

CESAR CHAVEZ ASKS:

"are the farm workers going to be able to walk out of their poverty and be accepted as true men by their employers?"

A DIALOGUE

WITH

CONGRESS



THE TRANSCRIPT OF A PUBLIC HEARING

WITH CESAR CHAVEZ, DIRECTOR
UNITED FARM WORKERS ORGANIZING COMMITTEE, AFL-CIO
AND MEMBERS OF HIS STAFF

HELD BY MEMBERS OF THE U.S. HOUSE OF REPRESENTATIVES
IN THE HEARING ROOM OF THE
EDUCATION AND LABOR COMMITTEE

WEDNESDAY, OCTOBER 1, 1969
WASHINGTON, D.C.

MEMBERS OF CONGRESS PRESENT:

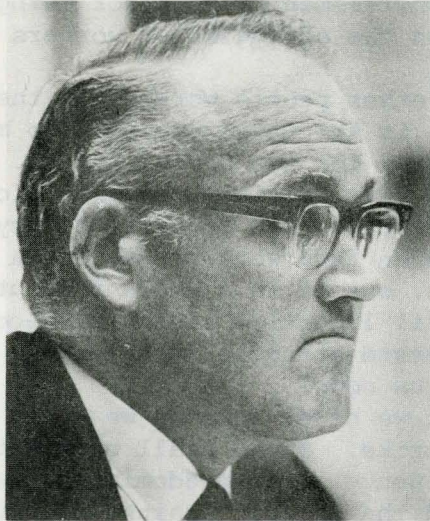
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George E. Brown, Jr. (California)	Orval Hansen (Idaho)
Phillip Burton (California)	Patsy Mink (Hawaii)
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CESAR CHAVEZ...LEADERSHIP AND SACRIFICE



CONGRESSMAN JAMES G. O'HARA, PRESIDING:

It is a rare occasion when a Member of Congress has the opportunity to introduce a public figure who has made a major contribution to the events of our times, and about whom there swirls no controversy. It is a rare event indeed when a man who has changed the face of his era is without enemies.

This is not such an occasion. Today we are host to a great American, a great labor leader, a truly good and gentle man--but a man who is as controversial as any figure to blaze across our skies in decades.

He has made bitter enemies, and some of us love him for the enemies he has made. He has made devoted friends and some of us are honored to be among those friends. One type of person is very rare around our guest today. There are very few neutrals where Cesar Chavez is concerned.

Cesar Chavez has given us all a profound challenge. To those of us who support his cause, he presents the challenge of rising to the level of leadership and sacrifice he has demonstrated in pursuing that cause.

To those who oppose it, he presents the challenge of demonstrating how the current system under which farm workers are employed can be made consistent with our society's claim to serve freedom and justice and equality.

This is not, I must emphasize, a hearing of any committee of the House. This is a public meeting to which a number of Members of the House have been invited because they share an interest in legislation dealing with the campesino and the harsh world in which he lives so poorly, works so hard, and dies so young.

This group cannot make decisions about legislation. It can serve as a forum in which these grave issues can be discussed and from which the members in attendance can go away with their individual commitments strengthened, or weakened or unchanged, but at least better informed.

STATEMENT OF CESAR ESTRADA CHAVEZ, DIRECTOR, UFWOC, AFL-CIO

MR. CHAVEZ: Thank you very much Congressman O'Hara. I want to thank you and the other Congressmen present for being here this morning to hear a report on the struggles of workers to organize farm workers.

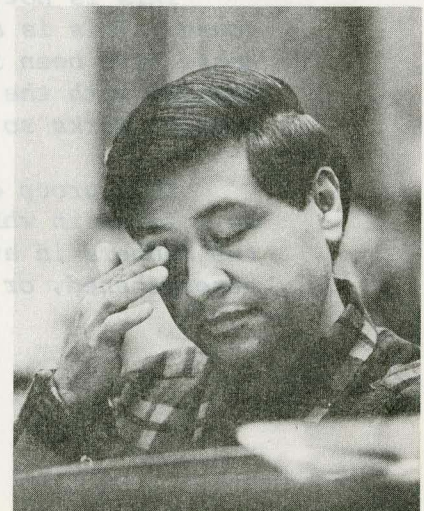
With me this morning are three other people working in the Union--Jerry Cohen, to my right, who is the Legal Counsel, to my immediate left, Mack Lyon, an organizer for the Union, and Mr. Imutan, a Filipino-American who is a Vice President of the Union.

If we do nothing else today, we would like to make it very clear that in rural America today, when farm workers declare a strike, it is not only a strike that happens, but it is a whole revolution in that community. It becomes a civil liberties issue, it becomes a race issue, and it becomes a desperate struggle just to keep the movement going against such tremendous odds.

We have experienced things that we never dreamed we would be confronted with when we began the strike. These small communities are so well knit and the grower influence is so predominant that when we struck in Delano, we not only had the growers against us, but we had the other public bodies like the city council, the board of supervisors, the high school and elementary school districts, passing resolutions and propaganda against the strike and against the union. There was no voice whatsoever from the other side wanting to mediate or offering their services or their influence to find a solution to the problem. The community wanted to destroy us as soon as possible.

We want you to know that in America today, a vast majority of farm workers are poor, and the vast majority are from minority groups. We are brown and black. Also it is good to understand that a lot of the work force are recent immigrants, not only from Mexico, but from Asia, from Portugal, from Arabia, from other parts of the world where people are constantly being brought into work in agriculture.

We also want you to know that the employers have used--and I should say very well--the tactic of setting one racial group against the other. This has been a long-standing trick of theirs to break the unions.



Even today in negotiations we find that it takes a lot of time to get the employers to understand that the people should live together and that there should be no separation of workers in camps by racial groups. Today the employers that we're striking have a Filipino Camp, a Mexican Camp, a Negro Camp, and an Arab Camp in some cases.

We want you to know how hard it is for us to get justice because of the concentration of power in the hands of employers. The local authorities come into play immediately to try to destroy the efforts of organizing. At the beginning of the strike, there were mass arrests by the Delano Police Department and by the County Sheriff's Department. We found that the best counteraction was to let the public know what was happening in the valley.

We see the indifference of the local courts. We see how employers can come in and can get injunctions at will, and we see how the injunctions break our strikes. We have some very sad memories of these experiences.

We see that bringing the employers to court when they have broken the law is almost impossible.

The indifference of the federal agencies in regard to enforcement of those few regulations that apply to farm workers is also very bad. We have cases with the Federal Food and Drug Administration going back two years. The celebrated case of the label switching is an example. We were boycotting the Giumarra Company and Giumarra was able to use over 100 different labels from other employers for his grapes. We had the proof in several cities. We could not get the FDA to take any actions against the growers for lying to the public about the source of their products.

As to the pesticides and their hazard to the workers, we can't do anything with the FDA. Instead of trying to intervene and to do something about the outrageous problem which has become a literal "walking death" for farm workers, the FDA is trying to hide it.

We have had for the last four years a most difficult problem with the Justice Department. A year ago we assigned many of our organizers to do nothing but to check on the law violaters coming from Mexico to break our strikes. We gave the Immigration and Naturalization Services and the Border Patrol stacks and stacks of information. They did not pull workers out of struck fields. Today there are thousands of workers being imported in the strike scene. In fact I would say the green carders and illegal entries make up ninety percent of the work force at the struck ranches. This is why we are forced to boycott: We have had no enforcement by the Border Patrol. We have been told that it is impossible, there are too many violaters, they do not have enough personnel.

I would like to remind the Congressmen present that in the last week and a half we have seen how effective the Border Patrol can be when they want to stop marijuana from being imported into the country. It seems to me it would be a lot less difficult to stop human beings coming across than to stop the weed coming across. It can be done.

We have a case of some of the biggest employers working together personally, using their money, their offices, their duplicating equipment, meeting with other people, and setting up a company union, well staffed, well financed. Information discovered by an investigation by the Department of Labor, plus signed statements from two of the officers of the Agricultural Workers Freedom to Work Association prove

what the growers were doing. Almost a year has passed since these facts were uncovered and the law-breaking phony union has not been brought to court. I might add here that there were four or five different attempts to establish company unions in the past. We spent a good part of our time trying to beat those attempts. One of them was called "Mothers Against Chavez."

We are subject to disclosure of all our income in the labor reports of the Landrum-Griffin law, and we will do this gladly. The sources of money, when we get the money, is public information. But we don't know where the employers are getting their outside money and we would very much like to know that. We don't know where they are getting \$1 million to pay Whitaker and Baxter to set up the so-called Consumer Rights Committee here in Washington to propagandize against our strike and our boycott. We don't know where they are getting the money they are paying to the J. Walter Thompson firm, plus other huge sums of money that are being spent. I think it would be very interesting if we could get those figures.

We have a problem with the U.S. Public Health Service that is coming to be of great concern to a lot of people. In Delano we have the problem of nitrates in the water. This is a cause of concern to some of the experts. Because of large amounts of fertilizers being put in the grape fields, the nitrates find their way into the water table. As a consequence the city water in Delano is heavily polluted with nitrates. The Federal Department of Public Health established a maximum of 45 parts per million as a tolerance. The California Department of Public Health established the same figure.

Just recently, because of investigations, some suits were developing against the city of Delano because of the water. The city council sent out a mailer to all of the water users cautioning them not to use the water for babies under a year old. Then the California Department of Public Health just recently raised the nitrates tolerance to ninety parts per million, double the federal tolerance. The Federals took no action. It is very difficult for us to understand that.

The point we are trying to make here is that the federal agency and the state agency are almost impossible to deal with. We cannot look to them for any real support and any real help. We don't expect them to take our side, but they ought to carry out the law.

There are other pressures that develop against farm workers isolated in those vast valleys. The Texaco Company locally refused to sell us gas for a couple of days for our picket line cars. We had an arrangement with them, but pressure from the employers forced them not to sell us gas. It was not until we were able to call Washington and New York and other places to try and develop concern that they were able to give us gas. The Aetna Insurance Company cancelled our car insurance. We had to go to the public assigned risk where we paid more money. It was not because we had a bad record. They just did not give us a reason but we were cancelled.

Then of course, we have trouble with the Defense Department, which I think is the biggest reason why the growers broke off the negotiations in late June and early July, and why I think that although our boycott is very effective in most of the areas in the country, still we were not able to get the growers to negotiate with us. The Defense Department has increased the shipments of grapes in the last year or so to Vietnam by about 350 per cent. South Vietnam ranked 27th in the

importation of grapes. Today South Vietnam is number 3 in importation. Canada is number 1, Venezuela 2, and little Vietnam is now rated the third largest importer of table grapes.

