STATEMENT OF
C E S A R E C H A V E Z
Director
UNITED FARM WORKERS ORGANIZING
COMMITTEE, AFL--CIO
BEFORE THE SUBCOMMITTEE
ON LABOR
OF THE SENATE COMMITTEE
ON LABOR AND PUBLIC WELFARE
April 16, 1969

My name is Cesar E Chavez I am Director of the United Farm Workers Organizing Committee, AFL-CIO, a labor organization whose address is Post Office Box 130, Delano, California 93215

It is indeed a privilege to address this body, so many of whose members have distinguished themselves over the years by their genuine concern for the welfare of farm workers For this we are grateful What has impressed us most is your open-mindedness, your desire to explore our problems in depth Unwilling to believe what you have heard or read about the farm worker, some of you have even come to our valley to see for yourselves and experience at first hand our deprivation, our frustration and our struggle for social justice

We welcome the decision of this subcommittee to hold hearings on S 8 in order to explore still further the question of whether and in what way farm workers should be covered by the National Labor Relations Act, as amended The fact that so many Senators have joined in co-sponsoring S 8 -- and that so many members of the other House have co-sponsored a somewhat similar measure -- demonstrates at least this much No one any longer seriously argues that the issue of labor relations legislation for agriculture can be resolved simply by striking the exclusion of "agricultural laborer" from the definition of "employee" in section 2(3) of the act

Perhaps because of certain similarities between our employment situation and that of the building trades, some have been led in their search for the right answer to experiment with the construction industry exemptions of section 8(f) We do resemble the building trades in certain characteristics of our employment, though not in others -- a matter I shall return to later

First, let me say that we too have been learning In the no-nonsense school of adversity, which we did not choose for ourselves, we are learning how to operate a labor union The difficulty of our struggle, together with the growing possibility of labor relations legislation for agriculture, has led us to challenge again and again the assumption that coverage under the NLRA would prove the ultimate salvation of the farm worker

This much at least is certain His salvation will not be found in sloganeering

Through long hours of discussion and debate, officers of our union have tried to envision just what real trade union life would be like under various provisions of the NLRA At times we have wondered whatever led our friends to say we had been denied the "protections" of that act

Our conclusion is that we do support coverage under the NLRA, but with certain amendments, for not every kind of amendment will really benefit the farm worker

with us in good faith, they can bargain in good faith -- around the calendar if need be -- unless we are allowed to apply sufficient economic power to make it worth their while to sign

We want to be recognized, yes, but not with a glowing epitaph on our tombstone. Union recognition is of value only in terms of what it leads on to At the end of the trail we seek

--not recognition, but signed contracts,
--not recognition, but good wages,
--not recognition, but a strong union

And these things are not primarily a matter of elections and representation procedures, or even of court orders, but of economic power

To equalize the inequality of bargaining power -- this was the high legislative purpose of both Wagner and Taft-Hartley, was it not? The basic reason why we oppose coverage under the present Taft-Hartley, without more, is that it would not correct the inequality of bargaining power between the growers and ourselves

In the last Congress, the House Special Subcommittee on Labor chaired by Rep Frank Thompson of New Jersey, which will also hold hearings soon on this subject, published a report entitled "National Labor Relations Act Remedies The Unfulfilled Promise"

The report quotes Mr William L Kircher, Director of Organization of the AFL-CIO, as saying "It is very natural for workers to unionize because unionism and the collective bargaining process enable them to increase their wages and obtain that dignity and self-respect which comes with job security "

Mr Kircher testified that when there is no employer opposition to the desire for unionization, the union almost always wins the election In 29 representation elections held over a 13-month period, unions won 28 and tied the other In all but seven cases the margin of victory was in excess of 2 to 1

The burden of the report, however, was that "In campaign after campaign in the southeastern, southwestern and midwestern parts of the United States" the union encounters all-out organized opposition not only from the employer, but also from the police, the local courts, and the business and political leadership of the community

What the report said about the trials of the textile, retail clerks and other unions could have been written as well about our own experience with the table grape industry in California Anyone who thinks coverage under the present NLRA would be a tremendous favor to farm workers should study the Thompson Report and ponder its contents well

How then did it happen that so many people for so long a time made so much of NLRA "protections" for farm workers?

