

By _____

B. No. _____

A BILL TO BE ENTITLED

AN ACT

1
2 relating to agricultural labor; creating the Agricultural Labor
3 Relations Board; providing penalties.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5 Agricultural Labor Relations Act.

6
7 Sec. 2. DEFINITIONS. As used in this Act:

8 (1) "Agriculture" means farming in all its branches,
9 including the cultivation and tillage of the soil, dairying, irrigation
10 production, cultivation, growing, and harvesting of any
11 agricultural or horticultural commodities (including any commodity
12 defined as agricultural commodities in 12 U.S.C. Sec. 1141)(q)),
13 the raising of livestock, bees, fur-bearing animals, or poultry,
14 and any practices such as forestry or lumbering operations
15 performed by a farmer or on a farm as an incident to or in
16 conjunction with such farming operations, including preparation for
17 market and delivery to storage or to market or to carriers for
18 transportation to market.

19 (2) "Agricultural employee" or "employee" means one engaged
20 in agriculture. The term includes only those employees excluded
21 from the coverage of the National Labor Relations Act, as amended,
22 as agricultural employees under the Labor Management Relations Act
23 (29 U.S.C. Sec. 152(3)) and the Fair Labor Standards Act (29 U.S.C.
24 Sec. 203(f)). The term does not include any employee who performs

1 work to be done at the site of the construction, alteration,
2 painting, or repair of a building, structure, or other work, as
3 these terms have been construed under Section 8(e) of the Labor
4 Management Relations Act, 29 U.S.C. Sec. 158(e), or logging or
5 timber-clearing operations in initial preparation of land for
6 farming, or who does land leveling or who does only land surveying
7 for any of the above. "Land leveling" includes only major
8 land-moving operations changing the contour of the land, and does
9 not include annual or seasonal tillage or preparation of land for
10 cultivation.

11 (3) "Agricultural employer" or "employer" means any person
12 acting directly or indirectly in the interest of an employer in
13 relation to an agricultural employee, any individual grower,
14 corporate grower, cooperative grower, harvesting association,
15 hiring association, land management group, any association of
16 persons or cooperatives engaged in agriculture, and any person who
17 owns or leases or manages land used for agricultural purposes. The
18 term does not include any person supplying agricultural workers to
19 an employer, any farm labor contractor, or any person functioning
20 in the capacity of a labor contractor. The employer engaging the
21 labor contractor or person is considered the employer for all
22 purposes under this Act; the contractor is his agent.

23 (4) "Person" means one or more individuals, corporations,
24 partnerships, associations, legal representatives, trustees in
25 bankruptcy, receivers, or any other legal entity, employer, or
26 labor organization having an interest in the outcome of a
27 proceeding under this Act.

1 (5) "Representative" includes any individual or labor
2 organization.

3 (6) "Labor organization" means any organization, agency,
4 employee representation committee, or plan in which employees
5 participate and which exists, in whole or in part, for the purpose
6 of dealing with employers concerning grievances, labor disputes,
7 wages, rates of pay, hours of employment, or conditions of work for
8 agricultural employees.

9 (7) "Unfair labor practice" means any unfair labor practice
10 specified in Sections 7, 8, and 10 of this Act.

11 (8) "Labor dispute" includes any controversy concerning
12 terms, tenure, or conditions of employment or concerning the
13 association or representation of persons in negotiating, fixing,
14 maintaining, changing, or seeking to arrange terms or conditions of
15 employment, regardless of whether the disputants stand in the
16 proximate relation of employer and employee.

17 (9) "Board" means the Agricultural Labor Relations Board.

18 (10) "Supervisor" means any individual having the authority,
19 in the interest of the employer, to hire, transfer, suspend, lay
20 off, recall, promote, discharge, assign, reward, or discipline
21 other employees or having the responsibility to direct them or to
22 adjust their grievances, or having the effective authority to
23 recommend such action, if the exercise of the authority is not
24 merely routine or clerical in nature but requires the use of
25 independent judgment.

26 SEC. 3. CREATION AND ORGANIZATION OF THE BOARD. (a) There
27 is created an Agricultural Labor Relations Board consisting of

1 three members.

2 (b) Members of the board are elected at large. The term of office
3 of members is six years, and the terms shall be staggered at two-year
4 intervals. One member shall be elected for a term expiring on
5 January 31, in each of the succeeding three consecutive odd-numbered
6 years.

7 (c) Vacancies in the offices of members must be filled by
8 appointment by the governor for the unexpired term.

9 (d) The governor shall designate one member to serve as
10 chairman of the board.

11 (e) The legislation will appropriate funds as needed for the
12 ongoing operations of this board.

13 (f) Members of the board are eligible for re-election and
14 may not engage in any other business, vocation, or employment.

15 (g) The principal office of the board is in Austin, Texas,
16 but the board may meet and exercise any or all of its power at
17 any other place in Texas. The board may establish offices in
18 other cities as it considers necessary and may delegate to the
19 personnel of these offices such powers as it considers appropriate
20 to:

21 (1) determine the appropriate unit for the purpose of
22 collective bargaining;

23 (2) investigate and provide for hearings;

24 (3) determine whether a question of representation exists;

25 (4) direct an election pursuant to Section 16 of this Act;

26 (5) certify the results of an election; and

27 (6) investigate, conduct hearings, and make determinations

1 relating to unfair labor practices.

2 (n) The board may review any action taken pursuant to
3 authority delegated under Subsection (g) of this section on request
4 filed with the board by an interested party. Any review made by
5 the board does not operate as a stay of any action taken unless
6 specifically ordered by the board. The entire record considered by
7 the board in considering or acting on any request or review shall
8 be made available to all parties prior to the consideration or
9 action, and the board's findings and action thereon shall be
10 published as a decision of the board.

11 (i) At the close of each fiscal year, the board shall report
12 in writing to the legislature and governor in detail the cases it
13 has heard, the decisions it has rendered, the names, salaries, and
14 duties of all employees and officers in the employ and under the
15 supervision of the board, and all money it has disbursed.

16 (j) The board may prescribe rules and regulations, in
17 accordance with Administrative Procedure and Texas Register
18 Act, necessary to carry out the provisions of this Act.

19 (k) The board may appoint an executive secretary and
20 attorneys, hearing officers, administrative law officers, and other
21 employees as it considers necessary. Attorneys so appointed may,
22 at the discretion of the board, appear for and represent the board
23 in any case in court.

24 (l) The board may delegate to a member any or all the
25 powers which it may exercise itself. A vacancy on the board shall
26 not impair the right of the remaining members to exercise the
27 powers of the board. At all times, two members constitute a

1 quorum.

2 (m) The board shall follow applicable precedents of the
3 National Labor Relations Act, as amended.

4 Sec. 4. GENERAL COUNSEL. (a) There is a general counsel of
5 the board, appointed by the Board for a term of four years.

6 (b) The general counsel may:

7 (1) appoint attorneys, administrative assistants, and other
8 employees as necessary for the proper exercise of his duties;

9 (2) supervise all attorneys employed by the board, other
10 than administrative law officers and legal assistants to board
11 members, and supervise all officers and employees in the regional
12 offices;

13 (3) act as final authority, on behalf of the board, with
14 respect to the investigation of charges and issuance of complaints
15 under Section 17 of this Act and with respect to the prosecution of
16 those complaints before the board; and

17 (4) exercise other powers and duties prescribed by the board
18 or by law.

19 (c) In case of a vacancy in the office of general counsel,
20 the Board may designate an officer or employee to act as general
21 counsel during the vacancy.

22 person so designated may so act for more than 40 days unless a
23 nomination to fill the vacancy has been submitted to the Board.

24 (d) The general counsel of the board is eligible for
25 reappointment and shall not engage in any other business, vocation,
26 or employment.

27 (e) The salary of the general counsel shall be set by the

1 legislature in the general appropriations act.

2 Sec. 5. INVESTIGATORY POWERS OF THE BOARD. (a) For the
3 purpose of all hearings and investigations which, in the opinion of
4 the board, are necessary and proper for the exercise of the powers
5 vested in the board by Sections 16 and 17 of this Act, the
6 provisions of this section apply.

7 (b) The board, or its authorized agents, at all reasonable
8 times, are entitled to access to, for the purpose of examination,
9 and to copy any evidence of any person being investigated or
10 proceeded against that relates to any matter under investigation or
11 in question. The members of the board or their designees are
12 entitled to free access to all places of agricultural labor.

13 (c) On application of any party to the board's proceedings,
14 the board or a member thereof shall forthwith issue subpoenas
15 requiring the attendance and testimony of witnesses or the
16 production of any evidence requested in the application. Within
17 five days after the service of a subpoena on any person requiring
18 the production of any evidence in his possession or under his
19 control, the person served may petition the board to revoke the
20 subpoena. The board shall revoke the subpoena if in the board's
21 opinion the subpoena does not describe the evidence with sufficient
22 particularity, or if in its opinion the evidence sought does not
23 relate to any matter under investigation or in question.

24 Attendance of witnesses and production of evidence may be required
25 from any place in the state at any designated place of hearing.

26 Any member of the board or any agent designated by the board may
27 administer oaths and affirmations, examine witnesses, and receive

1 evidence.

2 (d) In case of refusal to obey a subpoena issued to any
3 person, any district court in the county in which the inquiry is
4 conducted or in which the person is found, resides, or transacts
5 business may, on application of the board, order the person to
6 appear before the board or an agent or member thereof to produce
7 the evidence or give the testimony sought.

8 (e) No person shall be excused from attending and testifying
9 or from producing evidence on the ground that the testimony or
10 evidence required may tend to incriminate him or subject him to
11 penalty or forfeiture. No individual may be prosecuted or
12 subjected to any penalty or forfeiture for any transaction or
13 matter concerning which he is compelled to testify after claiming
14 his privilege against self-incrimination. The individual so
15 testifying is not exempt from prosecution and punishment for
16 perjury committed in testifying.

17 (f) Any party has the right to appear at any hearing in
18 person, by counsel, or by other representative.

19 (g) Complaints, orders, and other process and papers of the
20 board, its members, or agents may be served personally, by
21 registered mail, by telegraph, or by leaving a copy thereof at the
22 principal office or place of business of the person required to be
23 served. Proof of service may be made by verified return of the
24 person serving, setting forth the manner of service, or by return
25 receipt of the post office or telegraph. Subpoenaed witnesses are
26 entitled to the same fees and mileage that are paid witnesses in
27 the courts of the state, and witnesses whose depositions are taken

1 and the persons taking depositions are entitled to the same fees
2 paid for those services in the courts of the state.

3 (h) All process of any court to which application is made
4 under this Act may be served in the county where the person
5 required to be served resides or is found.

6 (i) On request by the board, the departments and agencies of
7 the state shall furnish the board all records, papers, and
8 information in their possession relating to any matter before the
9 board, unless otherwise privileged.

10 Sec. 6. RIGHTS OF AGRICULTURAL EMPLOYEES. Employees have
11 the right to self-organization, to form, join, or assist labor
12 organizations, to bargain collectively through representatives of
13 their own choosing, and to engage in other concerted activities for
14 the purpose of collective bargaining or other mutual aid or
15 protection.

16 Sec. 7. EMPLOYEER UNFAIR LABOR PRACTICES. (a) An employer
17 commits an unfair labor practice if he violates any provision of
18 this section.

19 (b) An employer may not interfere with, restrain, or coerce
20 agricultural employees in the exercise of the rights guaranteed in
21 section 6 of this Act.

22 (c) An employer may not dominate or interfere with the
23 formation or administration of any labor organization, or
24 contribute financial or other support to it. Subject to the rules
25 and regulations of the board, an employer may permit employees to
26 confer with him during working hours without loss of time or pay.

27 (d) An employer may not encourage or discourage membership

1 in any labor organization by discrimination in regard to hiring,
2 tenure of employment, or any term or condition of employment,
3 except as provided in Section 22 of this Act.

4 (e) An employer may not discharge or otherwise discriminate
5 against an employee because he has filed charges or given testimony
6 under this Act.

7 (f) An employer may not refuse to bargain collectively in
8 good faith with certified labor organizations.

9 (g) An employer may not recognize, bargain with, or sign a
10 collective-bargaining agreement with a labor organization not
11 certified under this Act.

12 Sec. 8. LABOR ORGANIZATION UNFAIR LABOR PRACTICES. (a) A
13 labor organization commits an unfair labor practice if it or its
14 agents violate any provision of this section.

15 (b) A labor organization may not restrain or coerce:

16 (1) employees in the exercise of the rights guaranteed in
17 Section 6 of this Act, except that a labor organization may
18 prescribe its own rules with respect to the acquisition or
19 retention of membership therein;

20 (2) an employer in the selection of this representatives for
21 the purposes of collective bargaining or the adjustment of
22 grievances.

23 (c) a labor organization must bargain collectively in good
24 faith with an employer.

25 (d) A labor organization may not cause or attempt to cause
26 an employer to pay or deliver, or agree to pay or deliver, any
27 money or other item of value, in the nature of an exaction, for

1 services which are not performed or not to be performed.

2 (e) A labor organization may not picket or cause to be
3 picketed, or threaten to picket or cause to be picketed, any
4 employer where an object thereof is either forcing or requiring an
5 employer to recognize or bargain with a labor organization as the
6 representative of his employees, or forcing or requiring the
7 employees of an employer to accept or select the labor organization
8 as their collective-bargaining representative, unless the labor
9 organization is currently certified as the representative of the
10 employees, where:

11 (1) the employer has lawfully recognized in accordance with
12 this Act any other labor organization and a question concerning
13 representation may not appropriately be raised under Section 16 of
14 this Act; or

15 (2) within the preceding 12 months a valid election under
16 this Act has been conducted.

17 Nothing in this subsection may be construed to prohibit any
18 picketing or other publicity for the purpose of truthfully advising
19 the public, including consumers, that an employer does not employ
20 members of or have a contract with a labor organization.

21 Sec. 9. RECRUITING EMPLOYEES FOR VOTING PURPOSES. It is an
22 unfair labor practice for an employer or labor organization
23 wilfully to arrange for persons to become employees for the primary
24 purpose of voting in elections.

25 Sec. 10. FREE EXPRESSION. The expression of any views,
26 arguments, or opinions, or the dissemination thereof, whether in
27 written, printed, graphic, or visual form, is not evidence of an

1 unfair labor practice under this Act if the expression contains no
2 threat of reprisal or force or promise of benefit.

3 Sec. 11. GOOD FAITH BARGAINING REQUIRED. (a) In this Act,
4 to bargain collectively in good faith is the performance of the
5 mutual obligation of the employer and the representative of the
6 employees to meet at reasonable times and confer in good faith with
7 respect to wages, hours, and other terms and conditions of
8 employment, to negotiate an agreement or any questions thereunder,
9 or to execute a written contract incorporating any agreement
10 reached if requested by either party. The obligation does not
11 compel either party to agree to a proposal or require the making of
12 a concession.

13 (b) On the filing by any person of a petition not earlier
14 than the 90th day nor later than the 60th day preceding the
15 expiration of the 12-month period following initial certification,
16 the board shall determine whether an employer has bargained in good
17 faith with the currently certified labor organization. If the
18 board finds that the employer has not bargained in good faith, it
19 may extend the certification for up to one additional year,
20 effective immediately on the expiration of the previous 12-month
21 period following initial certification.

22 Sec. 12. TERMINATION OR MODIFICATION OF EXISTING CONTRACTS.

23 (a) Where there is in effect a collective-bargaining contract
24 covering agricultural employees, the duty to bargain collectively
25 means that no party to the contract may modify or terminate the
26 contract unless that party:

27 (1) serves written notice on the other party to the contract

1 of the proposed termination or modification not less than 15 days
2 prior to the expiration date thereof, or, in the event that the
3 contract contains no expiration date, 15 days prior to the time
4 proposed for termination or modification;

5 (2) offers to meet and confer with the other party for the
6 purpose of negotiating a new contract or a contract containing the
7 proposed modifications:

8 (3) notifies the office of conciliation within 7 days after
9 such notice of the existence of a dispute, if no agreement has been
10 reached at the time; and

11 (4) continues in full force and effect, without resorting to
12 strike or lockout, all the terms and conditions of the existing
13 contract for a period of 15 days after notice is given, or until
14 the expiration date of the contract, whichever occurs later.

15 (b) The duties imposed on employers and labor organizations
16 by Subdivisions (2), (3), and (4) of Subsection (a) of this section
17 become inapplicable on an intervening certification of the board
18 that the labor organization or individual which is a party to the
19 contract has been superseded as, or has ceased to be, the
20 representative of the employees. The duties imposed do not require
21 either party to discuss or agree to any modification of the terms
22 and conditions contained in a contract for a fixed period if the
23 modification is to become effective before the terms and conditions
24 can be reopened under the provisions of the contract.

25 Sec. 13. ATTEMPTED INFLUENCE. (a) No employer, association
26 of employers, person who acts as a labor relations expert, adviser,
27 or consultant to an employer, or person who acts in the interest of

1 an employer may pay, lend, or deliver any money or other
2 value to:

3 (1) any representative of any of his employees;

4 (2) any labor organization, or any officer or employee
5 thereof, which represents, seeks to represent, or would admit to
6 membership any of the agricultural employees of an employer;

7 (3) any employee or group or committee of employees of the
8 employer in excess of their normal compensation for the purpose of
9 causing the employee or group or committee directly or indirectly
10 to influence any other employees in the exercise of the right to
11 organize and bargain collectively through representatives of their
12 own choosing; or

13 (4) any officer or employee of a labor organization with
14 intent to influence him in respect to any of his actions,
15 decisions, or duties as a representative of agricultural employees
16 or as the officer or employee of the labor organization.

17 (b) No person may request, demand, receive, accept, or agree
18 to receive or accept any payment, loan, or delivery of any money or
19 other item of value prohibited by Subsection (a) of this section.

20 Sec. 14. PAYMENT TO EMPLOYEE REPRESENTATIVES. Nothing in
21 Sections 12 and 13 of this Act applies to any matter set forth in
22 29 U.S.C. Sec 186 (c).

23 Sec. 15 REPRESENTATIVES AND ELECTIONS. (a)
24 Representatives designated or selected by a secret ballot for the
25 purposes of collective bargaining by the majority of the employees
26 in the bargaining unit are the exclusive representatives of all
27 employees in the unit for the purpose of collective bargaining with

1 respect to wages, hours, and other terms and conditions of
2 employment. Any individual employee or group of employees has the
3 right at any time to present grievances to their employer and to
4 have the grievances adjusted, without the intervention of the
5 bargaining representative, as long as the adjustment is not
6 inconsistent with the terms of a collective-bargaining agreement
7 then in effect and the bargaining representative has been given
8 opportunity to be present at the adjustment.

9 (b) The bargaining unit consist of all the agricultural
10 employees of an employer. If the agricultural employees of the
11 employer are employed in two or more noncontiguous geographical
12 areas, the board shall determine the appropriate unit or units of
13 employees in which a secret ballot election shall be conducted.

