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**ASONAL FARMWORKER
POWERLESSNESS**

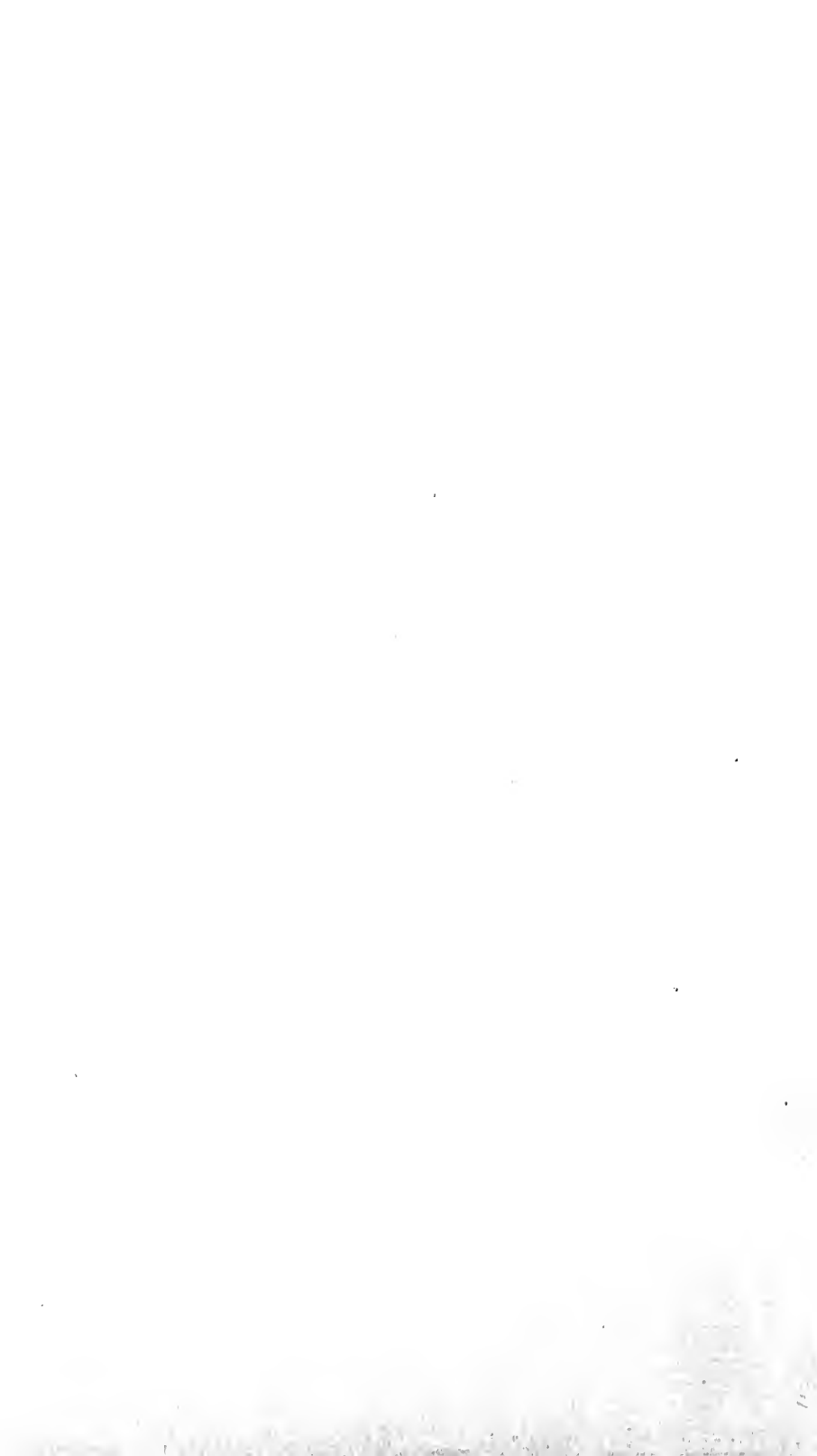
**HEARINGS
BEFORE THE
SUBCOMMITTEE ON MIGRATORY LABOR
OF THE
COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE
NINETY-FIRST CONGRESS
FIRST SESSION
ON
EFFORTS TO ORGANIZE**

—————
JULY 15, 1969
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PART 3-A
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Printed for the use of the Committee on Labor and Public Welfare





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FORMAT OF HEARINGS ON MIGRANT AND SEASONAL FARMWORKER
POWERLESSNESS

The Subcommittee on Migratory Labor conducted public hearings in Washington, D.C., during the 91st Congress on "Migrant and Seasonal Farmworker Powerlessness." These hearings are contained in the following parts:

<i>Subject matter</i>	<i>Hearing dates</i>
Part 1: Who are the Migrants?-----	June 9 and 10, 1969
Part 2: The Migrant Subculture-----	July 28, 1969
Part 3-A: Efforts to Organize-----	July 15, 1969
Part 3-B: Efforts to Organize-----	July 16 and 17, 1969
Part 4: Farmworker Legal Problems-----	Aug. 7 and 8, 1969
Part 5: Border Commuter Labor Problem-----	May 21 and 22, 1969
Part 6: Pesticides and the Farmworker-----	Aug. 1, Sept. 29 and 30, 1969
Part 7: Manpower and Economic Problems-----	Apr. 14 and 15, 1970

Additional hearings are tentatively scheduled by the Subcommittee during the second session, 91st Congress.

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MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

TUESDAY, JULY 15, 1969

U.S. SENATE,
SUBCOMMITTEE ON MIGRATORY LABOR
OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The committee met at 9:40 a.m., pursuant to notice, in room 4232, New Senate Office Building, Senator Walter F. Mondale (chairman of the subcommittee) presiding.

Present: Senators Mondale (presiding), Cranston, Huges, Saxbe, Murphy, and Schweiker.

Committee staff member present: Boren Chertkov, majority counsel; Eugene Mittelman, minority counsel.

Senator MONDALE. The Senate Subcommittee on Migratory Labor will come to order.

This morning the Migratory Labor Subcommittee begins its third set of hearings on migrant and seasonal farm labor problems in the United States. The theme for the entire series of hearings is powerlessness. The subcommittee is examining the depth of powerlessness among migrants, and the reasons for it.

These hearings are designed to explore the extent to which migrant workers are powerless to influence decisions in both their home base communities and in so-called user States. The subcommittee is examining the degree to which, and the ways in which, migrant and seasonal farmworkers are deprived of political power, deprived of economic power, deprived of cultural identity or pride, deprived of rights and privileges that most Americans take for granted.

In June we had an opportunity to hear migrant and seasonal farmworkers themselves tell of their own living and working conditions. Often unschooled, and always unable to hire lawyers or public relations men, they spoke for themselves with an eloquence and clarity that comes only out of their suffering and deprivation. Our hearings in May revealed the harmful impact of the border commuter labor problem on migratory and seasonal farmworkers specifically, and explained part of the social and economic deprivation—and the powerlessness—faced by migrants.

For the next 3 days this committee will continue to probe the various factors which contribute to the powerlessness of the farmworker. Our hearings will concentrate on the efforts of migrant and seasonal farmworkers to organize.

Witnesses today will discuss the current strife surrounding the organizing efforts of farm laborers in the grape industry in California. Although many workers in the wine grape industry are now covered

by contracts resulting from collective bargaining, a battle is presently raging in the table grape industry from the fertile valleys of California to supermarkets in the Nation's Capital. It is crucial that we understand the implications of this struggle in its entirety, and the effects of Defense Department grape purchases on the grape boycott.

The sessions on Wednesday and Thursday will concentrate on both community and union organizational efforts of farmworkers in other parts of the country. These efforts have involved home-based migrants, seasonal farmworkers, and ex-migrants who are attempting to settle in a community.

In the discussion of these efforts, charges and counter charges will no doubt abound. We need to examine closely the reports of Government resistance and grower harassment which have been alleged. It is imperative that the incidents be dissected and weighed in order that a clearer understanding may be reached regarding the reasons that organization is so difficult.

Organization traditionally has proved to be the key to securing political, economic, and social change, and migratory workers and their leaders across this Nation agree that one of their most effective means is organization. This is the same manner in which our citizens have traditionally moved the economic, social, and political systems to cure obvious abuses and deprivation.

It is imperative that we examine this history of migrant and seasonal farmworker attempts to organize, the extent to which their attempts have been successful, and the reason for the successes or failures. The purpose of our hearings this morning is to learn about the farmworkers' efforts to organize to gain their fair share of power, and to investigate the extent to which public and private institutions and practices may be suppressing farmworker attempts to organize.

Following this week's hearings, the subcommittee will hold hearings on a number of other subject areas that will further define and describe the problem of migrant and seasonal farmworker powerlessness.

On July 28 Dr. Robert Coles, a Harvard psychiatrist, is scheduled to testify on the formation of what he defines as a "migrant subculture." The political, economic, social, and cultural facts that affect the lives of migrants, their activities, their point of view of themselves in relation to others around them, and the assumptions they make about the world, will be studied.

On July 29 the subcommittee has scheduled hearings to examine the short- and long-range effects of pesticides on farmworkers; the extent of research on occupational hazards to farmworkers of pesticides; the Government programs that exist for protection of the farmworker from pesticides, and whether they are adequately funded and enforced.

And, on August 7 and 8 the subcommittee plans to hold hearings designed to examine the legal problems and barriers faced by migrant and seasonal farmworkers.

In future hearings we intend to explore the nature and scope of the rural employment and manpower problem, the limitations of current Government service programs, and social and worker benefit problems, and finally, what is the future of migrant and seasonal farmworkers.

We now begin our third set of hearings on powerlessness, and we begin with a study of efforts to organize.

We have a most distinguished panel of witnesses.

Senator Cranston?

Senator CRANSTON. Thank you, Mr. Chairman. I want to express my admiration of your leadership in holding these hearings and exploring the titanic problems facing the farmworkers of the United States. The bill you introduced (S. 2568) is typical of your leadership, a bill making it unlawful to employ green carders to replace strikers during a labor dispute.

I would also like to welcome Dolores Huerta, who is a remarkably effective leader in this struggle, and whose presence here will enable us to get into the record a fascinating, illuminating, and highly disturbing story of the valiant struggle of the farmworkers who face so many serious problems in our society.

I deeply believe that resolving this problem in a sensible way will be of benefit not only to the many people who work as laborers on the farm, but to farmowners who, in the long run I think, will be far better off when we have laws governing labor relations in agriculture and when we have a far more stable situation than we have now.

Senator MONDALE. Thank you, Senator Cranston.

I am impressed by your thoughtfulness and leadership in this field, and we are very grateful to you and for your new voice in the U.S. Senate.

Senator Murphy?

Senator MURPHY. I am pleased to be here today. I have been interested in this problem for some time, directly for 5 years, and indirectly for 30 years. With the fine leadership here today, I have no question that we shall find the solution to these problems, and at long last arrive at a series of circumstances whereby the growers and the workers can get their crops planted, harvested, and taken to market.

I hope the hardship will disappear for all time. I have put in a farm labor bill, directed to agriculture, that is now before the Agriculture Committee. When it finishes hearings there, it will come back to this committee, and from my 45 years' experience as a labor leader—I have helped in the formation of three unions and therefore I am not new at this, I think this bill probably includes all the characteristics necessary in this case.

I am pleased to be here this morning.

Senator MONDALE. Thank you, Senator Murphy.

Our first witness this morning is Mrs. Dolores Huerta, who is vice president of the United Farm Workers Organizing Committee of Delano, Calif.

Mrs. Huerta, we are delighted to have you here this morning.

STATEMENT OF MRS. DOLORES HUERTA, VICE PRESIDENT, UNITED FARM WORKERS ORGANIZING COMMITTEE, AFL-CIO

Mrs. HUERTA. Mr. Chairman, and members of the committee, we are again glad to be here and present our long, sad story of trying to organize the farmworkers.

We have had tremendous difficulties in trying to organize farmworkers. I don't think, first of all, that we have to belabor the reason why farmworkers need a union. The horrible state in which farmworkers find themselves, faced with such extreme poverty and discrimination, has taught us that the only way we can change our situation is by organization of a union.

I don't believe that it can be done any other way. Certainly, we can't depend on Government to do it, nor can we expect them to take the responsibility.

On the other hand, our problem is the Government's responsibility, I think, when they try to keep the farmworkers from being organized or actually take action that makes it difficult for farmworkers to organize.

I am going to read a prepared statement regarding our boycott, and then I would like to get into specifics and try to point out to the Senators why our work is so difficult.

As you know, UFWOC has undertaken an international boycott of all California-Arizona table grapes in order to gain union recognition for striking farmworkers. We did not take up the burden of the boycott willingly. It is expensive. It is a hardship on the farmworkers' families who have left the small valley towns to travel across the country to boycott grapes.

But, because of the table grape growers' refusal to bargain with their workers, the boycott is our major weapon and I might say a nonviolent weapon, and our last line of defense against the growers who use foreign labor to break our strikes.

It is only through the pressure of the boycott that UFWOC has won contracts with major California wine grape growers. At this point, the major obstacles to our efforts to organize farmworkers are obstacles to our boycott.

Our boycott has been met with well-organized and well-financed opposition by the growers and their sympathizers. Most recently, several major California grape growers joined with other agribusiness interests and members of the John Birch Society to form an employer-dominated "union," the Agricultural Workers Freedom To Work Association (AWFWA), for the sole purpose of destroying UFWOC. AWFWA's activities have been described in a sworn statement to the U.S. Government, which I would like permission to place in the record at the close of my remarks.

In spite of this type of antiunion activity, our boycott of California-Arizona table grapes has been successful. It is being successful for the simple reason that millions of Americans are supporting the grape workers strike by not buying table grapes.

After 6 weeks of the 1969-70 table grape harvest, California table grape shipments to 36 major U.S. cities are down 20 percent from last year, according to U.S. Department of Agriculture reports. The price per lug for Thompson seedless grapes is at least \$1 less than it was at this time of last year's harvest. And I might add that that has dropped even more since this statement was written.

It is because of the successful boycott that, on Friday, June 13, 1969, 10 major California growers offered to meet with UFWOC under the auspices of the Federal Mediation Service. UFWOC representatives and ranch committee members met with the growers for 2 weeks. Progress is being made in these negotiations, which are presently recessed over the issue of pesticides.

However, the U.S. Department of Defense table grape purchases have been very detrimental to our effort.

Now that the boycott has brought us so close to a negotiated settlement of this 3-year-old dispute, we learn that the U.S. Department of Defense (DOD) has doubled its purchases of table grapes. We appear to be witnessing an all-out effort by the military to bail out the growers and break our boycott. Let me review the facts behind this imposing Federal obstacle to farmworker organizing.

The DOD is doubling its purchases of table grapes this year. DOD bought 6.9 million pounds of table grapes in fiscal year 1968, and 8 million pounds in the first half of fiscal year 1969, with an estimated "climb to over 16 million this year"—I am quoting here an article that appeared in the Fresno Bee, April 25, 1969, by Frank Mankiewicz and Tom Braden.

DOD table grape shipments to South Vietnam this year have increased by 400 percent. In fiscal year 1968, 550,000 pounds were shipped to South Vietnam. In the first half of fiscal year 1969 alone these shipments totaled 2,047,695 pounds. This data on completed fiscal year purchases of table grapes comes directly from a DOD fact sheet entitled "Use of Table Grapes," dated March 28, 1969.

Commercial shipments of fresh table grapes to South Vietnam in 1968 have risen nine times since 1966, according to U.S. Department of Commerce statistics. In 1966 South Vietnam imported 331,662 pounds of U.S. grapes and was the world's 23d largest importer of U.S. fresh table grapes. In 1967, when the UFWOC boycott of Giumarra table grapes began, South Vietnam's imports of U.S. table grapes jumped to 1,194,988 pounds, making it the world's ninth largest importer. Last year, 1968, South Vietnam became the world's fifth largest importer of this luxury commodity, by buying 2,855,016 pounds of U.S. table grapes. "This could not have occurred," states the AFL-CIO News of June 14, 1969, "without both DOD and Agriculture Department encouragement."

These are the facts as to how the grapes of wrath are being converted into the grapes of war by the world's richest government in order to stop farmworkers from waging a successful boycott and organizing campaign against grape growers.

The DOD argues in its fact sheet that "The total Defense Supply Agency purchases of table grapes represent less than 1 percent of U.S. table grape production." Data from the California Co-op and Livestock Reporting Service indicate, however, that "table" grapes may be utilized in three different ways: fresh for table use; crushed for wine; or dried as raisins. I refer to table I that is attached to this statement. Looking at table II, it is clear that DOD purchases of table grapes for fresh use represents nearly 2.5 percent of all U.S. fresh table grape production.

Table grape prices, like those of other fruits and vegetables, are extremely susceptible to minor fluctuations in supply. DOD purchases of some table grapes are probably shoring up the price of all table grapes and, at a critical point in the UFWOC boycott, are permitting many growers to stand firm in their refusal to negotiate with their workers.

It is obvious that the DOD is taking sides with the growers in this dispute. The DOD fact sheet states that "The basic policy of the DOD with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the

merits of any labor dispute. This policy is based on the premise that it is essential to DOD procurement need to maintain a sound working relationship with both labor and management." Nevertheless, many unions in the United States are decrying this fantastic increase in DOD table grape purchases.

AFL-CIO News of June 14, 1969, notes that "union observers point out, however, that DOD does become involved in a labor dispute when it so greatly increases its purchase of boycotted grapes." It seems that the DOD is violating its own policy and endangering its working relationship with labor, and we hope that the committee will explore this fully.

DOD table grape purchases are a national outrage. The history of our struggle against agribusiness is punctuated by the continued violations of health and safety codes by growers, including many table grape growers. Much of this documentation has already been submitted to the Senate Subcommittee on Migratory Labor. Such violations are so well documented that Superior Judge Irving Perluss, of California, recently ruled that a jobless worker was within his rights when he refused to accept farm labor work offered him through the California Department of Employment on grounds that most of such jobs are in violation of State health and sanitation codes. There is an attached Los Angeles Times article of July 4, 1969.

If the Federal Government and the DOD is not concerned about the welfare of farmworkers, they must be concerned with protecting our servicemen from contamination and disease carried by grapes picked in fields without toilets or washstands.

Recent laboratory tests have found DDT residues on California grapes. Economic poisons have killed and injured farmworkers. Will they also prove dangerous to U.S. military personnel?

Focusing on other forms of crime in the fields, we would finally ask if the DOD buys table grapes from the numerous growers who daily violate State and Federal minimum wage and child labor laws, who employ illegal foreign labor, and who do not deduct social security payments from farmworkers' wages?

I would like to depart from the text for a second to read from the Federal Food, Drug, and Cosmetics Act. There is a section here which talks about adulterated food, chapter 4. In this, we have "adulterated food will be considered adulterated if it has been prepared, packed, or held under unsanitary conditions where it may have been contaminated with filth or where it may have been rendered injurious to health."

By this definition it is clear that DOD is buying adulterated food. For instance, one of the growers the Department of Defense lists as their No. 1 customer is the Giumarra Corp. The Giumarra Corp. was convicted of several counts of violation of law in Kern County. The violations were for not having toilets in the field, and working minors without due regard to the law.

What was the sentence when the Giumarra Corp. was guilty of violating these laws? For 23 counts of violations, they were fined \$1,150, but this fine was suspended.

Of course, the Government subsidy that they later on received in that year, \$274,000, not only paid for the fine, but offset any losses they may have suffered from the boycott.

The same grower, the Giumarra Corp., used DDT, Parathion, and so forth. All of these are known to have bad effects on the workers, and in accumulation, on the consumer that eats the grapes.

The same grower, the Giumarra Corp., which had 32 occupational injuries reported in 1 year, the majority of which were caused by pesticides in its fields.

Jack Pandol, another grower whom the Department of Defense purchases from, reported seven occupational injuries from pesticides. Another had even more. He had 48 injuries in 1967.

Let me add one other thing as long as we are talking about health. The health care of farmworkers is almost nonexistent, and the rate of tuberculosis is 200 percent above the national average. When you consider that many of the people now picking the grapes are being brought in from Mexico, that they are people without any type of legal residence papers, and therefore, have not been processed through the health regulations that usually apply to immigrants coming into this country, you can imagine what the contamination possibilities are, when the people are coming from a country with lower health standards than the United States.

There is one other thing I want to point out. When people pick table grapes, one of the things they are ordered to do is to be careful not to take off any of the "bloom." The bloom is all the dust and filth on the grapes. If you wipe it off so the grapes are shiny then the grape will rot much faster. For the same reason, grapes are not washed by the picker or packer, and any of those pesticides or other things that may be on the grapes come straight to the consumer, and grapes are also very difficult to wash. Those grapes are picked and packed right in the field; they don't go through any other kind of processing. They are taken off the vines, put in a box, lidded, taken into the cold storage, and shipped to the customers, and that is the way they come directly to the customers.

The Department of Defense increasing purchases of table grapes is nothing short of a national outrage. It is an outrage to the millions of American taxpayers who are supporting the farmworkers' struggle for justice by boycotting table grapes. How can any American believe that the U.S. Government is sincere in its efforts to eradicate poverty when the military uses its immense purchasing power to subvert the farmworkers' nonviolent struggle for a decent, living wage and a better future?

Many farmworkers are members of minority groups. They are Filipino and Mexican and black Americans. These same minority people are on the frontlines of battle in Vietnam. It is a cruel and ironic slap in the face to these men who have left the fields to fulfill their military obligation to find increasing amounts of boycotted grapes in their messkits.

I would like to relate the story of a farmworking family. I want to tell you the story of the Saladado family. They have been members of the farmworkers' association since 1963. They were among the grape pickers that went on strike in 1965. They spent 5 months on the picket lines, which was especially hard in those days when we never had enough to eat, and they lost many of their personal belongings.

They went on a 300-mile pilgrimage to Sacramento. Then the brother went into the U.S. Army. His two sisters, who had never

visited an eastern city in their lives, have been on the east coast working on the boycott. Maria went to Chicago for a year and a half. Antonia worked in New York for a year and a half and is now in Philadelphia. Their brother, Frank, has been in Vietnam—you can imagine how he felt, when he knew his own personal sacrifice, and his mother's and father's, and the sacrifice of his two sisters, how he felt that he was continually served grapes in Vietnam, the disappointment of it.

This family has personally asked me to relate their experience to the committee today.

The Department of Defense makes a big deal about demand, claiming that they are buying grapes because there is troop acceptance and troop demand. We doubt this very much, and we doubt it because of the reports we are getting from the men in Vietnam.

The number of people with Spanish surnames in the service is close to 19 percent. We have close to 25 percent who are black. Neither of these groups want grapes to be used in Vietnam, and they have made this very vocal.

So, how can the Department of Defense explain or justify the intervention into the grape boycott, while we are supposedly fighting for freedom in Vietnam, and yet we are trying to destroy the farmworkers' struggle for economic freedom in our own country.

While it seems like the Department of Defense is doing everything to break our boycott, the Congress voted a \$3.9 billion subsidy for the growers of this country so that they can further fight the unions and use Government funds to help the farmer avoid improving conditions.

Our only weapon is the boycott. Just when our boycott is successful the U.S. military doubles its purchases of table grapes, creating a major obstacle to farmworker organizing and union recognition. The Department of Defense is obviously acting as a buyer of last resort for scab grapes and is, in effect, providing another form of Federal subsidy for antiunion growers who would destroy the efforts of the poor to build a union. UFWOC calls on all concerned Americans and on the members of the Senate Subcommittee on Migratory Labor to protest this antiunion policy of the military and the Nixon administration.

The amount of grapes that the Department of Defense has purchased equals about 2.4 percent of the total grape market. This would be about the same amount of grapes that a city like Detroit would use. The city of Detroit has about 2½ million people, and yet it seems that for our troops, the Department of Defense is buying enough grapes that would furnish grapes for a city like Detroit.

To use another example, the amount of grapes purchased by the entire populations of Fort Worth, Providence, Milwaukee, Louisville, Ottawa, and Salt Lake City combined equals the amount of grapes being purchased for Vietnam.

I don't believe the people in Vietnam are eating that many grapes. So where are the grapes going?

I don't know if the Senators realize the amount of work that it takes to have a boycott. And just this amount of grapes being purchased, this 2.5 percent, can make a tremendous amount of difference on whether the grape boycott is successful or not. If one of the grape markets is closed and another is opened, it would yield the employer from 50 to 75 cents a box. With a yield of 500 boxes an acre, approxi-

mately, this would be an additional yield of \$200 an acre. If the grower has 1,000 acres, that would mean \$200,000 additional income.

The 2 percent could be the make-or-break point in terms of the boycott.

I would like to indicate to you how difficult it is to organize the grape boycott. It is not a very easy thing, you know. I will take the city of Detroit for example. Let me give you an idea of the amount of work it has taken there.

In 1967 two farmworkers went to Detroit. After they had spent many, many months informing organizations, (church groups, student groups), and spent a lot of money on leaflets to inform the public—this is when we were boycotting a single producer of table grapes—then the grower started switching labels, and all the work they had done had to be redone. We had been successful in boycotting his grapes, so he began using the labels of all the other companies.

They were joined by a former nun, who worked during the year 1968 organizing the picket lines and informing the consumers of the injustices against the farmworkers, and finally, in the winter of 1968, we started having success in the new boycott against all the table grapes.

This year we have another farmworker family there, a man, his wife, and 11 children. Just recently, State Senator Roger Craig and the Reverend Baldwin conducted a 20-day fast to try to win sympathy for the grape boycott.

You can see the tremendous amount of work and suffering it takes to try to establish the boycott. I think some of you understand this. It takes on some of the ramifications of a political campaign, because you have to inform the consumers and tell them the facts, but its like working in a political campaign where nobody knows when the election will be.

Now, the reason why we have to use the boycott is that our other weapons have been rendered ineffective.

In the Coachella Valley, before we ever had any kind of a strike, we had voluntary elections among the workers, and these were ignored by the employers. We then proceeded to the strike. The workers in large numbers went out on strike. Immediately after, thousands of illegal workers were brought in to take their place. Right now, while I am sitting here talking to you, thousands of the people work in California, and they are being brought in to break the strike.

The Immigration Service turned its head. In one area, the workers are taken from the detention area right to the fields.

Workers' transportation is paid for when the workers come from Mexico.

This would more than pay for any increase in wages if they recognize the union.

I should also mention that one of the reasons why it is so easy for them to bring people from Mexico is because people are very, very poor. They recruit the workers, they bring them in, and then they withhold 3 or 4 days' wages. If a worker works a week, they only pay him for 3 or 4 days. If a worker wants to leave, he can't, because he has no money to leave with once he has been brought in the country.

We have an additional problem, because even after we report to the Immigration Service, and do all the investigation for them, they

still refuse to move. There is one Delano grower who has a foreman who has a false compartment in his truck in which he smuggles in aliens, and though all the facts have been given to the Immigration Service, they have refused to jail this person for a Federal offense.

In addition to the thousands of illegals and green carders being brought in to break the strike in Delano, there are many wetbacks that are being brought to other parts of the State to work, and other parts of the country.

Just recently a crew of farmworkers went to Oregon and found when they got there that their jobs were no longer there. The employer had hired illegal workers, and was paying them \$1.25 an hour. So, they had to come back to Delano.

The police harassment against the strikers is unbelievable. We have to say that the police departments and sheriffs departments are in most cases direct agents of the employers. We have had several hundred arrests. We had one conviction, which was for resisting arrest. All the hundreds of arrests have cost the union a tremendous amount of money in bail and attorneys' fees.

Forty-four people were charged with unlawful assembly. Many people were arrested because they accidentally went on a private road. They were arrested for trying to talk to workers in camp. I was one of them.

Cesar, a priest, a minister, and nine farmworkers were arrested for going into a camp in Borrego Springs, just to get the workers' clothes after the workers were fired for union activity. They were arrested, stripped naked, and chained by the officers.

Just Saturday, when 60 melonpickers went out on strike in Lost Hills, there was a picket line, and the sheriff's deputies, David Kaylor and R. M. Osborn, refused to protect our picket line, dragged a striker on the ground and arrested him. We had this picket line; across the street from our picket line was a counterpicket line, which was being conducted by the reactionary groups in Delano. They were shouting things like "Go home, Spic," and saying a lot of four-letter words to the women on the picket line. In fact, the officers went over and shook hands with them, and were conversing with them. The counterpickets opened up a tank of ammonia, and the strikers were getting gagged from ammonia.

When our attorney went up and asked them to close the ammonia, they refused to do so. Our attorney finally had to go over to the tank himself and turn it off.

Later on in the day, one of our strikers tried to get out of the way of a truck, he fell down, and the sheriff went over and arrested him.

David Averbuck, who was on our line, is crippled. He walks on crutches all the time. He had polio. David was talking to some people, and a truck came up and backed right into David and knocked him unconscious, and the supervisor kept flagging the truck on to keep on going. Finally, someone reached into the cab of the truck and yanked the driver out. Otherwise, it would have crushed David.

These things happened Saturday. They happen all the time on our picket lines. The police really work against the strikers. When a melon truck came to the picket line, the driver said that he didn't want to go through the picket line, and the police ordered him through the picket line anyway. This is a common practice with the police.

Regardless of what may happen to the strikers, they never arrest those who harass strikers and pickets. You have to go to the district attorney's office to try to get a complaint, and the chances of getting complaints are very few and far between.

Then we go to the courts, and we try to get some relief from the courts, but there, again, we find that we have none. The courts, on the other hand, issue injunctions against the strikers. We now have an injunction in the Coachella Valley which prohibits us from speaking to the workers. You cannot get into the camps or fields, you cannot follow them and try to talk to them in their cars.

So, it really seems that all our constitutional rights have been removed from us by the court injunction.

In terms of trying to get the courts to do anything about the illegal recruitment of workers, again, we have no recourse. In fact, in the Los Angeles Federal court, Judge Pearson Hall issued an injunction on June 20, 1968, which prohibited enforcement of the Federal law on the green carders, which meant that even though all the growers were bringing in green carders to break the strike, this order issued by the judge in Los Angeles prohibited the Immigration Service from enforcing the law. After the harvest was over, then, you know, the judge changed his mind and said they could enforce the law, but by that time, it was too late.

Just recently, in Coachella Valley, when a group of farmworkers in one camp went on a strike, there, the judge in that court issued an order for the immediate eviction of the workers. This was their home and where they were living but for staying there several of the workers were arrested just because they went on strike.

So, regardless of where we go, what courts we go to, it is very difficult to try to get any kind of relief. Just recently the growers tried to get a \$75 million injunction against the union to break the boycott filed in Federal court in Fresno. The growers know they cannot win the suit, because they are trying to allege that we do not represent the farmworkers. Well, it has been proved that we do, but they are trying to use this suit to tape depositions of the chainstores and thereby scare the chainstores into buying grapes.

When the Giumarra Corp. used the labels of other growers on their own boxes we went to the Federal Government to try to get relief. They gave them a slap on the hand and said, "You shouldn't do this," and the same year we found many instances of mislabeled grapes.

I don't see that we are going to get any kind of a relief from the courts at all. Even under the national labor relations law, even though we are not covered by the law, the growers are constantly filing unfair labor practices against us, and although they know they can't win them, this takes up the time of our attorneys.

When we try to go to the Government for any kind of help, even for the enforcement of the sanitation laws, the Government turns its head. When we went to a local agent of the Agriculture Department to get information on DDT, our attorney went to the office at 11 o'clock, and by 1 o'clock the growers had an injunction prohibiting us from seeing the records on DDT.

This is all the way from the Governor down to the local agencies.

The Table Grape Commission of the State of California, which is a quasi-official organization, which receives State money, is fighting the grape workers openly.

The State department of employment has refused to certify our strikes this year so that even though we call on them to try to come and interview the workers, they refuse to do so, and even in some instances where our strike had been certified, they still referred workers to places where people were on strike.

In addition to all of this lack of protection from the police, in addition to the lack of protection from the courts, we also have all of the attempts to break the union. They have formed at least six different—I might say so-called company unions—in an attempt to break our union: Kern-Tulare County Independent Farmworkers Citizens for Facts, from Delano, then Men Against Chavez, Women Against Chavez, and other groups, and most recently, the Agricultural Workers Freedom To Work Association.

If we look at the customers that the Department of Defense has been buying grapes from, we will find that these growers are the ones who have been involved in antiunion activities. These are the same growers who have contributed money to try to break the union.

The growers are willing to spend tremendous amounts of money to try to represent the fact that farmworkers don't want a union, by hiring people like Jose Mendoza, who took a picture with Senator Dirksen to try to prove that the farmworkers don't want a union. They could very easily have paid the workers decent wages with the money they are spending.

They have hired public relations firms to try to prove that we are a violent union, which I think everyone knows we are not.

They are spending an awful lot of money on this campaign. I have heard reports of as high as \$5 million a year, they are going throughout the country, buying television and radio time, printing up brochures by the hundreds of thousands, and I want to express something here.

I think we are very, very concerned. We have seen reports of recent incidents of violence that we know are being perpetrated by someone other than ourselves, and these instances of violence make us believe that there is going to be a concerted effort by individuals to create violence either in some of the boycott cities or in some of the areas of California where the strike is now in progress.

Let me give you a specific instance. In Coachella one of the growers that negotiated with the union had 35,000 boxes burned 2 days after he made the announcement.

Another grower who was negotiating with the union was attacked and almost had his eyes torn out. He was assaulted from behind. He had scratch marks all over his eyes. He was able to beat off the assailant. He knows it was no one from the union who did this.

Several of the growers who are now in negotiations have been threatened with death threats.

So, you can see that the situation is very, very serious. Now, if we look at some of the noises that some of the people that are fighting the union are making, they are talking about violence.

We look at Mr. Barr, who is one of the members of the California Grape & Tree Fruit League, and he is talking about violence.

Mr. Allen Grant, one of Reagan's top men in agriculture in California, is talking about violence. They are trying to create a climate of fear and violence.

We are going to do everything we can to create just the opposite kind of a climate, but I want you to be aware of this, because I think that all of these aspects should be investigated.

We think that this is a deliberate effort to bring violence into the farm labor scene which we know has not been there.

There have been incidents of violence against the union, many of them, and it has taken all that Cesar can do and the rest of the people can do to keep workers nonviolent.

You know, we have had acts of violence at some stores. One of the people on the picket line was shot at with a gun. Another worker, another striker, was beaten. Mark Silverman, a worker on a boycott in New York City, was beaten in front of D'Agostina's chainstore.

We can prove these things have happened, but our people have never reacted with violence.

On the other hand, at the Giumarra Corp., we even have one suit where violence is being perpetrated against our people, and we have filed suits and have won these.

Some of these people that the employers have used to create violence are still on their payroll. One of the men, Stanley Jacobs, who kidnaped one man and beat him up, and fired a rifle at some of the people in Delano, is still on the payroll.

We are fearful of the paid professional strikebreakers. We are fearful of the type of climate that they are trying to create, and we hope that the committee here will do everything within its power that it can to prevent some of this.

If, somehow, we can give the workers some protection in organizing, some protection on the boycott, we can do it ourselves. We will be able to take care of the problems.

One of the things I would like to mention again, because Senator Murphy is here, and he wasn't here the last time we testified, is that the growers don't have any heart at all. They have all the economic power, the power in hiring and firing. There have been entire crews of workers fired because one person in the crew said something favorable about the union. There are entire crews of workers who were fired because they had Kennedy stickers on the bumpers of their cars.

One woman was fired, along with her whole family, because she objected to being hit on the head by Mr. Giumarra.

I don't believe anyone sitting on the committee would support that kind of activities by the growers, or support many kinds of things they are doing.

The people in the union have to take a tremendous amount of harassment, such as the materials of State Senator Hugh Burns' Committee on Un-American Activities in California. The man who made up that committee report was sitting in his home in Three Rivers. He never once went to Delano. Yet, he wrote a report which has been used all over the country in which he tried to redbait the members of the union.

Among other mistruths, he says 3 years of Cesar Chavez' life are missing, and suggests he was getting some kind of subversive training. Those are the 3 years he spent in the U.S. Navy. That should be put in the record.

Gunmen have gone to our offices, taken canceled checks, membership files, and some of these membership files have been used in blacklisting for jobs.

Our insurance has been canceled for our cars and we would like to have the committee investigate this. We would like to have the committee investigate the Aetna Insurance Co. and ask them why it is they canceled our insurance. Our record has been good.

At one point, the Texaco Co. refused to sell gas to our gas station. There are many types of harassment which can be used against an organization. Our telephone lines are tapped. Many times, when we are in an extremely important conversation, you don't complete the call, because something interferes with the wires. This happens all the time.

We are not afraid, and we will continue, but we do need some help, and we hope that the committee here will be able to furnish some of it.

Mr. Chairman, I would like to insert my printed statement in the record at this point.

(The prepared statement of Mrs. Huerta follows:)

PREPARED STATEMENT OF MRS. DOLORES HUERTA, VICE-PRESIDENT, UNITED FARM WORKERS ORGANIZING COMMITTEE, AFL-CIO

My name is Dolores Huerta. I am the Vice-President of the United Farm Workers Organizing Committee (UFWOC), AFL-CIO. It is a pleasure to come before your committee to discuss a very serious matter for our union and for all farm workers—obstacles to farm worker organizing.

As you know, UFWOC has undertaken an international boycott of all California-Arizona table grapes in order to gain union recognition for striking farm workers. We did not take up the burden of the boycott willingly. It is expensive. It is a hardship on the farm worker families who have left the small valley towns to travel across the country to boycott grapes. But, because of the table grape growers' refusal to bargain with their workers, the boycott is our major weapon and our last line of defense against the growers who use foreign labor to break our strikes. It is only through the pressure of the boycott that UFWOC has won contracts with major California wine grape growers. At this point, the major obstacles to our efforts to organize farm workers are obstacles to our boycott.

Our boycott has been met with well-organized and well-financed opposition by the growers and their sympathizers. Most recently, several major California grape growers joined with other agribusiness interests and members of the John Birch Society to form an employer-dominated "union", the Agricultural Workers Freedom to Work Association (AWFWA), for the sole purpose of destroying UFWOC. AWFWA's activities have been described in a sworn statement to the U.S. Government, which Senator Mondale has placed in the Congressional Record.

In spite of this type of anti-union activity, our boycott of California-Arizona table grapes is successful. It is being successful for the simple reason that millions of Americans are supporting the grape workers strike by not buying table grapes.

After six weeks of the 1969-1970 table grape harvest, California table grape shipments to 36 major United States cities are down 20 percent from last year, according to United States Department of Agriculture reports. The price per lug for Thompson Seedless grapes is at least \$1.00 less than it was at this time of last year's harvest.

It is because of the successful boycott that, on Friday, June 13, 1969, ten major California growers offered to meet with UFWOC under the auspices of the Federal Mediation Service. UFWOC representatives and ranch committee members met with the growers for two weeks. Progress is being made in these negotiations, which are presently recessed over the issue of pesticides.

U.S. DEPARTMENT OF DEFENSE TABLE GRAPE PURCHASES

Now that the boycott has brought us so close to a negotiated settlement of this three-year old dispute, we learn that the United States Department of Defense (DOD) has doubled its purchases of table grapes. We appear to be witnessing an all out effort by the military to bail out the growers and break our boycott. Let me review the facts behind this imposing federal obstacle to farm worker organizing.

**The DOD is doubling its purchases of table grapes this year.*—DOD bought 6.9 million pounds of table grapes in FY 1968, and 8 million pounds in the first half of FY 1969, with an estimated "climb to over 16 million this year" (according to an article in THE FRESNO BEE, 4/25/69 by Frank Mankiewicz and Tom Braden).

**DOD table grape shipments to South Vietnam this year have increased this year by 400 percent.*—In FY 1968, 550,000 pounds were shipped to S. Vietnam. In the first half of FY 1969 alone, these shipments totaled 2,047,695 pounds. This data on completed FY year purchases of table grapes come directly from a DOD Fact Sheet entitled "Use of Table Grapes", dated March 28, 1969.

**Commercial shipments of fresh table grapes to South Vietnam in 1968 have risen nine times since 1966, according to U.S. Department of Commerce statistics.*—In 1966, S. Vietnam imported 331,662 pounds of U.S. grapes and was the world's 23rd largest importer of U.S. fresh table grapes. In 1967, when the UFWOC boycott of Giunarra table grapes began, S. Vietnam's imports of U.S. table grapes jumped to 1,194,988 pounds, making it the world's 9th largest importer. Last year, 1968, S. Vietnam became the world's 5th largest importer of this luxury commodity, by buying 2,855,016 pounds of U.S. table grapes. "This could not have occurred," states the *AFL-CIO News* of June 14, 1969, "without both DOD and Agriculture Dept. encouragement."

These are the facts as to how the Grapes of Wrath are being converted into the Grapes of War by the world's richest government in order to stop farm workers from waging a successful boycott and organizing campaign against grape growers.

The DOD argues in its Fact Sheet that "The total Defense Supply Agency purchases of table grapes represent less than one percent of U.S. table grape production." Data from the California Crop and Livestock Reporting Service indicate, however, that table grapes may be utilized in three different ways: fresh for table use; crushed for wine; or dried as raisins (see Table I. attached to this statement). Looking at Table II, it is clear that DOD purchases of table grapes for *fresh use* represents nearly 2.5% of all U.S. fresh table grape production!

Table grape prices, like those of other fruits and vegetables, are extremely susceptible to minor fluctuations in supply. DOD purchases of table grapes are probably shoring up the price of all grapes and, at a critical point in the UFWOC boycott, are permitting many growers to stand firm in their refusal to negotiate with their workers.

It is obvious that the DOD is taking sides with the growers in this dispute. The DOD Fact Sheet states that "The basic policy of the DOD with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to DoD procurement needs to maintain a sound working relationship with both labor and management." Nevertheless, many unions in the United States are decrying this fantastic increase in DOD table grape purchases. *AFL-CIO News* of June 14, 1969, notes that "union observers point out, however, that DoD does become involved in a labor dispute when it so greatly increases its purchase of boycotted grapes." It seems that the DOD is violating its own policy and endangering its working relationship with labor, and we hope that the committee will explore this fully.

DOD TABLE GRAPE PURCHASES: A NATIONAL OUTRAGE

The history of our struggle against agribusiness is punctuated by the continued violations of health and safety codes by growers, including many table grape growers. Much of this documentation has already been submitted to the Senate Subcommittee on Migratory Labor. Such violations are so well documented that Superior Judge Irving Perluss recently ruled that a jobless worker was within his rights when he refused to accept farm labor work offered him through the California Department of Employment on grounds that most of such jobs are in violation of state health and sanitation codes (see attached LOS ANGELES TIMES article, July 4, 1969).