To better understand this, I think we must go back 34 years in time to 1935, when Congress passed the original NLRA, the Wagner Act We almost made it that time, but not quite, and people concerned about the plight of the farm worker began to say we had been denied the protections of the act They said it for 12 years

when it could fairly be called a pro-labor act They kept or saying it after the Taft Hartley revision of 1947 and the Landrum-Griffin amendments of 1959 converted into an anti-labor act

The policy of the original Wagner Act and its administration for the succeeding 12 years was to promote unionization of the unskilled and semi-skilled workers in mass production industry Its aim was to quiet widespread industrial unrest and to meet the social and economic challenge of the Great Depression

Senators will recall that when the 80th Congress passed the Taft-Hartley Act over President Truman's veto, labor leaders called it a "slave labor act" They were ridiculed by their enemies at the time, and they were ridiculed later when their unions survived But what survived? Large, well-established unions which had on-going collective bargaining relationships with employers who were by that time accustomed to dealing with labor unions That's what survived

Taft-Hartley did, however, accomplish the purpose of its sponsors in that it effectively decelerated the pace of union organizing as annual union membership statistics will show History will record that Taft-Hartley and Landrum-Griffin, together with continuing business community determination to oppose unions at nearly every turn, succeeded in checking the progress of labor organization in America before it had accomplished half its job

Even today, some of the most striking gains in union membership are occurring among teachers and other public employees who, like us, must operate without benefit of labor relations law Public employee unions were greatly helped, it is true, by the executive order of the late President John F Kennedy and by similar policies adopted by certain state and local governments

Where would the large industrial unions be today if Congress had "protected" them from the beginning, not with the Wagrer Act, but with the Taft-Hartley Act in its present form?

We too need our decent period of time to develop and grow strong under the life-giving sun of a favorable public policy which affirmatively favors the growth of farm unionism

Of utmost importance is an exemption for a time from the Taft-Hartley and Landrum-Griffin restrictions on traditional union activity The bans on recognition and organizational picketing and on the so-called secondary boycott would be particularly harmful, and the mandatory injunction in both cases makes them truly disastrous

How does it happen that the law provides no mandatory injunctions against employer unfair labor practices, such as discharges for union activity or promotion of company unions?

As to the secondary boycott, it is shameful that the richest nation on earth, confronted with the moral challenge of farm worker deprivation, should create a legal fiction of "innocent neutrality" for those who reap a monetary profit from the sale of scab grapes

Union security is most essential in an industry like agriculture which is marked by seasonal and casual employment and where a work force can build up from a few hundred to several thousand in a few short days and just as quickly disappear

While the nation is busy fighting poverty in all its forms, let us not create new situations where nonunion farm worker poverty in "right to work" Texas or Arizona will become a threat to the small measure of union farm worker prosperity in California

We therefore urge that farm workers and their unions be exempted from section 14(b) which makes misnamed state "right to work" laws operative in interstate commerce

All of labor ought to be liberated from section 14(b), but this much at least it makes no sense for Congress to labor hard at making collective bargaining possible for farm workers if it leaves untouched that major obstacle which is 14(b) Railroad employees are not subject to "right to work" laws and we see no reason why we should be

1 Regarding section 14(c), we are opposed to any exemption of small growers whether legislative or administrative

It is a matter of principle with us that the single employee of a small grower is as entitled to his union as anyone else, and if a union cannot represent him under a regulatory law, then it will have to proceed as we do at the present, without benefit of a specific law

It is perhaps but natural that small growers should see the coming of unionism only in terms of wage cost We think that the problem is much more complex than that

If Congress passes a bad law, making us worse off than we are at present, but exempts small growers from coverage, then we might have to concentrate most of our organizing effort for a time on small growers and let the big agribusiness corporations go until we can get the law changed