14 (c) (1) A petition which is signed by, or accompanied by
15 authorization cards signed by, 30 percent of the currently employed
16 employees in the bargaining unit may be filed, in accordance with
17 the rules and regulations prescribed by the board, by an employee
18 or group of employees, or any individual or labor organization
19 acting in their behalf, alleging:

20 (A) that the number of employees currently employed by the
21 employer named in the petition is not less than 50 percent of his
22 peak agricultural employment for the current calendar year, as
23 determined from his payroll immediately preceding the filing of the
24 petition;

25 (B) that no valid election pursuant to this section has been
26 conducted among the agricultural employees of the employer named in
27 the petition within the 12 months immediately preceding the filing:

1 thereof;

2 (C) that no labor organization is currently certified as the
3 exclusive collective bargaining representative of the agricultural
4 employees of the employer named in the petition; and

5 (D) that the petition is not barred by an existing
6 collective bargaining agreement.

7 (2) On receipt of a signed petition, the board shall
8 immediately investigate the petition. If it has reasonable cause to
9 believe that a bona fide question of representation exists, it
10 shall direct a representation election by secret ballot to be held
11 on due notice to all interested parties and within seven days of
12 the filing of the petition. If at the time the petition
13 is filed a majority of the employees in a bargaining unit are
14 engaged in a strike, the board shall attempt with due diligence to
15 hold a secret ballot election within 48 hours of the filing of the
16 petition. The holding of elections under strike circumstances
17 shall take precedence over the holding of other secret ballot
18 election.

19 (3) The board shall make available at any election under
20 this Act ballots printed in English and Spanish. The board may
21 also make available ballots printed in any other language requested
22 by an agricultural labor organization or employee eligible to vote
23 under this Act.

24 (4) Any other labor organization is qualified to appear on
25 the ballot if it presents authorization cards signed by at least
26 20 percent of the employees.

27 (5) Within five days after an election, any person may file

1 with the board a signed petition asserting that allegations made
2 the petition filed under Subdivision (1) of this subsection were
3 incorrect or that the board improperly determined the geographical
4 scope of the bargaining unit. The hearing may be conducted by an
5 officer or employee of a regional office of the board, but he shall
6 make no recommendations with respect to the allegations. If the
7 board finds, on the record of the hearing, that the assertions made
8 in the petition filed under this subdivision are correct, that the
9 election was not conducted properly, or that misconduct affecting the
10 results of the election occurred, the board may refuse to certify
11 the election. Unless the board so refuses, it shall certify the
12 election. If no petition is filed under this subdivision, the
13 board shall certify the election.

14 (d) The board may consider decertifying a labor organization
15 if the United States Equal Employment Opportunity Commission finds,
16 under 42 U.S.C. Sec. 2000(e)(5), that the labor organization engaged
17 in discrimination on the basis of race, color, national origin,
18 religion, sex, or any other arbitrary or invidious classification
19 in violation of Subchapter VI of Chapter 21 of Title 42 of the
20 United States Code during the period of the labor organization's
21 present certification, and the union refuses to rectify said practices.

22 (e) The board shall not consider a representation petition
23 or a petition to decertify as timely filed unless the employer's
24 payroll during the payroll period immediately preceding the filing
25 reflects 50 percent of his peak agricultural employment for the
26 current calendar year. For this purpose, peak agricultural
27 employment shall be estimated by the board based on employment

1 during the prior season, acreage, crop statistics, and other
2 relevant data.

3 (f) The board may not direct an election in any bargaining
4 unit where a valid election has been held in the immediately
5 preceding 12-month period.

6 (g) The board may not direct an election in any bargaining
7 unit which is represented by a labor organization that has been
8 certified within the immediately preceding 12-month period or
9 whose certification has been extended under Section 11 of this Act.

10 (2) A collective bargaining agreement executed by an
11 employer and a certified labor organization bars a petition for an
12 election among the employees represented for the term of the
13 agreement if the agreement is in writing and executed by all
14 parties thereto, and if it incorporates the substantive terms and
15 conditions of employment. This bar may not exceed three years.

16 (3) If an employee or group of employees files with the
17 board a petition which is signed by at least 30 percent of the
18 agricultural employees in a bargaining unit represented by a
19 certified labor organization that is a party to a valid
20 collective-bargaining agreement, and which requests that the labor
21 organization be decertified, the board shall conduct an election by
22 secret ballot under the applicable provisions of this section. The
23 board shall certify the results to the labor organization and the
24 employer. The petition must be filed during the year preceding the
25 expiration of a collective-bargaining agreement which would
26 otherwise bar the election, and when the number of agricultural
27 employees is not less than 50 percent of the employer's peak

1 agricultural employment for the current calendar year.

2 (4) On the filing with the board of a signed petition
3 raising a question of representation by an employee, group of
4 employees, or any representative thereof, the board shall
5 immediately investigate. If the board has reasonable cause to
6 believe that a bona fide question of representation exists, it
7 shall direct an election by secret ballot under the applicable
8 provisions of this section. The petition must be accompanied by
9 authorization cards signed by a majority of the employees in the
10 appropriate bargaining unit, and must allege that:

11 (A) the number of agricultural employees currently employed
12 by the employer named in the petition, as determined from his
13 payroll immediately preceding the filing of the petition, is at
14 least 50 percent of his peak agricultural employment for the
15 current calendar year;

16 (B) no valid election pursuant to this section has been
17 conducted among the agricultural employees of the employer named in
18 the petition within the 12 months immediately preceding the filing;
19 and

20 (C) a labor organization, certified for an appropriate unit,
21 has a collective bargaining agreement with the employer which would
22 otherwise bar the election and that this agreement will expire
23 within the next 12 months.

24 (1) All agricultural employees whose names appear on the
25 applicable payroll for the payroll period immediately preceding the
26 filing of the petition for an election are eligible to vote.

27 A striker is eligible to vote under such rules and

1 regulations as the board may prescribe. The striker who has been
2 permanently replaced is not eligible to vote in any election
3 conducted more than 12 months after the commencement of the strike.

4 (j) In any election where none of the choices on the ballot
5 receives a majority, a runoff shall be conducted, the ballot
6 providing for a selection between the two choices receiving the
7 largest and second largest number of valid votes cast in the
8 election.

9 (k) Employers shall maintain accurate and current payroll
10 lists containing the names and addresses of all their employees and
11 shall make these lists available to the board on request.

12 (l) Whenever an order of the board made under Subsection (c)
13 of Section 17 of this Act is based in whole or in part on the facts
14 certified following an investigation under Subsections (c) through
15 (j) of this section and there is a petition for review of the
16 order, the certification and record of the investigation shall be
17 included in the transcript of the entire record required to be
18 filed by the Administrative Procedure and Texas Register Act.

19 (m) Only labor organizations certified under this Act may be
20 parties to a legally valid collective-bargaining agreement.

21 (n) For purposes of organizing agricultural employees, labor
22 organizations are entitled to access to the employee's work area at
23 reasonable times to be determined under the rules and regulations
24 of the board.

25 Sec. 17. PREVENTION OF UNFAIR LABOR PRACTICES. (a) In
26 accordance with this section, the board may prevent any person from
27 engaging in any unfair labor practice. The procedures set forth in

1 this section are the exclusive method of redressing unfair labor
2 practices.

3 (b) If a person is charged with engaging in any unfair labor
4 practice, the board or its designated agent may conduct a hearing
5 of the charge as a contested case in accordance with Section 13 and
6 Subsection (a) of Section 14 of the Administrative Procedure and
7 Texas Register Act. No complaint may issue based on any unfair
8 labor practice occurring more than six months prior to the filing
9 of the charge, unless the person aggrieved was prevented from
10 filing the charge because of service in the armed forces, in which
11 case the six-month period is computed from the day of discharge.
12 Any complaint may be amended by the issuing authority prior to the
13 issuance of an order based thereon.

14 (c) The testimony taken at a hearing under this section
15 shall be reduced to writing and filed with the board. Thereafter,
16 the board in its discretion and on notice may take further
17 testimony or hear argument. If, on the preponderance of the
18 testimony taken, the board finds that any person named in the
19 complaint has engaged in or is engaging in any unfair labor
20 practice, the board shall state its findings of fact and issue and
21 serve on that person an order requiring the person to:

22 (1) cease and desist from the unfair labor practice;

23 (2) take affirmative action, including reinstatement of
24 employees with or without back pay and making employees whole for
25 loss of pay resulting from the employer's refusal to bargain, if
26 appropriate; and

27 (3) provide such other relief as will effectuate the

1 policies of this Act.

2 No order of the board may require the reinstatement of or the
3 payment of back pay to any individual who has been suspended or
4 discharged for cause.

5 (d) If the evidence is presented before a member of the
6 board or an administrative law officer thereof, he shall issue and
7 serve to the parties a proposed report, which together with a
8 recommended order shall be filed with the board. If no exceptions
9 are filed within 20 days after service, or within a further period
10 authorized by the board, the recommended order becomes the order of
11 the board.

12 (e) Until the record of a case has been filed in a court,
13 the board may at any time, on reasonable notice, modify or set
14 aside, in whole or in part, any finding or order made or issued by
15 it.

16 (f) On issuance of a complaint charging an unfair labor
17 practice, the board may petition the district court in any county
18 where the unfair labor practice is alleged to have occurred or the
19 person charged resides or transacts business for appropriate
20 temporary relief. On the filing of this petition, the board shall
21 give notice thereof to the person charged. The court has
22 jurisdiction to grant injunctive relief or temporary restraining
23 orders as it considers just and proper.

24 (g) If a person is charged with an unfair labor practice, the
25 board shall hear and determine the dispute within 10 days, unless
26 within that period the parties submit to the board satisfactory
27 evidence that they have adjusted or agreed on methods for the

1 voluntary adjustment of the dispute. On either compliance by the
2 parties with the decision of the board or voluntary adjustment of
3 the dispute, the charge shall be dismissed.

4 Sec. 18. JUDICIAL REVIEW. (a) Judicial review of contested
5 cases is in accordance with Section 19 of the Administrative
6 Procedure and Texas Register Act, except that the petition may be
7 filed in the county where the unfair labor practice in question was
8 alleged to have been engaged in or where the person charged resides
9 or transacts business.

10 (b) An order directing an election may not be stayed pending
11 review. This order may be reviewed as provided in Subsection (1)
12 of Section 16 of this Act.

13 (c) If the time for review of a board order has lapsed and
14 the person charged has not voluntarily complied with the board's
15 order, the board may apply to the district court appropriate under
16 Subsection (a) of this section for enforcement of its order. If
17 after a hearing the court determines that the order was issued in
18 accordance with proper procedures and that the person charged
19 refuses to comply with the order, the court shall enforce by
20 injunction or other proper process. The court may not review the
21 merits of the order.

22 Sec. 19. SUITS INVOLVING EMPLOYERS AND LABOR ORGANIZATIONS.

23 (a) Suits for violation of contracts between an employer
24 and a labor organization representing agricultural employees or
25 between labor organizations may be brought in any district court
26 having jurisdiction.

27 (b) Any labor organization which represents agricultural

1 employees and any employer are bound by the acts of their agents.
2 The labor organization may sue or be sued as an entity and in
3 behalf of the employees whom it represents in the courts of this
4 state. Any money judgment against the labor organization in a
5 district court is enforceable only against the organization as an
6 entity and its assets.

7 (c) For purposes of this Act, the district court has
8 jurisdiction over a labor organization in this state if the
9 organization maintains its principal office in this state or if its
10 authorized officers or agents are engaged in representing or acting
11 for employee members in this state.

12 (d) The service of summons, subpoena, or other legal process
13 of any district court on an officer or agent of a labor
14 organization, in his capacity as such, constitutes service on the
15 organization.

16 (e) For the purposes of this Act, the question of whether
17 the specific acts performed were actually authorized or
18 subsequently ratified is not controlling in determining whether a
19 person is acting as an agent of another person so as to make the
20 other person responsible for his acts.

21 Sec. 20. OFFICE OF CONCILIATION. (a) The board shall
22 create a division under its administration to be known as the
23 Office of Conciliation. The office is under the supervision of a
24 director who is appointed by the board and who serves at the will
25 of the board.

26 (b) It is the duty of the Office of Conciliation to assist
27 parties to labor disputes involving employers and agricultural

1 employees through conciliation and mediation. The director may
2 offer its services in any labor dispute involving an employer and
3 agricultural employees whenever in his judgment the dispute
4 threatens to cause a substantial interruption of commerce. If the
5 director does offer services in any dispute, it is his duty to
6 promptly contact the parties and to use his best efforts to bring
7 them to an agreement.

8 (c) If the director is not able to bring the parties to
9 agreement by conciliation within a reasonable time, he shall seek
10 to induce the parties voluntarily to seek other means of settling
11 the dispute without resort to strike, lockout, or other coercion.
12 The failure or refusal of either party to agree to any procedure
13 suggested by the director is not a violation of any duty or
14 obligation imposed by this Act.

15 (d) The director may make conciliation and mediation
16 services available in the settlement of grievance disputes only as
17 a last resort and in exceptional cases.

18 (e) Employers and employees subject to this Act shall:

19 (1) make every reasonable effort to make and maintain
20 agreements concerning rates of pay, hours, and working conditions,
21 including provision for adequate notice of any proposed changes in
22 the terms of the agreements;

23 (2) arrange promptly for a conference if a dispute arises
24 over the terms or application of a collective bargaining agreement,
25 and endeavor in the conference to settle the dispute expeditiously;
26 and

27 (3) participate fully and promptly in meetings undertaken by

1 the Office of Conciliation under this Act if a labor dispute is not
2 settled by conference.

3 Sec. 21. PENALTIES. Any person who wilfully resists,
4 prevents, impedes, or interferes with any member of the board or
5 its agents in the performance of duties under this Act is guilty of
6 a Class A misdemeanor.

7 Sec. 22. UNION SECURITY DEVICES. (a) An agricultural
8 employer may agree with a labor organization to require, as a
9 condition of employment, membership therein on or after the fifth
10 day following the beginning of the employment or the effective date
11 of the agreement, whichever is later. This agreement is
12 permissible only if the labor organization is the certified
13 representative of the agricultural employees in the appropriate
14 collective bargaining unit covered by the agreement.

15 (b) No employee who has been required to pay dues to a labor
16 organization by virtue of his employment as an agricultural
17 employee during any calender month may be required to pay dues to
18 another labor organization by virtue of similar employment during
19 that month.

20 (c) For purposes of this section, "membership" means the
21 satisfaction of all reasonable terms and conditons uniformly
22 applicable to other members in good standing. Membership may not
23 be denied or terminated except in compliance with a constitution or
24 by laws which afford full and fair rights to speech, assembly, and
25 equal voting and membership privileges for all members and which
26 contain adequate procedures to assure due process to members and
27 applicants for membership.

1 Sec. 23. VOTING IN PRIOR EXISTING LABOR DISPUTES. In the
2 case of elections conducted within 18 months of the effective date
3 of this Act which involve labor disputes that commenced prior to
4 the effective date, the board may adopt fair, equitable and
5 appropriate rules concerning the voting eligibility of
6 strikers who were paid for work performed or for paid vacation
7 during the payroll period immediately preceding the expiration of a
8 collective bargaining agreement or the commencement of a strike.

9 Sec. 24. RIGHT TO STRIKE. Nothing in this Act, except as
10 specifically provided for herein, may be construed so as either to
11 interfere with, impede, or diminish in any way the right to strike
12 or to affect the limitations or qualifications on that right.

13 Sec. 25. RIGHTS OF SUPERVISORS. Nothing in this Act
14 prohibits any individual employed as a supervisor from becoming or
15 remaining a member of a labor organization, but no employer subject
16 to this Act may be compelled to consider individuals defined herein
17 as supervisors as employees for the purpose of any law relating to
18 collective bargaining.

19 Sec. 26. EMERGENCY. The importance of this legislation and
20 the crowded condition of the calendars in both houses create an
21 emergency and an imperative public necessity that the constitutional
22 rule requiring bills to be read on three several days in each
23 house be suspended, and this rule is hereby suspended,
24 and that this Act take effect and be in force from and after its
25 passage, and it is so enacted.
26
27



**REPEAL
TAFT - HARTLEY
Sec. 14 B**



\$2.50

The Struggle of the Texas Farm Workers' Union



Vanguard Books

29

This pamphlet was put together by the Santa Cruz, California Texas Farm Workers Support Committee. Any questions, criticisms, inquiries or support should be directed to:

Texas Farm Workers Support Committee
Student Activities Building
University of California at Santa Cruz
Santa Cruz, CA 95064

Copyright © 1977, Texas Farm Workers Support Committee
ISBN 0-917702-02-6

Vanguard Books
P.O. Box 3566
Chicago, Ill. 60654

Foreword

The Truth: Crueler Than Fantasy

In this pamphlet you will confront the events which have occurred, the realities with which we have had to live. As if in a comedy, we have participated in these events or realities without benefit of director, without someone to guide us or correct us, to make our actions more acceptable to the society in which we live.

If you read this pamphlet, you may finish with certain doubts in your mind. For example, how is it that Texas farm workers cannot delay any longer, if they only began to organize in 1966? And why in such a short time, as one religious leader has told us, have we become so desperate? The reason is that in Texas, farmworkers want a law that would open for them a Pandora's box, as such a law, you probably know, has done for farmworkers in California.

I assure you in all sincerity that if this small, and perhaps hastily written pamphlet creates doubts in your minds, the Texas Farm Workers Union will be satisfied, because doubt is the seed of truth; and if we succeed in planting these seeds of doubt, you will be obliged to search the truth, living with an open mind, not being directed to one single movement because of a faith in one leader so strong that you forget the cause, the movement itself. In Texas we follow the cause, and not the leader; perhaps truth here is crueler than fantasy.

We hope that some day, when the mists of hate, envy, and pride have cleared, we will be judged for our acts. That people will realize that what has happened has not always been a product of clear choices and decisions; the brilliance of these movements can be blinding.

With this, we hope simply that justice, understanding, and peace will soon be with us.

Viva La Causa,

Antonio Orendain

Preface

Farm workers in Texas are fighting for their lives. Just as it is in California, where we have seen the United Farm Workers Union (UFW) wage a heroic struggle against the agri-business establishment and its bribed political servants, the battle in Texas is also between farm workers on the one hand and landlords, *patrones*, corporations and government repression on the other. Most of the farm workers of Texas, numbering in the hundreds of thousands, are Mexican and Chicano. Each year their labor harvests millions of dollars worth of citrus fruits, melons and vegetables. Nevertheless, the standard of living for these Texas farm workers is one of abject poverty. Since many lack "legal" documentation, they also lack political and civil rights. As workers, they are further oppressed; Texas has no farm labor contracts.

Yet, in spite of what seems only a dismal portrait of wage slavery, the Texas farm workers are organizing and fighting back. This pamphlet tells the story of the Texas Farm Workers Union (TFW), discusses the political implications and lessons of their struggle and stresses the urgency of our support for that struggle.