If the federal government and the DOD is not concerned about the welfare of farm workers, they must be concerned with protecting our servicemen from contamination and disease carried by grapes picked in fields without toilets or washstands. Recent laboratory tests have found DDT residues on California grapes. Economic poisons have killed and injured farm workers. Will they also

prove dangerous to U.S. military personnel? Focusing on other forms of crime in the fields, we would finally ask if the DOD buys table grapes from the numerous growers who daily violate state and federal minimum wage and child labor laws, who employ illegal foreign labor, and who do not deduct social security payments from farm worker wages?

The DOD increasing purchase of table grapes is nothing short of a national outrage. It is an outrage to the million of American taxpayers who are supporting the farm workers struggle for justice by boycotting table grapes. How can any American believe that the U.S. Government is sincere in its efforts to eradicate poverty when the military uses its immense purchasing power to subvert the farm workers non-violent struggle for a descent, living wage and a better future?

Many farm workers are members of minority groups. They are Filipino- and Mexican-American, and black Americans. These same farm workers are on the front lines of battle in Vietnam. It is a cruel and ironic slap in the face to these men who have left the fields to fulfill their military obligation to find increasing amounts of non-union grapes in their mess kits.

In conclusion let me say that our only weapon is the boycott. Just when our boycott is successful the U.S. military doubles its purchases of table grapes, creating a major obstacle to farm worker organization and union recognition. The DOD is obviously acting as a buyer of last resort for scab grapes and is, in effect, providing another form of federal subsidy for anti-union growers who would destroy the efforts of the poor to build a union. UFWOC calls on all concerned Americans and on the members of the Senate Subcommittee on Migratory Labor to protest this anti-union policy of the military and the Nixon administration.

Attachments:

FACT SHEET—DEPARTMENT OF DEFENSE USE OF TABLE GRAPES—MARCH 1969

1. The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to DoD procurement needs to maintain a sound working relationship with both labor and management. The resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government. From the diverse opinions that have appeared in various news media, it is quite apparent that the dispute over California table grapes falls in this category.

2. In addition to the above policy, the General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a contracting officer may consider the labor practices of a contractor (43 Comp Gen 323 (1963)). Also, the Comptroller General has ruled that there is no authority to reject bids on the basis that an employer does not employ union labor (31 Comp Gen 561).

3. The Defense Supply Agency, which is responsible for the purchase of food for military dining halls and commissaries, reports that procurements of table grapes for the past three and one-half years have been as follows:

Fiscal year	Million pounds	Million dollars
1966.....	7.5	1.04
1967.....	8.3	1.25
1968.....	6.9	1.32
1969, 1st half.....	8.0	1.26

The total Defense Supply Agency purchases of table grapes represent less than one percent of U.S. table grape production.

4. There is no record of any grape shipments to Vietnam prior to fiscal year 1967. Shipments during the past two and one-half years have been as follows:

Fiscal year:	Pounds
1967.....	468,000
1968.....	555,000
1969 (1st half).....	2,047,695

The increase in the Vietnam requirement for grapes during the first half of FY 1969 was influenced by the following factors: (1) the high troop acceptability of this seasonal item; (2) the reduced availability of export quality fresh oranges, with a substitution of table grapes; and (3) the improved capability of shipping perishable items, including grapes, to Vietnam by refrigerated vans. In this connection, it is significant that the quantities of all fresh produce shipped to Vietnam have greatly increased during the past three years. Export quality oranges again became available in late Calendar Year 1968 (second quarter, FY 1969), and action was taken to resume procurement of oranges for shipment to Vietnam.

5. The Department of Defense does not purchase grapes merely because they have been made more available and less expensive due to the effects of the boycott. Grape purchases are made by the Defense Supply Agency in response to requisitions from the Military Services. These requisitions are based on planned menus which reflect numerous factors, among them being troop acceptability; nutritional requirements; variety; and item availability, perishability, and cost. In the interests of objective and systematic management, menu planners (often working a year to eighteen months in advance) should not be required to consider whether a labor dispute exists when making these decisions.

TABLE I.—CALIFORNIA TABLE GRAPES: UTILIZATION, PRODUCTION, AND AVERAGE RETURN TO GROWERS, 1965-68

Utilization	Production (in tons)				Average returns ¹ (dollars per ton)			
	1965	1966	1967	1968	1965	1966	1967	1968
Fresh (table).....	265,900	261,000	163,900	218,500	44.00	79.00	107.00	80.70
Crushed (juice).....	381,800	297,000	270,000	250,000	24.50	26.80	34.50	34.00
Dried (raisin).....	2,000	1,700	800	1,100	41.90	56.90	62.50	58.80
Total sold.....	649,700	559,700	434,700	469,600	32.40	51.20	61.90	55.80

¹ Average returns on basis of bulk fruit at growers' 1st delivery point.

Source: California Crop and Livestock Reporting Service, Sacramento, Calif.

TABLE II.—TOTAL U.S. DEPARTMENT OF DEFENSE TABLE GRAPE PURCHASES AS A PERCENT OF TOTAL U.S. FRESH TABLE GRAPE PRODUCTION, BY FISCAL YEAR AND HARVEST YEAR, 1965-68

Harvest year	Fiscal year	California fresh table grape production (millions of pounds)	Estimated U.S. fresh table grape production ¹ (millions of pounds)	DOD table grape purchases (millions of pounds)	Percent DOD table grape purchases of total U.S. fresh table grape production
1965.....	1966	531.8	557.6	7.5	1.3
1966.....	1967	522.0	548.1	8.3	1.5
1967.....	1968	326.0	342.3	6.9	2.0
1968.....	1969	437.0	458.8	11.0	2.4

¹ California production plus 5 percent.

Source: Compiled from California Crop and Livestock Reporting Service, Sacramento, Calif., and Factsheet: Department of Defense Use of Table Grapes, June 10, 1969.

[From the Los Angeles Times, Los Angeles, Calif., July 4, 1969]

UNSANITARY CONDITIONS CITED—COURT UPHOLDS JOBLESS MAN'S RIGHT TO REFUSE FARM WORK

(By Harry Bernstein, Times Labor Writer)

Superior Judge Irving Perluss ruled Thursday that a jobless worker was within his rights when he refused to accept farm labor work on grounds that most of such jobs are in violation of state health and sanitation laws.

The court ruled that Mauricio Munoz, 31, of Salinas, is entitled to unemployment benefits even though he refused to accept a farm job offered him through the California Department of Employment.

The precedent-setting case held that the state agency has the primary responsibility for making sure that farm jobs are in compliance with health and sanitation laws before requiring jobless workers to apply for such jobs.

The unusual legal action was brought by California Rural Legal Assistance, a federally financed legal aid agency.

Robert Gnaizda, CRLA counsel, said "if the court decision is not appealed or is upheld as expected, it will mean the Department of Employment will have to simply certify that farm jobs do have one toilet for every 40 workers for instance, sanitary drinking facilities, and in other ways comply with the law."

A spokesman for the Department of Employment said no decision has been made on whether to appeal Judge Perluss' ruling but that it could impose a serious problem of enforcement if the ruling is allowed to stand.

Munoz, an insurance salesman, was referred for work at Salinas Strawberry Co., Inc., when he lost his insurance job.

When he turned down the referral, the state rejected his request for unemployment benefits because workers have to accept "suitable employment" to qualify for jobless pay.

Munoz, a former paratrooper and Korean war veteran, went to CRLA for help and the test case was filed.

SURVEY OF FARMS

CRLA gathered statistics alleging that more than 90% of California farm jobs violated state health and sanitation laws.

The legal aid group made a survey of 107 farms in the Salinas area and found 1,869 violations ranging from lack of toilets to one drinking cup for entire crews of workers.

Judge Perluss said that in industrial and business jobs, "actual participation through trial and experience" by a worker is used to determine whether the jobs are in compliance with state health and sanitation laws.

But this presumption cannot apply in agriculture, he said, because of the alleged widespread violations of the law and the long distances a worker must go from the job placement office to a farm to check on job suitability.

Therefore, he said, because the state agency has more easily obtainable information about such work, the agency rather than the individual should make sure that the jobs comply with state laws before the individuals are set out for such work from state employment offices.

Munoz, who is married and has three children, is now employed by the Salinas School District as a counselor.

[From the Union Advocate, St. Paul, Minn., June 12, 1969]

ARMY'S GRAPE BUYS CALLED TAX SUBSIDY TO STRUCK GROWERS

Washington—The grim battle of the California table grape workers for a union and decent living standards is being undercut by the Department of Defense (DOD) on a wholesale basis.

As the nationwide boycott of table grapes grows in effectiveness, DOD has stepped up its purchases of the fruit, Press Associates has learned.

The revelation brought sharp criticism from Cesar Chavez, director of the AFL-CIO Farm Workers.

"This is a blatant case of government sources subsidizing scab grapes," he said, "It calls for legal action and we intend to take it."

The spiraling of grape purchases was admitted by DOD in a fact sheet, entitled "Use of Table Grapes", issued March 28, 1969. It had an extremely limited distribution.

The fact sheet shows that DOD is purchasing California table grapes at a level almost triple the previous year. Statistically, DOD bought 6.9 million pounds of grapes in fiscal year 1968 and more than 8 million pounds the first half of fiscal year 1969.

Equally interesting, the growers have been selling their grapes to DOD in the last year at less than half the price of the previous year. In fiscal 1969, DOD paid \$1,320,000 for 6.9 million pounds while in the first half of fiscal 1969 it paid only \$1,260,000 for the 8 million pounds.

The largest part of the DOD grape purchase went to Vietnam. The figure rose from 468,000 pounds in fiscal 1966-1967 to 555,000 pounds in fiscal 1967-1968 to 4.1 million pounds estimated by DOD for this fiscal year ending July 1.

In a parallel development, the fruit and vegetable division of the Foreign

Agricultural Service has confirmed the fact that civilian table grape shipments from the U.S. to South Vietnam have risen almost seven times since 1966.

This could not have occurred without both DOD and Agriculture Department encouragement.

Officials of the Foreign Agricultural Service told Press Associates that shipments of table grapes from the U.S. to South Vietnam was 122 short tons in 1965-66; 299 short tons 1966-67; 667 short tons 1967-68 and 1,641 short tons the first ten months of fiscal 1969.

In an extremely defensive statement, DOD says of its own purchase policy: "The Department of Defense does not purchase grapes merely because they have been made more available and less expensive due to the effect of the boycott."

"Grape purchases are made by the defense supply agency in response to requests from military services. These requisitions are based on planned menus which reflect numerous factors, among them troop receptability, nutritional requirements, variety and items of availability, perishability and cost."

Columnist Frank Mankiewicz had this interpretation:

"Congressional critics of the Pentagon should be pleased to know that at United States bases around the world our weapons systems may not be delivered on time, the new helicopters may never be operational and complaints persist about the M16 rifle, but the vaunted United States delivery capability works in one respect—there is no shortage (indeed near glut) of table grapes."

[From the Fresno Bee, Fresno, Calif., Apr. 25, 1969]

Washington Reviewed—Eight Pounds of Grapes Per Man

By Frank Mankiewicz and Tom Braden

Coachella, Calif.—Here on the California desert, 75 feet below sea level, where every wind brings a sandstorm, Cesar Chavez and his farm workers' union are preparing a strike call against the major grape growers. It will be supported—according to their plan—by a nationwide boycott. And 3,000 miles away in Washington, buyers for the Department of Defense—perhaps unwittingly—are busy breaking both strike and boycott.

The Chavez struggle to organize the farm workers is difficult to understand without one crucial piece of information. It is that almost all of the social legislation passed for the benefit of the working man in the past 30 years has—intentionally, in order to get the votes of rural representatives—left the farm workers without protection.

The National Labor Relations Act, for instance, as amended by Taft-Hartley 20 years ago, gives virtually every other kind of workers the right to form a union, if a majority of those workers vote to form one. But that protection is not available to farm workers.

Hostile growers refuse to call an election or permit the NLRB to intervene—all the while loudly claiming Chavez' union represents only a small percentage of the grape workers. The strike is for recognition and a contract something other workers have had for years.

Spread—Against that background, the strike began two years ago in California's central valleys and spread here last year. And to support the strike Chavez' union is persisting with a nationwide boycott by the strike's supporters.

Some of the larger table grape growers here say—privately—that the boycott is beginning to hurt in two ways. First, it has cut domestic grape sales by as much as 20 per cent. Second, wholesale buyers in many cities have taken advantage of the boycott to force lower prices for those grapes they do buy.

Thus it comes as a grim surprise to Cesar Chavez that now—when sympathetic housewives across the nation seem about to make the growers wince for the first time—the Department of Defense is shipping eight times as many California table grapes to the troops in Vietnam as in any previous year.

The figures are astonishing. In fiscal year 1967-68, for example, 555,000 pounds of grapes went to Vietnam. In the previous fiscal year, 468,000 pounds were shipped. But in the first six months of this fiscal year, over 2 million pounds went to Vietnam; the Department of Defense estimates the total will be over 4 million pounds by July 1. That is eight pounds of table grapes for every American in South Vietnam. It is enough to suggest Gen. Creighton Abrams has abandoned search-and-destroy missions in favor of Bacchanalia.

Increase—Total defense purchases of California table grapes are also vastly increased. From under 7 million pounds worldwide last year, they will climb to

over 16 million this year. Congressional critics of the Pentagon should be pleased to know that at United States bases around the world our weapons systems may not be delivered on time, the new helicopters may never be operational and complaints persist about the M16 rifle, but the vaunted United States delivery capability works in one respect—there is no shortage (indeed near glut) of table grapes.

On the civilian side of the government the increase is equally sharp. Private shipments to Vietnamese importers, which have the approval if not the stimulus of the Department of Agriculture, were up 133 per cent in 1968 over 1967, according to the fruit and vegetable division of the Foreign Agricultural Service, never a hotbed of social action.

What seems clear is that the California grape growers have a great deal more influence in the Pentagon than they have in the supermarket. And those American who support the boycott with their food budget are breaking it with their taxes.

[From United Farm Workers Organizing Committee, AFL-CIO, Delano, Calif.]

THE GRAPES OF WAR

1. U.S. GRAPES SHIPMENTS TO SOUTH VIETNAM

In 1965 and 1966, when the Delano grape strike began, South Vietnam was the 25th largest importer of U.S. fresh grapes, importing under 350,000 pounds or \$40,000 worth of grapes (U.S. Dept. of Commerce figures). California produces over 90 per cent of U.S. fresh table grapes. During this period, UFWOC was striking several major California wine grape growers.

In 1967, the year UFWOC initiated the boycott of Giumarra grapes (the Giumarra Corp. is the world's largest grape grower). In 1968, with the UFWOC boycott expanded to all California grapes, private shipments to South Vietnam were nearly tripled to \$476,607 (2,855,016). This impoverished nation has become the world's third largest importer of California grapes.

It should be noted that these export figures are for private, commercial sales and do not include grape shipments to U.S. Armed Forces, to U.S. Government employees overseas, or to the Canal Zone. However, in addition to private exports shipments, these U.S. Department of Commerce (Report FT 410) figures do not include shipments under foreign aid under Foreign Assistance Act, for Dept. of Defense Military Assistance Program grants and for agricultural commodities under Public Law 480. Since specific breakdowns of U.S. grape exports under these government programs are not shown in this report, the following questions arise: (1) are non-union California grapes being exported to South Vietnam under U.S. government programs? (2) Are California grapes transported to South Vietnam in U.S. Government ships and planes? (3) Are these grapes imported by South Vietnamese middlemen for resale to U.S. Government commissaries and PXs? In short, is the U.S. Government using public programs to break UFWOC strike and boycott by providing new markets for struck grape growers?

GRAPE PURCHASES

Use	Period	Pounds	Dollars
Fiscal year:			
1. Total, Department of Defense Purchase ¹ ..	1966-67-68 (3-year average).....	7,500,000	1,200,000
	1969, 2 quarters.....	8,000,000	1,260,000
	1969, estimate.....	16,000,000	2,500,000
2. Department of Defense purchase for South Vietnam.	1967.....	468,000	70,200
	1968.....	555,000	94,350
	1969, 2 quarters ²	2,047,695	(³)
	1969, estimate.....	4,000,000	(³)
Calendar year:			
3. Private commercial shipments to South Vietnam ⁴	1965.....	244,952	32,438
	1966.....	331,662	67,533
	1967.....	1,194,988	214,330
	1968.....	2,855,016	476,607

¹ Source: U.S. Department of Defense fact sheet, Department of Defense use of table grapes, Feb. 12, 1968; Frank Mankiewicz and Tom Braden "8 Pounds of Grapes Per Man," Fresno Bee, Apr. 25, 1969.

² July to December only.

³ Not available.

⁴ U.S. Bureau of the Census, U.S. Exports, report ft 410, annual.

2. MILITARY GRAPE PURCHASES

The military has been buying up dumped California grapes, especially for shipment to South Vietnam. In response to repeated requests by U.S. Senators and Representatives, concerned religious groups, the press and UFWOC, the Pentagon has finally made public information on its grape purchases.

In 1969, the Defense Department is shipping eight pounds of grapes per man to American soldiers in South Vietnam.

A recent San Francisco Chronicle (10/4/68, p. 2) article notes that "local Defense Department officials acknowledged buying the grapes, and in ever increasing amounts, from some of the growers who are targets of a nationwide farm union boycott."

At 15¢ per pound, one fact is clear—the U.S. Dept. of Defense is providing a market of last resort for the grapes struck growers are dumping on the market.

The gigantic jump in DOD grape shipments to Vietnam in 1968-69—at a time when the troop level there has been stable for two years—raises other disturbing questions. Who's eating all these grapes—certainly they are not flown in refrigerated mess kits to our boys in the field? Also which growers provided the DOD with table grapes? Are the contracts allocated across the board or are they concentrated in the hands of a few grower-packer-shipper conglomerates like the Giumarra Corp., which has 12,459 acres of land and received a \$278,721 subsidy from the U.S. Government under the 1967 agricultural soil bank program?

Why is the Pentagon giving increasing aid to the growers? The DOD claims that the existence of a labor dispute has no bearing on the allocation of defense contracts and contends that:

"The resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government. From the diverse opinions that have appeared in various news media, it is quite apparent that the dispute over California table grapes falls in this category." (Fact Sheet, p. 1 emphasis added).

When the Pentagon begins formulating the law of the land on the basis of "diverse opinions" in the newspapers, then we are all in trouble. This incredulous statement reflects an ignorance of the U.S. Labor law that is only surpassed by President Nixon's claim during the campaign that the boycott is "clearly illegal" and that farmworkers have ". . . the National Labor Relations Board to impartially supervise the election of collective bargaining agents, and to safeguard the rights of the organizers." It is precisely because farmworkers have been specifically excluded from the National Labor Relations Act for over 30 years that the grape boycott is necessary. Either the DOD and President Nixon, a lawyer himself, are ignorant of the law or are lying. In Nixon's case, it seems that telling the truth is less important than getting campaign contributions from agribusiness.

At a recent speech to the National Security Industrial Association, outgoing Secretary of Defense, Clark Clifford, urged that the Pentagon has "not only a moral obligation but an opportunity to contribute far more to the social needs of our country than we have ever done before." This is rank hypocrisy. The U.S. Government declares a "War on Poverty" on one hand and systematically subverts, by buying up huge quantities of struck California grapes, the American farmworkers efforts to better himself through organization.

DELANO, CALIF., August 2, 1968.

CLARK CLIFFORD,
Secretary of Defense, Department of Defense,
Washington, D.C.

UFWOC AFL-CIO again ask for policy decision regarding military procurement of California table grapes which are subject to nationwide boycott sanctioned by AFL-CIO, Teamsters and United Auto Workers and all major religious bodies. We suggest you contact us for further clarification—if needed. We are hopeful that your department will be sensitive to the efforts of California farm workers to claim their rights.

CESAR CHAVEZ.

AUGUST 8, 1968.

MR. CESAR CHAVEZ,
Delano, Calif.

DEAR MR. CHAVEZ: This is in response to your telegram of August 1 in which you asked for the policy position of the Department of Defense on the military procurement of California table grapes in light of the boycott presently being imposed.

The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to our procurement needs to maintain a sound working relationship with both labor and management. As you know, the resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government.

In addition to the above policy, the General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a Contracting Officer may consider the labor practices of a contractor. (43 Comp Gen 323 (1963)). We are not aware that the boycott will impair the ability of the contractors to perform their contracts.

Accordingly, the Department of Defense does not have any basis upon which to restrict awards to the producers affected by the boycott. I trust you will find this information helpful in answer to your question.

Sincerely,

THOMAS D. MORRIS,
*Assistant Secretary of Defense,
 (Installations and Logistics).*

UNITED FARM WORKERS, AFL-CIO,
Delano, Calif., September 23, 1968.

THOMAS D. MORRIS,
*Assistant Secretary of Defense,
 Installations and Logistics,
 Department of Defense, Washington, D.C.*

DEAR MR. MORRIS: Thank you for your letter of August 8, 1968 wherein you state that the responsibility for making judgments about labor disputes rests with other agencies of the government. That is exactly why we have had to take our fight for justice to the conscience of America; there are no government agencies that have this responsibility because there is no legislation that protects the rights of farm workers to organize and/or bargain collectively with Agribusiness. As you know there is much legislation and many agencies, including your own, that have the responsibility of aiding Agribusiness through very liberal and far-reaching procurement policies and even direct subsidies.

But we also know that the American serviceman—most of whom are from the poor and disenfranchised here at home—will not long tolerate the use of California table grapes in their mess halls or hospitals; or even on the tables of the Officers. That is because these grapes are produced at the expense and exploitation of the poor, and under conditions not fit for the dignity of a human being. And where one nationality is pitted against the other with survival wages as the goal.

Please make no mistake about this issue; farm workers have been waiting for more than fifty years; and every Administration and every government agency knows and has known about their plight and apparently all are powerless to act—let alone to help. But our best lobbyists in 1968 are those who are willing to sacrifice to effect change, those who are willing to organize for justice.

It is inevitable, I suppose, that this issue of justice as it relates to farm workers and their rights will become hopelessly entangled with the issue of the war in Vietnam. That is not our purpose and we try to prevent it by talking with you directly and honestly about this serious matter. But at the same time we feel that short of "banning grapes by regulation" there are some very concrete steps that your department can take. Unless we hear from you in the very near future we trust that there will be no hard feelings or bitterness between our movement here in California and your department.

Sincerely,

CESAR E. CHAVEZ, *Director.*

THE GRAPE BOYCOTT

... WHY IT HAS TO BE

WRITTEN BY THE
MAN WHO BEST
KNOWS THESE NEEDS,
CESAR CHAVEZ

IN NEARLY EVERY major city of the United States today there are California-based union farm workers. They are there, they hope temporarily, to promote the boycott against California grapes and to seek broad understanding and support from the consumer community.

They are far from their homes and most of their relatives. They are away from their friends, living new lives in strange places under extremely difficult conditions. Why do they do it? Because there is no other way forward! The alternative is to stand still, and in so doing to hand down to their children the same bleak frustration of their lives, with no security, no dignity and very little hope.

The consumer boycott is the only open door in the dark corridor of nothingness down which farm workers have had to walk for so many years. It is a gate of hope through which they expect to find the sunlight of a better life for themselves and their families. To get from where they are to where they want to be, they must go together. They must organize, and for workers that means to unionize.

This is not the first effort to unionize among farm workers. It is simply the first one that has succeeded, and it is succeeding, slowly but surely. To understand the significance of the prog-

ress that has been made, one only needs to know that previous efforts of farm workers ended in bitterness and often bloodshed, crushed beneath the boots of the extremely wealthy and powerful agriculture interests in the West.

A reasonable person might ask, "Aren't there legal procedures for determining the rights and the wishes of workers with respect to having unions?"

The answer is "Yes" for millions of American workers—but *not for farm workers!* They are specifically excluded from the coverage of the Federal law that assures and protects the rights of other workers to organize and to bargain collectively. The same person might say, "But surely some reasonable procedure could be worked out to determine the wishes of the workers and give them some equal treatment where these rights are concerned?"

Such a proposition sounds reasonable. As a matter of fact, hundreds of priests, rabbis, ministers, professors, industrialists and others have thought so, and have offered their services as third party participants. The employers have turned down every such effort.

Denied the protection and procedures under the Federal law and faced with the growers' refusal even to discuss the matter of union recognition, the workers were forced to choose between striking and crawling. They say they will no longer be the last vestige of the "crawling American." They struck.

THE BUILT-IN PITFALLS of farm labor strikes became immediately apparent. Local courts, free to take jurisdiction of each and every complaint against the union, went into action. Judges and public officials who have long been a part of the power structure in agriculture-dominated communities, are "soft" on growers. Injunctions were quick and devastating.

The gates that the injunctions opened in the picket lines were soon filled with masses of strike-breakers—green-card visa holders from Mexico with easy entrance into the United States because of the laxity of the Government in enforcing its immigration policy. The green-carders flooded the strike-bound fields, often in buses provided by growers and escorted by local police, ready and willing to compete against and undercut their brothers because of economic conditions in Mexico that make U.S. farm wages, however miserable by American standards, look very, very good.

Faced with such limitations on the strike's effectiveness, the farm worker reinforced his strike activities by introducing the boycott, which he realized was his last best hope of success, not by choice but by process of eliminating the other alternatives where unfair and inequitable treatment jeopardized any chance of real success.

The current boycott was started well over a year ago against one company, Giumarra Vineyards Corporation in the Bakersfield area of California, probably the Nation's largest shipper of fresh table grapes. To frustrate the boycott the Giumarra Company started shipping its grapes in cartons bearing the labels of its competitors. Whereas Giumarra normally shipped under a half dozen labels, suddenly there were 50 or 60 labels available to them, lent by their "competitors." Under such conditions the union had no alternative but to include all of the "competitors" in the boycott . . . thus the action against all California grapes.

That is where it stands today and that is why California farm workers—

Mexican-American, Filipino-American, Negro-American and "Anglos"—can be found in Boston, New York, Washington, Chicago, Cleveland, Seattle and the other big cities, rallying support for the "Don't Buy Grapes" campaign.

They have really been forced there by a Government policy which denies them equal protection of the law as American workers but gives them special services as non-American strike-breakers. They have been forced there by a community of growers whose mentality is reminiscent of the bitter anti-union days of the 1930's and who simply refuse to recognize the rights of workers to do anything but serve them at their convenience and on their terms. Not only do the growers enter into a near-conspiracy with each other, they openly enlist and welcome the aid of traditional right-wing anti-union organizations such as the John Birch Society, the National Right-to-Work Committee and the American Farm Bureau.

Some public officials from the very area of the dispute who have "supped at labor's table" in the past have turned their backs on the farm workers to keep their lines tight with the local power structure and are championing the cause of the growers in some of the legislative halls of the Nation. With the dispute consuming much of the interest of the Nation for the past three years, the Congressmen whose two districts embrace most of the area of the dispute have not taken one single affirmative step to contribute to a solution other than championing the cause of the growers and joining them in the dream that some time they'll wake up and find things like they were in the "good old days."

Massive Resistance

THE RESISTANCE TO THE farm workers' organizational efforts has been massive. Numerous lawsuits, totaling millions of dollars, have been filed against the union. There has been constant harassment in the courts, both through civil suits and action by

local constabulary. Dealing in double standards doesn't bother the growers a bit! The National Labor Relations Act protects both employes and employers. The industry is fighting bitterly to prevent the farm workers from being covered by that part of the law which protects the *workers'* rights. Yet the growers have instituted several massive legal cases with the National Labor Relations Board to force coverage where the rights of the *employers* are concerned.

Propaganda campaigns have been instituted by the growers and their friends that portray the farm worker union as weak and unable to attract farm workers to membership.

All of these anti-union smear campaigners who argue that farm workers don't want to organize are actively opposing legislation to extend the Federal law to cover those farm workers so they can vote their true feelings in secret - ballot Government - conducted elections.

The Farm Bureau and the right-to-workers smear the boycott by saying that the issue in the boycott is "compulsory unionism," and that the boycott is to try to force unionism on workers who really don't want it. The facts are that not a single grower of table grapes has ever been presented any demand at any time by the union which would require any worker to join the union. The only demand is that the companies agree to sit down and discuss ways and means of recognizing the union and then make plans to enter into negotiations.

Phony wage data and economic statistics are part of the resistance propaganda. The growers and their supporters quote California farm wages as the best in the Nation—piece work averages of \$2.50 per hour. They fail to mention that these are wage statistics that are built up during long hours at harvest peak under optimal piece-work conditions. Neither do they mention the fact that frequently the mother and father are the payroll statistic but all their children may be in the field

picking with them and having their production credited to the parents, thereby inflating the wage rate.

California farm wages are the best in the Nation next to Hawaii and Hawaii's agricultural workforce has a greater degree of unionization than any state. California wage levels in agriculture have risen at a faster rate in the past eight years than in any other comparable period in history. It goes without saying that they have also outdistanced every other state's rate of

YOU CAN
HELP!

DON'T BUY GRAPES!

TELL YOUR FAMILY!
YOUR FRIENDS!
YOUR NEIGHBORS!

EVERY TIME YOU
PASS BY THE GRAPE
COUNTER WITHOUT A
PURCHASE — YOU HELP
BRING FARM WORKERS
CLOSER TO —
EQUAL TREATMENT

farm labor wage improvement. It is interesting to note that those years are exactly the period of the union organizational effort in California.

The facts are that by management's own admission a healthy, energetic, highly skilled grape harvester getting the maximum hours among all grape workers and working under the best of conditions can expect to make between

\$3000 and \$3500 per year. Those are poverty level wages and less than the elite—the cream of the crop—with respect to earnings. Imagine how it is with the others.

In reality, whether the wages are more or less has little to do with the real issue, which is: Do farm workers have rights similar to those of other workers, or are they to be relegated to second-class citizenship simply because they are farm workers?

No Sanitary Facilities

BESIDES, THERE ARE SOME issues that override even the economics. The bad practice of inadequate or no sanitary facilities for workers, toilets in the fields, is an issue of great importance to the workers, for their own personal dignity as well as for the conditions wherein these foodstuffs grow.

Even more critical is the question of the pesticides and chemicals which, we are convinced, are at the base of the increased number of skin afflictions and respiratory problems we are discovering among the field workers. There are many who feel that the protection and welfare of the consumer is also a matter of concern. Yet the growers refuse to talk to the workers about the pesticides and chemicals.

Growers like to convey an image of little family-operated farms of few acres, struggling against great odds to eke out a living from the soil. The 1964 Census of Agriculture shows 81,000 farms in California. 49,000 of them hire no outside labor. So 60 per cent of the farms have no labor and are not involved in this matter. These farms average less than 50 acres and their total acreage is only 5-per cent of Califor-

nia's agricultural land.

However, less than 6 per cent of California's farms constitute 75 per cent of the land! Add to this picture the fact that California agriculture is big business. Gross agricultural income in 1966 was a record \$3.95 billion. Since then that annual figure has grown to exceed \$4 billion. California agriculture and related industries, by their own testimony, account for 33 per cent of the jobs in the State.

Arrayed against this wealth and this power are the farm workers. Their average income is less than \$1400 per year. They are lucky to have a year or two of high school education. The educational attainment level of their children is one of the lowest in the Nation. The health levels of the children and the women is far below national averages. Their housing and living conditions are substandard. Many of them have problems requiring legal assistance; frequently they need medical attention.

So they are trying to do something about it. They are not doing it by seeking charity. They are not begging at the welfare office. They are not, like many of their employers, lobbying the halls of Congress with their gold-plated tin cups asking to be paid for not growing crops. They are trying to do it in the way that millions of other Americans have shown is the right way—organization, unionism, collective bargaining.

If there is any doubt as to how great the American people have reacted to the plight of the farm worker, just remember—only if the boycott were succeeding would the powerful union-hating elements be joining with the growers to crush the farm workers.

**TO JOIN AND HELP THIS CAUSE, WRITE
 AND SEND CONTRIBUTIONS TO
 UNITED FARM WORKERS ORG. COM.-AFL-CIO
 BOX 130
 DELANO, CAL.**

[From the Congressional Record]

PROCLAMATION OF THE DELANO GRAPE WORKERS

REMARKS OF HON. JAMES G. O'HARA, OF MICHIGAN, IN THE HOUSE OF REPRESENTATIVES, MONDAY, MAY 12, 1969

Mr. O'HARA. Mr. Speaker, last Saturday, May 10, was proclaimed International Boycott Day by the Delano grape workers. Consumers everywhere were called upon to withhold their patronage from stores selling table grapes.

When the Congress enacted the National Labor Relations Act over 30 years ago, agriculture workers were excluded from the provisions of this act. In effect, the Congress made second-class citizens of farmworkers by refusing to protect their right to form unions and to bargain collectively with their employers.

For the past 7 years, efforts on the part of the grape workers to bargain collectively have been largely ignored by the growers. Without the protection of the law, the workers had nowhere to go but to the public.

Two years ago, the farmworkers of California called upon consumers to boycott grapes in an effort to force the growers to recognize the rights of the workers and to bargain collectively with them. The boycott has been more and more effective as the public has become more and more aware of the plight of the farmworkers. By boycotting grapes, consumers tell growers that they will not purchase their product until they know that the workers who harvest it are assured of a just wage, humane working conditions, job security, and other employee benefits taken for granted by most working men and women in America.

Mr. Speaker, I insert the proclamation of the Delano grape workers for International Boycott Day at this point in the RECORD:

PROCLAMATION OF THE DELANO GRAPE WORKERS FOR INTERNATIONAL BOYCOTT DAY, MAY 10, 1969

We, the striking grape workers of California, join on this International Boycott Day with the consumers across the continent in planning the steps that lie ahead on the road to our liberation. As we plan, we recall the footsteps that brought us to this day and the events of this day. The historic road of our pilgrimage to Sacramento later branched out, spreading like the unpruned vines in struck fields, until it led us to willing exile in cities across this land. There, far from the earth we tilled for generations, we have cultivated the strange soil of public understanding, sowing the seed of our truth and our cause in the minds and hearts of men.

We have been farm workers for hundreds of years and pioneers for seven. Mexicans, Filipinos, Africans and others, our ancestors were among those who founded this land and tamed its natural wilderness. But we are still pilgrims on this land, and we are pioneers who blaze a trail out of the wilderness of hunger and deprivation that we have suffered even as our ancestors did. We are conscious today of the significance of our present quest. If this road we chart leads to the rights and reforms we demand, if it leads to just wages, humane working conditions, protection from the misuse of pesticides, and to the fundamental right of collective bargaining, if it changes the social order that relegates us to the bottom reaches of society, then in our wake will follow thousands of American farm workers. Our example will make them free. But if our road does not bring us to victory and social change, it will not be because our direction is mistaken or our resolve too weak, but only because our bodies are mortal and our journey hard. For we are in the midst of a great social movement, and we will not stop struggling 'til we die, or win!

We have been farm workers for hundreds of years and strikers for four. It was four years ago that we threw down our plowshares and pruninghooks. These Biblical symbols of peace and tranquility to us represent too many lifetimes of unprotesting submission to a degrading social system that allows us no dignity, no comfort, no peace. We mean to have our peace, and to win it without violence, for it is violence we would overcome—the subtle spiritual and mental violence of oppression, the violence subhuman toil does to the human body. So we went and stood tall outside the vineyards where we had stooped for years. But the tailors of national labor legislation had left us naked. Thus exposed, our picket lines were crippled by injunctions and harassed by growers; our strike was broken by imported scabs; our overtures to our employers were ignored. Yet we knew the day must come when they would talk to us, *as equals*.

We have been farm workers for hundreds of years and boycotters for two. We did not choose the grape boycott, but we *had* chosen to leave our peonage, poverty, and despair behind. Though our first bid for freedom, the strike, was weakened, we would not turn back. The boycott was the only way forward the growers left to us. We called upon our fellow men and were answered by consumers who said—as all men of conscience must—that they would no longer allow their tables to be subsidized by our sweat and our sorrow: They shunned the grapes, fruit of our affliction.

We marched alone at the beginning, but today we count men of all creeds, nationalities, and occupations in our number. Between us and the justice we seek now stand the large and powerful grocers who, in continuing to buy table grapes, betray the boycott their own customers have built. These stores treat their patrons' demands to remove the grapes the same way the growers treat our demands for union recognition—by ignoring them. The consumers who rally behind our cause are responding as we do to such treatment—with a boycott! They pledge to withhold their patronage from stores that handle grapes during the boycott, just as we withhold our labor from the growers until our dispute is resolved.

Grapes must remain an unenjoyed luxury for all as long as the barest human needs and basic human rights are still luxuries for farm workers. The grapes grow sweet and heavy on the vines, but they will have to wait while we reach out first for our freedom. The time is ripe for our liberation.

A PORTRAIT OF AGRIBUSINESS POWER IN THE SAN JOAQUIN VALLEY OF CALIFORNIA

(Prepared by Wayne C. Hartmire, Jr., Director, California Migrant Ministry, May 1968)

<i>Company</i>	<i>Acreage</i> ¹	<i>1966 subsidy</i> ^{2,3}
Kern County Land.....	348,026	\$652,057
Standard Oil.....	218,485	-----
Southern Pacific.....	201,851	-----
Tejon Ranch.....	168,531	121,096
Vista de Llano (Anderson, Clayton).....	52,000	622,840
Boston Ranch (J. G. Boswell).....	37,555	506,061
Russell Giffen.....	33,000	2,397,073
J. G. Boswell.....	32,364	2,807,633
South Lake Farms.....	30,478	1,468,696
Di Giorgio (Delano strike area).....	26,000	56,100
Everett Salyer.....	25,220	1,014,860
Miller & Lux.....	25,313	299,051
Giunarra (Delano strike area).....	12,459	246,882
Bianco (Delano strike area).....	6,795	-----
Divizich (Delano strike area).....	5,500	-----
Steele (Delano strike area).....	4,187	-----
Schenley (Delano strike area).....	3,700	-----
Pandol (Delano strike area).....	2,288	-----
Perelli-Minetti (Delano strike area).....	2,280	-----

6.0% of California's farms own 75% of the land (1959 Census)

5.2% of California's farms pay 60.2% of the farm labor wages (1959 Census)

¹ 1959 U.S. Census of Agriculture.

² Figures published by Senator John Williams of Delaware.

³ Includes only soil bank and acreage diversion payments; doesn't include price support program or water subsidy. June 19, 1967 Statement by Senator Williams: "Based upon these large payments it is obvious that the small family-type farmer is not the real beneficiary of our present farm program; but rather the Government through these large payments is in reality subsidizing an expansion of the corporate-type of farming operation."

The Citizens' Board of Inquiry into Hunger & Malnutrition in the USA, a group which includes major Protestant representation came to the following conclusions about governmental farm support programs: "Judged by the allocation of payments to farmers in 1967, this purpose (to encourage, promote & strengthen the family farm) has not been achieved. Some 42.7% of farmers—the classical small family farmers—with gross income of less than \$2500 received 4.5% of

the total farm payments from the government while the top 10% of farmers—the large, diversified, and in many cases corporate landowners—each with more than \$20,000 gross income, received 54.5% of total farm payments.”

The growers have used the following article, as many of you know, to try to malign our non-violent efforts to achieve social change. They have publicized the New York A&P fires and blamed the farmworkers and boycott supporters for them as a justification for saying that boycott supporters are not non-violent and are intimidating stores and customers.

[From the New York Times, Oct. 24, 1968]

THREE A. & P. STORES FIREBOMBED; LINK TO GRAPE STRIKE STUDIED

(By Will Lissner)

Three A. & P. stores in Manhattan, Brooklyn and the Bronx were set ablaze early yesterday by Molotov cocktails that had been thrown through the front windows.

Two night stock clerks were burned in one of the fires, at the store at 549 Third Avenue near 36th Street.

Chief Fire Marshal Vincent M. Canty said that there had been two fire-bombings of supermarkets a month ago. One, on Sept. 13, was in an A. & P. store at 541 East 149th Street, in the Bronx. The Great Atlantic and Pacific Tea Company, Inc., operator of the stores, put the damage at \$10,000. The other was on Sept. 15 at a Key Food chain store at 235 East 106th Street.

Chief Canty said he was investigating the possibility that the five fire-bombings were connected in some way with the boycott and strike against certain growers of table grapes in California.

ALL SOLD GRAPES

“The one fact that links all five stores,” Chief Canty said, “is that they all sold California grapes, they all have been picketed, and they all have been asked to join the boycott.”

Chief Canty and a spokesman for A. & P. both said there was no evidence linking the United Farm Workers Organizing Committee or any official organization in the grape pickers' strike to the incidents.

The two stock clerks injured in the Manhattan fire were Harold Gifford, 41 years old, of 443 Cyprus Place, the Bronx, and Robert Collins, 40, of 144 Cedar Street, Ridgefield Park, N. J. They were sitting on checkout counters having lunch at 3:16 A.M. when soft-drink bottles, filled with gasoline and set off by flaming wicks, crashed through the window.

They said the Molotov cocktails had been thrown by a man who fled. The two men put out the flames, which caused only slight damage to the store. Mr. Gifford was taken to Bellevue Hospital for treatment of first- and second-degree burns of the head, arms and body. Mr. Collins received treatment at Bellevue for slight burns and went home.

The Brooklyn store, at 1576 Ralph Avenue, was hit at 2:59 A.M. No clerks were working at the time, and the blaze caused considerable damage to stock and fixtures. At first defective wiring was suspected, but the investigation turned up remnants of a fire bomb.

The third store, at 1215 233d Street in the East Bronx, was hit at 4:02 A.M. Two men threw a Molotov cocktail from a passing automobile. Employees quickly extinguished the flames, and the damage was slight.

During the summer a consumer boycott cut into the sale of California table grapes here, but recently shipments have increased. Seven food chains currently are advertising California table grapes, mostly the Emperor Red variety.

It is interesting that this particular incident occurred after these stores removed California table grapes.

It finally comes out, however, that the whole series of A&P fires and other destruction was the work of the MAFIA.

I think it is important that when growers or their agents try to slander us to set them straight with the FACTS. We will win . . . and we will win non-violently!

VIVA!

[From Supermarket News, June 16, 1969]

EX-EMPLOYEE CHARGED WITH FIRES AT A. & P.

NEW YORK.—A former A&P porter was indicted last week on charges of first degree arson in connection with a \$6 million fire at the firm's Ridgewood (Queens, N.Y.) warehouse last year.

The accused, James A. Castorina, 20, Mamaroneck, N.Y., who was employed at the warehouse at the time of the fire, will be arraigned this week.

Should Mr. Castorina plead not guilty and the case go to trial, the spotlight could be turned on alleged efforts by the underworld to muscle into food industry.

The Ridgewood fire, as well as other fires at A&P stores and warehouses and the slayings of two A&P store managers, was tied by Queens District Attorney Thomas J. Mackell to the Tea Company's refusal to stock a detergent made by a Mafia-controlled firm.

