and is often preferred, because it is more flexible—it takes the place of a State law or a Federal law, really, relating to quality, packaging, and that sort of thing.

Mr. O'HARA. In addition, sometimes we have situations under marketing order procedures, where an assessment is made against, let us say, a hundredweight of pea beans, or whatever it may, be for trade promotion; right?

Mr. TRIGGS. There are some commodities for which an assessment for trade promotion is authorized by the act.

Mr. THOMPSON. Will the gentleman yield?

Mr. O'HARA. Yes.

Mr. THOMPSON. That is what I was referring to, of course, with the cotton farmer. He has absolutely no alternative. This is the equivalent of something that has been outlawed for some time under the NLRA, the closed shop.

The cotton farmer has absolutely no alternative but to contribute \$1 per bale of cotton for research and advertising. If he doesn't want to do it, that's just too bad. He has to do it.

Do you object to that?

Mr. TRIGGS. That reminds me, Mr. Chairman, I didn't answer your question, because I had too many questions in my mind to follow logically.

As you may know, Mr. Chairman, the farm bureau opposed the cotton checkoff bill, because we believed this was one more example of the subordination of the individual to the group.

Mr. THOMPSON. I am glad to hear that.

Mr. TRIGGS. Although we were not able to defeat the enactment of the proposal, we were able to—or the authors decided to include a provision to provide for the refund of an assessment that had been made on a farmer and deducted from his sales return. He can fill out a specified form and obtain a refund of that assessment.

The collection is compulsory, but the farmer can get the money back.

But even if the assessment were compulsory, this is not comparable to a closed shop or a union shop. The funds can be used only for two purposes: For trade promotion and research.

To be comparable with a closed shop, a union shop, we would have to have a situation in which all cottongrowers were required to turn over their cotton to a particular association for marketing.

Mr. O'HARA. Well, let's get back to the marketing order situation generally.

Is the organization you represent opposed to all of the marketing orders now in existence which as a practical matter require producers of that commodity to comply—

Mr. TRIGGS. We have opposed some marketing orders. We have opposed recently a proposed marketing order for turkeys, because we

felt that it in fact involved a control of turkey production, and we were opposed to that.

We were succesful in opposing that. Growers voted it down.

We have opposed from time to time a proposal for a national marketing order for potatoes.

Now, this is a little difficult subject to talk about, because the term "marketing order" is used for such a wide variety of programs; some marketing orders serve one purpose, some serve quite a different purpose.

We generally have favored those marketing purposes designed to establish quality standards, packaging standards, orderly marketing, and that sort of thing, but have opposed any use of the marketing order procedure as a basis for the control of production.

Mr. O'HARA. Yes; but on occasion you have supported marketing orders which have—

Mr. TRIGGS. And have supported legislation, and do support the bill, the legislation now in existence.

Mr. O'HARA. So the idea of compulsion doesn't totally outrage you. You feel it is proper, sometimes at least, if those minority growers who don't agree get stuck with the marketing order anyway?

Mr. TRIGGS. We don't think it goes as far as this bill before the committee.

Mr. O'HARA. I think the situation is analogous. Here we have a situation where a majority of the workers agree they want a union. All of the workers in the unit are then represented by the union and are bound by the contract whether they voted "Aye," or "Nay," in the secret ballot election, and they have to contribute dues or the equivalent of dues. I don't see a lot of differences between that and many marketing order situations.

But let us go on to the other subjects.

You have spoken of the terrible perils of increasing farm wages—bringing about mechanization, bringing about movement to Mexico, bringing about higher consumer prices. It seems to me that this is much the same sort of argument that occurred in connection with the bracero program, and as a matter of fact, in the 2 years since that time, we haven't seen the dire results that were predicted.

When we were talking about that program you said that all food and vegetable prices would skyrocket. Now you are confining yourself to those staples of the workingman's diet, asparagus and strawberries.

Mr. TRIGGS. I think you are misstating our position with respect to the bracero program. The bracero program was terminated at a time when farmers had already made substantial progress from some 445,000 braceros per year, in, I think, the year 1966, to about 177,000 per year in the last year of the program.

The adjustment that was made in 1965 was much less painful than it would have been 6 or 7 years earlier.

Mr. O'HARA. Yes, but I can recall very well, your arguments went to the question of all fruit and vegetable prices, and I would like to call your attention to some actual consumer index information as to what has happened to the prices of vegetables—

Mr. THOMPSON. Would the gentleman yield for one question?

Mr. O'HARA. Yes.

Mr. THOMPSON. What is your attitude toward the green card workers from Mexico who come back and forth across the border into Arizona and other States to work on crops?

Mr. TRIGGS. I don't know that we have any attitude toward that problem.

Mr. THOMPSON. Your members use them, don't they?

Mr. TRIGGS. Yes. They are people who have in the past applied for admission to the United States. They are eligible to become citizens of the United States just as an Englishman or German is if he immigrates to this country and wishes to become a citizen.

The unusual thing about it—

Mr. THOMPSON. Except, of course, if one intends to become a citizen, one must come and stay for a period of time. These workers commute.

Mr. TRIGGS. Well, some of them do, and—along border stations. Many of them commute once or twice a year.

Mr. O'HARA. If I can get back to the—the bracero program terminated, I believe, after the 1964 growing season.

Mr. TRIGGS. Yes.

Mr. O'HARA. For the years of 1965 and 1966 the Consumer Price Index for fruits and vegetables rose only 2 percent, which is less than the total increase in the Consumer Price Index during that same period. So in general I think it is safe to say that we didn't have any substantial price increase as a result of the termination of the bracero program.

Mr. TRIGGS. May I comment on that, Mr. O'Hara?

We are subjected to hearing it constantly said that farmers predicted disaster, the crops would rot in the fields if the bracero program were not renewed.

I suppose some farmers who were personally affected did say that.

We did not. We did say that the adjustment should have been made more gradually. We did say, and do say now, that substantial tonnages of crops would have been lost if the Secretary of Labor had not admitted substantial numbers of Mexican braceros in 1965 and 1966.

I think an adjustment has now been made, although I wouldn't say that in the case of an occasional instance, sugarcane in south Florida being an example, we can do without foreign labor without some painful adjustment.

Mr. O'HARA. I think that the adjustment wouldn't be very difficult. As you have pointed out, if farm prices rise too high, there is going to be mechanization, and that is something which none of us opposes.

I think it also ought to be pointed out that labor costs represent only about 7 percent of total farm receipts. Thus, even if there is a substantial increase in labor costs, it wouldn't represent much of an increase in total costs.

Mr. TRIGGS. Did you say 10 percent?

Mr. O'HARA. Seven percent.

Mr. TRIGGS. I think it is a little larger than 7 percent, but not much. It is in that area.

Of course, this varies by the kind of commodity you produce. If you produce grain, labor cost is a negligible proportion. If you produce strawberries, it is very important.

Mr. O'HARA. We are talking about all agriculture. I understand the gentleman from Michigan has to leave shortly. I would yield to him if he has a question.

Mr. FORD. Thank you.

I notice at the beginning of your statement, Mr. Triggs, that you pointed out to us that you are representing here 1,703,000 family members and 2,770 county farm bureaus.

Are you speaking for the Michigan Farm Bureau today?

Mr. TRIGGS. Yes. I am speaking on behalf of a policy in which the Michigan Farm Bureau participated in developing.

Mr. FORD. Has the Michigan Farm Bureau or its officers been asked specifically for a position on this legislation?

Mr. TRIGGS. No, sir.

Mr. FORD. Has the Michigan Farm Bureau been asked specifically to take a position on the question of whether farmworkers should be covered by the National Labor Relations Act?

Mr. TRIGGS. The Michigan Farm Bureau did participate in our national meeting, proportionate to their total membership, at which they had the same voice as other States with a comparable membership, and this policy was adopted with complete unanimity. There was no objection raised.

Now, we do not, after we have done that, then go back to each State farm bureau and ask them, "Do you agree with all these policies?"

We assume that since they had a role in developing those policies, that they agree with them, although each State farm bureau, by agreement with the American Farm Bureau, has the right to object to any particular policy that has been adopted at an annual meeting and to indicate that they cannot go along with it. No State has done so in this instance.

Mr. FORD. Who would have represented Michigan in the annual meeting? Would the State have been represented by an opinion poll taken of Michigan farmers, or would someone like Dan Reed be at the meeting and vote by a show of hands?

What do you have to show the support of your over 1 million members of a piece of legislation like this?

Mr. TRIGGS. I will tell you the ideal situation and admit that it doesn't always work.

Mr. FORD. With respect to this legislation, you say you are speaking for 1.7 million people who are opposed to this bill.

Now, how did you determine that a majority of those 1.7 million members you speak for are opposed to this legislation?

Mr. TRIGGS. We start out with a resolutions process at the county farm bureau level.

Mr. FORD. Were the county farm bureaus in my State of Michigan asked to take a position on this legislation, and have they been canvassed?

Mr. TRIGGS. There has been no poll taken.

Mr. FORD. Mr. Reed, a personal friend whom I don't often have the opportunity to agree with politically, and whom I have seen often since this session of Congress started and since this legislation was introduced, has never sent even a post card to me or said a word in our several conversations of concern for this legislation.

I wonder if you are speaking for the Michigan Farm Bureau when you tell us that farmers in my State are opposed to this legislation.

Mr. TRIGGS. I think we are, Mr. Ford.

Let me say that our policy—

Mr. FORD. That is based upon your interpretation of what you think general policy statements mean when applied to this specific legislation, and not a specific inquiry with regard to the legislation itself.

Mr. TRIGGS. No, we have a specific policy statement on the extension of the National Labor Relations Act to agriculture, have had it in our book for as long as I have been with the American Farm Bureau.

Each policy is subject to revision at each annual meeting, at which the delegates from the State farm bureaus may raise and do raise questions with respect to modification of any policy.

Mr. FORD. I would like to say that we do appreciate, I appreciated it when I was in the State legislature and I appreciate it here, that at the beginning of the year, before any legislation is introduced, we get a very compact and a very thorough little book from the Farm Bureau that gives us an opinion on everything that might happen, and I know of no other organization that gives us that much advance notice that they are going to be against or for something that early.

Mr. TRIGGS. That is the Bible I go by.

Mr. FORD. Your statement indicates on page 1:

Most of the farmers who would be affected by this proposal are Farm Bureau members. Farm Bureau is a general farm organization with 1,703,908 family members in 2770 County Farm Bureaus in 49 States and Puerto Rico.

Is DiGiorgio, Schenley, Hardin Farms of Texas, are they members of the organization? Are you speaking for them?

Mr. TRIGGS. I don't have any information yes or no. I would expect that they would be. The big farmers don't make very good members from our standpoint, because they tend to—

Mr. FORD. When you collect their dues, I am sure you will be interested in that.

Mr. TRIGGS. The very large farmers you refer to, and there are only a few of them, tend to be involved in other businesses, they tend to be more closely associated with chambers of commerce.

Mr. FORD. But are they not farmers who are most likely to be first affected by enactment of this legislation?

Mr. TRIGGS. Yes; I would say that. A great many of the commercial farmers are members of the Farm Bureau.

Mr. FORD. You don't have any knowledge that a member of the Schenley family works on one of your farms?

Mr. TRIGGS. No.

Mr. FORD. Now, with respect to the pre hiring arrangement.

One of your objections to this legislation was the preseason contracting. I notice that you are speaking here for the farmers in 49 States and in Puerto Rico.

A good many of the farmers that are members of your organization in several States that employed Puerto Rican labor, as a matter of fact, enter into preseason agreements regularly; don't they?

Mr. TRIGGS. Yes; this is correct.

Mr. FORD. The Puerto Rican agreements are probably the most sophisticated hiring agreements for the bodies shipped into the agricultural areas of this country. They cover wages, hours, working conditions, and living conditions, and the rate of pay is specifically set out by category; isn't it?

Mr. TRIGGS. Yes, sir.

Mr. FORD. Your farmers enter into that agreement with a broker, and he goes to Puerto Rico and recruits the labor through his organization there, and delivers people subject to a contract that they have no part in drawing up, and a contract that in fact was made long before the season starts.

Is this not true?

Mr. TRIGGS. Yes, sir.

Mr. FORD. Isn't that a preseason contract?

Mr. TRIGGS. Yes; it is.

Mr. FORD. It is not objectionable to you?

Mr. TRIGGS. I think it is warranted in that case, because these folks come from a far distance.

Mr. FORD. When you do it as a preseason contract, regardless of who the parties are or who was consulted about its contents, how does that kind of a preseason contract, in principle, fail to place the farmer at the same disadvantage that you indicated you thought he would be in if a labor union was involved?

Mr. TRIGGS. I think we would be concerned about the preseason contract if it were negotiated with a labor union representing the workers in Puerto Rico.

Mr. FORD. Then it isn't the fact that the contract is entered into before the season starts that bothers you, it would only be that the contract is entered into before the season starts and a labor union represented the employees in arriving at that contract?

Mr. TRIGGS. We are concerned with the unionization of farmworkers, yes.

Mr. FORD. Then when you offer preseason contracts as an objection to this legislation you don't really mean all preseason contracts are objectionable, only preseason contracts where labor organizations would be a party to the contract?

Mr. TRIGGS. That is correct.

Mr. FORD. I am not trying to be personal in this, but were you with the Farm Bureau when the Taft-Hartley Act was adopted?

Mr. TRIGGS. I was with the California Farm Bureau at that time.

Mr. FORD. Do you know what the position of your national organization was on the adoption of the Taft-Hartley Act?

Mr. TRIGGS. Well, in general, and that was a long time ago—

Mr. FORD. If I may refresh your recollection, you were very strong supporters of it.

Mr. TRIGGS. Yes.

Mr. FORD. Do you think the position of your organization has changed? Would you still say that your organization thinks the Taft-Hartley Act was a good law?

Mr. TRIGGS. Yes; because it was an improvement over the Wagner Act. That doesn't mean we endorse everything that was in the Taft-Hartley Act. We are strong supporters of the concept that workers should have a free choice to join or not to join a union.

Mr. FORD. I am sure that you know the Taft-Hartley Act was a complete repeal and rewriting of the Wagner Act, and that the NLRA which we have been talking about all during these hearings is the Taft-Hartley Act.

Mr. TRIGGS. Yes.

Mr. THOMPSON. And this is an act that your organization helped to pass.

Mr. TRIGGS. As being preferable to the Wagner Act; yes, sir.

Mr. FORD. All right.

At the time you endorsed this legislation, did you think it was good legislation, for the country, that it was a good national policy to have uniform regulations of dealings between labor and management so that we would, as many of the supporters of that act said, contribute to labor peace?

Mr. TRIGGS. I think, Mr. Ford, that we didn't go so far as to make any such assumption. All that our position was based on was that the Taft-Hartley Act was an improvement over the situation that existed then. That, of course, is the situation we commonly faced in all legislative matters.

Mr. FORD. Are you saying, then, that given the alternative between the Taft-Hartley Act and the Wagner Act, you would support the Taft-Hartley Act, but given the alternative between the Taft-Hartley Act and no labor legislation of this kind, you would prefer none?

Mr. TRIGGS. I don't know. We do believe that the Taft-Hartley Act should be amended in numerous respects.

Mr. FORD. But would you support its repeal?

Mr. TRIGGS. We supported the amendments of the Landrum-Griffin bill to the Taft-Hartley Act, but we have no position favoring repeal of the present legislation.

Mr. FORD. Let's put it this way: Do you feel it is to the best interests of this country to have a national policy governing the orderly methods of collective bargaining between labor and management, such as the Taft-Hartley Act provided for? Is that a good national policy?

Mr. TRIGGS. We believe it is desirable to have a strong labor movement in the United States—

Mr. FORD. I don't ask you for an opinion on whether organized labor is desirable. Is it desirable to have Federal law that makes uniform throughout the 50 States the regulation of the respective rights of labor and management, such as the Taft-Hartley Act?

Mr. TRIGGS. I don't believe we have anything in our policy that specifically deals with that question. Our policy deals only with those things that we would like to change. We accept the existence of the Taft-Hartley Act without specifically endorsing it or opposing it.

Mr. FORD. Do you think it is desirable that the people in the automobile industry, for example, are under the restraint of the Taft-Hartley Act not to engage in secondary boycotts?

Mr. TRIGGS. We believe in that prohibition as one desirable thing in the Taft-Hartley Act.

Mr. FORD. And would that be a desirable restriction on farmworkers, also?

Mr. TRIGGS. Certainly.

Mr. FORD. Would you feel other restraints against farmworkers, that the labor practices should be extended to the farmworkers as well?

Mr. TRIGGS. If there were an extension of the act to cover agriculture, we would favor that provision with respect to unfair labor practices; yes, sir. That is a big "if," you understand.

Mr. FORD. You do not understand that if this legislation is adopted all those restraints against unfair labor practices would be extended to farm labor?

Mr. TRIGGS. Yes.

Mr. FORD. And there is not any restriction at this time?

Mr. TRIGGS. Well, there is with respect to secondary boycott.

Mr. FORD. With respect to farm labor?

Mr. TRIGGS. Yes.

Mr. FORD. Do you believe that to be the fact today?

Mr. TRIGGS. I believe this is so provided in the Taft-Hartley Act by the amendments of 1947.

Mr. FORD. To correct you, the record is replete with the definitions here, but as a matter of fact, there is no legal restraint against the farmworker in regard to this act.

If he belongs to a labor organization which has in its membership employees who would be covered by the act, then by the fact of his association with those covered employees, he becomes subject to the restraints of this act, but if he is not defined as an employee by that association in the act, he neither receives the benefits, nor is he subject to the restraints of this act.

Now, do you think that that is a healthy situation, looking down the road, that is liable to produce peace between labor and management in this great industry that you represent, the farmers of America?

Mr. TRIGGS. I think that if the act is going to be extended to farmworkers, that all of the prohibitions against unfair labor practices should be applicable to unions in agriculture, but we are not favoring the extension of the act for this reason.

Mr. FORD. In your prepared testimony, sir, you included the article, from your appendix B, the article from the Wall Street Journal of May 1, 1967.

What caught my attention is this was the fact that the article actually is talking about American capital, and American food-processing companies who are taking the American capital to a foreign country and producing a product not for the market of that country, or for export to other countries, but a product that they are going to import back into this country.

Do you think that is an undesirable use of American capital?

Mr. TRIGGS. Not necessarily at all, but we do point out that in the case of Mexico, as an example, that there is a growing amount of American capital in the processing industry in Mexico, and that that product is coming back to the United States in competition with our own products.

This is not all undesirable, but an expansion of this endeavor, which might be encouraged by what we would consider to be the threat of unionization, would be harmful to American farmers.

Mr. FORD. Reading from your prepared testimony here, we have companies like Libby, McNeil & Libby, S&W, DiGiorgio, Del Monte, listed as companies that are using American capital to construct plants in Mexico for the purpose of producing and processing food for sale in the United States.

Do you think that we ought to be considering any restraints on this kind of foreign investment?

Mr. TRIGGS. We have no policy that would permit me to say that we should.

We do notice that an expansion of—let's say strawberries, as an example—in Mexico, an increased importing of fresh strawberries, and processed strawberries from Mexico into the United States, that there is a rising demand for import tariffs or restrictions on strawberries from Mexico, and there have been several bills introduced in both the House and the Senate on this point.

This disturbs us, because looking at the interests of agriculture as a whole, we have a major stake in expanding foreign trade—not protectionism.

Mr. FORD. I had already mentioned some of the names. It appears that some of the people who are doing this are members of your organization, but the particular thrust of the article that you presented to us as an exhibit is not criticism of what the potential danger might be in Mexicans growing strawberries and processing them and sending them up here, but the potential danger of the expansion of American companies which also own American farms, going into places like Mexico to raise specific crops, and, I assume, take advantage of whatever differences they seem to think are there, including the climate, and compete with their own American farmers.

The last paragraph of your exhibit says:

Ironically American dollars and technology have contributed heavily to the advances in European canning and agriculture that have made overseas foods competitive with U.S. products. Until recently, American exports were cheaper and of higher quality than European products.

As I read that, what the author is saying is that the real threat to the importation of foreign-grown products is not coming from foreigners, but coming from American capital engaging in this practice.

Now, separating the two, and I want to say that I agree with you, I am not a protectionist, either, and I don't think that would solve our problem. This committee has been concerned in another subcommittee with the growing use of American capital which goes to a foreign country, produces a product that is not even sold in that foreign country—for example, almost every computer that is sold by major companies in this country today is being wired in the—either Hong Kong or Taiwan.

We ship them there. Almost every toy that you can find now in the average toy shop in this city is manufactured by the big names in toy manufacturing in this country, and it now has at least some part of it manufactured in an American-owned factory, an American-owned factory in Taiwan or Hong Kong.

As a matter of fact, Mattel manufactures parts for the toys assembled in this country by their competitors.

This is American capital that goes to that country not to take any advantage of any world market or to expand outward in the world market or get our share of the world market, but to take advantage of the very cheap labor of Hong Kong and bring the product back in here to compete with American businesses.

Does this concern you in the same way that this article here seems to be of concern to you, when you consider other products, other than processed food products?

Mr. TRIGGS. Well, I have no policy in our Bible that would permit me, or direct me, to answer your question.

We do favor a free flow of capital, but this, I admit, is a problem—well, I just can't answer your question, Mr. Ford.

Mr. FORD. We in Michigan are intrigued by the General Motors ad for the Opel, which is being manufactured in Germany, and those of us that still live under the fiction of the automobile capital of the world are wondering about our American stockholders manufacturing those cars over there, and I don't think we are going to hear very much complaint from your industry about these imports if some of your major members are the people involved in making a profit. So I suggest that the exhibit that you have given us here may have some bearing on the overall problem that I have just enumerated but really, frankly, shouldn't be intermixed with the question of rights of American farmers and their employees to avail themselves of the collective bargaining process.

Mr. TRIGGS. We did not submit that exhibit as an argument against that practice.

Mr. FORD. Except this kind of article is the kind of thing, you see, from which you can quote, and scare the devil, if you will excuse the expression, out of the average family farmer, and that is what you have done with most of your testimony, and why I was concerned in the beginning as to whether or not you were speaking for the family farmers of my State.

I would be very much surprised if the farmers in my State, would subscribe to the very strong opposition you have indicated here to the concept of this legislation.

Mr. TRIGGS. I think they do, Mr. Ford.

Mr. THOMPSON. Mr. O'Hara?

Mr. O'HARA. Mr. Triggs, on the question of preseason agreements, Mr. Ford has brought out the facts with respect to the agreements involving Puerto Rican workers, I believe.

Isn't it also a fact, leaving Puerto Rican workers aside, that during the existence of the bracero program, the standard arrangement was the preseason agreement on what wages would be, what working conditions would be and so forth?

Those braceros didn't go willynilly about the countryside looking for work.

Mr. TRIGGS. There was an agreement between Mexico and the United States—

Mr. O'HARA. That is right.

Mr. TRIGGS (continuing). Setting forth in considerable detail the terms of employment. I don't say we favored it. We knew it had to be.

Mr. O'HARA. You supported the program, even though that was a part of it?

Mr. TRIGGS. Yes; we supported the bracero program even though that was a part of it.

Mr. O'HARA. Isn't it a fact that under present circumstances when a grower wishes to obtain seasonal farm labor the most usual practice, at least for the larger processor, is for him to make arrangements ahead of time with a crewleader—

Mr. TRIGGS. This is very common.

Mr. O'HARA (continuing). And the arrangements he makes prior to the harvest season will cover wages and working conditions?

Mr. TRIGGS. It is a contract voluntarily entered into.

Mr. O'HARA. So are these contracts between the labor organization representing the farmworker and the grower.

Mr. TRIGGS. Of course, in the case of the crewleader, the farmer sir, is not required to negotiate with the crewleader—he makes an offer, "This is my offer of employment."