Introduction

In 1966 the United Farm Workers Organizing Committee (UFWOC) sent Antonio Orendain to the Lower Rio Grande Valley of Texas to begin the first serious efforts in the history of the state toward winning recognition of farm labor by agricultural employers for the purpose of negotiating better living and working conditions. Despite a protracted strike in 1967 and a historic march of workers and supporters from the Rio Grande Valley to Austin, the early efforts in Texas were unsuccessful in gaining contracts between the workers and growers.

During this period of 1966-67, these first attempts by the UFWOC to organize Mexican-American farm workers in Starr County led to harassment of union organizers by the Texas Rangers. More than a hundred arrests were made of farm workers and union sympathizers on charges such as trespassing, unlawful assembly, secondary boycott, illegal picketing, and abusive language.

For nearly ten years afterwards no further strikes ever materialized. A federal court panel ruled in 1972, several years after a civil rights suit was filed, that the Texas Rangers had in fact sided with the growers and that several of the laws cited to halt the picketing were unconstitutional. Justice delayed is justice denied, however, as time was working against the farm workers' attempts to organize.

Since that time, however, Orendain (who was a long-time organizer with Cesar Chavez and the UFW) has been building support for the union among farm workers on both sides of the border with regular radio broadcasts, publications, and speeches. The years of grass-roots organizing in South Texas gave strength to the farm worker movement that started once again in Starr County in 1975.

On May 26, 1975, organizers were leafleting green card workers who cross the International Bridge at Hidalgo, Texas each day to board trucks for the Valley farms. In minutes, 1,500 people had gathered around them, ready to participate in a strike. A march was organized to the nearby El Texano Ranch where a number of workers were persuaded to leave the fields and join the strike. Shortly thereafter, ranch supervisor C.L. Miller arrived and opened fire on the demonstrators for allegedly trespassing on his property. Miller was neither arrested nor indicted by local

authorities for his actions although a grand jury later indicted a number of the strikers and again refused to charge Miller. "I'm going to make sure my melons get to market," a local newspaper reported Miller as saying, "even if they have a little Mexican blood on them."

After the shooting incident, sentiment in favor of the strike grew with numerous demonstrations. For three weeks, over 200 families maintained a strike against four of the Valley's largest farms. From May to September 1975, workers in moderate numbers went out on strike during the melon crop season, not only in the Valley but also in the Trans-Pecos and Texas Panhandle growing areas. As in 1967, growers ignored calls for negotiations, and local and state law enforcement officials succeeded in stifling the effect of the organizing campaign by mass arrest of strikers for "Trespassing" violations — even on public roads and rights-of-way.

In California, meanwhile, the United Farm Workers, deeply absorbed in preparations for state-supervised union elections brought about by the Agricultural Labor Relations Act passed that May by the California legislature, was then, more than ever, unable to take on an organizing campaign over two thousand miles away.

In order therefore, to ensure the continuity of the effort in Texas within a legally constituted framework, the Texas Farm Workers Union (TFW) was formally created on August 14, 1975. The motives for incorporating were twofold: (1) To form a viable structure through which to continue the rising movement toward self-organization among the Texas workers, and (2) To establish a legal entity, accountable to the farm workers of Texas and to the State of Texas, which, as a non-profit organism, would qualify to receive financial support in aid to the farm workers' struggle in Texas.

In Texas, as in every other jurisdiction in the Union except the state of California, agricultural workers are excluded from the right to union elections guaranteed to most other workers under NLRA and numerous state statutes. During the summer strike activity of 1975, after Valley growers succeeded in gaining state district court injunctions against farm worker picketing by claiming that the TFW did not represent a majority of their workers, the Union tried to get the same courts to order elections as an alternative measure. Those efforts to obtain the right of the farm

workers to organize and to help determine their own destiny as members of a working class failed. Again the voice of the farm workers was ignored by the courts.

Efforts to organize have continued through 1975-76. Peaceful picketing has continued in the fields. The growers in the so-called "Magic Valley" have continued to refuse to negotiate because farm workers do not have a legal right to collective bargaining or to representation elections. The Texas Farm Workers Union hopes to continue to inform the people of Texas of the conditions under which the farm workers and their families live and work, and to influence public opinion in the direction of state legislation which would grant Texas farm workers the same rights enjoyed by nonagricultural workers since 1935. The TFW's over-riding goal is identical to that of California's Agricultural Labor Relations Act of 1975: "To ensure peace in the agricultural fields by guaranteeing justice for all agricultural workers and stability in labor relations."

The "Valley of Tears"

Route U.S. 83 runs along the Rio Grande River and is the main artery of the migrant stream flowing from South Texas through New Mexico into Arizona and California, or up through the Texas Panhandle into the Rocky Mountain states. Presently one of the most fertile river valley regions in the United States, it was not always so rich. The area remained scrub-covered range land until the turn of the century when, with proper fertilization and irrigation, a 100-mile strip of land lying along the Rio Grande was made to yield excellent vegetables and citrus fruits. Labor was cheap; Mexican workers were lured from Mexico to work in the stoop-and-pick fields.

The TFW's base is precisely in these valleys of Southeast Texas irrigated by the Rio Grande and, more specifically, in the three easternmost border counties of Hidalgo, Willacy and Cameron. Here, many workers from Mexico cross the river at the height of the picking season and are contracted by the "troqueros" (contractor agents) for a day's work. Some workers are issued "green cards" which allow them to "legally" cross the border for a day; others cross "illegally."

It is precisely here, in the border towns and crossings, that the TFW conducts its daily organizing activities.

On both sides of the border the TFW is consciously organizing those farm workers who work in the United States. Whereas in the past the growers have made use of the Mexican workers to break strikes of those who work on the U.S. side, workers residing in Mexico are now beginning to support the TFW. Says a TFW organizer:

We *have* to unite. Here at this bridge is where the most mistrust exists. There is only one way that we can struggle to change the life of the farm worker—organizing ourselves, uniting ourselves, talking together, joining the union so that the union can continue working.

TFW leader, Antonio Orendain, speaks to the organizing of so-called “aliens”:

The people already understand that a worker is not the enemy of another worker, but it is the system. The system of free enterprise sounds beautiful, if you have money, a profession or an education, but for the workers who don't have them, the only free enterprise is if I'm hungrier than you, I have to work cheaper than you. So who is hungrier than ourselves? The people living in Reynosa, and that's why they're being forced into working cheaper than us.

So that's why I think, under union contract, no matter where you are living, if you and I are doing the same kind of job, we are entitled to the same payment, and not because you are from Mexico you have to work cheaper than the way it is at the present time. The growers like to create a big surplus of labor so that the prevailing wage can go lower and lower; that's why we have to get our collective bargaining rights.

Unionization is urgent. Oppressive working conditions, murder and repression, so-called “right-to-work” laws, lack of political and civil rights and human misery have converted the plush and green valleys of the Rio Grande into what the farm workers call “El valle de lágrimas” — the “Valley of Tears.”

How Much Longer?

The state minimum wage is \$1.30; the federal minimum wage was \$1.80, then \$2.00, and now \$2.20 an hour. But the farm workers in Texas end up with much less. Says Orendain:

There is a case here where the worker made \$10.20 in three days, and they deducted a \$2.00 loan and that leaves \$8.20

If you are picking green peppers, for example, you might get only \$2.00 or \$3.00 a day. Sometimes, even if you make a good payment per hour, because there are so many people working on a small crop, you work only two or three hours, and so you make only a few dollars. So really, the hourly wage doesn't count because there are so many workers around here and not enough work, so the growers can set any price they want, and by getting the workers to do piece work they can get away from paying the minimum wage. You see, they have a lot of ways to cheat the working people.

Without the protection of unionization, farm workers and their children have often been sprayed with poisonous pesticides which in the blazing sun have caused severe skin rashes and infections. Forty-two percent of migrant farm worker families are children under sixteen years of age. Children are always present in the fields because their parents have no place to leave them, and also partly because, given the general starvation wages, families can earn a few pennies more when their children help out. Since children are paid less, growers encourage their "forced" labor. Child-labor wages also serve to drive wages down for all farm workers.

The education level in the valleys is 7-8 years; of those who graduate from high school, only 7 percent enter college. For example, of the 55,000 Chicano children participating in the Texas Education Agency's Child Migrant Program, only 1,000 students were ranked in the 12th grade. Aside from the well cited figures on the difficulties migrant children face in the field of education, lack of "legal" status and poor nutrition and clothing in Texas often make it impossible for children to go to school at all.

Working conditions for both children and adults in the Texas fields are among the most abhorrent in the nation. Workers are herded into trucks and crammed into vans for transport to the fields. In many fields there are no toilets;

therefore, many women workers have to wait until they return home at the end of a 12-hour work day. There is a subsequent high death rate from kidney infection among women farm workers in Texas.

Most farm workers have no access to health care. Many have no access to drinking water. Typhus, typhoid, amoebic dysentery and leprosy are more prevalent in Hidalgo County than anywhere else in the United States. The rate of many diseases in Hidalgo County is 200 to 250 percent higher than the national average. Infant mortality (125 percent higher than the national average) is the highest in the nation. Life expectancy for a farm worker in Texas is 49 years, the lowest in the nation!

Housing is subhuman. Mexican farm workers who do not live in company shacks, live in rural barrios, or "shantytowns," and *colonias* (areas of land divided up into small parcels and sold or rented to farm worker families). Seventy percent of farm worker families live in over-crowded conditions and about 30 percent lack adequate plumbing. Most of these dwellings lack running water, access to drinking water, sewage connections and electricity.

Job security is nonexistent. Harassment and physical abuse, as a result, are a matter of course. Mr. Guadalupe Barbosa, age 52, is a 12-year employee of Sharyland Farms and works an average of 52 hours weekly. His weekly take-home pay is \$89.00. He is the father of 6 children. Mr. Juan Navarro, 52 years old, works principally as a generator operator for Sharyland Farms. His take-home pay is \$75.00 weekly. He has 5 children. Mr. Lucio Ybarra, age 37, earns \$2.20 an hour as a tractor operator. He has 7 children. Recently, Sharlyand Farms laid off a worker after 41 years of employment. He was told to vacate the company house he had been using for years. When he refused, the company came by and shut off the water and electricity.

The over-all statistics are shocking. The Department of Commerce recently named the McAllen metropolitan area of Texas "the poorest in America." Personal income per capita is \$2,343 annually against a U.S. average of \$4,492 and a state-wide figure of \$4,045. About 145 miles to the west, Laredo ranks as the nation's second poorest area; per capita income is \$2,516 a year. The Citizen's Board of Inquiry into Hunger and Malnutrition in the United States reported the percentage of poor families in Starr County was 71.4 and its newborn death rate was 9.7 per 1,000 in com-

parison to the national rate of 5.9 per 1,000. The situation is so bad in Texas that Jorge Zaragoza, a TFW organizer, has said:

Texas is the key. When we organize Texas we can organize any state in the Union. Many of the workers in California and other places, thousands and thousands come from here, from El Valle.

Many of the nation's almost two million farm workers migrate from Texas. It is only natural, therefore, that the state is one of the centers of organizing.

In the past, the Teamsters Union led a limited and partially successful organizing drive around Crystal City, to the north of Laredo. Franklin Garcia of the Amalgamated Meatcutters Union has organized workers in the Lower Rio Grande Valley in canneries, shrimp plants and dehydrating plants. The Meatcutters Union and the Teamsters both have come to see that to win union representation elections, they would have to organize not only the workers involved but the communities in which they lived as well. This is an important historical lesson for TFW organizers as well.

In these communities one comes up against the power structure which supports agri-business exploitation in the Southwest. The power structure in these counties and towns is almost always the same: one-party (Democratic) politics, with a small group of predominantly Anglo businessmen and growers in control. Many judges, police, county officials and newspapers are extremely hostile to unions, to "agitators," and to "Meskins." For any kind of workers organization to survive in South Texas, it must fight these anti-democratic forces which would deny the workers a voice in the control of their own destiny.

The logical place to begin organizing farm workers in Texas is in the Lower Valley, where the main agricultural and farm worker communities are located. In 1966, Eugene Nelson was sent by the UFW to organize in Texas. The melon pickers in Starr County were already talking about a big strike for the upcoming June harvest. The strike was nationally covered by the news media and caused the growers a real scare. Finally the Texas Rangers and local so-called officers of law and order ended the strike, but not after a real feeling among the workers for unionization had been launched. Many workers had been hesitant about joining the struggle unless they could be convinced that the "green carders" would not be able to scab. This preoc-

cupation and the fact of mass migration across the border every day have been major concerns for farm worker organizing for the past decade. Texas farm workers have taken the issue head on—fighting Texas' right-to-work law, organizing on both sides of the border, and encouraging "green-carders" to join with them in the fight for unionization.

“Right-To-Work” Laws: Right to Exploit

“Right-to-work” laws have become the scourge of all workers in this country. They are the corporations' legal weapon to crush the organization of workers and to weaken the unions that do exist. All states in the Black Belt of the South, for example, have these laws. A right-to-work law was passed in Texas in 1947, as part of a nation-wide, anti-union campaign led by the National Association of Manufacturers (NAM). It has been fiercely enforced. While supposedly giving any worker the “right” not to join a union, this law is actually being used by growers like this: workers in the field walk out for union recognition, or for better working conditions, etc.; the boss, at this point, has the “right” to bring in nonunion workers to break the strike because these nonunion workers have the “right” to work, that is, to strikebreak. Actually, the law gives the boss the right to prevent workers from joining unions and to break strikes. When a union pickets because a field is nonunion, or because nonunion workers have taken away jobs and broken a strike, the boss can go to court and stop the picket.

“Right-to-work” laws are made possible by section 14(b) of the Taft Hartley Act, which gives individual states the right to enact laws prohibiting compulsory union membership and the “closed shop”. They have been enacted primarily in the states of the South and Southwest where labor is cheap. Such laws attract industry and agri-business, which are eager to develop and concentrate in areas with depressed economic conditions and a guaranteed pool of cheap labor. The growth of such investments is largely due to “run away” shops, companies that transfer from the Northern states as union laborers resist more and more militantly the squeeze for profits and subsequently worsened

working conditions. As long as there is no united call for wage parity in the North and South and for the repeal of the "right-to-work" laws that prevent the equalization of wages, the phenomenon of runaway shops will continue to grow and threaten the standard of living of all.

The National Right to Work Committee (NRWC) and its legal-aid arm, the National Right to Work Legal Defense and Education Fund, are disguised as champions of individual rights who "take the employee's side when his rights are abused by compulsory union." The big union bureaucrats themselves provide the ammunition for NRWC attacks. Their abuses of power, extravagant life styles and salaries distance them from union members whose dues and assessments keep them in luxury. Illegal use of union funds, contract sell-outs imposed on the rank-and-file membership without a vote, and rank-and-file funded campaign donations for politicians open the unions to attack by the NRWC.

However, the primary target of the NRWC is clearly the right of workers to organize, strike or otherwise collectively defend their interests. Says UFW organizer, Eliseo Medina:

Right-to-work is one of the holy cows in the South. Actually, right-to-work is a phrase that was coined by the employers to undermine the labor movement. It doesn't give workers the right to a job or a decent wage. It creates an open shop which makes it possible for the employer to drive a wedge between workers, keeping them divided along union and nonunion lines to weaken their potential power.

The NRWC is a front for agri-business in its efforts to undermine the right of farm workers to organize and strike. In the states that now possess and enforce "right-to-work" laws, agri-business is still fighting against any kind of union and using the facade of "workers' rights" in hopes of keeping them out. Proposed "right-to-work" laws have been challenged and smashed in the Northern industrial states. The fear that the writing on the wall may soon signal the end of "right-to-work" laws in the South and Southwest as well has made agri-business step up its anti-worker activities. These activities — intimidation, beatings, deportations, torture and murder — have been met with growing resistance on the part of farm workers who are fighting a life and death battle for survival. Says Orendain:

A farm worker on strike has to find a way to survive after 8 or 10

days without food, without money, but for the growers, it's easy because they have a lot of money in the bank.

In the courts, the growers always want to get all kinds of injunctions, phony injunctions, and they know the law is on their side and they can get injunctions right away against us. But when we try to find a way to get justice for ourselves, it's hard to do so.

I don't believe in this kind of law, because the law is made by the few rich people to protect themselves and to keep the poor down, the majority of poor workers. So you see, it's a kind of funny society, but that's the way it works.

TFW Organizes

It is only in the last decade that a unionization movement has organized this growing resistance of farm workers, both in Texas and nationally. The UFW paved the way, with organizing struggles in California, and the struggle in California led to the organization of farm workers in other parts of the country. In the Northeast, the Asociación de Trabajadores Agrícolas (ATA) was established in 1973. It is now affiliated with the UFW. Organizing in Florida and Ohio is also taking place.

The farm worker's unequal standing in organized labor dates back to 1935 when, in the enactment of the Wagner Act by the 73rd Congress, agricultural workers were explicitly excluded from the definition of "employee." Since then they have been systematically barred from basic federal labor laws.

During the Korean War an emergency measure, known as Public Law 78, was passed by the U.S. Congress. This law permitted the temporary importation of Mexican nationals (known as *braceros*—day laborers) to work in the fields of the Southwest during harvest time, when sufficient numbers of domestic workers were not available.

The history of the *bracero* versus local worker in California has deep implications for the TFW in Texas, and for farm workers everywhere. *Braceros* were never organized in California and subsequently they formed the hard core of the agricultural labor force, forcing indigenous workers to compete for jobs which were offered on the basis of below-subsistence *bracero* wages. To the single-minded interests of agri-business, "braceroism" was a cheap labor wind-fall—it

drove wages and working conditions below rock-bottom and kept them there. Equally important, *braceros* were for all practical purposes a captive labor force that could be shuttled wherever needed, thus preventing local workers from organizing. Agri-business fought hard for the retention of the *bracero* program, knowing that unionization would surely replace the *bracero* should Public Law 78 be dropped. A watered-down, but similar *de facto bracero* program—"green carders"—has existed in Texas. Texas agri-business has used the green carders in the same way California agri-business made millions off the *bracero* program. Rising public opinion and a long, hard farm worker struggle eliminated the "official" *bracero* program in California. But in both California and Texas, *de facto* "braceroism" still exists.

The TFW has begun organizing in Texas on both sides of the border, eliminating, in the long run, the conflict between domestic and "alien" workers. To a certain extent, U.S. agri-business has actually made multi-national organizing a TFW strategic necessity. Says Orendain:

We tried to make a strike on the American side but the entire American side near the Rio Bravo is private property—something new for us. . . The only way we could talk with people was on the Mexican side.

The scenarios of TFW organizing, in the context of the long history of farm worker struggle in the United States, is international and, as a result, horrifying and threatening to the agri-business interests of Texas and the country at large.