We have a report that some grapes were found in the Saigon black market selling for \$42 a box. *That is where the grapes are going.*

Because of the pressure of the boycott and the strikes we were able to get 12 growers to negotiate with us. We negotiated for about three weeks. It was a difficult negotiation. We said we should be very careful not to permit the negotiations to develop into a name-calling contest. The first day of negotiations they took advantage of my not being present to unload everything that they had on their chests. Right from the beginning, they set an ultimatum. It seemed that every time we came to an issue they would say "either it is this way or we break off negotiations." It became apparent to us that they did not want to negotiate but they had accomplished what they wanted to, and that was that. They hurt the boycott immensely because people throughout the country began to think these were good faith negotiations, and that therefore the strike was about over.

I have no doubt that one or two men of those 12 wanted to negotiate. I think they wanted to negotiate. But as for the rest, they could not prove to us by their actions that they were sincere.

So at the very end it became very apparent they were not going to do anything about wages. We had a wage demand of \$2 an hour minimum, plus 25 cents a box during the harvest time, and \$2 minimum during the off season. We had what we considered to be a very important health and safety clause in the contract. That is what we need to deal effectively with the whole question of pesticide poisoning for workers. When the negotiations broke off, we understood that the two main points that were in conflict, and could not be resolved, were wages and health and safety. The negotiations broke off on the 3rd of July. Almost two weeks ago I called on the Federal Mediation Service, the agency that brought us together the first time. I told them to relay to the employers the desire on the part of the union to re-open negotiations and to tell them specifically that we were willing to reconsider the wage demand that we had made, but that in all good faith, we could not possibly give in on the whole question of pesticide poisoning of workers. It is almost two weeks and we have not heard from them.

There has been a lot said about the union not representing the workers--that we in fact do not represent the workers, but are just a group of outside agitators with radical ideas. We have had 8 union representation elections. We have won every single election that we have had, and some had to be fought and won at a great disadvantage to our union. Some were won with something like 98 per cent for the union. *There is no question in my mind that the workers want a union.* They know that the union is the best way out of their condition. But the same employers who claim that we don't represent the workers have steadfastly, since the beginning of the strike, refused to give us elections.

Since we are not covered by the National Labor Relations Act and there is no machinery for elections, the union and employers have to agree to set up some kind of procedure for the election. On eight different occasions we have been able to negotiate the procedure and have the election. Then we win and go into negotiations. The grape

growers, the fresh grape growers, have been unwilling to do that.

We say that we are able to prove to them that the whole question of our representing the workers is not in issue. But the 12 growers who agreed to negotiate with us raised the issue. So we gave the Federal Mediation Service cards signed by ninety per cent of the strike-breakers working for the growers at that time. The card said "we support the union."

So the question of whether we represent the workers or not is a phony issue. *But the real issue is that we don't think that the workers are going to quit trying to get a union.* We are sure of this because not only of what they have done in the four years, but because it is the history of the working man in America.

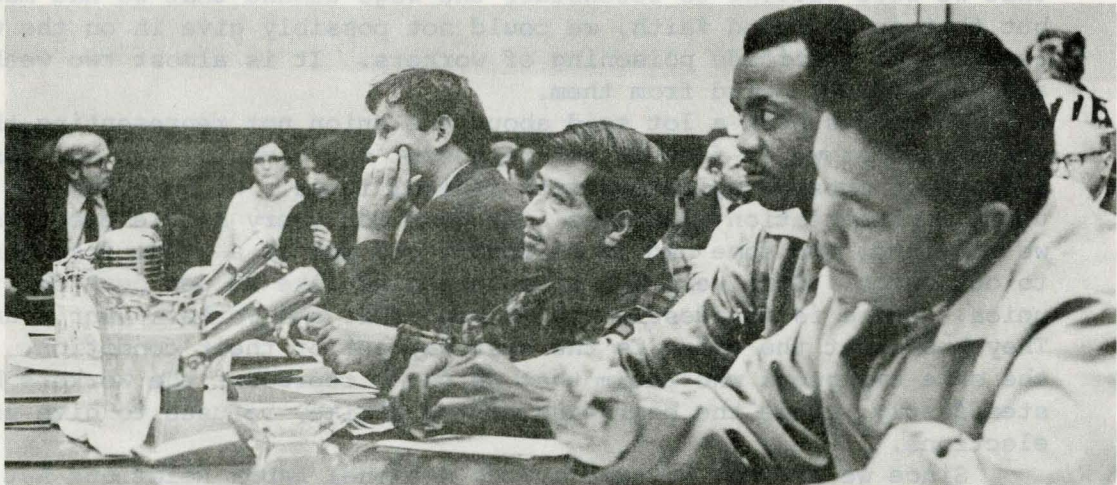
The real question is "How is it going to be accomplished?" Are the workers, the farm workers, going to be suppressed and forced to go "underground"? Or are the farm workers going to be able to walk out of their poverty and be counted and accepted as true men by their employers? That is a real question, how is it going to be done? That fact that it is going to be done is accepted by all of us who are in the struggle.

I want to have Brother Imutan, who is a Filipino-American, tell you a little bit about the history of the Filipino worker.

Perhaps some of you may not know that the Filipino workers have been subjected to things that even the black Americans have not been subjected to in America. There is very little known about them. But it is a fact that they have been mistreated considerably. I want Brother Imutan to tell you about that.

STATEMENT OF MR. ANDY IMUTAN, VICE PRESIDENT, UFWOC

MR. IMUTAN: When the Delano strike began, September 8, 1965, the Filipino workers in the different camps in Delano walked out from the fields that they were working in, and those that were living in the camps decided to stay in the camps.



left to right: Jerry Cohen, Cesar Chavez, Mack Lyon, Andy Imutan.

The grower-owners of those different camps warned our workers that they would do something to make us either work or not stay in those camps. Although they were told that, the workers thought that the only way probably that they could solve their problems was to stick it out with the rest of the workers.

And what happened was that the light and the water were cut off so that the workers could not cook their food. And when they cooked outside, the security guards of the growers kicked their food to the ground. And when it became time to eat, the guards came back and threw the workers' belongings to the ground and padlocked their rooms.

Because of that the workers were forced to stay in their cars. As the strike went on, a lot of them were staying in the cars and some of them were sleeping in the Filipino Hall and some of them were staying with their friends.

The growers claim that they are paying so much, but the people that are staying in the camps, although they are supposed to have camps housing accommodations free, actually it is not so. Those that are staying in the camps are receiving ten cents less per hour than those that are not living in the camps.

Think about life in the camps. There are no health examinations or anything of that sort. You would see camps during the peak of harvest crowded with people who are side by side. You will see the tubercular worker side by side with the healthy one.

It is not a well known fact to a lot of people that the Filipino workers who were recruited and encouraged to come to this country were deprived of family life. For several decades they were not allowed by the immigration laws to bring in their wives, or women from the Philippines for marriage. Nor were they allowed by the state laws in the West to marry white women. This was done so we would live in the camps and do whatever we were told.

There is a whole race of workers here that 35 years ago were brought here to work, that had no generation after them. Since the war some young people have come. I would say that 85 per cent of the Filipino farm workers are bachelors living in the camps. If the intent of the growers then was to wipe out the workers forever, I think they have succeeded in that.

There is a great concern to the Filipino communities in California: What will happen to Filipinos who are now old and are only receiving \$40 from Social Security? Mules and horses are well provided for when they are no longer able to work. For human beings in the farm areas there is no such thing. *What is going to happen?*

Because of the lack of coverage under the National Labor Relations Act, the farm workers were not able to form a union like other workers in other industries. As you know, in other industries provisions for retirement and other fringe benefits have been provided for to these workers through the unions that have represented them.

MR. CHAVEZ: We have next Mr. Mack Lyons, who came out of the DiGiorgio-Arvin farm, one of the biggest farms in the country. He became the ranch committee chairman. He would like to tell you about the experience that will clearly reflect to you that whether we represent the workers or not has no meaning to the employers.

STATEMENT OF MR. MACK LYONS, ORGANIZER

MR. LYONS: Through the strike and the boycott against DiGiorgio about three years ago, we gained the right to have an election at this particular ranch. We gave up the boycott for an election. All we had was the right to have the election. If we lost, we did not have anything. If we won, well, then we would go on to negotiate a contract. After we won the election we had no power for the negotiations. The negotiations lasted for weeks and weeks because we had no power left, since we had to call off the strike and the boycott against this particular place. The majority of the contract went to arbitration.

From the arbitrator we did not get everything that we wanted. One of the main things we wanted was a "successor clause." He did not give us that. A successor clause means that if the ranch is sold, the labor contract obligates the buyer. But what we got out of the arbitrator, we were happy with and we accepted it, and we made it work, and everybody worked together.

We eliminated a lot of the problems that we had before the contract. Then the problems started again when the DiGiorgio man told us he sold his ranch to S.A. Camp, another one of the growers in that county.

As soon as he bought the ranch, this grower laid off all the workers that were working there. He fired all of the people that were active members of the union, and all the stewards, all of the people that he knew had fought for the union, that spoke out for the union.

The new owner started the same practices that had been used before. He separated people by race and by favorites and all of the rights that we had under the contract, that we had negotiated for, and that we had gotten out of arbitration, were completely discarded. Because we did not get a successor clause, we were right back where we started. Right now we are on strike again. Some of us are working on the boycott.

The contract lasted for two years and in those two years, people really saw a change in their daily lives. The workers were starting to have a little hope. But when the ranch was sold we saw that we really did not have anything. Because of the lack of concern by the laws, and the arbitrators that have power to give you what they think you should have and some of the things that you need they don't give you, we found ourselves back where we started, in the same boat as the people who had been on strike for four years trying to gain something that we had had. What makes it worse is that we had a contract. Now we don't have anything. We had experienced what the union really stands for, what the union is trying to get for all of the farm workers, but the company sold all of our rights. These are the kind of problems we are having right now because of the lack of power, and organization, and law.