A spokesman for the district attorney's office said the detergent was a "no-name product which would have been sold under the A&P label." He said no other chains had been connected with the matter, but that the investigation continues.

The arrest of Mr. Castorina came after investigation disclosed that he had been employed at another A&P warehouse in Elmsford, N.Y., when that facility was destroyed by fire in 1967, causing \$18.7 million in damages.

Attacks on A&P properties date back to 1964. Sixteen separate incidents were listed by Mr. Mackell.

A spokesman for A&P said: "The matter is in the hands of the authorities with whom A&P has been cooperating throughout the investigation. The company has no statement to make at this time, nor would it be appropriate from a legal standpoint to comment on the report by the Queens District Attorney's office in announcing the indictment."

The spokesman declined to give a figure on the firm's total losses since the harassment began.

[A Wall Street Journal News Roundup]

MAFIA SLEW A. & P. AIDES, FIREBOMBED UNITS TO PUSH DETERGENT, LAWMAN SAYS; NET UP

The Mafia murdered two A&P supermarket managers and inflicted \$50 million of arson damage on A&P stores and warehouses in trying to force Great Atlantic & Pacific Tea Co. to carry a certain detergent, the Queens County district attorney in New York City told the Associated Press.

Thomas J. Mackell said A&P stores and warehouses were hit by 16 fire bombing incidents starting early in 1964 following the company's decision to reject the detergent as unfit to distribute. Mr. Mackell declined to disclose its name.

A&P, which yesterday said it had a 21% rise in first quarter earnings, stated: "The A&P has been cooperating throughout the investigation with the proper authorities. We have no further comment at this time."

In the period ended May 24, A&P estimated it had net of \$11.8 million, or 47 cents a share, up from \$9.7 million, or 39 cents a share, a year earlier.

The food company's earnings in the past five quarters had trailed year-before figures.

Sales in the first quarter rose to an estimated \$1.37 billion from \$1.35 billion in last year's like period Melvin W. Alldredge, chairman, said.

A&P spokesmen declined to comment on the sharp earnings turnaround.

Mr. Mackell's office told the AP that James A. Castorina, described as a 20-year-old former porter in an A&P warehouse in Elmsford, N.Y., had been indicted on arson charges. He was accused of first-degree arson in connection with a fire that caused \$6 million in damage at an A&P warehouse in Ridgewood, Queens, a year ago.

The district attorney's office added that the warehouse where Mr. Castorina worked had also been damaged—to the extent of \$18.2 million—18 months ago. That fire was declared suspicious, the spokesman said.

The underworld family of Gerardo "Jerry" Catena held a distribution rights monopoly for the unidentified detergent, which was presented to the A&P management through a sales agency, Mr. Mackell asserted. The sales agency was successful in getting A&P's consent to test the product in their laboratories.

The labs rejected the product in April 1964. Shortly after, an A&P store in Yonkers, N.Y., was devastated by an incendiary device, Mr. Mackell said.

Similar fires were set in three A&P warehouses, six stores, and other installations over a period of four years in parts of New York City and Secaucus, N.J., the district attorney said.

The two A&P store managers who were murdered were John Mossner and James B. Walsh, Mr. Mackell said.

Mr. Mossner was shot in early 1965. Two months before the slaying, "three hoodlums" entered his A&P store in the Bronx and attempted to place a fire bomb in the rear, Mr. Mackell said. The three warned Mr. Mossner that they were bombing his store because A&P refused to handle the detergent. Mr. Mossner chased the three men and no damage was done.

Later, Mr. Mossner, was fatally shot three times in the head on Long Island, where he lived. Before he was killed, he identified one of the men who had attempted to bomb his store to the Federal Bureau of Investigation, which also is investigating the case.

Mr. Walsh was shot dead Jan. 23, 1965, as he was fixing a flat tire on his car in Brooklyn.

[From the Congressional Record, May 20, 1969]

GROWERS PRESENT FARMWORKERS WITH A HOBSON'S CHOICE: A COMPANY UNION
OR A POWERLESS UNION

Mr. MONDALE. Mr. President, Webster's dictionary defines a Hobson's choice as being "an apparent free choice with no real alternative."

It is just such a choice that many growers wish to present their farmworkers—a choice between a company union and a powerless union.

The realities of this "Hobson's choice" were made unmistakably clear at the recent hearings by Senator HARRISON A. WILLIAMS' Labor Subcommittee on S. 8, the legislation which would extend the National Labor Relations Act to the agriculture industry.

On the opening day, representatives of the United Farm Workers Organizing Committee, AFL-CIO-UFWOC—joined by representatives of other farm labor organizing efforts across the country, presented testimony that clearly indicated the need for legislation that will shift the balance of labor-management power in rural areas. Farmworkers, they pointed out, must have an opportunity to develop the strong institutions that have so long served as a bulwark of industrial democracy in other sectors of our economy. The National Farmers Union, the National Farmers Organization, and the National Grange have favored coverage of the agriculture industry under the NLRA.

The American Farm Bureau Federation presented testimony in opposition to the enactment of S. 8, although nominally affirming the right to organize and bargain collectively. The Farm Bureau proposed alternative legislation.

Two aspects of the testimony reveal that many growers, while appearing to advocate a free choice to farmworkers, had in effect presented a Hobson's choice.

First, Mr. President, the Labor Subcommittee was presented documents, signed and sworn, that tell of the grower formed, grower dominated Agriculture Workers Freedom to Work Association—AWFWA. The documents exposing and confirming this most horrendous activity were official reports filed by officers of AWFWA pursuant to the section 203(b) of the Labor Management Reporting and Disclosure Act of 1959. Because of their importance and significance to all of my colleagues, I would like to have them inserted in the CONGRESSIONAL RECORD, along with some newspaper articles, at the conclusion of my remarks.

This so-called union organization was secretly provided expense money, office space, telephones, cars, and gasoline by growers in California. Money was funneled through an organization called Mexican-American Democrats for Republican Action, and it was used to finance nationwide speaking tours during which the organization efforts of Cesar Chavez and UFWOC were viciously attacked.

The important point is that growers were not offering farmworkers an opportunity to choose through democratic election procedures a genuine representative of farmworker interests. but instead they insisted on a company union that growers themselves organized and financed.

The second disturbing aspect of the testimony was that the determination of the growers to establish a grower dominated union for the farmworker has now been transferred to insuring that any union chosen by the workers is left powerless, and must exist on the terms and conditions of the growers.

Growers' testimony seemed to confirm their interest in guaranteeing a powerless union, for the subcommittee heard various grower representatives oppose coverage of the agriculture industry under the NLRA, although lipservice was paid to elections and collective bargaining.

Careful study of their specific legislative proposals sheds light on their true feelings. First, many growers would deny farmworkers the same economic weapons that are guaranteed to every other American worker by severely limiting the employees right to strike, and restraining not only the farmworkers but the entire labor movement from engaging in a primary product boycott.

Second, many growers insist on legislation that would deny both the employer and the union an opportunity to bargain over union security agreements.

Third, many growers would have their labor management relations mediated and supervised by partisan agents of the growers. The Farm Bureau, for example, has proposed that farmer and farmworker relationships should be governed by a separate statute, and not within the purview of the NLRB, an agency with an expertise in labor relations for all industries, including highly perishable agriculture packing sheds, processing operations, and the like. Instead, they would place administration of labor-management relations in the Agriculture Department, which has a more abiding interest in agriculture production than labor relations, and the Federal district courts, which are already overcrowded.

Fourth, growers are demanding limited statutory coverage of farmworkers, some suggesting that only those workers on farms that hired the equivalent of eight or more full-time, year-round employees could participate in elections of a representative, and bargain collectively with their employers.

At one point, Mr. President, I hoped that growers would simply recognize the worth and dignity of the farmworker, and urge passage of S. 8. That bill would guarantee, at least in part, some of the protections and procedures to the agriculture industry, through orderly recognition procedures and good-faith collective bargaining, encouraged by the NLRA.

Unfortunately, however, the effort and energy of growers, as evidenced by the various proposals to avoid coverage of agricultural employees under the National Labor Relations Act, particularly when read in the light of the formation of a company union, and proposals for a powerless union, dims the prospect for humane advancement in the industry.

It is regrettable that growers who must rely on their workers to reap the harvest, can give in return only a Hobson's choice. The burden is squarely on the shoulders of the growers to demand a free choice in the greatest of democratic traditions for their employees and, if the growers insist on company unions, or powerless unions, then Congress must act to bring democracy to the farm.

Mr. President, I ask unanimous consent that the documents concerning the growers' formation of a company union be printed in the RECORD.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

AGRICULTURE WORKERS FREEDOM
TO WORK ASSOCIATION.
Delano, Calif., February 22, 1969.

SECRETARY OF LABOR,
Office of Labor Management and Welfare Pension Reports, U.S. Department of Labor, San Francisco, Calif.

DEAR SIR: The under signed officers of AFWFA herewith submit an Agreement and Activities Report (Form LM-20) and a Receipt and Disbursements Report (Form LM-21) as required by Section 203(b) of the Labor Management Reporting and Disclosure Act of 1969.

The reports may be incomplete but they reflect all the information currently available to us. We are instituting action to recover financial records of AFWFA, if they still exist, and the reports will be amended to reflect any further information as it becomes available.

AWFWA was an outgrowth of an untitled group led by the growers which hired Jose Mendoza and Gilbert Rubio to persuade the workers that there was two sides to the union story, don't be afraid of Chavez, be united and we will

protect and support you. The employees and members of the group were to try to get information on plans of UFWOC. This group and others became AFWFA which was incorporated by Jose Mendoza, Gilbert Rubio and Shirley Fetalvero on July 1968. The three incorporators became the directors of AFWFA. The first public actions of the new organization were counter picketing of the United Farm Workers Organizing Committee, AFL-CIO, pickets at the homes of Giumarra foremen, crew bosses at McFarland and Earlimart, California in May of 1968, also at public picnic attended by 1,500 people was held at Delano Park on June 16, 1968.

Until recently AFWFA never had a meeting of the Board of Directors or an election of officers. Jose Mendoza called himself General-Secretary and some times, Gilbert Rubio was identified as chairman. Mendoza acted as the chief-executive of AFWFA. Mendoza was advised by Mr. Basoco of the Department of Labor that a consultant was required if AFWFA had an agreement with employers connected with the grape labor dispute and boycott. Mendoza denied any agreement existed or that AFWFA was being supported by the growers.

So far as we know all of AFWFA's records were maintained by first Fernando Marquez, then by Jose Mendoza and then turned over to Donald Garaniga. We are making efforts to recover these records.

In late 1968, Jose Mendoza left Bakersfield on several trips, on his return he contacted Shirley Fetalvero and Gilbert Rubio wanting them to agree to dissolve AFWFA so it would be legally out of existence. We, with advice from Cornelio Marcias, refused to sign to dissolve the corporation. Mendoza advised he was no longer associated with AFWFA and Cornelio Marcias could be a Director in his place. He threatened to send the Department of Labor after us. In October or November 1968, Shirley Fetalvero and Gilbert Rubio informally met as a Board of Directors and elected Cornelio Macia as Director of AFWFA.

We have been interviewed by Robert H. Holland of the San Francisco office of the office of Labor Management and Welfare Pension Reports, U.S. Department of Labor. Mr. Holland advised us that AFWFA was covered by the filing requirements of Section 203(b) of the Labor Management Reporting & Disclosure Act of 1959 and had been delinquent in filing an Agreement and Activities Report (LM-20) since July 3, 1968 or earlier. He also advised us that a Receipts and Disbursements Report covering the fiscal year ending December 31, 1968, was due by March 31, 1969.

On February 22, 1969 Shirley Fetalvero and Gilbert Rubio held an emergency meeting of the Board of Directors of AFWFA. Cornelio Marcias could not be contacted. Gilbert Rubio was elected president and Shirley Fetalvero was elected secretary-treasurer for the purpose of 1.) submitting the required reports to the Secretary of Labor, 2.) obtaining records of AFWFA to complete this filing and other filings which may be required and 3.) to make plans as appropriate to dissolve AFWFA or to decide on future activities.

In line with the preceding the attached reports are forwarded. This letter should be considered an integral part of the filing.

GILBERT RUBIO,
President.
SHIRLEY FETALVERO,
Secretary-Treasurer.

A. PERSON FILING

1. Name and mailing address (include ZIP code): AFWFA, aka; Agricultural Workers Freedom to Work Association, % (see attached sheet).
2. Any other address where records necessary to verify this report are kept: Donald Gazzaniga, PRI, 6408 Sally Avenue, Bakersfield, Calif.
3. Date fiscal year ends: December 31, 1968.
4. Type of person :
 - (a) INDIVIDUAL.
 - (b) PARTNERSHIP.
 - (c) CORPORATION.
 - (d) OTHER (*Specify*) :-----

B. NATURE OF AGREEMENT OR ARRANGEMENT

5. Full name and address of employer with whom made (include ZIP code) : (See attached sheet).
6. Date entered into : On or about May, 1968.

7. Names of persons through whom made: Same as above.

8. Check the appropriate box to indicate whether an object of the activities undertaken is directly or indirectly:

a. To persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing.

b. To supply an employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding.

9. Terms and conditions (*Explain in detail; see Part B-9 of instruction*): (See attached sheet).

C. SPECIFIC ACTIVITIES TO BE PERFORMED

10. For each activity, separately list in detail the information required (*see Part C-10 of instructions*):

a. Nature of activity: (See attached sheet.)

b. Period during which performed: (See attached sheet.)

c. Extent performed: (See attached sheet.)

d. Names and addresses of persons through whom performed: (See attached sheet.)

11. Identify (a) Subject employees, groups of employees, and (b) labor organizations. (See attached sheet.)

D. VERIFICATION AND SIGNATURE

The person in item 1 above and each of his undersigned authorized officers declares, under penalty of law, that all information in this report, including all attachments incorporated therein or referred in this report, has been examined by him and is, to the best of his knowledge and belief, true, correct, and complete.

Signed: Gilbert Rubio, President, at Delano, Calif., on February 22, 1969. (If other title, cross out and write in correct title above.)

Signed: Shirley Fetalever, Treasurer, at Delano, Calif., on February 22, 1969. (If other title, cross out and write in correct title above.)

No. 8 (a) Jose Mendoza; a. unknown; b. unknown; c. unknown.

Gilbert Rubio; a. unknown; b. unknown; c. unknown.

Aurelio Rios; a. unknown; b. unknown; c. unknown.

No. 9-14: Unknown.

No. 15: These are disbursement currently available to us. Additional information will be furnished when available.

M.A.D.R.A. withdrawals, June 28, 1968—\$700.35 for Cashiers check to PRI endorsed Donald A. Gazzaniga for return to AFWFA.

June 28, 1968, Wonderly Electronics \$84.08 for tape recorder.

June 28, 1968, Roundtree Camera \$103.00 for camera and supplies \$58.70, check No. 103.

Check No. 104, July 2, 1968, County of Kern—\$100.00—Reservation for Hart Park.

Check No. 108, Radio Station KWAC \$640, July 16, 1968 Radio advertising AFWFA.

Check No. 105, \$477.07 Davenport's July 2, 1968 Copying machine.

Check No. 106, July 10, 1968, Smith Radio Service \$50.00 Public Address Service.

Check No. 107, July 10, 1968, Jose-Mendoza \$300.00 cash endorsed by Jose Mendoza.

Check No. 109, July 9, 1968, A. B. Dick Co., \$168.99 for mimeograph and supplies.

Check No. 110, July 19, 1968, Delano Ambulance—Service Ambulance for Gilbert Rubio for \$37.00.

Check No. 111, July 19, 1968, \$20, Mrs. Rubio, repair for Gilbert Rubio's car.

Check No. 112, July 19, 1968, Golden West Telephone Company, \$79.86 for payment of Jose Mendoza's telephone bill.

Check No. 113, \$300.50 to Bank of America.

A.W.F.W.A. CHECKS

Check No. 117, September 9, 1968, Gilbert Rubio, expenses, \$21.00.

Check No. 119, September 17, 1968, Pacific Telephone Co., \$119.00.

Check No. 116, September 10, 1968, Kern County Patrol, \$30.00, Bodyguard for Mendoza.

Check No. 120, October 14, 1968, Merchants Printers, \$78.59.

Check No. 121, October 14, 1968, Golden West Telephone Co. \$337.71.

Disbursements were made by PRI for AFWFA for salary and expenses of Mendoza, Rubio and Rios.

Telephone bills of Shirley Fetalvero and Gilbert Rubio of over \$500 were paid in cash by Wanda Hillary and Jose Mendoza.

1. Shirley Fetalvero, 117 W. 15th Avenue, Delano, Calif.

5. John Giumarra, Jr., John Giumarra, Sr., Joseph Giumarra operating in whole or in part as Giumarra Vineyards Corp., Giummara Farms, Inc. and Giumarra Bros. Fruit Co., Edison Highway, Bakersfield, Calif.

Jack Pandol, Rt. 2, Box 388, Delano, Calif.

Pandol & Sons, Rt. 2, Box 388, Delano, Calif.

Robert Sabovich, Melvin Sabovich, Sabovich Bros., P.O. Box 577, Lamont, Calif.

Eugene Nalbandian, Eugene Nalbandian Inc., P.O. Box 665, Lamont, Calif.

John J. Kovacevich, P.O. Bin 488, Arvin, Calif.

William Mosesian, Lamont, Calif.

9. During early 1968, the United Farm Workers Organizing Committee, AFL-CIO, UPWOC, was engaged in a labor dispute with several table grape growers in around Kern and Tulare Counties in California, including the Giumarra vineyards Corporation, Highway #56, Edison, California, and Pandol & Sons, Rt. 2 Box 388, Delano, California. In May, 1968, a meeting was held at Sambo's Restaurant on Union Street in Bakersfield attended by John Giumarra, Sr., John Giumarra, Jr., Treasurer and General Counsel respectively of Giumarra Vineyards Corporation, Teresa Arrambide, labor foreman for Giummara, Paul Marrufo, head foreman for Sabovich Bros., grape growers, Vine & DiGiorgio Roads, Lamont, California, Louis Barazza, a former associate of Cesar Chavez, Robert Flores, personnel manager of Di Giorgio Fruit Corporation, Jess Marquez, who runs a camp for DiGiorgio, Fernando Marquez, brother of Jess, an accountant with an office in Lamont, Jack Pandol of Pandol & Sons, Gilbert Rubio, Jose Mendoza, and others.

This meeting was to outline activities of AFWFA. We were to tell workers not to be afraid of Chavez to be united and we as an organizatin would support and protect workers; we were to oppose UFWOC efforts to organize and boycott. This meeing and other meetings decided AFWFA would also try to enlist workers and obtain information on UFWOC's plans and activities. The meeting decided to get funds from the growers and hire Mendoza and Rubio at \$120.00 a week to start opposing Chavez. AFWFA started counter-picketing UFWOC pickets at the homes of Giumarra's foremen in McFarland and Earlimart. The Giumarras furnished office space for Mendoza and Rubio in the conference room at the Edison Highway headquarters with typewriter and other office supplies.

Arrangements were made to pay Mendoza and Rubio and then Aurelio Rios through Fernando Marquez first through MADRA then through an AFWFA bank account. Several meetings involving many persons were held but only John Guimarra, Jr., Robert Sabovich, and Jack Pandol gave orders to Mendoza and AFWFA.

10. (A) AFWFA WAS TO :

(a) Counter-picket and try to drown out UFWOC pickets wherever they pickted any grape grower or they picketed any grape grower or their employees, using sound trucks, jeers, etc.

(b) Hold picnics for mass of agricultural workers giving free food, beer, and music and raffles to get them to listen to speeches against Chavez and UFWOC.

(c) Enlist the aid of all growers and their foremen in enrolling workers into AFWFA without cost with the idea that we would represent them.

(d) Try to settle grievances or disputes between farm workers and the grape growers.

(e) Picket advertisers of Catholic Register which supported Chavez and UFWOC until John Guimarra, Jr., told us to stop.

(f) Appear on radio, TV and the news with propagaunda against Chavez and UFWOC.

(g) Opposed Teamsters-UFWOC boycott of Coors beer by counterpicketing.
 (h) Try to get information on all UFWOC planned activities to take action to halt or disrupt them (Sanger picnic, labor day parade).

(i) To keep track of all people associated with and helping UFWOC using friends, papers, and taking pictures of people in and around UFWOC headquarters.

(j) To put out mimeographed notices, flyers, message and reports on flyers to be widely distributed to the workers and the public in Spanish and English. Obtain bumper stickers attacking the boycott and UFWOC.

(k) Counter picket stores selling New York products after New York City boycotted the table grapes, including picketing of Sachs 5th Avenue in Los Angeles.

(l) Picket news media and TV stations in Los Angeles who were giving biased coverage for Chavez and UFWOC.

(m) To use all of the above methods to get headlines, newspaper and TV coverage with statement of farm workers are not on strike and boycott is just another trick to force the Union on the workers.

10. (B) These activities were performed between May and October 1968.

10. (C) All activities were performed to the extent possible.

10. (D) All activities were carried out under the name of AFWFA or MADRA (Mexican-American Democrats for Republican Action) by the following people:

- (1) Jose Mendoza, 2421 I Street, Bakersfield.
- (2) Gilbert Rubio, 217 Cliff Street, McFarland.
- (3) Shirley Fetalvero, 177 W. 15th Avenue, Delano.
- (4) Mary Matt, 371 Oleander Drive, Bakersfield.
- (5) Wanda Hillary, Baker Street, Bakersfield.
- (6) Donald Gazzaniga, Sally Drive, Bakersfield.
- (7) Robert Flores, DiGiorgio Fruit Corporation, Lamont.
- (8) Jess Marquez, DiGiorgio Fruit Corporation, Lamont.
- (9) Fernando Marquez, 4212 Alexander, Bakersfield.
- (10) Cornelio Marcias, Newark Road, Sanger.
- (11) Teresa Arrambide, Moffet St., Wasco.
- (12) Louis Baraza.
- (13) Aurelio Rios, Dover Street, Delano.
- (14) Paul Maruffo.
- (15) Helen Murillo, 7616 Delight Avenue, Lamont.
- (16) Anna Mariano, 822 Kensington, Delano.
- (17) John Giumarra, Jr., Edison Headquarters, Edison, Ca.
- (18) Robert Sabovich, P.O. Box 577, Lamont.
- (19) Melvin Sabovich, P.O. Box 577, Lamont.
- (20) Eugene Nalbandian, P.O. Box 665, Lamont.
- (21) William Mosesian, Lamont, California.
- (22) John Kovacevich, P.O. Bin 488, Arvin.
- (23) Sabovich Bros, P.O. Box 577, Lamont.
- (24) Jack Pandol, Rt. 2, Box 388, Delano.

Many people were interested to picket and to come to picnics, etc.

11. Employees of all table grape growers in Kern, Tulare, and Fresno Counties of California, including field workers, both members and non-members of UFWOC, AFL-CIO and unorganized employees in the sheds. We were supposed to be active in the Coachella Valley but we never went.

A. PERSON FILING

1. Name and address (include ZIP code) : AFWFA, aka, Agriculture Workers Freedom To Work Association, c/o Shirley Fetalvero, 117 W. 15th Ave., Delano, Calif.

2. Any other address where records necessary to verify this report are kept : Donald Gazzaniga, Public Research Institute, 6408 Sally Ave., Bakersfield, Calif.

3. File No.

4. Period covered by this report. From : _____ To : _____.

B. Statement of receipts: Report all receipts from employers in connection with labor relations advice or services regardless of the purposes of the advice or services.

5. Name and address of employer (include ZIP code) : This information is given to the best of our knowledge at this time. As more information becomes available we will submit it. See attached sheet for numbers 5, 6 and 7.

6. Termination date.
7. Amount.
- C. Statement of disbursements. Report all disbursements made by the reporting organization in connection with labor relations advice or services rendered to the employers listed in Part B.
8. Disbursements to officers and employees: See attached sheet.
9. Office and administrative expenses.
10. Publicity.
11. Fees for professional services, No. 9 through 14.
12. Loans made, see attached sheet.
13. Other disbursements.
14. Total disbursements (sum of items 8-13).
- D. Schedule for statement of disbursements. Use this Schedule to report *only* disbursements made for the purposes described in part D of the instructions.
15. Employer: See attached sheet.
16. To whom paid.
17. Amount.
18. Purpose.

IF MORE SPACE IS NEEDED ATTACH ADDITIONAL SHEETS

E. Verification and signature. The person in item 1 above and each of his undersigned authorized officers declares, under penalty of law, that all information in this report, including all attachments incorporated therein or referred to in this report, has been examined by him and is, to the best of his knowledge and belief, true, correct, and complete.

Signed: GILBERT RUBIO, President, at Delano, Calif., on February 22, 1969. (If other title, cross out and write in correct title above.)

Signed: Shirley Fetalvero, Treasurer, at Delano, Calif., on February 22, 1969. (If other title, cross out and write in correct title above.)

Numbers 5, 6, and 7: The checks below were deposited in the M.A.D.R.A. Account No. 0208686 at the Community National Bank at 6th and Chester Avenue in Bakersfield.

Date of check	Name and address of account	Signed by—	Amount
June 18, 1968	Kern Valley Farms, Inc., Post Office Box 505, Lamont, Calif. Office: Wheeler Ridge Rd., Mettler, Calif., phone, 858-2874. United California Bank, Bakersfield.	James Trino, Jr.	\$200
June 19, 1968	Dalton Richardson, Richardson Farms, Route 2, Box 520, Valpredo Rd., Mettler, Calif., phone 858-2520, Bank of America, Arvin, Calif.	Dalton Richardson.....	200
Do.....	Muzinich Farms, 207 Panorama Dr., Bakersfield, Calif., farm on Le Gray Rd., phone 858-2555, residence phone 323-2252. United California Bank, Bakersfield.	Anthony L. Muzinich.....	200
Do.....	Gagosian Farms, 2455 Produce St., Greenfield, phone 323-9493, also on DiGiorgio Rd., phone 845-1561. Bakersfield National Bank, Greenfield, Calif.	Leo Gagosian.....	200
Do.....	Griffin Spray Co., 3104 St. Mary's St., phones 871-8000 and 366-3308. Community National Bank, Bakersfield, Calif.	Thomas E. Griffin.....	200
June 20, 1969	Eugene Nalbandian, Inc., Post Office Box 665, Lamont, Calif., phone 845-0729, shed on DiGiorgio Rd. Bank of America, Bakersfield, Calif.	Eugene Nalbandian.....	200
June 22, 1969	C. Scarrone, Marie Scarrone, Route 1, Box 640, phone 858-2510, Arvin, Calif. Bank of America, Arvin branch.	C. Scarrone.....	200
June 28, 1968	Bianco Fruit Corp., Post Office Box 1801, Delano, Calif., phone 725-3215. Bank of America, Delano, Calif.	Bianco Fruit Corp. (machine stamp initials not discernible on microfilm copy).	200
June 30, 1968	Haddad & Berling, G St., Wasco, Calif. Made out to MADRA Research.	Harley Berling.....	200

Check No. 1335, July 8, 1968, from General Distributors Fresno, Ca., East Fresno Branch of the Bank of America to the amount of \$250.00 paid to Berge Kirkorian c/o P.O. Box 202, Arvin, Calif. Endorsed and deposited to M.A.D.R.A. account.

Check No. 325, July 21, 1968, from Calpine Containers, 1875 Olympic Blvd., Walnut Creek, California to the amount of \$250.00 to John Kovacevich, endorsed and deposited to M.A.D.R.A. account.

The checks listed below were deposited in AFWFA Account No. 0647802166, Bank of America at "H" & Broad, Bakersfield, Calif. Account was opened July 25, 1968.

Bank No.	Amount	Issued by—	Date	Payable to—
90-142, check No. 2276...	\$300	Mazzie Farms, Derby Rd., Arvin, Calif.	July 11, 1968	AWFWA.
90-142, check No. 52641	100	San Joaquin Tractor Co., 1201 Union Ave., Bakersfield, Calif.	June 28, 1968	AWFWA.
90-139	100	Kern County Equipment Co.	July 3, 1968	AWFWA.
90-90, check No. 793	100	Central California Ice Co., 3401 Chester St., Bakersfield, Calif.	July 1, 1968	AWFWA.
90-142, check No. 015703	200	California Box & Lumber Co., DiGiorgio Rd., Lamont, Calif.	July 6, 1968	AWFWA.
11-55, check No. 140860	200	Blake Moffit & Towne, 2225 16th St., Bakersfield, Calif.	June 20, 1968	AWFWA.
	150	O. D. Handel & Son Farms, 413 Central Ave., Shafter, Calif.	Aug. 5, 1968	AWFWA.
Deposit, check No. 236	400	D. A. Gazzaniga, expense account, 6408 Sally Ave., Bakersfield, Calif.	Sept. 11, 1968	Jose Mendoza.
Check No. 174	500	California for Right to Work, 300 27th St., suite C, Oakland, Calif.	Oct. 9, 1968	Do.

¹ Sept. 10, 1968.

Note: Account closed out Oct. 25, 1968.

1. Zellebrach Paper Company contributed a check for \$200.00 to Farm Workers' Rally which was not deposited in the above bank accounts.

2. Jack Pandol lent AFWFA his 1968 Chevy pick-up for two months for AFWFA use.

3. Bob Sabovich gave AFWFA a 1958 Chevy station wagon for AFWFA use.

4. DiGiorgio furnished mimeograph machines and supplies to print AFWFA flyers on DiGiorgio property.

5. The Giumarra Vineyards Corporation, Edison Highway No. 84, Bakersfield, California, through John Giumarra, Sr., and John Giumarra, Jr., paid the following:

(1) A salary in an unknown amount for Jose Mendoza.

(2) Two \$50 "loans" to Gilbert Rubio and one \$50 "loan" to Aurelio Rios totaling \$150.

The Giumarras also allowed use of conference room at Giumarra headquarters with telephone, typewriter, and office supplies.

6. They also allowed free access to the yard gas pump to obtain gas for vehicles for AFWFA business. They provided repair of automobiles in the corporate garage.

7. Fernando Marquez furnished expense money in cash and checks to Mendoza, Rubio, and Rios.

8. Don Gazzaniga paid salary to Mendoza, Rubio, and Rios through the Public Research Institute (PRI) with the cover that they were researchers for PRI. Information and pictures obtained by AFWFA were used for PRI.

[From the Los Angeles Times, Mar. 4, 1969]

RIVAL TO CHAVEZ: GROWERS HIT AS ORGANIZERS OF NEW UNION

(By Harry Bernstein)

A group of California growers, aided by members of the John Birch Society, helped create an organization of workers set up as a rival to Cesar Chavez AFL-CIO United Farm Workers Organizing Committee, it was charged Monday.

California state law prohibits employer sponsorship of unions or associations which are ostensibly formed to represent workers.

Monday's accusation followed disclosure of a bitter fight among leaders of the Agriculture Workers Freedom to Work Assn. (AWFWA).

Two officers of AFWFA reported to the Labor Department in Washington that the organization was founded by growers, not workers, as a counteraction to AFL-CIO efforts to unionize farm workers, and to boycott grape growers who have refused to hold union representation elections.

Jerry Cohen, attorney for Chavez' AFL-CIO union, said court action will be filed this week in Bakersfield against the John Birch Society, the Right to Work Committee and a group of growers on grounds that they all conspired to illegally help form the rival AFWFA.

AIDE DENOUNCED BOYCOTT

Jose Mendoza, general secretary of the AFWFA, recently made a nationwide tour to denounce Chavez and the grape boycott. He charged repeatedly that Chavez had no support among farm workers.

Mendoza, 37, was honored at a banquet of the National Right to Work Committee in Washington, D.C., and was presented with a award by Sen. Everett Dirksen (R-Ill.) on behalf of the committee for his efforts to help farm workers.

Mendoza, of Bakersfield, officially was getting financial help from the National Right to Work Committee for his nationwide tour.

A week ago, however, Gilbert Rubio, listed as president of the AFWFA, and Shirley Fetalvero, secretary-treasurer of the organization, filed a report with the Labor Department's Office of Labor Management Reports to comply with the federal Landrum-Griffin Act of 1959.

LISTS ORGANIZATION DATE

That document contended AFWFA was first conceived in May, 1968, at a meeting in a Bakersfield restaurant attended by Mendoza, Rubio and a group of about 10 key grape growers.

Rubio and Miss Fetalvero said in a sworn statement to the Labor Department that those attending the session included John Giumarra Sr., and John Giumarra Jr., treasurer and general counsel respectively of Giumarra Vineyards, the prime target of the AFL-CIO strike-boycott.

Others at the meeting included Jack Pandol, another grower, and representatives of the Di Giorgio Corp., which is one of the few companies under contract to the Chavez farm workers' union.

The meeting was called to "outline activities of AFWFA," Rubio and Miss Fetalvero said, adding:

"We were to tell workers not to be afraid of Chavez, to be united, and we would support and protect workers and oppose (AFL-CIO) efforts to organize and boycott."

He and Mendoza were offered \$120 a week to start opposing Chavez, Rubio said, but that money, along with other sums, was paid to AFWFA through another organization to be called MADRA, the Mexican-American Democrats for Republican Action.

Records of the operation were kept by a "one-man public relations operation," said the union attorney, referring to Donald Gazzaniga, head of Public Research Institute, which is itself a part of a firm known as California Editors Publishing Co.

Gazzaniga recently published a booklet, "California's Number One Industry Under Attack," defending grape growers' opposition to unionization of their workers.

PAID SALARIES

It was distributed by the National Right to Work Committee.

Gazzaniga paid the salaries to Mendoza and Rubio under the cover that they were researchers for (his publication)," Rubio said.

The document filed with the Labor Department then listed dozens of checks ranging up to \$500 which were allegedly used by AFWFA after they came through the Mexican-American Democrats for Republican Action.

John Giumarra Jr., reached by phone in Rochester, N.Y. where he was making a speech, said "the allegations that we gave money to Mendoza are not true and we will fight it in court."

He said Rubio had once supported the union then joined AFWFA to fight the union, "and now seems to have switched again. None of their legal actions have been upheld in court, and this will not either."

[From the San Francisco Chronicle, Mar. 4, 1969]

FEDERAL REPORT: BIG GROWERS' SECRET ANTI-UNION ORGANIZATION

(By Dick Meister)

Government reports disclosed here yesterday that some of the State's largest growers secretly operated what they disguised as a workers' organization to try to undermine California's farm union organizers.

The organization—still in existence but virtually inoperable since the Government demanded the reports that disclosed its true nature—is called the Agricultural Workers Freedom to Work Association (AWFWA).

Since last July, the association's general secretary, Jose Mendoza, has spoken at legislative hearings and elsewhere saying he represented a large group of farm workers who are opposed to unionization.

Mendoza, who recently left the association to carry on similar activities with the "Right to Work Committee," repeatedly denied the association had anything to do with growers.

But Gilbert Rubio, the president of the association, and Shirley Fetalvero, the secretary-treasurer, described it far differently in the Government reports.

The reports, required of labor and management groups under the Landrum-Griffin Act, finally were submitted at least eight months late—to the Office of Labor Management and Welfare Pension Reports here on February 22.

HIRE

They said the association "was an outgrowth of an untitled group led by the growers which hired Jose Mendoza and Gilbert Rubio" and made them the chief officers of the association.

It got started, they said, at a meeting in Bakersfield last May, attended by Rubio, Mendoza and the owners and managers of several of the area's larger vineyards.

Among those present, said the reports, were growers John Giummara Jr., John Giummara Sr. and Jack Pandol; Robert Flores, personnel manager of the Di-Giorgio Fruit Corporation, and a foreman, Paul Marrufo, for the Sabovich Bros. vineyard.

AGAINST

The reports said the meeting was called to outline the association's activities against the United Farm Workers Organizing Committee (UFWOC) and its efforts, under Cesar Chavez, to organize vineyard workers.

"Several meetings involving many persons were held," said the reports, "but only John Giummarra Jr., Robert Sabovich and Jack Pandol gave orders to Mendoza and AWFWA."

Among other things, the orders told the association to carry out in the name of farm workers such acts as:

"Halt counter-picket and try to drown out NFWOC pickets . . . get information on all NFWOC planned activities to take action to halt or disrupt them."

"To keep track of all people associated with the helping UFWOC, using friends, papers and taking pictures of people in and around UFWOC headquarters."

"Picket advertisers of Catholic Register, which supported Chavez and UFWOC until John Giummarra Jr. told us to stop."

"Hold picnics for mass of agricultural workers giving free food, beer and music and raffles to get them to listen to speeches against Chavez and UFWOC."

The reports said the aim was "to get headlines" and TV coverage for statements that the organizing committee's strike against the growers, and its related grape boycott, were designed to force unions on the workers.

[From the Fresno Bee, Mar. 3, 1969]

ANTI-UFWOC GROUP IS CALLED RIGHT-WING UNIT

LOS ANGELES.—The formation and subsequent activities of the Agricultural Workers Freedom To Work Association (AWFWA) today were linked to southern San Joaquin Valley growers and the "right wing."

The tie-up is reported in a letter from officers of AWFWA to the U.S. Department of Labor and verbally by a member of the association who declined to be identified.

United Farm Workers Organizing Committee attorney Jerry Cohen scheduled a press conference here today to release the AWFWA letter. Cohen claims AWFWA was established deliberately as a "company union" to further what he calls the growers' anti-labor aims.

Cohen said that later this week he will amend an UFWOC suit against the AWFWA which accuses the latter of being a company union. He said the amend-

ment will contain a long list of names of growers who contributed financially to the AFWFA.

While the AFWFA report to the Labor Department, filed in compliance with Labor Department regulations, is the key to Cohen's presentation, his allegations are supported by an independent check with a member of the AFWFA. This AFWFA member said the organization was founded "on the labor issue, but within a month we found we were part of the red guard and the main issue was the right to work."

This member said the AFWFA was started to give farm workers a voice in the battle between the UFWOC and the growers. The member then said: "But we found that we were fair game for anybody. We thought AFWFA was our organization, then we found we were a front."

Cohen, in an interview before the press conference said he plans to show that some Giumarra Rahch officials helped form the AFWFA and provided office space, telephones and gasoline for cars.

Cohen said that an organization called Mexican-American Democrats for Republican Action was used to funnel money to AFWFA.

The money the lawyer asserted was used to finance AFWFA rallies, picket lines and to pay for AFWFA Director Jose Mendoza's speaking trips. Later, the continued Californians For Right To Work, an organization which has as one of its five directors Jack Pandol, a Delano grower, began to finance Mendoza's speaking tours.

It is Cohen's contention the AFWFA was formed by growers and that Mendoza was hired at \$120 a week to direct the operations.

Mendoza has since withdrawn from AFWFA and now is traveling widely and talking, as a grape worker, in the right-to-work cause.

Cohen said right-wingers, including the John Birch Society, have been involved in anti-UFWOC and anti-Chavez work. He said that in Cleveland a dial-a-number telephone provides a recorded voice that claims Sirhan Sirhan was a member of the UFWOC.

The unidentified member of AFWFA also said right-winger influence has moved in and dominated the AFWFA's actions. By California Law, according to Cohen prohibits a company union that is formed by and financed by a company in opposition to union activity.

Senator MONDALE. Thank you, Mrs. Huerta, for your excellent testimony.

Senator Cranston?

Senator CRANSTON. I would like, again, to thank you very much for being here, and for your very valuable testimony.

You referred at one point to grapes being served three times a day to our forces in Vietnam. Do you have information that they are actually being served morning, noon, and night in Vietnam?

Mrs. HUERTA. This is what we have received from the sons of people who are on strike. Also, some of the soldiers at Fort Dix called our boycott office in New York City to tell them they had grapes coming out of their ears, and they felt the grapes were being given them to help break the boycott. These were soldiers themselves who called our office to complain.

Senator CRANSTON. You mentioned a detention camp somewhere in California where you stated that illegal entrants were taken out to be used as pickers.

Could you give a little bit more detail?

Mrs. HUERTA. That camp is located near Coachella. There has been an exposé on that, but it is still continued. They pick up the illegal workers, hold them in a detention camp, and growers go over there and pick them up for work.

Senator CRANSTON. They take them back each night to the camp?

Mrs. HUERTA. Yes.

Senator CRANSTON. How many are in the camp?

Mrs. HUERTA. I can't tell you just how many now. The harvest is ending this week. It changes from time to time.

Senator CRANSTON. They hold them there until the season is over, and then deport them back to Mexico?

Mrs. HUERTA. Right.

Senator CRANSTON. On the acts of violence at your office and elsewhere, have you filed formal complaints with law-enforcement officials following those acts?

Mrs. HUERTA. Yes, we have. Once a series of fires were set in the offices, and I happened to be there, and we called the fire department. It took them quite a long time to get there. After they got there, they were more interested in looking through the papers on the desk than they were in looking for the arsonists. This is the normal pattern.

We have had instances—I will relate one specifically—where one of the strikers, Mr. Manuel Rivera, was beaten up by Mr. Jose Mendoza's friends. Even though the man was knocked unconscious after being beaten with 2-by-4 boards, even though a complaint was filed and the guilty party was in town, it took picketing the police station for a week to get the police to arrest the assailant.

Senator CRANSTON. Have you ever had what you consider a satisfactory response from the law-enforcement officials to whom you have complained?

Mrs. HUERTA. No.

It took the police about 45 minutes to get to the office in one instance, and by that time the intruders had made off with money and records and had knocked out the guard. Our guards are not armed.

We asked the Justice Department to come in and investigate the actions of the Delano Police Department, but I couldn't tell you the results of that investigation.

Senator CRANSTON. You referred to State agencies taking various actions. What specific actions have been taken that would seem to express opposition to the boycott?

Mrs. HUERTA. A number of statements have been made about the boycott and about the pesticides. They claim that the union is making untrue statements about the pesticides used on grapes. Yet we know that many thousands of tons of DDT have been used in the Coachella Valley, and recently tested three grape growers' fields, and three out of three had DDT on the grapes.

The State department of agriculture has refused to give us the records, which are, of course, supposed to be public information. The State department of agriculture has also made statements that DDT is not really poisonous.

Senator CRANSTON. With regard to the acts of violence, has there been any formal investigation by the Federal or State Department of Justice?

Mrs. HUERTA. I don't think there has been, but I think there should be. I think there is a tremendous amount of coercion and intimidation by the reactionary growers in the Delano area, both of workers and of employers interested in negotiating. We know that this is true. I don't pretend to speak for the employers, but I say to you what they have said to us in the course of negotiations. I think that this should be investigated.

We know that in Palm Springs, when some growers had a meeting, some of the Delano growers, and the people from the California Grape & Tree Fruit League put tremendous pressure and threats on them to prevent them from negotiating a contract. We spoke to some of the growers after the meeting, and I saw that they were physically shaken up.