The crewleader may make a counteroffer and they reach agreement. But there is nothing compulsory about the process, any more than the compulsion of one worker—

Mr. O'HARA. You are getting back to the compulsion to bargain.

The preseason arrangement is common in agriculture, at any rate with respect to harvest workers, and you don't object to the preseason arrangement that Mr. Ford brought out?

Mr. TRIGGS. There are all sorts of preseason arrangements made.

Mr. O'HARA. All right.

Let me get back to S. 109 for a minute.

S. 109 would permit—indeed, would encourage—the development of agricultural marketing programs and the growth of marketing associations.

As I understand it, the association would then bargain with the processor.

Mr. TRIGGS. There are many bargaining associations in existence now, sir.

Mr. O'HARA. That is correct.

Now, could you envision a marketing association and a processor, entering into a contract under the terms of which the processor would agree to buy only from members of the association?

Mr. TRIGGS. I suppose that could happen. I don't know of any circumstances where it happens now. Bargaining associations are at the best a very weak weapon.

Mr. O'HARA. Doesn't it happen nowadays quite often in milk?

Mr. TRIGGS. There may be some instances. I don't know. By and large, the bargaining association is a fairly weak instrument, and it just doesn't have the power and strength to monopolize the selling of the commodity, or to enter into any kind of exclusive relationships. This is the general situation.

I couldn't say that it never existed.

Mr. O'HARA. But at any rate, if the situation were such that the marketing association can obtain such an agreement from the processor, you wouldn't object to that, would you?

Mr. TRIGGS. I don't suppose we would. There are all kinds of exclusive relationships in the business community, where a supplier of General Motors enters into an exclusive contract to provide that particular part.

Mr. O'HARA. But you do object to any contractual arrangement, such as in the hiring hall, under which the grower would agree to deal only with the members of the labor organization?

Mr. TRIGGS. Yes. On the point that you raise, I would think that if bargaining associations ever got to be strong enough, that they could foreclose and monopolize the market and keep other growers out of the market, and that this then would be a problem that we would have to look at and maybe the Congress would have to look at.

The fact of the matter is that bargaining associations have not obtained that degree of economic strength, and I very frankly doubt that they ever will.

Mr. O'HARA. You are not willing to wait for farm labor organizations to achieve that degree of strength before you establish restrictions.

You know the farm labor organizations don't amount to a hill of beans right now.

Mr. TRIGGS. That's correct. Our members frankly fear that if the farm labor associations were to obtain this authority provided in this act, that they would become a very potent influence in the agricultural picture.

Mr. O'HARA. You are not willing to wait until they do, as you are in the case of the agricultural marketing association?

Mr. TRIGGS. No, sir.

Mr. O'HARA. Let's pursue S. 109 for just a minute.

You are in favor of S. 109 not because you favor associations. You have an ultimate objective, I take it.

Mr. TRIGGS. Yes.

Mr. O'HARA. What do you think the ultimate benefit to farmers will be of farmer marketing associations?

Mr. TRIGGS. As you of course appreciate, Mr. O'Hara, one of the fundamental problems in agriculture is that farmers have inadequate market power, because they consist of many individuals dealing with a comparatively few buyers.

We hope that by promoting the organization of bargaining associations farmers will get a little stronger voice in the market picture.

Mr. O'HARA. And they will use that stronger voice toward what end?

Mr. TRIGGS. To get the market price.

Mr. O'HARA. To get better prices?

Mr. TRIGGS. Yes. We don't believe that a cooperating marketing association can, or ever will be able to fix the price at the level they choose. Their role is to try to find where the market price ought to be on the basis of a complete examination of the marketing situation facing a particular commodity.

Mr. O'HARA. Certainly, but the immediate objective is higher prices?

Mr. TRIGGS. Yes, sir.

Mr. O'HARA. And you can see that that might in some instances result in higher prices to the consumer?

Mr. TRIGGS. No. [Laughter.]

Mr. THOMPSON. Would the gentleman yield?

Mr. O'HARA. Yes.

Mr. THOMPSON. Who is going to absorb the increased price that you are going to get?

Mr. TRIGGS. I don't think we will get an essentially larger price. I don't think that the economic strength of the bargaining association under the most favorable associations will ever permit it to write the price.

It will permit it to get, we hope, the price that is warranted by the market, and sometimes prices are lower than are warranted by the market.

Yes, the consumer will pay—

Mr. THOMPSON. I understand that, but let's assume that you get more strength at the marketplace, and therefore get higher prices, and I am for this.

Who is going to absorb the higher prices?

Mr. TRIGGS. It will be passed along to the consumer. It will be hardly discernible in the total, but it will be passed on.

Mr. THOMPSON. What effect would increased wages, where they are an average of 7 to 8 percent of the cost of productivity in agriculture, what substantial effect do you envision that that would have on consumer prices?

Mr. TRIGGS. I think our statement does not make a big pitch for the impact on consumers. I do not think it will have any major impact on consumers. There will be some increase in prices, depending on the extent to which workers through unions authorized by this law might be able to write terms and conditions of employment.

Mr. O'HARA. Just one more question, and then I think I will be through.

If producers could effectively band together in a farm marketing association, the processor who buys from them, if he is going to stay in business, is going to have to bargain with that association. He won't be able to maintain production because there won't be enough people outside the association for him to buy from.

Ideally, I think that is the way you would envision it working.

For instance, in my own area, almost all of dairy farmers belong to the Michigan Milk Producers Association. The distributors have to bargain with them, and indeed they do.

As a practical matter they have to, and that is how they determine how much they pay for their milk.

By the same token, if the bean producers in my area who produce 90 percent of the pea beans in the United States were to band together effectively, Stokely-Van Camp, Heinz, and the rest of the people who buy large quantities of pea beans would have to bargain with the association.

So with respect to your objections, you don't really mind too much if processors have to bargain with processing associations, but you do object when growers have to bargain with workers associations.

You don't mind hiring halls or pre-season agreements when they involve braceros, but you do object when arrangements are made under the NLRB, or with a crew leader—with respect to the union shop, and the obligation of the workers to support the union, and abide by the arrangements the union makes with the employer when the majority want to do so.

Now you object to that, but you don't object to marketing orders that put farmers—

Mr. TRIGGS. You ask me a lot of questions.

Mr. O'HARA. I am not asking, I am summing up.

Mr. TRIGGS. A bargaining association is voluntary, no farmer is compelled to join it, no processor is compelled to deal with it.

Now it is theoretically possible, theoretically possible, that a sufficiently large percentage of growers would join the bargaining association that they would have almost a monopoly position as sellers.

That is theoretical, but it doesn't happen.

Thinking of the two strongest bargaining associations I know of, the California Canning Peach Association and the California Canning Pear Association, they don't have all the growers by a long ways, maybe 50 or 60 percent of them, and they don't have the ability to write the contract to determine the price.

They do have a better voice in it than they would in the absence of a bargaining association.

Mr. O'HARA. Glenn Lake, who is the president of the Michigan Milk Producers Association and a former constituent of mine, sits down with Sealtest and the other dairies in the Detroit milk area, and he bargains with them, and they determine the price, and that's the price that is paid for the milk for everybody.

Mr. TRIGGS. I think there are possibilities in the dairy industry for a more effective bargaining function than in most industries.

Mr. O'HARA. I would suggest that the objections you have to this legislation you are not willing to apply to other situations, but only in this situation, and I think that the questioning and the responses have made this clear.

I would like to make just one further observation, and that is your fear of labor stoppages, strikes, disruption, and so forth.

Last year under the NLRB covered industries, 25 million man-days were lost due to work stoppages. That represents less than .2 of 1 percent of total worktime. Thus, if the agricultural exemption is withdrawn I don't think the work stoppage problem would be of the magnitude you suggest. Furthermore, not being covered by the act is no guarantee against a work stoppage, is it?

Mr. TRIGGS. No.

Mr. O'HARA. And I am not at all persuaded that there would be more work stoppages if NLRA applied than if it did not.

Mr. TRIGGS. I think there would be. It is a difference of opinion.

Mr. O'HARA. I think that is a debatable report.

Mr. TRIGGS. Yes, it is. But the income picture of farmers and the productivity per worker picture in agriculture is simply not enough to pay for what we expect the unions would demand.

Mr. O'HARA. On the productivity argument, you pointed out wages went up about 80 percent, and productivity went up about 150 percent. But you say, "Ah, yes; but that productivity increase is not due to the workers, but to the mechanization."

In the auto industry, do you think the workers are trimming bolts faster than they used to? Do you think steelworkers are running on the job instead of walking?

The human male hasn't changed much in 16 years.

Productivity is due to a lot of things, but we say in other areas of endeavor that the workers are entitled to share in the productivity increase, and I don't think you can prevent a similar increase for the agricultural worker by saying he is not a better worker.

Mr. TRIGGS. If the production per man-hour was as much as it is in industry, then the wage rate in agriculture would be far higher than it is, and in time we may get to that point.

Mr. O'HARA. At any rate, I think they are entitled to share in some of the productivity gains that have been made.

Mr. Chairman, I have taken too long anyway. Thank you, Mr. Triggs. I have had a very interesting day.

Mr. TRIGGS. I appreciate the courtesy of the committee.

Mr. THOMPSON. Mr. Triggs, I just wanted to add to something that I asked earlier, and to add a statistic to the record with respect to the "Green Card" workers from Mexico.

On January 11, a sample count was taken of the daily commuters from Mexico and they numbered 43,000 daily.

In Arizona 5,600, nearly 17,000 in California, just a handful, 17, in New Mexico, and nearly 20,000 in Texas. So you see that this problem is not quite so simple as to say that they commute largely on a semi-annual basis.

Mr. TRIGGS. Your statement is quite correct. The elimination of daily commuting would certainly change the situation. I suppose in that case most of them would commute just twice a year instead of daily.

Mr. THOMPSON. Thank you very much, Mr. Triggs, for your patience.

Our next witness is Mr. Richard O'Connell, the Secretary of the National Council of Farmer Cooperatives.

STATEMENT OF RICHARD O'CONNELL, SECRETARY, NATIONAL COUNCIL OF FARMER COOPERATIVES

Mr. O'CONNELL. I have a brief statement, and I won't keep you from your strawberries romanoff.

Mr. THOMPSON. I am going to have a Michigan product, cherries jubilee.

Mr. O'CONNELL. I wish you would, the crop is very large.

I am Richard T. O'Connell, Secretary of the National Council of Farmer Cooperatives. The national council is a nationwide federation of farmers' business associations engaged in the marketing of agricultural commodities or the purchasing of farm production supplies, or both, and of State cooperative councils. The organizations making up the council are owned and controlled by farmers as the marketing and purchasing departments of their farm business operations.

As we understood H.R. 4769, it will extend the provisions of the National Labor Relations Act to agricultural employees. We further understand that if this measure is enacted into law that a farmer may be forced to bargain with labor organization whether or not the status of a labor organization has been determined by the wishes of the majority of his employees; that employees continued under employment will be required to become union members on the seventh day of employment if they are to hold their jobs; that a farmer will be required to go to the union hiring hall and give preferences to the workers referred by the union and quite probably under the qualifications determined by the labor organization; and there may be established a seniority system for workers employed as agricultural laborers.

From the standpoint of an organization representing farmer cooperatives, we fail to understand the reasoning behind the so-called protection of the National Labor Relations Act. Basically, labor unions and farmers cooperatives have similar goals—the increasing of the bargaining power and improved income for their members through joint action.

Farmers who belong to farmer cooperatives do so voluntarily. There is no organization from the "top down" in a farmer cooperative, which we believe possible for covered industries under the National Labor Relations Act. Farmer cooperatives are owned and controlled by farmer members. They join or withdraw on a voluntary basis, depending on the economic benefit they derive and their belief in the type of operation.

We question whether we would want such an arrangement among farmers and their cooperatives as organized labor wants for farmworkers—the mandatory requirement of belonging to an organization.

We believe the voluntary route to encourage farmers to become members of the cooperative, because of the real merits of this type of action, and much more difficult, I might add.

The records show that this has been reasonably successful. The latest estimate by the Bureau of the Census indicates there are an estimated 3.1 million farmers (1964) and 60 percent of the farmers hold 7.1 million memberships in farmer cooperatives (1965). And I don't believe the error will be over 3 percent when comparing the two different years.

The average farmer belongs to at least two cooperatives, voluntarily and with no other encouragement than an opportunity for economic betterment.

Farmers, in organizing their cooperative, expect and receive encouragement from the Federal Government in carrying out their activities. We believe labor organizations should have the same encouragement. But we question the "protection" of agricultural laborers when recent history has shown the inability of labor unions to organize many farmworkers on a voluntary basis.

Most people join organizations for selfish reasons—to improve their economic position. The lack of success of labor unions to organize farmworkers in previous attempts indicates that workers themselves are not overwhelmingly enthusiastic about organizing into a union.

It is our contention that those who believe that the agricultural laborers are an unfortunate group and need improvement, and if the agricultural workers themselves believe the same, then there certainly is a sufficient stimulus to entice the workers to join an organization for their economic betterment. We support this approach if they so wish to move in this direction.

We see serious repercussions in agriculture if the exemption to the National Labor Relations Act is removed. Agricultural operations and industrial operations are not identical. When a strike occurs in industry, machines can be stopped by shutting off the power, the fires can be banked in a steel mill and the doors closed leaving only requirements for minimum maintenance. There is an adverse affect on management and labor in these situations, sales and profits decline, wages are stopped and there is economic difficulty for the worker. But rather rarely is there deterioration of capital and its earning power.

Now let us look at agriculture.

When a farmer plants his crop, or has an orchard, which takes 3 to 7 years to come into full production, no switch, no banking of fires, no reduced sales, no drawing money from strike funds, will occur.

What you will have is complete collapse of the farmer's operation, if a strike occurs at a time when harvesting must be done.

Harvesting is not something like a steam shovel for which the power can be shut off, and with a minimum amount of maintenance until the strike is over, be started up again and continue at the same level of efficiency as when the strike began.

Frequently, 2 to 3 days' delay in the harvesting of a crop will either reduce the quality of the crop, thus reducing the income of the farmer, or it will be completely destroyed.

If unionization comes among farmworkers, at harvest time the farmer will have two alternatives, either capitulate to any union demand or witness a collapse of his farming operation. These limited alternatives available to the farmer in a situation where a dispute exists, eliminates any basis for believing that equality of bargaining power can exist between a farmer and a union.

In conclusion, we believe that significant differences existing between agricultural and industrial operations, the perishability of farm crops, and the disparity in bargaining power between a farmer and the combined forces of organized labor are forceful arguments for the retention of the agricultural exemption under the National Labor Relations Act.

Therefore, we recommend this committee defer action on H.R. 4769.

We appreciate the opportunity to make this statement.

Mr. Thompson. Thank you very much, sir.

Mr. O'Hara, I know you have to leave shortly. Do you have any questions?

Mr. O'HARA. I want to thank the witness for appearing. His statement is one that expresses an honest point of view in a temperate manner, even though it is not one that I find myself in agreement with.

I notice you were here all during the testimony of Mr. Triggs.

Mr. O'CONNELL. Yes, sir.

Mr. O'HARA. There was extensive discussion with Mr. Triggs about the points he made, and you heard Mr. Triggs' responses to the questions from the committee.

Were there any of those responses that you recall that you disagree with, or take exception to?

Mr. O'CONNELL. Mr. Triggs was on for 2 hours and 10 minutes, and I cannot recall all his responses.

Mr. O'HARA. You don't recall offhand—

Mr. O'CONNELL. I can't think of any.

Mr. O'HARA. Assuming we asked you all the same questions we asked Mr. Triggs. [Laughter.]

Mr. O'CONNELL. I might comment on when Mr. Chavez was here, and I am not saying our information from California is complete, accurate or unemotional, but in his planning to obtain representation for his workers on a voluntary basis, he was in the process of building a very good program.

In fact, as I understand it, he didn't plan to make his move with DiGiorgio, Schenley, or anyone else in the Delano area until 1968. He was building some collateral forces with the gas station and credit union when AWOC came in and muddled the waters.

One big problem you have in California and one thing which concerns us is the jurisdictional dispute.

If I understood Mr. Chavez correctly, one of his greatest problems was not with the growers in the Delano area, but with other unions involving jurisdictional disputes.

I don't know whether you made that point specifically with Mr. Triggs, but if Mr. Chavez or those like him can build up an organization like he is building on a voluntary basis and if they wish to negotiate with a farmer and even bring in persons such as Professor Haughton, for arbitration, we have no objection to this. As I under-

stand it, Professor Haughton said that one of the beauties of the DiGiorgio contract was that it was strictly voluntary.

Mr. THOMPSON. You realize that if farm workers were under NLRA that pulling and tugging between labor unions would be an unfair labor practice?

Mr. O'CONNELL. But in the meantime the farmer would suffer adversely.

Mr. O'HARA. That is part of the problem, and I would agree with you on that point. But I would further observe, as Mr. Thompson has, that this problem has occurred outside of the NLRA and if anything, the application of the NLRA to the industry would result in a lessening of that problem.

Mr. O'CONNELL. Unless I am not reading things correctly, the jurisdictional problem is growing significantly among unions.

Mr. O'HARA. There is no protection now against that. If the Labor-Management Relations Act were to be applied to agriculture, the grower would have some protections against that sort of thing.

The act provides that once a particular union has been certified as the collective bargaining agent for a particular group of workers, competing unions are placed under certain restrictions with respect to their own actions.

Mr. O'CONNELL. For a period of about 1 year, I believe, but there is nothing stopping them from contacting the workers in that year.

Mr. O'HARA. No, no. There are several restrictions. First, if there is an existing contract arrived at under the certification procedure, the competing union cannot picket for the purpose of organizing those same workers.

Secondly, if there has been an unsuccessful effort to obtain NLRB certification, for 12 months thereafter the union would be prohibited from using organizational picketing.

That is my understanding without checking back on the law. Consequently, the grower has more protection with NLRA coverage than he does without it. I concede that jurisdictional disputes are a problem, but I say the problem is not worsened by the adoption of this legislation.

It would be somewhat improved from the growers' standpoint.

Mr. Chairman, I don't want to keep Mr. O'Connell. He has been sitting here with us all morning and I don't think we ought to pester him.

I just think that there is a simple difference of opinion.

Mr. THOMPSON. I promise not to pester him. I just have a few questions.

I don't understand on page 1 of your statement, where you say:

We further understand that if this measure is enacted into law that a farmer may be forced to bargain with a labor organization whether or not the status of the labor organization has been determined by the wishes of the majority of his employees.

What do you mean by that?

Mr. O'CONNELL. As I interpret your bill, Mr. Chairman—

Mr. THOMPSON. It is Mr. O'Hara's bill.

Mr. O'CONNELL. Excuse me—Mr. O'Hara's bill—the pressure could be placed on the farmer by union representatives and if the farmer as a single employer was not able to withstand that pressure then he

could sign a contract with the union, whether or not his employees vote for that contract.

Mr. THOMPSON. He can do that now.

Mr. O'CONNELL. It was my understanding DiGiorgio had an election to determine which union they wanted.

Mr. THOMPSON. But before they did, they had signed with the Teamsters.

Mr. O'CONNELL. I am misunderstanding it then. He had signed for an agreement, and the election would take place 30 days afterward.

Mr. THOMPSON. That was the second election—the second time, rather.

Mr. O'CONNELL. I stand corrected then, Mr. Chairman.

Mr. THOMPSON. I don't think you realize, either, Mr. O'Connell, with respect to the prehire, this is entirely voluntary on the employer's part.

Mr. O'CONNELL. It may appear to be voluntary, Mr. Chairman, but in order to get workers it may not be so voluntary. If he has only one source of workers—

Mr. THOMPSON. He uses prehire contracts now in a very real sense.

Mr. O'CONNELL. That's right, and it is on a voluntary basis.

Mr. THOMPSON. And it would be here.

Mr. O'CONNELL. Not necessarily.

If an organization was able to sign up most of the workers, a majority of the workers, and I think this is feasible if this act is passed, then the farmer would not have a choice.

Yes, he would have a choice, "either/or," "Take these or none." That is the choice.

Mr. THOMPSON. I happen to think that the organization which you represent is not only necessary but very healthy, and I have an enormous amount of respect for them, and I agree with your statement fully where you point out the voluntary nature of them.

I might point out, too, that whether or not you believe it, the question of membership in a labor organization is equally voluntary. There are some 60 million people in the job market in the United States today, and only about one-fourth at the most are organized, belong to labor unions.

There is no indication that—or perhaps I have gotten Mr. Twigg's statement mixed up with yours.

Mr. O'CONNELL. It is Mr. Triggs, Mr. Chairman—

Mr. THOMPSON. I was thinking of that English model. (Laughter.)

Mr. Triggs is a little heavier, everywhere. (Laughter.)

Here is the statement. You say :

But we question the protection of agricultural laborers when recent history has shown the inability of labor unions to organize many farmworkers on a voluntary basis.

I can't for the life of me—first, you would oppose their organizing when you consider that they won't organize, and second, of course, you do ignore the terrible difficulties which were encountered by Mr. Caves and his colleagues and the restraints which were placed on them by hostile police forces, hostile prosecutors.

If you believe just one-half of the testimony which Mr. Chavez and his colleagues presented to us, then you must believe that they have an extremely tough row to hoe.

Mr. O'CONNELL. I think there were two questions there, Mr. Chairman. The reason this sentence is in there about the inability of labor organizations to successfully organize the farmworkers is that if farmworkers really wanted to belong to the unions, I think the demand would be great for them to do so.

So the demand, in our view, is not coming from the farmworkers, and it is not coming from agriculture.

Mr. THOMPSON. Where do you think it is coming from?

Mr. O'CONNELL. I think it is coming from the labor organizations. Farmworkers are the last large group of employees to be organized.

Mr. THOMPSON. What is your opinion, sir, as to the economic status of the agricultural worker?

Mr. O'CONNELL. In relation to the farmer, I think it is the equivalent.

Mr. THOMPSON. You think the farmer is that hungry and that deprived?

Mr. O'CONNELL. I am saying in terms of investment and return on capital, and there are exceptions to this, the average farmer is not in the same financial position as the farmers which have been cited frequently in these hearings.

Mr. THOMPSON. You don't really believe, do you, that the average farmer in the United States is going to be subject to an attempt to organize his workers when he has—if Mr. Triggs' statement is accurate—so few workers, hired workers?

Mr. O'CONNELL. I think the average farmer in the fruit and vegetable industry will be organized if this legislation is passed.

You asked a question of one of the witnesses—

Mr. THOMPSON. You can't really believe that if you don't believe that the workers won't voluntarily join the union, sir.

Mr. O'CONNELL. Those same workers in the fruit and vegetable industry—and this is going to cover most of the workers involved in these industries. If I recall a question that was asked, or a statement made by one of the previous witnesses, the implication left in my mind is that 2 percent of the farms pay 67 percent of the total agricultural wage.

Mr. THOMPSON. That statistic, I believe, is accurate.

Mr. O'CONNELL. The implication I believe remains is that this legislation would only cover these large corporate farms, or factories in the fields. In Mr. Triggs statement, if I can remember the data accurately over 50 percent of the man-days used in agriculture is in the fruit and vegetable industries. Therefore according to the U.S. Census for Agriculture in 1964, there was a total of 23,223 farms typed as commercial vegetable farms and 57,255 typed as fruit and nut farms.

This totals roughly 80,000 farmers. These 80,000 probably cover 60 percent of the wage bill in agriculture.

There are 3.1 million farmers in the United States, and 2 percent of this total is about 60,000 farms. The statement by itself, Mr. Chairman, of the 2 percent of the farms paying 67 percent of the agricultural wage bill is correct, but I think it leaves an implication that these are only large farms.

The average farm in the United States in tree fruit production is 19 acres, and the average vegetable farm has 23.4 acres.

Farms of 19 and 23 acres are not huge corporate farms.