STATEMENT OF MR. JEROME COHEN,
ATTORNEY FOR THE UNITED FARM WORKERS ORGANIZING COMMITTEE

MR. COHEN: I would just give you one example of the caliber of justice we get in the Kern County Superior Court. Last August 22nd I went to the Kern County Agricultural Commissioner, who keeps records of commercial pesticide applicators, the accounts of poisons that they use and when they use them. I went to the Commissioner to see these reports. He told me to come back the next day. Two hours after I left the office, the Kern County Superior Court issued an injunction forbidding me to see the records. We have been engaged in a battle for over a year to see those records.

We are concerned about the issue of health and safety of farm workers. A recent survey in Tulare County shows that about eighty per cent of the workers are suffering from various symptoms of organic phosphate and other pesticide poisoning. The State of California has some of these statistics but they have decided that they are going to study them for five years. We think the problem is *right now*.

It is hard for us to understand how the administration could have an Occupational Health and Safety Bill that exempts farm workers, especially in light of the fact that in the State of California agriculture has the highest occupational disease rate, three times higher than the next industry there.

In the battle for the pesticides records, we presented an extensive hearing in January. In the course of that hearing it became apparent that the judge was weighing the profits that the agricultural industry makes against the health of farm workers, and he continued the injunction. As it stands today, we still can't see the records.

MR. CHAVEZ: If you have any questions we would be happy to try to answer them.

MR. O'HARA: Thank you, Mr. Chavez. I think several of us have questions.

CONGRESSMAN OGDEN REID (R.-N.Y.): I wanted to welcome Cesar Chavez here very warmly, and also his colleagues. Is my understanding correct that recently the Department of Defense has increased the purchase of grapes by fifty per cent and the shipment of grapes to Vietnam has increased by 350 per cent to the current rate of about 8 pounds per man? If this is correct, are there not the implications of strike breaking in the purchases of the Department of Defense of these grapes?

As the gentlemen may know, I have written the Department of Defense to ascertain their views on this, and asked for a personal review by the Secretary, and expressed the hope that the Department of Defense would not purchase grapes pending the recognition of the farm workers.

Would you care to comment on that?

MR. CHAVEZ: That reflects very accurately the information that we have. It is difficult for us to understand how the Defense Department could do this in light of the fact that here are a group of dispossessed and poor and powerless workers trying to organize without

any rules or regulations. It is a very difficult thing to understand.

MR. REID: Mr. Chavez, if the Department of Defense ceased this practice, is it your view that the negotiations would go forward, that the growers would come back to the bargaining table?

MR. CHAVEZ: I am sure they would, because the Defense Department buys enough grapes to supply two large American cities. The ten largest cities in the United States buy about fifty per cent of the grapes.

MR. REID: It is my understanding that you have called on the Federal Mediation Service and asked them to facilitate reopening of the negotiations, and that you have even gone to the point of saying that the question of wages would be secondary to the question of health and safety, but you think the vital matter is that the negotiations proceed, and that the one step that would facilitate this is the action of the Department of Defense not to purchase grapes.

MR. CHAVEZ: Yes.

MR. REID: I thank you. It is my hope that the Education and Labor Committee will act with appropriate legislation. Mr. O'Hara is quite eloquent on this point.

Thank you, Mr. Chairman.

MR. O'HARA: Thank you, Mr. Reid.

Mr. Dent, do you and Mr. Burton have questions?

CONGRESSMAN JOHN H. DENT (D-PA.): Yes, thank you, Mr. Chairman. I would yield to the gentleman from California.

CONGRESSMAN PHILLIP BURTON (D-CALIF.): Cesar, it is a delight to have you back here. I am pleased that so many Members of the Committee on both sides have attended this hearing and had the opportunity to listen to you first hand.

I would like to say to the audience that which I have told some of my colleagues privately. It is my view that Cesar Chavez is beyond any doubt the most outstanding indigenous leader in the country. His commitment to non-violence, which I think is very important, almost cost him his life when he fasted in order to put back into clear focus the real problems confronting the men and women working in the fields of California.

If ever a cause was just, it is this one. Lord only knows that the time is right for us to mount the necessary political support. It is vital, particularly because of the nature of this gathering of Congressmen, Republicans as well as Democrats, that we enlist all the good will we can, because we obviously don't have the votes without a coalition such as that which made civil rights legislation possible.

We have many thoughtful members of the Republican side of this committee, and I sincerely hope that one of the results of your appearance today will be to sharpen the interest that they already have shown towards this very vital problem.

MR. DENT: Thank you. First of all, let me say it is good to see you again, Cesar.

It has been almost a year since we were out in California. Has there been an increase or decrease in the number of green card holders employed by the grape growers compared with what there were last year when we got the statistics?

MR. CHAVEZ: I think it has increased. Most of the people now working in the vineyards are green carders. This is the easiest place for the employers to get strike breakers. And they are taking advantage of it. They are not going to let go of that foreign work force until either we lose the strike or are able to negotiate a contract and get the local people back on their jobs.

MR. DENT: Now, the green carders are non-citizens but they enjoy full rights here except those political rights which have a relationship to the Constitution of the United States and the Constitution of California. Isn't it true that the green card program has really been a dodge to circumvent the law we passed against continuation of braceros?

MR. CHAVEZ: That is right. They are able to take work in America however poor the wages may be, and then go back to Mexico and live pretty well in that economy while workers in this country suffer badly from the low wages.

The other thing that many people don't really know, is that a large number of those green card holders are small businessmen themselves. They have taxicabs, small farms, bars, and restaurants in Mexico.

MR. DENT: Apparently there has been no limit to the number of green cards issued. Is that true?

MR. CHAVEZ: There is no limit to the amount of workers that can come across the border, provided they have a card; there is absolutely no limit.

We estimate that during the months beginning in October and going through April or May, something like 40,000 to 50,000 green carders cross the border in California daily.

CONGRESSMAN WILLIAM A. STEIGER (R-WISC.): I want to correct the record of Mr. Cohen. The Administration bill does not exempt farm workers. The bill provides for an exemption of those who employ less than what would be the equivalent of 7 men in a quarter.

I would anticipate that that may be amended by the committee. Further, it seems to me that that would cover by and large most of the employers in California who have large holdings.

MR. O'HARA: If I may further make a small contribution to that, the Administration bill exempts those growers not using more than 500 man-days of labor in any given quarter of the previous calendar year. As we learned when we were reviewing legislation dealing with farm workers last year, the Administration bill exempts something like 99 or 98 per cent of all farms, leaving just 1 or 2 per cent covered.

But it is an overstatement, which I will confess I have been guilty of, to say that the Administration bill totally exempts farms, because it doesn't--not quite.

MR. COHEN: When the Wagner Act was passed it covered most of the workers and excluded the farm workers who did not get the benefit of it. Now you want to pass a safety and occupational bill that does not include all workers. When it comes to the problem of pesticide poisoning, all farm workers suffer from it.

When they are mixing the stuff, small growers, the very small growers you would exempt, never rely on commercial applicators who do have somewhat more expertise. So the people working in the smallest operations are running the highest risks.

MR. O'HARA: Yesterday, before a subcommittee of the Education and Labor Committee, a representative of the American Farm Bureau Federation asked that we amend occupational health and safety bills to remove the use of pesticides from their coverage.

Would you care to react to that?

MR. COHEN: The Food and Drug Administration themselves testified that there were between 80,000 and 90,000 injuries in this country every year related to the use of poisons, and between 800 and 1100 deaths. To exclude pesticides would be absurd.

MR. O'HARA: The Farm Bureau Federation said they felt that the federal labeling requirements plus state laws created a workable system of protecting the farm workers.

Are you acquainted with the operation of the state laws?

MR. COHEN: The state law in California, yes. Let's take Parathion. Currently in California there is a regulation that says that if you put one pound of parathion on an acre of grapes or on any crop, the crew must wait 14 to 20 days before it goes into the field.

One of the men responsible for promulgating that legislation was a man named Mr. Lennon from the State Department of Agriculture. He himself has written articles about poisonings that have occurred in the Delano area *where the crew had gone in 33 days later*.

He has no explanation for that disparity. Furthermore, the basic information we need, the record on what the growers are using and when they are using it, is not available to the public.

Those records are only kept for commercial applicators. In terms of smaller growers, or growers that do their own spraying, they don't have to account to any state agency concerning what they use and when they use it and in what amounts.

CONGRESSMAN WILLIAM J. SCHERLE (R-IOWA): I am not quite certain as to how many members of Congress are actually dirt farmers. But I know that I am one of the few. I have used herbicides, I have used insecticides, I have used pesticides many times without a mask, many times without rubber gloves, and to my knowledge, I don't know of any physical problem that I have because of use of these various insecticides, pesticides.

In fact, I am the smallest one in my family. So maybe we thrive on them. I don't know. But by the same token, I think some of the great danger that we apparently see in trying to legislate has to do more with unionization than it does with the dangers involved.

We use all of the various methods of weed control and pest control on my farm in Iowa. We use a hand spray. We use the airplane. We use the tank. You name it, we use it.

In fact, I would hate to farm without them anymore. We have almost thrown our cultivators away. In that general area of which I am very familiar, I don't know of any known case where again my neighbors or my friends have been affected.

And while I was a member of the state legislature, we passed one of the most stringent, restrictive pesticide laws I think in the entire country. I think this belongs in the hands of the states and not in the hands of the Federal Government.

It seems like no one is satisfied any more unless you bring it to Washington. I completely abhor that idea of centralization of power in government.

I have some other questions that I would like to pose later on. But as far as pesticides go, we need them. We use them. But I would hate to think for one minute that the danger that we see in pesticides by the controls that are offered, that we use this as a means to attain an end. I think it would be very unfortunate.

MR. COHEN: I would like to respond to that. The implication is, I think, that pesticides are relatively safe. I want to repeat that a spokesman for the Food and Drug Administration says we have 80,000 to 90,000 pesticide injuries every year, and 800 to 1,100 deaths.

MR. O'HARA: Excuse me. Mr. Scherle, Mr. Cohen has again cited the figures of the Food and Drug Administration, showing 800 to 1,100 deaths per year caused by pesticides and 80,000 to 90,000 injuries. Do you question the figures?

MR. SCHERLE: I would like to see the statistics which actually probably make up the results and I am sure that the people in this room might be surprised as to what all is involved as far as these figures are concerned. No, I don't buy them as far as farm pesticides are concerned.

I am sure you will find these probably maybe in the manufacturing, maybe in the distribution, or maybe other areas that may be entirely foreign to agriculture and particularly to grapes.