Organizing began in Texas in 1966 when the UFW sent organizers to support and build a farm worker strike in Rio Grande City in southeastern Texas. In that year, the UFW under the leadership of Orendain (former Secretary-Treasurer of the National UFW) and Gil Padilla (a leading UFW official) led strike activity in "El Valle" which was frustrated by the intervention of the Texas Rangers, who made mass arrests of farm workers, threatened and mistreated reporters and assisted the growers in breaking the strike. Orendain, 45 years of age and originally an "illegal" farm worker from Jalisco, Mexico, has spent 23 years of his life in the struggle for farm workers' demands alongside Cesar Chavez.

The organizing was interrupted, however, when several leaders of the UFW in Texas were assigned to coordinate the

36
grape and lettuce boycotts in northern cities. When Orendain was asked to leave Texas to work in the North, he refused:

I think I prefer to stay in Texas. I am choosing to stay not because I'm such a great organizer or anything, but because we made a lot of promises to people here when we began organizing. When I was first sent here in 1966, I was told to organize, to build the union and eventually sign contracts with the growers. We also worked on the boycott, and to support the people in California.

Although Orendain and other organizers chose to stay in Texas, organizing efforts did not take off again in Texas until 1969 and were not in full force until 1971. Orendain's desires to raise the organization of Texas farm workers anew and press for a law more comprehensive than the recently defeated Proposition 14 Law in California, have caused him to break ranks with the National UFW strategy. The Texas Farm Workers Union (TFW) was formed in August of 1975. Most of the organizers were veterans of the 1966-67 union campaigns organized by Orendain and Padilla on behalf of the UFW.

A weekly Spanish language radio program, "La Voz del Campesino," speaks to workers on both sides of the border. A newspaper, **El Cuhamil** ("cuhamil" refers to the neglected and discarded hillside land left for the Indians in the early colonial period — and up until today), is published bi-weekly in English and Spanish. And a service center for organization projects was built in 1972 with volunteer labor and donated materials.

In May, 1975, a large strike among workers in the melon fields began under Orendain's leadership. During the strike, however, differences over policy and tactics led to disagreements between the UFW leadership in California and the UFW Texas organization. These differences involved:

First, organizing priorities — should the Texas farm workers be organized right away or should the union be solidified through the boycott already in effect nationally?

And second the position on so-called "illegal aliens" — should workers who enter the United States from Mexico be organized also or should they be considered, according to unofficial UFW policy, to be threatening to union activities?

The UFW in 1975 clearly tended to subordinate organizing drives throughout the country to the organizing

of boycott-related activities primarily to support farm workers in California. During the 1975 melon strike in Texas, UFW leaders from California came to Texas and told Orendain and other organizers of the Texas workers that the strike should be called off because of limited national resources. In spite of the fact that the strike was being supported mostly by local fundraising efforts. The California leadership also criticized the Texas organization for being violent and adventuristic in their melon-smashing retaliation for the shotgun shooting of 11 pickets by a Texas rancher.

On the question of "illegals," the TFW has actively tried to bring them into the union, and has fought against the Rodino Bill which would discriminate against workers without government issued work and residency permits by forbidding employers to hire them.

These political and tactical differences were further complicated by the uneven distribution of funds within the union. The UFW has always had monies raised throughout the country routed directly to UFW headquarters in California. When the UFW said it would not financially support the 1975 melon strike in Texas, Orendain and the Texas organizers, most of them UFW organizers, began using the money raised in Texas to support the strike there.

It is perhaps a moot point as to whether the TFW broke away on its own or was expelled. What is important is the fact that the TFW is actively organizing in Texas without UFW support.

Bad feelings between the two unions were aggravated recently when a self-styled representative of the UFW ordered the Texas organizers to vacate the farm workers service center that had been built by Texas volunteers a few years earlier. The majority of the Texas organizers voted to have the TFW remain in the center. Today both groups continue to use the center but the TFW clearly outnumbers the dwindling UFW supporters in Texas.

While an early reunification of the two unions seems unlikely for the moment, it is not impossible. Orendain and the other Texas organizers had originally proposed to independently affiliate with the UFW, but that was turned down. There will be more proposals; and there will be more responses.

The TFW is clearly the more active group in Texas. Said

37

one activist in the Chicano community in Texas:

I don't like to take sides between the UFW and the TFW. I have supported Chavez and the union for years, but when you are here you can see that it is Orendain and the TFW that are doing the work here. They are the ones who do the organizing and are harassed and shot at.

Although Orendain understands the need for a strategic focus for farm labor organizing efforts in California (he spoke in California in September, 1976, in support of Proposition 14), he feels a real frustration at the lack of progress in Texas during the last decade.

Gil Padilla, National Vice-President of the UFW (AFL-CIO), who had worked closely with Orendain in Texas in 1966-67, recently met with Orendain. In the name of the UFW, with whom Padilla chose to remain affiliated, he was supportive of the Texas goals but condemned the violence on the part of the growers and also the violence committed on the part of what he called "agent provocateurs" who he claimed had infiltrated the ranks of the Texas farm workers.

The Rev. Chris Hartmire, Director of the National Farm Worker Ministry, has stated that:

The UFW has never been satisfied with strikes per se, rather the commitment of the union has always been to organize workers, supporting strikes only when necessary, and then back up those strikes so that contracts can be negotiated and a union built. Following through on the strikes and winning contracts cannot be accomplished on too many fronts at the same time.

The issue is clear: Orendain insists, and the farm workers in Texas support him in this, that Texas does not represent "one front too many."

The TFW understands the urgency of California-related boycotts, electoral campaigns and struggles. Nevertheless, Texas farm workers do not feel that they must postpone their struggle until such time as the UFW succeeds in winning contracts and strength in California. The recent failure of the electoral campaign for Proposition 14 in California adds more urgency to the TFW position. The conditions of workers in states with "right-to-work" laws, but especially in southeastern Texas, are subhuman. The Texas Farm Workers Union has decided to fight against those conditions and violent repression even if it means they must fight alone.

An ironic footnote to this discussion can be seen in the following passage from a 1967 article (*Liberation*, August,

1967) on Texas farm worker organizing.

Some people have advised 'pulling out' of Texas, until the time is 'right,' until conditions are more favorable for winning. The Union is still too small, it simply doesn't have the resources to take on Texas at this time, when there is still so much unfinished work in California, they argue. But when the need for the Union is as great as it is in Texas, one cannot wait for an 'ideal situation' or the 'right time.' Though prospects are dim for winning the strike in the near future, and the Union will definitely not want to get involved in any more premature strikes, it must stay in Texas and continue organizing and building, and doing everything it can, short of striking, to improve conditions. One cannot simply turn his back on these people and tell them, 'You are not ready.' As Cesar Chavez said, 'We are here because of the need. And we will stay here. . . We will stay here until we win.'

“Illegals” And Internationalism

Organizing support on the Mexican side of the border is a vital and controversial part of the TFW. On June 15, 1976, Orendain and workers from Texas participated in a rally in Rio Bravo, Mexico, sponsored by the Central Campesinos Independiente (CCI). Says Orendain:

Under the present system it is a divide and conquer philosophy that tries to separate workers of the United States and Mexico. There is a damaging separation between classes and groups that work against the interests of all workers. With meetings like these, we are trying to join workers who have a common interest. . . You are poor in Mexico; we are poor in the United States. We are both exploited by the rich and the government. It is also true that these governments are fronts for the rich. In both countries there is a 'free enterprise' system exploiting the poor of these nations.

“Illegal alien” is a big-business and U.S. Government term used to brand those workers from other countries who enter the United States without “proper” documentation. Yet, it is precisely the U.S. big-business devastation and plunder of many of these “foreign” countries, like Mexico, which are responsible for driving thousands and thousands of campesinos off the land in their native countries. The unemployed and dispossessed in Mexico, for example, number about 40 percent, and the United States agri-business interests have played no small part in that devastation and robbery. The deteriorating conditions of the people of Mexico, made worse by the peso devaluation, are forcing

thousands of Mexican workers to cross the border in a desperate search for jobs. The U.S. Government gives some of them "permission" to work here while at the same time denying papers to others. This conforms exactly to the specific and seasonal needs of the growers and ranchers, who can pay starvation wages during the harvest season and then deport workers when the season ends. These same workers who pay U.S. taxes and social security almost never see a penny returned to them in benefits or services.

The deepening crisis in the American economy has brought about an increase in raids and harassments of immigrant workers. The media, controlled by the agri-business interests, talks about the "flood of immigrants"—using locust metaphors—who "take away jobs from Americans" and are a burden to the public, implying of course that these workers receive substantial welfare assistance, which they do not. Concurrently, politicians, among them Edward Kennedy, have proposed the Rodino Bill which would give the growers, ranchers and their "protectors" a freer hand to harass and abuse immigrant workers. In addition, organized labor sell-outs have recently gotten into the act by accusing undocumented workers of everything from high unemployment in the United States to strike breaking. An important aim of this increased harassment, abuse on the job and the deportation of active workers is to create a climate of fear and to discourage organization and resistance among immigrant workers. It is a desperate attack on unionization.

Antonio Rodriguez, National Coordinator of CASA (General Brotherhood of Workers), responding to the House Judiciary Committee's recent 25-to-5 vote in favor of the Rodino Bill, has reiterated the TFW position on immigrant workers: "We demand complete and total amnesty for all immigrants and an end to deportations."

The Rodino Bill, named after its sponsor, Rep. Peter Rodino (D.-N.J.), has been hailed by its supporters in government as increasing jobs for "U.S." workers by calling for fines for employers who "knowingly" hire "undocumented" workers. The bill also provides a partial amnesty for "aliens" residing in the United States for the past 7 years (June 30, 1968 to June 10, 1975). This has given it the support of such liberals as Kennedy. Nevertheless, we must expose its liberal cover and see the Rodino Bill for what it is: a chauvinist attack on minority nationalities and a weapon to divide the working class struggle.

In 1975, some 865,000 people were deported without trials. The Rodino Bill adds fuel to this racist kidnapping. Although the bill is worded so it appears that employers are subject to imprisonment for hiring aliens, no case has yet been reported where an employer was punished. That word "knowingly" and the fact that many immigrant workers will sign statements saying they are legal residents mean that the "criminals" under the enforcement of the Rodino Bill will be the immigrant workers and *only* those workers. But there is really no practical need for the passage of the Rodino Bill other than the *de facto* liberal sanction of deportations which go on day after day, with or without a new racist law.

The most recent case of the anti-deportation fight and government harassment is presently taking place in San Antonio, Texas, where Mario Cantu, a San Antonio restaurant owner, has been arrested for not cooperating with immigration agents when they attempted to raid his restaurant and deport his workers and patrons. Cantu has defended himself and immigrant workers as well with his cutting and accurate description of how agri-business is trying to blame the immigrant for U.S. unemployment:

American corporations operate in Mexico and cross the border at their pleasure. If they can go there for profits, I believe workers should be able to come here for work.

More and more information is being uncovered concerning the corrupt and repressive activities of the Immigration Service and the Border Patrol. These racist agencies, known as "La migra," are charged with the task of policing the Mexican border. The border has existed since 1848, when the U.S. defeated Mexico. The peace agreement, The Treaty of Guadalupe-Hildalgo, provided for free passage across the border to Mexicans. These rights have been systematically violated. Migra officials in Texas have a cozy relationship with local ranchers. Ranchers allow border officials to hunt and fish for free on their property. In return, their ranches are considered "off limits" to inspectors. The Border Patrol also has the power to "lease out" to its rancher friends Mexicans it has captured without papers. They are given the choice of going to jail or working for \$4.00 a day, about one-third the going rate for ranch hands. Mexican women are freely allowed to cross the border every day to work as maids for \$10.00 a week in U.S. houses. The border exists only for the profit and pleasure of the rich.

“The entire border from Tijuana to Brownsville is stained with the blood of Mexican and Chicano workers who were tortured and assassinated.”

—TFW

Cases of harassment, torture and murder by police, the notorious Migra, the border patrol, the Texas Rangers and wealthy ranchers against farm workers in the Southwest have been on the increase. They have prompted vehement protest by farm workers and the Mexican government as well. In August, 1976, several incidents were widely exposed.

One of them was the beating and murder of a Mexican farm worker, Cornelio González, by U.S. immigration agents in Texas. According to his family, González returned bruised and very weak to his home in Tamaulipas, Mexico, after a trip to the United States. He told his family that U.S. Immigration agents had apprehended him in Texas and tortured him before setting him free. González' family took him to a clinic where he died from the beating on August 26. The Mexican press carried articles calling González another victim of the United States. Mexican Secretary of External Affairs, Ruben González Sosa, has called on the Mexican consuls in Brownsville and San Antonio to investigate the killing.

Earlier that month, a similar incident occurred in which 3 young immigrant workers, Eleazar Ruelas Zazala, 24, Manuel García Loya, 25, and Bernable Herra Mata, 21, were kidnapped and tortured by a rancher, “allegedly” George Hanigan, and his two sons on the Hanigan ranch near Douglas, Arizona. According to the County Sheriff's own report, the 3 workers were picked up at gun point, tied down, stripped, burned with hot pokers, dragged across the desert, and shot with birdshot by the ranchers before they were able to escape almost two hours later. Although the Hanigans, well known in the area, were not immediately arrested, protests from the Chicano community and farm worker groups, and from Mexico eventually forced the calling of a grand jury investigation. On August 27, the grand jury returned indictments for 14 counts of kidnapping, conspiracy, assault with a deadly weapon, and rob-

bery. But indictment is a long way off from conviction and sentencing.

El Cuhamil reports still another recent case. The victim of murder this time was 16 year-old Juan José Trinidad of Donna, Texas. On August 6, Trinidad was gunned down by a grower for allegedly attempting to break into the grower's house in broad daylight.

Relating this killing to the whole climate of violence against Mexican farm workers, **El Cuhamil** stated:

Since last year, when C.L. Miller shot and wounded 11 farm workers (9 of whom were 'illegal aliens'), a precedent has been set in the (Rio Grande) Valley, which says that any farm worker on private property can be legally shot and even killed by a grower.

The incident refers to the shooting in June of striking farm workers who had marched toward the big ranch "El Tejano" to speak with the many "green carders" employed there. Besides the 11 farm workers wounded in the murderous assault, another foreman of the ranch was shot as well. The farm workers say they were walking along a public farm road. Chester Moore, owner of "El Tejano," claims they were trespassing on private property. A property owner under Texas law has the right to use "a reasonable amount of force to protect his life, property or loved ones." Of the 11 workers shot, 9 were Mexican nationals. The Mexican Consulate made it immediately known to the Hidalgo Sheriff that his government was very much concerned for the welfare of its citizens and insisted that due process of law be followed and just penalty administered. The Sheriff arrested Miller for the shooting, but later released him on a bond of \$1,500 for each man shot — cheaper than the fine for a deer shot out of season. Forty angry businessmen collected \$10,000 in a weekend and gathered to organize a defense committee for Miller, to plan a public relations drive, and to demand the intervention of the Texas Rangers.

Shortly afterwards, on May 30, nothing short of a serious attempt at murder was made against Armando Acosta, 43, a farm worker strike leader. He was carrying 6 passengers in a car to the Farm Worker Center in San Juan when a shot from a truck speeding past shattered his windshield and cut Acosta and 2 women about the face. Antonio Orendain has been threatened with death several times.

These are not unique occurrences. The entire border

10

from Tijuana to Brownsville is stained with the blood of Mexican and Chicano workers who have been tortured and assassinated. To TFW complaints, the police only respond: "It's a free country." The Union expects to meet with more and more such incidents as the vigilante organizations like the KKK grow more bold.

Another victory for racism and legal repression was won on July 6, 1976 when the U.S. Supreme Court decision authorized the Border Patrol to reestablish highway checkpoints near the Mexican border. At these checkpoints all traffic is slowed down for scrutiny and those travellers judged "suspicious" are held aside for interrogation. This unconstitutional intrusion at these checkpoints is often minimal for Anglo-Americans, but those with brown skin are asked to present identification and proof of their "right" to be here. The racist abuses by the Border Patrol authorities include insults, molesting, physical violence, torture and murder as a consequence. Even the Supreme Court's 2 dissenters were moved to recognize the reactionary, racist character of the ruling. Justices Thurgood Marshall and William Brennan declared the searches "a dragnet-like procedure offensive to the sensibilities of free citizens." Brennan added:

Every American citizen of Mexican ancestry and every Mexican alien lawfully in this country must know after today's decision that he travels the fixed checkpoint highways at the risk of being subjected not only to stop, but also to detention and interrogation. That law in this country should tolerate use of one's ancestry as probative of possible criminal conduct is repugnant.

The 1966-67 strike activities in Texas were frustrated by the brutal intervention of the Texas Rangers, the proto-fascist vigilante-like force of Indian scalping notoriety. These Rangers have been active throughout Texas history, dating from Stephen Austin's organizing and paying the first group back in 1823. Three years after the Texas strike of 1966-67, a three-judge panel ruled that the Rangers had violated the union members' civil rights by siding with the growers and that several of the laws used to arrest the pickets had been unconstitutional. Nevertheless, the Texas Rangers are still an important repressive force for growers' interests in Texas.

Originally, the Texas Rangers were committed to exterminate the Indians and expropriate their communal lands for

the land barons of Texas. They have continued to "protect" these lands, now concentrating their attacks on Mexican farm workers and other working peoples.

The Texas Rangers at present "technically" constitute the enforcement arm of the Department of Public Safety, with regional headquarters in Houston, Dallas, Lubbock, Corpus Christi, Midland and Waco. The remaining Rangers not stationed in one of these centers serve as criminal investigators and work with the highway patrol. The savage beatings and overt racism of the Texas Rangers and their well-documented link with the cattle barons, such as Richard King, have brought many to see them as a legalized Klan, directly loyal to the wealthy and propertied class of Texas.

In response to the violence on the part of growers, the Migra and the Texas Rangers, Orendain has said:

Until justice and the world begin to deal with these people that the law protects for committing these crimes, the TFW will continue struggling until every worker, be they black, white or brown, from Mexico or the United States, will be protected by federal laws, and thereby will be able to have guarantees of being able to protect his life and that of his family.

Legislation Campaign

On September 19, 1976, the TFW announced at the state La Raza Unida Party convention that it was launching a state-wide petition drive to gather signatures backing a proposed state law for farm workers. This law would give farm workers the right to decide whether or not they want to be represented by a labor union. The TFW hopes to have 500,000 signatures on the petition, which it plans to submit to the state legislature when it convenes in January of 1977. The proposed bill will be introduced to the State House of Representative by Rep. Gonzalo Barrientos (D-Austin), who is presently working on drafting it.

The law will call for a Texas Agricultural Labor Board, which will act very much like the National Labor Relations Board. It will certify unions through secret ballot elections. The strategy behind this new law represents a shift in emphasis for TFW tactical practice, from the fields—where the

organized violence of the growers and Texas Rangers has increased to the brutal murderous stage—to the legislature — where the TFW will be able to gain support for a struggle they have been waging by themselves. Aside from the petition, other forms of pressure will have to be exerted on the legislature. Organizations such as unions, churches, and all progressive people's groups will have to actively support the introduction of this law.