I think there should be an investigation of what is going on there. I think some of the growers have expressed that they are losing a lot of money; they want to end the dispute. I think they should be free to do this, and they should not be pressured and coerced by anyone to keep them from doing this.

Senator CRANSTON. I know the record of the union under the leadership of Cesar Chavez and under your leadership has been totally nonviolent in its efforts to organize, and it seems to me that in this period when we have so much concern over the breaking of the law, that it is of great importance to have the law enforced fairly with regard to all people, and I will certainly do what I can to learn more about the violations of the law that are ignored there.

Could you put into the record that Riverside Press Enterprise story concerning that camp?

Mrs. HUERTA. I will do that.

(The article referred to follows:)

[From the Riverside (Calif.) Press Enterprise, Oct. 13, 1968]

LABOR HANDLING ISSUE UNDER STUDY

The state Division of Labor Law Enforcement says it will investigate the labor practices of Ramon Soto, of Thermal, to determine if he has been operating as a labor contractor without a license.

Soto, while acknowledging that over the years he has "supplied quite a few farmers" with "quite a few workers," said he does not have a state license and does not need one because he is not a labor contractor.

According to the California Labor Code, a farm labor contractor, in general, is anyone who, for a fee, "recruits, solicits, supplies, or hires workers on behalf of an employer engaged in the growing or producing of farm products and who, for a fee, provides . . . one or more of the following services:

"Furnishes board, lodging or transportation for such workers."

In addition, a farm labor contractor is anyone who, for a fee, "transports by motor vehicle, workers to render personal services in connection with the production of any farm products . . . under the direction of a third person."

Robert Seitz, information officer for the Southeastern U.S. region of the Immigration and Naturalization Service, said immigration officials have been under the impression that Soto is a labor contractor.

In fact, until recently Soto was one of only two employers recognized by immigration officials to take charge of certain illegal Mexican aliens who were allowed to work while awaiting to testify as material witnesses, Seitz said.

The Mexicans were caught being smuggled into the U.S. and are held by the government to testify in court against the smuggler. Under provisions of a U.S. District Court order, the "detained witnesses" are allowed to do farm work, if they choose, rather than wait in jail for the trial.

Kenneth Rosenberg, Immigration and Naturalization Service director for the Southern California District, during a recent interview, gave this account of how the court order was executed:

He said the witnesses, 602 during fiscal 1967, were turned over to the Southern California District. Because they are material witnesses, they are prisoners of the U.S. Marshal and ordinarily would be detained in the San Diego County jail. (That jail, with 274 prisoners, is overcrowded, according to Edwin Miller, U.S. Attorney for the district.)

Therefore, Rosenberg said, the witnesses were taken to the immigration detention camp at El Centro. "Then we would call Mr. Soto and tell him we had 'X' number of prisoners and he would call for them, pick them up and take them out," Rosenberg said.

He said in some cases the employer picked up the witnesses and in some cases the Border Patrol delivered the witnesses.

Soto said the Border Patrol almost always delivers the witnesses to his house and he then transports them to one of his labor camps. He said the farmers would pick the workers up at his camp in the morning and return them in the evening.

Soto said he was employed by the Coachella Valley Farmers Association to gather the witnesses for its members. He said the association paid him for transporting, housing and feeding the workers.

He said while he was employed by the association he also supplied workers to farmers who did not belong to the association. "I supply (laborers) to anybody who wants them," Soto said.

He said that occasionally he would transport the workers to where they were to work during the day.

Soto claimed, however, that because he does not have a hand in the compensation paid to the laborers he is not a labor contractor.

Elton Gebhardt, president of the Coachella Valley Farmers Association, said that while Soto was working for the association to supply laborers, he also was working for at least one other independent farmer.

Ruth Spiers, a deputy commissioner in the Labor Law Enforcement Division headquarters office in San Francisco, said the investigation would be conducted by the division's San Bernardino regional office.

When the information on Soto's position was related to Miss Spiers by the Press-Enterprise, she said, "I think that might come under recruiting . . . understand that is not a definite 'Yes' . . . but it is very close to being a recruiter . . . it is very possible he would need a license." She said the division would investigate.

A non-profit association, such as the Coachella Valley Farmers Association, is exempt from having to have a labor contractor's license if it supplies labors only to its own members, Miss Spiers said.

She said a man could be hired as an employe of the association and then might not need a license. However, she said that if he had two or more employers at the same time the "chances are" that he would need a license.

It is a misdemeanor to operate as a farm labor contractor without a state license and, if convicted, it is punishable by six months in jail or a \$500 fine or both.

A contract between Soto and the farmers association expired on Aug. 16 and was not renewed, Gebhardt said.

According to Eldon W. Woolley, officer in charge of the Immigration and Naturalization suboffice in Calexico, Soto is now the agent for YK Ranch of Oasis. Woolley's office has directed government responsibility for the witnesses.

After claims were made by the California Rural Legal Assistance League, an anti-poverty legal agency, that the witnesses were being taken advantage of, Congressman John Tunney, D-Riverside and Imperial counties, asked the federal departments of labor and justice to investigate.

Raymond Farrell, immigration commissioner, in August wrote to Tunney that changes were being made in the execution of the court order which allowed the witnesses to work.

". . . I have concluded that our execution of the court order can be improved in several respects. The most important change we are making is to remove the labor contractor from the picture and to deal directly with the employer . . .," Farrell said.

At that time only Soto and the association were authorized to take charge of the detained witnesses.

Regional and district immigration officials, however, insist that the changes were made "to tighten up procedures" and not because of any violations.

Under terms of the new agreement, Soto still is involved in the program as the agent for YK Ranch, of Oasis.

[From the Riverside (Calif.) Press-Enterprise, Oct. 13, 1968]

NUMBER OF ILLEGAL MEXICAN FARMWORKERS INCREASING

(By Ron Hosie)

Although the bracero farm-labor program expired in 1964, it appears certain that the number of Mexican aliens now working in the United States is greater than the number permitted the year before the program ended.

Rep. John Tunney, D-Riverside and Imperial counties, told the Press-Enterprise

he will request a full Congressional investigation when Congress convenes next session.

During the 1968 fiscal year, a federal Immigration and Naturalization Service spokesman reported that 142,016 illegal Mexican aliens were apprehended in the 10-state Southwestern region of the United States alone.

During fiscal 1964, the last full year before Congress let the 13-year old bracero program expire, 181,738 Mexicans were permitted to enter the United States to work.

Kenneth Rosenberg, Immigration and Naturalization officer for the Southern California district, said during a recent interview that the number of illegal aliens caught represents only a "very, very small percentage" of the actual number.

More than two-thirds of the apprehended aliens were smuggled into the country and the number is growing "rapidly," according to the Immigration and Naturalization Service's annual 1967 report.

However, according to Robert Seitz, public information officer for the Service's southwest region, of "equal importance" is the growing number of Mexican aliens who enter this country legally as visitors and then "abandon their status" and become illegal by working.

Another significant problem is the number of Mexican citizens who obtain legal entry to the United States by declaring their intention to live here and become citizens, but who actually commute across the border daily to work in this country while continuing to live in Mexico.

Seitz said an official U.S. government count was made late last year and 40,176 "resident alien commuters" were recorded crossing the border.

The practice of the United States government is to return to Mexico most illegal aliens it apprehends without prosecuting them, he said. It is a misdemeanor charge when caught the first time and felony if caught again and a felony conviction could result in a \$1,000 fine, a year in jail, or both.

The Coachella Valley chapter of the Mexican-American Political Association, in concert with two other organizations, has been working to focus public attention on the number of illegal aliens in the country.

Raul Loya, president of the Coachella Valley MAPA chapter, said recently that the federal government's policy of not prosecuting the illegal aliens and not prosecuting employers of illegal aliens has resulted in a de facto resumption of the bracero program.

He said the presence of thousands of illegal workers in this country deprives legal residents of work. He said that in California it seriously inhibits attempts to organize farm workers and forces legal migrant farm workers to rely on welfare.

A U.S. Senate subcommittee 1967 report on migrant labor said that although California farm workers are the highest paid in the nation, the migrant farm workers' earnings are "the lowest" of the nation's work force.

"The migrants' annual earnings were quite far below the \$3,000 income level below which families are commonly considered to be living in poverty," the report said.

"The major reason for the low wages received by the farm workers is the weakness of their bargaining position," the report by a subcommittee of the Senate Labor and Public Welfare Committee said.

Loya said another government policy which is of concern to him is the practice of allowing apprehended aliens who are detained in this country as material witnesses to do farm work while waiting to testify in court against smugglers.

Information officer Seitz said that on Oct. 3 there were 190 "detained witnesses" working in agriculture under the permission of a 1966 U.S. District Court order. He said all of the witnesses give their address as Thermal.

Last year, he said, 602 witnesses were detained and then allowed to work while awaiting trial. He said 91 fled and 176 went to court.

Until this summer, almost all of the witnesses were released into the custody of Roman Soto, of Thermal, who then supplied the workers to members of the Coachella Valley Farmers Association.

Southwest region and Southern California district immigration officials say that the witnesses were allowed to work only where they would not displace U.S. workers and only where there was not a labor dispute. The employer also was supposed to pay the going wage in the area for the work being done.

However, the California Rural Legal Assistance League, a federal anti-poverty legal agency, charged last July that the use of the detained workers was depressing job conditions for domestic laborers in the Coachella Valley.

James Lorenz, League attorney, forwarded the charges to Congressman Tunney, who asked the federal departments of justice and labor to look into the matter.

The League was contacted by the Coachella Valley MAPA, Loya said.

Southern California district immigration officer Rosenberg said no violations of law were uncovered. Nevertheless, some changes in the execution of the court order were implemented.

Raymond Farrell, commissioner of immigration, said in a letter received by Tunney on Aug. 19:

"The most important change we are making is to eliminate the labor contractor from the picture and to deal directly with the employer, pursuant to an agreement which will include safeguards protecting the employes and guarding against any adverse effect to American labor."

Asked to elaborate, Michael Fargione, deputy regional commissioner of immigration for the Southwest region, said recently that the changes were made to allow the government "tighter control" of the program and not because of violations.

He said charges had been made that the witnesses were being used during the recent grape strike in the Coachella Valley. Because the witnesses were in the charge of a labor contractor, and not a specific employer, the government did not know exactly where the witnesses were working, he said.

The Immigration and Naturalization Service has approved three employers under the new agreement. They are the Coachella Valley Farmers Association, Yeji Kitagawa, for the YK Ranch as Oasis (with Ramon Soto as the agent), and Jack Hubbard, of Santa Ana.

The Coachella Valley Farmers Association has registered three agents who take charge of the witnesses and feed, house and transport them for a fee.

According to Eldon W. Woolley, officer in charge, the Immigration and Naturalization sub-office at Calexico, the agents are Ed Zazueta, the Upland Lemon Growers Association and the California Date Growers Association, of Indio.

Attorney Lorenz, contacted by phone at his San Francisco office, said he believed the legal use of the detained witnesses is violating the intent Congress had when it terminated the bracero program.

In addition, he said he has taken sworn testimony from workers who claim they are under-paid and overcharged for room and board by some employers. He said the testimony also indicates the witnesses are displacing some domestic workers.

The bracero program, Public Law 78, was originally enacted in 1961 as a temporary, two-year program but was extended at intervals until Congress decided to let the law expire on Dec. 31, 1964.

Proponents of the system argued it was the only economical way to allow farmers to obtain large numbers of workers during the relatively short harvest times.

In fiscal 1959 there were 447,535 braceros admitted into the United States. The number declined each subsequent year until the program ended. In 1961 there were 294,000; in 1963 there were 195,000 and in fiscal 1965, for which the program was legal for only one-half year, there were 103,500.

Opponents of the program, including Secretary of Labor W. Willard Wirtz, argued that the domestic labor force was large enough to accommodate the needs of agriculture and the use of foreign workers displaced domestic workers.

According to the 1967 U.S. Senate subcommittee report, after "a difficult transition period" in 1965 in California, the state which had used the most foreign workers, net farm income "rebounded" in 1966 to the \$1 billion level of 1964.

During 1967, California's total agricultural production was valued at \$3.88 billion, a decrease of \$8 million from 1966.

However, Bill Geyer, consultant to the California Assembly Agriculture Committee, contacted in his Sacramento office by phone, said a not-yet-released committee report on state farm labor tends to confirm the common belief that the lot of the farm worker needs to be improved.

The report has been in preparation since 1964 and is expected to be published in early 1969, he said.

Immigration official Rosenberg said he believed the only way to curtail the problem of illegal aliens is to enact a law which requires that two different social security cards be distributed by the federal government.

Each should be a different color, he said. One would be for people eligible for farm work and the other for people who are not eligible.

In addition, he said, growers should then be fined \$1,000 for each illegal alien he employs.

Selected Riverside County farmers said workers are asked for social security cards and if one is produced the worker, if qualified, is generally hired.

Rosenberg said he believes that because employers are not required to check the legality of their workers, they do not. He said this allows the illegal aliens to get work and encourages them to return to the United States.

"When you hit them in the pocket then you're going to wipe this out. . . nothing else will wipe it out," he said.

Edwin Miller, of San Diego, is the U.S. Attorney for the Southern California District, and is responsible for prosecuting the illegal aliens caught in his district. The individual cases are referred to his office, generally with recommendations, from the Immigration and Naturalization Service.

He said his office concentrates on prosecuting the smugglers and the "most aggravated" illegal alien cases where the alien has been caught for the second or third time.

Miller said there are only two fulltime district judges, there are never more than four courtrooms available at any one time and the cases sometimes take a day or two. "So, sure, we have a backlog," he said in a recent interview.

Information officer Seitz said it would "impose staggering costs" to prosecute all the apprehended aliens.

According to the 1957 Immigration and Naturalization report, there were 3,610 prosecutions throughout the country for immigration and nationally law violations, with 692 cases pending.

The report said there were 3,362 convictions including 487 for illegal entry, 1,610 for illegal reentry of a deported alien and 322 for bringing into the country or harboring an alien.

Congressman Tunney said he believed that a "big problem" is the number of people who come into this country legally on 72-hours visitor passes and then remain to work.

Since there were some 142,000 illegal Mexican aliens caught in the Southwestern region and during fiscal 1968, 112,000 gained entrance to the country illegally, according to Seitz, the statistics indicate 30,000 of those caught entered the country legally, then became illegal by going to work.

Tunney said that farmers were "specifically exempted" by legislation in the early 1950s from having to determine if a worker could legally work before the farmer could employ the worker.

He said the exemption was "obviously placed in the law by Southern, Mid-western and Western farmers and other employers who did not want to be bothered with checking. . ."

He termed the provision "extraordinary."

When Congress convenes next session, he said he would ask Emanuel Celler, chairman of the House Judiciary Committee to conduct an investigation. He said he also would ask Sen. Edward Kennedy, a member of the Senate Judiciary Committee, to get that body involved in the investigation.

Mrs. HUERTA. I don't think any studies are going to do any good. There is a whole history of studies, and about the efforts that have been taken to break unions. We could look at the history of the last 4 years. If I were to tell you of every incident we would be here all day. I think action is needed at this point. I don't think any studies are going to do any good. I think positive action has to be taken to give the union protection, and also the employers who are willing to negotiate.

Senator CRANSTON. Have you made any formal request to the U.S. Department of Justice to look into violations of law involving your group?

Mrs. HUERTA. Yes. We have called, I guess, on every governmental agency that exists at one point or another. We have been ignored or absolutely turned down by all of them.

Senator CRANSTON. Have you submitted a written request to the Department of Justice?

Mrs HUERTA. They did make some kind of investigation about a year and a half ago.

If nothing is going to be done about it, if there is going to be an investigation and nothing done, I say to the Government, stay in Washington, save your money.

They come out and shake their heads and say, "This is too bad," and they do nothing about it.

We don't need investigations. We need some action. This is what we need.

Senator CRANSTON. Could you furnish us with the dates of any requests, whether written or otherwise, to local, State, or Federal law enforcement officials, requesting enforcement of the law and requesting investigations of violations that related to violence directed at the union?

Mrs. HUERTA. Yes, we could do this about past requests. I would like to make a formal request to the committee that the recent allegations of violence be investigated. There is some reason why smoke is being worked up about violence, when there isn't any violence being committed. There is some reason that their new group, the Consumer Rights Committee is putting out leaflets and pamphlets, saying there is violence committed in chain stores, which isn't true. We would like to ask the committee to immediately investigate this before some violence occurs and the union is blamed for it.

If we look at the history of labor relations, when the union is near success, some act of violence has been committed and blamed on the union.

I would like to request the committee to request the Department of Justice to investigate this.

Senator CRANSTON. There is great and proper concern in the Department of Justice concerning violence in America. I think you should submit a formal request to them in writing.

Mrs. HUERTA. Could the committee do the same?

Senator CRANSTON. Could you furnish a copy of what you submit?

Mrs. HUERTA. Could the committee do the same?

Senator CRANSTON. Thank you very much.

Senator MONDALE. Senator Murphy?

Senator MURPHY. Mrs. Huerta, how many years have you been interested in labor activities in California?

Mrs. HUERTA. I guess all of my life, Senator Murphy. My father was a migrant worker. I worked as a young child. My mother had a small business, a small hotel in Stockton, Calif., which housed farmworkers. They paid a dollar a room. I was fed and clothed and educated by farmworkers.

My actual interest, my activity began in 1955, when I joined the Community Service Organization, and we were doing voter registration at that time.

Senator MURPHY. May I interrupt for a minute?

At that time, was Mr. Chavez part of that community organization?

Mrs. HUERTA. Yes, he was.

Senator MURPHY. You have been associated with Mr. Chavez for how many years?

Mrs. HUERTA. I joined the Community Service Organization in 1955, and I met him once, but I didn't know him well. I really didn't

know Cesar well until 1959, after I had been in the organization for about 4 years.

Senator MURPHY. How long has the alleged strike been in progress.

Mrs. HUERTA. One of the people sitting in this room, a World War II veteran sitting in the room, has been on strike for 4 years since September 8, 1965. That's when the strike began.

Senator MURPHY. There were two unions, there was AFWFA. I can remember very well, because once I went up to the valley and I was picketed before I got there. The pickets were arranged. I never knew quite why, and I was berated by one of the union leaders whose record of organization, I assure you, is not as good as mine.

You mention the terrific cost in connection with conducting this boycott. I can well imagine that it is high. Who stands that cost?

Mrs. HUERTA. Senator, most of our financing comes from contributions.

Senator MURPHY. Who contributes?

Mrs. HUERTA. We receive a contribution from the AFL-CIO, and from the Auto Workers—

Senator MURPHY. Can you tell me roughly how much the Auto Workers contributed—

Mrs. HUERTA. I don't have those figures at my disposal, but I will tell you what I know. They are giving us \$5,000 a month, and the AFL-CIO gives us \$10,000 a month. We pass the hat. That is the way we raise our money. The food is brought in, the clothes that we wear are also donated.

Senator MURPHY. Earlier, you said you spoke for the farmworkers. Do you believe that you represent all the farmworkers, or a majority of them, or a minority of them?

Mrs. HUERTA. Senator, the position I hold is an elected position. I was elected as a vice president at our convention, at which 900 farmworkers were present. I believe we do represent the farmworkers.

Senator MURPHY. May I ask you another question: Of the 900 that were present, when did that take place?

Mrs. HUERTA. The last convention we had was in 1965, just before the strike.

Senator MURPHY. In other words, you haven't held a convention since 1965.

Mrs. HUERTA. We haven't been able to, Senator. We have people scattered all over the country.

Senator MURPHY. Are you getting help in each city from local unions in conducting your boycott?

Mrs. HUERTA. Yes. We go to the churches, the labor unions, and colleges. We get help from everyone.

Senator MURPHY. There has been, of course, a great difference of opinion as to the actual rates of pay for grape workers. I have seen some figures. For instance, let me say, when you testified before the committee in 1965, or 1966, there were great discrepancies between some of your testimony and fact.

You mentioned the Burns report. I will say for the record so that the committee will know what it is. That is Senate Factfinding Subcommittee on Un-American Activities of the California State Senate, headed up by Hugh Burns, who was the chairman of the committee and a Democratic leader, is that right?

Senator SAXBE. He was.

Senator MURPHY. That report has been, as you said, widely disseminated. I read the report with a great deal of interest and suggest it for others.

In stories lately, there seem to be differences in figures on pay rates and working conditions, that just don't go together. I have watched this situation closely because I, as you know, have been terribly interested in this.

Mrs. HUERTA. Senator, I can give you the actual history of the wages in the Delano area.

At the time of the strike in 1965, wages being paid were \$1 an hour, with 10 cents a box bonus for the grapes. Our union demands at that time were \$1.40 an hour and union recognition.

About 2 months after the strike started, the wages went up to \$1.25 an hour and 10 cents a box, in January—let me finish.

Senator MURPHY. Which vineyards were on strike?

Mrs. HUERTA. It was a general strike.

Senator MURPHY. If you will forgive me. You will recall that I was there, and I was handed a list of vineyards that were on strike. I checked with the California Labor Commission, and I picked out at random, I think, six or seven of these vineyards. The commission had had no notice, or no knowledge of those vineyards being on strike.

Mrs. HUERTA. I can explain that, Senator.

Senator MURPHY. Just let me finish. That information was on a flyer that had been given to me by Steve Allen. It also said 4,500 workers were on strike. I found no evidence of that.

As a matter of fact, the committee found a couple of areas where there were pickets, and there had been no pickets there 2 days before, or 2 days after we left.

In other words, I wondered if maybe there hadn't been a bit of window dressing for our visit.

Mrs. HUERTA. What happens, the department of employment is the agency that had the responsibility for certifying the strikes. Senator Murphy, there were probably more than 4,500 people that went out on strike.

Let me tell you why you didn't find any evidence. Because the department of employment refused to interview the people who were on strike. We would have crews of people, hundreds of people waiting for them to interview, and they would interview one or two workers, and that took them as long as 4 hours.

We had to keep the picket lines going, and we gave up, because the interviews were taking all our time. This is why you didn't find any evidence, because there was a deliberate effort to hide the evidence.

Senator MURPHY. We toured the whole area, talked to many people, and we could not find any evidence of a strike.

Mrs. HUERTA. You didn't come and talk with us, the strikers. You may have talked with the growers, but you didn't talk with the strikers.

Senator MURPHY. We talked to the strikers. We talked to the heads of the union. We went to the Cesar Chavez home.

Mrs. HUERTA. Then you can't say you found no evidence of strikers, if you went to the hall. The people were there.

Senator MURPHY. I never saw 4,500 strikers.

Mrs. HUERTA. Many of them had to find jobs. They have to eat. If you want to close your eyes, it is very easy to do.

Senator MURPHY. Don't scold me. I won't permit that. I am a U.S. Senator.

I have been interested in labor unions longer than you have, and I have a more successful record in helping form unions. What I am trying to do is point out that unless we can get the true facts in these matters, it is going to be terribly difficult to pass the appropriate legislation.

You have made accusations about a lot of people. I was interested in Senator Cranston's question on whether you had asked the Department of Justice to step in.

I think the Department should step in. I do not think it is the business of this committee to ask them. It is the business of your union.

May I ask another thing: How long ago was your union formed?

Mrs. HUERTA. We started organizing in 1952.

Senator MURPHY. I want to know when was the union formed, not when you started organizing.

Mrs. HUERTA. For the National Farm Workers Association, I think it was August 16, 1962—when we had our convention. That is the organizational convention at which the workers voted to start the organization; voted the name and the program of the organization. Then we had a constitutional convention to adopt a constitution of the National Farm Workers Association in January of 1963.

Now, the Agricultural Workers Organize the Committee, the AFL-CIO, with which NFWA is merged, began its activities in California in 1959.

Senator MURPHY. When did you merge?

Mrs. HUERTA. We merged in 1966.

Senator MURPHY. In other words, you merged after the Senate committee, of which I was a member, conducted hearings in the valley.

Mrs. HUERTA. Yes.

Senator MURPHY. In other words, at that time, there were two unions in contention.

Mrs. HUERTA. That is true.

Senator MURPHY. It wasn't one union.

Mrs. HUERTA. There were two unions, but we were picketing together, eating together, and working together.

Senator MURPHY. I see.

I have a series of other questions, but unfortunately, I have to go to the floor, and I assume that you will probably be back as a witness.

How many times have you been a witness before congressional committees?

Mrs. HUERTA. Before this particular committee?

Senator MURPHY. No, just generally. You have been here quite often, haven't you?

Mrs. HUERTA. I think the first time I testified, Senator Murphy, was way back in 1960 on the bracero program.

Senator MURPHY. You mention, incidentally, the fact that there is no control of the health conditions of the grape workers.

That condition used to pertain in the bracero program, did it not?

Mrs. HUERTA. I didn't hear you.

Senator MURPHY. They used to have health examinations under Public Law 76.

Mrs. HUERTA. Public Law 78.

Senator MURPHY. Yes, Public Law 78. They don't have that any more?

Mrs. HUERTA. No. There is no examination for the people who have the green cards. They work in the United States a couple of months and go back to Mexico, and they don't take any kind of health examination when they come back to the country.

Senator MURPHY. I thank you very much. That is a most complicated problem, as you know. I don't know whether or not you have read the labor law that I proposed, that I have sent into the Agriculture Committee which will come back to this committee and the full committee, but if you haven't, I wish you would.

Mrs. HUERTA. I have, Senator, and I am afraid it doesn't do very much for the union.

Senator MURPHY. It provides for unions—

Mrs. HUERTA. It provides for unions without any kind of bargaining power.

Senator MURPHY. That is not true. I think I can guarantee the union's bargaining power. I am a pretty good bargainer on occasion.

Mrs. HUERTA. We happen to disagree with you, Senator. Sorry.

Senator MURPHY. I may submit further questions at a later date. I have to go over to the Chamber.

It was nice to see you. You have done your usual professional job. You are one of the best witnesses an organization can have.

Mrs. HUERTA. We get more experience every year.

Senator MONDALE. Senator Hughes?

Senator HUGHES. Mrs. Huerta, I was listening with a great deal of interest to your testimony about law enforcement and the problems you have encountered. I wasn't here at the beginning of your testimony, but I would simply like to support Senator Cranston's request. If you have documentation in your files of dates and times and the nature of your requests for investigations, I think it might be helpful to the committee. Also, if you have in your records, the indications of the response that you received and what actually took place.

I am certainly going to request the committee chairman to follow through on your information and respond, whether it is to the county sheriff's office or the State attorney general's office, of the Federal Department of Justice, and how they followed through on them and what they found.

I am sure it is obvious that you feel there is lack of law enforcement, or certainly dual standards of law enforcement involved here that you are concerned about.

I think this would be very helpful to the committee in being able to determine the nature of harassment that you feel has taken place, and legal responses to the growers on a more or less bipartisan basis, rather than a fair basis to all the people involved.

I would like to forgo questions until a later time, Mr. Chairman.

Senator CRANSTON (presiding pro tempore). Thank you.

Senator Saxbe?

Senator SAXBE. No questions.

Senator CRANSTON. Senator Schweiker, do you have any questions?

Senator SCHWEIKER. No questions, Mr. Chairman.

Senator CRANSTON. Thank you very, very much for your very helpful testimony.

Senator MONDALE (presiding). Mrs. Huerta, you made a comment during your testimony about discrimination in hiring practices by certain growers. As I recall from my visit to Delano and elsewhere, I heard complaints that Mexican and black workers often found it difficult to get jobs such as truck drivers, tractor drivers, and some of the cleaner and better paying jobs, for those were jobs reserved for whites.

Could you comment on this, and if you have evidence of particular growers who you think resort to such discriminatory practices, would you make reference to that?

Mrs. HUERTA. Senator, it is a question that they never will hire any of the workers who do stoop labor for these jobs, or any of the supervisor jobs.

Senator MONDALE. Is that rather standard with nonunion growers?

Mrs. HUERTA. Yes, in our union contract, of course, we have the seniority clause, and the people who have the highest seniority come into those jobs if they have the qualifications to perform the jobs.

The plight of the black farmworkers is worst of all. Many growers won't hire black people.

Bakersfield has a high black population. Many of the black workers were cottonpickers. The picking machines threw them out of work, and they have never been able to break into the table grape work.

Jack Pandol, who is a customer of the Department of Defense, has never hired black grape pickers. I think this is something the Government should come into. How can they buy grapes from employers who discriminate in hiring, when we have an Equal Employment Opportunity Commission and a Federal law in the country that says employers cannot discriminate.

One of the reasons we have to insist on a hiring hall in our contract is to break the discrimination pattern.

Senator MONDALE. There is a Federal Executive order which prohibits the Defense Department, or any other agency, from doing business with a firm that discriminates.

Do you recall instances in which the Defense Department or other agencies are buying grapes from these growers, that allegedly discriminate?

Mrs. HUERTA. Very definitely. In fact, most of the growers they have purchased grapes from fall into this category. The discrimination is so widespread that it is almost taken for granted. That is just the way that it is.

Senator MONDALE. Do you recall instances in which the Defense Department has refused to buy grapes from growers because they discriminate?

Mrs. HUERTA. No; I don't know of any that the Department of Defense has refused to buy grapes.

Senator MONDALE. I have a letter here, and we have several others like it, but this comes from Mr. and Mrs. Oscar Reyna, from Arvin, Calif. It reads:

Dear Sir, I am a labor worker. We have a son who came from Vietnam. We protest that the Department of Defense is buying grapes to send them to military men in Vietnam. How can the Government be sincere in fighting the war on poverty when we are trying to get social justice in the fields, and the U.S. Government is buying up scab grapes that the growers cannot sell? Why is the U.S. Government trying to break the grape boycott which millions of men are supporting? What can we do to stop the Defense Department to buy table grapes?

Have you heard this type of comment from other grape workers?

Mrs. HUERTA. Yes. We have received a tremendous amount of correspondence in our offices from the farmworkers who have sons in Vietnam, protesting the purchase of grapes.

Senator MONDALE. You have heard this comment from other grape workers?

Mrs. HUERTA. Yes.

Senator MONDALE. I would ask the staff to go through these letters and telegrams that we have received and perhaps put some of the letters in the record.

(The information referred to follows:)

ARVIN, CALIF., July 11, 1969.

Senator WALTER MONDALE,
Chairman,

Senate Subcommittee on Migrator Labor

DEAR SIR: I'm a labor worker. We have a son who came from Viet Nam. We protest to the Department of Defense the buying of grapes to send them to military men in Viet Nam. This should not occur without the approval of President Nixon.

How can the government be sincere in fighting a war on poverty, while we are trying nonviolent efforts to gain social justice in the fields? The U.S. Government is buying up scab grapes that the growers cannot sell.

Why is U.S. Government trying to break the grape boycott which millions of tax paying Americans are supporting?

What can we do to stop the Defense Department from buying table grapes?

Yours truly,

Mr. and Mrs. OSCAR REYNA.

SENATOR WALTER MONDALE: I'm writing this letter to you, hoping that you will help and advise me on what to do.

First I want to tell you that I am a housewife, farmworker, volunteer social worker, in my community (no pay) there are many farmworkers who do not speak or write English, and they seek my help. I always help when I can.

I am also a mother of five—two of my sons have been in the armed services in Vietnam, defending our country, my youngest is still in the Navy.

I want to tell you, how I feel about the Defense Dept. It's unthinkable, but true, that they (Defense Dept.) took my sons, while on the other hand buys the grapes of the growers to send to our sons. Thus help the grape growers get rid of their grapes which we are boycotting in order to gain signed contracts with this growers, we want a union to represent us, we want unemployment insurance, we want the same rights all Americans should have, we the farmworkers are looked *down* upon without respect, there are no laws to protect us, what few we have are not ours to benefit by, because these men that call themselves our bosses are free to break all the laws, like our child Labor laws. I see daily children 12 or 13 years old working out in the fields, they work 10 hours a day doing a man's job. I know that is against the law, yet the farmers ignore it, all they are interested in is getting their work done, even on a school day.

We are exploited daily out of our hard earned money, by labor contractors and some farmers who still refuse to pay the minimum wage for women.

I have attended many hearings conducted by the Representatives from Washington, and all we've gotten so far are promises, which are forgotten as soon as they go back to Washington.

On July 9 I attended a hearing by Mr. Harding Secretary of Agriculture. I spoke of our problems at this hearing, as did several farmworkers, and he prom-

ised to do everything in his power to help us, but he spoke to newsmen in a press release where he stated that he is in favor of Sen. Murphy's proposal for farmworkers.

We know that Sen. Murphy is helping the farmers with this proposal, not the farmworkers, he wants to ban all strike and Boycotts, which are the only weapons we have to fight the injustice done to us by this rich farmers who still get millions of tax money on subsidy's by the Dept. of Agriculture and this same growers are humiliating the farmworkers because during winter this poor people are forced to depend on the Welfare Dept. to survive and feed their children.

In closing I want to ask your forgiveness, but I don't very often get to express what is on my mind.

Thanking you for all you can do for us.

Sincerely,

JESSIE DE LA CRUZ.

PARLIER, CALIF.

JULY 14, 1969.

Senator WALTER MONDALE,
Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: In regard to your public hearing on July 15 and 16 on the farm workers and their problems to organize. I would like to bring about an important fact. The Department of Defense is helping to complicate their problems, of the farmworkers, with its increased buying of grapes.

I was in the service four years from 1961 until 1966. I served in the Far East 15 months of this time. I, nor any other soldier woke up in the morning with a craving for grapes.

The men in Vietnam are more interested in staying alive than worrying about grapes every day. I should think that a great many of them have a diet that consists mainly of C-rations. The American soldiers are in that country fighting to preserve freedom and the rights of men. If they knew that the Government was sending grapes to Vietnam, which indirectly was helping to deprive American farm workers of their rights, the rights that they are dying for, perhaps the army would go on strike.

I am sure that you are an honest and just American citizen. I am also sure that since you are honest and just you will have to agree that the Power Structure is selling the American public and its soldiers a "pig in a bag." If there has been an error on the Government's behalf, I suggest that they correct it. What they are doing is a mockery to Freedom and Equality. I'm sure Abraham Lincoln and many other of this country's great leaders of the past would turn over in their graves if they knew what problems America's poor are facing today.

Farmworkers also have sons in Vietnam.

Sincerely,

GREGORY THOMPSON,
157 N. 61ST STREET,
Philadelphia, Pa. 19139.

THE CHRISTIAN CHURCH OF NORTHERN CALIFORNIA-NEVADA,
Berkeley, Calif., July 1, 1969.

Senator WALTER MONDALE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I want to identify myself as a friend of the farm workers and a supporter of the current grape boycott being conducted by the United Farm Workers Organizing Committee. I have had a number of years involvement with the farm workers as they struggle for better conditions as part of the labor force of the United States. Naturally I am a tax payer, and since I want to address you on the subject of shipping an inordinate quantity of grapes to the armed forces in Viet Nam, I want to state that I have had three sons who have served in the United States armed forces My young nephew is in Viet Nam at present, as are many of the sons of close friends I would like to protest strongly what appears to me like an attempt on the part of the government to use this purchasing power to thwart the struggle of the farm workers. I am sure that our government under President Nixon is sincere in its efforts in fighting a war on poverty. Therefore, I feel it is very inconsistent to try to subvert the non-violent

effort of this group of workers who certainly qualify as victims of poverty by any of the standards our government has tried to establish.

I have recently been in communication with a large number of farm workers and they are dismayed to know that grapes are being fed to our own sons who are fighting in the Army. I am sure we cannot get the government to join the boycott, but is it too much to ask that the quantity of grapes bought from California growers not be increased at this time? In conclusion, I want to state that I know of your personal interest in the struggle of the UFOC and I appreciate this very much.

Thank you for the many things you are able to do to help expedite an early conclusion to this difficult and costly struggle.

Sincerely,

Mrs. DAVID L. KRATZ,
Vice President.

SHARON, MASS., July 9, 1969.

SENATOR WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor, Old Senate Office Building, Washington, D.C.

DEAR SENATOR: I am a concerned citizen, taxpayer, and supporter of the grape boycott. I have a brother in the Navy. I am irate about the sharp increase in Dept. of Defense grape buying, especially the shipments to Vietnam. None at this could occur without the approval of President Nixon. How can the government be sincere about a war on poverty while it tries to subvert the non-violent efforts of farm workers to gain social justice in the fields by buying scab grapes that growers cannot sell in stores? It is an outrage for the farm workers to know that scab grapes are being fed to their sons who are fighting in the army. Don't plan on getting my support for the Democrats in '70 or '72 unless you give Nixon hell on this boycott issue.

Peace,

RICHARD W. CORNISH.

VISALIA, CALIF.,
July 11, 1969.

SENATOR WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor, Old Senate Office Building, Washington, D.C.

MY DEAR SENATOR MONDALE: I among millions of other taxpayers support the efforts of farm workers to gain social justice and I protest the sharp increase in the Department of Defense buying of grapes that farmers cannot sell because of the boycott. I doubt the sincerity of the government's War on Poverty when it continues to give HUGE cash subsidies to a few rich farmers and obstructs the attempts of the poor farm workers to improve working conditions and to gain a living wage. I am outraged that my tax money is being used to break the boycott. I am outraged that my son in the Army overseas is being offered scab grapes to eat.

What can be done to stop this buying of table grapes by the Government and the Defense Department?

Very truly yours,

GLADYS M. RICH
Mrs. Charles K. Rich.

JULY 15, 1969.

SENATOR W. MONDALE,
Chairman Senate Subcommittee on Migratory Labor, Old Senate Office Building, Washington, D.C.

DEAR MR. SENATOR: As a citizen of the United States and member of the United States Armed Forces I am taking the advantage and the opportunity to ask you a few questions and how they could be accomplished.

First of all, Mr. Senator, before I go any further I am going to identify myself—I am an Mexican American farm worker. I worked in the fields since I was a small boy. I picked grapes and many other fruits, and as you probably know there is a big strike going around all California for all these growers. I sup-

ported the strikers most of the time since it has been in effect. But my problem is that I can't support them any longer since I am in the Army and seeing and observing all the grapes the government buys to give to his troops and to support the growers.

Here are some questions I like to ask.

Mr. Senator, could you tell me why?

1. The government is trying to break our strike.
2. The government buys all this grapes to feed all its troops when it knows exactly that there are lots of strikers or sons of strikers family.
3. Could you tell how: The government and defense department from buying all this products and hurting the strikers.

I've been in the Army 3 years and all this time when grapes were in season the forces were the first to receive the scab fruit, and of course all this time two of my farm worker sisters they have struggled trying to gain social justice and to win the strike.

Mr. Senator, I believe this is all I've got to ask you I am sure you got reasons and answers to our strike problem. Thank you.

Sincerely yours,

A FARM WORKER AND A SOLDIER,
FRANK SALUDADO,
Hq. Co. USAG,
Camp Roberts, California.

24 GEORGE ST.,
BANGOR, MAINE,
July 14, 1969.

SENATOR WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor,
Washington, D.C.

DEAR SENATOR MONDALE: I am writing concerning the buying of grapes by the Defense Department, which is a deplorable undercutting of the efforts of migratory workers in our Southwest to organize for legitimate collective bargaining. I have participated in boycott efforts here in Bangor, Maine, and have served in the Army. As a taxpayer, it appears that the administration is using my money to break a grape boycott which I support. The exploitation of migratory laborers has gone on long enough. I pray something concrete can be done to assist these workers to get a fair shake in our society.

Sincerely yours,

ROBERT B. WHITMORE.

1808 JEFFERSON,
PASCO, WASH.,
July 14, 1969.

SENATOR WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: As an ex-migrant, ex-farm laborer, I support 100% the UFWOC boycott of Arizona and California table grapes and all their goals.

I protest our government's position as a strikebreaker in buying of scab grapes and their enormous increase of buying those table grapes to send overseas to our fighting men and others.

I am surprised that President Nixon permits this. Many of the sons of those farm workers are overseas fighting for our country, thus our government is using a son to break a strike and delaying what his family back home is desperately trying to do to be recognized for a change and treated a little better so as to upgrade his way of living.

So, as a taxpayer and supporter of the UFWOC, I demand our government stop being a strikebreaker and show us that the U.S. Government is representative of all of the people, not just the ones with power and influence.

Respectfully yours,

ROSALIO ARMIJO.

UNITED FARM WORKERS,
 ORGANIZING COMMITTEE, AFL-CIO,
Philadelphia, Pa., July 11, 1969.

Re Hearings on farmworkers.

Senator WALTER MONDALE,
Subcommittee on Migratory Labor,
Old Senate Building, Washington, D.C.

SIR: I am from Fresno, California. I have been a farmworker. My parents and my grand-parents and all my Aztec ancestors have been farm workers. I am at the present time working full-time with the Boycott of California grapes here in Philadelphia.

It seems as if the American public has made our cause their own personal cause. They are that concerned about cleaning this city of grapes. It's not the grapes so much as what they represent. Ironically enough, the one fruit mentioned in the Bible, is the fruit that today represents, hunger, cold, unemployment and poverty in general. However it also represents exploitation and the real existence of America's hardest working group. This Biblical fruit has again made the headlines from the Bible to the "limelight" to expose the conditions that we Americans, we generosity personified humanitarians have allowed and ignored through the years. True to form "grapes" again are a blessing in disguise.

I want to thank you for the favorable position that you have taken regarding our strike and boycott. Thank goodness that we have leaders with minds of their own. However we do have those that are led by "\$\$\$" Power and it is these who preach patriotism with one side of their face and destroy it with the other.

The farmworker has long been the greatest asset to the economy of this country and yet when the harvest season is over, he is considered a nuisance, dead-weight, and a charity case. We are trying to overcome this image, we have come out of that dependent shell, that well of ignorance that we were enslaved to. We want to help ourselves. For the past four years we have been forced to extremes, but we are willing to sacrifice and we will continue to do so in order to gain the respect that we deserve. This is all we're trying to do. Why, then, does the government, who should by rights be giving us a hand, turn around and sell us out to the growers by breaking our strike and trying to weaken our only weapon, the boycott. I was born and raised in California. I am a voting citizen. I have a son in Vietnam and he certainly doesn't go out of his way to demand grapes. If the fellows in Vietnam demand anything it's probably milkshakes and strawberry shortcake.

Instead of worrying about how much money the growers are losing with the boycott, the government should be worrying about the health of those men overseas, when they feed them fresh fruits.

An analyses of grapes will show the amount of residue, DDT, that is still on the fruit when it is delivered to the stores to be sold to the public.

Is the government trying to kill our men in Vietnam with economic poisons if they don't get killed by the enemy? Are there going to be special awards for those men that are systematically poisoned by an unconcerned government? Don't you feel that our men deserve the best that America has to offer and not the garbage that America rejects?

I can understand my son being killed in battle, but when he gets poisoned by the same fruit that I am rejecting, and when I have to pay for this "damned" fruit with my taxes and add to my son's demise, I refuse to understand, and I will see the rest of my sons in hell before I allow them to join the armed forces, I too will teach them to resist.

