

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

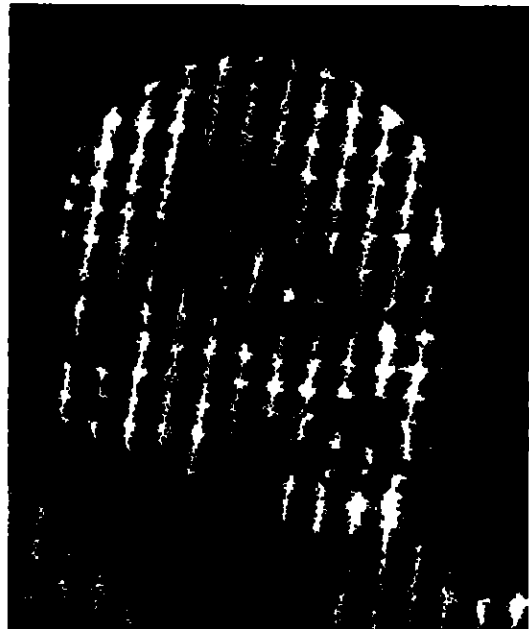
MR SCHERLE I am now a farm operator I could not possibly break my operation down to three-man outfits It would break me up in business to do that The paper work would be insurmountable

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 AFWWA, 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 foreman 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