MR. COHEN: In Tulare County just north of Delano, the state is conducting a survey on farm workers health specifically as it relates to pesticide poisoning. One of the interviewers has shown us extensive data on 774 workers, 469 of whom worked in the grapes and 295 who had not worked in the grapes. The survey showed the following: 548 workers reported irritations, 141 reported nausea and vomiting, 145 reported unusual fatigue, 159 unusual perspiration, 309 headaches, 115 dizziness, 249 skin irritations. And it goes on and on and on-- bloody noses, diarrhea, difficulty in breathing, swollen hands and feet, loss of hair. Of the 774 workers, only 121 reported no symptoms. Some 163 reported having five or more of those symptoms. So I think

we are dealing with a substantial problem. You can't shove it under the rug.

I don't think the State of California is doing an adequate job of protecting the worker. We can't even get the information as to what poisons the growers are using.

CONGRESSMAN ROMAN C. PUCINSKI (D-ILL.): That is a very disturbing report you have. If these pesticides are doing this to the workers, I wonder what effect they are having on the consumer? Perhaps we ought to have the Food and Drug Administration give us a report on that?

MR. CHAVEZ: Protecting the workers in the field will lead to more and better protection for the consumer.

MR. PUCINSKI: I am not familiar with the corporate structure of the grape industry. But what percentage of this industry would you say is owned by large corporations?

MR. COHEN: Off hand, I think over 65 per cent of the vineyards are controlled by corporations, but also there are some very large holdings by partnerships and individuals--holdings of 4,000 and 5,000 acres and more.

The average size of Delano area farms is increasing very rapidly and already less than 10 per cent of the farms produce over two thirds of the harvest. For example, the Giumarra family controls at least two corporations and a partnership which are worth more than \$25 million. Their vineyards corporation has over \$12 million in annual sales from farming 12,000 acres of grapes. Giumarra grows by gobbling up small companies that are in debt either to Giumarra directly, or to the banks and box companies in which Giumarra has big interests. It is not small family farms we are trying to organize.

MR. PUCINSKI: When we worked with the minimum wage law, we excluded crews in the lumber industry of 14 men or smaller. Suddenly we found a rash of 14-man-crew employers. When we excluded small mines from the mine safety laws, all of a sudden we discovered a whole rash of small mines.

Congressman Johnny Dent and I were in some mines a couple of years ago and we found one man who owned 87 separate companies, each of them mining one small mine.

I believe that is really the inherent danger in the Administration Occupational Health and Safety bill. Whenever you start providing exclusions there is a tendency to restructure the corporate organization to avoid coming under these acts.

Is that possible in this industry, if we were to accept the Administration recommendations?

MR. COHEN: Take the example of the Department of Interior's 160-acre land limitation, under which federal reclamation water is supposed to be provided to farms of under 160 acres at well below cost. Giant corporations get the cheap water because on paper they split themselves up into numerous separate entities.

MR. PUCINSKI: You would suggest, then, it would not be wise for Congress to try to deal with these numerical quotas?

MR. COHEN: Yes.

MR. SCHERLE: If you actually believe that a large farm operation that hires 100, 200, 300 people to operate that farm will break down into segments to where you have 3 or more employees, I think that is just a little ridiculous.

MR. PUCINSKI: We don't believe this. The record of that kind of activity is there, and you just can't refute that record.

MR. SCHERLE: Not to that extent.

MR. PUCINSKI: Yes, it is. I just got through telling you. Several years ago we were considering the minimum wage law and a group of loggers from the South came in and gave us a big spiel about how you know we would drive the little business men out of business if we did not have an exclusion.

The fact of the matter is that when the Education and Labor Committee went along with the 14-man exclusion, we suddenly discovered that we had excluded the whole logging industry from the Minimum Wage Act.

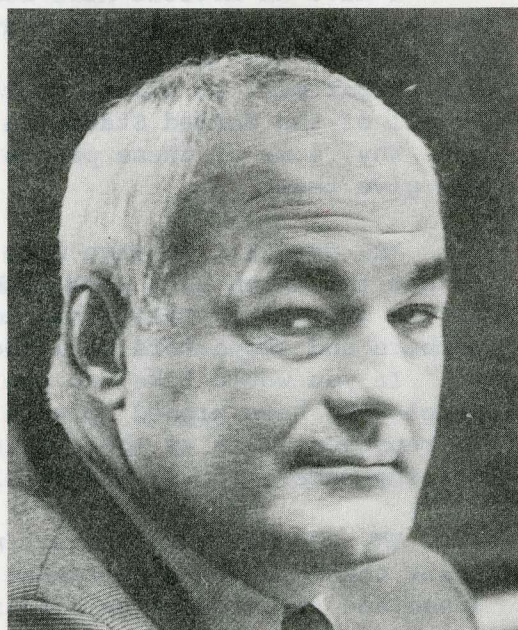
MR. SCHERLE: I am now a farm operator. I could not possibly break my operation down to three-man outfits. It would break me up in business to do that. The paper work would be insurmountable.

MR. PUCINSKI: I want to tell you, the record is there for everyone to see ---

MR. SCHERLE: You are no farmer so you can't talk about agriculture.

MR. O'HARA: Mr. Pucinski, let me just say that I don't dispute your right as a non-farmer to get involved in this. When it comes to that, I have spent a lot of hours in this room listening to Mr. Scherle talk about students, and I never objected to that.

MR. PUCINSKI: I think my good friend from Iowa talks about being a dirt farmer, but I honestly don't think he has held a piece of dirt in his hand up there on that great big



Cong. Scherle of Iowa

mechanized farm of his in twenty years.

MR. SCHERLE: I think as a matter of record, I think you will find that you could not be any more wrong than the statement made by the chairman a moment ago.

MR. PUCINSKI: Mr. Chavez, I understand that there are some employers who have wanted to work out an acceptable agreement with you.

MR. CHAVEZ: That is right.

MR. PUCINSKI: What happened to those people?

MR. CHAVEZ: Congressman, a group of small grape growers want to sign a contract with the union, but have told us that if they sign a contract with the union they won't be able to sell their grapes to the big shippers or get financing from the big banks.

We had small employers coming in at the height of the strike in the Coachella Valley in the early part of the summer and saying, "we would like very much to sign the contract," and even telling us "the moment you sign a contract with the big operators it will be safe for us and we'll be right there to sign. *We gain nothing by being in a struggle with the union.*"

I wanted to respond to a previous comment about state-level action that you raised, Congressman Scherle. The reason we are in Washington with our problems is because we have not been able to get Governor Reagan to pay any attention to us.

MR. SCHERLE: I have got to interrupt there for this reason, Mr. Chavez. Will you explain why after years of organizing efforts you just can't seem to gain anything?

I have an article here before me that is dated June 22, 1969, which says the very people that you are trying to organize don't want any part of it. According to the financial figures filed with the U.S. Department of Labor, your group had only 2190 dues paying members in all of the United States in 1967.

Why, some of these people are making \$95 a week. What more can you give them?

MR. CHAVEZ: We have more members than that but if you would like to see the union have more members, I think that you should get some of the growers in California to stop fighting us and more of our members and supporters will show up on the rosters.

If you would like, we can show you the cards of thousands of people who have signed up with the union giving us their authorization to represent them as their sole bargaining agent in all matters concerning wages, hours, and working conditions.

MR. O'HARA: Mr. Chavez, may I suggest that if any of the growers think that you don't represent their employees, it would be to their advantage to agree to an election.

MR. CHAVEZ: Yes, that is right. For example, at the Giumarra

Corporation, we had ninety per cent of the workers signed up. We have the cards to prove that they wanted a union. They were forced to go on strike because the employer wouldn't recognize the union, wouldn't even talk to us, and wouldn't have an election.

So the parties who are supplying the information to you, Mr. Scherle, have forgotten to say that we have made this proposition to the Giumarra Corporation: Let us have an election. If the union loses the election, we will leave your farms in peace. If we win the election, all we want is for you to negotiate with us in good faith.

MR. SCHERLE: Is your final objective to have compulsory unionism? Is this what you are after?

MR. CHAVEZ: I think that the real issue here is for the growers in California to recognize the dignity of workers.

MR. SCHERLE: Would you like to answer my question?

MR. CHAVEZ: Sure I will.

MR. SCHERLE: Is this your supreme effort? Is this what the whole thing is about, to get compulsory unionism?

MR. CHAVEZ: I don't know what you mean by compulsory unionism. I think a union shop is a very good arrangement.

MR. SCHERLE: Let me read something to you that I think maybe you will appreciate. On February 8th of this year you were quoted in a Washington Post news story stating that the growers are smearing you by saying the issue was compulsory unionism, and by saying that the boycott is to try to force unionism on the workers who don't really want it. You said the only demand is that the companies agree to sit down and discuss ways and means of recognizing your union and then make plans to make negotiations.

Yet on April 10th, at a Delano press conference, you freely admitted that compulsory unionism was your goal. The respected San Francisco Examiner editorialized the next day that Chavez is talking of language to force compulsory unionism. This is the man so lavishly praised as a labor idealist?

MR. O'HARA: When Mr. Scherle talks of "compulsory unionism," what he means is the standard "union shop" provision. This is where a majority of the workers in a particular bargaining unit have voted to have the union represent them and the union then in fact represents every worker in that bargaining unit. In that arrangement, under the law, the employer and the labor organization can agree to a provision in their contract that says that a newly hired employee will either become a union member and pay dues after he has been employed for a certain period of time, or, if he objects to union membership, he will tender the equivalent of the dues to the union.

MR. CHAVEZ: That is what we have in every contract. Even though we have that kind of clause, when we found a few workers who did not want to join the union, we did not force them to join the union and we

exempted them from paying dues. We had about 8 of them. All we asked them to do was to take \$3.50 a month, the same amount as our dues, and give it to a worthy institution. They are now giving their money to the Red Cross.

There are a very few workers who may not want to become union members immediately. We are not going to hassle over them. This has a lot to do with the whole question of racism in agriculture. All of those eight were white workers. We have not seen a black or brown worker who does not want the union. Anglos who aren't paying dues apparently don't want to belong to the United Farm Workers because there is a Mexican leading the union and not because it is a union.

MR. PUCINSKI: May I finish my line of questioning about the small growers that have wanted to sign a contract and wanted to move on with an orderly procedure of growing and picking grapes?

Has the U.S. Attorney or anyone else examined the possibility of anti-trust action against those who prohibit the small farmers from signing contracts with your union and from proceeding with the orderly operations?