I don't sound like the old-time farmworker do I? Farmworkers will never be the same again.

The spotlight is the "grapes" and the government is buying those grapes, so evidently the government wants to get into the act. We should bring the government out into the spotlight. I hope that during the hearings, you will do just this.

Viva la causa,

HOPE LOPEZ,
Philadelphia Boycott Coordinator.

SPIRIT LAKE, IOWA,
July 11, 1969.

SENATOR WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I am deeply concerned with the policy of the U.S. Government (particularly the Defense Dept.) in carrying on blatant strike-breaking activities by increasing the purchases of fresh table grapes from California.

Not only are these purchases an outright denial of the non-violent efforts of farmworkers to improve their lives and fight poverty here at home, but they are also a disgusting and demoralizing way of showing support to military men supposedly fighting for "freedom" in Vietnam. My brother is stationed in Vietnam. It is difficult to write him telling of efforts here at home to upgrade human lives at the same time this country's government, for whom he is fighting, is contradicting the very principles of justice that sent him over there.

I have been working with the grape boycott for almost a year now. I see many signs of victory for impoverished people from thousands who believe in the struggle of the farmworkers. The discouraging signs of defeat include the unwillingness of large Agribusiness gluttons to share the abundance of the earth's products plus the U.S. Government's insistence to support these unfair labor practices.

I will continue my work with people and grocery store managers to see that the boycott works. But what can be done to stop the Government and Defense Dept. from buying up the table grapes that the average citizen has passed up? I would appreciate your consideration of this matter, particularly before the 15-16 July public hearings on Migratory Labor problems.

Sincerely,

(Mrs.) JUDY DARE.

BATON ROUGE, LA.,
July 14, 1969.

DEAR SENATOR MONDALE: As a supporter of the grape boycott of the U.F.W.O.C., I wish to register my sharp protest at the buying by the Government of grapes from the struck growers. As a veteran of Vietnam, I would like to know who the hell over there is eating all those grapes. I think that the DoD increase in grape buying clearly points out Mr. Nixon as anti-labor. The sooner this government buying stops, the sooner this strike can be settled by peaceful negotiations.

Sincerely,

J. KEVIN BISHOP.

P.S.—I am sending a similar letter to my Senator, Russell Long, of Louisiana.

MISSION HILLS, CALIF.,
July 12, 1969.

Senator WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor,
Washington, D.C.

DEAR SENATOR: As a former serviceman and now a supporter of the grape boycott, I demand that the Justice Department stop trying to break the strike with its immoral purchase of grapes.

This country should try to improve the living conditions of its people instead of selling them into economic slavery.

I want to commend you for your efforts in behalf of the farm workers and urge you to use all powers available to help alleviate this terrible plight in our country.

Sincerely,

ED ROSE.

NEW ORLEANS, LA.,
July 12, 1969.

SENATOR WALTER MONDALE,
*Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building, Washington, D.C.*

DEAR SENATOR MONDALE: AS a friend of the farm worker and as a supporter of the boycott of California grapes, I am extremely concerned with the government's involvement with the grape growers. I presently have a cousin who is serving in the U.S. Army in South Vietnam. He is also curious about the huge shipments of the boycotted grapes to Vietnam. Why is the existing government, which is sincere in fighting the War on Poverty, trying to subvert the non-violent efforts of farm workers to organize non-violently, by buying the grapes that growers cannot sell because of the boycott? Why has the Defense Department doubled its buying of scab table grapes in the last year? None of this could occur without the approval of President Nixon. Why is the government trying to break the grape strike and the boycott by supporting the growers when millions of taxpaying Americans are supporting the boycott? And finally, what can be done to stop the government and the Defense Department from buying up the scab grapes?

I am anxiously awaiting the results of your Subcommittee's hearings concerning the migrant grape strikers on the 15th and 16th of July.

Sincerely,

NANCY JONES.

SUN VALLEY CALIF., July 8, 1969.

SENATOR WALTER MONDALE,
*Chairman, Senate Subcommittee on Migratory Labor, Old Senate Office Building,
Washington, D.C.*

DEAR SENATOR MONDALE: I am writing to you in regard to the United States government's attempt to destroy the unionization movement in California agriculture. My name is James Robert Hard. I am a United States veteran and a student at San Fernando Valley State College in California. I am a "grape boycott supporter" and have not eaten grapes in three years.

I am appalled to see our government, through the Department of Defense attempting to break the strike of the farmworkers, in California, by buying scab grapes. There can be no other explanation for the tremendous increase in table grape purchases by the Department of Defense. This government's deliberate attempt to crush the aspirations of the disgracefully housed, ill cared for, and lowest paid workers in the United States only serves to clear away the illusion that this government wants to do anything constructive for the poor of this nation.

The government sham program of small handouts and "food stamps" that some people are too poor to buy doesn't fool the poor. When a salary increase for the President and Congress is passed within a few days and hearings on "Migratory Labor" are held literally for years, with little or no effective legislation produced, the position of this government becomes crystal clear to the people fighting for justice in the fields and elsewhere. The only people that accept the rhetoric and stalling of . . . [some] . . . Senators are the well fed, overweight and oftentimes subsidized people that put them in office.

Actually, I'm not sure why I'm writing this letter. You are well aware of the conditions under which the farm laborers, in the United States live. I am equally sure you know what the government is attempting in its purchasing of scab table grapes. I'm sure you know more than I about the inner working of the government and its agencies, about conglomerates in California food industry, illegal Mexican immigrants, subsidized water and subsidized companies such as J. G. Boswell Co.; in other words I'm sure you have a full understanding of the situation in California and United States agriculture. Therefore, what I, as a citizen, am asking of you, is to take action.

I really don't expect any credible response or any response at all for that matter. However, it would be quite a surprise to hear that action is being taken—in behalf of the Farmworkers!

Sincerely,

JAMES ROBERT HARD,
and 13 cosigners.

P.S. Some of my family and friends, who have the same sentiment have endorsed this letter.

JULY 12, 1969.

DEAR SENATOR MONDALE: As a friend of the farm workers and a supporter of the grape boycott, I feel strongly for their just due.

It disturbed me greatly to know the many efforts placed in the Boycott—as well as, the War on Poverty—were being met and challenged by the Defense Department's buying of scab grapes. Even this doubled in the last year!

As a teacher, I encourage students to support our fighting men. The many letters received proves the sincere and honest trust for basic rights. Is this to be done by only citizens and not by the very people who should be the support and protection of the peoples? Why feed our fighting men from *our* fields of fighting for dignity and a living wage? Is the price of grapes more valuable than lives? As you see, to educate in justice is a marked challenge. Please let me know what can be done to stop the Government and the Defense Department from buying up table grapes. Until this is done, we will be defeating the causes for which we fight.

Sincerely,

CATHERINE FAY POPOCZY,
Cleveland, Ohio.

CUTLER, CALIF., *July 7, 1969.*

Senator WALTER MONDALE,
*Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building, Washington, D.C.*

HON. WALTER MONDALE: Our men in the Armed forces and their parents are not enemies of the Defense Department or of the United States, therefore the Defense Department is committing treason by buying "Scab Grapes" from farms where our workers are on strike!!

Our soldiers are fighting an undecided war!, and our farm workers are fighting for decency, equal rights, and self-support!!. They no longer want to deal with public assistance!. They are ashamed and hurt to the point where they will not permit the giant to step on their necks.

Democracy as a whole will move forward, therefore as concerned citizens and parents we will not vote for legislators whom are not doing justice to the true meaning of War-On-Poverty.

Please Honorable Walter Mondale, its outrageous for farm workers to know that our soldiers are being fed with "Scab Grapes", please alert the Defense Department not to buy those grapes.

God bless you and may you find the way to the heart of the rich and the poor, we will appreciate the good effort you make in this matter.

As true friend of all personnel Government duties, I remain to you,

Sincerely yours,

ELISA AGUILERA.

PHILADELPHIA, PA., *July 8, 1969.*

Senator WALTER MONDALE,
*Old Senate Office Building,
Washington, D.C.*

DEAR SENATOR: It has come to my attention that your committee will soon be holding public hearings concerning farm workers and their attempts to organize.

One very important aspect of this problem which should be aired is the role of government. Too often in the past government at all levels has taken the side of the people with positions of power without concern for the justice of the situation.

The consistency with which government aligns itself with the monied interests adds increasing credence to the radicals claim that our government is a "democratic sham" and should be overturned.

From what I have read and heard of the California grape workers' strike, it has to this point held itself to democratic and nonviolent means of struggle. Some government bodies have upheld the rights of the strikers and some have even helped with the boycott. Yet others, such as Gov. Reagan and now the Defense Department, have come to the aid of the rich and unreasonable grape growers.

If we are to have democratic and nonviolent protests rather than violence and

rioting, we must have a government which will to some extent listen to the demands of justice. A start which your committee can make in this direction is to fully and publicly investigate and question the Defense Department's decision to greatly increase its purchase of grapes this year.

Thank you,

Yours for a better America,

GLEN F. NIXON.

THE LIBRARY OF CONGRESS,
Washington, D.C., July 10, 1969.

[Translation (Spanish)]

SENATE MIGRATORY LABOR SUBCOMMITTEE.

DEAR SENATOR MONDALE: My name is Gabino Hernández, as a farm worker, member of the UFWOC, striker, sympathetic to the cause, one who supports the boycott. My son, Manuel Hernández, is right now in the service of the armed forces, serving with the United States Government and fighting for his country in Vietnam.

I protest the large increase in grape purchases by the Defense Department, above all, the large military and private shipments to Vietnam. For these shipments of grapes couldn't be made without President Nixon's approval. How is it possible for the government to be sincere in carrying on the "War Against Poverty" while it is trying to break the non-violent efforts of the field workers in their fight for justice, by buying the "scab" grapes which the farmers can't sell to the public.

This is an outrage and is discouraging to thousands of field workers who are fighting for justice in the ranks only to learn that "scab" grapes are going to their sons who are fighting in foreign lands.

Why does the government want to break the grape boycott which so many Americans support? Senator Mondale, what can one do to stop the purchasing of grapes by the government and the Defense Department?

Yours truly,

GABINO HERNÁNDEZ,
Westley, Calif.

Translated by Wesley Kerney.

10 DE JULIO DE 1969.

Senator WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.

ESTIMADO SENADOR MONDALE: Mi nombre es Gabino Hernandez, como trabajador agrícola, miembro del UFWOC, huelguista, simpatizante con la causa, uno que apoya el boicoteo. Mi hijo Manuel Hernandez se encuentra ahorita en el servicio de las fuerzas armadas, sirviendo con el gobierno de los Estados Unidos, y peleando por su patria en Vietnam.

Protesto sobre el gran aumento de compras de uva por parte del Depto. de Defensa, sobre todo sobre los grandes envios militares y privados de uvas frescas a Vietnam.

Como es que estos envios de uvas no podrían ser sin la aprobación del Presidente Nixon. Como es posible que el gobierno esté sincero en llevar una "Guerra contra la Pobreza" mientras que intenta quebrar los esfuerzos no-violentos de los trabajadores campesinos en su lucha por la justicia, comprando las uvas esquirolas que los rancheros no pueden vender al público.

Esto es un atroz y desanimador por miles de trabajadores campesinos que luchan por la justicia en los files saber que las uvas esquirolas van a sus hijos que luchan en tierras extranjeras.

Como es que el Gobierno quiere quebrar el boicoteo de las uvas lo que apoyan tantos Americanos. Señor Senador Mondale, que puede uno hacer para acabar con las compras de uva por el Gobierno y el Depto. de Defensa.

Su Atto. y S.S.,

GABINO HERNANDEZ.

UNITED FARM WORKERS
ORGANIZING COMMISSION,
AFL-CIO,
Kansas City, Mo.

DEAR SENATOR MONDALE: My name is Mrs. Ramon Pasillas, I am the mother of three children. I am a farmworker and also a wife of a farmworker who is representing the grape boycott in Kansas City, Mo.

I was born in California and have been a farmworker ever since I can remember. Helping my father and mother on piece-work and by the hour on miserable wages. For me these scars are still wounds. I remember since, we use to live in tents and sleeping beside the road with insects crawling all over us, from spiders to snakes.

I remember my mother making coffee in a coffeecan in a stove made by oil drum can.

Moving from Imperial Valley to San Joaquin Valley to make our living, at times my father and brother working only to support us. My oldest sister went only to the 4th grade.

Then my brother passed away. I remember my father didn't have money for the funeral. He had to work picking cotton by day and irrigating at night.

I remember helping my mother collecting money in town in order to give my brother a funeral, for the same reason of poverty and wages. My brother couldn't go soon to a hospital because of no money and after so many questions and to late he was admitted to the county hospital.

The next day, he died, things haven't changed much.

We couldn't go to school in one place for five months, because of being a farmworker.

Me, my sister and my other brother had to change school every time and pretty often, because my dad had to look for a job.

I married and I had three children. I married a working man from pea-picker to grape picker but still the wages haven't changed, much. It seems like we're still in the 30's, and still much discrimination. We are on our fourth year fighting for decent living, better wages we are American citizens and want to be treated as Americans.

We want to enjoy the benefits that union people do in America. My husband marched in the Korean war and he hasn't stopped marching for justice. When we left our hometown in Calif. to join the boycott.

It was a decision we had to make to stay and crawl or join and strike. I blessed my whole family to get some day to K.C., Mo. & hoping to return back home soon and safe.

We're still here, hoping to get coverage under a legislation. Some of us have been sick during the boycott and even in the hospital.

We still keep on trying, I thank Mrs. Dolores Huerta, mother of a family, and also our leader Cesar Chavez, father of a family.

Cesar Chavez has been a good leader on the nonviolent struggle, God bless him for what he's gone through, including his 25 day fast, because he ruined his health.

Senator Mondale I want to thank you from the bottom of my heart, because I know that like us you have been going through alot. Also Senator Kennedy, and O'Hara, Yarborough, and Senator Williams just to get justice for us.

Like Senator Kennedy, he like all of you, risked his life and died. But he will be in our hearts as in history for the rest of our lives. We will die together for a cause.

We have to change this system, we're tired, we don't need violence to win our cause, we have faith and we're going to try to do it the right way. Cause that's our destiny and justice will be achieved. We will win.

Viva La Causa.

Viva La Haelga.

PAULA PASILLAS.

[Translation (Spanish)]

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D.C., July 10, 1969.

DEAR SENATOR MONDALE: My name is Guadalupe Davila, as a farm worker, member of the UFWOC, sympathetic to the cause, one who supports the boycott, I protest the large increase in grape purchases by the Defense Department, above

all, the large military and private shipments of fresh grapes to Vietnam. These shipments couldn't be made without President Nixon's approval.

How is it possible for the government to be sincere in carrying on the "War Against Poverty" while it is trying to break the non-violent efforts of the field workers in their struggle for justice, by buying the "scab" grapes which the farmers can't sell to the public.

This is an outrage and is discouraging to thousands of field workers who are fighting for justice in the ranks only to learn that "scab" grapes are going to their sons who are fighting in foreign lands.

Why does the government want to break the grape boycott which so many Americans support? How can it be that the government wants to break the efforts of the field workers who are struggling for justice, while many of them have sons in the armed forces fighting in Vietnam for the government, while this latter is trying to undo what these boys' fathers have been struggling for with so much sweat of their brow and efforts.

Senator Mondale, what can be done to stop the purchasing of grapes by the government and the Defense Department?

Yours truly,

GUADALUPE DAVILA.

Translated by Wesley Kerney cab.

10 DE JULIO DE 1969.

Senator WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.

ESTIMADO SENADOR MONDALE: Mi nombre es Guadalupe Davila, como trabajador agrícola, miembro del UFWOC, simpatizante con la causa, uño que apoya el boicoteo.

Protesto sobre el gran aumento de compras de uva por parte del Depto. de Defensa, sobre todo sobre los grandes envíos militares y privados de uvas frescas a Vietnam. Estos envíos de uvas no podrían ser sin la aprobación del Presidente Nixon.

Como es posible que el gobierno esté sincero en llevar una "Guerra contra la Pobreza" mientras que intenta quebrar los esfuerzos no-violentos de los trabajadores campesinos en su lucha por la justicia, comprando las uvas esquirolas que los rancheros no pueden vender al público.

Esto es un atroz y desanimador por miles de trabajadores campesinos que luchan por la justicia en los files saber que las uvas esquirolas van a sus hijos que luchan en tierras extranjeras.

Por que es que el gobierno quiere quebrar el boicoteo de las uvas loque tantos Americanos apoyan. Como puede ser que el gobierno quiere quebrar los esfuerzos de los trabajadores campesinos estan luchando por la justicias, mientras que muchos de ellos tienen sus hijos en las fuerzas armadas peleando en Vietnam por el Gobierno, mientras que este esta tratando de quebrar los que los padres do estos muchachos han estado luchando con tanto sudor de frente y esfuerzos.

Señor Senador Mondale, que se puede hacer para acabar con las compras de uva por el Gobierno y el Depto. de Defensa.

Su Atto. y S.S.,

GUADALUPE DAVILA.

[Translation (Spanish)]

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
Washington, D. C., July 10, 1969.

DEAR SENATOR MONDALE: My name is Antonio Cantú, a farm worker, member of the UFWOC, striker, sympathizer with the cause, supporter of the boycott. My son-in-law Teodoro Rodriguez is serving in the armed forces in Vietnam.

I protest the large increase in grape purchases by the Defense Department, above all, the large military and private shipments of fresh grapes to Vietnam. For these grape shipments couldn't be made without President Nixon's approval.

How is it possible for the government to be sincere in carrying on the "War Against Poverty", while it is trying to undo the non-violent efforts of the field workers in their struggle for justice, by buying the "scab" grapes which the farmers can't sell to the public?

This is an outrage and is discouraging to thousands of field workers who are struggling for justice in the fields only to learn that "scab" grapes are going to their sons who are fighting in foreign lands.

Why does the government want to break the grape boycott which so many Americans are supporting?

How is it that our sons can go to fight and serve when it is trying to undo the non-violent efforts of the field-worker fathers of these boys who are serving the government.

What can be done, Senator, to stop these purchases of grapes by the government and the Defense Department?

Yours truly,

ANTONIO CANTÚ.

Translated by Wesley Kerney cab.

10 DE JULIO DE 1969.

Senator WALTER MONDALE,
Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington D.C. 20510

ESTIMADO SENADOR MONDALE: Me llamo Cantú, trabajador agrícola, miembro del UFWOC, huelguista, simpatizante con la causa, uno que apoya el boicoteo. Mi yerno Teodoro Rodriguez, se encuentra en sirviendo en las fuerzas armadas en Vietnam.

Protesto sobre el gran aumento de compras de uva por parte del Depto. de Defensa, sobre todo sobre los grandes envíos militares y privados de uvas frescas a Vietnam. Como es que estos envíos de uvas no podrían ser sin la aprobación del presidente Nixon.

¿Como es posible que el gobierno esté sincero en llevar una "Guerra contra la Pobreza" mientras que intenta quebrar los esfuerzos no-violentos de los trabajadores campesinos en su lucha por la justicia, comprando las uvas esquirolas que los rancheros no pueden vender al público?

Esto es un atroz y desanimador por miles de trabajadores campesinos que luchan por las justicia en los files saber que las uvas esquirolas van a sus hijos que luchan en tierras extranjeras.

Porque es que el gobierno quiere quebrar el boicoteo de las uvas lo que apoyan tantos los Americanos.

¿Como es que nuestros hijos si pueden ir a pelear y servirle al gobierno cuando este esta tratando de quebrar los esfuerzos no-violentos de los padres trabajadores campesinos, de estos muchachos que estan sirviendo al gobierno.

¿Que se puede hacer, Senor Senador, para acabar con las compras de uvas por el gobierno y el Depto. de Defensa?

Su Atto. y S.S.,

ANTONIO CANTU.

HINGHAM, MASS., July 14, 1969.

DEAR SENATOR MONDALE: For nearly four years, grape workers in Delano, California, have been on strike against their employers in an effort to have their union, headed by Cesar Chavez, acknowledged as their legal bargaining agent with the growers. Opposition to their efforts has been considerable and extends from the local Delano Civic organizations to the governor of California to the Federal Government and its Departments of Defense, Justice and Labor. In spite of these formidable obstacles, the United Farm Workers have maintained a code of non-violence strengthened by their determination to win and acknowledge that their goals are just.

Support continues to grow nationwide for their cause and citizens throughout this country are showing their support by the consumer boycott. While the boycott has proved effective, thoughtful citizens know that they only hope for agricultural workers is legislation written to protect a newly-formed and struggling union. The original provisions of the National Labor Relations Act written by Senator Wagner in 1935 gave adequate protection to employees forming a union. These same provisions must be included in legislation written for agricultural workers. The amendments placed on the N.L.R.A. by the Taft-Hartley in 1947 and Landrum-Griffin in 1959 restrict union activity to such an extent that it would kill the efforts of a union like the United Farm Workers who do not have the legal and financial support to be dissipated in federal law suits.

One of the methods used by the growers to break the strike is to import Mexicans to work in the fields. Green cards workers (aliens who commute to the U.S. for work) should not be allowed to work in an area where there is a certified labor dispute. The Immigration Department has not enforced this regulation, therefore, legislation must include a solution to the green card problem.

Thirdly, the Defense Department in its shipping of grapes to Vietnam last year has knowingly conspired with the growers. News items report that purchases of grapes to Vietnam were estimated to be \$500,000 or 8 pounds of table grapes per man. The excessive amounts of grapes to this small country is an indirect support of the growers and works against the farm workers. This must stop.

We strongly urge your office to make these views known to the appropriate agencies and to consider carefully whether proposed legislation for agricultural workers truly protects them.

Yours truly,

ROSEMARY D. JEANNERO.

LAKESWOOD, OHIO, *July 17, 1969.*

WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Do not support purchase of California grapes by Pentagon. Please investigate and curb this practice.

MR. SCOTT A. FISHER.

CANOGA PARK, *Calif., July 17, 1969.*

SENATOR WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

As a businessman, head of a corporation, I am very much in favor of free enterprise and in sympathy with today's businessman in his quest for profits sufficient to survive. Nevertheless, as this will never be achieved by exploiting the workers, I most vigorously support the United Farm Workers in their efforts to peacefully achieve equitable working conditions. In my opinion the Government does us all a disservice by continuing to support the growers by buying their grapes.

JOHN L. CHASE,
President, Topunga Plaza Cameras Inc.

CHATSWORTH, CALIF., *July 16 1969.*

SENATOR WALTER E. MONDALE,
Senate Office Building,
Washington, D.C.:

Purchase of California table grapes by Defense Department discriminatory and un-American. It must stop.

MILDRED R. STRICKLIN.

VAN NUYS, CALIF., *July 16, 1969.*

SENATOR WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.:

As a taxpayer I demand that the United States Government stop buying grapes.

MRS. HARVEY BRATMAN.

CANOGA PARK, CALIF., *July 16, 1969.*

SENATOR WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.:

Stop the American Government from breaking American citizens grape boycott by buying excess grapes.

SHARON STEVENSON.

GREAT NECK, N.Y., *July 15, 1969.*

SENATOR MONDALE,
Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.:

The New Democratic Coalition of Long Island urges your committee to protest the purchase of table grapes by the Defense Dept. These purchases materially

benefit the grape growers whose exploitation of migratory workers perpetuates their conditions of extreme poverty and makes a travesty of all Government efforts to fight poverty on all levels.

DON SHAFFER,
Chairman, New Democratic Coalition, Long Island, N.Y.

NEW LONDON, CONN., July 16, 1969.

SENATOR WALTER MONDALE,
Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.:

Sir, as member of Connecticut Boycott Committee I protest Government intervention in migratory labor dispute. As taxpayer I protest step-up of Government spending for grapes to mitigate effects of boycott thus prolonging poverty conditions in the United States.

CAROL J. SUTERA.

WESTBURY, N.Y., July 15, 1969.

Senator WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.:

We are outraged by Department of Defense ever increasing purchases of scab grapes. Citizens-voters of Long Island have refused to buy grapes thereby keeping them out of all supermarkets. DOD negotiating will of consumers and undermining the non-violence cause of farm workers.

GRETCHEN HAYNE,
Long Island Coordinator,
Boycott Grapes Committee.

NEW YORK, N.Y., July 14, 1969.

Senator WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.

Dear Senator: I am one of the many Americans who actively support the California grape pickers in their struggle to obtain the dignity and rights that all human beings "must" have. These are truly inalienable rights and should not be the privilege of a government to give or withhold. By not, at least enforcing existing labor laws and by buying up surplus grapes this government acts as an accomplice in a most heinous crime. Each day I grow more ashamed of my country.

Respectfully yours,

MRS. SYLVIA GASOI.

NEW YORK, N.Y., July 15, 1969.

Senator WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.:

This is to protest the purchase by the Armed Forces of large quantities of California grapes at the time when the grape workers are fighting for dignity and justice in our economic structure.

CHARLES ENGLISH,
MICHAEL WITTENBERG,
CHARLES PESHKIN,
STEPHEN LEECH.

MINNEAPOLIS, MINN., July 15, 1969.

Senator WALTER MONDALE,
Chairman, Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.:

With the public hearings near on migratory labor we feel our questions must be answered. Why does the Government undermine a just strike by buying scab grapes? Why does our Government try to break a strike millions of taxpayers support? If our Government is "for the people and by the people" when will they start practicing it. Do our combat troops know the moral issue involved in the grapes they eat? We think not. Please Senator Mondale get answers for we are not alone in asking these questions.

MR. AND MRS. WILLIAM B. WOLNER.

NEW HAVEN, CONN., *July 11, 1969.*

Senator WALTER MONDALE,
*Chairman of the Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.:*

We the Connecticut Grape Boycott Committee representing over 30 statewide committees hereby formally protest the purchase of California and Arizona table grapes by the Department of Defense. It is a flagrant example demonstrating the persistent attempts of the Government to break the nationwide boycott. It seems fairly evident that this maneuver is part of a Governmental conspiracy to stymie the unionization efforts of the United Farmworkers Organizing Committee. This committee and its representative will continue in our efforts to provide justice to farmworker, despite the overwhelming pressures of the military-industrial-complex.

CONNECTICUT GRAPE BOYCOTT COMMITTEE.

PASCO, WASH., *July 14, 1969.*

Senator WALTER MONDALE,
*Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.*

DEAR SIR: We as Democrats long since supporters of the UFWOC efforts to have their union recognized by the grape growers of Arizona and California, and also their efforts to bargain for better pay and conditions and better enforced health standards for the farm workers, are appalled that our federal government has been buying scab grapes, much less increasing their buying of grapes enormously. Thus we do not believe could be done with the approval of President Nixon.

The Government cannot sincerely be waging a War on Poverty and permit this. So we demand that the federal government stop being a strikebreaker and really show us that its a government of all the people and sincere in helping the poor.

Sincerely,

DARRELL D. BEERS, *President.*

THE INDIANA COMMITTEE TO AID FARM LABOR,
Indianapolis, Ind., July 14, 1969.

Senator WALTER MONDALE,
*Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building,
Washington, D.C.*

HON. SENATOR MONDALE: It has come to our attention that your subcommittee will be holding hearings July 15-16 on the problems of organizing farm labor in the United States.

As a committee working both with local migrant labor and the national grape boycott in support of the United Farm Workers Organizing Committee's (UFWOC, AFL-CIO) attempt to organize farm workers in the West, we have great interest and hope in the possibilities that your committee hearings afford both present and future attempts at organizing farm labor.

As you know, UFWOC, AFL-CIO attempts to this date to organize the farm workers have been relatively successful; eleven contracts have been negotiated between 1965-1968 (primarily with the wine-grape industry). In addition, after a long four year struggle to organize the workers in the table-grape industry, negotiations between ten growers (with two more joining later) and UFWOC begun in June, 1969. These successes are due to both the efforts of the strikers and the nationwide boycott. Now, however, these efforts are being jeopardized. Table-grape procurement by the United States Department of Defense has increased rapidly in the past year; from 6.9 million pounds in 1968 to 8.0 million pounds in just the first half of 1969. Moreover, shipment of table-grapes to United States military installations in Viet Nam have increased almost five-fold in the past year (from 555,000 lbs., in 1969 to 2,047,695 lbs. in the first of 1969). This means that the total grape purchases for 1969, will, if continued at the present rate, exceed the purchases of 1968 by more than 110%.

We must then view this policy of DOD as performing the function, regardless of the intent, of a strikebreaker. It is tragic that the government of the United States should be responsible for thwarting the farm workers fight for justice in the fields.

Even more regrettable is the obvious, silent approval given to the Department of Defense's procurement of grapes by President Nixon. As long as table grapes continue to be purchased during the strike and boycott, we must question the sincerity of the government in attempting to end poverty in the United States. Will our government allow, *encourage*, and *aid* the nonviolent, legal efforts of the farm workers to gain contracts insuring just wages and secure jobs, ending indiscriminate use of pesticides, and guaranteeing safe, sanitary working conditions; or will the farm workers be placed in the position where these needs and rights can only be gained through lawlessness and violence. When viewing the efforts of those attempting to stop the farm workers from organizing to bargain collectively, we are reminded of something former President Kennedy once said: "Those who make peaceful change impossible will make violent revolution inevitable."

It is our hope and request that your subcommittee will aid the efforts of organizing farm labor and in stopping the procurement of table grapes by the Department of Defense.

Respectfully,

WILLIAM HARRIFF,
Staff Coordinator.

FALLS CHURCH, VA., July 13, 1969.

DEAR SENATOR MONDALE: There are fifteen million people in this country, in the United States of America, without a voice. They have no voice in local affairs that concern them, in affairs of state legislation and no voice in the Federal government. There are other voices which tend to drown them out so they cannot be heard. They are virtually unknown, uncared for, and unwanted.

These people are the hungry of the United States. It is hard to believe, but it is hard fact. They have no political voice in the affairs with which they are directly concerned. Big businesses, governments, and political leaders either keep them quiet or drown them out. They cannot be heard.

The Federal government turns its back on these people. They listen to the big businesses and the political leaders. Neither are poor or hungry. The poor, hungry man is without a voice and without an ear to listen.

The "huelga" has been in effect in California now for over thirty months. Grapes have been boycotted and stores picketed around the country. Grapes have been refused at foreign ports and Sweden dockworkers are supporting the boycott. Some, but only some, grape owners have agreed to negotiations with the strikers. It seems that the poor man has finally won a voice.

But, the Federal government is deaf to their plea. The Department of Defense saves the grape growers and sends enough grapes to Vietnam that will no longer need bullets. They can throw grapes. (Eight pounds per serviceman in Vietnam.)

Once again, the Federal government has supported big business and the politicians. The poor man is losing his voice. His plea has finally fallen onto listening ears, but it may be too late. It may be too late, it may a while before he speaks up again.

Sincerely,

MICHAEL KUHN.

Attention: Senator Walter Mondale and the members of the Subcommittee on Migratory Labor.

MIGRATORY LABOR SUBCOMMITTEE OF THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

WASHINGTON, D.C., July 14, 1969.

The Southern California Kennedy Action Corps was pleased to hear that the Senate Subcommittee on Migratory Labor is holding hearings on the farm workers struggle to organize. Presently, repression seems to be the answer of many to the cries of the forgotten in our society. Thus, your courage in publicly exploring the farm workers pursuit of justice is to be commended.

Almost from its inception, the Kennedy Action Corps has been concerned with "La Causa". Growing out of the Students for Kennedy, we began after the assassination in June 1968 with a petition drive for more effective gun control. Turning heartache to action, over 800,000 signatures were gathered and Kennedy Action Corps members testified before the Senate Judiciary Committee in Washington and the California Assembly Committee of Criminal Procedure.

Even before the conclusion of the gun control drive, during the summer of 1968 the Corps began to take action to aid the farm workers. With Robert Kennedy's compassionate support of the United Farm Workers in mind, Corps members and chapters throughout Southern California helped organize store boycotts, food and clothing drives, and supported trips to Delano to help the farmworkers. Many of our members have seen firsthand the problems these courageous people face.

It is amazing to us that this forgotten group, even when faced by the most powerful in our culture, the military-industrial complex, only strive for peaceful change. We hope that prolonged frustration won't bring with it more violent ways.

Over the last two years the United Farm Workers Organizing Committee has continually complained that the U.S. Defense Dept. has been purchasing huge amounts of California grapes in an attempt to break the union's boycott. In information recently released by the Defense Dept. to the Los Angeles Times, the Farm Workers charges were proven to be true.

In the fiscal year ending June 30, 1967, United States taxpayers paid for 468,000 pounds of grapes purchased by the Defense Dept. and shipped to Vietnam. For the first half of this year U.S. grape shipments to Vietnam have increased 2,000,000 pounds. Defense Dept. officials admit that purchases of scab grapes were expected to top 4,000,000 pounds this year. Also, the Defense Dept. stated that overall purchase of grapes for the entire armed forces was expected to top 16 million pounds this year, twice the amount purchased last year. Spokesmen for the farm workers charge that the tremendous increase in grape purchases can only be explained by the fact that the Defense Dept. is purposely trying to "break down" the Farm Workers Union.

Federal interference in the farm workers attempt to achieve union representation is a sad chapter in the history of the farm workers struggles. In a country which has supposedly dedicated itself to a War on Poverty, the subversion of the non violent efforts of the farm workers to gain justice and decency is a black mark on the land of "freedom and justice for all".

Unlike many Americans who have fought and succeeded in obtaining at least a modicum share of our high standard of living, the farm workers have not had the economic power, geographical roots, organization or political influence necessary to achieve the legal rights which nearly all other members of our labor force have had for over three decades and now take for granted. The farm workers have no legal minimum wage. Don't they have a right to a recognized union or to bargain freely and collectively with their employers or to make their just grievances heard as do the teamsters who haul the grapes the workers pick to the market place? How can they combat the wealthy corporate growers when they hire "green card" and illegal Mexican workers who go back to Mexico to live on their earnings in an economy with a much lower cost of living than ours?

The farm workers have but a few weeks out of the year to earn the money to support their families for the entire year, and they must earn adequate wages during this time to prevent the painful poverty which they have known for too long.

More than any other worker in our country the farm worker needs the protection and support of laws enacted by Congress to protect him from the multi-million dollar agriculture businessman who seeks only cheap labor at any human cost. It is shameful when in the wealthiest nation in the world the farm worker has no protection from such exploitation. It is time Congress gave them the same rights that other American workers have had for two generations.

Yours respectfully,

ROBERT E. THOMSON,
Chairman, Southern California Kennedy Action Corps.

MASSACHUSETTS INSTITUTE OF TECHNOLOGY,
DEPARTMENT OF HUMANITIES,
Cambridge, Mass., July 13, 1969.

Senator WALTER MONDALE,
*Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building, Washington, D.C.*

DEAR SENATOR MONDALE: The Defense Department has, in the past year, nearly doubled its purchase of grapes for shipment to our troops in Vietnam. I find this particular escalation, coming at a trying moment in the struggle of farm workers to win recognition that they too are human beings, entitled at least to

the minimal decencies most of us take for granted, deeply offensive and scandalous. The effect of this brazen action can only be to weaken the national boycott of table grapes organized by the Farm Workers Union, and surely officials of the Defense Department, despite their protestations of innocence and neutrality, are aware of this. The boycott has broad national support, and has even won the adherence of a number of municipal and metropolitan governments. It is outrageous in the extreme that the national government should act so as to weaken the farm workers in their fight for justice. The tender proclamations in favor of economic and social justice mouthed by the present administration seem more hollow than ever, and the effect will be to increase the political cynicism and apathy that is one of our growing national afflictions. I urge you to publicize this matter thoroughly during the public hearings your subcommittee will soon hold on the problems of farm workers. It is enough that our farm laborers should have to fight incessantly the greed and power of the growers; it is intolerable that they should be weakened in this struggle by either the indifference or the political cynicism of the national government.

Sincerely yours,

ARTHUR D. KALEDIN,
Associate Professor of History.

CANOGA PARK, CALIF., July 12, 1969.

Senator WALTER MONDALE,
*Senate Subcommittee on Migratory Labor,
Old Senate Office Building, Washington, D.C.*

DEAR SENATOR MONDALE: I understand that you are one of the few senators in Washington who are truly sympathetic to the plight of the farm workers. I am certain that you are fully aware that while several weeks ago there was great hope that some of the growers would reach an agreement with the United Farm Workers Organizing Committee, negotiations have reached a stalemate. In the meantime men, women and children who, by misfortune, happen to be agricultural workers are continuing to suffer from all types of deprivation. Can these people continue believing that the Democratic Process will operate in their favor when they see clearly that the government is not responsive to their needs? Can these people continue to have faith in a system which grants huge subsidies to their employers as well as to all large corporations but which fails to give them the same rights of collective bargaining granted to all other workers? I personally feel that people are more aware than ever of the glaring injustices within our system and are not prepared to sit idly by and let these injustices continue uncorrected.

Senator, I urge you to inform the Congress about the true mood of the people. We are fully aware that the U.S. Armed Forces are now the third largest purchaser of California grapes. While people of good will everywhere are boycotting grapes because they are aware that the boycott has been the only weapon that the UFWOC could employ, the U.S. government is buying grapes with our tax money. We who cannot employ any "loopholes" to avoid paying income taxes as the large corporations can, feel a sense of impotent rage at this development.

The situation as it pertains to the farm workers must be corrected! The agricultural workers must be included under the National Labor Relations Act and soon! This is my feeling and I know that my thinking reflects the thinking of a good many people of good will. I hope that, somehow, you will be able to voice my sentiments in Congress.

Respectfully,

JOSEPH DEANDA,
Assistant Professor, Valley College.

PAWTUCKET, R.I., July 12, 1969.

Senator WALTER MONDALE,
*U.S. Senate,
Washington, D.C.*

DEAR SENATOR MONDALE: I understand you will be holding hearings next week on the problems farm workers face in their efforts to unionize.

I have done some work with the UFWOC grape boycott, and I was shocked to learn that the Department of Defense has been undermining this boycott by sending vast shipments of grapes to military men in Viet Nam.

Such action by the Pentagon manifests at its best a great insensitivity to the social injustice that burdens the farm workers; and at its worst it may show a conspiracy to continue this social injustice.

It is my sincere hope that you and your subcommittee will be able to do something to put a stop to these outrageous shipments of grapes to Viet Nam.

If possible, I would like my remarks to be read into the record of your hearings.

Sincerely,

DAVID R. CARLIN, Jr.,
Lecturer in Philosophy,
Providence College.

THE UNITED CHRISTIAN MISSIONARY SOCIETY,
Indianapolis, Ind., July 9, 1969.

Senator WALTER MONDALE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MONDALE: I understand the Subcommittee on Migratory Labor will be holding public hearings on July 15 and 16. As chairman of the subcommittee, I urge you to expose to the American public the fact that the Defense Department is a No. 1 strike breaker in the struggle of the California farm workers for justice and dignity. The farm workers are at great odds with agri-business as well as the lax enforcement of the Green Card regulations on the border. They are using the consumer boycott as a last resort to gain their legal right to belong to a union. The large agri-business corporations who are table grape growers have been unwilling even to hold elections to see if their workers wish to join a union.

The Defense Department in 1967 shipped 468 pounds of grapes to South Vietnam and it is estimated that they will send 4 million pounds of grapes in 1969. The private commercial shipments of grapes to South Vietnam in 1965 were 244,952 pounds of grapes and in 1968 it rose to over 2,850,000 pounds of grapes.

Many questions are raised by the U.S. Department of Defense buying grapes from California. Are non-union California grapes being exported to South Vietnam under U.S. government programs? Are grapes being imported to South Vietnam and sold in U.S. government commissaries? To put the question very simply, who is eating all the grapes being shipped to Vietnam? Grapes are in need of refrigeration in order to stay fresh and I cannot perceive of them being used by soldiers on the battlefields. Another question is what growers are providing the grapes that the Pentagon is buying?

The Nixon administration seems lax in its concern of legal enforcement of Green Cards, certification of the labor disputes in California, and its inability to see that large volume buying, by Defense Department is not in the best interest of our nation. California farm workers are asking for their rights. If the government is not willing to live by its own laws then the total society suffers from the consequences.

I have always appreciated your efforts pointing out the plight of the farm worker and hope that you will continue in your very urgent fight to bring about farm labor inclusion into the National Labor Relations Act.

Yours in Peace,

DAVID BATZKA,
Acting Director, Christian Citizenship.

TUESDAY, July 8, 1969.

Senator WALTER MONDALE,
Chairman, Senate Subcommittee on Migratory Labor,
Old Senate Office Building, Washington, D.C.
Washington, D.C.

DEAR SENATOR MONDALE: We, the Kansas City Friends of the Farm Workers, are appalled by the attitude taken by our Federal Government in regard to the California grape strike and boycott.

We have watched the heroic agricultural-labor struggle being waged against overwhelming odds by the courageous efforts of Cesar Chavez and the United Farm Workers Organizing Committee, AFL-CIO for many years.

We support their cause most enthusiastically. We are prompted to write this letter because we are fearful that the government has taken measures to insure for the destruction of the United Farm Workers.

Inasmuch as our Federal Government has declared a "War on Poverty", it seems totally illogical that it should be against the efforts of the farm workers. The government's hostile and pugnacious attitude toward the UFWOC is

clearly indicated by the sharp increase in the Department of Defense grape buying, and especially the huge military and private shipments of table grapes to Vietnam.

We would very much like to know what action can be taken to stop the Defense Department and Federal Government from purchasing table grapes.

Thanking you for your courteous attention, I remain

Sincerely,

EDWARD HURTADO,

Cochairman, Kansas City Friends of the Farmworkers.

MEXICAN-AMERICAN ORGANIZATION FOR PROGRESS,

Kansas City, Mo., July 8, 1969.

Senator WALTER MONDALE,

Chairman, Senate Subcommittee on Migratory Labor,

Old Senate Office Building,

Washington, D.C.

DEAR SENATOR MONDALE: I am writing this letter in behalf of the Mexican-American Organization for Progress (MAOP) to register our concern in regard to the attitude that the Federal Government has taken towards the United Farm Workers in California, many of whom are Mexican-Americans.

We have watched the heroic agriculture-labor struggle being waged against overwhelming odds by the courageous efforts of Cesar Chavez and the United Farm Workers Organizing Committee, AFL-CIO for many years now. We support their cause most enthusiastically.

We are prompted to write this letter because we are fearful that the government has taken measures to destroy the United Farm Workers. Inasmuch as our Federal Government has declared a "War on Poverty", it seems totally illogical that it should be against the efforts of the farm workers. The government's hostile and pugnacious attitude towards the UFWOC is clearly indicated by the sharp increase in the Department of Defense grape buying, and especially the huge military and private shipments of table grapes to Vietnam.

We would very much like to know what action can be taken to stop the Defense Department and Federal Government from purchasing table grapes.