Mr. THOMPSON. Of course not. The little ones aren't the ones that are going to be organized?

Mr. O'CONNELL. Yes, sir; because they are going to use 50 or 60 workers or even a hundred workers during a period of about 6 weeks.

Mr. THOMPSON. If that is the case, then they probably would make an effort—

Mr. O'CONNELL. But their average gross income was \$7,536 in 1964. That is—income for the family management and return on investment.

Mr. THOMPSON. What was that?

Mr. O'CONNELL. The average income from vegetable farms in 1964 was \$7,536. That is vegetable farms, not for tree fruit farms. I wasn't able to interpolate the data on the tree fruit reflecting their income, because it was in pounds or tons. There were too many variables in the prices of the different commodities in fruits to obtain the average income.

Mr. THOMPSON. I have no further questions, and I thank you for your statement, and I appreciate the fact that we did take a long time with Mr. Triggs.

Mr. O'CONNELL. It is quite all right.

Mr. THOMPSON. Quite logically, you might not agree with every answer of his, but we would follow largely the same line of questioning with you, so it would be largely repetitious.

Mr. O'CONNELL. We want to keep our autonomy as an organization.

Mr. THOMPSON. I appreciate that. We are not trying to identify you with his organization or his answers.

We know he is flatly opposed to the legislation, and you simply ask that we defer action on it. [Laughter.]

I don't know for how long. There is a rule against perpetuity, you know.

Mr. O'CONNELL. I will be happy to discuss that with you.

Mr. THOMPSON. Well, thank you very much.

We will now recess these hearings. We hope to go on a field hearing soon, and, if indicated, will possibly return to Washington for further hearings.

The subcommittee will now adjourn, subject to call of the Chair.

(Whereupon, at 12:53 p.m., the subcommittee adjourned subject to the call of the Chair.)

(Mr. Cesar Chavez submitted the following material, reference on p. 70:)

SIERRA VISTA RANCH,
BORREGO FARMS.

DEAR FRIEND: As you probably know, you are eligible to vote in the election to be held at Sierra Vista Ranch on August 30. The polls will be open from 7:00 a.m. until 10:00 p.m. We think that it is important that you vote if you possibly can and we will help provide transportation if you need it.

Di Giorgio has agreed to this election because the Governor desired it, and because we think it will put an end once and for all to the harassment of Di Giorgio employees. Chavez has agreed to stop his picketing and name-calling if he loses the election.

The ballot will be printed by the American Arbitration Association, which will conduct the election. The ballot will have three choices: NFWA-AWOC, no union, and the Teamsters Farm Workers Union. We think that you should vote for the Teamsters Farm Workers Union.

You are eligible to vote, but you must appear at the voting place in order to vote. We hope that you do vote. The majority of your fellow employees have indicated that they want a union to represent them. We think you should have a union if you want one. A vote for no union is a wasted vote. Before you vote, however, please consider very carefully how you should vote.

Why does Di Giorgio care how you vote? For several reasons Di Giorgio cares very much. Di Giorgio must bargain with the union which wins, and reach an agreement with it. Di Giorgio has dealt with the Teamsters in many places for a long time. More than 600 of Di Giorgio's non-agricultural workers are Teamsters, and we have signed many contracts covering these employees.

We have found that the Teamsters are a responsible union. They are too—but they are fair. They do not resort to name-calling and phony strikes. They don't have to. They also represent a lot of cannery workers and some agricultural workers.

There is no need for us to tell you about the tactics used by Chavez and the NFWA because you have seen them. We very much regret the harassment and unpleasantness his agitators have put you to for the last 10 months and we hope by this election to settle the matter, as we have said. We think that he NFWA-AWOC has nothing to offer you and we think that it would be a mistake to vote for them.

Your vote is very important because this election will be decided by the majority of those actually voting. So please make an effort to vote. I think your best interests would be served by voting for the Teamsters, but the final decision is up to you.

Sincerely,

R. L. MYER, *Director of Personnel.*

E. C. FONTANA, *Superintendent.*

SIERRA VISTA RANCH,
August 29, 1966.

To Our Employees:

Some of you may have seen the latest editions of the phoney right to work "newsletter". This piece of trash is definitely *not* put out by Di Giorgio. We don't know who is putting it out, but we are trying to find out. One of the newsletter bears the name of Gary Allen. Gary Allen called Dick Myer Saturday and said that he knew nothing about it—The newsletter is a complete phoney and we urge you to pay no attention to it. It may be put out by some nut. As we have said before, put it in the wastebasket with the rest of the garbage.

We also hear that NFWA is claiming an "overwhelming" victory in the balloting at Borrego Springs. The facts are that 22 people voted and the ballots will not be counted until August 31. So the NFWA claim is a typical NFWA rumor wholly without any foundation in fact.

In tomorrow's voting, we urge you to vote for the Teamsters Farm Workers Union. We know the Teamsters are a responsible union, with money and experience to back up their members, and to look out for their interests.

Also, keep your patience: We know that the past few weeks have been trying times, and we very much appreciate your cooperation.

Sincerely,

E. C. FONTANA, *Superintendent.*

P.S.: Remember that a "no union" vote is a wasted vote. Vote Teamster.

JUNE 23, 1966.

To: Employees of Sierra Vista Ranch.

Employees of Borrego Farms.

The ballot for voting tomorrow will look something like this:

Do you want to be represented by a Labor Union?

Yes ☐ No ☐

If you do want a union, which union do you want to represent you?

You should mark an "X" in either the yes or no boxes, and you should write in the name of the union you prefer. You can write in any union you want to, including Teamsters or the National Farm Workers Association, even though they have not consented to this election.

Remember, this will be a *secret ballot*, and your right to vote will be protected.

R. L. MYER.

AWOC	TEAMSTERS	NFWA	OTHER
☐	☒	☐	☐

WE, THE WORKERS, WANT THE TEAMSTERS, THE UNION THAT CAN HELP US.

WE DON'T WANT THE N.F.W.A., ALL THEY HAVE TO OFFER IS A PICKET LINE.

DON'T VOTE N.F.W.A., YOU MIGHT FIND YOURSELF ON A PICKET LINE, OR

ON SOME LONG MARCH FOR CIVIL RIGHTS!

APPENDIX

STATEMENTS AND LETTERS FROM PROPONENTS OF H.R. 4769

STATEMENT BY STEVE ALLEN, FOUNDING MEMBER, NATIONAL ADVISORY COMMITTEE ON FARM LABOR

I appreciate the opportunity to submit this statement on behalf of the National Advisory Committee on Farm Labor, a voluntary, nonprofit organization of which I am a member, and whose purpose is to gather and present information about farm labor practices and policies.

"The committee discussed this matter carefully in executive session and decided not to include agricultural workers. *We hope that the agricultural workers will be taken care of * * * I am in favor of giving agricultural workers every protection*, but just now I believe in biting off one mouthful at a time. If we can get this bill through and get it working properly, there will be opportunity later, and I hope soon, to take care of *the agricultural workers.*"

These were the words of Representative Connery, sponsor of the bill that in 1935 became the National Labor Relations Act. It is now 32 years since Congress took its first bite, and agricultural workers have been excluded four times since, when the Act has been amended.

The father of the National Labor Relations Act, Senator Wagner, had included farm workers in his draft of the bill; when it emerged from Committee they were specifically excluded for "administrative reasons."

Denied the reasonable processes of organizing and settling disputes under NLRA, farm workers have been forced to go their own way and have had virtually no option but to strike in order to force negotiations. In essence, the struggle over the years has been to try to establish grower recognition of a union representing the workers. Wages, working and living conditions, and hours are usually the sensitive issues which touch off a strike, but the overriding question has been whether or not the employer will sit down and negotiate with his workers.

The indignities to which farm workers have long been subjected because they lack strong unions would be impossible to discuss here in rightfully lengthy detail. But a quick review of recent months shows that the abuses continue unabated. A few examples:

In Western New York State alone, three migrant workers have been killed in the last nine months by fires in their ramshackle dwellings.

A strong union would be able to demand enforcement of housing and health codes dealing with farm labor camps.

A minister and a labor organizer were arrested on the charge of "disturbing the janitor in performance of his duties" as they conducted a prayer vigil on the steps of the Starr County Courthouse in Texas.

The existence of a lawfully protected farm workers' union would help deter local authorities from acting with such disregard for civil liberties and the right of free speech.

In Florida, worker representatives were turned away from a grower meeting with their list of grievances. The workers had no recourse but to go out on strike.

A legally recognized union of workers could have gained access to the growers for a negotiating meeting, and their differences could have been settled without resort to a strike as the only solution.

Incidents of violence on the part of a few growers and local authorities have occurred even during the past two years. On the struck ranches in California, pickets have been sprayed with insecticide, and one picket was run over by a truck. Not even the bloody war in Vietnam has seen an atrocity as vicious as that suffered by a long-time union organizer who was attacked and tortured by two men, as yet unidentified, who forced a broomstick with a nail attached up his

rectum; the resulting internal injuries may be permanently disabling. The strikers deserve great credit, in my view, for maintaining their commitment to nonviolence in the face of such brutalities. Enactment of the bill you are considering would do much to eliminate the present atmosphere of lawlessness with its attendant violence.

What of the other effects of this bill on growers? Some growers have argued that because agriculture is "different" it should not be subject to the same legislation as other industries. They have claimed that bringing the collective bargaining process to the fields would result in rotting crops and financial ruin, if workers chose to strike during the harvest season.

Surely these arguments will sound familiar to you gentlemen. They are echoes from the distant past when leaders in various industries assured us that financial disaster would follow if unionization was permitted in the automobile, steel, general manufacturing, construction and other industries. Was American business brought to its knees? Obviously exactly the opposite happened. Business today is bigger and more profitable than ever.

One is reminded, too, of the dire predictions that if Congress were ever to stop the massive importation of poorly paid foreign workers growers would suffer financial ruin. Again the predictions were mistaken, assuming that they were honest in the first place. The 1967 farm labor picture is brighter for growers than it has been in years and California growers particularly are reaping record-breaking profits. As a wealthy man, a capitalist myself, I approve of this. I hope that next year's profits for growers are higher still. But I also hope that wealthy growers will be as willing to share profits with their hard-working employees as are successful leaders of other industries.

Now it is indeed of valid concern that a total strike, even of short duration, could effectively destroy a whole crop. The National Labor Relations Act, however, was amended years ago to include processing workers, those who work both in commercial canneries and in field packing sheds. These workers, now strongly unionized, deal with crops in their highly perishable state just as do the unorganized field workers. According to Father Austin P. Morris, S.J., in an article written for the *California Law Review*,

"The only arena in which agriculture's evaluation can be validly tested, however, is actual experience. The thirty years' experience of the food processing industry has sufficiently demonstrated the poverty of farmers' thinking about unionism."

Other examples of successfully organized farm operations include the sheep-shearers—highly seasonal skilled laborers who have been organized since the 1890's—and the dairy industry, which is "in many areas highly organized from top to bottom including field workers * * *" (Austin P. Morris, S.J.)

The field workers in Hawaii have been protected since the 1940's, along with other industrial workers, under the state's "little NLRA." Field workers are entitled to hours, wages, working and living conditions equivalent to those mainland industrial laborers. The economy is characterized by its stability, prosperity, and *lack* of crippling labor strikes.

Thus, not only does agricultural labor organizing find its precedent in the equally seasonal construction, lumber, and garment industries already organized, but also in isolated situations within agriculture itself. From these exceptions in particular, growers should be reassured of the outcome. As a result of the recent victories on the Schenley and DiGiorgio ranches in California, farm workers all over the country are increasingly demanding the right to unionize, and this right should be protected by law without delay so that conflicts, long and costly for both growers and workers, may be minimized.

Congress ought not to view this problem as a bitter controversy pitting management against labor. Rather there should be efforts to *promote negotiations* so that both sides might profit. Labor-management history shows that there is a workable, American way of accomplishing this morally obligatory end.

STATEMENT BY INTERNATIONAL OFFICERS, INTERNATIONAL LONGSHOREMEN'S & WAREHOUSEMEN'S UNION

We welcome the opportunity to submit a brief statement in support of H.R. 4769. There can no longer be any excuse for not according agricultural workers the same rights and benefits enjoyed by workers in other industries.

The ILWU is the collective bargaining representative for some 15,000 sugar and pineapple workers in the State of Hawaii. Our members include all classi-

fications employed in both industries, from field workers to sugar mill and pineapple cannery workers. Both groups have been organized for twenty or more years and during that time have emerged from a quasi-colonial situation to full industrial citizenship with wages and fringe benefits comparable to those enjoyed by workers in nonagricultural industries.

Just over a year ago we signed a new agreement in the sugar industry which brings the present wage rate for the lowest classification to \$2.02 per hour. The comparable pineapple minimum is \$1.93. Average hourly earnings in sugar, taking into account the higher classifications, and including fringes, are in excess of \$3.000. Both industry groups have comprehensive medical plans, pensions, paid holidays and vacations, sick leave and severance pay. Hours of work have been reduced to 8 per day and 40 per week, with overtime thereafter.

While we recognize that there are significant differences between plantation workers in Hawaii and farm workers on the mainland, many of them migratory, we believe our experience entitles us to be heard with regard to the bill now before this Subcommittee.

We might add that our experience with the longshore industry on the West Coast, is also relevant to the problems facing this Subcommittee. When we started to organize longshoremen back in the early '30s, work was largely casual. There was a basic problem of organizing hiring and dispatch in such a way as to decasualize the work force and thus to insure both a decent living for the man and a stable labor supply for the industry. These objectives were accomplished by the jointly operated and maintained hiring halls which now exist in all West Coast ports.

The improvements in wages and conditions for the sugar and pineapple workers in Hawaii and for the longshoremen here on the Coast have been primarily the result of organization and we believe that the presently shocking conditions of mainland migratory agricultural workers will only be fully corrected by the pressure of self-organization. We agree with Secretary of Labor, W. Willard Wirtz, that,

"* * * The lesson of national experience is that in a highly organized and pluralistic society any group which lacks the means of collective action drops back to what eventually becomes an intolerable disadvantage."

This statement occurs in his recent report entitled "Year of Transition; Seasonal Farm Labor, 1965," p. 27.

Nevertheless, it is equally true that self-organization can be assisted, and the stubborn resistance to unionization on the part of most of the big growers can in part be overcome, by appropriate legislation. This is our experience. Our success here on the Coast in 1934, though primarily the result of the determination of the longshoremen themselves, was assisted by the adoption by Congress of Section 7 of the National Industrial Recovery Act, which was later expanded into the Wagner Act. Section 7 declared it to be national policy to further collective bargaining. The subsequent organization drive throughout California industry was in great measure facilitated by the Wagner Act.

Similarly, in Hawaii, our organizing efforts in sugar were in considerable measure assisted by representation elections conducted in the sugar milling industry by the NLRB.

The historic collective bargaining agreement recently worked out with the DiGiorgio Corporation is indication of major changes that are taking place in the area of labor relations on the farms, at least in California. But the agreement was reached only after a bitter strike and intervention by the Governor of California to set up arbitration machinery. We believe, and our experience demonstrates, that if the law provides reasonable procedures for the establishment and carrying on of collective bargaining, both parties, and the public generally, will benefit.

We are therefore strongly in support of H.R. 4769, which would extend NLRA coverage to include agricultural workers. The passage of this bill will not, in itself, overcome the disabilities suffered by farm workers, but we believe NLRA coverage is a necessary prerequisite to unionization if it is to be achieved without undue friction and dislocation.

POLICY STATEMENT OF GENERAL BOARD OF CHRISTIAN SOCIAL CONCERNS OF THE METHODIST CHURCH

From a religious point of view, man is a tenant-steward of the soil because, ultimately, "The earth is the Lord's and the fulness thereof." A responsible ethic requires accountability both to man and God for the use of the soil and for

the processes utilized in producing food, fiber, and fuel. One of the major ethical issues which is related to the use of the soil by agribusiness is the economic condition of the farm worker.

Historically, The Methodist Church has had a strong interest in the welfare of both the farmer and the agricultural worker. This interest was summarized in recent General Conference statements. "We believe farmers, other agricultural workers, and those displaced by mechanization should have opportunity to earn a fair income." "We would call attention to the economically disadvantaged everywhere, including the migrant laborers who are very essential in providing our nation's food. We pledge ourselves to the improvement of their conditions of life." Also, "We stand for the right of employees and employers alike to organize for collective bargaining, protection of both in the exercise of their right, the responsibility of both to bargain in good faith, and the obligation of both to work for the public good."

The agricultural sector of the United States' economy has so developed the production of food and fiber that it is possible to meet the basic needs of the population for these goods and to export food and fiber to meet needs in other countries. This is a moral good. However, it has been accomplished through the substitution of capital for people with the result of the displacement of farm-worker families and small farmers to an existence outside the economy. It has also been accomplished through low wages for workers who occupy a disadvantaged bargaining position. These inequities must be corrected and the social costs of agricultural efficiencies borne by the total society.

The General Board of Christian Social Concerns of The Methodist Church makes the following policy recommendations:

1. Agricultural workers, including migrant and other seasonal workers, should be included under the provisions of the National Labor Relations Act so that the worker may vote to join or not to join a union.

2. The coverage of agricultural workers, including seasonal workers, under federal minimum wage legislation should be expanded and the minimum brought up to the standards of other workers.

3. Federal child labor laws should be extended to include agricultural occupation.¹

4. Local, state and federal education and job training centers should be established and expanded to meet the needs of those agricultural workers and farmers who have been displaced from the economy by technological change.

5. Unemployment and workmen's compensation should be extended to cover agricultural workers.

6. Small farmers should be aided to become economically viable by expansion of governmental programs of loans, technical assistance, and aid to self-help developments such as cooperatives and housing.

7. Programs of the Office of Economic Opportunity and the Elementary and Secondary Education Act to aid migrants and other seasonal workers should be supported and extended.

We commend to the churches the social acceptance of our brothers, the farm workers, so that during a period of technological transition the worker and his family may find the support of community resources and at the same time make a contribution to the enrichment of society.

REPRESENTATIVE ACTIONS, OFFICIAL CHURCH BODIES ON POLICY, COMPILED BY THE MIGRANT MINISTRY, NCC

MIGRANT LABORER

"Recognizing that mutual association with others to achieve legitimate ends is a basic need and right of all in a free society, we recommend prompt enactment and implementation of legislation which will extend minimum wage, unemployment compensation and National Labor Relations Act coverage to farm workers."

"We encourage local churches to set up study-action groups on collective bargaining so that the issues may be clear and policies determined."—Passed at Annual Meeting of the American Baptist Convention—May 1966

¹ No limitation, however, should be placed on the employment of children by their parents on the home farm, or someone standing in the place of a parent; provided that such work on the home farm does not jeopardize the health, education, or welfare of the child.

CHRISTIANITY AND THE ECONOMIC ORDER

"We believe in the use of such opportunities for political action as are consistent with Christian principles. We urge Christians to view political responsibilities as an opportunity for Christian witness and service.

"We believe special protection should be provided for women and children as well as migrant workers and others especially vulnerable to exploitation.

"We stand for the right of employees and employers alike to organize for collective bargaining; protection of both in the exercise of their rights; the responsibility of both to bargain in good faith; the obligation of both to work for the public good."—Excerpt from the Social Creed of The Methodist Church-Methodist Discipline, 1956.

MIGRANT AND OTHER SEASONAL FARM LABOR

Recommendations—The 175 Assembly:

"1. "Calls upon presbyteries and churches to give urgent attention to the problems of migrants and other seasonal workers; to take concerted action at all levels to implement the recommendations that follow; and to be guided in additional efforts by the National Goals of the 5th Decade of the Migrant Ministry of the United Presbyterian, as stated in the report of the Board of National Missions and adopted by this General Assembly.

"2. "Calls upon the Congress of the United States to enact a legislative program that will safeguard the rights and interests of migrants and other seasonal farm workers containing the following provisions:

"a. An appropriate extension of the principle of Federal minimum wage legislation to migrant and other seasonal farm workers. . . .

"c. Appropriate extension to migrant and other seasonal farm workers of collective bargaining protection and benefits through the National Labor Relations Act. . . .

"6. Supports the organization of workers in ways which would enable them to negotiate with employers and to exercise their rights and responsibilities in working for helpful objectives for the agricultural economy. . . .

"8. Urge growers and processors, as they face the prospect of organized farm labor, to react in ways which will encourage the development of responsible collective; recognizing that responsible collective bargaining is more likely to be achieved when it is not irresponsibly opposed."—Excerpt from General Assembly Journal Part I, 1963 page 322 & 323 United Presbyterian Church in the USA

THE CHURCHES AND MIGRATORY AGRICULTURAL LABOR

"We urge our local churches and their members to seek solutions to the basic problems of migratory workers in agriculture. We pledge ourselves to support the following:

1. 'Extension of a Federal minimum wage to agricultural workers.

2. 'Extension of the services of the National Labor Relations Board to organizations of farm workers.'—Excerpt from Statement of the General Synod of the United Church of Christ, Adopted July 7, 1961 and "commended to the churches for study and action."

The United Lutheran Church in America presents these principles:

"God has abundantly provided the resources of the earth primarily for human benefit. God gives more than daily bread. He desires for everyone fullness of life. God expects all to share the burdens of daily life.

'As a corollary to the above Christian principles, the Church stresses certain fundamental duties:

4. 'It is the right of every man to receive a wage commensurate with his abilities and, wherever feasible, in cooperation with his co-workers, to share in the direction and management of his labors.

11. 'It is the right of every man to organize with his fellow workers for collective bargaining through representatives of his own free choice.'—Board of Social Missions, United Lutheran Church (previous to 1962)

AGRICULTURAL MIGRATORY WORKERS

"We note with approval the creation of a permanent President's Committee on Migratory Labor in the federal government. We encourage more vigorous efforts in behalf of federal and state legislation to extend the federal minimum wage, to improve housing facilities, health, education and welfare services, and transportation safeguards for migratory farm workers.

"We urge the continuation of current efforts at 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 Relations Board on a par with other wage workers in industry. We call upon employers in their efforts to gain human dignity, self-respect, and economic security through the well-tested device of union organization."—Excerpt from the Resolution Adopted by General Assembly of the National Council of Churches December 8, 1960

CONCERNING ECONOMIC JUSTICE FOR AGRICULTURAL WORKERS

"Be it resolved that this Assembly go on record as supporting the principle of legislation to include farm workers under the provisions of the National Labor Relations Act of the United States and The Industrial Relations and Disputes Investigation Act of Canada so that they may form voluntary associations and bargain collectively with their employers; and

"Be it resolved that this Assembly urges that the permanent church-related migrant ministry staffs, as well as those employed in a transient ministry, be encouraged to solicit the cooperation of the local churches and the parish clergy to assume their rightful responsibility in the struggle of farm laborers to achieve dignity and an adequate standard of living locally and in support of appropriate state, provincial and national legislation; and

"Be it resolved that The United Christian Missionary Society be requested to join with other responsible groups related to the National Council of Churches of the United States and the Canadian Council of Churches, and with Catholic and Jewish groups, to undertake immediately a vigorous dialogue with the ministers and lay leaders of our congregations concerning this ministry of involvement in extending the democratic process to farm workers and undergirding their standard of living; and

"Be it resolved that the Division of Christian Life and Mission of the National Council of Churches of the United States and the Department of Social Relations of the Canadian Council of Churches be asked to channel the results of economic studies dealing with agricultural wage indexes, now being developed, to state and local migrant ministry committees and to denominational agencies and boards to the end that we might all understand the complex economic problems of those to whom we minister: the farm worker, the grower and the whole industry; and

"Be it resolved that this Assembly go on record as recognizing that there are organizations of farm workers struggling for the right to organize and bargain collectively for higher wages and better working conditions, a struggle which places all of us under God's judgment and lays upon us the mutual need for repentance and amendment of our ways."—Excerpt from Resolution No. 75 Adopted at Dallas Assembly, Department of Christian Action and Community Service, The United Christian Missionary Society.