It seems to me that there appears to be this sort of conspiracy by the large growers to restrain these small growers. I would think that this is something that the Justice Department ought to be looking into, to see whether or not there are violations of the anti-trust act here.

Has this been done?

MR. CHAVEZ: No, it has not been done. But not only the small growers but those 12 growers that wanted to negotiate with us were under a lot of pressure and heat. So it takes a grower not only the courage to live up to the responsibility of permitting workers to have a union, it takes double courage to be able to face their own when they are getting this tremendous pressure to not recognize the union.

I want to have Mr. Cohen demonstrate to the good congressmen a real example of "compulsory unionism."

MR. COHEN: Mr. John Giamarra, spokesman for the table grape industry, had a meeting on June 3, 1968, at a restaurant which was appropriately named "Sambo's" in Bakersfield. He had some workers at this meeting. He told those workers that they had to join a union which he called the "Agricultural Workers Freedom to Work Association." Mr. Giamarra and Mr. Jack Pandol, a Delano grower who is an officer of the California Right to Work Committee, and other growers got together and dreamed up this union.

We did not originate this statement of fact. It is the testimony of two officers of the Agricultural Workers Freedom to Work Association, which was submitted under oath in an activities and agreement report required by the Office of Labor Management and Welfare-Pension of the U.S. Department of Labor.

The growers funded this union directly. They also set up an organization called MADRA, the "Mexican-American Democrats for Republican Action." But when they required their workers to join AFWFA, most of the workers in the field would not join because they had already signed representation cards with the United Farm Workers Organizing

Committee. The employers tried to have the workers join the company union indirectly by having the foremen sign up for their crews. *That is compulsory unionism.*

MR. SCHERLE: Let me ask a question at that point. How much money is the AFL-CIO contributing to you a month?

MR. CHAVEZ: We get a cash contribution of \$10,000 a month plus other services.

MR. SCHERLE: The AFL-CIO contributes to your group \$10,000 a month?

MR. CHAVEZ: Plus other services.

MR. SCHERLE: Let me ask you one more question. Why is the UFWOC against the incentive payment for grape workers during the picking season?

MR. CHAVEZ: We don't feel that a human being has to be subjected to the kind of speed-up work that they have to do in order to earn a dollar in the fields under the piece-rate incentive.

If you were to see, Congressman, the sweat and the crucifying work that these men, women and children have to go through when they are put on the incentive plan, you would yourself be against it.

We are against farm piece-work rates now. We will be against them as long as we live.

We think that the only proper and human way of freeing workers is by putting them on an hourly rate so they know beforehand how much they are going to earn.

This is the only way--human way--of doing work.

MR. SCHERLE: Actually you are against so called piece-work?

MR. CHAVEZ: Specifically, we are against the way it is manipulated. For example, for almost 20 years the University of California has provided the citrus industry with a whole slate of complicated piece rates. Every size, every color, every variety, every season, every operation, every region and area has a different piece rate. It is so complicated that if I worked today I would not know until three days from now how much I earned, and I would never know if I was cheated.

MR. SCHERLE: Mr. Chavez, when I worked in a factory the so-called incentive system was in effect at that time. But we called it piece work.

The more you produced the more you earned. I never thought that was so wrong. Even going to school there was the same identical thing. I don't know of anything that does not create some sort of incentives as far as employment is concerned.

Why would you be against paying these people 25 cents additional during the picking season? I think you are defeating your own purpose.

MR. CHAVEZ: The workers voted on all of these questions. We are only doing what the workers tell us.

MR. PUCINSKI: Mr. Chavez, my colleague here makes it sound as if you are opposed to helping people make money.

MR. BURTON: The real question is whether Mr. Scherle's services are available to help the union negotiate their next contract.

MR. PUCINSKI: Do I understand the crux of your struggle here as your trying to get your people a decent wage across the board instead of only during the peaks of employment?

Is that right?

MR. CHAVEZ: That is right.

MR. PUCINSKI: You try to give them a living wage right across the board?

MR. CHAVEZ: That is right. We are also very concerned about the statistics on the life expectancy of migrant workers and farm workers--49 years as against 72 for everybody else in America. We grow old too early because of crucifying work at piece rates.

We do have piece rates in our current contracts. It is a system that grew up with agriculture in California. But gradually it must be changed in such a way that workers can know how much they are going to earn if they work so many hours.

CONGRESSMAN WILLIAM D. FORD (D-MICH.): In the spirit that has been established, I would like to not presume that as a member of the Labor Committee I have any expertise in this field, but I did spend two summers immediately before going into the service in World War II picking cherries with the migrant workers who come in large numbers to our State of Michigan every year. I remember seeing families where everybody who was old enough to walk had to work in order to make enough money so that the family could load up their old car and go back down South when we were through with them at the end of the picking season.

We in Michigan do not look down at the people in California, because we have nothing to be proud of in our state. We have made little progress since the time I worked in the fields in the 1940's.

Michigan is still the third largest user--and I use the word purposely--"user" of migrant workers in the country. We are one of the outstanding industrial states and have made as much or more progress than any other state in the union in acquiring a decent standard of living and decent working conditions for industrial workers. But it has been impossible to get an intransigent legislature to protect the worker in the fields.

Last month the Education and Labor Committee had hearings on the problem of the foreign resident coming into this country and being used as a strike breaker. I looked at the hearing record a few minutes ago and noted that the gentleman who testified for the United States Immigration Service was unable, under cross-examination by several members of the committee, to give us any real data on what impact the people crossing the border had on the farm workers strikes in California and Texas. We had a lot of figures given to us. It was very interesting

to note that they knew exactly how many people came north from Mexico in November of each year, even though they admitted that that was not the time of the year that most people came, especially farm workers. But they had not been able to put the figures together for other times in the year.

From what you said a little while ago, Cesar, I got the impression that your people have had an opportunity to observe what is happening first hand. You stated that 90 per cent of the workers in a struck area would be made up of green card holders and illegal immigrants. Unfortunately, a green card holder in fact can be a resident of another country. He can leave his wife and children and his home behind and still hold a green card under the definition in our immigration law.

Can you tell us of any indication of overt recruiting of Mexican nationals by employers for the purpose of replacing a worker who was engaged in a strike or engaged in organizing activities?

MR. COHEN: Let me give you just one of many examples. The Giumarra Vineyards Corporation is the largest grower in the Bakersfield area. In 1967, after their ranch was struck by their regular workers, they had a system of about 35 crew foremen who would go down through Mexicali, illegally recruit people and bring them back.

We had so much information detailing what they were doing that we obtained a preliminary injunction against their practice from the Kern County Superior Court, which does not happen to our side very often. We had affidavits that showed the growers had not lived up to their legal duty to obey a California law that requires potential workers to be informed when a labor dispute is in progress.

This summer members of UFWOC followed five busloads and assorted pick-up trucks full of commuter farm workers from Calexico. The buses stopped at farms on the certified strike list. The commuters were interviewed as they got off the buses. They did not know they were going to struck ranches, but once they got there, they had the choice of spending 8 hours sitting in the bus with no pay in addition to the 5 hours they had spent getting hired and traveling. They really had no choice.

When strike-breakers come in to farm workers' communities from Mexico, not only do they prevent organizing, they also avoid the obligations of American residents.

I would like to show you some typical evidence regarding the failure of farmworkers living in Lamont, where Giumarra has his vineyards, to file tax returns. All of these people spend part of the year living in Mexico.

U.S. TREASURY DEPARTMENT,
INTERNAL REVENUE SERVICE,
DISTRICT DIRECTOR,

July 9, 1968.

Re your request dated June 21, 1968.

LEROY CHATFIELD,
United Farm Workers Organizing Committee, AFL-CIO,
Delano, Calif.

Our records for 1966 and 1967 indicate for the lists of taxpayers as follows:
No—No record.
Yes—Record on file.

There is a charge of \$1 per copy for each page copied and \$1 for certification of copy if requested. A bill for the copies provided will be mailed to you.

Very truly yours,

CHIEF, TAXPAYER SERVICE.

Name	Address	City	1967	1966
Renaldi G. Trevino	9808 Kenmore Ave.	Lamont	No	No.
Rolando G. Trevino	do	do	No	No.
Ivan R. Rodriguez	9905 Kenmore Ave.	do	No	No.
Miguel Ramos (570-42-3466)	do	do	Yes	N.R.
Paula Ramos	do	do	No	N.R.
Francisco Varela (453-42-8945)	9912 Houston Ave.	do	Yes	No.
Roberto R. Salinas (552-60-6810)	do	do	Yes	Yes
Guadalupe Sanchez	do	do	No	No.
Ely Santiago	do	do	No	No.
Emilia Ramos	9716 1/2 Houston Ave.	do	No	No.
Alfonso Rea	10000 Habecker Rd.	do	No	No.
Alfonso Rea, Jr.	do	do	No	No.
Alberto Valdez	10317 Habecker Rd.	do	N.R.	No.
Raul Valdez	do	do	N.R.	No.
Jesus Reyes (458-09-9011-0)	11317 Rose St.	do	No	Yes.
Maria M. Reyes (572-50-5347-0)	do	do	No	Yes.
Valentin Vela and Alicia (541-58-7093)	8321 Bonita St.	do	N.R.	Yes.
Cruz Rodriguez	8713 Bonita St.	do	No	No.
Estevina C. Ramos	8201 Bernard St.	do	No	No.
Gladys C. Ramos	do	do	No	No.
Mike V. Rivera	8605 Paradise.	do	No	No.
Guadalupe Rodriguez	9713 Paradise Rd.	do	No	No.
Maria del S. Romero (557-80-2440-0)	9917 Myrtle Ave.	do	Yes	Yes.
Olivia L. Romero	do	do	No	No.
Oralia L. Romero	do	do	No	No.
Ricardo Soza	8412 Panama Rd.	do	No	No.
Fidel Valenzuela	863 Panama Rd.	do	N.R.	No.
Leonardo Solis	8600 School St.	do	No	No.
Santos S. Soriano and Saledady (546-20-5772-0)	371 Laurel Ave.	do	No	Yes.
Daniel Valles	9708 Elmco Ave.	do	N.R.	No.
Pedro Valles	9708 Elmidio Ave.	do	N.R.	No.
Matilde Velasco	10420 Tatum St.	do	No	No.
Bobby Saco	9812 Primrose	do	No	No.
Reynaldo Valdez	Box 113	do	N.R.	No.
Juan Rendon	Post Office Box 135	do	No	No.
Elvira Reyna	Post Office Box 136	do	No	No.
Macario Rendon	do	do	No	No.
Maria L. Rendon	do	do	No	No.
Modesto Rendon	do	do	No	No.