Since the 1930's, when the National Labor Relations Board was created, a large segment of the American working class has enjoyed certain limited privileges, one of which guarantees their right to organizing and collective bargaining. The NLRA excluded, however, farm workers, domestic workers and hospital workers among others. In view of this exclusion, workers throughout the country have fought to get their respective states to pass laws that would assure them the same guarantees other workers receive under the NLRA.

The bill to be introduced in Texas can be broken down into four main sections. First, it would define certain conduct as unfair labor practices for both employers as well as labor organizations. For example, it would be unfair for an employer to deny labor organizers the right to enter his property to talk to workers there. Second, the law would also give the right to farm workers to vote in a secret ballot election to decide whether or not they want to be represented by a labor union. Third, the bill would create a state board which would act as an enforcing agent of the provisions of the bill. Finally, the law would specify the extent of the judicial powers of the board in regards to violations of the bill's provisions and would define penalties for these violations. This proposed bill would be the realization of a long struggle begun in its present, organized form in 1966, when the farm workers in Starr County walked out demanding better wages and better working conditions.

The growers argue that their workers do not favor union membership. This is exactly what the growers of California had always argued, and we have seen that the overwhelming majority of California's farm workers voted for a union. This move to the legislative arena is one made after a serious coming-to-terms with the present strength of the union and its strategy for recognition and workers' benefits. The major tactic employed up to now has been one to two-day work stoppages. Although the TFW has 3,000 union authorization

cards and wide popular recognition, the limited material resources of the union have prevented steady, protracted strike activities.

Speaking of the recent campaign in California on behalf of Proposition 14, Antonio Orendain stated:

I have just come back from a trip to California where I saw both the great advances made by the farm workers and the democratic maturity that they are showing in the present political campaign that is developing throughout the state. . . . It remains for us here in Texas to write friends and acquaintances in California to go out and make as much propaganda as possible for Proposition 14, and on election day, if some of them cannot vote because they're not registered in California, then they should spend all of election day taking people to the polls to insure that Proposition 14 wins. Because. . . , this is the fruit of many, many years of sacrifice on the part of many thousands of people, . . . and it is and will be an advantage for the farm workers of California, many of whom are our brothers, our sisters and our friends.

The election victories in the fields of California in 1975-76 show that men and women who labor in the fields will vote for unionization. The victories show also that a well organized and determined workers' organization can seize and use a law to accomplish important objectives such as the expansion of its power. Farm workers throughout the United States represent a work force made up, outside the Black Belt, principally of migrants, small farmers thrown off the land or left unemployed in the cities, and immigrants from countries ravaged by United States economic domination. Although these workers represent a labor force similar to the wage earners in large factories (in that, propertyless, they must sell their labor power in order to survive), they are kept in a semi-feudal state in which basic organizing rights are denied them. Like their counterparts in the cities, the agribusiness barons try to maintain a reserve labor force—about 4 to 1 in Texas—to keep wages low, prevent strikes, perpetuate harassments, etc. These bosses try to separate workers by race, nationality, sex and, in the case of Mexican migrants, "legal" status versus "alien" status.

One problem that must be cut through is the bickering between workers on who's taking away whose job. Says Orendain:

The workers in California blame the workers in Texas. The workers in Texas blame the illegals from Mexico. The workers from Mexico say that all the bosses say California-born Mexicans

12
don't like to work, that they're all lazy, that we are good camels, that five American dollars are sixty pesos in Mexico and "what do we care?" Our goal is to end the battle that exists between worker and worker, because the worker cannot be the enemy of another worker. It's the system that divides us.

Divisions are also created between seasonal versus full-time workers, older versus younger workers and between single and married workers. The mechanism for this manipulation is the preservation of the traditional respect for and fear of the *patron* that runs deep in peasant societies, enforced by the crew boss or labor contractor and backed up by the continual threat of loss of job or home or of deportation back to one's homeland. The crew leader or labor contractor, more often than not a member of the same nationality as the workers, exercises immediate control over who will be allowed to work, thereby keeping the workers in competition with one another for jobs. The *patron* or grower keeps the crews in competition for the work. Furthermore, the labor camp and steady migration become the mechanisms that keep the workers isolated from and ignorant of the reality of the political processes around them. The farm worker constantly faces the fear of not finding a job at all or of losing a job to mechanization, "runaway jobs" or of arriving too late for the first good pickings.

When farm workers in the North or West organize and win concessions, the growers mechanize production, slash the work force, and shift nonmechanized production to the South or economically dominated countries where wages are low and unions weak or nonexistent. Like their brothers and sisters in the auto and rubber industries, farm workers are threatened with runaway jobs; in this case, "runaway" crops.

Besides mechanizing agriculture here in the United States, agricultural production is being shifted more and more into Northern Mexico. In Northern Mexico labor is even cheaper than in Texas. At present, 60 percent of all the fresh vegetables consumed in the United States each winter are produced on U.S. owned or controlled farms in Northern Mexico.

In 1869, 26 percent of the total workers in the United States were farm workers. Today, farm workers comprise 2.2 percent of the labor force, while agricultural production and profits soar.

Orendain opposes mechanization of farm work, which has been on the rise. He notes that in Texas 112 ranchers jointly planted 130,000 acres of sugar cane, then purchased 15 harvesting machines which in effect do all the harvesting. If those 130,000 acres were harvested by the hands of farm workers there could have been work for about 20,000 people. Unless the Texas workers can legally compel the state to respect the rights of workers to have jobs and decent living wages, runaway crops will increase. The Texas farm workers cannot fight alone. The fight for these rights can be won with the broad based support of people all across the country.

Realizing the need to join with struggles elsewhere with similar goals, the TFW belongs to the Equal Rights Congress, a national organization which seeks to unite various groups in their common fight for justice. The TFW has sought the support of other workers and progressive people in Texas and throughout the country; the recently formed ERC is important because it serves as a forum for all these peoples. While concentrating on their specific struggles against injustice under this system, the organizations involved can pool their forces when they are most needed. It is clear that this kind of support is vitally needed for the TFW; the kind of attacks the Texas farm workers have suffered cannot be effectively countered in the future if their struggle remains isolated. The ERC is fighting in defense of the TFW nationally.

The TFW is actively seeking material support for their current organizational effort. Says Orendain:

This effort is going to be in the whole state of Texas if possible, in all the rural areas. So if people living in the city, if they want to see this and bring justice not only to be workers in the Valley, but in all the rural areas of Texas, all farm workers in Texas, I think they can do a lot to help us.

I don't want to ask only for money — if they can give us groceries or some other kind of support — leaflets, paper and so on that are necessary to get across to our people what we are trying to do. In the city sometimes it's easier to collect more groceries, to get a mimeograph machine or a typewriter, these are things that we will need.

Justice for the farm workers is good for the workers in the cities.

It is a fight and the union is not made up only of students or farm workers or only old people or only young people. The change is being accomplished when you make a link between old

people, young people, students, non-students, and every human being interested in social change. So this is really where things are moving, and not til we accomplish something like that are we going to have any permanent change here.

Support Committees for the TFW have been active in Texas—Austin, San Antonio, Houston, El Paso, San Angelo, Crystal City, Dallas-Fort Worth, Lubbock and Muleshoe — with food caravans, clothing drives and propaganda work. Recently, TFW Support Committee activities in Texas have included the preparation of the proposed farm worker legislation and the organization of petition drives. (Support Committees are especially active in Chicago and California. In California committees have been organized in Los Angeles, San Diego, Coachella, Modesto, Salinas, San Francisco, and Santa Cruz. The tasks of these Support Committees are first to widen the support for the TFW, raising money and food, providing legal support and solidarity) and, second to inform and educate the populace as to the issues surrounding the TFW struggle for union recognition and decent lives. You may contact these Committees at the following addresses, or you might contact San Juan, Texas for information about the formation of a TFW Support Committee in your own region or city.

In Texas:

Austin:

Douglas Keller
99½ Waller St. #A
Austin, Texas 78702
(512) 477-2485

Crystal City:

Jesus Salas
County Courthouse
Crystal City, Texas

Houston

P.O. Box 18664
Houston, Texas 77023

Laredo

520 Garza
Laredo, Texas

San Antonio

Jorge Zaragoza
562 Overhill
San Antonio, Texas
(512) 435-4813

San Juan

Texas Farm Workers Union
P.O. Box 876
San Juan Texas 78589
(512) 787-5984

Weslaco

P.O. Box 699
Weslaco, Texas 78596

In New Mexico:

Albuquerque
c/o ERC
P.O. Box 26214
Albuquerque, N.M. 87125

In Illinois:

Chicago
180 West Superior
Chicago, Illinois 60622

In California:

Los Angeles

TFW Support Committee

2228 West 7th Street

Los Angeles, CA. 90015

Salinas

Marcial Silva

1010 Acosta St.

Salinas, CA.

Santa Cruz

TFW Support Committee

Student Activities Bldg.

University of California

Santa Cruz, CA. 95064

What You Can do to Help the Texas Farm Workers

1. Relate information on the farmworker situation to your community through the telephone and letters to your friends and through the radio, television and newspapers to the general public.
2. Support those farm worker families who go on strike.
3. If you are in Texas, organize a committee (or committees) in each community to collect signatures for the petition now being circulated by the Texas Farm Workers Union.
4. Send donations to the Texas Farm Workers Union, P.O. Box 876, San Juan, Texas 78589.
5. Keep abreast of farm worker current developments by subscribing to the TFW's bilingual newspaper, **El Cuhamil**, Box 876, San Juan, Texas 78589. (Cost: \$5.00 per year, \$6.00 to foreign countries).

Subscribe to:

EL CUHAMIL

TEXAS FARM WORKERS' UNION
VOICE OF THE TEXAS FARM WORKERS

One Year \$5.00 — Out of Country \$6.00

Write to P. O. Box 876, San Juan, Texas 78589



*The donation for this pamphlet
goes to support the struggle of the
Texas Farm Workers.*



TEXAS FARM WORKERS UNION

P.O. Box 876, San Juan, Texas 78589

FACT SHEET ON FARM WORKERS

Farm Workers were excluded from the National Labor Relations Act that gave Industrial workers the right to collectively bargain in 1935.

§

80% of farmworkers' migrant children are exploited.

§

Farm Workers have the highest mortality rate in the nation - 125% higher.

§

Annual Median Income per household in Texas is less than \$4000.00 for farm workers.

§

Migrant children have a school drop-out rate estimated to be between 80 to 90 per cent.

§

The average educational attainment level in Texas for the general population is 12.2; it is six years or less for migrant and seasonal farm workers.

§

Mortality rates for tuberculosis and other infectious diseases among migrant are 2.5 times the national reate, and infant mortality rates are 25% higher than the national rate.

§

The Counties of Cameron, Hidalgo, and Starr have all large farm workerforce, most of whom are in overcrowded housing up to 34.5% in Hidalgo County, and in households with inadequate plumbing - up to 41.9 in Starr County.

§

Texas Farm Workers are held back with the so-called "Right-to-Work" laws.

§

Farm Workers and their children are often sprayed with poisonous pesticides which cause long range diseases, and they have no protection against them.

§

Farm Workers have no health care; life expentancy for farm workers is 49 years, the lowest in the nation.

§

Farm Workers are crammed into vans and trucks like herds of cattle to go to the fields to work.

§

Farm Workers have no toilet facilities in the fields. Men,

COMPARISON OF FARM WAGES AND FAMILY NEEDS

The average farm worker family in Arizona has 6.65 members. The following figures give the wage-per-hour and wage-per-year needed by the average farm worker to attain the living levels listed (working "full time": 40 hours per week, 52 weeks per year -- 2080 hours)*

In March, 1972, the Priests' Senate of the Diocese of Phoenix passed a resolution stating: "All adults who work full-time deserve to receive at least a poverty level income as established by the federal government." Today, governmental and private agencies recognize that a "poverty level" income is not adequate to support a family.

The "LOWER BUDGET LIVING INDEX" is the government's lowest index that would provide sufficient nutrition for a family. The average farm worker receives only about half the wage-per-hour needed for this level -- so he must either go on welfare or starve his family.

The average farm worker makes even less than this because he is able to find work only about eight months of the year. Last year, the average farm worker earned only about one-third of the amount needed to feed and support his family.

WAGES VS. FAMILY NEEDS (JULY 1978)

MINIMUM WAGE (set by Congress)
(Insufficient to provide adequate nutrition for a family.)
\$2.65 per hour (\$5,512 per year)

"POVERTY LEVEL" INDEX (U.S. Dept. of Commerce, April 1978)*
(Insufficient to provide adequate nutrition for a family)
\$3.96 per hour, \$8,240 per year, family of six (\$2.98 hr., \$6,200 yr., family of 4)

"LOWER BUDGET LIVING ("austere living") INDEX" (U.S. Dept. of Labor, Autumn 1977)
(Wage sufficient to provide adequate nutrition for a family):
\$5.74 per hour, \$11,947 per year, family of six (\$4.16 hr., \$8,657 yr., family of 4)

"INTERMEDIATE BUDGET LIVING ("comfortable living") INDEX" (USDL, Autumn 1977)
\$8.65 per hour, \$17,994 per yr., family of six (\$6.29 hr., \$13,039 yr., family of 4)

"HIGHER BUDGET LIVING ("luxury living") INDEX" (U.S. Dept. of Labor, Autumn 1977)
\$11.91 per hr., \$24,768 per yr., family of six (\$8.63 hr., \$17,948 yr., family of 4)

ARIZONA FARM WAGES -- MARICOPA COUNTY, JULY 1978 (Ariz. Dept. of Economic Security)
\$2.65 per hr., watermelon harvest (except Inter Harvest, Inc., \$3.70 per hour)
2.65-2.75 per hr., grape harvest (plus 14-25¢ per box, split between 10-40 workers)
2.55-2.75 per hour, cotton preharvest.

As low as \$1.90 per hour was reported in July by workers in Eloy who received their pay through ranch foremen or labor contractors -- payment in cash, without pay stubs or records of their wages or deductions.

(An average of \$5.54 per hour was paid to unskilled and semi-skilled laborers in the metropolitan Phoenix area in 1977, more than twice the amount paid to farm workers for jobs that require much skill and much expenditure of energy.)

At. \$2.75 per hour a farm worker would have to work 13.9 hours a day, six days a week (or 16.9 hours a day, five days a week), year round to earn the "Lower Budget Living" income for his family.

FAMILIES WHICH RECEIVE FARM WAGES LIKE THESE MUST GO ON WELFARE OR STARVE.

CAN WE ALL STAND BY AND WATCH THIS SUFFERING CONTINUE?



*(These figures are those used by government agencies for most farm workers; somewhat lower "farm family" figures are used for families which have land and sell crops.)

THE TEXAS OBSERVER

A Journal of Free Voices

February 3, 1978

50¢

Texas Farmworkers
**STILL DOWN
AFTER
ALL THESE
YEARS**



Violence In Weslaco

By Carlos Marentes

WESLACO— More than fifty parents, young people and representatives of distinct organizations in the community, demonstrated Saturday September 9, to protest the police brutality which occurred during the "disturbances" on Sept. 1, in this city.

The group marched through the main streets of Weslaco ending the protest in the Police Department building. One of the participants, a member of "Parents Concerned for Justice" (group which was formed as a result of the incidents), said to EL CUHAMIL:

"We have held this protest demonstration to show our anger for the way the police acted

against our children. We don't want another Campos Torres repeated here in Weslaco. The police should protect the community, not attack the young people."

The incident occurred Sept. 1 during a dance that was held in the recreation hall of the San Martin de Porres Church. At the end of the dance two youths were detained by the police who used excessive force. The witnesses state that the youths, Ricardo Sias age 20 and Frank Salinas age 15, were hit and finally handcuffed by police officers Victor Ramirez, Esteban Medrano and Sargent Miguel Maldonado. Various youths that saw the

violent detentions, tried to rescue Sias and Salinas. In view of this the police called for reinforcements. Within a few minutes more police arrived. Eight more youths were detained and hit by the police for "obstructing justice".

This provoked an immediate reaction among other youths that had arrived on the scene. Within a few hours, 100 youths and parents had gathered to protest against the police actions.

The Chief of Police, Gerald Keown asked the Fire Department to intervene. The firemen arrived and dispersed the crowd with the use of fire hose

Continued on page 5

TEXAS FARMWORKERS UNION



EL CUHAMIL

English & Spanish

P.O. BOX 876, SAN JUAN, TEXAS 78589

VOL. IV No.15

September 30, 1978

DONATION 15¢

To Avoid Paying, Boss Calls Them Arsonist

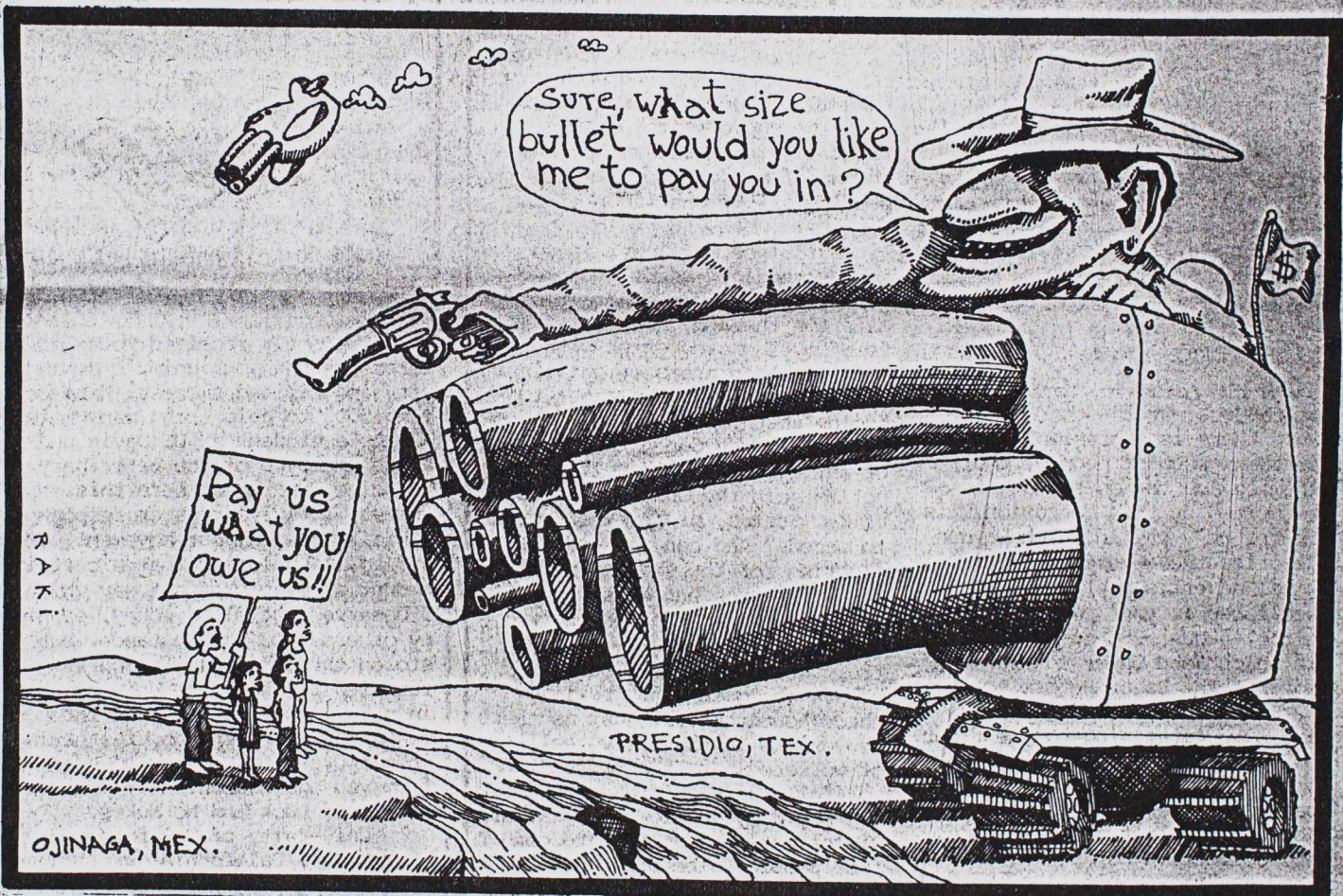
'\$20,000 OWE TO FARM WORKERS

Jesus Moya, organizer for the TFWU, was in the border city of Ojinaga, Mexico September 2, 1978 talking with more than 150 workers who had entered the US without documents in order to work for a rancher named Teofilo Carrasco. This rancher in the past few months has taken to hiring undocumented workers in order not to pay them after they work for him for two or three weeks. This boss, since it is a time of labor intensive work in his onion fields, is using not only men workers, but children from 12 years of age and women. All of them have suffered exploitation at the hands of Teofilo Carrasco.