NATIONAL FARMERS UNION,
Washington, D.C. May 10, 1967.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor,
House of Representatives, Washington, D.C.

DEAR CONGRESSMAN PERKINS: The legislation before the Labor Subcommittee which would extend protection of the Wagner Act to farm workers prompts me to write to you concerning the need for legislative protection comparable to the Wagner Act to provide farmers with similar authority in their relations with processors and others in the marketing chain with whom they deal.

I will comment further concerning the legislation to extend Wagner Act protection to farm workers, but first I want to acquaint you with the resolution adopted by delegates to our recent National Farmers Union Convention at Oklahoma City. The resolution is as follows:

"Agriculture needs a comprehensive law, comparable to the Wagner Act for labor, to enable farmers to manage the production and marketing of their products.

"Such legislation should make possible establishment of producer marketing boards, with power to negotiate prices with the government and with processors or handlers.

"This type of authority has been proposed from time to time in the form of the Family Farm Program Development Act of 1959 and the Agricultural Enabling Agreements Act of 1961.

"Now, this concept has been given new impetus by the recommendations of the National Food Marketing Commission for the creation of agricultural marketing boards.

"Through these marketing boards, family farmers should have a voice with the Secretary of Agriculture in determining support prices or payments, storage rates and other decisions whether by USDA or other agencies which have an impact on the opportunity for farmers to achieve full parity returns.

"To provide such boards with full authority to bargain effectively, we urge that existing laws be amended to authorize extension of Federal marketing orders and agreements to producers of fruits, nuts, vegetables, eggs, oilseeds, farm forestry products and other commodities, which do not now have such authorization.

"Such new legislation and amendments should clearly reaffirm that the basic purpose of the marketing boards and marketing orders is to assure ample supplies and reserves and to obtain parity prices and income for producers; should provide that a Federal marketing order for any commodity may be operated on a nationwide scale if a majority of producers approve; that the use of producer allotments and quotas be authorized subject to approval of producers in the market order areas."

As you can see from the above resolution, Farmers Union very strongly supports extension to family farmers the same force and effect of law that has made it possible for workers in the economy other than agriculture to negotiate on an equitable basis.

While the delegates to the National Convention of Farmers Union took no action in regard to coverage of farm workers under the Wagner Act, it is apparent that family farmers would not be adversely affected by this legislation. It is recognized, on the other hand, as the National Advisory Commission to the U.S. Department of Agriculture said: "The family farm will not earn favorable return on its own labor when hired labor is chronically cheap. The opportunity for family farms to compete and earn satisfactory returns for their labor will be enhanced if wages and working conditions for hired farm labor are subject to the same protection under the law as are other workers."

Best wishes.

Respectfully,

TONY T. DECHANT.

STATEMENT OF RALPH HELSTEIN, PRESIDENT, UNITED PACKINGHOUSE, FOOD, AND ALLIED WORKERS, AFL-CIO

My name is Ralph Helstein. I am President of the United Packinghouse Food and Allied Workers, AFL-CIO, a union of more than 125,000 food processing workers in the United States, Canada and Puerto Rico.

We are pleased for this opportunity to speak on behalf of millions of workers who toil in our rich and abundant fields. We wish these hearings were unnecessary. They would not be needed, if American agriculture faced its responsibility by accepting mature collective bargaining.

All of us are aware that farm workers have been consciously and consistently excluded from most every piece of progressive legislation enacted during the last forty years. While their industrialized, urban counterparts organized representative trade unions and benefited from newly acquired political strength, farm workers remained ignored and excluded.

Racked by abject poverty, poor health and squalid living conditions, farm workers represent the most disadvantaged group of working men, women and children in our country. This was not a mere accident. What clearly happened is that a consistent pattern of discrimination was forged and maintained by an alliance of agribusiness and their friends in Congress to maintain conditions that would preserve a cheap and abundant source of farm labor. More powerful than their numbers would suggest, the agribusiness community is able to legislate farm workers into a form of economic slavery.

Agribusiness's influence rests on public acceptance of a myth developed and propagated by powerful interests in the farming community. This myth is that somehow farming and all agriculture is different from other forms of commerce.

Yet, the facts do not support this conclusion. Farming of the 1930's does not

resemble farming of the 1960's. The public was duped into believing that farming is a rough and troubled business staffed by independent yeomen farmers with the help of their "hired man." In truth, however, farming is big business, grossing more than \$3.8 billion in California alone, controlled by large industrial enterprises whose success depends on their very size.

This is the real structure of agriculture:

First, between 1940 and 1960 the total number of farms fell from 6.4 million to 3.5 million—a decline of more than 45 percent.¹ While the absolute number of farms were declining, the size of farms were increasing. With a 5 percent rise in farm land, the average size of farms increased from 175 acres in 1940 to 303 acres in 1959—an increase of more than 73 percent.² Farms with more than 500 acres (9 percent of all farms) accounted for 61 percent of land in farms during 1959.³ This situation led one student of agriculture to remark that "it would be hard to drive farmers out of farming faster than present economic conditions have been doing for years."⁴

Second, although the 19,979 large-scale farms which marketed \$100,000 or more farm products represented only four-fifths of one percent of the 2.4 million commercial farms, they accounted for one-sixth of all commercial farm products sold during 1959, and employed more than 20 percent of all hired farm workers. Moreover, thirty-two percent of all farm products sold in that year were marketed by only three percent of all farms classified as Class I commercial enterprises with sales of \$40,000 or more. These farms employed 35 percent of all hired farm labor.⁵

Third, and most important, roughly half the farms in the nation employ no farmworkers, but rather rely on family labor. Another thirty percent of the farms spend less than \$500.00 a year on hired labor. Only six percent of all farms have a wage bill of over \$2,500.00 a year.⁶ In other words, the real impact of collective bargaining would fall on the top 12.9 percent of American corporate farms which paid 70.7 percent of the total farm wage bill in 1959.⁷

Fourth, according to one source, "concentration of land ownership has grown along with its rising cost until today the nation's 100,000 biggest farms control about one-fourth of all our farmland resources. For many years now, about one-third of all farm land has been bought by purchasers who are not farmers."⁸

Gentlemen, we are talking about the cream of American agriculture. We are discussing enterprises that reap millions of dollars in profits from the land. We are examining business enterprises representing billions of dollars in invested capital, managed by some of the best equipped technicians in our society. We are not talking about the small family farm with its one or two hired hands.

When this is realized, the supposed distinctions between industry and agriculture diminish. Enterprises in both sectors are characterized by their similarities, not their differences. Both are huge corporate organizations, both employ vast numbers of workers and both are immensely profitable.

Labor costs are just one of many production costs to the industrial farm as well as to other large businesses. Yet, this labor component is the one factor that separates industry from agriculture. The industrial concern, more often than not, will be required to bargain with his employees over the terms and conditions of employment or will be forced to match terms negotiated elsewhere. However, the industrial farm is under no obligation to bargain, because its employees are denied bargaining rights. Consequently, large commercial farms pay much less for their labor than do other industrial concerns.

Added to this legal advantage were two subsidies—one direct and the other indirect. Most corporate farms profit handsomely from crop subsidies that remove much of the risk from their operations. Other corporate farms received an indirect labor subsidy for the fourteen years that Public Law 78 was on the law books. However, these giants of farming did not have to pay the dues of legal responsibility to their employees that industrial concerns have done since 1935.

¹ U.S. Department of Labor, Wage and Hour and Public Contracts Division, *Hired Farm Workers*, Submitted to the Congress January 1966, p. 6.

² *Ibid.*, p. 8.

³ *Ibid.*

⁴ Austin P. Morris, S.J., "Agricultural Labor and National Labor Legislation," *California Law Review*, vol. 54, No. 5 (December 1966), p. 1980.

⁵ U.S. Department of Labor, Wage and Hour and Public Contracts Division, *Op. Cit.*, p. 9.

⁶ U.S. Department of Labor, Bureau of Employment Security, *Farm Labor Market Developments* (August 1964), p. 9.

⁷ Austin P. Morris, S.J., *Op. Cit.*, p. 1983.

⁸ National Advisory Committee on Farm Labor, *Poverty on the Land*, Washington, D.C. (May 1964), pp. 49-50.

Statistics indicate there exists a degree of economic concentration in parts of agriculture that matches any to be found in basic manufacturing. In view of this, the continuation of a farm policy that treats huge industrial farms as if they were small, frontier affairs of the 19th Century is nothing less than ludicrous. If it were not for the disgraceful effect on farm workers, one could almost laugh at the unreality which permeates the public sector's dealing with agriculture.

What are the farmer's objections to collective bargaining?

First, farmers object to collective bargaining because it would destroy the harmonious relationship between farmer and worker. We maintain and ask any grower to dispute the fact that this relationship is a thing of the past. Farm workers are hired by the hundreds and thousands at each corporate farm, preventing any possible relationship with their employer. Moreover, farm workers are sheltered in barracks and houses away from the "main house." Finally, personnel directors manage the workers today, not the farmer.

Second, farmers fear that strikes will "wipe them out" because of the perishable nature of their crops. We believe this fear is misfounded.

For almost twenty years, farm workers in Hawaii were protected by a little labor relations act which extended collective bargaining rights. Wages and fringe benefits have improved, while agriculture, especially sugarcane and pineapple, has prospered.

For over thirty years, our union has had favorable bargaining relations with producers of perishable products, such as meat, eggs, milk and cheese. For the last ten years, we have held contracts with packers and processors of farm commodities, such as melons, lettuce and tomatoes. During this time, a strike never ruined a grower, nor did unreasonable demands lead to a business closing. We invite any member of this committee to investigate our bargaining relationships in the packing sheds of California and Arizona. We ask that worried growers inquire too. For everyone will find the same thing, a mature and mutually acceptable bargaining relationship based on respect, not fear or economic coercion.

In this regard, the former governor of California has said: "There will be arguments presented against giving collective bargaining rights to field workers because such rights might endanger harvests but this is not persuasive. Packinghouse and shed workers have not disrupted harvest operations, although they are in a position to do so."⁹ In point of fact, this same objection was raised to exclude shed workers from N.L.R.A. coverage.

Moreover, for the first time in many, many years there is bargaining between farmers and farm workers. Contracts between the United Farm Workers Organizing Committee, AFL-CIO and Schenley Industries and Di Giorgio Corporation demonstrate that it can be done.

So, the union can come to the farm, as it came to the food industry, in peace and cooperation.

Third, farmers often express concern that unions will eventually control their operations. We find this difficult to believe, because there is little evidence supporting such a conclusion. Organized workers in the industrialized sector do not control the companies which employ them. They have little to do with management on a day-to-day basis.

It would seem that the farm community has not heard of "management prerogatives." Management runs the business, whether it be on a farm or in a factory. Workers have no real interest or competence in that area. They are concerned with working conditions, wages and fringe benefits, not with production, sales and distribution.

Fourth, farmers believe that collective bargaining will push production costs upward and "squeeze" the farmer out of business because of his inability to pass higher costs on to consumers. Because of our parity policies, the farmer does not face a completely uncertain market. Rather, given the rising world demand for food-stuffs, the farmer faces an expanding market. Moreover, costs are passed on to the consumer in the form of higher prices, which are reflected in an increasing consumer price index. Finally, the farmer withholds land from cultivation and even plows cultivated land in order to realize a better price, which reflects some degree of market control. So, the farmer is not the victim of uncertainty that he would have us think.

In summary, one student of the problem stated: "It must be observed, however, that the earlier efforts of agricultural interests to exempt the food proc-

⁹ Quoted in Austin P. Morris, S.J., *Op. Cit.*, p. 1985

essing industry from the provisions of the NLRA were based on identical arguments and fears. Organized labor was going to ruin agriculture through its control of processing plants and packing sheds. Because of the same vulnerability and the same perishability of the products, the arguments were just as plausible then. But thirty years' experience has demonstrated that this hypothesis, however sound on paper, was little more than fictitious fabrication."¹⁰

The time has come to allow farm workers to determine their wages and working conditions. At this late date, it is time to bring industrial democracy to the farm from the factory where it has flourished for thirty years or more. The time to act is now before rising aspirations of farm workers themselves turn farms into battlegrounds.

Farm workers are on the march in California, Texas, Wisconsin and Florida. They sense the sweet smell of victory emanating from Delano. They will not be denied that which was refused for so many long and bitter years.

It is to the advantage of everyone concerned—farm worker, grower and public—to bring the rule of law to chaotic industrial relations on the farm. The public interest demands the promotion of industrial peace whether on the farm or in the factory.

Until farm workers are covered by the National Labor Relations Act, there can be no peace. Until laws determine the ground rules between farm employer and farm employee, there will be unrest. Until farmers agree to initiate mature collective bargaining with their workers, many of the fears of farmers could be realized.

Thirty-two years ago, a Representative of Congress stood in the House and uttered words which are as pertinent today as they were then:

"I, therefore, respectfully submit that there is not a single solitary reason why agricultural workers should not be included under the provisions of this bill (Wagner Act of 1935). (The same reasons urged for the adoption of this bill in behalf of industrial workers) are equally applicable in the case of agricultural workers, in fact more so as their plight calls for immediate and prompt action."¹¹

GENERAL RESOLUTION UNITARIAN UNIVERSALIST ASSOCIATION

MIGRATORY WORKERS

Whereas: Migratory workers are the most disadvantaged group in our population with below-minimum wages, substandard health and housing, and restricted opportunities for their children; and

Whereas: Protections of social legislation established for the benefit of industrial workers are non-existent constitutes special discrimination against the agricultural worker and his family;

Therefore be it resolved: That the Unitarian Universalist Association send letters to Senator Harrison Williams, Jr., the Secretary of Labor, the Secretary of Agriculture and to the President's Committee on Migratory Labor, urging them to recommend to Congress passage and vigorous enforcement of the legislative program that has been drawn up by the Senate Sub-Committee on Migratory Labor which will accomplish the following:

- (a) Provide for an agricultural minimum wage (Resolution S. 1122)
- (b) Prohibit agricultural child labor (S. 1123)
- (c) Provide for the education of migrant children (S. 1124)
- (d) Provide for the education of migrant adults (S. 1125)
- (e) Require the registration of agricultural labor contractors (S. 1126)
- (f) Assist in the providing of housing for domestic farm labor (S. 1127)
- (g) Make the provisions of the National Labor Relations Act applicable to agriculture (S. 1128)
- (h) Provide for the stabilization of the farm work force (S. 1129)
- (i) Supply improved health services for migrant families (S. 1130)
- (j) Supply improved welfare services for migrant children (S. 1131)
- (k) Establish a Citizen's Council on Migratory Labor (S. 1132)

(Vote: For—385, against—15.)

¹⁰ *Ibid.*, p. 1987.

¹¹ *Ibid.*, p. 1954.

POVERTY

Whereas, the president of the United States has stated that one-fifth of all American families have resources inadequate to meet their basic needs and has announced a war on poverty in America and has called for a cooperative effort to deal with its causes and cures;

Whereas, the blight of poverty is most keenly felt by members of unskilled minority groups, workers displaced by automation, the aged, migrant workers, and the residents of chronically depressed areas;

Whereas, societies of the Unitarian Universalist Association have a compelling responsibility in this cooperative effort;

Therefore be it resolved: that the Unitarian Universalist Association urge the individual societies and their members to support the President's proposed programs to:

1. Expand and improve programs for economic development in chronically depressed areas;
2. Provide adequate education and vocational training for youth and re-training for displaced workers;
3. Recognize and meet the needs of the aged;
4. Appropriate special school aid funds to accelerate education for culturally deprived children; and

Be it further resolved: that Unitarian Universalists individually be urged to enter into person to person relationships with those who are economically, socially, politically and culturally deprived to the end that all citizens may fulfill their highest human potentialities.

Be it further resolved: that our churches and fellowships be urged to expand opportunities for the cultural advancement of the socially disadvantaged in their communities.

AGRICULTURAL EMPLOYMENT

Whereas, the United States has made consistent progress in the past decade in promoting the welfare of its people by passage of labor and social legislation, such as collective bargaining, minimum wage, social security, workmen's compensation and child labor regulations, but has generally excluded certain categories of workers, including agricultural workers; and

Whereas, the poverty of agricultural workers is well documented and among the most severe of any group deserving of aid in the national war against poverty; and

Whereas, the degraded impoverishment of these "excepted" workers disgraces the richest of nations, drains welfare funds and impairs the economic and social health of the community; and

Whereas, competitive disadvantages hinder each state from independently correcting this evil,

Be it therefore resolved: that the Unitarian Universalist Association reaffirms its 1961 resolution on Migratory Workers asking for collective bargaining rights for agricultural workers, extension of the minimum wage and hours legislation to cover male and female agricultural workers, extension of the protection of child labor laws to children working in agriculture, and creation of a voluntary farm employment service under the United States Employment Services; and now further urges Federal and State legislation to:

1. Broaden the coverage of farm workers under the Social Security insurance programs;
 2. Extend and expand the Migrant Health Act;
 3. Further restrict programs providing for the temporary importation of foreign contract farm workers and the so-called green card immigration system;
 4. Extend state unemployment insurance and workmen's compensation laws to include agricultural workers, together with the establishment of an interstate system to maintain up-to-date records of all payments made, and to pool contributions made by employers in different states.
- (Adopted by greater than a two-thirds majority vote.)

NATIONAL COUNCIL OF CATHOLIC WOMEN,
Washington, D.C., July 7, 1967.

HON. FRANK THOMPSON,
Chairman, Special Labor Subcommittee, House Committee on Education and Labor, House Office Building, Washington, D.C.

DEAR MR. THOMPSON: The National Council of Catholic Women at its convention in Miami Beach, Florida, October 5-8, 1966, passed the following resolution relating to "Farm Workers:":

"NCCW supports the inclusion of agricultural workers under the coverage of the Minimum Wage Law and Social Security legislation. We further endorse an increase in the minimum wage for all workers in order to provide a decent living standard.

"Social justice demands that we recognize the rights of all groups to organize for the welfare of their members, and we urge continued support for such movements. *We urge that agricultural labor be brought into line with the dignity achieved by industrial labor by including agriculture in the provisions of the National Labor Relations Act.*"

The National Council of Catholic Women is a federation of approximately 14,000 local, state, and national organizations of Catholic women, composed of nearly 10,000,000 Catholic women.

We would appreciate your entering this statement in the hearings on H.R. 4769, which would make provision for including agricultural labor under the National Labor Relations Act.

Respectfully yours,

MARGARET MEALEY,
Executive Director.

[Telegram]

WASHINGTON, D.C., May 10, 1967.

HON. FRANK THOMPSON,
Chairman, Special Subcommittee on Labor, House Committee on Education and Labor, House of Representatives:

On behalf of the National Association for the Advancement of Colored People I am extending congratulations to you on your efforts to see that agricultural workers are given the right to organize and bargain collectively under the National Labor Relations Act. Our organization has long been interested in trying to make certain that the persons who work on the farms and in the fields are given the same benefits that our country has made possible for other employees. We strongly support the pending legislation. It will be appreciated if you will make this telegram a part of the hearing record.

CLARENCE MITCHELL,
Director, Washington Bureau, NAACP.

STATEMENT BY CARLOS MOORE, LEGISLATIVE DIRECTOR, INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WAREHOUSEMEN, AND HELPERS OF AMERICA

Mr. Chairman, members of the committee, I am here to represent the views of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. I am appearing on behalf of General President Hoffa, General Vice President Fitzsimmons and the General Executive Board.

Despite legislation that dates back to 1935, the American farm worker is still without adequate protection under the law. This does not only include the right to organize and engage in collective bargaining, but even the child labor laws are legally circumvented. The farm worker has been denied such rights as Social Security, unemployment insurance, minimum wage, workmen's compensation and membership in unions.

In 1966 Congress enacted Public Law 89-601 which extended some of the benefits of the Fair Labor Standards Act to approximately 300,000 agricultural workers, leaving about one and a half million laborers unprotected.

If the farm worker fails to get statutory coverage, his efforts to obtain recognition and to obtain agreements will have to depend on force and pressure. And admittedly this will be expensive, not only to the laborer, but to the agriculture establishment itself.

National Labor Relations Board coverage is needed by the farm worker because only a totally blind person could avoid seeing the plight of the American farm worker.

He is underpaid, with no sense of security; few have permanent homes and their future in retirement is based on the bleak welfare roles of states, counties and cities.

The farm worker has for the most part, bad working conditions, with absolutely no job security. He must endure the exploitation of his children too, sharing with them the same dismal past, present and future.

If he is granted the guarantees of the National Labor Relations Board, much of what we have seen concerning his plight can disappear. But right now the farm worker is faced with unfair labor practices, violence when he protests, from scabs and police, plus his political exploitation by ambitious men.

Without the protection of the NLRB, the farm worker has no chance to organize into an effective negotiating unit.

The Trade Union story of America is a broad story of success. It is the story of a better and a more dynamic society, a society which strangely enough has forgotten the working men, women and children on the farm.

We tell the world daily of our great food supplies, our surpluses and our monumental gifts of food and fibre the world over. It seems ironic, indeed, that the agricultural worker supplying this magnificent beneficent to mankind, is the one who must suffer the most.

The International Brotherhood of Teamsters urges the adoption of H.R. 4769. But, further, we look on it only as one piece of legislation badly needed. We must continue to fight for our agricultural workers, and to remove them from the roles of second class citizens, denied by every law in every political subdivision in this country of ours.

This extension of the National Labor Relations Act, to extend to farm workers needed protection, is adequate, basic and belated.

Thank you Mr. Chairman and members of the committee.

STATEMENT BY NATIONAL CONSUMERS LEAGUE

The National Consumers League has for over half a century concerned itself with the problems of the migratory agricultural worker, and welcomes the opportunity to express its views to this Committee. Organized in 1899 to articulate consumer concern with respect to the conditions under which consumer goods and services are produced, the League began its study of the problems of agricultural workers with an investigation of field and cannery workers in New Jersey as long ago as 1906. For over 60 years now the League has campaigned for better working conditions for this most discriminated against segment of American workers. Some progress has undoubtedly been achieved, but the unhappy fact is that in 1967 most farm workers are still denied a share in most of the social reforms which have been extended to industrial workers in our economy. It is long past the time when agricultural workers should be elevated to full participation in the benefits of our working community. The League, therefore, strongly endorses the bill before you to bring agricultural workers and employers under the provisions of the National Labor Relations Act, so that organizing of farm labor and collective bargaining can be conducted in the fair and orderly manner which experience has demonstrated can be beneficial to all segments of our economy.

The absence of orderly collective bargaining procedures has resulted in disorders and strife in the Rio Grande Valley and earlier in California that are reminiscent of the early chaotic days of labor history in this country. Once again workers have been beaten and jailed and harassed as they have attempted to organize to obtain for themselves the right long enjoyed by most other workers to improve their working conditions. The rules of jungle warfare again resulted in brutalities and chaos that could have been avoided under the more civilized restraints of legal recognition and rational procedures of our enlightened industrial economy. Nobody gains from such happenings—neither the worker, nor the grower, nor the consumer. And this kind of undesirable occurrence will only be repeated, over and over again, unless the Congress takes steps to bring industrial democracy to the farm by extending the right of collective bargaining to farm workers. Unless you act soon, the farms will be turned into battle-

grounds, and this country will be faced with a social explosion in our rural areas just when unrest and agitation in our cities are reaching unmanageable proportions.

The need for Federal legislation to protect the farm worker has long been recognized. Over 20 years ago the LaFollette Committee, after the most thorough investigation of agricultural labor conditions ever conducted in the United States recommended:

"Legislation must assure the enjoyment of the same rights, standards of living, and status to labor in * * * agricultural industry as is afforded by our laws and customs to other labor. No less measure of public intervention will suffice.

