

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 CHEAVEZ 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