These workers tried to make a complaint to the local authorities in Presidio, Texas, which borders on Ojinaga. The only thing that they obtained was the address of the Department of Labor in El Paso Texas. What they were not told was how to get to El Paso, when they weren't even allowed to enter Presidio.

On the morning of Sept. 5, 1978 more than 100 people were gathered including children, and they agreed to enter illegally into the United States for the purpose of demanding Teofilo Carrasco to pay them all of the money that he owed them. We calculate this sum to be more than \$20,000 dollars. When they were making the plans to cross the Rio Bravo, it was mentioned that the river was unusually high. At the same time it was remembered that Teofilo Carrasco had a boat which he used to cross workers without documents without the immigration authorities ever saying a word about it, because Carrasco's property extends to the banks of the Rio Bravo.

When we arrived at the indicated crossing point in front of the Carrasco ranch, we saw three different things. First, Carrasco had removed the boat and taken to the American side of the river. Second, the Rio Bravo was extremely high and with a strong current due to recent rains. Thirdly, we saw that the property of Teofilo Carrasco was reinforced with all of the border patrol officers in the Presidio area, and with customs agents all of whom were armed with machine guns, ready to give their lives to



protect the sacred private property of a thief like Teofilo Carrasco.

When we couldn't cross the river due to the current and the children that were in front, it was decided to change tactics. That was how it happened that Antonio Orendain tried to reenter the US and advise the Lawyers of the situation. But he didn't have much luck, when he tried to cross the border he was detained by the Chief of Population. This officer questioned and lectured Orendain for more than an hour and prohibited him from returning to Ojinaga. Later, when he arrived at the American side of the border, the officer recognized Orendain, and demanded to see all of his identification papers. When they finally accepted that they could do nothing against him, a half an hour had gone by.

Later we arrived at the ranch of Teofilo Carrasco, where we realized that there was a force of more than 60 people which included

the border patrol, the sheriffs and the unforgettable Texas Rangers, and all of them in position, ready to die to protect the property of a thief. All of them were armed, because according to one of them, they had reports that the group of undocumented workers had at least one rifle and that they were prepared to burn the ranch of Carrasco.

All this they didn't want to try to verify by asking the workers, instead they were ready to act with violence against the people who were defenseless and had thought of risking their lives in order to cross the Rio Bravo.

But we never imagined that there would have been an even greater risk if we had gotten close to the ranch of Carrasco, because the law was ready to open fire against those that crossed the river. They even had an airplane in order to see, according to them, the invasion force that was threatening them.

That is how this episode ended, where one can note that this country has done so much wrong to other nations, that now it fears its own shadow. The workers asked for permission from the immigration authorities to cross the river so that they could lodge a complaint against Carrasco, but their request was denied.

In This Issue

McInnis Trials
Page 3

Church On
Immigration
Page 6

Campesinos Marchan en Colorado

Estas fueron las demandas presentadas por los trabajadores agrícolas de Texas a las autoridades estatales de Colorado, el día 13 de Septiembre, al final de una marcha que realizaron en Denver:

AL GOVERNADOR LAMM Y MIEMBROS DE LA DELEGACION CONGRESIONAL

Cada año campesinos vienen a nuestro estado, dejan sus viviendas, casi siempre en

Texas, y hacen el viaje al norte para plantar, cultivar y pisar nuestras cosechas. Ellos generan millones de dólares de réditos para nuestro estado. Ellos literalmente ponen la comida en nuestras mesas, pero ellos mismos ganan tan poco dinero, que muchas veces ellos ni se pueden alimentar. Son obligados a prácticas mas degraables que pueden existir. Son explotados por el patrón, roba-

dos por el mayordomo, ignorados por el estado, olvidados por el gobierno y ridiculizados por nuestras mismas comunidades. Son acusados de ser una molestia a nuestra sociedad y un agotamiento a nuestro dinero de impuestos. Pero de todos los grupos pobres en este país, ellos ganan menos y utilizan los servicios sociales muy poco. Se mueren a la edad mas joven de cualquier grupo de trabajadores,

muy trabajados, de mal nutrición, revelacion, pesticidas venenosos. El objeto de este papel es para declarar que nosotros tenemos conocimiento de nuestros derechos humanos y de la significantes contribuciones hechas por nuestra gente del estado de Colorado. Para eso nosotros proponemos lo siguiente:
TOCANTE EL ABUSO DE PESTICIDAS
El departamento de agric.
(vea pag cuatro)



Voz Oficial De La Unión De Campesinos De Texas

Inglés & Español



EL CUHAMIL



VOL. IV No. 16

15 de Octubre de 1978

P. O. Box 876, San Juan, Texas 78589

DONACION 15 CTVS.

SUFREN LOS CAMPESINOS CAÑEROS

Semi-Esclavizados en el Sur de E.U.

Tras la Cortina de Caña hay Tiendas de Raya

Por Roy Fernandez

Recientemente tres organizadores de la Union de Campesinos de Texas visitamos a tres estados del sur de los EEUU, Louisiana, Mississippi y Alabama. Durante ese tiempo que anduvimos en el sur, nos juntamos con los campesinos negros de Louisiana. Estos campesinos son trabajadores de caña.

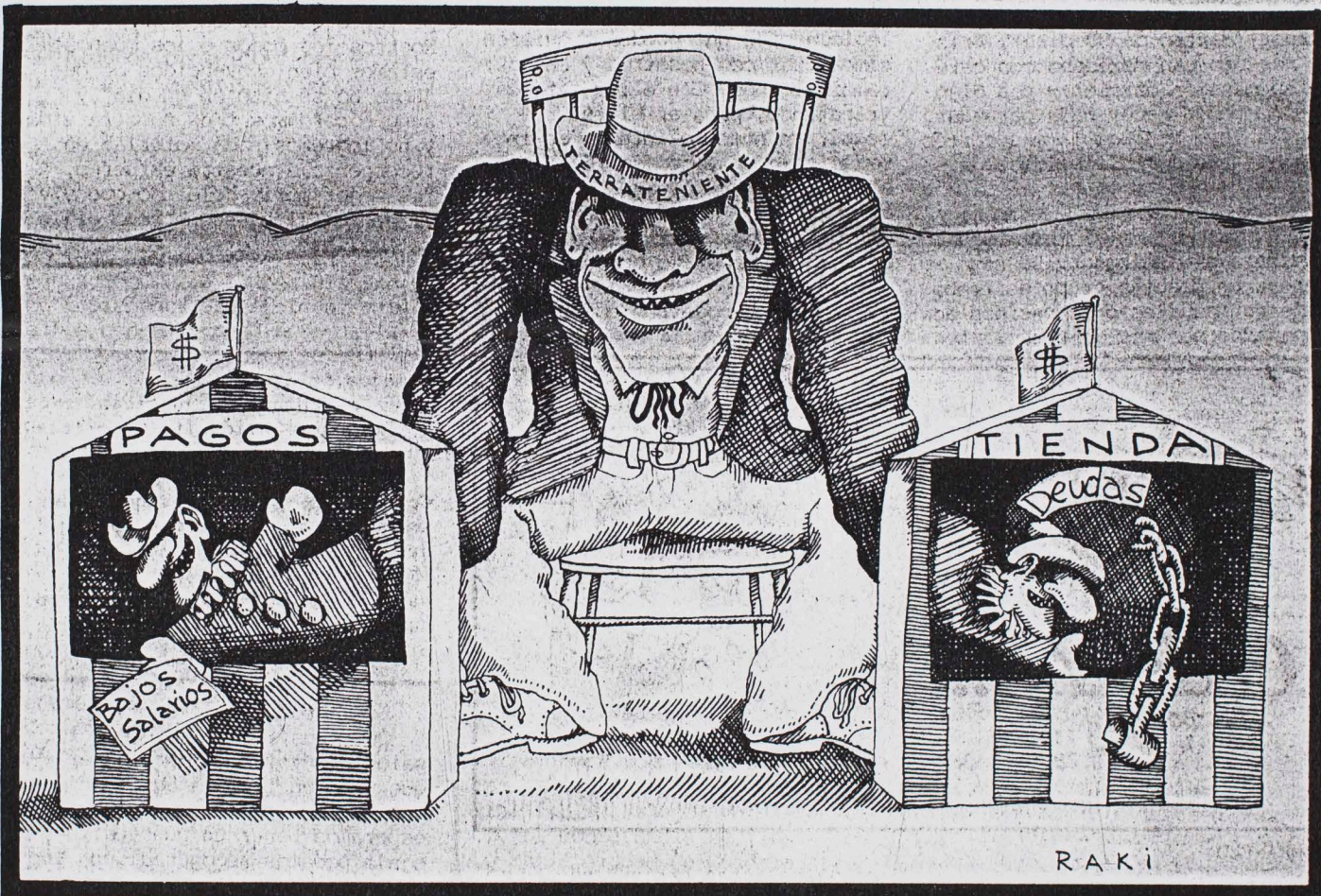
Lo que vimos y observamos era que los campesinos negros estan viviendo y trabajando en peores condiciones que nosotros. Si los campesinos de Texas están en el fondo del barril social, entonces los campesinos negros de Louisiana estan un paso mas bajo.

Los campesinos negros de Louisiana trabajan y viven en aislamiento de todo el mundo. Ellos trabajan casi como sus padres trabajaban anteriormente, en esclavitud, o cerca de esclavitud y tambien como siervos.

Casi todos los campesinos tienen que comprar toda su comida y sus necesidades de la tienda de la compañía de donde trabajan. Los patrones de las compañías son dueños de estas tiendas. Lo que hacen es que les venden a los campesinos la comida y otras necesidades a precios bastante caros o en crédito para poderlos dominar.

Después de un tiempo, los campesinos le deben tanto a la tienda de la compañía, que ya ni reciben dinero por su trabajo, nomás un recibo diciendo cuanto le deben a la tienda. Entonces ya no estan trabajando por ellos mismos sino que nomás para pagar sus deudas a la tienda.

Entre los campesinos negros de caña y los trabajadores anglosajones de caña hay una división de la cual los patrones aprueban fuertemente. La razón de esto es porque a los patrones no les conviene que los trabajadores negros y anglosajones se junten y que haga unidad entre ellos. Los patrones a los anglosajones les dan viviendas buenas, les pagan mas, y les dan los trabajos mas fáciles. Todo esto lo hacen por la simple razón que si se organizan y se juntan todos los trabajadores, entonces los patrones les van a tener que pagar mas y mejorar las condiciones de trabajo y las viviendas de todos los



RAKI

trabajadores. La división entre los trabajadores no se debe permitir, porque un trabajador no es el enemigo de otro trabajador, sino que el patrón o la compañía es el enemigo. Esto se puede arreglar con un programa educativo para los campesinos enseñándoles quienes son sus amigos y quienes son sus enemigos.

Las plantaciones todavía existen en Louisiana, con las cabañas de los trabajadores detras de las viviendas de los patrones en donde nadie las pueda ver. Una plantación que los organizadores de la TFWU visitaron, consistía de mas de 10,000 acres de caña. La entrada para las cabañas de los trabajadores, consistía de un camino de tierra, que era imposible entrar o salir con auto por la llovizna.

Los organizadores del TFW entramos a pie a visitar a los trabajadores. Habia un tablero que decia "Prohibida la entrada

y también prohibida la distribución de cualquier literatura", en la entrada del camino que iba a las viviendas de los trabajadores. Nos preguntamos entre nosotros, que había de mal querer entrar y visitar a los trabajadores? Tendrán miedo los patrones de las plantaciones, que les metamos ideas de que se organicen estos campesinos o será que la conciencia de como tienen a los trabajadores, en estas miserables condiciones, les estorbe? Nosotros muy seriamente dudamos que es la conciencia que les estorba.

Los que sufren mas de estas intolerables y inhumanas condiciones son los niños y niñas de los trabajadores. A como se ve ahorita, no parece que tengan ninguna esperanza de salir de este circulo vicioso.

Los hijos son las esperanzas para el futuro y el mundo, pero como van a ser la esperanza del mundo estos hijos si para toda

su vida van a ser presos detras de una cortina de caña? Los únicos que ganan tener estas criaturas detras de la cortina de caña son los patrones de las plantaciones. Será justo que estas criaturas serán negado sus derechos humanos básicos? Derechos

En Este Numero

Carter y Somoza

Pag. 5

¿Quiénes son afectados por

TAFT-HARTLEY?

Pag. 6

Farmworkers March In Colorado

These are the demands that Texas farm workers presented to state authorities in Colorado, Sept. 13, after they concluded their march to the state Capitol.

TO: GOVERNOR LAMM AND MEMBERS OF THE CONGRESSIONAL DELEGATION

Each year farmworkers come to our state. They leave their homes usually in Texas, and make the trip north to plant, cultivate and harvest our crops. They generate mil-

lions of dollars of revenue for our state. They literally put the food on our table yet they themselves make so little money that often they cannot feed themselves. They are subjected to some of the most degrading practices possible. They are exploited by the grower, ripped off by the crew leaders, ignored by the state, forgotten by the government and ridiculed by our communities. They are accused of being a burden on our society and a drain on

our tax dollars. Yet of all groups of poor people in this country, they make less money and utilize social services least. They die younger than any work group from over work, malnutrition, exposure, pesticide poisoning. The human rights and of the significant contributions made by our people to the state of Colorado. To this end we propose the following.

Regarding the Misuse of Pesticides:

The Colorado Department of

Agriculture has consistently given only nominal attention to the reckless use of potentially deadly pesticides. At least once this summer men and women were sent without warning into a field where a potentially deadly pesticide, parathion, was sprayed near and over those workers. Fortunately, there were no resulting deaths. Unfortunately, workers did become ill, and more than unfortunately, personnel of the Department (see page four)



TEXAS FARMWORKERS UNION

English & Spanish



EL CUHAMIL



P.O. BOX 876, SAN JUAN, TEXAS 78589

VOL. IV No. 16

October 15, 1978

DONATION 15¢

In Debted Survitude in The South

Recently three organizers, from the Texas Farmworkers Union, met with some black sugar cane farm workers from Louisiana. What they saw there, was enough to make them almost sick at the miserable conditions that these workers were living and working in. If the farmworkers in Texas are at the bottom of the social barrel then these people are a step below them which should give people an idea of the plight of these workers.

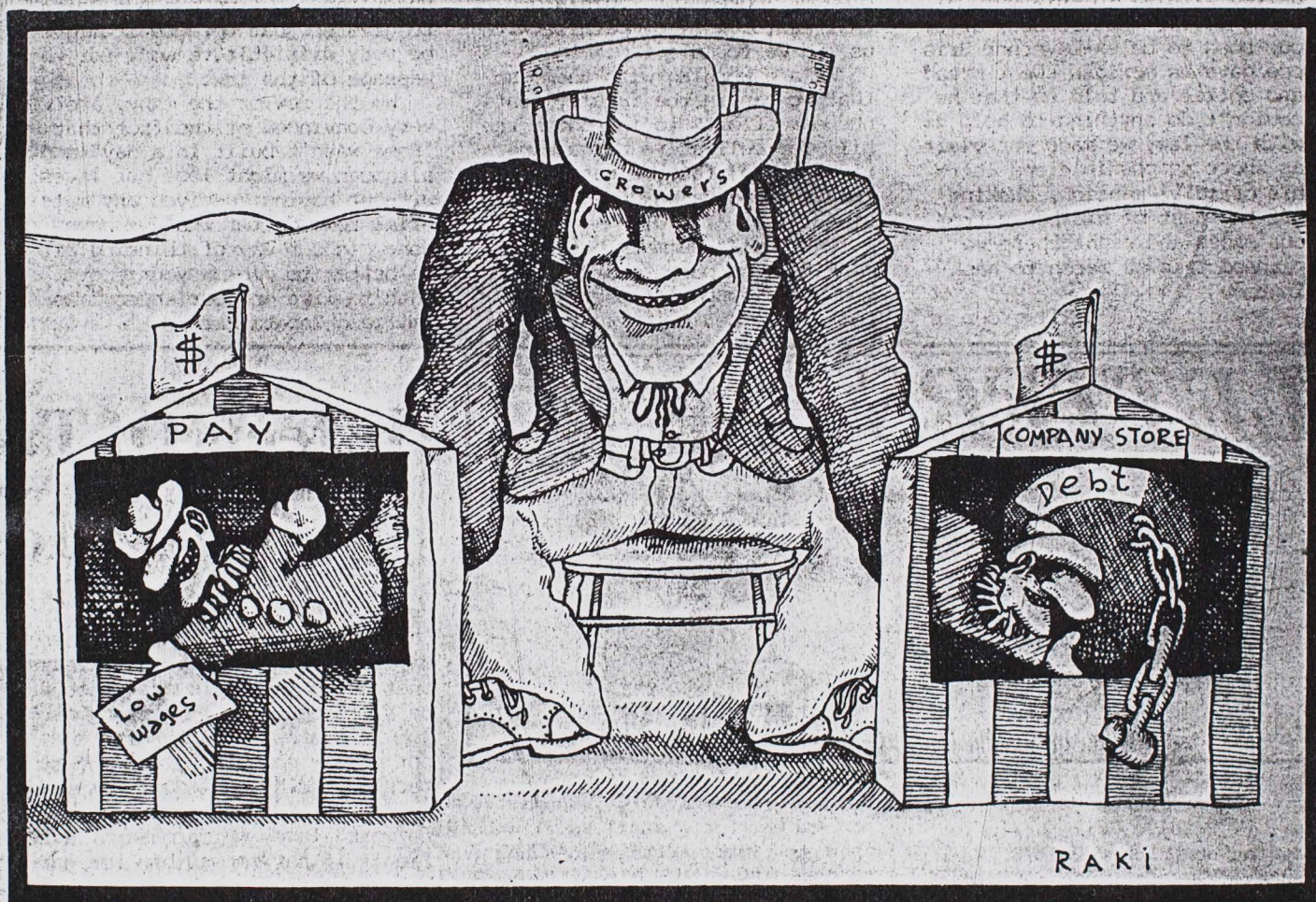
The black sugar cane workers live, and work, in near isolation from the rest of the world. They work, almost as their ancestors did, in near slavery, or as the serfs did long ago.

