

June 14, 1959

THE COMEDY OF DIFFERENCES

At the present time, there are three sources available to me to judge what the Mexican worker is entitled to get under the group health insurance policy that he pays for out of his meagre wages. They are as follows:

1. The policy brought to Court by means of a subpoena duces tecum. This policy is in the possession of the Desert Growerw Association Brawley, Calif. This policy was read rapidly by me.
2. An affidavit, signed by John H. Cramer, a Vice President of the Continental Casualty Co. of Chicago. This affidavit purports to give the provisions of the group health policy. I have this affidavit.
3. Letters and statements put out by the Pan American Underwriters Inc. giving their claims as to what the worker is entitled to get. Pan American Underwriters is the agent of Continental Casualty Co. and as such makes statements also as to certain rights claimed by Continental Casualty Co. of Chicago.

The remarkable thing about the entire situation is that the affidavit disagrees with the policy in several important respects. When we come to the letters and statements of the Pan American Underwriters, there is complete chaos when compared to the policy and the affidavit.

One of the statements made by Pan American Underwriters is shown by the enclosed exhibit dated May 17, 1957 when it arrived at my office. The statement is "Authorization for surgery must be given in advance". In a letter dated April 2, 1959, Pan American Underwriters ~~claims~~ the same thing and notifies the Pioneers Memorial Hospital of Brawley, Calif. that it must not only obtain permission for an operation but that it must also send the pathological report.

Yet I never read such a clause in the policy produced in Court. I have the Affidavit in my hand at this moment, and it gives no clause giving such a right to Continental Casualty Co. of Chicago. In other words, this letter falsely assumes for the Continental Casualty Co. of Chicago, a right which this insurance carrier does not have.

By means of this false right, the Continental Casualty Co. of Chicago has been able to exploit the Mexican worker so that he is deprived of elective operations. We actually know of one such case. The Pioneer Memorial Hospital stopped the operation because it could not get permission from Pan American Underwriters. Another use of this false right, is the prevention of certain doctors not in the good graces of Pan American Underwriters from doing surgical cases. This shows how the hospitals are ignorant of the policy.

This is truly a Comedy of Differences and the Insurance Dept. of the State of California sits idly by and lets such a deplorable state of affairs exist. California is the state that has most of these imported laborers. The State of California prides itself on its laws, yet its Insurance Dept. does not enforce the basic provision of all insurance laws---that the beneficiary must have a policy or a copy of the policy so that the beneficiary know what he is entitled to get.