

TESTIMONY OF
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AND HELPERS OF AMERICA
IN SUPPORT OF H.R. 4408
Monday, May 21, 1973

Members of the Subcommittee on Agricultural Labor of the House
Committee on Education and Labor.

I am Frank E. Fitzsimmons, general president of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, and appear here in support of H.R. 4408, the bill sponsored by Congressmen Sisk, McFall, Ketchum and Rhodes.

I am most grateful for the opportunity to present testimony to your subcommittee on behalf of the more than two million Teamster members on the question of collective bargaining for farm workers.

I come before you to address myself to the rights of farm workers -- not the the rights of the Teamsters or the United Farm Workers, or, for that matter, the rights of any other union.

I am most certain that this subcommittee sincerely appreciates that rights spring from a body of law. This great nation is established on a body of law, the foundation of which is the Constitution of the United States.

Without that great body of law there would be no order in our affairs. Without that great body of law there would be no rights, or certainly rights would be in danger of being abrogated or curtailed.

Since the clergy in this country has expressed much interest in the farm worker controversy and has taken an active role in support of the United Farm Workers' Union, I feel compelled to point out the obvious -- that the clergy is bound by a body of rules and regulations which we call Canon Law.

Another obvious fact -- which unfortunately many have chosen to ignore -- is that collective bargaining in this nation is established according to a body of law. It began, in the main, with passage of the Wagner Act. That body of law has been enlarged to include the National Labor Relations Act, and subsequently amendments popularly called the Taft-Hartley and the Landrum-Griffin Act.

Yet, despite this nation's rightful affinity for conduct of its' affairs according to a body of law, despite this nation's rightful insistence that rights be protected by law, collective bargaining in agriculture is excluded from the National Labor Relations Act, and has been since its enactment in 1935.

I am most happy that this subcommittee's hearings have begun. Until now, debate over collective bargaining for farm workers has been governed only by a popular frame of reference. Unfortunately, that frame of reference has been clouded by emotions, surface understanding of collective bargaining, and all too often punctuated with racial overtones which type the farm worker as a 'Chicano', or a 'Mexican-American', but never in terms which refer to him as an American worker entitled to rights and protections enjoyed by other American workers.

The fact is that the story of exploitation of farm workers is the story of exploitation of Chicanos, Filipinos, Blacks, Whites, Chinese, and others.

I do not perceive the plight of farm workers to be racial at all. I see it as resulting from a denial of rights to them as Americans, regardless of their ethnic and racial backgrounds, just as the struggle of organized labor for legal status throughout the years was the struggle of American workers -- not the struggle of Italians, Jews, Irishmen, Englishmen, Greeks, of any other ethnic group which has evolved into the American working force.

When all involved are willing to recognize the problem as economic and not as racial, I believe that we will have taken the first step toward correction of a very serious national problem.

Unfortunately, the current debate has provoked rhetoric flavored with name-calling such as 'union-busting', 'sweetheart contracts', 'perpetuation of the despised labor contractor', and other ingredients which whet emotions, but unfortunately dull reason and logic.

Knowing that this subcommittee will not fall into the trap of a faulty frame of reference, I would like to explore some of the misunderstandings, with the hope that my union can make a contribution to a lasting and fair solution to the problem which abounds in labor-management relations in agriculture today.

First of all, thus far the argument has hinged upon the right of the United Farm Workers to represent farm workers. It has not addressed itself to the right of farm workers to join any union it determines is best equipped to address itself to job related problems.

I see nothing substantial in the argument of the divine right of one union or another. I subscribe, instead, to the argument embodied in federal policy regarding union membership which is the right of the American worker to join the union of his choice. The divine right argument denies the worker free choice of union membership.

In fact, I strenuously object to the proposition that farm workers are chattel to be placed arbitrarily in one union or another. I strenuously adhere to the proposition that the farm worker has the right to join any union, be it the United Farm Workers, the Teamsters, the Meatcutters, the Retail Clerks Association, or the Plumbers union, for that matter.

Yet, what do we find? Excluded from the rights and protections of the National Labor Relations Act, as they are, farm workers do not have the right to that self-determination. They do not have the right to secret ballot elections conducted under tested rules of fairness designed to insure their free choice.

Farm workers do not enjoy the right to have an uninterested party supervise an election process, according to the appropriateness of the bargaining unit, according to a genuine work related interest with other workers involved.

There are those who are clamoring for an election here, according to one set of rules, another election there, according to yet another set of convenient rules. But we in the Teamsters are not for patchwork solutions. We are not for elections tainted with make-shift procedures. We are, instead, for elections governed by the same set of rules which regulate representation elections for collective bargaining purposes which have served other American workers so well.

In this regard, let me make reference to some of the publicity given to polls taken by the clergy, and some Congressmen, and others interested in the question. One particular poll taken in the Coachella Valley purportedly revealed that farm workers prefer the United Farm Workers' Union overwhelmingly.

However, Teamster organizers in the fields in the Coachella Valley presented growers with petitions bearing approximately 4,300 signatures of farm workers requesting Teamster representation in the grape harvest.