Most of the farmworkers have to purchase all their food, and other necessities, from the company owned stores. They buy the food, and other necessities, at prices that are much higher than at other stores. The reason for this is that after a while they are so far into debt, to the company, that they are just basically working to try, and pay off the debt to the company store. After a while, the large plantation owners, who own these stores, will then only give their workers check stubs, stating how much they owe the store.

The large plantation owners use divisive tactics between black, and white workers, to insure that these workers do not get together, and organize. A good example of this is the housing for some white workers, is by far in better condition, than the shacks the black workers have to live in. Most of the work supervisors are white, even though black workers are the majority. As stated before, this division amongst workers is encouraged by the growers, to insure that the blacks, and whites don't unite and see that they have a common enemy and that the enemy is not another worker but the grower. Here we see a tremendous need to educate these workers, that another worker cannot be the enemy of another worker. We must make them realize that the worker united, will never be defeated.

As also stated before there are still large plantations in Louisiana. These plantations still

SUGAR CANE WORKERS



RAKI

exist with the shacks of the workers in the back, away from the view of the rest of the world, more or less. The plantation we visited consisted of more than 10,000 acres of sugar cane. The entrance to where the workers live, consists of a dirt road, which when it rains is impossible to enter or leave. A no trespassing sign was highly visible. The sign also forbade the distribution of literature. We asked ourselves, what can be so wrong with people trying to come and visit these people? Are we not in the land of the free, is this another country? Could it be that the plantation owners are afraid of the workers getting ideas of trying to better their lives, or could it be that their conscience bothers them, when people see the wretched conditions that the sugar cane workers, must live and work in. We seriously doubt that it is their conscience that bothers them.

The ones who suffer the most, and are seriously hurt from these inhumane working, and living conditions, are the children of the workers, which as it seems now have no hope of getting out of this vicious cycle. The children are the hope of the world, but how will these children, who are now inside a sugar cane curtain, away from the rest of the world, be expected to actively join in the fight, to better their lives. All the resources and the energies of the state

of Louisiana must be mobilized to insure that these children will not be kept inside this sugar cane curtain as their fathers, and mothers find themselves, in now. The only people benefitting now, keeping the children, inside this curtain, are the large plantation owners, whose only concern is with their profits, and not the workers. Ask yourselves does it seem fair that these children will have to spend the rest of their lives (see, page six)

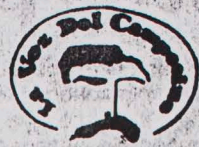
Texas Farm Workers Union

P.O. BOX 876
SAN JUAN, TEXAS 78589

Non-profit Organization
U.S. POSTAGE
PAID
San Juan, Tx. 78589
Permit No. 3



EL CUHAMIL



VOL. IV No. 16

15 de Octubre de 1978

P. O. Box 876, San Juan, Texas 78589

DONACION 15 CTVS.

LOS LEGISLADORES: Esperense...

LOS CAMPESINOS: ¿Cuándo?...

Estimado simpatizante;

Si usted lee la página editorial de esta edición, se dará cuenta de cómo piensan algunos de nuestros legisladores. Esos legisladores se están refiriendo al proyecto de ley S.B. 1075 y al H.B. 1325, introducido en la legislatura pasada por el honorable senador Carlos Truan y los honorables representantes Gonzálo Barrientos, Paul Moreno y Matt García. Las referencias de los cinco legisladores en cuestión (vea págs. 2 y 3), son tocante a los derechos de negociaciones colectivas que la Unión de Campesinos de Texas ha estado pidiendo.

Así están las cosas y le estamos haciendo ver cómo vamos a continuar luchando para cambiar esas formas de expresarse y tratar de hacer que nuestro cuerpo legislativo sea más consciente de las necesidades del pueblo. Pero esta lucha se nos dificulta aún más debido a lo precario de nuestros recursos. No obstante, nuestros deseos para continuar son grandes y pensamos que en la próxima legislación tendremos más oportunidades porque varias organizaciones de masas y grupos religiosos se han unido a nuestro esfuerzo.

Esperamos que Ud. también se una a nuestro esfuerzo. Lo puede hacer escribiendo a esos cinco legisladores y por medio de suscribirse a EL CUHAMIL para que esté más informado de nuestros esfuerzos o enviando una donación para poder continuar en esta lucha.

Sin nada más por la presente, espero que no esté lejano el día en que haya paz, justicia y entendimiento entre nosotros...

¡VIVA LA CAUSA!

Antonio Orendain

Antonio Orendain,
Director de
Unión de Campesinos
de Texas.

Algunos legisladores piensan así...



Se pospone indefinidamente la Conferencia Internacional

SE FORMARA COMITE INTER-ESTATAL

por Antonio Orendain

La última junta efectuada en Nogales, Sonora, se había acordado que tendría como propósito el de finalizar los planes de la próxima conferencia internacional en defensa de los trabajadores indocumentados que se celebraría para los días 21 y 22 en la Ciudad de México. Como usted ya sabrá, tal conferencia se ha venido posponiendo por varias razones y motivos, como la presión ejercida por organizaciones tanto de México como de este país, que buscan el que no se realice tal conferencia.

Se nos viene a la mente: ¿quién? ¿cómo? o ¿por qué es que existe esa intervención de asociaciones, organizaciones o grupos religiosos que estarían interesados en obstruir o desbaratar dicha conferencia?

Nosotros del TFW no somos adivinos, pero sabemos por nuestras experiencias pasadas, como

el boicoteo o sabotaje que se hizo a nuestra Marcha por Derechos Humanos a Washington, D. C. de 1977, o como se intervino para obstruir el establecimiento del proyecto de ley S.B. - 1075 o H.B. - 1325 en ese mismo año, el quién, el cómo y el por qué. Ahora nuestra participación en esta conferencia nos ha traído una idea más clara de quién y por qué no quieren que una pequeña e insignificante unión, como el TFW, no haga, llame o participe en una conferencia internacional como esta que nos están bombardeando y que al parecer han logrado su propósito de obstruirla. Afirmamos lo anterior porque en la junta de Nogales, se pospuso indefinidamente la fecha de la conferencia y no se sabe a ciencia cierta cuándo se lanzará la convocatoria. Como ven, esto puede ser un éxito para esos que han estado de plácemes porque no deseaban que esta pequeña unión independiente, la cual no representa a

la mayoría de los humanos trabajadores del campo, tuviese algo que ver en ese proyecto. Pero en fin, a la junta de Nogales asistieron más de cuarenta organizaciones a la planeación, y había como la mitad de representación de México y el resto, de los EU. Se discutieron los puntos y los problemas para esta conferencia y como se vio que no se pueden resolver en cierto tiempo, todo quedó pendiente para otra junta de planeación que se celebrará en El Paso o en San Antonio.

Nosotros, impuestos a esta clase de reverses por la experiencia recibida cuando caminábamos o marchábamos para Washington, y entonces, algunos Locales del AFL-CIO nos prometían ayuda y unas horas antes de entregar esa ayuda, sólo nos decían que les habían avisado de Washington o de California que no nos ayudarían. Nosotros no nos desanimamos cuando se nos negaba la

ayuda aún después de que se nos había prometido, de inmediato poníamos a trabajar nuestras ideas y sobrepasábamos esos tropezos saliendo adelante.

Así esta vez, los días 7 y 8 en Nogales, Sonora, nos quisieron hacer un mal, pero como dicen por ahí, "no hay mal que por bien no venga", entonces propusimos en esa junta la formación de un comité inter-estatal en pro de derechos colectivos para los trabajadores que carecen de ellos, y por la abolición de la Sección 14(b) de la Ley Taft-Hartley o sea la ley del "derecho a trabajar" por menos. Así que para la próxima junta se harán las elecciones para dicho comité y cada estado recibirá información sobre la táctica que se debe seguir a nivel estatal, así como las formas de coordinar el proyecto a nivel nacional. ¿Verdad que las dolorosas experiencias anteriores sirven para poder seguir adelante?...



EL CUHAMIL



P.O. BOX 876, SAN JUAN, TEXAS 78589

VOL. IV No. 16

October 15, 1978

DONATION 15¢

THE LEGISLATORS:

“Wait... Wait... Wait...”

THE FARMWORKERS:

WHEN? ... WHEN? ... WHEN...

Dear Supporter:

If you read the editorial page of "El Cuhamil", you will find out how some of our legislators think—they are referring to bill#S.B. — 1057 and H.B.1325, introduced in the past legislative session by the honorable Senator Carlos Truan and the Honorable Representatives — Gonzalo Barrientos, Paul Moreno, and Matt Garcia. The remarks of five other legislators in reference to collective bargaining rights for farm workers are printed on pages 2 and 3.

By reading their comments and our responses you will be able to get an idea of how things are. We are letting you know that we are going to continue in the struggle to make our legislative body more conscious of the needs of the people, and thus change their attitudes. But this struggle is made even more difficult, because our resources are very thin, but our desires to continue are much bigger and we think that we will have a better chance in the coming legislative session. We feel this way because we now have the support of several religious and community organizations in our effort to obtain collective bargaining rights.

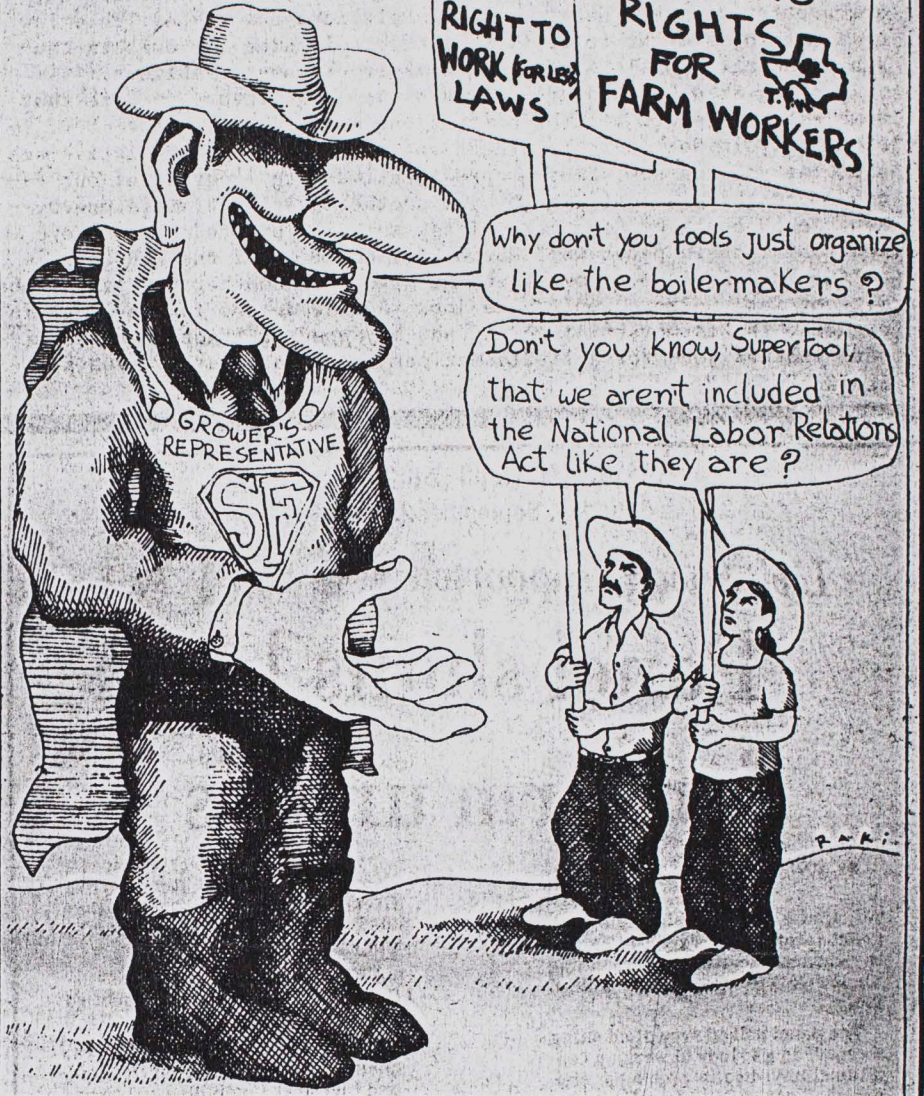
We hope that you will unite in this cause by sending a letter to these five legislators letting them know your opinions, and also by subscribing to EL CUHAMIL so you can be better informed of our effort or by sending a donation to help us continue.

With nothing more for the present, we await the day when there will be understanding, peace and justice among us.

VIVA LA CAUSA!

Antonio Orendain
Antonio Orendain
Director
Texas Farm Workers Union

The Adventures of Super Fool



International Conference postponed indefinitely INTERSTATE COMMITTEE TO BE FORMED

By Antonio Orendain

At the last meeting which took place in Nogales, Sonora Mexico, was called with the intention of finalizing plans for the upcoming international conference, on the rights of undocumented workers, which was scheduled for the twenty-first and the twenty-second of October of 1978.

As can be imagined this conference has been postponed for various reasons and motives, such as pressure from organizations in Mexico as well as the U.S., so that this conference does not take place. This brings to mind as to how and why this interference exist, from organizations and religious groups whom it seems are intent in obstructing or destroying this said conference.

We of the T.F.W.U. are not mind readers but from our past experiences, such as the boycott and the sabotage of our march for Human Rights to Washington in 1977, which was interfered with by trying to halt the introduction of bills S.B. 1075 and H.B. 1325 in 1977.

Our participation in this conference gives us a clear idea of who and why they don't want a small and insignificant union such as the T.F.W.U., to have, call

for, or participate in an international conference such as this one which is being bombarded and it appears that they have obtained their intent to obstruct it.

We affirm the above because at the Conference in Nogales, the date of the conference was postponed indefinitely and as of now it is not known when this convocation will take place. As you can see this can be called a success for these people and they can congratulate themselves, these people who did not wish to see this conference take place or to see this small independent union which doesn't represent the majority of the farmworkers, have something to do with this project.

In the end there were 40 organizations represented in the Nogales planning conference. Half of the 40 organizations were from Mexico and the rest from the U.S. Some of the problems and points were discussed at this conference and those problems which could not be resolved at this conference were to be left pending for the following planning meeting which will take place either in El Paso or in San Antonio.

We are used to these types of happenings from our past experie

nces such as during the march or walk to Washington. Some of the locals from the A.F.L.-C.I.O. which had promised us help, only hours before we were to receive that help, told us that they had received word from Washington or California not to help us. Immediately we put to work other ideas and left behind these problems and we forged ahead.

This was the same on the seventh and eighth of October in Nogales, Sonora where they tried to hurt our cause. As they say, "we are always prepared to make the

best out of the worst."

We proposed to form an interstate committee for collective bargaining rights and the repeal of section 14(B) of the right to work for less laws. On the next conference, elections will be held for the above mentioned committee and it will also be discussed as to which tactics to use at the state level. Also it will be discussed as how to coordinate this at a national level. Isn't it true that painful experiences from the past help us to forge ahead.

Texas Farm Workers Union

P.O. BOX 876
SAN JUAN, TEXAS 78589

Non-profit Organization
U.S. POSTAGE
PAID
San Juan, Tx 78589
Permit No. 3



MARCHA DEL OBRERO AGRICOLA FARMWORKERS MARCH

LA UNION DE CAMPESINOS DE TEXAS y los apollantes, -
llevarán acabo una marcha por una ley DE DERECHO COLEC-
TIVO y en contra de la mal nombrada LEY DEL DERECHO A
TRABAJAR.

Esta marcha principiara en Muleshoe, Tex. el dia 10 de Marzo
el dia 27 de Enero, y culminara en la ciudad de Austin Texas, el
10 de marzo de el año 1979, en donde acamparemos por 100
dias.

Con el propósito de unir las luchas con los obreros de Nuevo
Mexico. en contra de la ley anti-laboral DE EL DERECHO A
TRABAJAR, LA UNION DE CAMPESINOS DE TEXAS, el
comite de apollo de Albuquerque y el Teatro de la Comunidad,
estan organizando una jira por el Esstado, de Nuevo Mexico
para unir y agarrar apoyo en esta lucha. Esta jira tomara lugar
durante el 4 a el 7 de Enero. El dia 24 de Enero la Union traera
desde el Valle de Texas una caraban de campesinos para
protestar en contra de la ley anti-laboral DEL DERECHO A
TRABAJAR. Esta demostración se llebara a cabo el día 24 de
Enero en Santa Fe, Nuevo Mexico, para exponer este ataque en
contra de los obreros. De hái partiremos con una carabana
hasta Muleshoe en donde empesaremos nuestra MARCHA.

Para poder llevar acabo esta marcha, necesitamos tanto
apollo en forma economica y moral. Necesitamos dinero,
comite de apollo, transportación, gente que marche por un
tiempo determinado, que nos preparen jiras, comia, lugaren en
donde quedarnos, durante la marcha y apollo a nuestros
organizadores que se movilicen a las rejiones en las que ballan a
organizar.

Para mas informació y en donde usted puede mandar sus
donaciones:

UNION DE CAMPESINOS DE TEXAS P.O. BOX 876
SAN JUNA TEXAS. 78589
TELEFONOS 512 787 59 84 O, 843 83 81
LUBBOCK, TX TEL. 806 763 3841
PLAINVIEW, TX. NOEMI DIAZ TEL. 806 296 65 95
296 94 59

THE TEXAS FARMWORKERS UNION and their supporters
will carry out a march to publicize and seek support for the
passage of the agricultural labor relation act that will be
introduced into the next session of the texas legislature. This law
will give FARMWORKERS the right to hold secret ballot
elections to determine if they wish to be represented by their
union in collective bargaining with their employe;r over wages,
working conditions and benefits. They will also be marching
against the misnamed, anti-labor "RIGHT TO WORK" law.

The march will begin in muleshoe, Texas on Jan. 27 and will
culminate with a Rally in Austin on March 10, where the
FARWORKERS will camp out in front of the capital until the
end of the legislative session (approximately 100 days).