"The first and fundamental public policy which the Committee recommends is the enactment of such legislation as is necessary to protect the rights of agricultural labor * * * to organize and bargain collectively." (Senate Report No. 1150, 77th Cong., 2nd Sess. 394, 1942)

Today, when agriculture has increasingly become big business, when only 3% of the farms employ over one-half of all full time workers, there is less justification even than in 1942 for differentiating farm labor from other workers.

The National Consumers League is convinced that as a moral issue alone there is no alternative but to extend to farm workers this most basic, democratic right—the right to be represented by a union of their own choice. And as an economic issue, the League is convinced that passage of legislation extending collective bargaining rights to farm workers would be beneficial rather than detrimental to the growth of our economy. Opponents of this measure before you base their opposition in part on the threat of increased costs. They are afraid that organized farm workers will demand high wages, and they envision dire results from consumer resistance to higher food prices.

In the first place, the National Consumers League has always strongly believed that consumers do not want lower costs which depend on the exploitation of the workers who produce consumer goods. This is a responsibility consumers must assume. A willingness to pay a price necessary to support an adequate wage is an accepted principle in our daily economic life. Wage negotiations in industry continually remind the consumer of his own stake in industrial wages. Increased costs due to industry's decisions are a common occurrence.

Moreover, since farm worker costs are such a small part of the retail costs of farm products, there is no valid reason to expect outrageous increases. With the decreasing percentage of the consumer's food dollar going to the farmer, the effect on the consumer of an increase in farm labor wages is much less than in those industries where labor costs are the most significant factor in arriving at retail prices. Actual studies in recent years provide data suggesting that the value of all inputs of labor at the farm level is a relatively small part of the retail price. For most of the selected labor-intensive farm products—it was under 10%. Therefore, increases in consumer prices of food resulting from increases in labor costs would be moderate. A study made some five years ago (Donald L. Brooke; Florida Agricultural Experiment Station) revealed that a 25% increase in field labor costs in seven Florida crops would add less than a one cent per pound increase. At *double* the pay, tomatoes would go up two cents a pound; cabbage, one-half cent a pound; celery, 2¢ a bunch; sweet corn, 2¢ for three ears. Consumers have accepted much higher increases than these with very little change in buying habits. Thirty years of experience of organization of workers in the food processing industry, where the same arguments of cost and perishability of products were made to attempt to exempt these workers from NLRA coverage, has demonstrated the speciousness of these arguments.

Moreover, if having the legal right to organize enables farm workers to obtain higher wages, the whole economy can benefit from their increased purchasing power, from their removal from relief rolls, and from their increased tax payments. With present wages averaging from \$1100-\$1500 annually, it is self-evident that increased annual incomes for farm workers will benefit the workers. We contend it will also benefit the economy, and will not be an undue hardship on consumers.

Members of the Committee, the National Consumers League submits that passage of this bill is morally and economically long overdue. We urge your prompt action to extend to agricultural workers the same rights to bargain collectively so long enjoyed by the industrial workers of our great country.

RESOLUTION ADOPTED BY AMERICAN NEWSPAPER GUILD IN CONVENTION ASSEMBLED
JULY 24-28, 1967, OTTAWA, CANADA

Farm workers in the Rio Grande Valley of Texas, in the Delano, Calif., area and elsewhere in the United States have tired of subpar wages and miserable living conditions.

These workers have attempted to better their lots by forming a union, the United Farm Workers Organizing Committee, AFL-CIO, and attempting to bargain for contracts with the corporate farms that employ and exploit them.

However, because farm laborers are not afforded the protections of the federal National Labor Relations Act, they have been subjected to every form of harassment, intimidation and economic and "legal" sanction by the business and "law enforcement" agencies of the areas in which they have attempted to gain the bargaining rights so long enjoyed by the rest of the U.S. labor force.

These farm laborers must be brought under the protection of the National Labor Relations Act—now—in order to gain a chance for the modest but comfortable existence enjoyed by U.S. industrial workers.

The 34th Convention of the American Newspaper Guild calls upon the U.S. Senate and U.S. House of Representatives to pass without delay the bill now before it that would grant to farm laborers the protections of the NLRA.

NATIONAL CATHOLIC RURAL LIFE CONFERENCE,
Washington, D.C., May 9, 1967.

HON. JAMES G. O'HARA,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. O'HARA: The National Catholic Rural Life Conference has long advocated justice for farm workers. In numerous testimonies before Congress and in other public appearances, we have made known our interest and concern for these long-neglected and severely deprived citizens of America. As the enclosed policy statement indicates, the Conference believes that no piece of legislation would more effectively answer the needs of farm workers than Congressional recognition of the right to organize and to bargain collectively with their employers under the rights and privileges accorded by the National Labor Relations Act. If this right of self-determination were to be given to the farm workers, they through their own efforts, would be able to stabilize their socio-economic standing within the community and would take their rightful place alongside other workers in all segments of the American economy, who for more than thirty years have enjoyed the protections of the Act.

The extreme hardships and human deprivation suffered by those farm workers in Delano, California and Rio Grande City, Texas to obtain union recognition are well known, as are the disadvantages the strike has had for the employers and the public. We believe it is time that an orderly procedure should be established for allowing these poorest of America's poor to organize.

Therefore, the Conference heartily endorses your bill H.R. 4769, which would bring farm workers under the protection of the National Labor Relations Act, thus providing them with the legal machinery to resolve future labor-management disputes which might arise in the field of agricultural labor.

The Conference regrets that our Washington representative was unable to be in Washington to testify during the recent hearings on the bill, but endorses the statement presented by Monsignor William J. Quinn, Bishops' Committee for the Spanish Speaking, and asks that the statement be considered as our own and that this letter be added to the written record along with the statements of other religious groups.

With every good wish,

Very sincerely yours,

REV. JAMES L. VIZZARD, S.J.,
Director of Washington Office.

NEWS RELEASE—POLICY RESOLUTION ADOPTED, ERLANGER, KY., JANUARY 19, 1967,
BY THE NATIONAL CATHOLIC RURAL LIFE CONFERENCE EXECUTIVE COMMITTEE

AGRICULTURAL WORKERS AND THE NATIONAL LABOR RELATIONS ACT

We re-affirm our defense of the right of agricultural workers to form unions and to bargain with their employers and also the right of farm operators to bargain for fair prices. We shall continue to labor for the protection of the just rights of workers, employers and the public at large in this matter.

We urge the Congress to amend the National Labor Relations Act, so as to make its provisions applicable to agricultural workers and their employers.

We are convinced that application of the provisions of the NLRA to agricultural workers and their employers will serve the best interests of both groups and of the public at large. In the absence of orderly worker-employer bargaining procedures, strikes, boycotts, violence and bitterness often occur. Bringing the services of the National Labor Relations Board to agriculture will protect the just interests of all parties and assure a minimum of injury to the common good.

TESTIMONY OF WORKERS DEFENSE LEAGUE

The Workers Defense League appreciates this opportunity to express its strong support for the proposed amendment to the National Labor Relations Act (H.R. 4769) which your Committee now has under consideration. This amendment would rectify an injustice of more than thirty years' standing by removing the exclusion of agriculture from the NLRA and thus extending protection of the right to collective bargaining to farm workers who have rightly been called "forgotten Americans."

The result of these decades of neglect can be seen in the fact that farm workers rank lowest in annual income of all the nation's occupational groups. The average hourly wage for all farm workers in October, 1966, was \$1.18 an hour; the range was from 74 cents in South Carolina to \$1.58 in California, and eight states averaged less than \$1.00 an hour. The average manufacturing worker was paid \$1.47 more an hour—more than double. Obviously, most farm workers live beneath the poverty level.

The exclusion of agricultural workers from NLRA protection was supposedly because agriculture was different and small farmers had to be protected. This argument was never true—small farmers must compete in the market against products produced by hired farm workers, and the low wage of the worker drives down the income of the small farmer as well. But in this day of giant agribusiness and absentee corporate farmers, it bears no resemblance to the fact. Half of United States farms use no hired labor at all. Only 2.7 of the farms pay half of all farm wages, and 6 per cent of them pay 76 per cent of the wage bill.

The public is often aware of the worst results of the poverty of farm workers: miserable housing and health; children at work instead of in school; the escape to the cities without resources to cope with the urban situation. And government has begun to make efforts to help particularly through the migrant programs of the Economic Opportunity Act. But the most basic thing of all is to enable the farm workers to help themselves—to gain, through collective bargaining, a living wage that would enable them to care for their families as other workers can.

Since the last century farm workers have tried repeatedly to organize into unions and to improve their conditions. Their efforts were always beaten back—by injunctions and recourse to strike-breaking local ordinances; by evictions and by violence. The California grape strikers two years ago met the same tactics, and today in Texas more than a hundred have been jailed and the brutality of the Texas Rangers has aroused public concern and protest.

It has been said that farm workers (like agriculture) are different—that they cannot be organized. But the mass-production industries which now are organized by our greatest unions were never successfully organized until after the passage of the National Labor Relations Act. Other industries that are also seasonal (and often with low capitalization, family-type companies) like construction and the garment industries, have been successfully organized and have found that this brought stability to the industries themselves. Examples of successful farm-labor organization do exist, though they are scattered: Seabrook in New Jersey now has a long history of unionization; Hawaii has complete organization, and in California a firm beginning has at last been made.

Yet the human cost of unionization is far too great. The procedures of NLRA were finally used in the grape strike negotiation and settlement. A year and more of strike and strife and suffering could have been avoided had they been used at the beginning. The way to avoid costly harvest strikes which employers so dread is to set up procedures for orderly labor relations in advance. Employers who—historically and recently—have refused to talk with their employees, even returning registered mail unopened, would do so if the law insisted. (Nearly all employers are recalcitrant until after unionization.) Organized workers would have spokesmen responsible to them, and therefore able to negotiate and assume responsibility in regard to the employer.

Employers would find benefits other than increased stability. They would find themselves in a better competitive position in attracting workers, and the labor supply problem would be greatly eased. Better conditions make better workers. National protection of workers' organization also would help to prevent unfair competition between different states or producing areas; an unorganized state or area now has an unfair advantage as against the state or area where union organization has begun and conditions have improved. Equal treatment under federal law is needed not only for workers, but also for employers. The agricultural market is now nation wide, as is the corporate ownership of the largest agricultural producers. And the problem of agricultural workers, too, must be faced on a national basis.

Organization of farm workers, once collective bargaining rights are established, will not solve the problem of farm worker poverty overnight. But it is an essential part of the process. Farm worker unions, like other unions, will move from the struggle for recognition to that for decent wages; from there to health and welfare plans and to cooperation with the larger community for the common ends of all. From forgotten Americans, they will become full Americans, sharing all aspects and benefits of their own superb productivity and of the national life.

But first they need, deserve, and must have, equal justice under the law. We are confident that Congress can do no less than repair the inequity of thirty-three years by amendment of the National Labor Relations Act through S. 8 and H.R. 4769.

WASHINGTON-NORTHERN IDAHO COUNCIL OF CHURCHES,
Seattle, Wash., August 9, 1967.

Hon. FRANK THOMPSON,
*Chairman, Special House Subcommittee on Labor,
Rayburn House Office Building,
Washington, D.C.*

DEAR REPRESENTATIVE: There is before your committee a bill H.R. 4769 dealing with migratory labor.

The Washington State Council of Churches has on numerous occasions, as one of the pioneers in work among migrants, gone on record favoring the extension of protection to farm laborers that other workers in our country are afforded.

We are asking, please, that the following resolution passed by the General Assembly of this Council of Churches at our annual meeting in November, 1966, be placed into the record of your committee.

RESOLUTION CONCERNING LABOR LEGISLATION

Agricultural labor, like all segments of industry, is privileged to organize for the purpose of seeking better working conditions, larger gains commensurate with their contribution in the processes of production of goods, and more of the amenities of life. Agricultural labor organizations should be protected and restricted by laws in the same manner as is true in other industries. The Washington-Northern Idaho Council of Churches supports the extension of the National Labor Relations Act to farm labor, to the end that the processes of labor relations in agriculture may be defined and regulated.

Thanks for your interest in this matter. I am sure that the sixteen denominations we represent in Washington and Northern Idaho will follow with keen interest what is done with this legislation.

Sincerely,

EVERETT J. JENSEN,
General Secretary.

STATEMENT OF THE FLORIDA CHRISTIAN MIGRANT MINISTRY¹

"In light of our purpose, the Florida Christian Migrant Ministry calls upon the Congress of the United States to eliminate the legal exemptions which have prevented seasonal and migratory farm workers from benefiting from the provisions of the National Labor Relations Act and accessibility to the services of the National Labor Relations Board.

"Mindful of the current unrest among seasonal and migratory farm workers, the Florida Christian Migrant Ministry affirms with confidence that a greater measure of justice in agricultural employer-employee relationships will be beneficial to all-worker, employer and consumer. Flourishing attitudes of condescending superiority, cynicism and paternalism, on the one hand, and inferiority, hopelessness and hostility on the other, will be replaced by new feelings and new relationships as more just and equitable structures are brought into being in agricultural employment with the passage of H.R. 4769."

RESOLUTION ADOPTED BY THE DEPARTMENT OF MIGRANT MINISTRY, JANUARY 20, 1966, AND THE ADMINISTRATIVE COMMITTEE OF THE OHIO COUNCIL OF CHURCHES, MARCH 22, 1966

Whereas we recognize that 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, such as *farmers' cooperative bargaining associations*. Forms of organization for democratic and self-determining participation in economic, political, civic and other areas of life and work, by which farm workers seek responsibility to advance their status will be encouraged. Specifically included within the general right of association is the right to organize into labor unions and to bargain collectively with employers. Laws and other public policies which have been established to regulate this relationship between employers and employees to establish justice, and to protect all the parties involved should be extended to include agricultural wage workers.

Therefore, (1) We support the efforts of the Farm Workers Association of California to achieve recognition of collective bargaining rights. We recommend to local migrant committees, local churches, denominations and the Ohio Council of Churches, the endorsement of the strike objective of securing collective bargaining rights.

(2) We urge that the provisions of the National Labor Relations Act be extended to include farm labor.

(3) We recommend to local migrant ministry committees, local churches, denominations and the Ohio Council of Churches, the endorsement of the California strike objective of securing collective bargaining and further recommend support for it by providing funds.

OREGON COUNCIL OF CHURCHES,
Portland, Oreg., August 9, 1967.

Hon. FRANK THOMPSON,
Chairman, Special House Subcommittee on Labor, Rayburn House Office Building, Washington, D.C.

Dear CONGRESSMAN THOMPSON: We would like to have the following statement placed in the record of the Special House Subcommittee on Labor:

The Commission on Migrant Ministry and the Executive Board of the Oregon Council of Churches urge enactment and implementation of legislation for the inclusion of farm workers under the provision of the National Labor Relations Act, with appropriate amendments, and accessibility to the services of the National Labor Relations Board. Dated: March 16, 1967

Thank you.

Sincerely yours,

BARBARA J. COATES,
Interim Director, Migrant Ministry.

¹ From the "Statement of Policy and Program of the Florida Christian Migrant Ministry" adopted at the Annual Meeting March 29, 1967, in Avon Park, Florida.

INTERFAITH RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY OF THE IOWA COUNCIL OF CHURCHES, THE BOARD OF DIRECTORS OF THE IOWA CATHOLIC CONFERENCE, AND THE NATIONAL CATHOLIC RURAL LIFE CONFERENCE

Whereas: We believe that 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 farm workers seek responsibility to advance their status will be encouraged. Specifically included within the general right of association is the right to organize into labor unions and bargain collectively with employers. Laws and other public policies which have been established to regulate this relationship between employers and employees to establish justice, and to protect all the parties involved should be extended to include agricultural wage workers. The National Labor Relations Act was enacted in 1935 to regulate this relationship, but agricultural labor has been specifically excluded from the law's provisions.

Whereas: We support the efforts of all farm workers to achieve recognition of collective bargaining rights, recognizing that their efforts call attention to a nationwide problem, and that the success of their efforts will have far-reaching implications for the plight of all agricultural and migrant workers, including those in Iowa.

Whereas: We are convinced that application of the provisions of the National Labor Relations Act to agricultural workers will serve the best interests of growers and the public at large. In the absence of orderly worker-grower bargaining procedures, strikes, boycotts, confusion and bitterness often occur. Bringing the services of the National Labor Relations Board to both growers and workers will protect the just interests of both parties and assure a minimum of injury to the common good.

Therefore:

1. We recommend that the church bodies in Iowa go on record in support of amending the National Labor Relations Act, so as to make its provisions applicable to agricultural labor in collective bargaining.

2. We recommend that churches support the efforts of such workers' peaceful and non-violent struggle, and that they prayerfully consider their responsibilities in light of this situation, and extend all possible aid with gifts of food, money, and personal involvement.

3. We recommend that churches and church members communicate their concerns in these matters to their senators and representatives in the United States Congress.

Adopted by General Assembly, Iowa Council of Churches 1/20/67.

ILLINOIS COUNCIL OF CHURCHES,
Springfield, Ill., August 9, 1967.

HON. FRANK THOMPSON,
Chairman, Special House Subcommittee on Labor, Rayburn House Office Building, Washington, D.C.

DEAR MR. THOMPSON: Enclosed find two policy statements, one from the Board of Directors of the Illinois Council of Churches, an organization of twelve Protestant denominations in the state of Illinois; the other from the Central Illinois Conference of the Methodist Church, one of the member denominations of the Illinois Council of Churches.

Both of these statements indicate a growing support for the inclusion of farm labor under the National Labor Relations Act. Although these statements do not represent the opinion of every person in the Central Illinois Conference of the Methodist Church or the member groups of the Illinois Council of Churches, they do indicate that a large number of concerned churchmen feel that the time has come to discontinue the exclusion of farm labor under the National Labor Relations Act.

I would like very much to have both of these statements placed in the House record.

I certainly hope that you personally and the House Subcommittee on Labor will do everything you can to move House Bill 4769.

Thank you for your interest.

Sincerely yours,

FAY H. SMITH, *Associate Secretary.*

RESOLUTION ON COLLECTIVE BARGAINING RIGHTS FOR FARM WORKERS AND SUPPORT OF THE DELANO, CALIF., FARM WORKERS STRIKE

Whereas the Board of Directors and the General Assembly of the Illinois Council of Churches have previously resolved to support the extension of collective bargaining rights to agricultural workers by providing coverage under the National Labor Relations Act; and

Whereas we endorse the goal of the National Goals of the 5th Decade of Migrant Ministry pertaining thereto (which reads as follows):

"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 farm workers seek responsibly to advance their status will be encouraged. Specifically included within the general right of association is the right to organize into labor unions and bargain collectively with employers. Laws and other public policies which have been established to regulate this relationship between employers and employees to establish justice, and to protect all the parties involved should be extended to include agricultural wage workers."

Whereas it is both natural and just that farm workers should participate in the decision-making process about wages, working conditions and automation; and

Whereas the right to bargain with strength as free men has consistently been denied farm workers; and

Whereas most employers in the Delano, California area (Kings and Tulare Counties) have indicated no willingness to enter into negotiations, therefore:

(1) We support the National Farm Workers Association and the Agricultural Workers Organizing Committee (AFL-CIO), in their current strike efforts and urge them to continue until such time as their just demands are recognized.

(2) We call upon our denominations to engage in a program of education and action setting forth statements endorsing the Delano Farm Workers strike and giving material support such as money and food, (lard, pinto beans, coffee, and flour are urgently needed), and that these statements and actions be reported both to the national offices of the denominations and the Illinois Council of Churches.

(3) We call upon President Johnson to support and Congress to enact federal legislation extending the provisions of the National Labor Relations Act so that it includes agricultural workers and so that the minimum wage be extended to cover agriculture.

Approved by the Board of Directors, June 1, 1966.

RESOLUTION ADOPTED BY THE CENTRAL ILLINOIS CONFERENCE OF THE METHODIST CHURCH

Whereas farm workers have organized to bargain with their employers in Delano, California, Starr County, Texas and Wautoma, Wisconsin; and

Whereas the bargaining efforts in the above places have been marked with disorder and hardships for both employees and employers; and

Whereas leaders of Protestant, Roman Catholic, and Jewish faiths have joined with other groups to form the National Campaign for Agricultural Democracy with the sole purpose of including agricultural workers under the National Labor Relations Act; and

Whereas the Board of Christian Social Concerns and the Women's Division of the Methodist Church are financially supporting the National Campaign for Agricultural Democracy; and

Whereas Methodists are very much involved in eight Migrant Councils within the boundaries of the Central Illinois Conference of the Methodist Church; and

Whereas in 1966 more than 20,000 migrants came to work in Illinois;

Therefore: We call upon President Lyndon B. Johnson to support and the 90th Congress to enact federal legislation extending the provisions of the National Labor Relations Act to include agricultural workers.

CALIFORNIA MIGRANT MINISTRY,
Los Angeles, Calif., August 18, 1967.

HON. FRANK THOMPSON,
*Chairman, Special House Committee on Labor, Rayburn House Office Building,
Washington, D.C.*

DEAR MR. THOMPSON: Following is an excerpt from the 1967 Statement of Legislative Principles adopted by both the Northern and Southern California Councils of Churches. The excerpt is the entire section of the Principles entitled Agricultural Workers. We would like to have this excerpt printed in the record in support of HR 4769, a bill which will extend the protections of the NLRA to farm workers.

"Whether migratory or settled, seasonal agricultural workers are one of the most deprived segments of our affluent society.

"A number of current trends increase their deprivation: the rise in food prices, the ever increasing mechanization and automation of the agriculture and the consequent need for fewer agricultural workers; and the decrease in the number of farmers.

"The poverty of seasonal agricultural workers usually means inadequate housing and sanitation, insufficient medical and dental care, inferior nutrition, educational retardation, and isolation from established communities and their institutions. Economic failure and community rejection also cause a sense of personal worthlessness and purposelessness.

"Recognizing that community service—e.g., health care, child care, education, job training and re-training—must be extended to agricultural families, we place the highest priority upon legislation that will undergird family income and support agricultural workers in efforts to help themselves through organization.

"Specifically, we favor legislation designed to: (a) Protect the right of agricultural workers to organize into labor unions and to go on strike when necessary. (b) Provide for union representation elections at farms where a significant part of the work force seeks to be represented by a labor union. (c) Extend compulsory unemployment insurance to include agricultural workers."

Cordially,

WAYNE C. HARTMIRE, JR.

STATEMENTS AND LETTERS FROM OPPONENTS OF H.R. 4769

NEW YORK FARM BUREAU, INC.,
Glenmont, N.Y., May 19, 1967.

Hon. FRANK J. HORTON,
*House Office Building,
Washington, D.C.*

DEAR CONGRESSMAN HORTON: Farm Bureau members are greatly concerned about what the impact might be if the National Labor Relations Act were extended to agriculture.

Agriculture is different from industry and the difference is even more pronounced in New York because our agricultural products are largely of a perishable nature. "Farm factories" cannot be closed down at will as can an industrial plant—crops keep on growing, hens keep on laying eggs and cows have to be milked at least twice a day.

Strikes are labor's greatest weapon. Farmers with crops ready to harvest and cows to milk are particularly vulnerable to strikes and if crops are not harvested and moved to market in the short period available, an entire year's loss of income is incurred. We believe enactment of this bill into law would accelerate mechanization of farm operations thereby tending to reduce farm employment which would first be felt by the less skilled workers, a group whose lot we are all trying to improve.

There are other features of this bill which would be detrimental to agriculture, force farmers out of business, decrease the supply of farm products and increase their cost to consumers.

We urge your opposition.

Yours sincerely,

C. K. BULLOCK,
Legislative Director.

INTERNATIONAL APPLE ASSOCIATION, INC.,
Washington, D. C., May 16, 1967.

Hon. FRANK THOMPSON, Jr.,
Chairman, Special Subcommittee on Labor, House Education and Labor Committee, House Office Building, Washington, D.C.