I venture to say that if Teamster organizers go into the fields, they will be successful in obtaining a majority show of interest in my union by farm workers.

Let the Chazistas go into the fields, and the workers will respond favorably to that pressure. Let the priest go into the fields with his stated preference for the United Farm Workers' Union -- and the fact that most Chicano farm workers are Catholic -- and workers will respond favorably to his questions.

Farm workers have been exploited by nearly everyone. Is it any wonder that each group evokes the response it wants? I think not.

But, I suggest to this subcommittee that this is not a scientific or fair approach to let farm workers express themselves freely without pressure from power blocs. It is not the approach which has served the rest of organized labor so well. It is not the approach which has brought stability to organized labor, and it is not the approach which has given other American workers self-determination in their collective bargaining affairs.

What has served the nation well in its approach to labor-management relations and union membership is the body of law encompassed in the National Labor Relations Act.

Once the Congress of the United States gives legal status to collective bargaining in agriculture, the workers themselves will end the present controversy over representation, and they will end it in a hurry and conclusively.

Perhaps, they will not settle the issue to your liking, to the liking of the clergy, or to mine, but they will settle it to their liking. And, after all, it is their destiny which is involved, not the destiny of this group or that, this union or that, or the destiny of the clergy.

However, it would be short-sighted, indeed, to assume that once farm workers are given the right to free and secret ballot elections according to established and tested law, that the problem is solved. That is not enough.

Farm workers, like all American workers, need protections of the law after they have freely established a collective bargaining unit. Presently excluded from the National Labor Relations Act, they have nowhere to turn when treated unfairly, by unions, by employers, by supervisors, or by anyone else.

Only the naive and the prejudiced mind maintains that injustices do not occur in collective bargaining which require remedies before the law for those so aggrieved.

If covered under the National Labor Relations Act, farm workers would have the right to file unfair labor practice charges against their union and their employer, alike. And, the Act prescribes an orderly and fair procedure for the fair and equitable adjudication of unfair charges.

Since ours is a nation established according to a body of law, farm workers are bound by both the penal and the civil codes. When they violate those codes, they are subject to punishment. Conversely, when they are aggrieved by others in those areas, they have access to the courts, and yes, have the right to petition their government for redress of grievances.

Yet, adrift in an industrial void, they have no place to turn when aggrieved in collective bargaining. This is a shameful wrong which can be quickly righted by covering farm workers under the National Labor Relations Act.

Now, there is some public rhetoric about farm workers which directs us to the heart of one very important matter in a discussion of labor-management relations in agriculture.

Much has been made of the fact that Teamster agreements for farm workers allow labor contractors to provide field crews for growers, even though severe limitations on unsavory practices are part of the Teamster contracts in this regard.

The other side of the rhetoric is that the United Farm Workers' Union contracts provide for a union hiring hall.

In reference to this question, I suggest to the Congress of the United States that holding out an exclusive union hiring hall as Eutopia for farm workers is part of what I refer to when I speak of surface knowledge of collective bargaining by those suggesting that Eutopia has been established.

Under the National Labor Relations Act, careful provisions are incorporated in that body of law to insure that an exclusive union hiring hall does not become the labor contractor. These legal provisions require that union hiring halls -- when they by contract language become the sole source of labor for an employer -- must make referrals (or dispatches) of union and non-union job seekers alike.

Certainly members of this subcommittee will recall such reasoning was the main thrust of those who successfully opposed close shop in labor agreements when writing federal labor law.

Quite obviously, if a union runs an exclusive hiring hall, where no federal rules and regulations apply, referrals will be made only for union members, and, in effect and practice, the union hiring hall becomes the labor contractor.

I make no ominous references to anyone. However, recognizing human failings, the logical mind must conclude that workers need protection from abuses of a hiring hall of this nature, just as surely as workers need protections from unscrupulous practices of an independent labor contractor.

This, I submit, is another strong and unassailable argument for extending the rights and protections of the National Labor Relations Act to farm workers.

Permit me, if you will, to address myself to the question of contracts for farm workers. I have attached hereto a copy of Teamster contracts negotiated for farm workers in the 13 Western states. They are for your perusal, especially in light of charges that Teamster agreements are 'sweetheart' contracts. The provisions of this agreement more than stand the test of comparison with United Farm Worker Union contracts.

I can report to this subcommittee that there may have been some growers in the West who signed this agreement thinking that it was a method of keeping the United Farm Workers' Union out, while at the same time escaping the responsibility of paying wages called for in the agreement and circumventing contract language on hours of work and working conditions.

I can also report to you that there are some growers in the West who got the surprise of their lives, when Teamster agents implemented these agreements by enforcing them to the letter of the contract.

If, in fact, there were growers who signed a Teamster agreement with tongue in cheek, their rude awakening came on the first pay day after the agreement was signed, or the first day a Teamster agent showed up in the field representing a worker and his grievance.

Teamster agreements with growers are no nonsense agreements, just as Teamster agreements are no-nonsense agreements with more than 60,000 other employers in the United States, Canada, and Puerto Rico.