Anxiously awaiting your reply, I remain

Sincerely,

MARCIANO MORALES,

President.

INTERNATIONAL LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION,

Portland, Oreg., July 16, 1969.

HON. WALTER F. MONDALE,

U.S. Senate,

Senate Office Building,

Washington, D.C.

DEAR SENATOR MONDALE: Our union council is deeply disturbed over reports a department of the Government is being used to break a farm workers' strike. According to information released to various newspapers by the Department of Defense, the department is shipping eight times as many grapes to the armed forces in Vietnam as in any previous year. Prior to fiscal 1967 there is no record any grapes at all were shipped. The purchases and shipments began about the time a consumer boycott was invoked to aid the grape workers who do not have the same recourse and aid in organizing other workers have in the National Labor Relations Act.

We feel the Department of Defense is following a highly improper course of action, and the Government should put a stop to it. Government should be for the people—all the people, and this includes the under paid, forgotten farm workers of California. By stepping up its purchases of grapes, the Department of Defense is aiding only a small section of the people—agribusiness.

The economy of a region benefits when workers are organized. Purchasing power increases and many people, not just the workers themselves, are helped. Farm workers are no exception, as shown by living standards in Hawaii, where sugar and pineapple workers belong to the ILWU. It is very poor public policy for our government to permit a department of the government to act in the way the Defense Department is acting.

We are happy to learn you have instigated hearings into the above subject.

Sincerely,

A. F. STONEBURG, *Secretary.*

BROOKLINE, MASS. August 8, 1969.

Senator WALTER MONDALE,

Chairman, Senate Subcommittee on Migratory Labor, Old Senate Office Building, Washington, D.C.

DEAR SENATOR MONDALE: Although I am frequently upset by the actions of this my government, few actions have aroused me enough to make me actually write a letter. The doubling of Defense Department purchases of grapes in the midst of the grape-pickers strike is such an action.

I understand all about essentials of war: ABMs, MIRVs, napalm; but GRAPES? Perhaps we are trading wine for moonshine. I could easily understand the Defense Department's decision not to join in the nationwide boycott of grapes, although I really think it should—but to act as a strike-breaker?

It seems to me that this is just one more example of the way the Defense Department can influence, or even carve out national policy without the advice of Congress or the people. Such underhanded dealing must be stopped.

Let you think that I am a wild-eyed radical, let me assure you that I am a graduate student at Harvard, where in the course of my work as a Teaching Fellow last spring, I crossed picket lines to teach my class. I don't smoke anything, and the only drug I'm on is Excedrin which should probably be charged to the Defense Department.

Thank you,

ANNE G. LAPIDUS.

Senator CRANSTON. I would like to ask one question that follows up on your line of questioning, Mr. Chairman.

There has just been a court decision in California stating that somebody receiving unemployment insurance need not accept farmwork where there are violations of the law in regard to sanitation facilities and so forth and so on.

It seems to me this would relate to the compliance responsibility that the Department of Agriculture has nationwide in regard to purchase of farm commodities.

Have you complained formally to the Department of Agriculture concerning purchases by Government agencies of farm commodities from growers who do not comply?

Mrs. HUERTA. I am not sure that that would do any good, Senator. We have placed in the record a copy of that press clipping that reports that decision you were referring to.

I think I testified a little while ago that we went to the Agricultural Commission to try to get the records of the pesticides that were used, and we were refused the information. They notified the growers that we were trying to get information. The growers got a restraining order to prevent us from that.

Senator CRANSTON. I am talking about the U.S. Department of Agriculture.

Mrs. HUERTA. I don't think we have complained to them as of yet. Again, I just doubt whether that would do any good. We have difficulty in getting cooperation from the Department of Labor—the Department of Justice—I doubt very much if we would get very much cooperation from the Department of Agriculture. I am going by our history. I think it is erroneous for any of us to think we are going to get help from any governmental agency.

In fact, it is the other way around. We can expect that the governmental agencies will do all they can to help the employers, simply because they have the political power, and the farmworkers do not. I think we have to be realistic.

Senator CRANSTON. When there is a specific requirement that the Department of Agriculture should see to it that the law is observed, and when it is their specific responsibility, for example, to deal with discriminatory hiring practices, it seems to me you place the burden on them if you make a request on those matters.

Mrs. HUERTA. What happens after that, we place the burden on the Federal Immigration Service because they don't enforce the law on hiring illegals, and we have to place the violation of child labor laws on the Department of Labor.

Where do you go? We take all of the ills to the proper agencies, and then nothing is done about them, so this is an exercise in futility. This is why the boycott exists.

I am not saying that we won't take a suggestion. We will do it. I am saying we don't expect anything to happen.

Senator CRANSTON. Let's try it and see what happens.

Mrs. HUERTA. The Food and Drug Administration refuses to enforce laws on labeling.

Is there any willingness to enforce anywhere?

Senator CRANSTON. Where you have filed a formal complaint, this committee can explore with the executive branch why they do not enforce the laws. If you file a complaint, give the committee a copy of the complaint.

Mrs. HUERTA. We would like the committee to investigate the use of the green carders in the field right now. That is a good startoff point.

Senator MONDALE. A few months ago, the Attorney General of the United States wrote the Secretary of the Agriculture and set forth in the letter that there was widespread discrimination in Agriculture Department offices, particularly in the South, and asked the Secretary of Agriculture what he proposed to do to bring them in compliance with the laws prohibiting discrimination.

The Secretary of Agriculture testified before the Select Committee on Nutrition and Human Needs, and we asked him to respond and tell us what steps he continued to take. That was 2 months ago. Neither the committee, nor myself, nor anyone else has even been able to get an answer out of the Secretary of Agriculture. Maybe somebody in this room knows how the U.S. Senate can get an answer to that question.

Mrs. HUERTA. I might mention one other violation of law, which is the violation of the minimum wage law. The enforcement agencies are so hampered in terms of lack of staff that there is no way they can actually enforce the law that is supposed to be in effect. There is a Federal minimum wage in agriculture of \$1.30 an hour. My daughter went out and picked cucumbers last week and was paid \$2.40 for the day. Another daughter went out and picked oranges, and made 47 cents an hour on piecework.

These are typical of the everyday violations that are occurring in the fields.

Senator MONDALE. Thank you very much, Mrs. Huerta.

Our next witness is Mr. Dale Babione, Deputy Executive Director, Procurement and Production, of the Defense Supply Agency, here in Washington.

Mr. Babione, will you and your staff please come to the witness stand.

STATEMENT OF DALE R. BABIONE, DEPUTY EXECUTIVE DIRECTOR, PROCUREMENT AND PRODUCTION, DEFENSE SUPPLY AGENCY; ACCOMPANIED BY CAPT. JAMES A. WARREN, SC, U.S. NAVY, DIRECTOR FOR FOOD SERVICES, OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE, INSTALLATIONS AND LOGISTICS; AND LT. COL. WILLIAM H. MASON, U.S. ARMY, CHIEF, SUBSISTENCE PURCHASING DIVISION, DEFENSE PERSONNEL SUPPORT CENTER, PHILADELPHIA, PA.

Mr. BABIONE. With your permission, Mr. Chairman, I would like to read my prepared statement, and also read it in the record.

Senator MONDALE. You may proceed. We will print your statement in full.

(The prepared statement of Mr. Babione follows:)

PREPARED STATEMENT OF DALE R. BABIONE, DEPUTY EXECUTIVE DIRECTOR, PROCUREMENT AND PRODUCTION, DEFENSE SUPPLY AGENCY, DEPARTMENT OF DEFENSE

Mr. Chairman, my name is Dale R. Babione. I am the Deputy Executive Director, Procurement and Production, Defense Supply Agency. I have been designated to represent the Department of Defense today before your Committee. I am accompanied by Captain James A. Warren, SC, USN, Director for Food Services, Office of the Assistant Secretary of Defense (Installations and Logistics). Captain Warren heads a relatively new Directorate at the Defense Department level that concerns itself with, among other things, the development of master menus for use by all of the Armed Forces and determining the nutritional value of foods available for the feeding of our men in the Armed Forces. I am also accompanied by Lt Colonel William H. Mason, USA, who is the Chief, Subsistence Purchasing Division, Defense Personnel Support Center, Philadelphia, Pennsylvania, a field activity of the Defense Supply Agency.

First, I should like to emphasize that the DoD endeavors to provide for military personnel the most acceptable and nutritious food possible including adequate quantities of fresh fruits and vegetables. With particular respect to the troops in Vietnam, extensive efforts have been made to make available to them, to the extent feasible, the same foods available to military personnel elsewhere. New methods of containerization and shipment have made possible the furnishing to the troops in Vietnam a greater quantity of fresh fruits and vegetables.

It is my understanding the purpose of my testimony is to describe to the Committee the policies and procedures used to purchase table grapes by the Department of Defense. I would like to discuss the manner in which our requirements are developed. Table grape purchases are made by the Defense Supply Agency in response to requisitions from the Military Services for troop issue and commissary resale. Requisitions for troop issue are based on planned menus which reflect numerous factors, *among them being troop acceptability*; nutritional requirements; variety; and item availability, perishability, and cost. There can be substitutions for menu items. The Defense Supply Agency recommends substitutes where a food item requisitioned may not currently be available. Alternative substitutes are recommended wherever possible to give the customer a choice of selection. Final decision, however, to accept or reject substitute items rests with the requisitioner.

The Defense Supply Agency is the Defense Department purchasing agent for all subsistence. The DSA food procurement program is carried out in seven Regional Subsistence Headquarters located throughout the United States. Generally, food buying conforms to the methods employed by the large food chains and institutional feeders. For less than car lot purchasers of fresh fruits and vegetables, DSA buyers go into the terminal markets in the early morning hours and buy the requirements for military installations in that region. Car lot quantities of fresh provisions are either bought in the growing areas by field buyers or by a special purchasing procedure known as the Notice of Intent to Purchase (NIP). This method of procurement recognizes the nature of the subsistence

industry and the necessity for placing short time limits on offers while providing maximum competition. Table grapes are purchased in all of our Subsistence Regions. However, the majority of our table grape purchases are made by our Los Angeles Subsistence Regional Headquarters.

To place our purchases of table grapes in proper perspective, data concerning DSA's total subsistence purchases are provided in order to establish the order of magnitude. In Fiscal Year 1968, DSA purchased a total of \$1.2 billion dollars worth of subsistence for the Services. Of this total, \$731 million was spent for perishable subsistence. Fresh fruits and vegetables amounted to \$77 million and table grape purchases were \$1.3 million of this total. Purchases of table grapes for the past four years were as follows:

Fiscal year:	Million pounds	Milliou dollars
1966.....	7.5	1.04
1967.....	8.3	1.25
1968.....	6.9	1.32
1969.....	9.69	1.76

While our purchases are substantial, both in dollar amount and quantity, in each of the years portrayed DSA's purchases were less than one percent of the United States annual production of table grapes.

We are aware of Committee interest in DoD policy in awarding contracts where labor disputes exist. The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to Defense procurement needs to maintain a sound working relationship with both labor and management. The resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested in other agencies of the Government.

The General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a contracting officer may consider the labor practices of a contractor (43 Comp Gen 323 (1963)). Also, the Comptroller General has ruled that there is no authority to reject bids on the basis that an employer does not employ union labor (31 Comp Gen 561).

Mr. Chairman, as you may know the Department of Defense did not receive your letter and attached questions until 7 July 1969. The questions were in considerable detail and, of necessity, required thorough research before preparing a response. I have, to the extent time permitted, prepared answers to those questions where information was readily available. I am submitting these as an attachment to this statement. I regret that we have not been able to provide all the information you requested. I am prepared to answer questions that you may wish to ask concerning the purchase of table grapes by the Department of Defense.

Mr. BABIONE. Mr. Chairman, my name is Dale R. Babione. I am the Deputy Executive Director, Procurement and Production, Defense Supply Agency. I have been designated to represent the Department of Defense today before your committee. I am accompanied by Capt. James A. Warren, SC, U.S. Navy, Director for Food Services, Office of the Assistant Secretary of Defense (Installations and Logistics). Captain Warren heads a relatively new directorate at the Defense Department level that concerns itself with, among other things, the development of master menus for use by all of the Armed Forces and determining the nutritional value of foods available for the feeding of our men in the Armed Forces.

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While our purchases are substantial, both in dollar amount and quantity, in each of the years portrayed DSA's purchases were less than 1 percent of the U.S. annual production of table grapes. This statistic seems to be in doubt before this committee, and I would like to give you our frame of reference.

Our reference is an agricultural publication dated May 1969, "Fruits, Non-Citrus, by States, 1967-68." On page 11, it gives the total U.S. production of fresh grapes as 552,863 tons, which multiplies out to a little over a billion pounds.

Senator MONDALE. Does the witness know whether that figure includes raisin and wine grapes?

Mr. BABIONE. According to our check with the Agriculture Department, this was only table grapes, for consumption as fresh grapes.

Senator MONDALE. You have checked with the Department of Agriculture on that?

Mr. BABIONE. Yes.

Senator MONDALE. When did you do that?

Mr. BABIONE. Thursday or Friday.

Senator MONDALE. Thank you.

Mr. BABIONE. We are aware of committee interest in Department of Defense policy in awarding contracts where labor disputes exist. The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to Defense procurement needs to maintain a sound working relationship with both labor and management. The resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested in other agencies of the Government.

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Mr. Chairman, as you may know, the Department of Defense did not receive your letter and attached questions until July 7, 1969. The questions were in considerable detail and, of necessity, required thorough research before preparing a response.

I have, to the extent time permitted, prepared answers to those questions where information was readily available.¹ I am submitting these as an attachment to this statement. I regret that we have not been able to provide all the information you requested. I am prepared to

¹ The material referred to appears at the end of the testimony of July 15, 1969.

answer questions that you may wish to ask concerning the purchase of table grapes by the Department of Defense.

Senator MONDALE. Let me say, Mr. Babione, that we are grateful to you and your assistants in moving as quickly as you did in responding to these rather detailed questions.

We may have some followup questions in writing, and we would hope that you might respond as well to those questions.

On June 30, 1969, Secretary Laird issued a memorandum directed, I gather, to the entire Defense Establishment, which he referred to as "A Call for Social Consciousness."

His fourth point is that, "It is my hope that as a result of this program, all Department of Defense personnel will come to consider the domestic action applications of the daily decisions as a matter of habit."

Are you aware of that memorandum?

Mr. BABIONE. I have not seen it.

Senator MONDALE. I would ask that these so-called guidelines for domestic action programs be made a part of the record at this point.

(The document follows:)

THE SECRETARY OF DEFENSE,
Washington, D.C., June 30 1969.

Memorandum for Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, Director of Defense Research and Engineering, Assistant Secretaries of Defense, Assistants to the Secretary of Defense, Directors of the Defense Agencies.

Subject: Support of the Department of Defense Domestic Action Programs

On April 28, 1969 I established the Department of Defense Domestic Action Council with the expressed belief that DoD could and should make a significant contribution in helping to solve some of the problems that afflict our urban areas.

It is realize that the job facing the Domestic Action Council cannot be done alone. The past record of voluntary support of domestic action programs by DoD personnel—civilian and military—is impressive and illustrates that our people care about all aspects of their country's future.

Therefore, I ask that each of you not only lend your continued support, but actively participate in the direction of this effort. This cooperation may take various forms. It may be in support of activities that draw upon the voluntary donation of off-duty time or the contribution of special talents of our military and civilian personnel. It may take the form of providing activities which draw upon the special capabilities of DoD to include those related to systems and management. Also, activities which interact with other Federal agencies may be viewed with the idea of supporting the domestic action program. The closest possible coordination will be maintained with the President's Urban Affairs Council.

This call to social consciousness will be accomplished without impairing our primary mission of military readiness. It is my hope that as a result of this program all Department of Defense personnel will come to consider the domestic action implications of their daily decisions as a mater of habit.

MEL LAIRD

GUIDELINES FOR DOMESTIC ACTION PROGRAMS FROM THE DEPARTMENT OF DEFENSE

The Department of Defense has the opportunity, through the use of its extensive resources and human skills, to join other government agencies and private institutions in their efforts to overcome some of the serious domestic problems which face our Nation today. By meeting this challenge, the Department will enhance its ability to provide total national security. Initiative, coupled with the strongest sense of purpose, will enable the Department to fulfill this responsibility without compromising our military effectiveness.

DOD is determined to provide equal opportunity for all of its military and civilian members, and to do business only with those committed to a similar objective. Its experiences and skills in this area should be used in ways that will accelerate the opportunities for members of minority groups.

The greatest resource of the Department of Defense is its personnel, both military and civilian. Commanders are encouraged to commit their commands' energies to these programs in accord with the Department's policies. Individuals are encouraged to voluntarily participate in these efforts during off-duty hours.

The physical resources of the Department of Defense (equipment, facilities, services, property, etc.) should be used to the maximum extent practical. When they are not employed in their primary military mission, it is desirable to consider using them for approved Domestic Action programs. The employment of such resources should be on a reimbursable basis where it is feasible to do so and, of course, whenever it is legally required.

Often in the course of performing traditional DOD tasks, know-how is acquired and results are obtained that would benefit other government agencies as well as the private sector. Domestic Action in such areas is encouraged.

Only these activities should be undertaken that can be accomplished more effectively or efficiently by DOD, by reason of its experience and resources, than by another agency.

A close relationship will be maintained with the President's Urban Affairs Council to insure coordination of Domestic Action activities within the Federal government. Where these actions are implemented in collaboration with other agencies of the Federal government and additional costs are involved, such costs should be determined and reimbursement requested from the other agencies involved.

Wherever possible, activities should be structured to provide measurable benefits within specific time limits.

Most Domestic Action programs that are undertaken can be performed with the resources regularly available within DOD. Programs that will provide unique or substantial benefits, and whose scope requires special legislation or budgetary consideration, will be submitted to the Secretary of Defense for approval following consideration by the Domestic Action Council.

Senator MONDALE. The response to our question about labor disputes drew the answer from you that the DOD position in labor disputes is to remain completely neutral in such matters, and you say that the basic policy of the DOD is to refrain from taking sides on the merits of any labor dispute.

Mr. BABIONE. That is correct.

Senator MONDALE. And you indicated that you were aware of the labor dispute in the California table grape industry.

Let's take the first grower mentioned in your long list of growers from whom you purchase table grapes, Mr. Giumarra.

Did you know Mr. Giumarra has been leading the fight against the farmworkers. He is one of the largest growers, if not the largest, in the San Joaquin, California Valley, and has been leading the fight to frustrate the boycott.

Now, with your policy of neutrality, how did you approach purchasing grapes from Mr. Giumarra?

Mr. BABIONE. He was treated no different.

Senator MONDALE. What did your policy of neutrality mean to Mr. Giumarra? How was he affected by your policy? When you negotiated with him, in what way would you deal with him differently because there was a labor dispute?

Mr. BABIONE. There would be no difference, provided the contractor could continue to perform in accordance with terms and conditions contemplated in any future contract.

Senator MONDALE. In what way would you be affecting the boycott if you bought grapes from Mr. Giumarra?

Mr. BABIONE. I don't believe that we would be in a position to know to what extent we are affecting the boycott by purchasing grapes from one offerer.

SENATOR MONDALE. Do you think the farmworkers would be unfair if they said that present DOD policy of neutrality has resulted in profits to the leader of the antiboycott and antiunion movement, and has resulted in that grower selling grapes that he might not otherwise be able to sell because of the boycott, and thus whatever the professed official position of the Department of Defense is, DOD actually works to the benefit of those trying to break the strike?

MR. BABIONE. I think it is up to the United Farmworkers to describe what effect our procurement does or does not have. The position that we have tried to make clear is that we are purchasing grapes based on a master menu that has been prepared, usually approximately 18 months in advance, plus the fact that the requisitioner, the customer is permitted to substitute other fresh fruits and vegetables from his master menu.

There was a shortage of export quality type oranges between September and November of last year.

We asked the customer at that time if he chose to accept grapes as a substitute. They chose to accept grapes.

The same thing could happen throughout the United States, whether you are talking about strawberries, cherries, plums, apples, or anything else. This is the normal supply requisitioning system used by the Department of Defense, and if at that time there happens to be a labor dispute involving any one of these commodities, we would still follow our normal supply procedures.

SENATOR MONDALE. Let me be sure I have some of these figures straight.

According to your testimony, in fiscal year 1968, the Defense Department purchased 6.9 million pounds of fresh table grapes.

MR. BABIONE. That sounds right.

SENATOR MONDALE. Is that correct?

MR. BABIONE. Yes. The answer to question No. 9 was that the total procurement of table grapes in fiscal year 1967 was 8.3 million—

SENATOR MONDALE. I asked fiscal year 1968.

MR. BABIONE. Fiscal year 1968 is 6.9.

SENATOR MONDALE. Right. In fiscal year 1969, how many did you buy?

MR. BABIONE. As far as we can determine at this time, it looks like about 9.69 million.

SENATOR MONDALE. What percentage increase is that?

MR. BABIONE. It looks like approximately 30 percent.

SENATOR MONDALE. Our calculation is 40 percent.

MR. BABIONE. That sounds right, we didn't calculate the percentage.

SENATOR MONDALE. A 40-percent increase. Do you think that that sharp an increase in purchases could be fairly determined as a neutral response on your part to the labor dispute which exists?

MR. BABIONE. Yes, I do, because if you will look at fiscal year 1967, it will show that we bought 8.3 million. Purchases will fluctuate from year to year.

SENATOR MONDALE. Let me ask you this: Has there ever been a year in the history of the Defense Department when more table grapes were being purchased than in the present year that we are now discussing, fiscal year 1969?

MR. BABIONE. I don't have figures on that.

Senator MONDALE. What do you think? Do you know of any year in which you bought more table grapes than you are buying now?

Mr. BABIONE. I doubt that there has been; we don't have any figures prior to 1965.

Senator MONDALE. Are you testifying that this is just a fortuity that we should have this searing, heartbreaking labor dispute, which has attracted national attention, that you would increase the purchase of fresh table grapes by 40 percent? As far as we know today, you have broken all known records in the purchase of table grapes, and yet you say it has no relevance to the boycott?

Mr. BABIONE. I would say that the consumption of grapes by the Armed Forces in fiscal year 1969 was not influenced one way or the other by the current labor dispute. I have looked into the matter, within the time available, and I have talked to the people in a position to know.

Senator MONDALE. Who have you talked to? Give us the names of those you have talked to. Tell us about it. Who have you talked to representing the Farmworkers Union about this?

Mr. BABIONE. They wouldn't be the people who would make the decision to account for the increase, would they?

The people who would account for the increase would be the people who requisition the product.

Senator MONDALE. You say that your increased purchases have no relevance to the strike. Who have you discussed this with representing the strikers?

Mr. BABIONE. We have looked at it in a couple of ways, in terms of the master menu, in terms of changes in the master menu which could account for the increase, and what is the consumption per man, DOD-wide, versus the national average.

Senator MONDALE. You indicated you talked to people in a position to know. Who did you talk to?

Mr. BABIONE. We have talked to the Defense Personnel Support Center. The subsistence division is headed up by Colonel Mason. Colonel Mason who is in a position to know. Under him are the seven regions we talked about. He contacted our regional people.

Senator MONDALE. What did they tell you—that your purchases had no relationship to the boycott?

Mr. BABIONE. Absolutely, and there is no written correspondence, or any other communication, that I could find within the time available other than the normal procedure I previously mentioned where we did advise all overseas activities during the September-November time frame that grapes were available.

Senator MONDALE. They didn't talk to anybody associated with the farmworkers?

Mr. BABIONE. No, because, as I understood your question, you asked me what evidence was there, that would account for the increase.

The increase in the consumption would not be a responsibility of the United Farmworkers.

Senator MONDALE. I asked what relation this sharp increase in grape purchases might have to the grape boycott, and you said none, and I said, "How did you make that determination?" You said that you talked to the people who were in a position to know, and I asked, "who did you talk to?"

Mr. BABIONE. Maybe I misunderstood the question. I thought the question was what effect did the boycott have on our procurement, and I said none.

To the extent our procurement had an effect on the boycott I thought my response was that I wasn't in a position to determine it.

Senator MONDALE. How many pounds of table grapes were sent to Vietnam in fiscal year 1968?

Mr. BABIONE. 555,000 pounds.

Senator MONDALE. And in fiscal year 1969?

Mr. BABIONE. The best information now is about 2,500,000 pounds.

Senator MONDALE. By how much have you increased, percentage-wise, Defense Department use of table grapes in Vietnam?

Mr. BABIONE. 350 percent.

Senator MONDALE. Would you regard that as a neutral response to the labor dispute in southern California?

Mr. BABIONE. Yes, I would. I know the reasons for it.

Senator MONDALE. By how big a percentage would you have to increase the use of grapes in Vietnam to involve yourself in the labor dispute? One thousand percent? Do you have an outside perimeter at which you would determine that the Defense Department policy is affecting that dispute?

Mr. BABIONE. I don't think you can make any judgment as to whether DOD is neutral or not, judging solely on the basis of percentage increase or decrease. You have to look at what are the reasons that caused the increase, and I am prepared to give them if this committee is interested.

We have been all along trying to improve the supply of fresh fruits and vegetables to Vietnam. During this time period, there has been a steady improvement in our facilities overseas to store and handle refrigerated products. We have also changed our methods of shipping from reefer ships to containerized vans which are loaded in the terminals and sealed and put in the ship and never touched until they are opened at destination.

According to the information we have, the number of vans that are available for this type of shipment has increased by about 1,000 percent.

Grapes happen to be a pretty good shipper for a perishable item. There are still some items which we cannot ship, strawberries, and so forth, so to the extent that we can ship fresh fruits and vegetables, we do ship them, and the increase is due solely to two things. One is our increased capability, both in-country and from this country to Vietnam, and secondly, because the troops over there have expressed a desire for grapes, and there would be no purpose increasing oranges, apples, and other items which they already have. As grapes could be readily increased, they were increased.

Senator MONDALE. You say they asked for the grapes?

Mr. BABIONE. What happens is, any time there is a shortage of any item, such as export oranges during the period September-November 1968, all overseas customers are advised we will not be able to fill requisitions during this time period. We also advise them of other products that are available. They choose from those items. We do not force-ship any particular item. They pick from the master menu and requisition on us.

Senator MONDALE. In your response to our question 16, you say that all requisitioners in the Far East were asked to consider grapes as a substitute.

Mr. BABIONE. That is right.

Senator MONDALE. What do you mean by that?

Mr. BABIONE. We tell them what is available. Grapes were available. They couldn't ask for grapes unless we told them they were available.

Senator MONDALE. You say one of the things you consider is troop acceptability of all fruit shipped to Vietnam. I think it would be fair to say that it would be illegal for the sons of grape workers to have boycott signs in Vietnam, would it not?

Mr. BABIONE. What we mean by acceptability is that the troops like the taste of the product, and when it is served, by and large the majority consume it, instead of throwing it away.

Senator MONDALE. In other words, you don't consider the fact that a young serviceman in Vietnam who might be the son of a grape worker, or sympathetic to the objectives of the grape worker, might be offended by the fact that the Defense Department is distributing grapes at public expense in South Vietnam, contrary to the interests of the grape workers. That would not be one of the things you would consider; would that be correct?

Mr. BABIONE. Well, I think it is something to be considered, but I think we have to consider the majority of the people over there, and certainly he does not have to eat them, and if there were enough of them over there that didn't eat them, we wouldn't order them.

Senator MONDALE. You say you considered that. How did you decide to reject the interests of Mexican-Americans and others who might be interested in the strike? How did you decide that?

Mr. BABIONE. I said it was taken into consideration, in view of all of the people there, and if there were enough people there who would not consume the grapes, they would not order the grapes.

Our job is satisfaction of the majority of the troops.

Senator MONDALE. When you say that you are neutral, do you mean that your purchases are neutral, or do you mean neutral in the sense that it doesn't affect your operation?

Define what you mean by neutrality.

Mr. BABIONE. We buy according to the laws and regulations laid down by Congress, the Department of Defense, which do not permit us in any labor dispute, to simply make a change in the practice of what we are buying because of the existence of such a dispute, only to the extent that such a labor dispute would adversely affect the ability of the contractor to perform are we permitted to take that into consideration in our normal procurement of supplies.

Senator MONDALE. So, the position of the Defense Department in terms of defining what you mean by neutrality, is that you will continue to buy grapes unless the strike causes stoppages that make it difficult to buy them; is that correct?

Mr. BABIONE. A contractor may not be able to perform for many reasons. A labor dispute might be one of them.

Senator MONDALE. Let's dwell on that, since that is my question.

Mr. BABIONE. To the extent it is our job to see the soldier gets the food, obviously, if the contractor cannot deliver it, for whatever rea-

sons, we are going to have to take alternative actions, because we still need the food.

SENATOR MONDALE. When you talk about labor dispute neutrality, you mean that you will continue to buy grapes from grape growers who are involved in a labor dispute, contrary to the advice of the farmworkers who are trying to establish an effective grape boycott, so long as the ability of the growers to deliver those grapes is maintained. That is the end of your concern about the labor dispute?

MR. BABIONE. That is correct.

SENATOR MONDALE. Senator Cranston?

SENATOR CRANSTON. Has it been essential from a nutritional point of view to increase the purchase of grapes to the degree that that has been done?

MR. BABIONE. No.

SENATOR CRANSTON. This whole discussion of neutrality sort of reminds me of a debate that was in Congress awhile back on foreign aid, and one member of the Congress asked a question which was, "Which side are the neutrals on, any how?"

You have given your definition of neutrality. How would you define nonneutrality?

MR. BABIONE. I suppose in the instant case, it would be either a tremendous decrease or a tremendous increase that was done for the sole purpose of affecting the labor dispute. We have done neither, and I believe the answers to your questions will show that we have done neither.

SENATOR CRANSTON. In fulfilling Secretary Laird's memorandum which was not called to your attention, about considering the domestic impact of decisions made by people with responsibilities in the Department of Defense, I would think that you would have to take into account appearances, as well as whatever the actual facts may be.

Had you gone the other way and, right after the boycott began, there had been a 40-percent decrease in the purchase of grapes, wouldn't you expect that the growers would have felt that you were being non-neutral against them?

MR. BABIONE. I cannot be responsible for the reasons they think certain things took place, as long as there is an explanation that satisfies us that it was not done for that specific purpose alone.

It would be unfortunate, if the growers interpreted our action in that light and I would be in the same situation that I am in now.

SENATOR CRANSTON. If you really wished to satisfy the people in the country that you were being neutral, wouldn't it perhaps be wiser when a dispute like this begins to freeze your purchases at the level they were when the dispute arose?

MR. BABIONE. No, I don't think that is a neutral act. We do not dictate consumption to the troops. We do not get a figure at headquarters in Washington and say, "We will buy this many grapes."

The local commanders determine what is consumed. Does this committee suggest that everytime there is a labor dispute involving the contractor of the supplies of the Department of Defense that we would take any other type action? Let's talk about other things besides grapes. Everything would come to a screeching halt.

SENATOR CRANSTON. Are you making purchases now of any other products involved in a boycott, to your knowledge?

MR. BABIONE. Maybe not a boycott, but certainly where there are labor disputes.

Senator CRANSTON. I don't think there is any question but that the end result of the action has been to give people the impression that they are not taking a strictly neutral position. I understand that you are under orders from the General Accounting Office not to take sides in labor disputes, and I can understand that you don't for example, have the authority, as you stated, to reject bids on the basis that the employer does not employ union labor.

Do you concern yourself with whether a supplier is observing or violating the law when you make purchases?

MR. BABIONE. Which law?

Senator CRANSTON. Any law of the land, health laws, discriminatory hiring practices, sanitary laws.

MR. BABIONE. It would depend on who is responsible for enforcing these laws. Most of the laws are the responsibility of the Labor Department or some other Federal or State agency. To the extent discriminatory practices, equal opportunity, which was mentioned a little earlier, we do have responsibility for administering that particular Executive order.

Senator CRANSTON. If it is brought to your attention that a specific contractor or supplier is violating discriminatory hiring practice laws, do you then not purchase from that source?

MR. BABIONE. The procedure for not doing business with a contractor that has violated a law is laid out in ASPR regulation, where there is a debarment or suspension procedure. This procedure is independent of whether the contractor is found guilty of violation of any law. It is not automatic.

The debarment is not a punitive action. It is an action to protect the best interests of the Government and based on the nature of the conviction or the offense, we would then make a judgment whether the Department of Defense, should do business with them.

There are some exceptions to that. The General Accounting Office or the Secretary of Labor could debar a contractor, and there are others. Without going into all the details, that is the machinery.

Senator CRANSTON. Can you conceive of any circumstances where it would be in the national interest for the Department of Defense to purchase anything from any supplier who was in violation of the law?

MR. BABIONE. Yes, I can foresee a situation where a contractor should be debarred, and there have been some.

Senator CRANSTON. Can you not conceive of a situation where it would be in the national interest to purchase from a violator of the law?

MR. BABIONE. Would you say that once more? I apparently misunderstand your previous question.

Senator CRANSTON. If a supplier of food or anything else is in substantial violation of the law, are there any circumstances where you would feel that it would be in the national interest to make purchases from that source?

MR. BABIONE. Yes.

Senator CRANSTON. What circumstances?

MR. BABIONE. Suppose he is the only one who can supply an item needed for the national defense?

SENATOR CRANSTON. Is that true in the case of grapes?

MR. BABIONE. No. You have to look at each case individually. You cannot generalize on them.

SENATOR CRANSTON. Mr. Chairman, it seems to me that officials with the responsibilities in other places in the Government have the responsibilities for seeing that there is compliance with the law, and I suggest that you ask the Secretary of Agriculture to testify before this committee to indicate whether or not he is abiding of violations of the law.

SENATOR MONDALE. I would be glad to do that. Maybe you could join in the letter. I haven't had any luck getting answers lately.

SENATOR CRANSTON. I would be glad to do that.

SENATOR MONDALE. Senator Saxbe?

SENATOR SAXBE. I am interested in the economic factors involved.

Suppose that your purchases are established on a budget, as I am sure they are, and the price of meat, or the price of some particular item is priced out of the market. Then how do you regulate so that you can cut down on those purchases?

MR. BABIONE. When the price of any particular product has a sudden increase, we review whatever substitutes may be available—beef, chicken, poultry, whatever may be the case, whether it be diced, frozen, fresh, and we do inform the services that those substitutes are available and the customer makes the decision.

SENATOR SAXBE. But there is a dollar consideration on that.

MR. BABIONE. That is correct. We have a dollar limit per ration, which is the amount of food one man eats in a day.

SENATOR SAXBE. When economic factors would make a real attractive buy, for instance, if the price of grapes was such that it was a real good buy, is there an effort to take advantage of that?

MR. BABIONE. Within the limits of acceptability. Obviously, if it is an economical buy, but people don't eat it, it is not a good buy.

SENATOR SAXBE. But, for instance, if a food such as melon, which is usually too expensive for the ordinary diet, becomes especially attractive, then your requisitions would increase, would they not, on that item, because they are trying to balance their per-man budget?

MR. BABIONE. It could or could not. It would depend on what other foods they were serving, what is in season, and so forth.

SENATOR SAXBE. If the boycott were effective and the price of grapes went down, wouldn't that make it a more attractive requisition?

MR. BABIONE. It might. The consumption of grapes by the Armed Forces, though, are well below the national consumption, if our total national production figures are correct.

SENATOR SAXBE. About 1 percent, I believe you testified, or less.

MR. BABIONE. This is the percent we are of the total production, or market, but we use less than the 5 pounds per person which is the national average. We are well below that.

SENATOR MONDALE. Senator Hughes?

SENATOR HUGHES. Mr. Babione, how long have you been in your present capacity with the Department?

MR. BABIONE. Four years.

SENATOR HUGHES. Senator Saxbe asked a question, and you perhaps recall—I think it was in the late fall of 1966. Were you there at that time?

MR. BABIONE. Yes.

Senator HUGHES. I believe the Secretary of Agriculture and your agency made a decision in Vietnam or other areas of the world to ship meat at a time that there was a holding action going on in the country by the National Farmers Organization. They used surplus supplies of meat that had been in process, and there was a national issue and hue and cry raised at that point. Probably your Department wasn't involved in it, but certainly the Secretary of Agriculture was involved in it, because it was prior to the election.

Mr. BABIONE. I don't recall the incident.

Senator HUGHES. You don't recall it?

Mr. BABIONE. No.

Senator HUGHES. Did the Secretary of Agriculture say to you, "Buy more grapes"?

Mr. BABIONE. No, not to my knowledge. Nor would you expect him to, because that isn't the way we have been doing it. As I indicated before, the consumption is based on substitutes and so forth.

Senator HUGHES. It was suggested in 1966 that the Secretary of Agriculture said to the Department of Defense to purchase X meat for X reasons. Of course, that was not taking into consideration the withholding action of a national organization trying to improve their bargaining power plus their own price structure. This is the only instance that I can recall that this happened, and I am not saying it happened in this instance. I am just inquiring as to the possibility that it happened in this instance.

Mr. BABIONE. I don't recall it, and I don't think, therefore, that it happened.

Senator HUGHES. Would you check on that and supply the information to the committee?

Mr. BABIONE. Yes.

(The requested information follows:)

DoD FOOD PURCHASE TO MINIMIZE IMPACT ON CONSUMER PRICES

During 1966, in response to several recommendations made by the Secretary of Agriculture, DoD did agree to take some actions to minimize the impact of the DoD food purchases on consumer prices. These actions included first; procure pork and beef for European commissaries and nonappropriated fund activities from foreign sources to the extent that such procurement can be made through barter for agricultural commodities to avoid any dollar outflow; and secondly, to reduce the number of servings of pork products from prime cuts, particularly bacon, in CONUS military installations by at least 50 percent over a 6-month period. These actions were implemented 17 February 1966 and were suspended 11 May 1966.

Senator HUGHES. I take from your tone that you think the committee is prejudiced here this morning.

Mr. BABIONE. I am sorry if I conveyed that attitude. I am trying to remain neutral [laughter].

Senator HUGHES. That is the point of my question. I wonder if your neutrality is practiced this way always, as ours may seem to be to you. Obviously we are not conveying a position of neutrality to you, are we?

Mr. BABIONE. Some of the questions have been on both sides.

Senator HUGHES. Did you have any general increase in manpower between 1968 and 1969, in your purchase of fruit procurements, or increase in both of them, perhaps?

Mr. BABIONE. Increase in manpower.

Senator HUGHES. Yes, an increase that might have increased your procurement.

Mr. BABIONE. In total Department of Defense?

Senator HUGHES. Yes, the total Department of Defense.

Mr. BABIONE. Just a moment.

Senator HUGHES. You may have answered that in this series of questions. I have not gone through these questions, and I apologize to you because I am not familiar with what we already have.

Mr. BABIONE. For 1968, fourth quarter, we provided an amendment to question 40, which gives—no, this is just Vietnam.

Senator HUGHES. These purchases do relate to all of your manpower requirements?

Mr. BABIONE. Right.

This shows 3.6 million in 1968 and 3.5 in 1969. A slight decrease.

Senator HUGHES. You had a 100,000 decrease in manpower, and consumption was going up.

You related there were a shortage of oranges and other substitute type fruits.

Mr. BABIONE. During 1968, for export quality, there was.

Senator HUGHES. Did this apply only to oranges, or to other substitute fruits?

Mr. BABIONE. Just oranges.

Senator HUGHES. You said your containerized shipment is a great improvement in refrigeration, thereby making it possible for you to get a fruit like grapes into the hands of troops in the field so they are edible. Would this apply to something like strawberries?

Mr. BABIONE. No, sir. In the United States, we are able to use these other fruits, whereas, in Vietnam, these fruits would not be able to be shipped that way. They are just too perishable.

Senator HUGHES. Is there any other fruit comparable to a grape, or does the grape happen to be the isolated instance, the unique thing developed at this particular time?

Mr. BABIONE. You mean that could have been shipped in lieu of grapes?

Senator HUGHES. That could have been shipped, not in lieu of grapes, but with an equal sharing in the substitution of fruits.

Perhaps I misinterpret what you said, but let me read the sentence, because it seems pretty emphatic that you said, "Take a look at grapes."

Mr. BABIONE. Yes, because grapes is a good shipper.

Senator HUGHES. Let's go back to my question again. Is there any other fruit comparable to grapes that comes in this category, or is that the isolated instance? That was my question.

Mr. BABIONE. Right now, we can't think of any other one that would be, that hadn't already been supplied to Vietnam, that could be supplied by the use of this new technique.

Senator HUGHES. Would you be kind enough to supply for the committee, if you haven't already done it, the nature of the other fruits you are supplying to the troops?

Mr. BABIONE. Yes, sir, we have that in the questions and answers.

Senator HUGHES. All right. I would like to ask you if your procurement agents buy fruit in north Africa or the Orient.

Do you buy, for example, oranges and tangerines in the southern islands of Japan, do you buy in the Philippines, do you have exchange agreements going on, for example for lemons from Italy and Sicily?

Mr. BABIONE. We have certain arrangements in certain geographic areas where local purchase is used to supply the troops. Usually, that is not in large quantities. It would depend on the country, on the fruit or vegetable, on the time of the year.

Senator HUGHES. What is your consideration on whether you would buy a large shipment of oranges or tangerines from Japan in lieu of buying them from American producers?

Mr. BABIONE. The "Buy American" policy, the goldflow, policy for use offshore, and the fact that there is a berry amendment to the appropriation act prohibiting us from buying food or clothing from other than an American manufacturer.

Senator HUGHES. Don't you manufacture some of the clothing our troops in Vietnam wear in other areas of the world?

Mr. BABIONE. Very few clothing items are purchased from other than American manufacturers.

Senator HUGHES. How about combat boots?

Mr. BABIONE. None to my knowledge.

Senator HUGHES. The ones I wore were made in Korea.

Mr. BABIONE. They must have been locally purchased as an exception to our normal policies in the beginning of the large buildup in 1965.

Senator HUGHES. The 100th Airborne was wearing the same type of boots.

Mr. BABIONE. When was it?

Senator HUGHES. In the fall of 1965, and it is not important. All I am trying to establish is, do you buy commodities from other areas.

Mr. BABIONE. To the extent that a particular fruit or vegetable would be grown in that locality, and because we could not supply because of the distance from the United States for that time, to the extent that the balance of payments would be involved, gold flow, or hard or soft currency, and to the extent of the acceptability of that product by the troops, adjustments could be made.

There are adjustments and regulations controlling this. I can't say yes or no.

Senator HUGHES. Do you have knowledge of the menus offered to the troops in Vietnam?

Mr. BABIONE. Yes.

Senator HUGHES. Do they get papaya?

Mr. BABIONE. I doubt it.

The master menu is put out, but the local commander can substitute for the menu.