DEAR CONGRESSMAN THOMPSON: We are unalterably opposed to the enactment of H.R. 4769.

It was regrettable that the Subcommittee determined it was "impossible" to grant our request to present the views of our membership during the hearings which closed on May 12.

H.R. 4769 would extend the provisions of the National Labor Relations Act to include agriculture. It would require a farmer to recognize a Union as the bargaining agent for his workers and enter into a collective bargaining contract with the Union, enforceable by the National Labor Relations Board and the Federal Courts. The terms of the farmer employer-Union contract could:

1. Establish a Union hiring hall by requiring farmers to fill job openings from Union referrals;
2. Require Union membership as a condition of employment within seven days of employment;
3. Permit a Union, which has *not* been recognized by an election as representing a majority of the farmers' workers, to bargain with the farmer; and
4. Specify minimum experience qualifications and provide for seniority in employment to govern promotions.

Except for the construction industry (and agriculture, if this bill is enacted) a Union hiring hall is not specifically provided for in the N.L.R.A. Likewise, an employer is not required to bargain with a Union unless it has been established by a bona fide election that the Union represents a majority of his employees,

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

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

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

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

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

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

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

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

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

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

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

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

History and statistics clearly indicate that the fruit grower finds it exceedingly difficult to pass on increased costs to the consumer. For example, while wages for *all* hired farm labor jumped over 81% from 1957 to 1965, and prices paid by *all* farmers increased 12% and the marketing bill for fruits and vegetables (excluding farm value) climbed 37.5%, *the growers' share of the retail cost of fruits and vegetables has remained remarkably constant* during that period, ranging from 24% to 28% (see Agricultural Statistics, 1966). Actually, the increase in wages and prices paid by fruit growers, as well as the marketing bill of fruits and vegetables, exceeds those averages shown above, which are for all of agriculture.

Just a quick reminder on exports, imports and balance of payments and the effect of H.R. 4769 on same. Fruit crops have a high labor requirement. Any significant increase in growing and marketing costs will result in the production of such crops being "transferred" to other countries—such as the case of California strawberry production "moving" to Mexico in recent years.

Further, increased costs could result in our losing our export markets. World apple and pear production is increasing rapidly and competition in world markets is very keen. In 1965-66 U.S. apple and pear exports contributed in excess of 25 million *dollars* to our balance of payments position. Increased costs will definitely lessen our competitive position in the world markets. In fact, we saw some evidence of this fact this season in the United Kingdom, our principal export market, when French apples were "substituted" for U.S. apples because of cutthroat pricing.

Transfer of U.S. production to other countries and loss of export markets can only result in loss of jobs for many workers—workers who often are not readily employable elsewhere.

We sincerely urge you and your Committee members to carefully evaluate the adverse impact on the nation, the workers, the growers and the consumers if H.R. 4769 were enacted.

It will be appreciated if this letter is incorporated in the Hearing Record.

Sincerely,

FRED W. BURROWS,
Executive Vice President.

Wall Street Journal for 4/25, stated hearings are starting this week on the possibility of including farm workers under the National Labor Relations Act with a good possibility of this occurring not later than next year. This is an extremely serious matter to us because we do not know anyway we can effectively collectively bargain with union representatives of our farm workers, except possibly a very brief interval before we start to grow a crop. At that time, if we saw we could not establish a wage scale that would justify growing a crop, we could let a farm lie idle, even though in the case of orchards, it might mean the loss of our trees.

Once we start to grow a crop, however, we have, by harvest time, invested in the growing of that crop just about all the money we have in the world. Probably most farmers, at that time, have additionally invested in the growing of that crop about all the money they can borrow. At that point, what bargaining power does a farmer have with union representatives of his workers? The answer is just about none. A farmer could be forced to agree to just about anything that would mean some salvage of the harvest of the growing crop.

I realize theoretically this should not happen because union representatives should see that putting a farmer out of business, also puts that farmer's employees out of a job. However, in actual practice, our experience with Teamsters' Union over the past 28 years, indicates that this is not a factor that is given any consideration at all. The union bargaining representative takes the attitude that if we can not afford to pay what is asked, our employees are better off establishing themselves in some other line of work. This is a little tough on the farmer who has his life savings invested in a farm that quickly becomes worthless if not taken care of.

Personnally, I do not see any solution for collective bargaining with farm workers, except compulsory arbitration in the event of a dispute. I would concede the possibility of free collective bargaining before a crop has been started because at that point a farmer could quit the business and at least salvage the money he has in the bank; but once a crop has been started, then I think the only possible protection for a farmer is compulsory arbitration in the event free

collective bargaining can not arrive at an agreement, and I admit compulsory arbitration is no happy solution either. It is just by far the lesser of two evils. What do you think are the possibilities of such a solution?

Sincerely yours,

MID-SOUTH MILK PRODUCERS ASSOCIATION,
Memphis, Tenn., June 28, 1967.

HON. FRANK THOMPSON, JR.,
House Office Building, Washington, D.C.

MY DEAR MR. THOMPSON, JR.: The Mid-South Milk Producers Association is a co-operative milk marketing association representing 600 Grade A Milk Producers. We have members in south west Kentucky, west Tennessee and northern Mississippi and we are interested in the welfare of our producers.

We understand that you are a member of the House Committee on Education and Labor and that your Committee is now giving consideration to H.R. 4769.

If this bill were permitted to be passed by Congress it would permit farmers to make collective bargaining agreements with a Union representing farm laborers without requiring the Union to show that it represents a majority of the employees. In the event a Union did represent a majority of farm laborers it would be an unfair practice for the farm owners to refuse to bargain in good faith with the Union. The collective bargaining agreements could require, as a condition of employment, that all employees join the designated labor organization.

If this bill were passed by Congress it could increase the cost of milk production unless there were corresponding increases in prices to producers. In view of the present economic outlook for dairy farmers coupled with the tremendous influx of dairy imports it is unlikely that there would be a corresponding increase in producers prices.

Great numbers of dairy farmers have already gone out of business because of the bleak dairy farmer income picture. Dairy farmers would be particularly vulnerable to a labor dispute, their already too low income could be further reduced. It is necessary to milk dairy cows twice daily and of course the milk is highly perishable, a labor dispute at the production level would be particularly harmful. Injecting labor disputes and strikes into the production of milk would be harmful to the stable and dependable domestic supply of milk and dairy products which dairy farmers have been able to supply to the American Consumer.

We sincerely hope that H.R. 4769 would not be voted out of your Committee.

Very truly yours,

ROSS B. CLARK, SECRETARY-MANAGER.

NATIONAL APPLE INSTITUTE,
Washington, D.C., May 17, 1967.

HON. FRANK THOMPSON, JR.,
House of Representatives,
Washington, D.C.

MY DEAR MR. THOMPSON: In behalf of all apple growers, and of agriculture in total, we strongly urge that agricultural workers should not be included in the National Labor Relations Act, as amended, as proposed in H.R. 4769.

At a time when strikes are becoming increasingly crippling to many industries and no satisfactory guidelines of responsible control have been achieved, providing a similar potential in agriculture would be disastrous.

While non-farming businesses suffer substantial losses in delays of product manufacture, delays in building completion, unwarranted infliction of inconvenience and punishment and financial loss to innocent people too involved in any way in the issues of labor controversies, and similar losses and tragedies, the potentials for similar bargaining tactics in agricultural production could prove completely disastrous to many agricultural businesses and would exact a high price indeed from the public at large. A strike called at apple harvest time, for example, really leaves no bargaining alternatives at all. The apple producer would have to acquiesce to any and all demands in a few short days, or stand to lose his entire apple crop and a full year's investment and work and ultimately his farm operation. Cows have to be milked regularly. Fruits and vegetables have to be harvested when ready, etc. Delays and tie-ups in these areas

of food production could be far more critical than in any other segment of the economy.

In a time when farmers are already squeezed unduly in the complexities of today's economy, and low incomes in agriculture are turning management and capital elsewhere, surely stringing the bow of organized labor with a mandatory labor organizing and strike "tool" is not in the best interests of agriculture, labor, or the public at large. With consumer concern about high food costs, with already existing shortages of qualified agricultural workers, with farmers already absorbing excessive costs passed down to them from other segments of agricultural processing and marketing, placing agricultural workers under the National Labor Relations Act is to attempt to "solve" an already serious problem by compounding it.

The economy changes, and agriculture has to change and is changing with it, of course, but for heaven's sake, let us not expect the American farmer—the agricultural producer—to struggle to keep pace, with his hands tied behind his back and a multiplicity of added burdens on his shoulders.

We respectfully urge that this is not the time to add agricultural workers to the coverage of the National Labor Relations Act.

Sincerely,

FRED P. COREY,
Executive Vice President.

STATEMENT OF CHARLES M. CREUZIGER ON BEHALF OF THE VEGETABLE GROWERS ASSOCIATION OF AMERICA

Mr. Chairman, my name is Charles M. Creuziger, a vegetable grower from Sturtevant, Wisconsin. I own and operate, in partnership with my sons, a 650-acre vegetable farm, growing potatoes, cabbage, onion sets, and soybeans. I discontinued growing carrots and red beets for lack of qualified labor, replacing the carrot and beet acreage with soybeans. As an employer of local farm workers and domestic migrants. I am personally interested in the legislation pending before this Committee.

In addition to operating my own vegetable farm, I am privileged to be President of the Vegetable Growers Association of America. It is in this capacity that this statement is being filed with your Committee.

The Vegetable Growers Association of America is the only national association of vegetable growers with over 40 associations representing membership in 32 states. The membership of our Association is composed of medium-sized family-operated vegetable farms, including the small market gardeners that surround the large eastern municipalities and the larger commercial family-operated vegetable farms of the southeast and midwest.

I am grateful for this opportunity to present our Association's views on the legislation now pending before this committee.

Our Association is opposed to this bill, in which it is sought to amend the National Labor Relations Act. Under the Act, Section 7, employees have a right to self-organization to form, join, or assist in a labor organization, etc. This bill gives special consideration to the building industry and to agricultural labor.

Under Section 9 of the National Labor Relations Act, we find the following provisions:

- (a) Provides for representatives and elections for the purpose of collective bargaining by the majority of the employees in a unit appropriate for such purposes and such a group shall be the exclusive bargaining agent.
- (b) Provides for the determination of the bargaining unit by the Board.
- (c) Provides for the earnings or representation questions affecting commerce; rules and regulations, also for who may file a petition and for the conduct of the elections, for the application of election rules, provides for a one year rule on elections on eligibility of strikers to vote and run off elections, and provides for the unit determination.
- (d) Provides for a situation for enforcement or review.
- (e) Provides for the election to rescind Union security agreement.
- (f) Provides for filing by the Union of its by-laws.
- (g) Provides for annual reports for Union; contents.
- (h) Provides for affidavits showing Union officers free from Communist party affiliation or belief.

The question is: Why is it sought to shortcut this procedure and make it possible for a Union of agricultural workers to be recognized by the employer without following the rules which are applicable to other groups?

Further, I see no reason why the law should provide for exceptions to particular types of labor organizations because, under the proposed bill, you may enter into a contract even though the majority status of such labor organizations has not been established.

Under the amendment of Section 9 of the proposed bill, you may provide for an agreement which requires conditions of employment, membership in the labor organization after the seventh day following the beginning of employment, or the effective date of the agreement, whichever is later, and requires the employer to notify the labor organization of the opportunities for employment with such employer, or give such labor organization an opportunity to refer qualified applicants for such employment, and the agreement may specify minimum training or experience qualifications for employment or provide for priority and opportunities for employment based on length of service with such employer in the industry in the particular geographical areas.

It would appear to me that this legislation is designed to force agricultural laborers into a Union organization without requiring the Union to meet certain specifications presently provided for by the law, the reason undoubtedly being that it is difficult, plus the cost involved in organizing groups that may not be concentrated in a particular area, thus imposing upon the employer conditions which may not prevail in his area, but which may prevail in other areas.

As an example: In an area in which there is concentrated industrial opportunity, conditions for agricultural labor may be entirely different than in an area which is primarily agricultural.

This type of legislation is not good because it gives certain types of industry, and those who work therein, advantages over other industries and under such circumstances, there is always a possibility for abuse of the individuals who may be involved in the particular industry.

Personally, I cannot see this approach to the subject, since this bill is discriminatory in favor of two particular groups, namely: the construction industry and the agricultural industry in the unionization of its workers.

This bill extends to agriculture the provisions of the National Labor Relations Act, as applicable to the construction industry. It requires a farmer to recognize a union as the bargaining agent for his workers and enter into a collective bargaining contract with the union enforceable by the National Labor Relations Board and the Federal Courts. The terms of the farmer-employer union contract could:

- (1) Establish a union hiring hall by requiring farmers to fill job openings from union referrals;
- (2) Require union membership as a condition of employment within seven days of employment.
- (3) Permit a union which has not been recognized by an election as representing a majority of the farmers' workers to bargain with the farmer; and
- (4) Specify minimum experience qualifications and provide for seniority in employment to govern promotions.

The union would have such a monopoly over labor and such power to destroy the farmer, that from a practical standpoint the union would in effect be setting hourly wages for the whole of agriculture.

A farmer could be made to bargain with the union even though none of his employees desired to join a union. The union could make a demand upon the farmer to bargain, state the wage it demanded, threaten the farmer with a strike unless he signed the contract. Provisions in the bill force the worker to join the union whether he wishes to or not.

It is becoming increasingly apparent that the persistent efforts to secure the passage of such legislation as H.R. 4769, must be construed as an indication that the union bosses will not take "no" for an answer.

No one from a non-labor sector of private life—except do-gooders and well-intentioned but misguided busybodies, has ever appeared before this subcommittee to endorse this legislation. These people are not farmers, in all probability they have had no experience in agriculture, they do not understand agriculture in all its ramifications.

Do they know that only 6.5 percent of our people are engaged in agriculture? Do they know that American agricultural production is the envy of the world, and that the American people are the best fed people in the world?

I would like to observe that it would be most definitely unfair against the American farmer and the consuming public to pass this legislation. It could mean the strangulation of our food supply by a relatively few persons.

The absolute power that would be vested in the unions by this proposed measure would lead, in my opinion, to the total corruption of our way of life, or the demise of the agricultural industry as we know it today.

Why would Congress consider imposing such likely disaster on our Nation's vegetable growers?

We strongly recommend that action on this bill be deferred.

STATEMENT BY JOHN HEINEY, EXECUTIVE VICE PRESIDENT, ON BEHALF OF
NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS

My name is John Heiney. I am Executive Vice President of the National Council of Agricultural Employers. The Council is presenting this statement in behalf of agricultural employers in 36 states accounting for hundreds of growers, and for the vast majority of farm workers engaged in the production of perishable fruits and vegetables. The Council wishes to express its opposition to H.R. 4769 which would amend the National Labor Relations Act to make its provisions applicable to agriculture.

It is notable that numerous amendments have been proposed through the years to this end but since its inception agriculture has been exempt in the judgement of the Congress. Agriculture has not changed in that it was a basic factor in our economy in 1935, has continued so for 32 years, and is so today. It is significant that the Congress again is being asked to do what the labor unions cannot do for themselves.

The Council is not opposed to workers belonging to unions; or to any other organization they choose. The Council is opposed to a regulation that compels employment solely of workers who must join a union as a condition of employment and who jeopardize the grower's very existence through the instrument of a strike capable of destroying a crop.

Farm workers themselves have shown no interest of consequence in belonging to labor unions. Efforts of unions to organize speak for themselves.

It is significant that George Meaney has stated that his organizers were sent to California five years or so ago, an expensive program, and three years ago he was compelled to report no success. Recently, he says, there have been successful strikes by Cesar Chavez. (He referred to the DiGiorgio contract, obtained on the dubious and inconclusive merits of the secondary boycott). No single fact is more notable in considering this bill than the incontrovertible fact that farm workers in California are not flocking to the union standard. Mr. Meaney and his aides have almost 400,000 farm workers as prospects. Virtually none, over a period of years, have become union members.

Despite all that has been said about the farmer not being at the mercy of nature, the fact remains that a cucumber or melon will not change its maturing habits to satisfy a labor union or the NLRB.

Proponents of this bill speak of unionizing in the canning industry, an ally of farming but unrelated in respect to labor unions. They say: if you have a union in a cannery you can have one in the field. This is not true. The processor is favored with a number of advantages not given the grower. For example, Mr. Walter Reuther illustrated the point with the canning of fish. A cannery can shut down for whatever reason and the fish continue to swim about until called for. Tomatoes, corn, beans, asparagus, peaches, plums—a dozen other fruits and vegetables develop overnight and must be harvested or lost. Melons often must be picked twice daily. A punitive act by a labor union in 24 hours could destroy a grower, who is controlled by conditions of no influence on the canner. Those who engage in first processing after the harvest can operate successfully under collective bargaining. It is important to note that this applies not only to fruits and vegetables but to all perishables, including grains and dairy.

Farm parity figures show that the farmer is in a cost-price squeeze. Mr. Reuther has referred to his experience in collective bargaining in the auto industry, but Ford or GM solves the matter of rising costs simply by upping product prices. The farmer's costs are up. A farm tractor that cost \$1,800 in 1949 costs \$7,000 today. Labor costs have increased substantially over the years. Unionizing of farm labor will increase the farmer's costs of doing business and unlike the auto manufacturer the raising and selling of perishable merchandise doesn't

adapt itself to passing the costs increased along to the consumer. Government figures proudly proclaim that the cost of living index for food is down.

Mechanization, say the proponents of this bill, will rescue the farmer faced with the problem of paying higher wages. This does not recognize that mechanization costs are high. The smaller farmer can't afford to buy machinery and he could be forced out of business if mechanization is the major factor. A machine has almost revolutionized the harvesting of cannery tomatoes in one area. Machines are being experimented with for peaches and apples, cucumbers, lettuce, and other crops but they generally are not in use because they are not yet perfected. Serious labor problems confront every grower except in cannery tomatoes today. The American housewife, for example, can forget strawberries indefinitely if she's waiting for a lower price due to machine harvesting.

At best, the farm labor situation today is a series of contradictions, no one of which can be improved by the labor union through the unionizing of workers. It is argued by proponents of this bill that the average migrant farm worker gets no more than 150 days maximum work per year, and therefore can't earn a "decent living". Unionizing has no bearing on the number of days a migrant works. What has bearing are weather changes, lengths of harvests, the desire to earn money, the worker's own abilities or tastes in working crops, capabilities and adaptabilities, and the ability to shift to better employment as offered.

In respect to wages: researchers consistently learn that the supply of farm workers is not dependent on wages; they report many influences on where the worker works, at what, and for how long. The best workers will locate the best harvests and will receive premium wages while others confine their work weeks to four or five days—a self-established wage limit. Time and money goals are popular with farm laborers, adding to the aggravation of work force shortages.

It is this organization's experience that peak harvest migrant labor cannot be managed, that farm labor can not adjust to the administrative limitation demanded by a labor union.

This organization points out that if this bill becomes law the agricultural employer is disadvantaged by general industry. Before a union could force collective bargaining on a GM, for example, there must be an election and some evidence of majority will. Under H.R. 4769 the union could force farm labor bargaining and lawfully enter agreements which would require membership in the union as a condition of employment.

When Subsection (f) was added to Section 8 of the NLRA, the Congress specifically provided that nothing in that amendment "shall be construed as authorizing the execution or application of agreements requiring membership in a labor organization as a condition of employment in any State or Territory in which such execution or application is prohibited by State or Territorial law". The bill presently under consideration doesn't contain such a provision. It appears to this organization that by this bill farmers would be deprived of the protection which the Congress felt was necessary and desirable at the time that Section (8f) was added.

The bill may have the effect of eliminating the effects of the mandate with respect to the construction and building industries.

Through the years the Congress has recognized the difference between agriculture and industry. Today as in the Thirties the farm segment is most depressed in our economy. Labor has advanced but agriculture is still depressed. An auto factory can shut down without depriving the consumer greatly. Shut down agriculture and we have a famine. The farmer can quit, if pressed too far. If he is pushed to a point of no return economically he can fold just like New York's Herald-Journal-Tribune. He is in a terminal position: the processor either passes his losses on to the consumer or back to the farmer. The farmer has no place to go except that he can stop raising fruits and vegetables and shift to crops that will keep him alive financially.

No labor union can deliver a work force in agriculture that can improve the present heterogeneous makeup of workers. Some work fast, some slow; some work every waking hour, some quit after four days because they have earned a time or money goal; some are males, some females; some of the best are boys; some are drifters; some have families to carry along; some are unemployable in industry; ethnic backgrounds range from the Mexican to the American Indian.

In conclusion, the National Council of Agricultural Employers is not opposed to farm workers belonging to labor unions or any other organization. The Council is opposed unqualifiedly to farm workers being forced to belong to a union in order to obtain work. We fail to see how the unionizing of the farm worker will assist

him in improving his way of life and we do not see how it could be of benefit to the farmer. The union would profit, through swelling their financial coffers.

Further, the so-called farm labor problem today is more a social one than agricultural. We are sympathetic to the churchmen who support the bill but see no connection between a sincere and earnest desire to improve living conditions, for example, of the migrant worker, and the forcing of these workers into labor unions. It is our belief that unions would not solve the social problems involved and would endanger the processes of harvesting the country's food supply.

The American farmer is desirous of eliminating the causes of today's farm labor work force shortage. He is providing housing that is not required of the industrial employer in his obtaining and retaining of workers at a cost of millions of dollars in the face of a diminishing need for field labor; he is spending huge sums in the recruitment of labor from far distant states; he is faced with a work reservoir consisting in too uncomfortable a degree of inexperienced hands, city unemployed, elderly, women and youths. We repeat, the farm labor problem today is not one of wages, it is a basic general shortage of men capable of, and most important, interested in performing agricultural labor. Research has steadily proved that only a fraction of the working men in this country would do farm labor by choice.

Mr. Frank Potter of the Department of Labor has stated that in his opinion passage of this legislation would not solve the farmer's labor shortage problems, observing that agricultural labor is in truth "unattractive". Higher wages would attract some workers—but as anyone knowledgeable of the farm labor situation today knows any farm worker who chooses to can earn a daily return comparable with industrial wage rates. These workers are sought by all growers.

We are opposed to this bill because of difficulties in adapting labor union membership to a floating work force and the vagaries of nature. Agriculture cannot be compared to the construction industries if for one reason alone: construction can be turned off and on; crops must be harvested on the terms of nature alone. Farm workers move from crop to crop, area to area, and the administrative problems of union membership would be enormous. It must be shouted again in clear tones: the agriculturalist is concerned with perishables, produce in field and orchard that waits for no human being.

We are opposed for the same basic reasons that guided the Congress for 32 years in exempting agriculture under the NLRA; to the placing of production of what we eat, the exposing of our food sources to the mechanics of strikes and the drawn-out strategies of the labor unions—outside the NLRA. We cite the inability to adapt the industrial concept to farming as the reason Congress has not acted in 32 years, not as the result of a political trade as claimed by Mr. Meaney.

STATEMENT OF BERNARD J. IMMING, SECRETARY, THE UNITED FRESH FRUIT AND VEGETABLE ASSOCIATION

The United Fresh Fruit and Vegetable Association, with headquarters in Washington, D.C., represents all factors in the production and marketing of fresh fruits and vegetables. Its 2,700 member firms handle fully 75% of all the commercial marketings of fresh fruits and vegetables in the United States.

This Association believes that H.R. 4769, which would make the provisions of National Labor Relations Act, as amended, applicable to agriculture, totally disregards the nature and special requirements of agriculture, including the fresh fruit and vegetable industry. This statement will be limited to a few comments on the special nature of agriculture, and is intended to emphasize the detailed presentations of other organizations opposing this bill in direct testimony before the Subcommittee or in written statements filed for the record, as well as to state this Association's own opposition to H.R. 4769.