MR. FORD: A few months ago there was an article in a Sunday supplement about a practice, particularly in Texas, of recruiting illegals and working them. Then suddenly for some reason the Border Patrol discovered where they were staying and they were dragged off before they could collect their pay checks.

Is that something that has only happened in Texas?

MR. CHAVEZ: This is something that has happened always and has happened in California. We also know of a very convenient arrangement in the Coachella Valley with the Coachella Growers Association.

A hundred wetbacks are picked up; then they are put in jail and held there as witnesses. Then they are farmed out to the Coachella Growers Association and forced to work in the fields while

they are waiting to testify. We had such a camp in Coachella and a camp in, I believe, San Bernardino County. We don't know how many other such camps exist. It is unbelievable what they are doing to the work force.



Cong. William Ford of Michigan with Cesar Chavez

MR. FORD: I have one final question, a brief question. One of our Michigan state senators, who happens to have a district within my Congressional district where we don't grow any grapes, is now the national chairman of a so-called Consumer Rights Committee headquartered not in Michigan, but here in Washington.

I have heard conflicting stories about their activities. I understand that thus far, their concern for the consumer has been limited entirely to the consumers of table grapes grown in California.

I wonder if this organization and their activities have come to your attention and if you might be able to supply Mr. O'Hara and I such information as you might have about who they are, and what they are doing, and who is financing them. I wonder particularly what special interest this has for the agriculture we have in the State of Michigan?

MR. CHAVEZ: We will be able to supply this material. [ed: see appendix].

We also wonder who is paying the cost of that huge operation. We consider that to be a direct interference with the strike and we think they should be subject to the Disclosure Act.

MR. FORD: I am sure Mr. O'Hara was just as dismayed as I was when this lady--the state senator--recently visited California and reported that you were all very happy out there, that the peasants were just joyful over their existence and that really nobody was causing any trouble out there except Walter Reuther who went out from time to time and stirred you up.

It is always a very popular thing to take a kick at Walter Reuther in our state once in awhile. I am surprised she left out Jim O'Hara--he was out there marching with you just before she went to California.

MR. CHAVEZ: The far right groups in recent months have made the grape worker the number one target. We are getting loads of hate literature against us from all over the country. It is a real campaign--the American Farm Bureau, the John Birch Society, some extreme right wing clergy, and The Consumer Rights Committee you mentioned earlier.

CONGRESSMAN EDWARD R. ROYBAL (D-CALIF.): Mr. Chavez, just prior to the time you and I were busy organizing the Community Service Organization I was, as you know, involved in health and education work with the California National Tuberculosis Association. I was a member of the team which conducted a health study on conditions in migrant camps in California, Texas and Arizona.

Last year my daughter was a part of a team that conducted the same study. The results were almost the same. In other words, over a period of twenty years there has not been any improvement in the type of accommodations, in the conditions that people work under, nor any improvement in any of the health facilities for children or adults or anyone else.

Is this report, insofar as I have described it, accurate; and does it reflect the conditions today?

MR. CHAVEZ: It is very accurate. Nothing has changed and nothing will change until workers are able to get a union to bargain with their employers. The tradition in agriculture is that very few laws are passed to protect workers.

But even those we have--those very few laws that have been passed to benefit workers--it is extremely difficult to get them enforced. *Nothing in my estimation is going to change unless we have a union.*

MR. ROYBAL: The reason I asked the question is because one of the growers who was negotiating with the union last June stopped me in the hall and told me that the growers were fixing up some of the old sheds, that there were no longer any rats around and that everything was entirely different than the report indicated.

Is there any truth to that?

MR. CHAVEZ: About the only truth to that is at those places we have placed under contract. We have probably closed more camps down in the short history of the union than the Department of Public Health has closed in the whole history of the state.

MR. ROYBAL: In other words, any improvement has been due to the organization efforts of the union and not the growers?

MR. CHAVEZ: That is right.

MR. ROYBAL: Thank you.

CONGRESSMAN JOHN V. TUNNEY (D-CALIF.): I would like to welcome Cesar Chavez and his colleagues to Washington. I think that Cesar Chavez has done more than any other man in the history of American labor relations to bring to the attention of the American people the plight of the farm worker.

In the early thirties in California, the workers tried to organize. Unfortunately they did not have the muscle to be able to push through state legislation or federal legislation to allow for collective bargaining.

Cesar, you have become an international symbol. If we do get legislation passed to enable farm workers to organize at a national level, that is going to be primarily as a result of the symbolic leadership that you have exerted.

I have a few questions which I believe are quite pertinent to the problem that we have in California. I remember last year talking to Mr. Jim Lorenz. He wrote me that there were approximately 80,000 illegal entrants in California. How many of them were working in the fields he did not know.

But he assumed that approximately 80,000 were in the State of California. He also stated that the 72 hour pass was the main instrument by which they got into the country. They would come in under the 72 hour pass and then take off for the fields. He felt that it was very important that the procedures for granting the 72 hour pass to a Mexican citizen be amended so that we could prevent this kind of thing from happening. A person comes up on a 72 hour pass, is picked up by the Border Patrol, goes back across the border and gets another pass and is back in the United States again. They are picking up people three or four times in the year.

Do you consider this to be a significant problem?

MR. CHAVEZ: I think it is a significant problem in that it facilitates the entry of the illegals who can apply at the American consulate, get a 72 hour pass, and then the moment they get into the country disregard the pass, the restrictions on the pass which limit their travel, and also the time period.

I think that some legislation or some kind of enforcement to prevent this would be very useful. However, there are still the other problems with those who are not illegals, but who use the green card.

MR. TUNNEY: What about the illegal entrants who are in the United States and go to work on a farm?

It is my understanding of the law that the grower is under no obligation whatsoever to determine if the worker is an illegal entrant or not, that the grower can hire anybody that comes up and offers himself for a job.

Is that right?

MR. CHAVEZ: That is right. This is a very difficult problem in terms of properly policing and discouraging the employment of strike-breakers, the wetbacks. There has never been any case that we know of brought by the government against the employers because of the recruitment and housing and hiring of these people.

MR. TUNNEY: It is going to require a change in the law to make the grower at least have a superficial determination of whether or not those are illegal entrants.

MR. CHAVEZ: Even if you passed such a law, we have very little confidence that the Immigration Service is going to enforce this law. There should be a provision that would permit the affected party, the farm worker himself, to bring civil suits against the growers. We could find a remedy that way.

MR. TUNNEY: The other question concerns the green carders in the struck fields. It is my understanding that the regulations of the Department of Labor are very clear in saying that green carders cannot work in struck fields.

It is my understanding that there has been a considerable difficulty in getting the federal courts in California to sustain the rights of the farm workers to pursue their cause of action against the green carder who is working in struck fields.

What is the latest on that? I understand that an injunction was handed down last year preventing you from pursuing this action any further.

MR. CHAVEZ: In 1968, we struck in Coachella on June 20th. We know there were a lot of green carders illegally in those fields. The regulation states that a resident of Mexico who crosses the border with the prior arrangement to work at a struck field loses his green card.

Well on June 19th, the day before we struck, Judge Pierson Hall issued an injunction preventing the Immigration Service from enforcing that regulation.

And the parties were the Giumarra Vineyard Corporation and some other employers versus the Immigration Service. I tried to intervene in that case and Judge Hall denied my motion. The Immigration Service is using this as an excuse not to enforce that regulation. So we are nowhere.

That is one of the reasons we have to use the boycott.

MR. TUNNEY: How long has this been going on?

MR. CHAVEZ: That started June 19, 1968.

MR. TUNNEY: That is what I thought. Has it gone to the Court of Appeals yet?

MR. CHAVEZ: I think it is pending in the Court of Appeals now. The lawyers for the Immigration Service don't seem to be pushing it very hard.

MR. O'HARA: Congressman Feighan [D-Ohio], who had to leave, handed me a question. Congressman Feighan, who heard much of your statement, is chairman of the subcommittee on Immigration and Naturalization of the House Committee on the Judiciary.

He has introduced a bill which he tells me would require, first, that employers must pay prevailing wages to green carders working for them; second, that green carders must obtain a labor certification every six months, that is, the certification that he is not being employed at substandard wages and not displacing a U.S. citizen who is able and willing to work.

Third, the Feighan bill provides for penalties for willfully and knowingly employing an illegal entrant. And it reemphasizes or codifies the idea that a green card holder cannot work as a strike breaker.

He asked me to ask you if you believe that enactment of this legislation would help in the creating of a stable labor market in the fields of California.

MR. CHAVEZ: Some of the provisions would be helpful but I think the one dealing with requiring that the employers pay the prevailing wage will not help the union in its strike efforts, because what we have seen is that the employer will pay sometimes even more than when the strike started to the same people in order to break the strike. Of course, when the strike is broken, wages and conditions drop back.

But the other thing we have to be very careful about is whom we designate as employers. California has many labor contractors who under state law are considered to be employers. So many times, the law is applied only to them and not to the actual employer.

MR. COHEN: There is a general problem that we have with several different bills, including Congressman Feighan's, that relate to green cards. Coupled with legislation, no matter how good it is, we need pressure from Congress to require the Immigration Service to enforce the legislation or provision for private remedies. The provision providing penalties for employers who employ illegal immigrants is a very good one.

But we have had a very frustrating problem with the Border Patrol. I had a patrolman tell me, "I am not going in that field, because I went in there two months ago and the grower came at me with a shotgun."

Or take another case. There is a grape grower in the Delano area named Caratan. He had a runner named Carmona. Carmona had a big bus with a toolchest in it. It was about eight feet long, four feet wide, and about five feet high. He regularly went down to Mexicali and got illegals. We knew he was doing this. We reported it to the Border Patrol. But with Carmona's bus was a car. They had a radio system. The border patrol came after them. The car spotted the border patrol and radioed the truck. The driver dumped the two guys in the tool chest. The Border Patrol would not prosecute them for harboring illegals.

After you have all of that evidence and you don't get a prosecution, you can see why our attitude toward the Border Patrol is very suspicious. I think this bill would have to be coupled with enforcement provisions in addition to the private remedy.