I suggest to those who brand Teamster contracts as 'sweetheart' agreements, that they purposely for reasons only their own conscience can explain make such a reference, or that they mouth the popular rhetoric of the day impulsively from a lack of knowledge of collective bargaining matters.

On another matter, members of this subcommittee are aware, I am sure, that the director of the United Farm Workers' Union, then called the United Farm Workers' Organizing Committee, testified April 16, 1969, before the subcommittee on labor of the Senate Committee on Labor and Public Welfare.

He testified that he wanted just a little bit of federal law applied to farm workers, and the surprising fact of his testimony was that he pleaded for those exclusions which would allow the union to operate outside the law in its organizing and collective bargaining, but nowhere did he plead rights and protections enjoyed by other workers be extended to farm workers.

And, parenthetically, I would like to note that this stand of Cesar Chavez flies in the face of AFL-CIO policy as expressed by George Meany who in recent days reiterated his desire for coverage of farm workers under the National Labor Relations Act.

But, what are the considerations for a limited law in collective bargaining for farm workers? What are the considerations for deviation from the principle of equal application of the law, in terms of guaranteeing worker rights and protections, in terms of stability in industry, and in terms of the public interest in the free flow of commerce?

First of all, all of those interests are secured in the National Labor Relations Act.

There is no substance to the argument that a union is entitled to operate outside the law for any reason, and smallness does not penetrate that reasoning. Minorities, like majorities, must live by the law in all other social intercourse, and under our system of law, protections for the minorities and small groups are built into the law. The National Labor Relations Act is no exception.

This nation certainly does not need the confusion of secondary boycotts, strikes outside and beyond the scope of federal policy and regulation, and organized labor does not need the image which comes from violence and intimidation of workers. To argue that a union cannot represent workers fairly and militantly unless excluded from the law is a stark admission of ineffectiveness.

Everyday, in every facet of collective bargaining, small unions do an excellent job of representing their membership abiding by every detail of federal labor policy. They do this because they are versed in the expertise of union management, and because they have the backing of a membership fully protected by the law of the land.

Small unions everyday give full force of union membership to the welfare of workers without inflicting disorder on the community, the consumer, and the general public, without inflicting ominous techniques in union organizing and collective bargaining on the general public.

It would make a romantic story if David (the United Farm Workers' Union) could slay Goliath (agribusiness as represented in the farm fields of the nation). But romantic stories seldom address themselves to realities of life. Certainly they do not address themselves to the fact that many farm workers doubt the slaying power of the United Farm Workers sling, and want the opportunity to join with a union with a reputation for getting the job done. And, to the critics, I say that the Teamsters make no apologies for bigness, because that bigness came from our reputation among workers who have seen us do the job.

Lastly, I urge this subcommittee to focus its attention solely on the rights of farm workers. I urge members of this subcommittee to vigorously fend off pressures from outside groups to infest legislation with crippling exclusions and exceptions. I anticipate that you will have this kind of pressure from both growers, and frankly, from groups allied with the United Farm Workers' Union.

Now, the Grandfather philosophy of my testimony.

I have been in the business of representing workers for more than 35 years. One of the great lessons I have learned from this life time of work is simply this:

Workers have a great insight, a cunning expertise in relating their job difficulties to the union they join. Workers are far more qualified to determine their problems and their solutions than students of collective bargaining, than social workers and those who lead social movements, and than others whose interest is sincere if their exposure to work is lacking.

I view farm workers in this reference. To maintain that they are too poorly educated to make intelligent decisions on their own behalf is a sinister view of human nature. That view has been the justification of tyrants throughout history from the beginning of time.

I submit that all which needs to be done is for the United States Congress to give legal status to collective bargaining in agriculture. I am not talking about legislation which looks to the selfish interest of growers, or the selfish interest of one union of another, but legislation which looks solely to the rights of the workers themselves.

Pass the necessary legislation covering farm workers under the National Labor Relations Act, and I predict that the controversy which has raged far too long in the farm fields of America will come to a halt in a hurry.

The workers will settle the issue and settle it conclusively. Once they achieve self-determination in collective bargaining this nation can look for stability in agriculture and in the communities whose economies depend on agriculture. Why? Simply because farm workers cannot buy groceries, pay the rent and buy the necessities of life with the thorny fruits of boycotts, strikes, and orations of their leaders. They want to work steadily under good contracts which are vigorously enforced. It is a simple application of economics.

I find it especially shocking that the leadership of the AFL-CIO waves a pittance of strike benefits at farm workers as a lure to entice them into strikes and boycotts, and the sacrifice of their personal economies. This approach is a carrot on a stick, not a solution. It could only have been conceived by labor leaders whose nostalgia and revelry in the so-called "good old days", blinds them to approaches which keep workers at their jobs earning good pay checks. What a shocking revelation when men to whom workers look for leadership promise only strife, turbulence, jurisdictional disputes, and disruption which spills over into every walk of life. Were it necessary it would be disturbing. The fact that it is not necessary makes it disgraceful.

I am sincerely willing to abide by the decision of farm workers on the question of union representation established according to a body of law.

I hope the Congress of the United States is likewise disposed, and will enact H.R. 4408.

Thank you.