If on the other hand Congress passes a law which really makes it possible to get contracts with the big growers, but which exempts the small ones, something else is apt to happen We would certainly begin by going after the big growers Then I suspect that internal union politics would have the tendency to force a concentration on getting higher and higher wages from the big corporations while ignoring both the small growers and their employees completely

This might be a welcome prospect to the small grower who thinks he can find competent, efficient workmen at nonunion wage rates and so continue to compete effectively We think such a view highly unrealistic if one considers what is going on in the world of agriculture -- the mass exodus of small farmers to the cities, the increasing concentration of more and more farm land in fewer and fewer hands This is taking place without the presence of labor unions in any significant sector of agriculture, and without any consideration of union vs nonunion farm wages What will happen if unions are permitted to organize big corporate agribusiness but not small growers is this Big agribusiness will get the benefit of better workers attracted by higher union wage rates, of higher union worker productivity, and of whatever benefit derives from political alliance with the

union when there is question of union employers against nonunion employers This could affect such issues as support payments and other forms of federal subsidy, federal money for retraining employees to operate new farm machines, and so on

Let me say right here that all of this is a prospect which the leadership of our union does not relish at all Our natural sympathy is to favor the small grower and to help him in every way we can to remain in business and to prosper We do not want to be forced into a political and economic alliance with large growers against small growers We are, however, trade unionists and our first obligation is to our members Our cooperation must be reserved for those employers who believe in unions, or who are at least willing to tolerate unions, and who sign fair union contracts

We urge small growers to give the matter a great deal of thought before pressing for an exemption from NLRA coverage

If we could have our own way, what we would really like to see is a family living wage for every farm worker, a family living income for every family-sized farm owner, and a fair return on investment for every grower, wrether he is an employer or not

To this end we urge Congress to give favorable consideration to the proposed National Agricultural Bargaining Act of '969, or whatever legislative assistance may be needed so that all agricultural producers can obtain a fair price for their produce in the various commodity markets

Concerning section 302, our only objection is to the requirement of subsection (c)(5)(B) that employers have equal representation with employees in administration of the funds These monies are for the benefit of the workers, who have elected to take part of their negotiated pay increase in the form of persion or health-welfare or other benefits We believe that the trust agreement offers sufficient protection for these funds and that unilateral administration by employee representatives-should be legally possible under the act

Some unions, notably the building trades, derived little benefit from the original Wagner Act, but all of them in some way had something else going for them The skilled trades, together with the professions, enjoy first of all a natural limitation on labor supply in that their members possess some kind of skill or formal training In addition, they have been permitted by public policy to restrict freedom of entry to the occupation, or freedon of access to the needed training

Where would they be today if they had to contend with the same economic forces that we do?

The seasonal farm worker does not possess extensive skills While experience counts on the farm as well as anywhere, he is scarcely called upon to do anything that cannot be learned passably well in half a day

Our potential competition appears almost unlimited as thousands upon thousands of green carders pour across the border during peak harvest seasons These are people who, though lawfully admitted to the United States for permanent residence have not now, and probably never have had, any bona fide intention of making the

United States of America their permanent home. They come here to earn American dollars to spend in Mexico where the cost of living is lower They are natural economic rivals of those who become American citizens or who otherwise decide to stake out their future in this country

In abolishing the bracero program, Congress has but scotched the snake, not killed it The program lives on in the annual parade of thousands of illegals and green carders across the United States-Mexico border to work in our fields

To achieve law and order in any phase of human activity, legislators must pay heed to other laws not made by man, one of which is the economic law of supply and demand We are asking Congress to pay heed to this law in the light of some hard facts about farm labor supply along our southern border Otherwise, extension of NLRA coverage to farm workers in that part of the country will not produce much law and order

What we ask is some way to keep the illegals and green carders from breaking our strikes, some civil remedy against growers who employ behind our picket lines those who have entered the United States illegally, and, likewise those green carders who have not permanently moved their residence and domicile to the United States