MR. TUNNEY: I am aware of the Coachella Camp in which they had 150 or so workers. They were held as witnesses sometimes for as long as six months. Fifty per cent of their wages were withheld to guarantee that they would show up in court. They had strict provisions as to their freedom of movement. They could not leave the camp in the evening.

Am I correct?

MR. CHAVEZ: That is right.

MR. TUNNEY: Does that still go on? Last year I wrote to the Labor Department and the Justice Department and talked to various people on the phone in those two agencies. It was my understanding that they had done away with that.

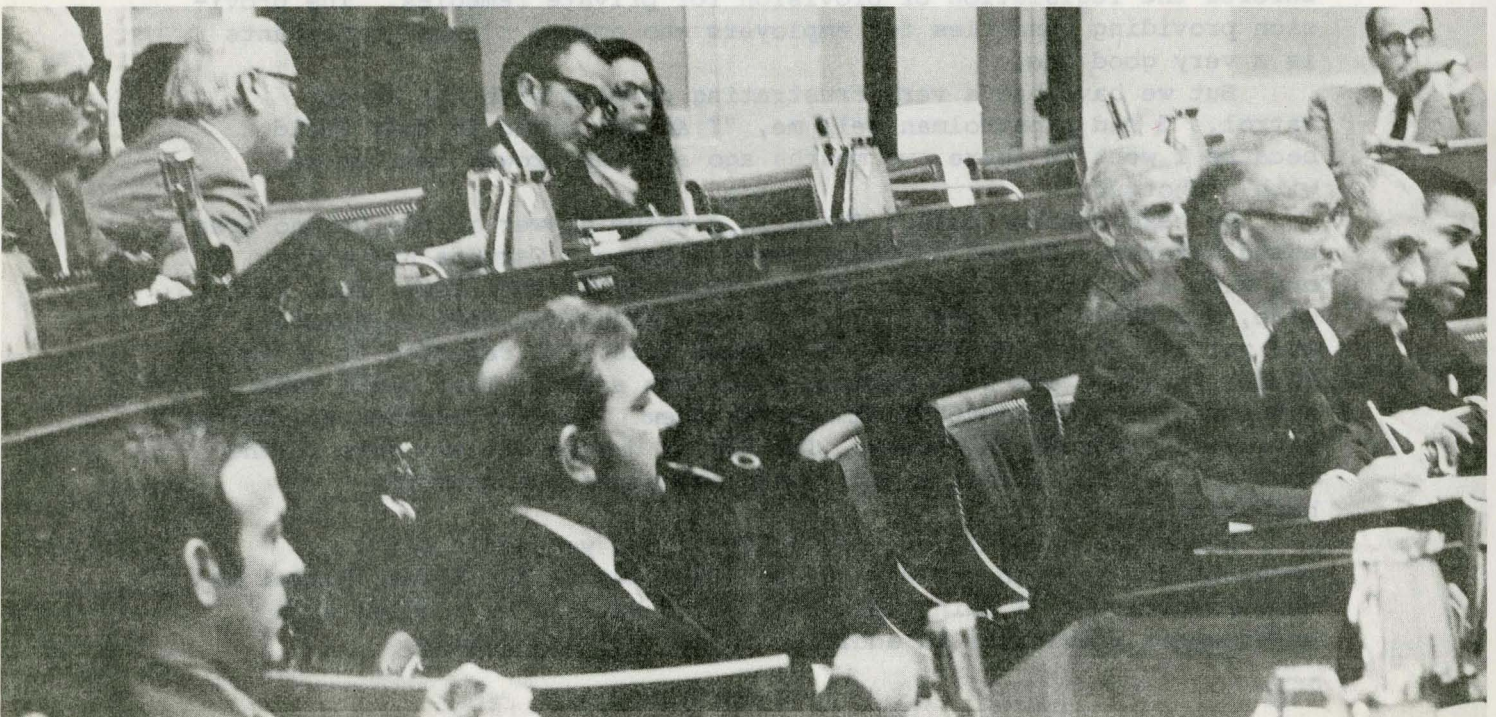
MR. CHAVEZ: We are aware of the strong protest that you filed. It had some effect. It won't be until the latter part of October that the season begins again and we will then find out if they are going to use this again or not.

MR. TUNNEY: About the mediation you asked for a few days ago: Have you had any more negotiations yet?

MR. CHAVEZ: No, we have not. In fact it has been almost two weeks since I asked the growers to meet with us. We have had no response from the employers yet.

CONGRESSMAN WILLIAM F. RYAN (D-N.Y.): I want to commend the chairman for calling this meeting and giving us this opportunity to hear from you, Mr. Chavez.

I am a sponsor of legislation to help farm workers with collective bargaining and occupational safety, and I hope that this



meeting will help to propel these bills towards successful approval by the House of Representatives.

Although the vineyards of California may be some geographic distance from the sidewalks of New York, you enjoy considerable support among thousands and thousands of citizens of the City of New York who have actively supported your cause, both financially and through the boycott. There is a very close identification there. So I am particularly pleased to welcome you.

One of the things that really outrages us in New York is the fact that the Department of Defense is continuing, and apparently has increased, its purchases of grapes. This makes the Department of Defense an ally with the growers in the effort to break this strike.

I was glad to hear this mentioned earlier this morning by Mr. Reid, my colleague from New York, because I think it is terribly important that the Congress make clear to the Department of Defense that it will not tolerate this anti-labor activity, the purchase of grapes by the Department of Defense during a labor dispute.

MR. CHAVEZ: We are concerned that this may be a precedent set for the future--that if they are successful in grapes then when we try to organize workers in other fruits and vegetables, we will encounter the same kind of strike breaking activity from the Defense Department.

MR. RYAN: Or from other agencies of the Government which buy commodities. I commend you for your leadership on this.

MR. FORD: Lest the record remain barren, I think that we should acknowledge the contribution of the gentleman from Iowa, Mr. Scherle, for exposing with his incisive questioning this morning the fact that the AFL-CIO does encourage people to join unions. Members of the Labor Committee ought to recognize that we now have discovered that this kind of activity is going on.

MR. O'HARA: I am glad you brought that out. A number of us had suspected that the AFL-CIO was up to that sort of thing.

Mr. Chavez, on behalf of my colleagues and myself, I want to thank you for meeting with us today. I cannot commit anyone but me, but for my own part, I can assure you of my continuing support of your effort to bring justice and dignity to the men and women who harvest our nation's crops.

Our farm workers are our fellow citizens, our fellow human beings, our brothers under God. There is no excuse--there never has been any excuse--for second-class treatment under the minimum wage law, or the child labor law, or the national labor relations laws, or under social security or workmen's compensation or unemployment insurance or occupational safety and health legislation--for any class of American workers. That there has been and that there continues to be second-class treatment under these laws for these people is a shameful and inexcusable fact.

I am going to work with you, and I think most of the Members who

have been here today are going to work with you, to expunge this shameful inequity from our statute books, and to end the exploitation of Americans in America's fields, orchards, and vineyards.

MR. CHAVEZ: It is such statements as yours, Congressman O'Hara, and the sentiments of other Congressmen here, that gives farm workers encouragement to continue our struggle and the hope that we will have a union in time to come.

Thank you.

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Public Relations: Key Weapon In Grape Battle

By Ron Taylor

Fresno Bee staff writer

SAN FRANCISCO — California's embattled grape growers, allied with other agricultural interests concerned with farm-labor problems, are paying heavily to have a San Francisco public-relations firm promote their cause across the nation.

In the belief that the grape workers' strike and nationwide grape boycott are national issues that must be resolved by federal labor legislation, growers are concentrating their efforts in trying to sway congressional action to suit their interests.

Farm organizations, in a rare display of solidarity, are backing the grape growers' hiring of the highly successful—and high priced—public relations firm of Whitaker and Baxter.

Today's widely used techniques of influencing political action through public relations were pioneered by the firm, and for 36 years Whitaker and Baxter's political endeavors have influenced the lives of all Californians, as well as a good many American citizens elsewhere.

Whitaker and Baxter, which has become identified with conservative causes, has been a national leader in its field since 1948, when it directed the campaign against President Harry S Truman's proposed National Health Insurance program.

The campaign against the scheme as engineered by Whitaker and Baxter cost its client, the American Medical Association, \$3.5 million over the

three years it took to defeat "socialized medicine" — a phrase the firm made famous.

Clem Whitaker Jr. is a tall, thin, graying man who wears dark suits with vests; he radiates calm, self-confident sincerity. When he says, "Neither business nor labor should force anything down the other's throat; there must be collective bargaining equitable to

Whitaker and Baxter eschew the idea of classical, congressional - cloakroom lobbying techniques.

The firm takes its campaigns to the people, developing public pressure then guiding this pressure toward its client's political goals.

As Whitaker sits in his large, plush office talking to a reporter about proposed leg-

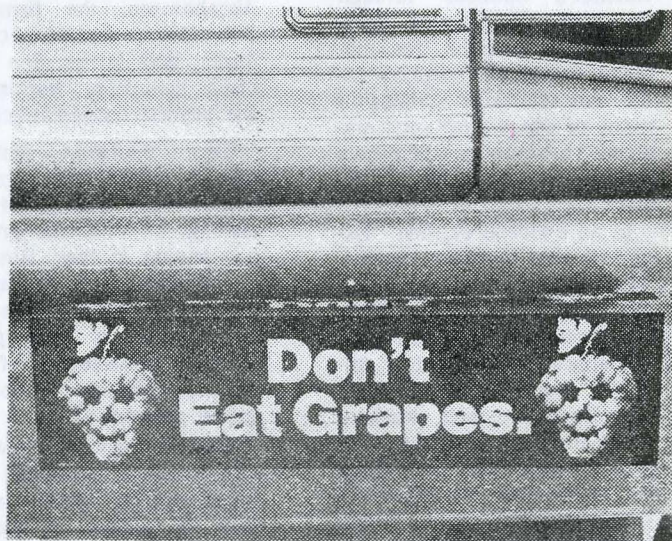
workers, and yet in the only test—the 1965 DiGiorgio elections conducted by the American Arbitration Association—the workers voted 2-1 in favor of UFWOC.

The struggle between UFWOC and the growers has not been a polite give-and-take affair; rather, it is a no-holds-barred power struggle, a contest where economic and political power are the prime weapons. And there are no mutual ground rules, no regulations today because for 30 years, growers have successfully kept farm labor from coverage by the National Labor Relations Act.