With the objective of uniting our efforts with the workers of
New Mexico against the RIGHT TO WORK inciative that the
anti-labor forces are placing on the ballot in January, the
T.F.W., the T.F.W. support committee of Albuquerque and El
Teatro de la Comunidad have organized a tour in New Mexico.
This tour will take place from the fourth to the eleventh of
January.

On Jan. 24 there will be a march and rally in Santa Fe, N.M.
to expose this attack on labor. The T.F.W. will participate in
this tour and will bring a caravan of FARMWORKERS from the
Rio Grande Valley to participate in the march in Santa Fe. From
there, the FARMWORKERS caravan and workers from New
Mexico will depart to Muleshoe, Tex. to begin our march to
Austin on the 27Th.

To be able successfully to carry out this march, we need
much moral and
material support. We urge you to participate in or form support
committees in your communities that can help raise money and
provide place for the marchers to stay, transportation, people
willing to participate in the march, needed items such as; food,
clothing, boots, gloves, thermal underwear, socks, etc.

Please help make this dream of the farmworkers into a reality.
To send donations or for more information, please write or call:
T.F.W. P.O. Box 876, San Juan, Tex. 78589

In West Texas Contact:

T.F.W. Drawer 588, Muleshoe, Texas 79347 Ph. (806) 272-4233.

In Lubbock

Bidal Aguero, 1638 Main, Lubbock, Tx. (806) 763-3841.

DAY/MONTH

DIA/MES.

27 ENERO/	Muleshoe	EL SIGUIENTE ES EL ITINERARIO DE EL RECORRIDO DE LA MARCHA DE
28	Littlefield	MULESHOE A AUSTIN.
29	Anton	THE FOLLOWING IS THE ITINERARY OF THE T.F.W MARCH FROM
30	2 millas despues de Shallowater/2 miles past Shallowater	MULESHOE TO AUSTIN
31	Pasar por Lubbock/past through Lubbock City limits	

FEBRUARY

1 FEBRERO,	Una milla despues de Slaton/1 mile past Slaton
2	5 millas antes Post/5 miles before post
3	10 millas despues de Post/10 miles past Post
4	No hay pueblo/No towns
5	7 millas a Snyder/7 mile to Snyder
6	Tomar el Hwy. 208 a Snyder/Take Hwy. 208 into Snyder.
7	6 millas despues de Snyder 2 millas a Hermeigh/6 miles poast Snyder 2 Miles to Hermleigh
8	6 millas a Roscoe/6 miles to Roscoe
9	En los limites de la Cd. de Swiitwater/Sweetwater city limits
10	Una milla despues de el area de descanso/1 mile past rest Stop
11	Paso por Trent and Merkel/past Trent and Merkel
12	Abilene (Cumpleaños de Lincon) [Lincon's Birthday].
13	Dia de descanso en Abilen/Day off in Abilene
14	Una milla despues de Clyde/1 mile past Clyde
15	Una milla antes Putnam/1 mile before Putnam
16	Cisco
17	5 millas antes Ranger/5 mile before Ranger
18	Boltear en Strown-De León/Strawn- De Leon Turn-off
19	No hay Pueblo/No towns
20	No hay Pueblo/No towns
21	No hay Pueblo 3 millas a Weatherford/3 miles to Weatherfor
22	Area de descanso sin pueblo/Rest stop no towns
23	Ft. Worth
24	Arlington-Grand Praire
25	Dallas
26	Dia de descanso en Dallas/Day Off Dallas
27	Lancaster
28	Waxahache

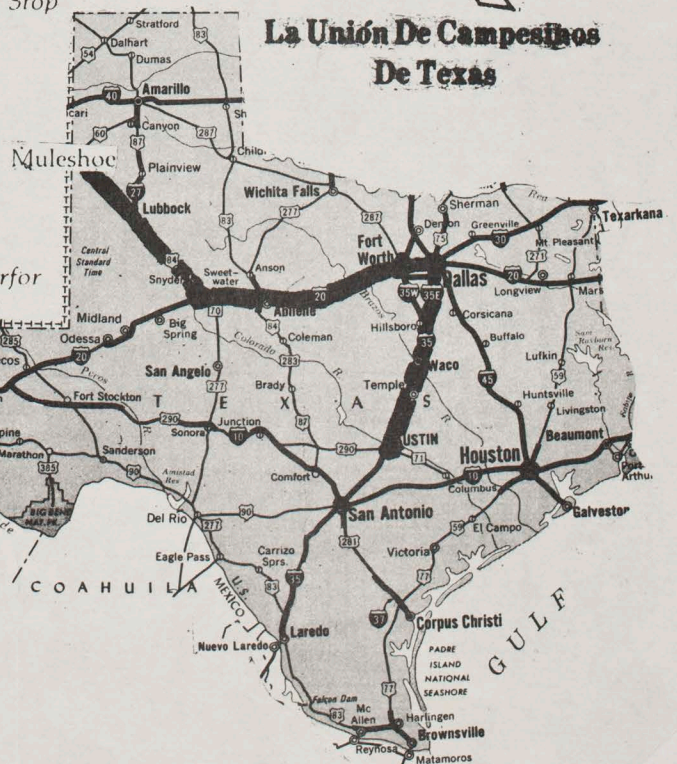
MARCH

1 MARZO/	Hillsboro
2	West
3	2 millas antes Waco/1 mile before Waco
4	Lorena
5	Una milla antes Troy/1 mile before Troy
6	Temple
7	Praire Dell
8	5 millas antes Gorgetown/ 5 miles before Georgetown
9	Round Rock
10	Austin

TEXAS
FARMWORKERS UNION



La Unión De Campesinos
De Texas



NUESTRA LUCHA
Por Antonio Orendain

Nosotros quienes organizamos bajo el ideal del Texas Farm Workers --- Unión les estamos muy agradecidos el que nos hayan dado esta oportunidad de platicarles de nuestros planes e ideas para así explicarles de la gran necesidad de unirnos en un esfuerzo común para así alcanzar las metas que buscamos. No tenemos la menor duda de los problemas que nos afrontan día por día, y generalmente existen dos de ellos los cuales son basicos.

Para ustedes —lo imagino y lo creo firmemente— que el Right-to-Work law o el 14 (b) del Taft-Hartley Act es el principal motivo de que muchos de ustedes estan perdiendo el empleo y cada día mas de ustedes son atemorizados de que sí no se acostumbran a los sueldos a capricho del patrón entonces su trabajo se le dará a otro trabajador el cual tiene el derecho de trabajo mas barato. Pues no hay que olvidar como este trabajador migratorio —quien tiene sus raices en otro pais donde puede existir con menos dinero— tiene que aceptar o someterse con mas humildad a la explotación demandada por el patrón, porque ese mismo trabajador solo piensa en como se multiplicará cada dolar que el pueda ganar aquí.

El sabe que ese dolar allá con su madre, esposa, u hijos se hará el doble triple de lo que lo vale aquí donde lo gana. Es por ello que -- está dispuesto a aceptar esa oferta de trabajo el cual nosotros los que vivimos aquí consideramos mal pagado.

¿Y quien es ese trabajador?

La mayoría de las veces ese trabajador es un campesino quien vive de los trabajos migratorios o un indocumentado o extranjero de otro pais quien tiene una necesidad mayor que la suya, compañero trabajador.

En esta manera vemos la forma en como el sistema en el cual vivimos y en el cual creemos ciegamente, nos hace que nos dividamos entre nosotros mismos, los trabajadores.

Antes de decir algo acerca de las divisiones que nosotros creamos, -- permitame explicar el sistema de intercambio comercial libre, el cual es tá basado firmemente en la ley de oferta y demanda. La pobreza de un trabajador le hace una demanda para resolverla y con esa demanda tan grande y fuerte el trabajador extranjero se ve obligado a aceptar las ofertas de sueldos mal pagados. Al mismo tiempo el tiene que aceptar el no tener ninguna protección en su empleo o trabajo.

Es así que nos damos cuenta en como los empleadores/patrones quienes controlan el sistema ya mencionado nos crea necesidades artificiales y de esa forma nos obligan a esclavisarnos — no literalmente como la palabra lo indica— pero si en una explotación que en esclavitud "de los good old days" de nuestros patrones.

Así vemos, compañeros, que debemos unirnos, pero no con el proposito de aislar a otros pobres trabajadores quien esten en una necesidad mas grande que la nuestra. No, compañero, lo que debemos hacer es crear la base en la cual esos trabajadores puedan disfrutar de las ganancias que nos conquistamos. Debemos cambiar nuestra forma egoista la cual se nos ha venido arraigando de nuestros patrones — y que se resume en esta corta oración: "IF I MADE IT THE HARDWAY YOU CAN MAKE IT". Esto, aunque todos pensémos que es correcto, crea la otra analogía basada en el sentimiento de egoísmo y es igual a lo que les pasó a los franceses duran

te la Guerra de la Bastilla o a los romanos cuando Espartacus quiso sacudir el yugo de la esclavitud.

Simplemente lo que deseo dejar bien aclarado es que un pobre trabajador nunca puede ser enemigo de otro pobre o mas pobre que el porqué dará el resultado que ya estamos viviendo y en el cual es capaz de sacrificarse ellos por tal de vernos a nosotros caer con nuestro falso y debil orgullo. Esto indica que muchos de esos pobres trabajadores y hasta la mayoría de nosotros somos capaz de quemar nuestras casas por ver la del vecino arder.

Espero haya sentado las bases de nuestros mas fuertes que existen entre nosotros los trabajadores manuales y agricolas quienes somos los que vivimos en el fondo del barril social, según nuestos patrones y directores por no tener educación. Espero poder explicar esta gran falsedad pero primero quiero recordarles de lo que dije anteriormente — el sistema de intercambio comercial libre criaba no solo la ley de la oferta y la demanda pero también las divisiones cuales son parte esencial de este -- sistema.

Cuando hablo de divisiones esenciales es que nuestro sitema para poder existir, crecer, y proliferar tiene que contar esencialmente con estas divisiones y da el resultado presente en el cual estamos muy bien -- divididos y mejor conquistados; esto porque se sigue al pie de la letra lo que un gran conquistador de los vejos tiempos afirmaba: "divide y conquistras."

Esto no debe suceder en nosotrosm por primera vez nosotros estamos -- aquí pidiendoles nos ayuden y suplicandoles el unirnos en un común esfuerzo para principiariar y el cual puede ser ampliado o desarrollado de acuerdo a nuestra confianza y la firmeza de nuestros propositos. Al principio expresé el como uno de los mas grandes problemas es el "Right-to-Work Law, no solo para esta area de Tx. sino para todo el estado y toda la clase trabajadora de esta nación.

También sabemos que desde 1947 tan pronto que se aprobó el Taft-Hartley Act en Washington, D.C., inmediatamente nuestra democratica Texas la adoptó. Muchas veces pienso en como este estado adoptó esa proposición a ley antes que el gobierno federal la declara ley efectiva, puesto que sí en Washington, D.C., la aprobaron en 1947, no podía ser ley efectiva hata Enero de 1948. Sin embargo, a nosotros nos las ensartaron muy caliente y recién salida del horno legislativo. Si usted algún día desea sacudirse o guitarse de encima esta ley completamente anti-laboral, entonces tiene que unirse a nuestra lucha presente de conseguir derechos colectivos para el trabajador manual o campesino.

Se preguntarán el porque de esa necesidad y lo explicaré lo mejor que pueda con mi corto entendimiento. Es que si los campesinos logramos derechos colectivos aquí en Texas primero y luego nacionalmente, habremos fundado las bases de unidad para poder quitar o "repeal" todo el Taft-Hartley Act. Al presente existe esa ley, pero si usted se une a nuestra lucha y nosotros logramos conseguir mejor salario como trabajadores campesinos ese será el primer paso para que sus patrones no tengan esa gran reserva de gente desempleada y dispuesta a trabajar por menos.

Dejenme enfatizar que los derechos colectivos para los campesinos son esenciales como el principio, no como el final; o sea que no vamos a resolver todos nuestros problemas, ni tampoco creemos llegar a la utopía -- que busquemos con solo una ley o un solo esfuerzo, pues hay que recordar

que todo lleva su debido tiempo y que Roma no fué construida en un día.

Compañeros, lo que deseamos acentar es como todas las causas son difíciles y se tiene que continuar viviendo al pie de la lucha, pero como dijo aquel gran campesino que fué Emiliano Zapata: "Es mejor morir de pie que vivir de rodillas."

Tampoco debemos creer que una sola persona va a lograr lo poco o lo -- mucho, pero muchos de nosotros como cobardes solo vemos y alabamos a ese lider el cual en la mayoría de las veces muere y solo deja principiado lo que nosotros nunca logramos terminar.

Respetable señor, la TFWU. desde 1977 principiamos una lucha por derechos colectivos y el "repeal" del 14(b) del Taft-Hartley Act a nivel del estado haciendo huelgas, marchas, y demostraciones para conseguir la justicia y los derechos que se le han venido negando a los campesinos y trabajadores manuales.

En 1975, durante una huelga en el melón en el condado Hidalgo en El Valle del Rio Grande, un ranchero nos disparó con una escopeta por mas de 14 veces, hiriendo a 11 de nuestros compañeros. Este mismo ranchero aparecio en la televisión nacional diciendo que el "vendería sus melones sin importarle que llevarn sangre de trabajadores mexicanos"

A principios de 1977 los campesinos del TFWU (independiente) caminamos desde San Juan, Tex., hasta Austin, Tex., con el proposito de hablar con el entonces gobernador estatal Dulph Briscoe y pedirle derechos colectivos y el "repeal" del 14(b) del Taft-Hartley Act. Briscoe, aunque admitía que había mucha pobreza entre los campesinos, declaró que para eso habían muchos programas de re-entrenamiento, y que todo aquel que no quería ser campesino podía ser un doctor o abogado si tomaba las oportunidades ofrecidas por su gobierno.

Par cubrir la distancia entre San Juan hata Austin, Tex., duramos -- 34 dias caminando 15 millas cada día solo para despues recibir ese mensaje del Gobernador el día 4 de abril, 1977.

Así fue como el día 18 de junio de 1977 los campesinos del TFWU independiente principiamos a caminar de Austin, Tex., hasta Washinton, D.C. con el proposito de hablar con el entonces presidente Jimmy Carter y pedirle derechos colectivos para los campesinos, asi como el "repeal" del Taft-Hartley Act al nivel nacional.

Los campesinos del TFWU y simpatizantes quienes se fueron uniendo a la marcha --a la cuál se puso por nombre "La Marcha Para Derechos Humanos"-- caminamos 20 millas por día. Llegamos a 'Washington, D. C., el día 5 de Septiembre de 1977, despues de pasar ochenta dias en los caminos de Texas Louisiana, Mississippi, Alabama, Georgia, South Carolina, North Carolina, y por ultimo West Virginia antes de ver la famosa Casa Blanca, la cual - para la mayoría de quienes ibamos caminando solo era cuestión de cuentos de la televisión.

Aunque tratamos de hablar con el presidente Crter, el se negó completamente hacerlo, no obstante su muy bien publicada campaña basada en su afirmación sobre los derechos humanos, muy a pesar de los muchos telegramas que fueron enviados por simpatizante del TFWU pidiendole que recibiera el grupo de campesinos que habian caminado mas de 2000 millas. La razón por cuál no los recibio el Carter es que estaba muy ocupado -- dandoles la bienvenida y el gran entretenimiento a lideres dictadores de países de Latinoamerica. El que los recibio fue el entonces vice-presidente Walter Mondale.

55
En 1978, nosotros los del TFWU hicimos huelga durante la cosecha de ce bolla en Mercedes, Tex., pidiendo a la vez derechos colectivos.

En 1979, duante la sesión de la Legislatura Estatal, principiámos --- otra marcha de Muleshoe, Tex., hasta Austin en Enero de este mismo año. El proposito de esta marcha también era para demandar "support" o apoyo para el HB 227 el bill de derechos colectivo para campesinos que tratamos de pasar como ley, así como para pedir el "repeal" de 14(b) del Taft-Hartley Act.

En nuestra marcha duramos 42 días caminamos 15 millas al día, cubrien- do así una distancia de 642 millas las cuales separan Muleshoe, de Austin. Durante esta jornada pasamos por Lubbock, Abilene, Fort Worth, Dallas, y luego hacía el Sur hasta llegar a Austin y tener una entrevista con nues- tro nuevo Gobernador Bill Clements.

En 1980, tuvimos mas huelgas, y mas demostraciones, y seguimos nues- tras preparaciones para la sesión de legislatura de 1980-1981. En no- viembre, 1980, hicimos "prefile" el mismo H.B. 227, y esta vez nos tocó el número H:B: 45. El bil lo hizo "pre-file" el representante estatal - Samuel Hudson de Dallas (de raza negra).

Durante una conferencia de prensa que se llevó acabo por el TFWU en - Austin, el Rep. Hudson declaró que se ha quedado asombrado al enterarse de las condiciones horrosas bajo las cuales vivien y trabajan los ---- campesinos. También dijo que en el estado de Texas había mas cuidado de las vacas que del campesino. El nos ha asegurado a nosotros los del --- TFWU y simpatizantes que el hará todo lo que sea de su alcance para que se haga ley el HB 45 dandole derechos colectivo al campesino.

En otras numerosas ocasiones, el Rep. Hudson ha declarado que no hay razón ni justificación para negarle al campesino un derecho muy basico - del cual otros grupos de trabajadores ya disfrutan.

Los representantes Paul Moren de El Paso y Matt Garcia de San Antonio son co-patrocinadores de dicho Proyecto de Ley (HB 45).

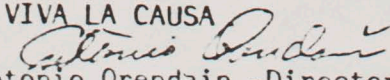
Por medio del HB 45 de nuevo estamos buscando las mismas metas de obtener justicia para el trabajador del campo y el derecho sagrado de -- poner precio al sudor de nuestra frente tal como los profesionistas le po nen precio a lo que ellos aprendieron en el colegio, lo cuál ellos hacen a través de sus uniones poderosas y que ellos llaman "the medical Associa- tion" (Asociación de Medicos), o "The Lawyers' Bar Association" (Asocia- ción de la Barra de Abogados).

También con el fin de realizar nuestras metas, en el mes de Febrero - hemos empezado un boicoteo nacional de los productos citricos de Tex-sun y Big-tex en Texas. Este boicoteo se lanzó oficialmente al nivel estatal en Austin, Tex, en el Capitolio del Estado.

No lo creo necesario el enumerar mas y mas problemas y situaciones que hemos visto, ya que nacimos, vivimos, y morimos al fondo del barril so- cial, supuestamente por nuestra falta de educación academica.

Se necesita apoyo por parte de grupos, uniones, organizaciones, igle- sias, e individuos, si usted quiere mas información sobre nuestra lucha, o simplemente quiere expresar sus ideas o sus dudas, pongase en contacto - con nuestra oficina y con gusto le atenderemos.

Sin mas --solo espero pronto el día en que haya paz, justicia, y en- tendimiento entre nosotros.

VIVA LA CAUSA

Antonio Orendain -Director