An especially serious problem in agricultural employment is the concerted refusal of growers even to discuss their use of economic poisons or pesticides There are signs that several members of Congress are becoming increasingly aware of the dangers posed by economic poisons to human life and to wildlife, to the air we breathe and the water we drink Senator Gaylord Nelson of Wisconsin is to be congratulated for proposing a federal ban on DDT

For us the problem is before all else one of worker health and safety It is aggravated in California by the refusal of county agricultural commissioners to disclose their records of pesticide application and by state court injunctions against such public disclosure

The economic poison threat is a major reason why we need strong unions and collective bargaining in agriculture Growers who try to pass our complaints off as a cheap smear campaign for consumer benefit reveal thereby that they are not very well acquainted with the daily anxieties and sufferings of their field workers

Some there may be who dread the adjustments they think may be required by the coming of unionism to ranch and farm Our leadership has given much thought to this matter

Perhaps Congress could create a temporary Joint Committee o Family Living Farm Income, along the lines of the Joint Committee on Labor-Management Relations set in 1947 by the old Taft-Hartley Title IV The new committee would have such time as Congress deems expedient to study and report on such subjects as these methods for improving employer-employee relations in agriculture, conditions necessary to produce a family living wage for farm workers and a family living income for farm owners, requisite sizes for various kinds of self-sustaining family-sized farms, requisites for a national policy of enabling and encouraging farm workers to become self-sustaining family-sized farm owners, structural changes needed to enhance the bargaining power of agricultural producers in the various

commod ty markets, suitable methods for expand ng agricultural production to meet the challenge of hunger at home and abroad, tra ning programs needed to equip unemployed and underemployed persons, both urban and rural, to fill the new jobs created by such expanded production, methods for reversing the current trend toward concentration of more and more agricultural land in fewer and fewer hands

As one looks at the millions of acres in this country that have been taken out of agricultural production, and at the millions of additional acres that have never been cultivated, and at the millions of people who have moved off the farm to rot and decay in the ghettoes of our big cities, and at all the millions of hungry people at home and abroad, does it not seem that all these people and things were somehow made to come together and serve one another? If we could bring them together, we could stem the mass exodus of rural poor to the big city ghettoes and start it going back the other way, teach them how to operate new farm equipment, and put them to work on those now uncultivated acres to raise food for the hungry If a way could be found to do this, there would be not only room but positive need for still more machinery and still more productivity increase There would be enough employment, wages, profits, food and fiber for everybody If we have any time left over after doing our basic union job, we would like to devote it to such purposes as these

Walter P Reuther, President of the United Automobile Workers, described the right order of priorities for us in these words

"The journey of farm workers and their families into the mainstream of American life has begun with a struggle to build their own community unions and through them to reach out for the elementary rights so long denied them"

Eventually, we will reach out for the rights denied us, such as full and equal coverage under minimum wage laws and the various forms of social insurance But first things first Today we ask the American people and the Congress to help us build our union with some special help in the face of some especially stubborn opposition of long standing Give us that and the rest will come in due time

Thirty-four years ago a nation groping its uncharted course through the seas of the Great Depression faced the threatening storms of social and economic revolution

The late President Franklin D Roosevelt met the challenge with the Wagner Act and with other New Deal measures, then considered quite revolutionary, such as Social Security, unemployment insurance and the Fair Labor Standards Act

While these measures modified the existing capitalistic system somewhat, they also saved the nation for free enterprise

They did not save the farm worker He was left out of every one of them The social revolution of the New Deal passed him by To make our union possible with its larger hope that the farm worker will have his day at last, there was required a new social revolution

The relief we seek from Congress today, however is neither very new nor very revolutionary It has proved beneficial to the nation in the past when unions were weak and industry strong We need and favor NLRA amendments along the lines of the original Wagner Act, but we oppose for this period in history the restrictions of Taft-Hartley and Landrum-Griffin