While it is true that changes in our national economy and in industrial production have been phenomenal, there simply can be no change in the fundamental nature of agriculture—fruits and vegetables must be grown, for example, and the nature of their growth to maturity is essentially seasonal. There is no change in the fact that crops mature at certain times—a process which fundamentally is beyond the control of man—and that they must be harvested when ready. It is not possible for the grower to speed up the harvesting, to delay it, or to spread it out beyond a certain extremely limited period of time, depending on the crop.

It seems quite clear, then, that the farmer would be in the most vulnerable bargaining position imaginable if he were forced to operate under the provisions

of the National Labor Relations Act. The farmer must have labor to harvest his crop when it is ready, or in the alternative lose his entire year's investment. The prospect is frightening. Nowhere in industry is an employer required to assume such a vulnerable bargaining position. The result of the enactment of H.R. 4769 would be to subject the grower to an injustice not inflicted on any other type of employer.

The practical effect of the passage of H.R. 4769 surely would be to accelerate the already established trend to move agricultural production outside of the United States, and consequently to expand even more rapidly the imports of fresh fruits and vegetables from foreign countries into the United States. Records of the Foreign Agricultural Service of the U.S. Department of Agriculture for the past decade document the trend. At stake is a further deterioration in the balance-of-trade situation, as well as the health of U.S. agriculture.

In still another respect, the special requirements of agriculture are such that it would be almost impossible to apply the administrative procedures necessary under the National Labor Relations Act. Such things as the almost overnight changes required in the size of a farmer-employer's work force at harvest time and again during the growing season, the migrant nature of the agricultural labor force inherent in the seasonal nature of fruit and vegetable production, and so on.

At their 63rd Annual Meeting in Washington, D.C., February 1, 1967, the members of this Association adopted the following resolution:

"It is again apparent that the Congress will be asked to consider and enact legislation dealing with the agricultural labor force of the United States. Among the legislation confronting the Congress and the nation are bills which would subject agricultural labor to the provisions of the National Labor Relations Act or its equivalent, and proposals for the recruitment, training, placement, and transportation of migrant farm labor by or under the auspices of the Secretary of Labor.

"We reaffirm our opposition to these proposals, for we believe they are not in the true national and industry interest."

In conclusion, we submit that H.R. 4769 does not recognize the essentially different nature and special requirements of agriculture which would make the application of the National Labor Relations Act to agriculture unjust, impractical, and not in the best interests of the citizens of the United States.

WAYNE COUNTY GROWERS & PROCESSORS, INC.,

Marion, N.Y., May 19, 1967.

HON. FRANK HORTON,
Longworth House Office Building
Washington, D.C.

DEAR FRANK: We held our Annual Meeting yesterday and much discussion took place and serious concern is felt should the following bill be passed.

The Proposed Bill HR-4769 and the corresponding bill S-8 would end exemptions of Agriculture under the National Labor Relations Act.

We are opposed to a regulation that compels employment only of workers who must join a union as a condition of employment and which jeopardizes the growers very existence through the instrument of a strike at harvest time. A field or vegetable crop will not change its maturing habits to satisfy the pressures of a labor union or the deliberations of the National Labor Relations Board. Just one act by the Union not only could destroy the entire crop but the farmer as well.

Therefore, Be It Resolved that we are opposed to any regulation that compels employment of workers who must join a union as a condition of employment.

Be it further Resolved that we contact our Legislative Representatives and express our opposition to this Bill. This was unanimously passed and inserted in our minutes.

Please give this serious consideration and we hope your vote will be along the lines we are thinking.

Very truly yours,

MARION I. JOHNSON, *President.*

AMERICAN ASSOCIATION OF NURSERYMEN, INC.,
Washington, D.C., June 2, 1967.

HON. FRANK THOMPSON, Jr.,
Chairman, House Special Subcommittee on Labor, House Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR CONGRESSMAN THOMPSON: The American Association of Nurserymen wishes to take this opportunity to express its views on H. R. 4769, which would make provisions of the National Labor Relations Act as amended applicable to agricultural workers. We believe that this bill does not take into consideration the nature and the special requirements of agriculture, which include an extremely limited period of time to harvest crops. Farmers, including nurserymen, must harvest perishable crops when the combination of maturity and weather make it possible. If the crop is not harvested at that time, the nursery farmer may well lose his investment of many years and suffer loss of income for the coming years. Such losses could indeed bankrupt many nurseries. Products of nurseries may be handled only during limited times each year. A strike during these times would put the farmer in jeopardy of catastrophic losses.

It seems clear that farmers are the most vulnerable employers in the world. In the industrial and commercial world a strike may reduce profits, but it is rare for one to destroy a business. The situation in agriculture is quite different. We believe that the enactment of H. R. 4769 would subject the nursery grower to an injustice not inflicted on any other type of employer simply because he cannot close down his farm and, after a strike is settled, pick up where he left off.

This Association believes that passage of H. R. 4769 would result in unnecessary conflict between agricultural employees and workers. Enactment of this bill would, without doubt, accelerate the mechanization of nursery operations. Unfortunately, those who would become unemployed because of mechanization are those who are least equipped to find an alternate job opportunity.

The nursery industry feels that the factors mentioned above are adequate justification to oppose enactment of this bill.

Sincerely yours,

ROBERT F. LEDERER,
Executive Vice President.

STATEMENT BY J. J. MILLER, EXECUTIVE VICE PRESIDENT, ON BEHALF OF
AGRICULTURAL PRODUCERS LABOR COMMITTEE

My name is J. J. Miller. I am Executive Vice President of the Agricultural Producers Labor Committee. This Committee is presenting this statement on behalf of approximately 98 percent of the citrus and avocado growers and establishments where citrus and avocado fruit is prepared for market in the states of California and Arizona.

AGAINST PUBLIC POLICY

Summarized, this Bill compels compulsory unionization of agricultural labor with membership in the union required after seven days, and with a hiring hall through which the farmer must procure his labor in the first instance.

Looking to the purposes of this Bill, this would give to the unions a monopoly over agricultural labor, so that the unions could effectively control the food supply of the nation through control of the labor which produces this supply. This, in our opinion, is against public policy.

DESTROYS COLLECTIVE BARGAINING

Owing to the nature of agriculture and the need to harvest the crops at certain periods, there is already inequality of bargaining power between the farmers and the unions. To give the unions these additional powers would destroy any semblance of collective bargaining.

UNCONSTITUTIONAL

The National Labor Relations Act has been held constitutional on the ground that it involves the production of goods for interstate commerce.

It has been the accepted legal concept that production of goods for commerce reaches only the handling of the product after harvest and does not reach the production, harvesting on the farm, and transportation of the product from the farm to the establishment where it is prepared for market.

This statute seeks to have the Federal Government take over all the well-established intrastate activity of farming.

We do not believe that the Courts of the United States are willing to destroy the Constitution in this manner.

Any regulation of labor relations covering farm labor should be done under State Law so that a State Board can properly handle the multitude of local problems involved in production of farm crops.

UNWORKABLE IN AGRICULTURE

While this type of statute might be effective in the construction industry, where supplies can be acquired as needed, which is not seasonal and deals largely with non-perishable products, and the labor cost can be passed on to the owner who is paying for the construction, such a set-up is not workable for agriculture.

It is true that work in construction involves changing occasionally from one project to another, still the work in relation to the various projects is more or less permanent and continuous. The factors involved in the work—planning, starting time, building supplies, labor and internal costs, methods of operations, and the like—can be adequately anticipated and controlled. This is not true in agriculture.

The time when a crop is harvested depends upon maturity and weather conditions, over which the farmer has no control.

The farmer's work for the entire year may be tied up in this crop. He is not in a position to bargain at that time because a strike or other coercive activity would destroy his entire year's efforts.

Except in cases of acute shortages, the farmer is not in a position to pass on added costs to the consumer.

He must take what the market will pay for his product in competition with other agricultural products produced in his own area, as well as in other states or in foreign countries. His wage structure must be held within the limits of the funds he receives from his products and cost of operation. Otherwise it is impossible for the farmer to stay in business and offer jobs to workers.

The wage structures in industry cannot be automatically applied to agriculture, as would be the tendency if industrial unions should gain control of the labor supply of agriculture.

Before any effort is made to bring agriculture under the National Labor Relations Act, a thorough study should be made of the economic factors involved in each crop in each area of each state, as there is a great difference in the production, preparation for market, and marketing of these crops, and any method that would substantially interfere with these processes would tend to cut down production and increase costs to the consumer.

AGRICULTURE BEING HINDERED

Already increased production costs are driving agricultural production out of the United States into foreign countries.

A Bill of this kind would add impetus to the trend of agriculture to leave the United States and go to where land costs and taxes are less and labor is more plentiful. This Bill would thus not be in the interest of either labor or the consumer.

Our competition is active and aggressive.

In terms of world-wide competition, a recent report of the California Department of Agriculture stated that "it was apparent that developments in the European Common Market as they related to agricultural commodities would probably affect many agricultural industries in California adversely."

Some of you already realize the impact which Mexico is beginning to have in this area. Frozen strawberry imports into the United States from Mexico zoomed to a record high of over 82 million pounds in 1966, a whopping 60 percent over 1965. Nearly ten years ago frozen strawberry imports from this source totaled only 14 million pounds. Fresh market strawberry imports from Mexico during 1966 were more than double those the previous year. A similar story can be told about exports of vegetables to the United States from Mexico where the production costs are low.

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Mexico could substantially knock United States grown farm products out of competition. This, it seems to me, is something not often considered. Examples of Mexican imports of farm products into the United States that are directly competitive with many crops are indicated in the following charts:

Pole tomato acreage has continued the sharp upward trend of recent years. Production from such acreage is several times that of other type plantings.

Preliminary acreage of several winter vegetables on the west coast, with comparisons for the past two years follow:

[In thousands of acres]

Commodity	Planted acreage		
	1964-65	1965-66	1966-67 ¹
Tomatoes:			
Pole.....	16.1	20.0	23.7
Green or bush.....	14.9	9.6	4.9
Cherry.....	.8	1.2	2.2
Peppers.....	3.5	4.4	6.4
Cucumbers.....	3.8	4.6	4.3
Cantaloups.....	10.9	12.4	9.7
Watermelons.....	2.0	1.7	5.3
Peas.....	2.1	4.2	3.0
Beans (green).....	1.2	1.6	2.0
Squash.....	.4	.7	1.6
Eggplant.....	.4	.4	.5

¹ Preliminary.

Source: Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C.

Total U.S. imports of fresh market fruits and vegetables from Mexico by rail, truck, or boat

[In cars and carlot equivalents]

Calendar year:	Amount
1954	8,589
1955	5,999
1956	8,168
1957	8,843
1958	14,778
1959	16,682
1960	16,638
1961	12,598
1962	16,492
1963	19,786
1964	19,892
1965	20,878
1966	21,544

Source: Fresh Fruit and Vegetable Shipments, annual reports issued by USDA, Consumer and Marketing Service, Fruit and Vegetable Division, Market News Branch, Washington, D.C.

*U.S. imports of frozen strawberries
from Mexico*¹

Calendar year:	Pounds
1959 -----	14, 063, 000
1960 -----	25, 017, 000
1961 -----	29, 817, 000
1962 -----	32, 281, 000
1963 -----	34, 550, 000
1964 -----	39, 720, 000
1965 -----	51, 846, 000
1966 -----	82, 826, 000

*U.S. imports of fresh strawberries from
Mexico; season, November-May*²

Season:	Pounds
1958-59 -----	51, 000
1959-60 -----	540, 000
1960-61 -----	387, 000
1961-62 -----	966, 000
1962-63 -----	2, 449, 000
1963-64 -----	3, 794, 000
1964-65 -----	5, 183, 000
1965-66 -----	9, 778, 000

¹ Source: U.S. Department of Commerce.² Source: Foreign Agriculture Service, U.S. Department of Agriculture, Washington, D.C.

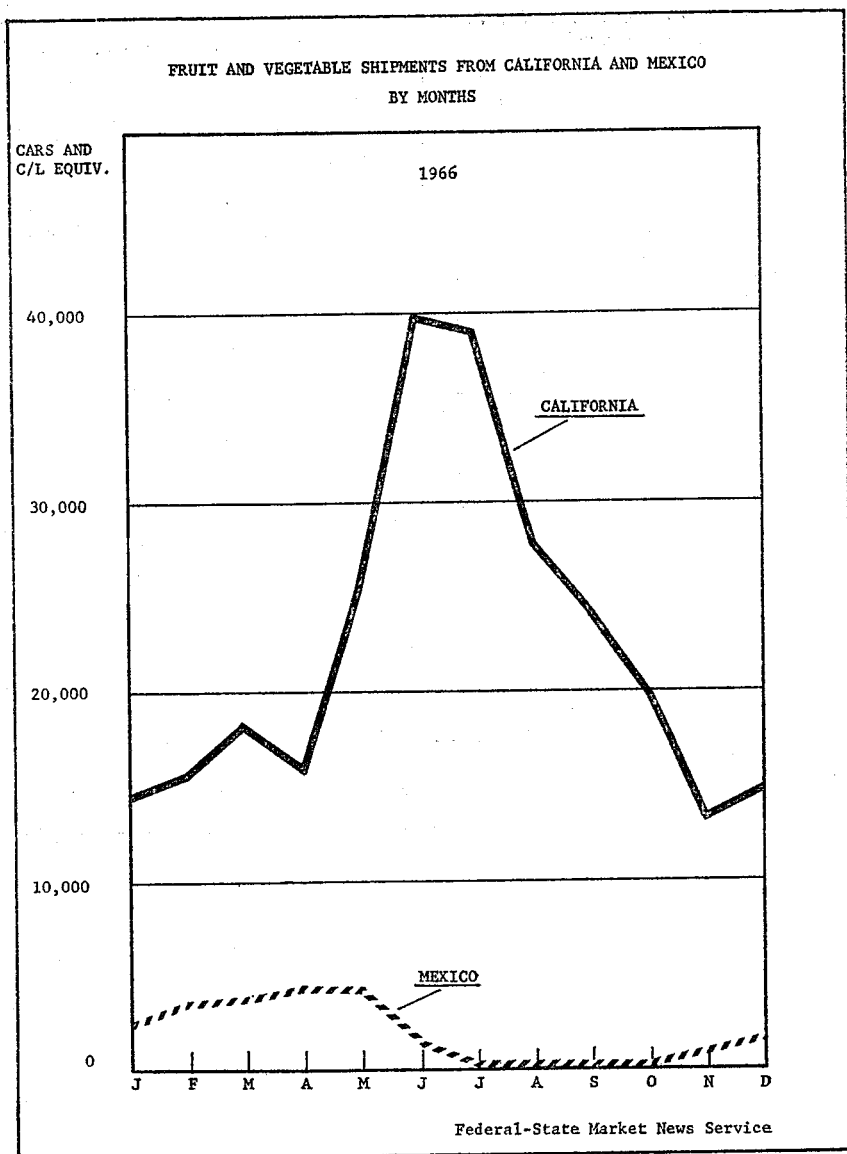
U.S. IMPORTS OF FRUITS AND VEGETABLES FROM MEXICO FOR FRESH MARKET; 1964, 1965, AND 1966 CALENDAR YEARS

[In cars and carlot equivalents ¹]

Commodity	1964	1965	1966
Beans	376	412	271
Cantaloups	4, 064	4, 578	3, 211
Carrots	31	42	109
Cucumbers	573	1, 310	1, 480
Grapes	17	28	36
Grapefruit	53	---	---
Mixed-miscellaneous melons ²	149	175	137
Onions	800	949	1, 264
Oranges	2, 459	1, 556	1, 055
Peas	243	223	274
Peppers	598	793	1, 095
Plums	---	6	---
Strawberries	292	412	839
Tomatoes	8, 204	8, 492	9, 964
Watermelons	2, 033	1, 902	1, 809
Total	19, 892	20, 878	21, 544

¹ Includes number of rail carloads and number of truckloads adjusted to represent amounts equal to railcars.² Probably mostly honeydews.

Source: Compiled from Fresh Fruit and Vegetable Shipments, annual, issued by USDA, Consumer and Marketing Service, Fruit and Vegetable Division, Washington, D.C.



As further example, not long ago a single nursery in the Coachella Valley shipped in excess of 500,000 orange trees to the Hermosillo area of Mexico. These are enough trees for a planting of approximately 5,000 acres.

The same nursery also shipped seed to Mexico in 100 pound lots. It is estimated that enough seed has been shipped to Mexico to plant 20,000 acres.

Citrus in Mexico is being planted with the aid of loans by the Mexican Government. One of the prime purposes is to export to the U.S. Market.

Already increased price competition from foreign producers is cutting into agricultural sales, particularly in relation to canned goods, and canners constitute a market for a substantial portion of agricultural production in California.

For example, in peaches exports account for 15 to 20 percent of the production, and this product is in competition with products from such countries as Australia and South Africa, where the production is highly subsidized, and whose exports are their main sales outlets.

Asparagus from Formosa is in competition with United States products in appearance and at a lower cost.

Owing to the elimination of the Bracero Program and with attendant increased labor costs, some major packing companies have been required to raise prices on cans of fruits and vegetables more than 20 percent, and the farmer is not getting a commensurate increase in the price paid to him.

While canners to some extent can designate a price for their product, the farmers and the handlers of fresh fruits and vegetables do not have that advantage, primarily because their production must be moved to market as it is harvested and packed, and in most instances a market glut exists at that time, so that the farmer must take what the market demand indicates.

CONSUMER PRICES UP

If a monopoly is given to unions over agricultural labor, there would tend to be a standardization of farm labor rates closely related to industrial rates.

This would fail to take into consideration the economic differences between industry and agriculture, and the wide variation in growing conditions in the different areas and at different seasons, which bears upon wage rates, hours of work and working conditions.

To raise wages and hours of work in line with the areas most capable of paying these added costs would undoubtedly destroy production of perishable commodities in numerous places throughout the United States, shorten the available supply, and thus increase consumer prices.

UNION WOULD DICTATE WAGES

It is the practice in agriculture to use piece rates in many of its operations, particularly in harvesting.

These are incentive rates and vary widely with the area and crops produced. These tend to relate wage rates to production and stabilize the permanent costs.

Any effort to put a minimum guarantee under piece rates tends to remove incentives and forces the employer to discharge those who are unable to meet the minimum.

This forces more and more people onto welfare and eliminates job opportunities for students, housewives, those entering the labor force for the first time, and particularly those who could not consistently earn the equivalent of the guarantee or the minimum wage.

The union would have such a monopoly over the labor and such power to destroy the farmer that from a practical standpoint the union would in effect be setting hourly wages for the whole of agriculture and eliminating incentive wages.

INTERFERENCE WITH RECRUITING

The union's insistence on elimination of the Bracero Program and the union's inability to perform on its representations that it could furnish adequate labor at harvest time indicates the inability of unions to supply the labor needed in agriculture.

Instead of the unions being able to find additional qualified workers, this Bill would in effect drive all present agricultural workers into unions.

The unions have not shown the ability to train or supply qualified workers.

The citified worker already under union control has neither the desire nor the ability to perform agricultural work, and the higher the agricultural wage becomes the less able is the farmer to use the type of worker who likes agriculture but who cannot perform efficiently enough to keep the unit cost in line with competitive areas.

If the farmer were required to first make application to a union hiring hall before he could recruit elsewhere, he would find it practically impossible to obtain necessary labor when he needed it, particularly at harvest time.

The union would obviously have to depend upon the United States Employment Service to supply the seasonal labor. The experience of farmers in California has shown that this Service, however hard it tried to get qualified agricultural labor, could not do so, either in intrastate or interstate recruitment.

ADMINISTRATIVE PROBLEMS

The administrative problems for the National Labor Relations Board to handle representative elections and collective bargaining under this Bill would be insurmountable.

A union could represent the workers even though the the union were unable to get 30 percent for the purposes of an election.

A farmer could be made to bargain with the union even though none of his employees desired to join the union.

The union could make a demand upon the farmer to bargain, state the wages it demanded, threaten the farmer with a strike unless he signed the contract; and the only choice the farmer would have would be to accept the union's proposal or have his crop destroyed by a strike.

There is no equality of bargaining power or any justice in this type of compulsion.

Obviously, the union could coerce the employer into a contract without even having an election, and good faith bargaining would be a thing of the past.

If the farmer requested an election, the Board would have to determine the appropriate unit, the eligibility of workers to vote, and what constituted a representative payroll for election purposes.

In the time it would take under present procedures to accomplish these things, the farmer's perishable crop could be rotting in the field.

Because of the large number of small and medium size farmers who have only a few employees during the year, and then a substantial number during the harvest season, the determination of the unit for bargaining purposes and the handling of an election to get a representative crew would be practically impossible.

For example, in asparagus the regular crews during the growing season are usually small, but during harvest season the harvesting crew may be ten times the number of regular employees, so that in order to get a representative crew for election purposes elections would have to be held at harvest time. Those voting in the election one year might be entirely different than those who would be present for harvesting during the next season.

This would tend to lead the union to demand a contract on a crop basis for all the producers in an area or the state, which would destroy the freedom of collective bargaining by the growers and would tend to set up large labor blocs that would destroy any equality of bargaining power.

Section 2 (4) of the proposed statute provides that the agreement may contain a provision specifying the minimum training or experience qualifications for employment, and priority in opportunities for employment based upon length of service with such employer, in the industry or in the particular geographical area.

This would permit the union to set up qualifications for union membership which would be beneficial to its operation, and arrange a seniority program for an entire geographical area whereby such members would have individual preference for desirable jobs.

This would probably mean that the union would not be able to furnish workers except those which met union qualifications, so that the farmer could not rely upon the union to furnish the great number of seasonal employees who would not meet union qualifications.

This, together with the provisions that they must join the union within seven days, would in fact give preferential hiring to only a small segment of the workers needed, and discrimination against and deny membership to the remainder; and the union might require an employer to discriminate against his employees who may be qualified to do the work to the satisfaction of the employer but not meeting union requirements.

While the proposed statute does not specifically provide that an employer must execute such a contract, the economic status of a farmer, as before pointed out, is such that for all practical purposes he would be compelled to sign the contract that the union proposed.

SUMMARY

In summarizing then, it is our position that this statute would so operate as to be against public policy, would tend to destroy collective bargaining, would present a serious Constitutional question, would seriously interfere with and tend to disrupt agricultural production and increase consumer prices.

It would interfere with the necessary recruiting of agricultural labor and probably result in discriminatory practice by the union contrary to the provisions of Section 8 of the National Labor Relations Act.

L. H. MOORE CANNING CO.,
McAllen, Tex., May 30, 1967.

Hon. KIKI DE LA GARZA,
House Office Building,
Washington, D.C.

DEAR KIKI: It appears to me that agricultural labor now having a floor under their wages starting with a \$1.00 per hour as of the first of last February, is quite a forward step. This minimum wage is going to advance over the coming years which will bring their agricultural wages more in line with industry.

I feel that the agricultural community does need a little time to accomplish this change over, without the addition of the National Labor Relations Act being place on their shoulders at the same time. Why don't we give agriculture a little time to get in step before we add this improvement.

Thanking you, I am,
Sincerely yours,

LEWIS H. MOORE.

NATIONAL MILK PRODUCERS FEDERATION,
Washington, D.C., June 27, 1967.

Hon. FRANK THOMPSON, JR.
Chairman, Special Subcommittee on Labor of the House Committee on
Education and Labor, House of Representatives, Washington, D.C.

DEAR Mr. THOMPSON: Presently under consideration by your Subcommittee is a bill—H.R. 4769—which would amend the National Labor Relations Act so as to make its provisions applicable to agriculture.

At the Federation's last annual meeting, its dairy farmer members adopted a resolution opposing elements such as unionization of farm laborers which would result in an increase in the cost of milk production unless these factors are accompanied by corresponding increases in prices to dairy farmers. Under present economic and industry conditions, it is unlikely that increased costs of production which would result from unionization of farm employees would be reflected in higher prices to dairy farmers.