When union strike efforts failed to bring growers to the bargaining table, UFWOC switched to its boycott tactics. Earlier this year, this shift caused enough concern among growers to induce 12 of them in the Coachella Valley to bolt and — for a brief time — sit down to bargain with the union, although no accord was reached. The rest of the grape industry, shaken by this defection, thereupon intensified its resistance.

The first Whitaker and Baxter influence on the grape strife became apparent when growers began to shift their position from defensive, angry accusations against Chavez to an offensive stance, embracing a "consumer rights" campaign which claims to protect the public's right to purchase food. The labor issues were pushed into the background.

Within the framework of Whitaker and Baxter's campaign, growers are to meet



both sides," it sounds like a labor man talking. The words are practical, and a bit idealistic.

But the campaign against the grape strike and boycott, as explained by Whitaker, fits no labor - management mold. The campaign is cast in the classic political - influence-through - public - relations tradition created by the late Clem Whitaker Sr. and his wife, Leone Baxter Whitaker.

The tactics require an attack that is easy to understand and which lends itself to catchy slogans. The methods used by

isolation and possible solutions, his demeanor offers no hint of the acrimony generated in the four-year struggle between growers and the United Farm-Workers Organizing Committee (UFWOC), in contrast to the utterances of his grower-clients.

The California grape strike and boycott is going into its fifth year; during most of that time the struggle has been bitter as the growers denied that Cesar Chavez and his UFWOC truly represented farm workers. The growers argued no union was wanted by the

the boycott issue head-on in the market place, while they seek protective legislation along the lines of a "consumer rights" bill prohibiting farm-labor strikes and boycotts, proposed by California's conservative Republican Senator, George Murphy.

Murphy's bill, entitled the "Consumer Food Protection Act of 1969," would give collective bargaining rights to farm labor under a Farm Labor Relations Board. It would ban strikes that would result in permanent crop loss and would prohibit product boycotts and picketing at retail establishments.

The "consumer rights" issue was brought into play by a state senator from Michigan, Lorrain Beebe, who bills herself as a consumer-oriented legislator. Mrs. Beebe visited Delano, where UFWOC headquarters are located, as a private citizen to investigate the grape dispute. Later, after press conferences in San Francisco and Michigan, she established the Consumer Rights Committee (CRC) in Washington, DC.

The CRC sends out campaign literature (four million pieces to date), answers letters and solicits support. A three-man staff, headed by Edward Bruce, refers most questions on its activities to Bob Meyers of Whitaker and Baxter's San Francisco staff.

Bruce, when asked in a telephone interview to name his boss, first hesitated, then replied, "a steering committee." Meyers, however, said there was no steering committee and added: "Sen. Beebe is the doctor in charge."

A union publication, the Michigan AFL-CIO news, in a story linking Whitaker and Baxter and Mrs. Beebe's CRC, declared the senator actively opposes consumer-rights protection bills in her home state.

The Consumer Federation of America, a federation of

140 organizations including the National Grange, state-wide consumer-rights groups and several union groups, charges that the CRC "is financed and controlled through Whitaker and Baxter." The federation, with member organizations in 37

states, said California grape and tree-fruit growers raised \$1 million and hired Whitaker and Baxter to create CRC "to combat the consumer boycott of table grapes."

Asked if his firm had organized Mrs. Beebe's Delano trip, Whitaker said, "absolutely not." He explained that her trip happened to coincide with Whitaker and Baxter's campaign, and, recognizing an ally, the firm helped establish the CRC in Washington.

Like Mrs. Beebe, California State Senator John Harmer, a conservative Republican from Glendale, also found against the Chavez union. In

a well-publicized episode in which he posed as a farm laborer, Harmer found that grape workers did not want UFWOC and that the "real" workers were happy, well paid and, for the most part, were local residents of the strike area.

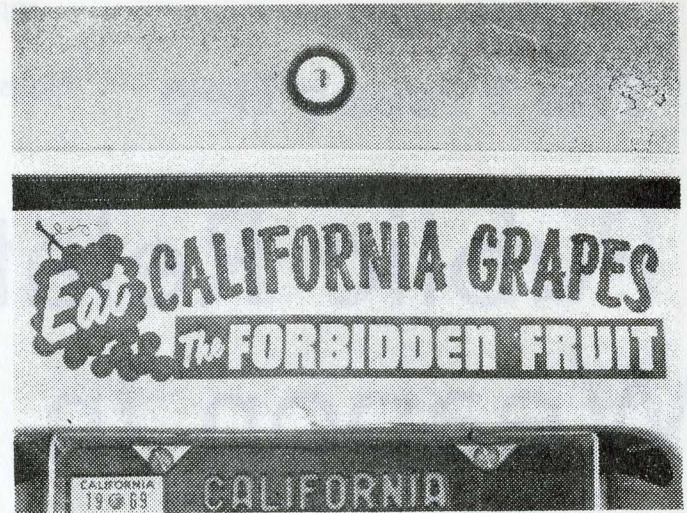
Whitaker - Baxter offered Harmer's opinions through its California Feature Service, which supplies free material to 600 newspapers, radio and television stations — many of which offer such material verbatim as their own opinion, without identifying its source.

In an editorial entitled "Exposing the Grape Hoax," Whitaker and Baxter supported Murphy's consumer-rights bill, stating it "provides legal guidelines for the kind of collective bargaining the grape growers want their workers to have — the kind that will protect them, not sell them out to someone like Chavez."

This position is now voiced, in one way or another, by most opponents to Chavez and the UFWOC.

Whitaker and Baxter is dispatching teams of grape growers and staff men around the nation to press the attack. These two- and three-man teams are "meeting Chavez head-to-head, on his

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Bee Photos

current Eastern speaking tour," Whitaker said.

"The farmer has a good story, a solid position and we intend to get it out to the public," he said. To do this, Whitaker and Baxter has a staff of 25 people operating out of New York, Washington, Chicago and occasionally Detroit, in addition to San Francisco. Besides Whitaker and his senior partner Mike Abrahamson, the firm has Bob Meyers and Malcolm Smith, both former San Francisco newsmen, working on the boycott counterattack.

Clem Whitaker considers this a major campaign. He will not say how much it is costing, or what the growers are paying in fees. However, as he talks, it is obvious the outlay is considerable and that the tab is being picked up by a cross-section of agricultural interests — not just grape growers.

Whitaker did say, however, that a major, contested campaign within California can cost \$4 million. A national campaign would obviously cost much more.

Whitaker and Baxter joined the national grape boycott issue with impressive credentials. The firm was founded in 1933 when Whitaker's father, Clem Sr., an experienced newsman, and Leone Baxter, a Northern California chamber of commerce executive, met while campaigning for a state-funded Central Valley Project. Opponents to the massive irrigation plan were led by the Pacific Gas and Electric Co.

Whitaker and Baxter won and the CVP was authorized, but \$170 million in bonds went unsold. In 1938, as the state legislature attempted to push the bond sale, Whitaker and Baxter went over to the opposition, and in the employ of PG&E opposed the CVP.

Won Again

Whitaker and Baxter won again and the state never did fund the CVP plan — leaving it to be picked up later by the US Bureau of Reclamation.

In the next few years the firm became deeply rooted in California politics. In 1942 it handled Earl Warren's campaign for governor, then, in 1945, it was retained by California doctors to fight Warren's proposed compulsory health-insurance program.

Whitaker and Baxter lined up nearly every California doctor against the scheme, armed them with a campaign theme ("Political Medicine Is Bad Medicine") and sent

them out to make speeches and buttonhole state legislators.

Resulting public pressure defeated the Warren measure.

That job led to a national campaign for the American Medical Association. Clem Whitaker Jr. took over the San Francisco office in 1948, shortly afterwards helping the railroads defeat union "featherbedding" by repealing the full-train crew law. Whitaker and Baxter dubbed the law the "full caboose law," and distributed posters showing railway workers singing "I've been loafing on the railroad . . ."



Clem Whitaker Jr.

Four Divisions

Today the firm has four divisions: Whitaker and Baxter Public Relations; Campaign, Inc.; California Feature Service, and the Clem Whitaker Advertising Agency. Its main offices are at Fifth and Market Streets on the eighth floor of the old Flood Building.

At the office entryway, at the end of a long, tiled hall, hangs a framed copy of the first California Feature Service news - editorial copy. It offered, in the mid-1930s, \$20 each month for the "best" editorial and \$100 yearly as grand editorial prize to newspapers taking the service.

While Whitaker and Baxter activities appear politically and philosophically oriented to the conservative viewpoint, Whitaker says emphatically, "I refuse to be identified with any label. We deal with each case on the basis of whether we think it is right, or not."

Clem Whitaker is candid when he speaks about agriculture.

"They (the farmers) obviously did not want to have

their labor organized, but they saw that it was going to happen. They appear to have accepted this fact, and are now seeking the best solution."

Expressing his own viewpoint, Whitaker added, "The farm labor problems cannot be solved by organizing three farms or 30 farms; they must be resolved nationally. This is a problem in 50 states, and must be resolved by Congress."

Murphy's Bill

When Whitaker and Baxter were retained by the growers, there were several state and federal legislative proposals dealing with farm labor problems; some of these were conflicting. The firm succeeded in consolidating and focusing agriculture's efforts on Murphy's bill, and at the senator's request, a Whitaker and Baxter attorney helped draft the bill.

"Both sides are saying what they have to say in this dispute, but I think they are a lot closer to resolving the issues than most think," Whitaker concluded.

His optimism, if it can be termed that, is not shared by many. Thus far the growers have managed to keep the economic upper hand, but UFWOC, after failing to move growers with its strike, has found economic muscle in the boycott. It is the only weapon the union has found capable of wounding the opposition.

Now that the growers, as directed by Whitaker and Baxter, are concentrating on gaining public support behind protective national legislation, the union — at least temporarily — must move on the defensive. It must counter the effort to eliminate its power (the boycott) or find new sources of power.

UFWOC's strength lies within the traditional concept of the union working man—the idea that by pooling individual efforts, they can improve their economic lot. Whitaker and Baxter's job is to dull the emotional appeal of this position by substituting another emotional pitch—the right of free Americans to purchase what they choose, without interference.

Thus the contest has moved from the vineyards and the market place into a larger public arena, where the outcome will be affected by the well-recompensed manipulations of Whitaker's experienced team, and by how effective the union forces are in countering the firm's time-tested public-relations strategy.