Senator HUGHES. This is an honest question, because I am looking at the availability of the commodity. I am not trying to ask an unfriendly question.

Mr. BABIONE. If it was served, it was served as a substitute. It is not on the master menu.

Senator HUGHES. Could you furnish us with a list of your foreign suppliers of fruits in Vietnam?

Mr. BABIONE. Yes, we will supply that.

Senator HUGHES. If there are any; I don't know if there are any or not. I am interested in knowing.

(The requested information follows:)

FRUIT PURCHASES IN VIETNAM

We have subsequently reviewed available records and have found that the following items of fruit are being purchased in Vietnam for both troop consumption and commissary resale :

<i>Item</i>	<i>Average monthly purchases (pounds)</i>
Bananas, green-----	995, 491
Bananas, yellow-----	166
Papaya -----	10, 880
Watermelon -----	120, 050
Pineapples -----	106, 116

In addition, some quantities of limes are being procured for resale only. Identification of foreign suppliers of fruits in Vietnam is not required in the present reporting system and any effort to acquire such a list by manual methods would be prohibitively expensive.

Mr. BABIONE. One of the questions indicated that we had no knowledge of any of them being supplied locally, but we will double check it.

Senator HUGHES. I wish you would. And I wish you would get the Secretary of Agriculture to certify that this does not include wine or raisin or other qualities of grapes. That actually those figures you read into the record are in fact table grape figures which relate to the 1 percent factor that you were referring to.

Mr. BABIONE. All right.

(The requested information follows:)

GRAPE PRODUCTION IN THE UNITED STATES

A further contact with the Department of Agriculture resulted in the acquisition of a May 1969 copy of the USDA Statistical Reporting Service, Crop Reporting Board. Data extracted from page 10 reveals that total grape production in 1968 in the United States was 3,549,040 tons including all grapes; wine, raisin, and table. Data extracted from page 11 shows that U.S. sales of fresh (table) grapes was 552,862 tons in 1968. This data was validated with Mr. Horace M. Mayes, Fruits, Nuts and Hops Section Head, Statistical Reporting Service, USDA.

Mr. BABIONE. Even if we were, say, 2½ percent, the only thing we are discussing is the difference between less than 1 percent.

Senator MONDALE. We have farm programs in which we spend millions and millions of dollars trying to affect the market by 1 percent, because with a 1-percent change in price, you can affect the market 3 or 4 percent. One percent can make a difference in winning or losing a strike. To argue that 1 percent is neutral is just not good economics. I just wanted to make that point.

Senator HUGHES. I would like to ask about a situation that probably is not your responsibility, Mr. Babione, but I would like to inquire about it.

In buying commodities from other countries, you list six or seven qualifying conditions that, by law or regulation, you had to check to determine whether a purchase could be made or not.

Yet, when you relate making a contract with a supplier, you said that it was not primarily your obligation to make the determination if the contractor were in full compliance with our existing laws internally.

Mr. BABIONE. The distinction there was that the first situation about whether we would buy them locally is the decision we would

make as to what item would be supplied, what item would be considered.

The second goes to the point of whether the contractor in performing under the contract has complied with State or other Federal regulations or law which is the responsibility of other agencies to police.

Senator HUGHES. You have been in the room during the testimony this morning?

Mr. BABIONE. Yes.

Senator HUGHES. You have heard testimony that certain of your suppliers are not in compliance with the law.

Mr. BABIONE. Yes, sir.

Senator HUGHES. Would you make it your responsibility, then, to ferret out and determine whether they are or are not in compliance with the law, or contact the agency responsible for it and ask them to make that investigation for you. That is your responsibility?

Mr. BABIONE. To the extent the name of the contractor was known, we would refer it to the appropriate Federal agency.

Senator HUGHES. Would you notify the committee of their response to you?

Mr. BABIONE. Yes, but I would like to ask Mrs. Dolores Huerta to give us a specific list of the allegations, because there were several allegations, and I am not sure we got them all.

(The information subsequently supplied follows:)

DEPARTMENT OF DEFENSE RESPONSE ON ALLEGATIONS

Upon receipt of the names of specific vendors and the alleged violations we will refer them to the appropriate agencies for action. In addition, we will report back to the subcommittee all responses that are received having a relationship to these violations.

Senator HUGHES. I certainly agree that you should be supplied. And I also agree that the fact that the allegations were made is not solid, hard evidence that the conditions exist. I am simply saying that if the allegations are made here, and you have heard them, and other agencies have the responsibility, that it is your obligation to satisfy yourself that they are in compliance with the law before you make such contracts.

Mr. BABIONE. Any time we become aware of such a situation, we would refer it to the appropriate Federal agencies.

Senator HUGHES. I would hope you would, and I see your men making notes on both sides of you there, that you would refer back to the committee responses from those agencies if inquiries are made so that we might be informed, also, as to the circumstances that exist.

I would perhaps like to submit you questions at a later date after I have an opportunity to go through your written responses.

Mr. BABIONE. We would be glad to answer your questions.

Senator HUGHES. I thank you very kindly. I do want to say to you that I have not interpreted your comments to indicate ill will regarding the purchase of grapes by the Department. But I would certainly have to say that it has been a very inopportune set of circumstances that is presented at this particular moment. I hope you will reexamine the policy carefully to make sure that your endeavors to stay neutral have not been similar to some of our endeavors here this morning to stay neutral.

Thank you very much.

Mr. BABIONE. Thank you.

Senator MONDALE. Senator Schweiker?

Senator SCHWEIKER. Thank you, Mr. Chairman. Going back to grapes as a substitute for oranges, what was the nature of the directive there as to the suggestion that grapes were available in lieu of oranges?

Mr. BABIONE. About July, of this year, we sent a TWX to all of our overseas customers, informing them that the best information available was that the quality of export oranges would not be satisfactory for a period running through September, October, and the middle or late November, and we did offer to them grapes that were available as a substitute item.

Senator SCHWEIKER. Did you offer them any strawberries, pineapples—

Mr. BABIONE. No; because strawberries cannot be shipped overseas. Those troops in the United States did not have a problem. They could get strawberries.

Senator SCHWEIKER. Cherries and apples, then I won't limit it to strawberries.

Mr. BABIONE. If you look at the answers to our questions, the figures will show on apples and other items, they were already consuming a large quantity and to offer more did not seem appropriate. Grapes were available, and they did not have many grapes prior to this, and we gave them the opportunity. We already knew apples were available, because they were already ordering and eating apples, but they didn't know what was acceptable as a substitute for the oranges. OK?

Senator SCHWEIKER. They were also eating grapes?

Mr. BABIONE. Yes.

Senator SCHWEIKER. Why wouldn't you list apples as an alternative choice as well as grapes?

Mr. BABIONE. If you look at the percentage figures—where is that?

Unfortunately, when we made this up, we left out 1967-68 apples, and I have the information here. In 1968, it was 9 million pounds; 1967 was 7 million pounds, so you can see that there is quite a substantial amount of apples already available in Vietnam.

They did not have to be told that they could order apples in lieu of oranges. They know that. All we have to do is tell them what other items are available for that time period.

Senator SCHWEIKER. There is one other factor relating to this. Is there any other food here at all in the list I have—tangerines, plums, pears, peaches, and apples—that increased in quantity anywhere near the rate by which grapes increased?

Can you point to any other fruit that had a significant jump, whether you are talking about Vietnam or all your buying, that jumped as much as grapes?

Mr. BABIONE. You are talking Vietnam only, or total?

Senator SCHWEIKER. I will give you an out either way. It is your option.

Mr. BABIONE. No, there is not, but let me say this, to put things into perspective, to consume 2½ million pounds of grapes in Vietnam

would mean that grapes would only have to be served 15 times in one year.

In other words, they were served grapes in lieu of an orange or an apple. Such a serving, in addition to quantities included in the master menu, only once a month would consume 2½ million pounds of grapes.

So, while the increase is large in relationship to other items, by total consumption standards, it wasn't very much of an increase, because they were actually underconsuming grapes in terms of the national average of 5 pounds per person, or any other way you want to look at it.

Senator SCHWEIKER. On this increased use of refrigerated shipping containers that was a factor here, I take it from what you said that this would apply to a number of the other fruits as well, would it not?

In other words, that certainly wasn't limited just to grapes, was it?

Mr. BABIONE. Fresh peaches, in season, it doesn't apply to too many other things, because we have the spectrum of perishables that cannot be shipped no matter which method we use, the perishables that could be shipped with this method, to those that could be shipped in the reefers.

So, we have the spectrum of fresh peaches in season, and grapes. Most of the other fruits are hardy enough that they could be shipped by the reefer method. That is why the other fresh fruit figures did not increase as much, because they were already hardy enough to be shipped by reefer, and were so shipped.

Senator SCHWEIKER. In other words, peaches you could use.

Mr. BABIONE. Fresh, in season, as opposed to canned or frozen.

Senator SCHWEIKER. The figures you have on peaches show there was only a slight increase.

Mr. BABIONE. That could be. We don't have frozen grapes.

Senator SCHWEIKER. That is all, Mr. Chairman.

Senator MONDALE. Senator Cranston.

Senator CRANSTON. Have you considered nectarines as an alternative to grapes?

Mr. BABIONE. The answer to that, I guess, is that it is a possibility, and it is something that we are looking at still, and there probably would be some possibility in that area.

(Information subsequently supplied follows:)

LIMITED USE OF NECTARINES EXPLAINED

Subsequent investigation of this matter disclosed that nectarines are not often considered as substitutes because of limited production and a very short in-season availability. As a matter of fact, more than 70% of total production is available only during July and August. Nectarines are authorized for troop issue, however, they have never been included on the master menu because of the reasons outlined above. Therefore, use of nectarines is limited to substitution at the post, camp, or station level and procurement is accomplished on the local level. Extensive use of nectarines is also limited because the price is generally considerably higher than other fruits. As an example, an 18 pound lug of nectarines currently costs \$4.00 whereas a 20 pound lug of fresh peaches costs \$2.50.

Senator CRANSTON. You said twice in response to Senator Hughes' questions that you would refer the matter to appropriate Government agencies when questions were raised on violations of laws by suppliers.

Mr. BABIONE. That is correct.

Senator CRANSTON. If the appropriate Government agency advised you that there was a violation of law, would you stop buying grapes from that grower?

Mr. BABIONE. Not necessarily. We would notify the appropriate Federal agency responsible for compliance, and then if the contractor were found guilty, then it would have to be reviewed as to the nature of the offense before we would debar him. Debarment is not a punitive action. It is a protection for the Government, and, therefore, it doesn't automatically follow.

Senator HUGHES. Would the Senator yield on that for a moment?

I would like to follow that just a little bit further.

What if, it comes to your attention that one of your contractors had no black employees actually working as farm laborers in an area where, say, the black population was 10 to 20 percent? Would that be enough evidence of de facto discrimination for you to request an investigation? Do you consider it your responsibility to ever inquire?

Mr. BABIONE. On the equal opportunity program, we do have a responsibility to implement the Executive order, and we do have an activity in the Defense Supply Agency that investigates all such alleged violations, and if the conclusion of that review was that they were, we would stop doing business with them.

Senator HUGHES. If the Senator would further yield, are there legal actions that could be taken to stop you from purchasing these commodities if, in fact, de facto segregation is evident, under an Executive order?

Mr. BABIONE. I don't think I am qualified to answer that question.

Senator HUGHES. All right. I will refer it to the legal representative.

I would, Senator Cranston, with your permission, like to point out that it has been suggested for a long time in this country that our military forces, and particularly our combat troops, are made up of a high percentage of black men in comparison with the total population of this Nation. Certainly, evidence of any sort of discrimination against the black man working in any area that the Department of Defense purchases supplies should be looked at very carefully.

Mr. BABIONE. I agree with that.

Senator HUGHES. And I hope you will follow this through.

Mr. BABIONE. We will.

Senator HUGHES. Thank you very kindly.

Senator CRANSTON. You wouldn't be guided in making that decision whether there was simply an inhibition against eating grapes by black troops in Vietnam?

Mr. BABIONE. We would implement the policy regardless. We have some of the policing responsibility in the Executive order for nondiscrimination, and we do carry out appropriate action.

Senator CRANSTON. In regard to reports to you by the appropriate agencies regarding violation of law by suppliers, if it was reported to you that a grape grower was violating health and sanitary laws, taking account of the fact that grapes cannot be washed very easily, would you then stop purchases of that sort?

Mr. BABIONE. Not unless he was put on the barred or suspended list.

Senator CRANSTON. I missed your answer to one question. I believe you were asked if the Secretary of Agriculture had suggested additional purchases of grapes. What was your reply to that question?

Mr. BABIONE. Not to my knowledge.

Senator CRANSTON. I would like to ask the gentleman on your right if you have any information that any Government officials have suggested additional purchases of grapes.

Captain WARREN. Senator Cranston, we have no request from any other Government agency to purchase grapes.

Senator CRANSTON. No request at any time from any official?

Captain WARREN. No.

Senator CRANSTON. Can DOD use counterpart funds to buy foods in foreign countries?

Mr. BABIONE. I believe they can, but I would rather provide that for the record.

(The information subsequently supplied follows:)

COUNTERPART FUNDS USED TO PURCHASE PERISHABLE FOOD IN FOREIGN COUNTRIES

Non-perishable subsistence cannot be purchased off-shore because of the Berry Amendment to the Annual Appropriation Act. It is possible for DoD to use excess or near-excess United States owned foreign currencies to purchase perishable food in foreign countries. However, the actual use of these funds for procurement of food is extremely minimal.

Senator CRANSTON. I would like to ask you that you re-examine the basis of determining neutrality, taking into account Secretary Laird's memo. While you have sought to be totally neutral, the implications and impressions derived from your actions can be to the contrary, and this you should take into account for the good of the Department of Defense and in consideration of your relationship with citizens generally.

Mr. BABIONE. I agree it is unfortunate if an increase in the procurement of any product at any time is construed that it was done for a specific purpose to affect a labor dispute, because I can assure you that to my knowledge, no such motivation was ever involved.

Senator CRANSTON. I am just suggesting that you consider what interpretations will be taken of your actions, regardless of your motivations, that you cannot totally determine what is neutrality. You have to at least consider what others will consider to be intervention.

I would like to say, finally, Mr. Chairman, that I think we should consider whether there is room for legislation here concerning purchases from suppliers who stand in violation of the law, since there is considerable question in the Department as to how far they can go in that area. Perhaps the law is not clear and not proper. I am not certain, but I think we should look into that.

Senator MONDALE. Senator Saxbe?

Senator SAXBE. No questions, Mr. Chairman.

Senator MONDALE. We appreciate you and your assistants coming here today. It may well be that the policy of the Defense Department is a neutral one, but it is a neutrality that obviously favors the growers in the labor dispute surrounding the grape strike today.

I think it is asking too much of the average farmworker to have him believe that the Defense Department is being neutral when it increases the purchase of table grapes 40 percent and in a single year increases their use in Vietnam 350 percent, and this year is buying more table grapes than at any time in history of the Defense Department. A Defense Department position of neutrality is questionable when you

responded by saying that DOD has solicited telegram requests to all points around the world urging their consideration of the use of table grapes.

This is a charged and embittered labor dispute. It involves the pleas of some of the most depressed workers in this country. The plight of the grape worker is about as serious, and as deprived and tragic as any in the Nation. They are trying to settle a strike. They are asking the right to bargain collectively, which is a right most people have had for 30 or 40 years.

They find themselves overwhelmed by freely imported labor from Mexico. The only tool that they have that is nonviolent that is available to them is the appeal to the public through the grape boycott.

In the midst of this boycott, they find these rapidly rising percentage increases in purchases of table grapes by the Defense Department. It may well be that the Defense Department policy is inadvertent, fortuitous, and neutral in a highly theoretical sense, but the practical operational fact is that it is favoring and helping the grape grower in this dispute, and I would ask you to give very, very serious consideration to this fact in the light of Secretary Laird's recent directive that the Defense Department invoke a social consciousness.

Thank you very much.

Mr. BABIONE. Thank you.

(Information in re purchase of table grapes by the Department of Defense follows:)

REQUEST FOR CHANGE IN POLICY OF TABLE GRAPE PURCHASE BY DEPARTMENT OF
DEFENSE CONSIDERED

The request for a re-examination of the Department of Defense policy of neutrality in the light of the Secretary of Defense directive on social consciousness has been brought to the attention of the Assistant Secretary of Defense (Installations and Logistics) by DSA. The Assistant Secretary is also considering the direct request to the Secretary of Defense by Senator Cranston.

Senator MONDALE. Our next witness is Mr. William Kircher.

We are delighted to have you here this morning, and we are sorry your testimony must be rushed by factors of time. I am sure you realize the importance of what we were seeking to develop here this morning.

Mr. KIRCHER, would you proceed?

Senator CRANSTON. Before you proceed, I would like to apologize for the fact that I have to leave. I have to be in the Senate. I will read the record.

Mr. KIRCHER. That is quite all right, Senator.

**STATEMENT OF WILLIAM KIRCHER, DIRECTOR OF ORGANIZATION,
AFL-CIO, WASHINGTON, D.C.**

Mr. KIRCHER. I find myself in an unusual position. I worked diligently and addressed myself to the outline of the purpose of these hearings, and I prepared what I felt were some very pertinent remarks, and I have anticipated with much enthusiasm the opportunity to say them before this committee.

Now, suddenly, I find I am not at all interested in saying them. I will, however, leave a copy of my statement with the committee for printing in the record.

I do not want my lack of enthusiasm in saying them at this time to be interpreted as detracting in any way how I feel about their essence or their validity.

My change in attitude is, of course, a result of having sat here for the last 21½ hours and heard some very distressing things.

It has been a very educational two hours and a half. I have learned a completely new concept of neutrality, a concept which in this case says, "If you don't buy grapes, you are taking sides. If you do buy grapes, you are being neutral."

I don't quite understand this.

Senator MONDALE. Would you yield there? Mr. Babione went further and said if you maintain grape purchases at their current level, it would be a partisan act. Apparently, only if you increase them can you demonstrate pure neutrality.

Mr. KIRCHER. Mr. Chairman, I am shocked at the superficiality of the attitude of this massive Department that spends so many billions of dollars of taxpayers' money, with respect to this vital issue. I am amazed.

Senator CRANSTON. I would like to add that this may indicate in some ways how we can be dragged into foreign wars by a policy of neutrality.

Mr. KIRCHER. I must say that I have a new perspective on the so-called military-industrial complex as a result of what I have heard.

Let me tell you something about the Defense Department's neutrality, and I think I can relate it to the subject of your hearing here, the question of powerlessness, which, conversely, is the question of power.

The Defense Department, when there is a strike in an industry that is producing goods and materials that the Defense Department feels is vital to the defense effort of this country is not reluctant to use every and all entrees available to it to reach the labor movement and ask for some easement of those pressures.

Let me call your attention to the fact that when the airlines are on strike, arrangements are made to accommodate the Defense Department's wishes.

When there is a shipping strike, arrangements are made to accommodate the Defense Department's wishes.

The Defense Department is not reluctant to exercise its influence, to ease the pressures of a strike situation when it is their interest that is suffering, and this is another commentary on their neutrality.

You know, it is a direct comment on the whole question of power, because what I have heard here today may become a new primer for the AFL-CIO and the labor movement in this country with respect to relationships with the Defense Department, because what I got from this is, "If you go on strike, and you don't want the Defense Department to hurt your strike, you'd better have the power to make the strike 100 percent effective."

That is what he has told us today. It is the powerlessness of the farmworkers to completely stop the production in this case, as can happen in terms of metal-producing industries or transportation industries, which opens the door for the Defense Department to practice of the kind of neutrality we heard here today.

I think this is a travesty.

I will tell you something else. When we accede to the wishes of the Defense Department where these requests for special consideration are based on the strike's effect on the national security, we do it out of a dedication and a respect for the national security.

Now, it would seem to me that the Defense Department could well afford to engage in a course of education as it relates to the concept of collective bargaining and the extent to which it is one of the cornerstones of the secure position of this Nation.

I think the Defense Department should be told that collective bargaining is a concept which for 40 or 50 years has been a public policy in this Nation, and that strikes are a proper, legal, and logical extension, when necessary, and accepted as such, in the collective bargaining process.

I think that they need to understand the philosophies of Government that supports this even where importation of foreign labor and immigration policies are concerned.

This committee is well acquainted with the theory of the adverse effect of immigration practices on wage standards and policies in this Nation.

Well, if it makes sense for us to operate an immigration policy on the basis of not permitting practices that would adversely affect the wages and standards that have been developed in this Nation, doesn't it make an equal amount of sense that the Defense Department in its practices should be subjected to the same kind of regulations and criteria?

If other departments did in essence what is being done in this case, I don't think they would get by with it, and I think it is maybe a commentary on the extreme size, strength, power, and ability to spend money that the Defense Department has gotten along as it has in this.

I am sorry, Mr. Chairman. I never anticipated having this kind of a feeling as I came before this committee. I really didn't expect very much from the testimony of the Defense Department. I certainly didn't expect what I heard.

I think the policy that I heard enunciated could be a very dangerous thing.

SENATOR MONDALE. I am glad to have for our hearing record your reaction to the Defense Department position and to have heard you express your opinions and feelings in that way.

You are an experienced and seasoned union organizer. You are part of the mainstream of organized labor. You have been honored by the AFL-CIO to be elected, I think, more than once as director of organization. You have spent your entire adult life trying peaceably to assert the rights of men who work for a living, and I think you are entitled to respond, from the background of that remarkable public career, to what you heard.

MR. KIRCHER. If I may say, I was amazed that the witness said at one point, "Let's talk about other things," besides grapes.

I would have said, "Sure, let's talk about J. C. Stephens."

I am surprised Senator Cranston even bothered to ask a question of what they would do if a Government agency certified to them that some company from whom they are buying material had violated any law, because the J. C. Stephens Co., which has become one of the Supreme Court's best customers in terms of appealing convictions of

the national labor relations law, and I think it is up over \$1 million in terms of penalties that it has had to pay in back wages for these violations, is rewarded by additional defense contracts.

So, that there is a certain brazenness.

Senator MONDALE. Mr. Kircher, how many years have you been a union organizer?

Mr. KIRCHER. Well, I don't like to talk about years, but approximately—this is the 29th year.

Senator MONDALE. In what kind of industries have you organized?

Mr. KIRCHER. I guess virtually all of them. I worked in the transportation industry. I am originally out of an aircraft engine factory I helped to organize. I organized in the automotive field, in the service trades, and in the past few years, I have a responsibility for the overall direction of the organization. I have personally spent most of my time in those elements of the work force where the poverty, the impoverished worker is.

Senator MONDALE. Based on that lifetime of experience, what factors make the organization and the achievement of collective bargaining so difficult in this table grape industry?

Mr. KIRCHER. I think very quickly, you can say it is a combination of things.

I know people are quick to say, and I don't want to demean their importance, but the question of the lack of coverage of the national labor relations law. The lack of establishment of a procedure to determine the fact of representation is obviously a great thing.

Secondly, very obviously, the whole immigration problem, the problem of the green carder, with which you are very familiar, is also an organizational problem.

I want to say, however, that I think there is an overriding factor in this that makes it difficult, where the farmworkers are concerned.

This is a personal opinion, but I think the overriding issue is that agriculture in this country is a sacred cow. It is geographically placed in the national political community in such a way that it can very easily make accommodations for what it wants when it wants it.

I think this is what happened in the very beginning, in the coverage of the farmworker by the Wagner Act. I think that probably the interstate commerce criteria had something to do with it, and the Supreme Court's decision on section 7 of the NIRA had something to do with it, but I think more than anything else, the tremendous political clout of agriculture was the main thing.

I think that the exclusion of the farmworker was the price that the administration in that day had to pay to get the Wagner Act passed.

Senator MONDALE. From your experience as a union organizer, have you ever encountered a task that had more difficulties, was fraught with more and differing kinds of powerlessness than that which faces the farmworkers' attempts to organize and bargain?

Mr. KIRCHER. I could have given you a very quick answer to that prior to my experience of several weeks recently in Charleston, S.C., with the hospital workers there. I think the farmworker situation is the most difficult and most frustrating that I have ever encountered in my career, but it is, at this point, run a very close second by the problem of minorities who work in public employment in sections of the country which have long since characterized their bitterness toward unionism. That is a good close second.

Senator MONDALE. I am going to include your full statement as though read in the record, and also make the responses of the Defense Department to our interrogatories a part of the record, and let the staff determine what other materials ought to be included.

(The information to be furnished follows:)

PREPARED STATEMENT OF WILLIAM L. KIRCHER, DIRECTOR OF ORGANIZATION,
AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS

Mr. Chairman, my name is William L. Kircher. I am Director of Organization of the AFL-CIO, an organization of more than 13½ million workers, many of whom, as workers, have known poverty and powerlessness. Some, who are younger, have been spared many of those experiences. To the extent that their powerlessness has been overcome, and to the extent that they now enjoy a measure of stability, security and dignity, it occurs as a result of many years of ceaseless struggle to organize and to accomplish through collective action that which could never have been attained without collective action.

Powerlessness among workers is generally a condition which describes the state of disorganization or lack of organization. The implicit suggestion that power tends to follow organization is not exclusively applicable to working people. The super market corporation today is an example of power through organization. Today's "conglomerate" is another.

Some people decry size, organization and power as evil. We know, however, that it isn't good or bad *per se*. It is good or bad related to its usage. Thus in a system where the greatest good for the greatest number is a basic principle, government must regulate size and power so as to best serve the common cause but it must, in so doing, protect the rights of the minority. No principle is more clear-cut in our system than that which says that rights and procedures through which one group or segment grows and becomes powerful shall not be withheld from others. While we philosophically accept this concept of *equality of opportunity*, it is the selfish unwillingness of many powerful elements in this nation to practice this type of Americanism which created and continues to create the problems into which you now inquire. I need not tell you that you take on a formidable array of opposition when you start such an inquiry. However, it is important work and I want to compliment the Subcommittee for the work it is doing, not only with regard to the subject matter itself but for the diligence with which it is conducting its work.

It is not a popular thing to look searchingly behind the scenes of the most affluent society in this world's history and, in the process, to expose some of its most glaring social atrocities. I would guess that many people squirm with discomfort as they learn that in this day and age, when a full bathroom for every bedroom is a frequent "new home" characteristic, workers in the fields who harvest the fruits and vegetables which grace our tables, are denied simple sanitary facilities and frequently told, if they complain, to use the fields. They are told that they are fortunate because they have "the whole outdoors as their toilet." It has never been popular at any time to hold, before the eyes of those who have, the desolate picture of despair which is so often the lot of those who have not.

It is apparent that this Subcommittee wishes to examine the questions of *powerlessness* where migrant and seasonal workers are concerned in the context of their inability to help themselves—to study the disadvantages of their lives and to find the extent to which their *powerlessness* to eliminate the conditions of disadvantage causes them to continue.

I note, Mr. Chairman, that you have stated that these hearings today will be to "examine community and union organization efforts of migrant and seasonal farmworkers, and to explore why those efforts have either succeeded or failed."

I shall endeavor to confine myself to this area. I don't intend to try to establish the shameful conditions and practices which create the "plight of the migrant". Certainly that is already well established.

I will be talking of "farmworkers". While you have used the terms "migrant" and "seasonal" farm labor, virtually all farm labor is either contained in these groups or directly affected by what happens to them.

When you examine the organizational history and the success or failure of the unionization efforts in farm labor, I think you are closer to the heart of the problem of "powerlessness" than you will be in any other phase of your inquiry.

This is not to downgrade in any way such programs as minimum wage improvements, Fair Labor Standards Act improvements, special health and educational assistance, food stamps and the like. They are of great importance and, as you know, AFL-CIO works constantly in their behalf. However, they deal more with the effects of the problem you are studying, rather than with the causes.

The best figures available today indicate that there are a little more than three million persons in the hired farm working force. Probably 80 percent of them do seasonal work. The degree of seasonality varies. There may be close to a million seasonal workers who are summer-time vacationing school students. It is a hard work force to "identify". One thing is certain. For so many workers, whoever they are and wherever they are, to so completely remain outside the mainstream of America unionism is no accident.

Unions have not grown in farm labor. There have been many efforts. Most of them have failed. Many have been accompanied by bloodshed, the violent misuse of local constabulary, in some cases the use of vigilante tactics, and various community pressures.

The only effort that has in any way succeeded—and its success looks good in the perspective of history, not in the perspective of what needs to be done—is the United Farm Workers Organizing Committee of the AFL-CIO.

It is not that there have not been some other rather strong efforts. It was three years ago that Walter Reuther, then president of the Industrial Union Department of the AFL-CIO, launched a massive program in Florida designed, as he stated, to bring unionism to hundreds of thousands of farmworkers in that state and who migrate northward each year. Despite the expenditure of great sums of money and the utilization of much skilled manpower in a program called "tailor-made" to meet today's challenges, that program did not produce the expected results and was ultimately abandoned.

In Texas, starting with a strike in the Rio Grande Valley in the spring of 1966, an organizational attempt was launched. Even though UFWOC had not had anything to do with the commencement of the effort we "adopted" it. It produced not one single union victory and today is hardly more than a "holding" effort.

Two years ago in the State of Wisconsin we were able to get a representation election for field workers harvesting vegetables for the Libby Company. The election was possible because of a State Labor Relations Law. That election was won and the union certified as the bargaining agent but before a contract could be negotiated the company announced that it was eliminating all of the jobs contained in the unit for which the election was held, and mechanizing them. The case is now in the courts.

The efforts in California, where the UFWOC has concentrated its activity, is almost ten years old. It started with the Agricultural Workers Organizing Committee of AFL-CIO which was in operation from 1959 to 1966.

While AWOC won no contracts with grower-employers its organizational pressure contributed to wage improvements in agriculture in California to a very marked extent. The National Farm Workers Association was an independent organization, Spanish-speaking oriented and working among farmworkers more in the area of family problems and needs than in a collective bargaining direction. It started shortly after AWOC, which was a state-wide organizing effort, with most of its efforts in the Delano area. The two came together in the grape strike which started in Delano in September 1965 and their joint efforts led them to merge into what is now known as UFWOC in August 1966.

Today UFWOC has contracts with ten employers. Their membership reaches a "harvest peak" high of about 7,500. Those are the results of the only real successful union organizing effort in farm labor in this country and they come after almost four years of constant striking, picketing, and boycotting. There is probably no union organizing effort in history where the per capita results represent a greater investment in terms of money, manpower, and bone-wearying effort. And just in case that statement gives any employers cause for joy I would have them understand that everyone involved is committed to a continuation of the organizing campaign . . . in money, in manpower and in continued expenditure of whatever bone-wearying effort is necessary.

That's the picture, Mr. Chairman, as quickly and concisely as I can give it. I'm not particularly embarrassed to talk about it here. I am much more embarrassed when I am visited by a delegation of farmworker unionist from South America who enjoy strong unions with organizational and legal rights on a par with all other workers. In many cases they have been interested readers in their country of material, prepared by and distributed by this country, which

points out the greatness of our Democracy as a way of life and it often points to our American dedication to the concept of free collective bargaining and it links the strength of unions to the development of our great economic and moral fibres. The South American Campesino looks with wide-eyed amazement, utter disbelief, when he hears that his counterpart in this country isn't permitted to be a part of the great institution he has read of.

Of course it is easy to blame farmworker powerlessness on the fact he is excluded from the coverage of our National Labor Law. The unfair exploitation of greencard visa-holders from Mexico as competition for the farmworker who is trying to unionize could also be mentioned, and I know you are familiar with this and have covered it in previous testimony.

I think however, that there is a more overriding single reason and that is the fact that agriculture is a "sacred cow" in this nation and it has been for many many years. It is a potent political force. It is an aggressive lobbying force. Its geographical location and its interests have been such as to make it easy to form coalitions with other segments of the national political community to get what it wanted when it wanted it. I've heard all the talk about the fear of the "interstate commerce" criteria back in 1937 as the cause for excluding agricultural workers from the Wagner Act Coverage. Maybe it played a part, but I don't think it was the major reason. I think it was the political price that the Administration had to pay to get the Act passed. I don't mind telling you that one of the reasons things haven't changed much for the farmworkers since 1937 is that things haven't changed much in Washington as far as those kinds of arrangements and accommodations are concerned.

The farmworker as a hired workforce, just hasn't had to be given any consideration . . . he didn't have the "clout" to cause concern.

I don't know what the political opposition said back in those days of 1937 but I'll bet it went something like this. . . .

"We are in great sympathy with the desire to see the unfortunate lot of American farmworkers improved. But the Wagner Act would raise many more problems both for farmers and farmworkers than it would solve. Indeed, it is apparent that this Act would be nothing more than a cruel hoax perpetrated upon farmworkers by the Congress of the United States. It would inevitably result in drastic curtailment of employment opportunities by driving farmers to mechanize even more quickly than they are doing now. It would also expose hundreds of thousands of our most uneducated and poverty-stricken workers to exploitation through fraudulent prehire agreements against which they would be utterly defenseless. It would also undoubtedly represent the last straw for thousands of farmers who are barely able to keep their heads above water under present conditions."

For your information, Mr. Chairman, that is the "conclusion" paragraph of the dissent written by Senators Murphy of California and Fannin of Arizona only a year ago as they opposed the effort to extend NLRA coverage to farmworkers. I merely inserted the Wagner Act for S. S. the name of the current legislative attempt.

There is, and has been for many years, a massive effort to keep farmworkers from organizing. That will keep them powerless, and that is what the foes of their organizational progress really want. Those foes are powerful, and they are alert and they stand ready to pounce upon and destroy the first indication of progress for farmworkers wherever and however it occurs. Only a few weeks ago a small group of grape growers, whose ranches have been under strike and their grapes subjected to boycott, called upon the Federal Mediation and Conciliation Service of this Government to come in, take a look at the situation, call the parties together, and see if they could give some leadership to a solution. Hardly had this occurred than the Senior Senator from California, Mr. Murphy, called for an investigation of these negotiations, declaring the possibility of some kind of conspiracy. Imagine that, Mr. Chairman. The FMCS is an established government agency whose purpose is precisely to perform the very service these growers requested. I am sure Senator Murphy knows this because he is always very quick to remind his listeners of his union background as a leader in the Screen Actors Guild. Any old union man knows about the FMCS. Apparently, to the opponent of the farmworker union the services of the FMCS are OK for everyone else but not when they go poking their noses into the "sacred cow" of the agriculture powerhouse. That, somehow, suggests "conspiracy".

It is almost unbelievable what growers and the power structure of agriculture-dominated communities will do to resist the attempts of farmworkers to organize. It is hard to get precise wage information, Mr. Chairman, but I will wager that

had the growers involved in the California disputes recognized the union five years ago and entered into contract negotiations and maintained the bargaining relationship up to date, the wages they would be paying today would be no higher as a result of union negotiations, and possibly not as high, as they are now as a result of employers frantically raising wages to help chase the union organizer from the front gate. I think that they are willing to pay that high price for the continued *powerlessness* of the workers.

I don't know how familiar you are with the statistics, Mr. Chairman, but in the private sector of the workforce where the NLRA pertains and protects the rights of workers to organize, there is a new record set each year at the NLRB for the number of complaints issued against managements for violating the law in interference with the workers' rights to organize. I'm sure you've been reading what goes on in the Textile Industry where J. P. Stevens has become one of the Supreme Court's best customers, and has yet to win one, incidentally. My point is simply this . . . if employers will do all of those things where there is a Federal Law against them, think what the farmworker organizing effort encounters when there is no law.

I mentioned earlier the strike in the Rio Grande Valley of Texas. I'm not speaking academically when I talk of that situation. I was there. I saw what the Texas Rangers did. I saw the reaction of the power structure and the kind of treatment farmworkers and their friends received.

The Texas Advisory Committee to the U.S. Commission on Civil Rights issued a report concluding that citizens active in the organizing campaign had been denied certain of their legal rights. The report of the Advisory Committee contains these findings:

1. Physical and verbal abuse by Texas Rangers and Starr County law enforcement officials;
2. Failure to bring promptly to trial members and union organizers against whom criminal charges have been alleged;
3. Holding of union organizers for many hours before they were released on bond;
4. Arrest of UFWOC members and organizers on the complaints of growers and packers without full investigation of the allegations in the complaints. In contrast, law enforcement officials made full investigations before acting on complaints filed by members and officers of UFWOC;
5. Encouragement of farmworkers by Rangers to cross picket lines;
6. Intimidation by law enforcement officers of farmworkers taking part in representation elections; and
7. Harassment by Rangers of UFWOC members, organizers, and a representative of the Migrant Ministry of the Texas Council of Churches which gave the appearance of being in sympathy with the growers and packers rather than the impartiality usually expected of law enforcement officers.

Mr. Chairman, I think that there are great forces in this country who are much more interested in the infliction of powerlessness upon impoverished workers than in eliminating it. For them to prevail, as they have for so long, is one of the worst things that can happen to this country. For them to continue to say to the poor that they must remain poor because they are powerless to organize and to act collectively to better themselves, will no longer be accepted by the poor. This is a matter, Mr. Chairman, that goes beyond the migrants. It cuts deeply into the causes of poverty wherever they exist.

In this nation today the working poor are largely minorities, principally Negro and Spanish-speaking. Powerlessness is a very common denominator and it comes because the meaningful right of self-organization does not exist either because of the non-existence of protective and procedural laws or because of the devastating effect of the intimidative and coercive practices of employers even where laws exist.

I work among these people, Mr. Chairman. I am convinced that the day is passing when they will accept second-class status that is inflicted upon them because they are powerless and because they are denied rights of effective self-organization. They have learned the lessons of organization by observing unions and by observing, or being part of, the civil rights revolution of the past ten years, and while they may not understand the academic nuances in the concepts of "civil disobedience" they understand the gut philosophy of refusing to live by standards which set two classes of citizenship. If its wrong for some people to have to ride the back of the bus while others ride where they please then it is wrong for some people to have the right to self-organization and collective bargaining while others have not. If there aren't procedures and laws to correct

such inequalities then procedures and methods will be found. I'm not oversimplifying it, Mr. Chairman. I marched with black hospital workers in Charleston, South Carolina and brown farmworkers in the Coachella and Imperial Valleys of California within a five-day period. The similarity of their plights is very striking. They are second-class citizens where the right to effective self-organization is concerned. For years we have been telling them that the only law they have, by which to organize, is the law of the jungle. That doesn't frighten them any longer. We have tended to tell them, as Congressman Sisk of California does repeatedly, that they have the right under the Constitution to organize. What is implicit in such a proposition is a challenge that they must have the muscle and guts to fight for that right.

They haven't stood up to that fight in the past. They are today. Without procedures and protections that are meaningfully related to their organizational needs, that fight can be bitter and costly.

Already in South Carolina it has brought out Sherman tanks and National Guardsmen. In Texas it brought out the Rangers. In Calexico and the Mexicali Border it brought out the State Highway, the County Police and the Mexican police.

On the Mexican border, where normally workers pass freely to and from the United States to work at low wages, it put a "police state" embargo on their travel on the day of "worker solidarity" as U.S. farmworkers ended a 100-mile march to that border to extend the hand of trade-union solidarity to their Mexican brothers and sisters. It caused merchants in the little town of Niland, California at the southeastern tip of the Salton Sea, to close their stores as the "marchers" came through so that on that hot 112-degree day there would be no ice or cold drinks available to them. It would find the Governor of South Carolina publicly stating that to "recognize the union of hospital workers would destroy the integrity of South Carolina."

It has already seen in the south, civil rights organizations, students, ministers and other community activists joining the cause of the disenfranchised hospital workers. In the west it sees similar action groups joining "LaCausa" around the fields and in front of super-markets all over the nation.

All is developing under the broad canopy of self organization for purposes of collective bargaining, which means unionism. As you know, AFL-CIO is deeply involved in giving direct leadership to these movements.

Again, in terms of the dislocation to the community and the interruption of the tranquility of life as it has always been, the effect has been pronounced and dramatic in California and South Carolina. In terms of the national picture of millions of poor who are waiting "their turn" in this type of organizational endeavor, these two have hardly scratched the surface.

They point dramatically, however, to the fact that while there is powerlessness we have passed the point of continued acceptance by poor workers of those conditions which cause powerlessness. One of the great challenges which national leadership faces is the kind of machinery and climate which can be created to make the transition from powerlessness to power the least damaging to our national unity.

Senator MONDALE. I thank you, Mr. Kircher, for being here today, and the other witnesses.

I will order the record kept open in order that pertinent documents may be included.

(The information referred to follows:)

QUESTIONS SUBMITTED BY THE SENATE SUBCOMMITTEE ON MIGRATORY LABOR
RE PURCHASE OF TABLE GRAPES AND OTHER FRUITS, AND ITS IMPACT, AND
ANSWERS SUPPLIED BY DOD

Question 1. It is our understanding that numerous growers and/or their representatives have attempted to encourage the DOD to increase their purchase of table grapes. Please supply us with copies of all communications relating to this matter between the DOD and other branches of the federal government and table grape growers and/or their representatives.

Answer. Only on one occasion has a grower or representative of a grower attempted to encourage the DOD to increase purchases of table grapes. That was in the form of a rebuttal in which he explained his side from a grower's standpoint. DOD reply is shown below and a copy of incoming correspondence is attached:

"On behalf of President Nixon, I am replying to your recent letter regarding the shipment of grapes to U.S. military personnel in South Vietnam.

"The boycott against the use of California table grapes has, as you know, received a great deal of publicity. As you related, we in the Department of Defense have been accused of strike-breaking because we have continued to purchase grapes. The procurement of grapes is a very normal practice and no different from that of providing other desired food requirements to support our military personnel stationed in South Vietnam and elsewhere.

"Our replies to inquiries concerning the Department of Defense position on grape procurements and to demands that we discontinue the procurements of California table grapes have been the same, that is, the Department of Defense position in labor disputes is to remain completely neutral in all such matters. The enclosed fact sheet reflects that position, as well as provides specific information on the extent of Department of Defense purchase of grapes.

"President Nixon has asked that I thank you for relating to him your concern for our agricultural system and for your thoughts of the possible effects of the grape boycott to the national interest.

President RICHARD M. NIXON,
The White House,
Washington, District of Columbia.

DEAR MR. PRESIDENT: I am a grape farmer and an ex-Merchant Seaman from World War II. My father escaped the Turkish massacre to come to this wonderful country of ours to take part in the "American Dream". He is now retired, unable to work any more. Today, I read in the Packer, a National Weekly Business newspaper for growers, shippers, rearers, distributors and retailers of fruits and vegetables that the Pentagon was accused of increasing grape shipments to Vietnam. It makes my blood boil to read such trash as this. There, are our boys fighting "Communism" take over of Vietnam and here in our country a "little Ceasar" (Chavez) would quoting his own words "If this spirit grows within the farm labor movement, one day we can use the force that we have to help correct a lot of things that are wrong with this society." The above was obtained from the Fourteenth Report Un-American Activities in California 1967—Report of the Senate Fact Finding Subcommittee on Un-American Activities to the 1967 Regular Session of the California Legislature.