During the past few years, unusually large numbers of dairy farmers have discontinued their farm operations. This has been due primarily to the inordinately low returns derived by dairy farmers compared with the capital investment required, the high cost of production, and the time-consuming and back-breaking labor required of the farm owner.

This exodus of dairy farmers resulted, early in 1966, in a reasonable balance between the supply of milk and dairy products and market requirements so that farm prices improved to some degree. However, as prices improved, increasingly large quantities of dairy products were imported so that the modest increases in prices which dairy farmers had been receiving receded. At the present time, almost unlimited quantities of dairy products are being imported. It would seem, therefore, the American dairy farmers are caught in a near hopeless vise of high domestic costs of production and low-priced foreign produced products. Under such circumstances, unionization of farm laborers which would almost certainly increase the cost of milk production without resulting in a corresponding increase in prices to producers would cause additional numbers of dairy farmers to go out of business and further diminish the domestic supply of milk and dairy products upon which American consumers have grown to rely.

One of the largest single elements of a dairy farmer's cost of production is the labor cost. Usually, laborers employed by American dairy farmers receive well above minimum wages. In addition to their salaries, many dairy farm employees are provided with housing and board. Since the cost of production is abnormally high under present conditions, unionization could only cause additional numbers of dairy farmers to go out of business.

Dairy farmers would be particularly vulnerable to a labor dispute since they are the producers of a highly perishable commodity. A labor dispute at the production level would be particularly harmful to the farmer. Such a dispute

would also disrupt the domestic supply of wholesome milk and dairy products which has been made available to American consumers.

For these reasons, the National Milk Producers Federation is opposed to enactment of H.R. 4769 and urges that the bill not be approved by your Subcommittee. We respectfully request that this statement be made a part of the record of hearings by your Subcommittee on this matter.

Sincerely,

E. M. NORTON, *Secretary.*

STATEMENT OF THE FREDERICK COUNTY FRUIT GROWERS' ASSOCIATION, INC.

The Frederick County Fruit Growers' Association, Inc. represents 160 fruit growers in the Northern Shenandoah Valley of Virginia and West Virginia. The growers will produce approximately 8 to 10 million bushels of apples in a normal crop year and will employ about 5,000 workers to harvest the crop.

The Frederick County Fruit Growers' Association, Inc. is composed of growers who are included in the 3% who would be affected by HR 4769, as Secretary Wirtz puts it, and the 97% whom the Secretary apparently thinks would not be affected.

We would take exception to the Secretary's opinion that only 3% of the farms would be affected and we take exception to his use of the average farm worker's wage being "today some place between \$1,100.00 and \$1,500.00 a year."

On April 18, 1967, Mr. John Francis Foy, Regional Administrator, Region III, Department of Labor, sent a telegram to the Virginia State Farm Placement Supervisor in which one complete sentence read: "Growers Winchester area should be informed that available Supply of workers for apple picking has increasingly tightened." (Complete telegram attached for the record.) Let us assume that the growers who would be affected by HR 4769 are unionized and the union controls the already tight supply of apple pickers. Is it not sensible then to suppose that the 97% whom it has been argued would not be affected by this bill would not have any labor with which to pick their apple crop? Now can it be said that any apple growers will not be affected by HR 4769?

When the Secretary states that the average farm worker's income is some place between \$1,100. and \$1,500. per year, depending on which of several measures is used, he leaves the subject immediately and does not explain how he arrives at those figures. Neither does he quote his source of information. If the Secretary includes in his averages all farm workers, part time as well as full time—then, of course, his averages would be low. For example, an average worker picking apples in 1966, the last normal crop year in Virginia, for the ten (10) week picking season earned \$1.517 per hour. If he worked 48 hours each week, he would have earned \$728.16. If this was the only farm labor he performed, his "farm worker's income" would fall considerably below even Mr. Wirtz' extremely low figures. We doubt that any thoughtful man would throw away a tasty, juicy Red Delicious for the reason that the person who picked it was underpaid. Representative members of this Association who would fall into the class which would be directly affected by HR 4769 report that the average year-round farm worker's income, exclusive of supervisors, for 1966 was:

Grower A—averaged \$1.35 per hour for 48 weeks at 48 hours per week or \$3,110.00 per year.

Grower B—averaged \$1.25 per hour for 48 weeks at 48 hours per week or \$2,903.00 per year.

And it must be remembered that the 1966 apple crop for each of these organizations and all the rest of the members of this Association was only 25% of normal.

The secretary rather naively suggests that the burden of absorbing all the risks and costs which are subject to the "whims of nature" are being borne by those who work in the fields. The worker has invested nothing until he steps on the field and begins to invest his energy. The farmer has bought and leased the land, cleared and tilled the soil, planted his trees, sprayed, pruned and nursed the trees for years, bought the tools and machinery, erected quarters for harvest labor and prayed that when the trees mature, he will not feel a freeze, witness a drought, see a blight, or fail to get labor to harvest what crop he might have. Will he now have to add one more prayer? After the money is spent and after all the risks are taken—then and only then does the harvest worker enter the picture.

The Association feels that what it presented to the Congress in reference to this subject in April, 1965 is still germane today and bears repeating verbatim at this time:

"Unions are an established fact of life on the American scene. They serve a needed and useful function in large industrial establishments. Their value is unquestioned. There is serious doubt, however, that the unrestricted power given the union is in the best interest of growers, unions or workers.

"Farm operations often are large and employees numerous. The desire of employees to improve their conditions is only natural. The overriding question is the question of strike at harvest. Crops mature as nature develops them. We can observe and flex with the development but we cannot control it. No group should have the life or death power to rule or ruin given in this bill to the unions.

"The growers' entire stake is in the crop at harvest time. For most crops this is a relatively fleeting moment of time if the crops are to be harvested at optimum quality and produce the maximum return. Nobody is able to 'negotiate' at this time. It can be only blackmail when coupled with the threat of crop loss. No subject can be considered on its merits under such conditions.

"Provisions in the bill force the worker to join the union whether he wishes to or not. The grower must bargain with the union regardless of the size of the union group. A dissident minority, under current Employment Service rules as few as two, could declare a 'labor dispute' and cut the employer off from U.S. Employment Service referrals.

"There are unions operating on farms. They have not been conspicuously successful nor have the unions been able to fill the full labor needs of the employer. Whether unions are needed or not has no bearing on this subject.

"We feel that agricultural employers should have the same rights and privileges as an industrial employer, particularly the right of dealing with established majorities of his workers. The dissatisfied and the malcontents are present in every group. To give them the power of stopping a harvest operation is to cater to anarchy. Likewise, the employees should have the privilege of freedom of choice to join or not to join. Much agricultural employment is of short term duration; the worker may feel that the length of employment is too short to justify paying union fees. This should be his prerogative."

VIRGINIA EMPLOYMENT COMMISSION INTEROFFICE COMMUNICATION

To: Manager—Winchester. Attention: Mr. David C. Nellis, Farm Placement Supervisor.

From: State Farm Placement Supervisor.

Subject: Telegram Received From Regional Office Pertaining to Wages.

Please inform Frederick County Fruit Growers Association and other interested growers of details contained in following telegram received today from Mr. John Francis Foy, Regional Administrator:

"Bureau and Florida agency representatives on Florida Pooled Interviews Itinerary report uncommitted fruit crews being exposed first to Virginia and West Virginia apple orders but are rejected employment commitments these orders in favor of more attractive piece rates to workers and higher override to crew leaders being offered in apple orders from other states. Reported also that two or more crew leaders who previously have brought workers to employers in Winchester and Martinsburg area should be informed that available supply of workers for apple picking has increasingly tightened. Many employers from other states, notably North Carolina, have increased their piece rate and override offers in effort to offset strong competition. There are growing doubts that worker supply states will be able to recruit successfully for Winchester growers in coming months in face of more attractive offers from competing employers. Since employers who desire to maintain eligibility to request foreign workers will be required to provide round trip transportation for workers who complete the season, negotiations are now underway with Puerto Rico Department of Labor to make workers available on short term contracts with these employers. The earnings guarantee required by Puerto Rico matches the \$1.35 adverse effect guarantee applicable to Virginia. Acceptance of these orders by Puerto Rico may ease the Winchester domestic worker shortage."

Our recruiter reports by telephone that most apple picking orders from other states, except West Virginia, now carry a wage rate of 20¢ plus 5¢ to crew leader. Crew leaders are primarily interested in amount of override and are not too impressed with the \$1.70 per hour crew guarantee.

B. E. PERRY.

Date: April 18, 1967.

DAIRYMEN'S LEAGUE
CO-OPERATIVE ASSOCIATION, INC.,
New York, N.Y., June 29, 1967.

HON. FRANK THOMPSON, JR.
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN THOMPSON: My attention has been called to the severely adverse effect which the proposed bill H.R. 4769 would have on dairy farmers and their families across the country if it were passed. As I understand it the bill seeks to amend the National Labor Relations Act so as to make its provisions applicable to agriculture.

I am a dairy farmer and have been elected an officer of the Dairymen's League through the elective process available to its 15,000 dairy farmer-members. I have found absolutely no sentiment among farmers for the idea represented in the bill H.R. 4769. And to require farmers to make collective bargaining agreements with a union representing farm laborers without requiring the union to show that it represents a majority of employees is even more unthinkable.

Since milk is a highly perishable commodity, a labor dispute at the farm, or production level, would not only be harmful to the public good but would place the farmer in an extremely vulnerable position. His income is already at too low a level and in case of a labor dispute he would have no means to secure an alternate income. The American dairy farmer has provided the American consumer with a stable and dependable domestic supply of milk and dairy products over many years. Labor disputes and strikes would imperil the stability of the entire dairy supply system from the farm to the consumer.

The last few years we have seen great numbers of dairy farmers go out of business because of the weak dairy farm income picture. I have no doubt that the injection of labor unions together with collective bargaining into the American farm system will result in many, many more farmers leaving the farm immediately.

Because of the reasons stated above, on behalf of the members of this organization, I sincerely urge you to vote "no" in any consideration of bill H.R. 4769.

Sincerely,

EUGENE J. VANDENBORD,
Member of Executive Committee,
First Vice President, Treasurer.

STATEMENT OF CECIL WILLIAMS JR., EXECUTIVE VICE PRESIDENT,
AGRICULTURAL COUNCIL OF ARKANSAS

The following statement is submitted to the Special Subcommittee on Labor by Cecil Williams, Jr., executive vice-president, Agricultural Council of Arkansas, regarding H.R. 4769, a bill to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture.

Arkansas farmers are deeply disturbed about the possibilities of this legislation. They feel very strongly that due to natural conditions and the economics of farming, agriculture does not lend itself to unionization.

If the provisions of NLRA are extended to agriculture, unionization of farm labor will be relatively easy. As we understand the Act, the NLRB would be obligated to call an election if only 30 percent of a farm's employees sign a petition asking for an election. Theoretically, three employees on a farm having nine employees could determine if all the workers are to be unionized.

Once a farm is unionized, union leaders would certainly pick crucial times in the crop year to make contract demands. For most crops there are three crucial periods—planting, cultivating and harvesting. A crop can be completely lost during either of these periods. The planting season varies with different crops from two weeks to two months. Usually there is a critical period of three

to five weeks when the weeds must be removed from the crop or it will be totally lost to foreign vegetation. Harvest periods for crops have a wide variation of time. For perishable crops, two or three days can be crucial. Grain and fiber crops can withstand extended harvest periods without total loss. However, delayed harvest of any crop causes loss of value. A strike during any of the crucial periods in the life of a crop could cause serious economic loss to any farmer. For many farmers, it could cause bankruptcy.

Modern day American agriculture consists of well over two million firms. The capital necessary to begin a new agricultural enterprise is still low enough to have relatively free entry into the business. Agriculture is therefore a highly competitive industry characterized by strong competition from within and without. There are far too many people engaged in the production of major commodities to even attempt price fixing.

Government controls of acreage have not been very effective in raising prices, although of great benefit to agriculture. Even if producers could get together to buoy prices, the tremendous competition from synthetics to a commodity such as cotton would make such an effort totally ineffective. Synthetic producers would be delighted to see cotton farmers raise their prices. Obviously producers of many commodities will be unable to raise their prices to compensate for increased costs that will be brought about by passage of this bill. Clearly, farmers will have to absorb these costs.

As the cost of production forces many farmers out of business, their land will either remain idle or be taken over by farmers with diversified interests. There is also the possibility that large sums of non-farm capital will be attracted to agriculture. In any case the new corporation-type farm will not be in business to earn a living but to return a profit to stockholders. Regardless of which course farming takes, consumers will assuredly have to pay higher prices for the necessities of life because much of the competition will be removed from farming.

For the good of agriculture and the nation, the Agricultural Council of Arkansas strongly recommends that agriculture not be brought under the National Labor Relations Act.

NATIONAL COTTON COUNCIL OF AMERICA,
Washington, D.C., May 19, 1967.

HON. FRANK THOMPSON, Jr.,
Committee on Education and Labor,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. THOMPSON: The National Cotton Council would like to have its position on H. R. 4769, a bill to bring farm workers under the National Labor Relations Act, contained in the hearing record on that bill. The National Cotton Council is the overall organization of the raw cotton industry representing cotton farmers, cotton ginners, cotton merchants, cotton warehousemen, cotton spinners, cottonseed crushers, and cotton cooperatives.

We are opposed to the enactment of H. R. 4769. Currently, farmers are caught in a vicious cost price squeeze. The relationship of prices received by farmers to prices paid by farmers is the lowest it has been since the middle '30's. The index of prices paid by farmers is at an all-time high. Accordingly, they are in no position to have to pay the additional costs generally involved in dealing with their workers through a union. In addition, it is absolutely impossible to expect that farmers would be in any position to bargain with the union representing their workers if a strike were threatened at harvest time.

Farming is totally different from an industrial plant which can close down operations for a few weeks or a few months and thereby eliminate a very substantial part of its costs which would mean that the net income for the year would not be affected greatly. On the other hand, farmers who do not have the labor to harvest a crop timely would lose the entire year's income but would still have incurred all of the cost of production except that for harvest labor. Those who are not in a very strong financial position could be completely wiped out in one year if they were forced to lose a crop because of a labor dispute. Accordingly, we urge that the Committee disapprove H. R. 4769.

It would be appreciated if this letter may be made a part of the hearings. Regards.

Sincerely,

J. BANKS YOUNG.

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STATEMENT OF HON. THOMAS G. ABERNETHY, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MISSISSIPPI

Mr. Chairman and members of the subcommittee, I welcome the opportunity to present to the Committee my views concerning the effect which the enactment of H. R. 4769 would have on farmers and on farm workers, particularly in Mississippi.

The crucially important fact relating to the issue as it involves the welfare of farm workers in Mississippi is the precipitous decline in farm worker employment in the State. This has created substantial unemployment among farm workers with associated problems of poverty and welfare.

This development has resulted in an out-migration of farm workers from rural areas. Many such people have ended up in urban slums in northern cities.

The scale of the reduction in farm labor employment in Mississippi is indicated by the following table.

HIRED FARMWORKER EMPLOYMENT IN MISSISSIPPI

	1963	1964	1965	1966	1967
January.....	18,000	17,000	19,000	16,000	15,000
February.....	26,000	26,000	29,000	22,000	17,000
March.....	43,000	40,000	37,000	38,000	29,000
April.....	71,000	66,000	52,000	47,000	36,000
May.....	98,000	84,000	89,000	64,000	44,000
June.....	82,000	74,000	84,000	61,000	45,000
July.....	45,000	60,000	52,000	46,000	-----
August.....	61,000	56,000	47,000	44,000	-----
September.....	149,000	120,000	105,000	83,000	-----
October.....	114,000	100,000	102,000	78,000	-----
November.....	48,000	36,000	33,000	32,000	-----
December.....	20,000	19,000	16,000	13,000	-----
Annual average.....	65,000	58,000	55,000	45,000	-----

Source: "Farm Labor" Reports, USDA.

The sharp downward trend in farm worker employment will be noted. The reduction in the first six months of 1967 is particularly acute. Farm worker employment was down 25% below the same months in 1966. The situation is comparable in other farming areas of the nation.

This represents primarily the impact of the extension of minimum wage legislation to farm workers. Unfortunately the full impact of the minimum wage legislation on farm worker employment has not yet been felt. As the minimum wage goes to \$1.15 next year and \$1.30 in 1969, further adverse consequences on the employment of farm workers is inevitable.

The effect on the people so disemployed is disastrous. Unfortunately most such disemployed workers have few qualifications which enable them to find employment elsewhere or in other occupations.

The relationship between the above recital of the factual situation in Mississippi and H.R. 4769 is this: The enactment of H.R. 4769 would create an additional incentive for farmers to substitute capital for labor by the purchase of labor saving equipment. This, of course, will also be the situation in other farm states.

Mechanization of farming operations is not an independent process. The rate of mechanization depends upon the outlook with respect to labor costs and labor conflict. Farmers do not invest capital in mechanization—and it is an extremely expensive change for farmers who are chronically short of capital to make—unless they conclude that the sum total of the factors affecting their future outlook compel them to do so.

Farmers in Mississippi have by no means exhausted the changes they can make in response to a difficult labor situation. The incentive for them to change their farming operations by investing in labor saving equipment and other adjustments that would be stimulated by the enactment of H.R. 4769 would result in a substantially greater disemployment of farm workers than would otherwise be the case. This incentive would be established even where no immediate efforts to unionize farm workers were made as a result of the enactment of H.R. 4769. Farmers would anticipate trouble ahead and would adjust their plans and operations to be in the best possible situation to deal with the problem as it may develop.

In analyzing the impact of the proposed extension of the National Labor Relations Act to agriculture, it is important to understand the drastic effect

unionization could have on farmers' incomes. The farmer is uniquely vulnerable to strikes and labor disputes. Most businesses involved in a strike or labor dispute can close down their operations and sit out a considerable period of negotiations before starting up again. While such businesses may suffer some losses from a strike or labor dispute they are not usually disastrously affected.

The situation in agriculture is strikingly different. Farm operations cannot be halted because of a labor dispute. The harvest of crops, and other farming operations, must be undertaken on a timely basis. If they are interrupted, especially at harvest time, because of a labor dispute, farmers can not only lose their income for the year, but also lose overhead costs and direct expenditures which have been invested in bringing the crop to the harvest stage. Thus if unions could acquire control of the farm labor supply, and could acquire ability to undertake an effective strike, then farmers would be helpless to resist their demands even though they might be arbitrary and unreasonable.

It is said that NLRB might establish jurisdictional standards that would exclude many farmers from the jurisdiction of NLRB. But it is not clear that this would represent in practice an actual exclusion. If the larger farmers in the community are subject to the Act, and if labor unions are able to establish what is contemplated in the bill, that is, pre-season contracting and hiring hall arrangements, it seems most unlikely that other farmers could avoid being pulled into any conflict and settlement pattern that might develop.

The current economic picture of the farmer is also involved. I need not labor the fact that returns on farmers' labor and investment are comparatively low. Farmers are currently caught in a squeeze as farm costs steadily rise more rapidly than farm revenues. The result has been that increasing numbers of farmers are leaving agriculture for more profitable employment elsewhere. For the State of Mississippi this is reflected in the following data excerpted from page 7 of Volume 1, Part 33 of the 1964 Census of Agriculture.

Number of farms in Mississippi

1930 -----	312, 663	1950 -----	251, 383
1935 -----	311, 683	1954 -----	215, 915
1940 -----	291, 092	1959 -----	138, 142
1945 -----	263, 528	1964 -----	109, 141

Any increase in costs to farmers resulting from placing in the hands of unions the coercive economic power provided in H.R. 4769 would still further narrow the already narrow margin between revenues and costs, and force many farmers into bankruptcy.

Those that would survive would be the larger farmers who were able to acquire the capital to mechanize their operations and enlarge their holdings.

It is irrelevant to assert that this is likely to occur anyhow. This may be so in the long run. But the rate at which farms are mechanized and consolidated into larger units—and therefore the number of people, both farmers and farm workers, who would be adversely affected at any one time—would be accelerated by the enactment of H.R. 4769.

Unionization is supported by some as a matter of conviction and principle, as an answer to the problems of all segments of workers, as a right that every group of workers should have.

I do not concur with the idea that unionism is a concept that should be uniformly applicable in all circumstances, irrespective of the impact on those directly involved.

In the case of agriculture, I would submit that unionism would be harmful to farmers and harmful to workers. It wouldn't do anybody any good.

I therefore respectfully recommend to the Committee that H.R. 4769 not be approved.

STATEMENT OF HON. E. C. GATHINGS, A REPRESENTATIVE IN CONGRESS FROM THE
STATE OF ARKANSAS

Mr. Chairman, thanks very much for the opportunity of presenting this statement in opposition to H.R. 4769 which has for its purpose amending the National Labor Relations Act by bringing farm labor under its provisions. The bill as written would victimize farmers by placing wage force operations under the direction and control of a costly Federal Agency and put farm labor under the yoke of paying compulsory homage to a horde of Labor Union leaders. The bill goes farther than laws which are already on statute books applicable to various segments of industry.

Let's see what the bill does:

It would grant farm workers the right to organize, to bargain collectively, and to engage in other concerted activities.

It authorizes farmers to make pre-hire agreements covering farm workers with a labor organization. "The pre-hire agreements would be permitted as follows:

"1. The contract may be entered into before the majority status of the Union has been established.

"2. The agreement may require employees to join the Union seven days after their employment or after the effective date of the contract, whichever is later.

"3. The agreement may require the employer:

a. To notify the Union for opportunities for employment.

b. To give the Union the opportunity to refer qualified applicants for such employment.

"4. The agreement may specify minimum training or experience—or provide for priorities in opportunities for employment."

Even if this legislation were desirable, the timing is wrong completely. We are engaged in an all-out struggle with communist aggressors who seek "to bury us." All energies of the Nation are needed to win this war so that our gallant men can come home and engage in making for a better America in their communities. Social experiments such as this legislation would authorize can very well wait until peace comes.

The results of this legislation would be:

1. It would hurt the over-all wage earner as much as it would do damage to the wage payer as the cost of food would go up.

2. It would make fewer farm jobs available as producers of food and fiber would speedily move to mechanization.

3. Food production would decline as under the proposal the workers could go on strike if an acceptable contract could not be agreed upon between the farmer and his workers and such strike could very well come during the harvest season. Vital and essential food would go unharvested and rot in the fields.

With the expanding needs as populations continue to soar over the world farmers should be receiving incentives to increase their production to meet the needs of our people and to meet our export objectives and for food for peace assistance to friendly peoples in the underdeveloped countries of the world.

Only last year an amendment to the Fair Labor Standards Act was approved to bring agricultural workers under its provisions for the first time at a minimum wage rate of \$1.00 an hour. Within one year and one-half a 30% increase (\$1.30) in that rate will be paid farm workers starting in February, 1969. This wage law has thrown a large number of farm workers off the farms and out of a job. As labor costs go up, imports are brought into the country, and mechanization in agriculture accelerates, many more of these unskilled workers will be out of work and added to the Nation's relief rolls.

The net income of American agriculture in the year 1967 totaled 15.5 billion dollars, but in 1947 the net earnings were 17.1 billion dollars. While the farmer was earning a lesser net worth the National income is expected to reach about 640 billion dollars in 1967 when compared to 1947 it was 199 billion dollars. It is costing the farmer considerably more to grow the food and fiber, yet his earnings are less.

The passage of this legislation would work a severe hardship not only on farmers and their workers, but this added wage rate to agriculture would have a telling effect upon various industries that serve the farmer with fertilizer, farm implements, seed, insecticides, shipping containers, and transportation. These various industries would probably cut their production and reduce their workers in order to make a profit.

I hope that this legislation will not be approved by your Committee or the Congress. I appreciate the opportunity of giving you my views with respect to this bill.