DEAR MR. PRESIDENT: I wholeheartedly believe that if our troops desire grapes or whether fresh fruit, vegetables, or meat, they deserve it, and any person, organization, or company against it is going against our ideals of Americanism and our American Dream. I wholeheartedly and so does my wife agree that the Pentagon knows what our troops accept highly for food. They and the troops know what is best for themselves. I am mailing to you under separate cover this 1967 California Senate Report just in case you haven't read it. Our farm-workers have expressed themselves in more ways than one that they do not want any part of "little Cesar" and his union (communist controlled). Just this evening, I spoke to another farmer and he told me that he spoke with a picketer who used to be on his basketball team that he managed for the youths. This picketer is no grape worker and stated that the farmer should after paying all expenses divide his profits equally between the farm workers. That sounds like and is exactly a "collective" "KOAXO3" (gholkhoy in Russian communist system form. I am against that! Where am I going to escape it? My father from the Turks and now I from communist or unionism take over of our country. This "little Cesar" and his gang are exactly the same type of people that were "Lenin" and his gang. Lenin stated that boycotts and strikes lead to insurrection, then revolution, then change of government. I have already written to Mr. J. Edgar Hoover but as yet have not received a reply. I do hope our government can get rid of this "revolutionary little Cesar."

In Rome everybody laughed about him and his dreams of himself as a "Cesar of Rome" and said "communists only care about people." This was just printed recently in the Indio Daily News or the Riverside Enterprise. Last year, I heard with my own ears that "when we take over, the land will be ours." And when Secretary of Labor Willard Wirtz several years back came to Indio, there were people shouting (not date-tree workers) but the "leftist element," "that if you can't farm date trees and try an make money, pull them out." Mr. Wirtz caused all of this havoc of the farmers. When I was going to school in East St. Louis, Illinois, I was instructed by my teachers that

the farmer is the back-bone of this country. This I'll never forget until I die. I fervently hope that we farmers can remain doing this job and keep our agricultural system a free enterprise and American instead of "collective farming—communist style keeps us. Please try to do something to get this "little Cesar" and his backers (communist controlled) out of the business of ruining our government. I'm all for anything you are as Chief Executive of our great country in preventing or furthering this. Remember the Germans shipped Lenin into Russia in a sealed boxcar to cause disruption for them so they could win the war. The Germans helped finance Lenin also! Now the communists are financing Chavez. Lets get rid of him!

Yours faithfully,

Question 2. Please furnish us with copies of all communications between the DOD and other agencies and/or branches of the federal government relating to DOD purchases of table grapes.

Answer. We have interpreted this to mean other than congressional referrals of letters from their constituents. Records indicate no correspondence from other agencies and/or branches of the Federal Government.

Question 3. Please provide us with copies of all communications from California state and county officials to the DOD on the topic of DOD purchases of table grapes.

Answer. There has been no correspondence to the Office of the Secretary of Defense from California State and county officials on this subject.

Question 4. What action was taken by the DoD as to the above communications and by whose authority? Please provide us with the name and title of the person(s) responsible for replying to these communications.

Answer. All correspondence received on this subject requiring an answer has been replied to stating the neutral position of DoD in such matters. Those responsible for replying to such correspondence are:

Honorable Barry J. Shillito, Assistant Secretary of Defense (Installations and Logistics).

Mr. Paul H. Riley, Deputy Assistant Secretary of Defense (I&L) (Supply & Services).

Lt. Gen. Earl C. Hedlund, Director, Defense Supply Agency.

Question 5. Is it true that sometime between 1964 and 1968 the DoD purchased an unusually large long-range supply of frozen orange juice in advance of normal timing of purchases, so as to avoid the possible economic loss from a freeze affecting Florida oranges? If so, please explain in detail.

Answer. DoD did not purchase any large long-range supply of frozen orange juice during the period 1964-1968.

Question 6. Does the DoD buy table grapes for use in military dining halls, post exchanges (PX's), U.S. Embassies abroad, and/or commissaries, or other? If so, which? And what percentage of total purchases go to each category?

Answer. DoD buys table grapes for all its activities, including Military dining halls, post exchanges, and commissaries. DoD does not buy directly for U.S. Embassies abroad; however, in some locations the Embassies may obtain grapes from Defense activities abroad. DSA purchases grapes in the U.S. for commissaries at military installations in the U.S. or abroad. The Commissaries provide both troop and resale requirements. PX's and other non-appropriated fund activities, such as clubs, may be supported by commissaries or may do their own purchasing. Troop requirements are based on forecast troop strengths. Annual Food Plans are developed in advance, the 1969 plan was prepared in May 1967. Serving of various items, in these plans, are scheduled based on projected cost, availability, nutritional factors, and troop acceptability. Resale requirements are consolidated with troop requirements. The forecast troop requirements are subject to adjustment when forecast troop strengths are changed. Also, when planned items are not available, other items, either perishable or nonperishable, are substituted. For CONUS activities these requirements go directly to DPSC SRH's for procurement. For overseas activities they are sent to the DPSC SRH's in Port areas for purchase. There is no information readily available as to the percentage of DSA grape purchases for each use category mentioned as requirements placed with DSA for purchase do not identify to use category.

Our educated guess is that approximately 50% of total consumption of table grapes is for troop issue.

The Commissary Officers at the various Military Activities are responsible for

assuring that planned menu items, including grapes, are available and distributed to troop messes as required. They are also responsible for support of individual commissary customer or non-appropriated fund organizations with their requirements as necessary. Concessions, normally, do not purchase from commissaries.

Question 7. Does the DOD buy table grapes for other uses? If so, state them.

Answer. DOD does not buy table grapes for any use other than those outlined in the response to question No. 6.

Question 8. What variety of table grapes does the DOD purchase (Thompson, Perlette, Emperor, Ribier, Tokay, etc.)? Give the amount in pounds and value in U.S. dollars by each variety of table grapes purchased in each FY, 1965 through 1969, with projected data for FY-70.

Answer. Statistics related to DOD purchases of table grapes are not recorded by variety and there is no data available which will identify purchases with a variety. Quantities of table grapes purchased are compiled as "table grapes" without regard to specific variety. The total amount in pounds and value in U.S. dollars for purchases of table grapes during FY 1965 through FY 1969 are contained in the response to question No. 9.

Question 9. How much total table grapes in pounds and value in U.S. dollars has the DOD bought in each fiscal year since 1965 through 1969, with projected purchase data through FY 70? Please provide this data by each quarter of each FY.

Answer. Procurement data requested has been tabulated as follows:

Period ¹	Pounds (in millions)	Dollars (in millions)
Fiscal year 1967:		
1st quarter	2.63	0.40
2d quarter	2.97	.45
3d quarter	1.99	.28
4th quarter .....	.73	.12
Total, fiscal year 1967 ²	8.3	1.25
Fiscal year 1968:		
1st quarter	2.35	.46
2d quarter	3.35	.58
3d quarter .....	.79	.16
4th quarter .....	.42	.12
Total, fiscal year 1968 ²	6.9	1.32
Fiscal year 1969:		
1st quarter	2.98	.53
2d quarter	4.12	.73
3d quarter	1.86	.32
4th quarter .....	.75	.17
Total, fiscal year 1969 ²	9.69	1.76

¹ Fiscal years 1965 and 1966 data not available.

² Approximate.

Requirements for fresh produce are not forecast and any projection of purchases for FY 70 would be pure conjecture. Purchase will depend upon the factors of supply and demand as well as prevailing market conditions.

Question 9a. Please supply similar data for oranges, grapefruit, tangerines, apples, plums, cherries, strawberries, pears, peaches, or other fruit.

Answer. Requested data are tabulated below:

ORANGES

Period ¹	Pounds (in millions)	Dollars (in millions)	Period ¹	Pounds (in millions)	Dollars (in millions)
Fiscal year 1967:			3d quarter	17.60	2.15
1st quarter	9.98	1.33	4th quarter	16.56	1.98
2d quarter	11.76	1.17	Total, fiscal year 1968 ²	61.49	7.06
3d quarter	15.28	1.24	Fiscal year 1969:		
4th quarter	17.67	2.38	1st quarter	10.06	1.60
Total, fiscal year 1967 ²	54.69	6.12	2d quarter	9.79	1.16
Fiscal year 1968:			3d quarter	14.07	1.27
1st quarter	11.43	1.15	4th quarter	(³)	(³)
2d quarter	15.91	1.77	Total, fiscal year 1969	(³)	(³)

GRAPEFRUIT

Period ¹	Pounds (in millions)	Dollars (in millions)	Period ¹	Pounds (in millions)	Dollars (in millions)
Fiscal year 1967:			3d quarter	5.44	.50
1st quarter	(3)	(3)	4th quarter	4.01	.42
2d quarter	(3)	(3)	Total, fiscal year 1968 ²	15.94	1.65
3d quarter	4.84	0.37	Fiscal year 1969:		
4th quarter	4.54	.37	1st quarter	3.05	.41
Total, fiscal year 1967 ²	16.23	1.48	2d quarter	3.73	.45
Fiscal year 1968:			3d quarter	6.60	.61
1st quarter	2.90	.36	4th quarter	(3)	(3)
2d quarter	3.59	.36	Total, fiscal year 1969	(3)	(3)

TANGERINES

Fiscal year 1967:			3d quarter	1.40	.22
1st quarter	(3)	(3)	4th quarter .....	.09	.01
2d quarter	(3)	(3)	Total, fiscal year 1968 ²	2.97	.46
3d quarter	1.55	0.18	Fiscal year 1969:		
4th quarter .....	.12	.01	1st quarter	(3)	(3)
Total, fiscal year 1967 ²	3.62	.44	2d quarter	(3)	(3)
Fiscal year 1968:			3d quarter	1.18	.17
1st quarter	(3)	(3)	4th quarter	(3)	(3)
2d quarter	1.48	.23	Total, fiscal year 1969 ²	(3)	(3)

APPLES

Fiscal year 1969:			3d quarter	19.17	2.57
1st quarter	13.17	1.99	4th quarter	(3)	(3)
2d quarter	18.74	2.70	Total, fiscal year 1969	(3)	(3)

PLUMS

Fiscal year 1967:			3d quarter .....	.0008	.0001
1st quarter	0.37	0.09	4th quarter .....	.54	.12
2d quarter	1.13	.25	Total, fiscal year 1968 ²	3.03	.65
3d quarter .....	.001	.001	Fiscal year 1969:		
4th quarter .....	.21	.005	1st quarter	1.89	.41
Total, fiscal year 1967 ²	1.71	.39	2d quarter .....	.11	.02
Fiscal year 1968:			3d quarter .....	.00006	.00002
1st quarter	2.19	.47	4th quarter	(3)	(3)
2d quarter .....	.30	.06	Total, fiscal year 1969	(3)	(3)

PEARS

Fiscal year 1967:			4th quarter .....	.56	.10
1st quarter	1.93	0.25	Total, 1968	5.36	.84
2d quarter	2.61	.34	Fiscal year 1969:		
3d quarter	1.66	.21	1st quarter	1.97	.31
4th quarter .....	.81	.11	2d quarter	2.75	.44
Total, 1967 ²	7.01	.91	3d quarter	2.02	.33
Fiscal year 1968:			4th quarter	(3)	(3)
1st quarter .....	.79	.15	Total, fiscal year 1969	(3)	(3)
2d quarter	2.29	.34			
3d quarter	1.73	.25			

PEACHES

Fiscal year 1967:			3d quarter .....	.0002	.00005
1st quarter	(3)	(3)	4th quarter	1.20	.21
2d quarter	(3)	(3)	Total, fiscal year 1968 ²	5.09	.96
3d quarter	(3)	(3)	Fiscal year 1969:		
4th quarter	(3)	(3)	1st quarter	4.02	.57
Total, fiscal year 1967	(3)	(3)	2d quarter .....	.24	.04
Fiscal year 1968:			3d quarter .....	.005	.0007
1st quarter	3.68	0.71	4th quarter	(3)	(3)
2d quarter .....	.22	.05	Total, fiscal year 1969	(3)	(3)

OTHER FRUIT

Fiscal year 1967:			3d quarter.....	.36	.07
1st quarter.....	0.49	0.10	4th quarter.....	.38	.12
2d quarter.....	1.68	.38	Total, fiscal year 1968 ²	2.39	.61
3d quarter.....	.47	.09	Fiscal year 1969:		
4th quarter.....	.79	.22	1st quarter.....	.73	.21
Total, fiscal year 1967 ²	3.45	.80	2d quarter.....	.55	.15
Fiscal year 1968:			3d quarter.....	.27	.06
1st quarter.....	.84	.22	4th quarter.....	(³)	(³)
2d quarter.....	.79	.19	Total, fiscal year 1969.....	(³)	(³)

¹ Fiscal years 1965 and 1966 data not available.

² Approximate.

³ Not available.

Procurement data for items Cherries and Strawberries respectively is not available. Procurements for these items are usually in insignificant amounts.

Question 10. Has the amount and/or value of all table grapes purchased by the DoD in FY 69 increased or decreased over the amount purchased in each of the previous two FY's? If so, for what reason?

Answer. Reference to the table provided in the response to question #9 discloses that the amount and value of table grape purchases has increased. Supply and demand factors are the major contributors to the increases.

Question 11. Has the amount of fresh oranges purchased by the DoD in FY 69 increased or decreased over the amount purchased in each of the previous two FY's? If so, for what reason?

Answer. DoD purchases of fresh oranges were approximately 54 million pounds for FY 67, 61 million pounds for FY 68, and 34 million pounds through the first three quarters of FY 69. Procurements are based upon firm requisitions from the Military Services and increases or decreases from one year to another are the results of customer demands.

Question 12. What amount in pounds and value in U.S. dollars of fresh oranges has been purchased by the DoD in each quarter of FY 67, 68, and 69?

Answer. See question No. 9a.

Question 13. What amount in pounds and value in U.S. dollars of fresh oranges has been shipped by the DoD to Europe in each quarter of FY 67, 68, and 69? to Vietnam?

Answer. Information as to the oranges shipped to Europe, and their dollar value, is not available. Automated system combines oranges with grapefruit and lemons to provide a total pounds of citrus shipped. This total does not provide dollar value nor does system include any detail on the items included in the total.

Information as to total citrus shipped to Europe in fiscal years 1967 through 1969 is as follows: FY 1967, 517,000 pounds; FY 1968, 5,648,000 pounds; and FY 1969, 4,925,000 pounds.

The low volume of shipments in FY 1967 is attributed to the European area locally purchasing most of their citrus requirements during this period. This was discontinued in subsequent periods to further the national balance of payments policies.

Data on orange shipments to Vietnam are also in the consolidated category of total citrus with no dollar value. Total citrus shipped to Vietnam in each fiscal year is as follows: FY 1967, 16,832,000 pounds; FY 1968, 29,313,000 pounds; and FY 1969, 42,507,000 pounds.

Question 14. Has the amount of fresh oranges purchased during FY 67, 68, and 69 by the DoD increased or decreased at a faster rate than that of table grapes purchased by the DoD during FY 67, 68 and 69?

Answer. DSA purchases of grapes and oranges were as follows, in millions of pounds:

	Grapes	Oranges
Fiscal year:		
1967.....	8.3	54.7
1968.....	6.9	61.5
1969.....	9.69	145.2

¹ Estimated.

Analysis discloses both increases and decreases for which the normal factors of supply and demand are the predominant contributors. It is significant to note that when purchases for oranges increased, grape purchases decreased, and vice versa.

Question 15. Has the amount of fresh oranges shipped during FY 67, 68, and 69 by the DoD to Europe and Vietnam increased or decreased at a faster rate than that of table grapes shipped by the DoD during FY 67, 68, and 69? If so, why?

Answer. There is no detailed data available to provide a comparison of orange and grape shipments to Europe during the period fiscal years 1967 through 1969.

There is also no detailed data on oranges shipped to Vietnam during this period but a comparison and analysis can be made of the volume of grapes and citrus fruits (grapefruit, lemons, and oranges) shipments made to Vietnam during each of these fiscal years. Comparison of volume of each item shipped to Vietnam is as follows:

Period	Grapes to Vietnam		Citrus to Vietnam	
	Pounds	Percent increase	Pounds	Percent increase
Fiscal year 1967.....	468,000		16,832,000	
Fiscal year 1968.....	555,000	19	29,313,000	81
Fiscal year 1969.....	2,500,000	350	42,507,000	45

The above clearly indicates a substantially greater rate of increase in the volume of grape shipments to Vietnam than the rate of increase for citrus. This is attributed to reasons stated in the answer to question number 16.

Question 16. What was the basis for the decision to choose table grapes as the substitute for the alleged shortage of fresh oranges during '67, '68, and '69? a. By what process and authority was this decision made? b. What is the name and title of the person who made the decision to substitute table grapes for the alleged shortage of fresh oranges during 1968 and 1969? c. Was a review of this decision made by whom, name, title, and position? d. What is the name and title of the immediate supervisor of the person who made this decision?

Answer. There was no significant shortage of fresh oranges in FY's 67 and 68. In July of FY 69 a shortage of export quality oranges was predicted for the September-November period. All requisitioners in the Far East were advised of this and asked to consider grapes as a substitute. Grapes were selected by the customers because ample supplies of high quality were forecast and it was not considered advisable to duplicate the planned servings of the limited selection of other fresh fruits available for this period, such as apples and pears. HQ DPSC was aware of, and in agreement with, this action.

Grapes had not, previously, been shipped regularly to the most distant overseas commands due to the long transit time and high probability of extensive loss prior to consumption due to difficulty in maintaining proper temperature in conventional refrigerated hatch shipments and the numerous handlings associated with this method of shipping. The U.S. Forces in Vietnam, during the build-up, had limited refrigeration and in-country distribution capability. Conventional refrigerated hatch space was the principal means of accomplishing the overseas movement. As the build-up progressed, high priority was given to improvement in overseas storage and distribution capability. There was, concurrently, a rapid increase in the availability of refrigerated container service for the overseas movement. There was strong command desire to provide a variety of fresh fruits to troops. These are additional factors which have influenced the increased shipments of grapes to Vietnam. Movements by refrigerated container eliminate several handlings of product. Temperatures are more constant, and less time is consumed in port waiting for loading and unloading.

Question 17. What percentage of all DoD fresh table grape purchases were made from California contractors (growers and/or packers and shippers) in each FY, 1965 through 1969? a. What percentage of all DoD fresh table grapes purchases in each FY, 1965 through 1969, were made from contractors (growers and/or packers and shippers) in states other than California? b. How much table

grapes in pounds and value in U.S. dollars were purchased from each state?

Answer. There are no precise figures on this, but we estimate that 90% of DSA table grape purchases are from California contractors.

Question 18. Do all U.S. table grape growers have an equal opportunity to bid on DoD contracts for table grapes? If not, explain. If so, explain how this is achieved.

Answer. Not all growers of table grapes have an opportunity to bid on every single DoD procurement. This is because DoD purchases of table grapes are made by an on-site buyer who is normally located in an area where a number of growers are located. As a result, all growers of table grapes do not have an opportunity to bid on DoD requirements for table grapes. This procedure is followed by DoD in the purchasing of most items of perishable subsistence. There are a number of reasons for this procedure, however, two of the prime factors are; first, the buyer is able to visually inspect the quality of the product being offered and, secondly, this procedure enables the buyer to obtain brisk competition among the growers and thus, is assured good prices.

Question 19. How much has the DoD paid per pound for all U.S. table grapes purchased in each FY since 1967 through 1969? Please provide this information on a quarterly basis with a breakdown by each variety of grape.

Question 20. How much has the DoD paid per pound for all California table grapes purchased in each fiscal year since 1967 through 1969? Please provide this information on a quarterly basis with a breakdown by each variety.

Question 21. Has the price per pound by the DoD for U.S. table grapes increased or decreased in FY 69 as compared to FY 67 and 68? If so, state the reason.

Question 22. Has the price per pound paid by the DoD for California table grapes increased or decreased in FY 69 as compared to FY 67 and 68? If so, by how much, and state the reason.

Answer. This information not available on a quarterly basis by variety. The average prices paid for all grapes were:

Fiscal year 1967-----	\$0.139
Fiscal year 1968-----	0.192
Fiscal year 1969-----	0.182

No separate breakout is available for California grapes, however, since practically all grapes purchased by DSA are California, the above prices are applicable for California grapes.

There was an overall increase in price from FY 67 to FY 68 and a smaller decrease from FY 68 to FY 69. These are attributable to normal supply and demand factors.

Question 23. What is the cost per pound to ship grapes, oranges, apples, and other fruits to Vietnam?

Answer. DSA purchases fresh produce delivered to Port for items scheduled for movement as hatch cargo or to the container stuffing location when movement is scheduled by this means, and purchase prices include cost of transportation to the FOB point. Hatch cargo space is paid on a cube basis, and containers are paid on a flat rate per container basis. The cost per pound varies on the weight/cube ratio of the commodity. Average cost per pound for fruits and other produce from the FOB point to Vietnam, including container stuffing, port handling and stevedoring, approximate:

Refrigerated hatch-----	\$0.06
Refrigerated container-----	0.085

Question 24. What procedure is used by the DoD in awarding contracts for table grapes? Please give us a copy of a typical 1969 contract between the DoD and a table grape contractor (grower and/or packers and shippers).

Answer. Grapes are generally purchased by the sight buying method. Sight buyers make daily visits to produce terminals or growing areas. When they have requirements for grapes, they visit suppliers who market grapes, inspect for quality, and obtain price quotations. Later, after evaluating all offerors price, quality, and other factors, they notify the successful supplier(s) of their awards. Purchases are for requirements to meet specific delivery schedules

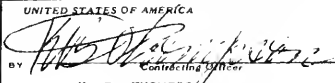
(rather than quantities for a long period of time) and are accomplished with only enough time after award for the contractor to meet the delivery schedule.

Suppliers are generally notified, in advance, that buyers will be in their areas, and are furnished copies of standard terms, conditions, and clauses which will be referenced and become a part of the formal contract document which will be forwarded later to the contractor.

Certain clauses and conditions are required by statute or by Government action at the Executive or Departmental level. These are incorporated into standard forms at the Government level and instructions on their use provided to contracting personnel by the Armed Services Procurement Regulation.

Other clauses and conditions are peculiar to the operations of DSA or DPSC. These are incorporated into standard provision format, in a similar manner, and promulgated to contracting personnel through the Procurement Regulations of DSA or DPSC.

Five copies of a standard DPSC subsistence order and the standard terms and conditions normally incorporated therein are being provided separately.

NIP NO. 07		AGENCY NO.		UD NO.	SA CODE	LS CODE
ORDER FOR SUBSISTENCE						
1. THIS PURCHASE IS NEGOTIATED UNDER AUTHORITY OF 10 USC 2304(a) (9)			11. DELIVERY ORDER NUMBER DSA 134 70 M 1243		12. PAGE 1 of 3 PAGES	
2. ISSUED BY DSA, Subsistence Regional Headquarters, Los Angeles Defense Personnel Support Center 312 North Spring Street Los Angeles, California 90012			13. CONTRACT NUMBER None		14. DATE OF ORDER 6 July 10	
3. VENDOR LASH DE CAMP COMPANY P. O. Box 3127, Visalia, Calif. 93277			15. PURCHASE REQUEST NUMBER AT6508 9139 7204 FC: QW		16. DISCOUNT TERMS None	
4. <input type="checkbox"/> DELIVERY ORDER THIS DELIVERY ORDER IS SUBJECT TO TERMS AND CONDITIONS OF FOLLOWING BASIC CONTRACT:			17. INVOICES WILL BE MAILED TO AND PAYMENT WILL BE MADE BY DSA, Subsistence Regional Headquarters, Los Angeles Defense Personnel Support Center 312 North Spring Street Los Angeles, California 90012			
5. <input checked="" type="checkbox"/> PURCHASE ORDER IN ACCORDANCE WITH YOUR OFFER OF 69 July 10 REQUEST YOU FURNISH THE FOLLOWING ON THE TERMS SPECIFIED IN THIS ORDER.			18. ACCOUNTING AND APPROPRIATION DATA 97X496L5D3 74 26 SD4089 P/R 3-70			
6. TO: MANIFEST MUST ACCOMPANY SHIPMENT T/O, MOTBA, OAKLAND ARMY BASE Del. to: Sealand Contr. Yd, Oakland, Calif. For Loading on: "SS LOS ANGELES" (ARMY DEPOT OKIDAWA)			20. DATE SHIPPED		21. TOTAL NO. PCS	
7. DELIVERY DATE(S) 1969 July 10 SHIPMENTS WILL NOT BE ACCEPTED AFTER Pick up - 2 PM ON DELIVERY DATES SPECIFIED, NOR AT ANY TIME ON SATURDAY, SUNDAY OR A NATIONAL HOLIDAY.			22. TOTAL CUBE		23. TOTAL GROSS WT.	
8. INSPECTION POINT Origin - Arvin, Calif.			24. CAR NO.		25. SEAL NO.	
9. ACCEPTANCE POINT <input type="checkbox"/> DESTN <input checked="" type="checkbox"/> ORIGIN			26. GBL NO.		27. AWARD LINE ITEM NOS.	
10. DELIVERY F.O.B. Sealand Van (As specified) <input type="checkbox"/> DESTN <input checked="" type="checkbox"/> In schedule)			28. ETR NO.		29. ROUTING	
Origin-accept, final Arvin, Calif.			30. SHIPPING POINT		31. SHIPMENT NO.	
32. FINAL SHIPMENT <input type="checkbox"/>			33. SCHEDULE			
AWARD LINE ITEM NO.	STOCK NO. AND DESCRIPTION OF SUPPLIES	S. P.	T. P.	QUANTITY (Units)	UNIT PRICE	TOTAL PRICE
	GRAPES: FS: Y-G-671f, 24 Oct 66 & Interim Amd. 3, 19 Dec. 68; US No. 1 grade "Table" Cardinals. Min. Net Wt. 26# GROWING AREA: Kern County, Calif. Via truck Origin Inspection by USDA at Contractor's expense. "FOR EXPORT" EXPORT MKD PII# ONLY TCN SC0305 1814A005KE5 I. D. #054 (Cont'd)			300	lu 4.60	\$1,380.00
34. THE FOLLOWING PROVISIONS ARE INCORPORATED HEREIN BY REFERENCE: DPSC 18 A THRU H, 69 MAY 19 20 A, B, 69 JAN 2; DPSC 38a, b, 68 Jan 15 44, 69 Apr. 7 200a, b, 66 Sept. 15					35. TOTAL \$1,380.00	
36. SUMMARY FILED IN: 69 July 11: ml					37. UNITED STATES OF AMERICA BY  Contracting Officer K. B. THOMPSON	
38. DPSC FORM 100 (OCT 67) EDITION MAR 67, OBSOLETE. EDITION 4 OP-6, JUN 67 OBSOLETE						

RECEIVING REPORT OF ORDER FOR SUBSISTENCE		FROM (Name of Assignee)		SHIPMENT NO.	
GENERAL IDENTIFICATION NO.				<input type="checkbox"/> PARTIAL <input type="checkbox"/> FINAL	
RECEIVING REPORT			QUANTITY		
APPROPRIATE LINE ITEM NO.	STOCK NO. (If Shown on Order) AND DESCRIPTION OF SUPPLIES	UNIT	SHIPPED	RECEIVED	
REJECTIONS (GIVE REASONS)					
CHECK IF APPLICABLE: <input type="checkbox"/> INSPECTION CERTIFICATE NOT RECEIVED <input type="checkbox"/> ITEMS NOT RECEIVED WITH SHIPMENT <input type="checkbox"/> SUPPLIES PLACED IN HOLD CONDITION					
DATE RECEIVED		GBL NO	CAR NO	STOCK RECORD ACCOUNT VOUCHER NO	
THE SUPPLIES LISTED HEREIN WERE INSPECTED. THEY CONFORM TO CONTRACT REQUIREMENTS EXCEPT AS NOTED <input type="checkbox"/> NO EXCEPTIONS			THE SUPPLIES LISTED HEREIN, EXCEPT AS NOTED, HAVE BEEN RECEIVED, ACCEPTED AND ACCOUNTED FOR IN ACCORDANCE WITH REGULATIONS <input type="checkbox"/> NO EXCEPTIONS		
SIGNATURE			SIGNATURE AND ACCOUNT SERIAL NO.		
AUTHORIZED GOVERNMENT REPRESENTATIVE			AUTHORIZED GOVERNMENT REPRESENTATIVE		
DATE	GRADE		DATE	GRADE AND DESIGNATION	

ORDER FOR SUBSISTENCE CONTINUATION SHEET				ORDER NO. DSA 134 ⁷⁰ CD W 1040	PAGE NO.	NO. OF PAGES	
SCHEDULE							
ITEM NUMBER	STOCK NO. AND DESCRIPTION OF SUPPLIES	S.P.	T.P.	QUANTITY (Units)	UNIT	UNIT PRICE	TOTAL PRICE
	<p>THE MARKING OF FRESH FRUITS & VEGETABLES SHALL BE IN ACCORDANCE WITH THE CONTRACT OR PURCHASE ORDER.</p> <p>L</p> <p>PRECOOL PRODUCT TO <u>36-46°</u> F.</p> <p>VAN TO BE PRECOOLED <u>40-50°</u> F.</p> <p>ANNOTATED COMMERCIAL B/L: "MAINTAIN TEMP. OF <u>35°</u> F."</p> <p>(A) SEALS TO BE APPLIED BY VENDOR IMMEDIATELY UPON COMPLETION OF LOADING.</p> <p>(B) SEAL NUMBERS TO BE RECORDED ON B of L BY INSPECTOR SUPERVISING LOADING.</p> <p>(C) "VENDOR WILL BE RESPONSIBLE AND ASSUME THE RISK FOR SUPPLIES NOT RECEIVED AT THE FIRST SPECIFIED OVERSEAS DESTINATION PROVIDED, HOWEVER, THAT THE GOVERNMENT DETERMINES THAT THE ORIGINAL SEAL(S) OF THE CONTAINER IN WHICH SAID SUPPLIES ARE TRANSPORTED WAS INTACT."</p>						

Question 25. Who is responsible, other than DoD attorneys, for drafting, approving, signing, and enforcing these contracts? Give the name, title, and position for the person(s) responsible.

Answer. The procuring contracting officer (PCO), located at one of the various Subsistence Regional Headquarters (SRHs) is responsible for incorporating the terms, conditions and clauses in the formal contract document. The PCO is guided in this effort by the contents of the Armed Services Procurement Regulations (ASPR) and the Procurement Regulations of the Defense Supply Agency and the Defense Personnel Support Center. As a matter of practice, there are a number of PCOs at each SRH and each is responsible to the Commander who is normally a Senior Field Grade Officer of one of the Military Departments. Approval authority is vested in Commanders and Directors, in addition to the PCOs, throughout the chain of command and this approval authority is keyed to specific contract dollar amounts. As an example, any contract for table grapes (subsistence) for more than one (1) million dollars requires the approval of the Executive Director, Procurement & Production, Defense Supply Agency. Enforcement of the terms and conditions relating to delivery, quality, price, etc., is the responsibility of the PCO. Enforcement of those clauses and conditions required by statute, Executive Order, or other Government Agency requirement is the responsibility of the Government Department named in such statute, Executive Order, or other Government Agency requirement.

Question 26. How far in advance of the delivery date of the table grapes can the contract between the DoD and the contractor be signed? (Please answer in terms of most, least, and average number of days.)

Answer. See answer to Question 24. Contracts are awarded only far enough in advance of delivery date to meet the delivery schedule. For a nearby delivery point, this may be the same day. For a coast to coast shipment, it may be 7 to 10 days.

Question 27. Who is responsible for determining to which military concessions and dining halls DoD table grapes are distributed? Please give name, title, and position.

Answer. See Question 6.

Question 28. Does the DoD buy table grapes directly from the growers and/or packers and shippers, or does it buy from intermediaries such as brokers, markets, etc.?

Answer. Purchases may be made from growers, packers, shippers, brokers or dealers on local markets. Small quantities are usually purchased competitively from dealers on local markets in the proximity of delivery points. Larger quantities, such as carlot or truck lot quantities or as major components of mixed loads, are purchased from source offering best price for required quality.

Question 29. What amount in pounds and value in U.S. dollars of table grapes was purchased by the DoD from each source listed in question #28 in FY 67 through 69?

Answer. Data not available.

Question 30. Is the contractor responsible for transporting the table grapes to a central or regional DoD warehouse? If not, where are the grapes first received by the DoD?

Answer. The contractor is responsible for transporting grapes to destination specified by DoD. This may be at origin shipping points when shipment by container type vans for export is economically feasible. Otherwise, destination specified is a regional DoD redistribution warehouse, a military terminal for overseas shipment or direct to the requiring activity as appropriate.

Question 31. What are the names of all contractors, growers, and/or packers and shippers, from whom the DoD has purchased table grapes in each fiscal year from 1967 through 1969? Please answer this question on a quarterly basis.

a. What is the amount in pounds and value in U.S. dollars of table grapes purchased from each named person or entity?

Answer. Information is not available as requested. Principal contractors from whom DoD has purchased grapes during recent years are as follows:

1. Giumara Brothers Vineyard Corp., Bakersfield, Calif.
2. Nash De Camp Co., Visalia, Calif.
3. Hagblade Margulas Co., San Francisco, Calif.
4. J. B. Distributing Co., Los Angeles, Calif.
5. Eugene Nalbandian, Inc., Lamot, Calif.
6. R. A. Glass Co., Indio, Calif.
7. Pandol & Sons, Delano, Calif.

8. Paramount Growers, McFarland, Calif.
9. DiGiorgio Brothers, San Francisco, Calif.
10. Setrakian & Company, San Francisco, Calif.
11. United Packing Co., Fresno, Calif.
12. Wilemon Brothers & Elliott, Cutler, Calif.
13. Elmco Vineyards, Inc., Poterville, Calif.
14. Mendelson Zeller Co., San Francisco, Calif.
15. S. L. Douglas, Exeter, Calif.
16. Royal Valley Fruit Growers Ex., Reedley, Calif.
17. Ballantine Products Co., Inc., Reedley, Calif.
18. Joe Phillips, Inc., Fresno, Calif.
19. Hooker Corrin Sales, Inc., Reedley, Calif.
20. Peters & Garabedian, Fresno, Calif.
21. Ito Packing Co., Reedley, Calif.
22. Paramount Citrus Assn., Inc., San Francisco, Calif.
23. Chris Sorensen Packing Co., Parlier, Calif.
24. Tamonzian Brothers, Cutler, Calif.
25. Western Fruit Sales Co., Fresno, Calif.
26. Giumara Brothers, Los Angeles, Los Angeles, Calif.
27. Kaplan Produce Co., Los Angeles, Calif.
28. Moreno Brothers, Los Angeles, Calif.
29. Eagle Brothers Products Co., Los Angeles, Calif.
30. Coast Citrus Co., San Diego, Calif.
31. Pure Gold & Co., Lodi, Calif.
32. California Fruit Exchange, Lodi, Calif.
33. Mendelson Zeller Co., Lodi, Calif.
34. Nash De Camp, Lodi, Calif.
35. Levy & Zentner & Co., Lodi, Calif.
36. Crescent Prod. Co., South San Francisco, Calif.
37. C. & L. Prod., Oakland, Calif.
38. John D. Martin, San Francisco, Calif.
39. Sunset Produce, South San Francisco, Calif.
40. Marators' Brothers, Glendale, Ariz.
41. Albert Barnett Co., Chicago, Ill.
42. The Auster Co., Inc., Chicago, Ill.
43. Universal Fruit Co., Chicago, Ill.
44. Qianuka-Mandolini Co., Chicago, Ill.
45. La Montia Brothers Arrigo Co., Chicago, Ill.
46. Nathan Krupnick Co., Chicago, Ill.
47. Hobbs Banana Co., Nashville, Tenn.
48. Central Produce Co., Nashville, Tenn.
49. Jack Walters & Sons, Nashville, Tenn.
50. Gamble Robinson Co., Minneapolis, Minn.
51. R. Guercio & Sons, New Orleans, La.
52. Scanio Produce Co., New Orleans, La.
53. L. R. Morris, Columbia, South Carolina
54. Pearse Young Angel, Columbia, South Carolina
55. Conway, Inc., Jacksonville, Fla.
56. Adams Brothers, Birmingham, Ala.
57. Consolidated Prod., San Antonio, Texas
58. DeFeo Fruit Co., Kansas City, Kansas
59. L. Yukon & Sons Prod. Co., Inc., Kansas City, Kansas
60. Federal Fruit Co., Denver, Colo.
61. Pacific Fruit & Prod. Co., Denver, Colo.
62. A & Z Prod. Co., Salt Lake City, Utah
63. Ravarino Prod. Co., Salt Lake City, Utah
64. Market Distributing Co., Inc., Fort Worth, Tex.
65. El Paso Wholesale Prod. Co., El Paso, Tex.
66. Rio Grande Prod. Co., El Paso, Tex.
67. A. Reich & Sons, Inc., Kansas City, Kansas
68. West Coast Fruit & Prod., Seattle, Wash.
69. Pacific Fruit & Prod., Seattle, Wash.
70. Associated Grocers, Seattle, Wash.
71. Ken Grimes Fruit & Prod., Seattle, Wash.
72. Consolidated Fruit & Prod., Seattle, Wash.
73. Boise Fruit & Prod., Boise, Idaho
74. Pacific Fruit & Produce, Boise, Idaho

75. Pacific Fruit & Prod., Great Falls, Idaho
76. Colonial Fruit & Prod., Tacoma, Wash.
77. E. Armata, Inc., New York, N.Y.
78. Carbone Brothers & Co., Inc., New York, N.Y.
79. Fruitco Corp., New York, N.Y.
80. Manhattan Fruit Contracting Co., New York, N.Y.
81. Senter & Corgan, Inc., New York, N.Y.
82. E. J. Rosengarten, Philadelphia, Pa.
83. Bearman Fruit Co., Minneapolis, Minn.
84. Isaac Kossow Co., Washington, D.C.
85. W. C. Heitmuller Co., Washington, D.C.
86. National Produce Co., Washington, D.C.
87. Salins Co., Washington, D.C.
88. Tidewater Prod. Co., Inc., Portsmouth, Va.
89. D. & M. Prod. Co., Inc., Norfolk, Va.
90. Seidman Co., Philadelphia, Pa.
91. Lamantia Co., Pittsburgh, Pa.
92. Paragon Fruit, Pittsburgh, Pa.
93. Farm Fresh Prod., Providence, R.I.
94. Michael Brothers, Providence, R.I.
95. Touriellots & Co., Providence, R.I.
96. Nathan Warren, Providence, R.I.
97. P. Codakes & Co., Boston, Mass.
98. S. Strock, Boston, Mass.
99. Community Prod., Boston, Mass.
100. D. Arrigo Brothers Co., Boston, Mass.

Question 32. What is the amount in pounds and value in U.S. dollars of table grapes shipped by the DoD to each state of the U.S. and each country in each FY from 1965 through 1969?

Answer. Data regarding amount in pounds and value in U.S. dollars of table grapes shipped by DoD is not accumulated in a manner that will identify quantities shipped to each state and country. This datum is maintained only on total purchases.

Question 33. How many military personnel were stationed in each state of the U.S. and each country to which table grapes were shipped in each FY from 1965 through 1969?

Answer. This information is not maintained and can be supplied only after a detailed research personnel records of the four Military Services.

Question 34. In its Fact Sheet, "DoD Use of Table Grapes" of March 28, 1969, the DoD states that the "General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a contracting officer may consider the practices of a contractor (43 Comp. Gen. 323 (1963))." What measures have been taken by the DoD to insure that the present labor dispute at California and Arizona table grape ranches, in which it is reported that many workers are leaving the fields, will not "interfere with the potential performance of a contract"?

a. Who is the official responsible for administering this portion of the contract? Please give his name, title and position.

Answer. As outlined in response to Question 24 and 25, buyers do not award contracts until after evaluating price and other factors. He must consider ability to perform in this evaluation of other factors, and will not award if there are factors which indicate a strong probability that a potential supplier could not perform. Review of historical files concerning contracts for table grapes awarded during the period 1965-1969 disclosed that these contracts are seldom terminated because a contractor failed to deliver.

Question 35. It is clear that the use of strikebreakers, especially inexperienced foreign workers in the struck grape ranches, is leading to reduced quality in the picking and packing of this year's crop. What measures is the DoD taking to insure that this situation will not interfere with the quality requirement of table grapes purchased by the DoD?

a. Who is the official responsible for administering this portion of the contract? Please give his name, title, and position.

Answer. Purchases are made on the basis of officially recognized specifications and standards. Contracts for any quantities of consequence specify inspection by inspectors of the U.S. Department of Agriculture, who issue official grade certificates. The total administration of perishable subsistence contracts is the responsibility of the various procuring contracting officers.

See answer to question number 64 for more detail on the inspection of grapes.

Question 36. Does the fact that a contractor has been convicted of violating state and/or federal labor laws prohibit the DoD from purchasing products from that contractor? If so, explain. If not, explain.

Answer. The fact that a contractor has been convicted of violating State and/or Federal labor law does not necessarily prohibit the DoD from procuring supplies or services from that contractor. If a conviction results in the contractor's name being placed on the Joint Consolidated List of Debarred, Ineligible, and Suspended Contractors, no procurements can be made from that contractor until such time as his name is removed from the list. On the other hand, if the conviction does not result in the contractor being placed on the above referenced list, there will be no restriction on awarding contracts to that contractor so long as he is able to demonstrate the capability to perform.

Question 37. Does the DoD buy table grapes for use in South Vietnam?

Answer. Yes, for the purposes of troop feeding and for resale in authorized commissaries.

Question 38. What is the amount in pounds and value in U.S. dollars of table grapes that the DoD has shipped to South Vietnam in each quarter of each FY from 1965 through 1969, with projected purchase data for FY 70?

Answer. Shipment data that is available is provided in answer to question number 15.

Question 39. The Fact Sheet, "DoD Use of Table Grapes" shows that South Vietnam has received a sharp increase of DoD table grapes in FY-69. Please explain why South Vietnam has been singled out for this increase.

Answer. See Question 16.

Question 40. How many personnel has the DoD maintained in South Vietnam in each quarter of each FY since 1965 through 1969?

	1st quarter	2d quarter	3d quarter	4th quarter
1965.....	(1)	(1)	(1)	(1)
1966.....	231	268	313	385
1967.....	421	449	460	486
1968.....	515	535	538	536
1969.....	538	539		

*U.S. military personnel ashore (in thousands).

¹ Not available.

Question 41. How many personnel maintained directly or indirectly by the DOD in South Vietnam had "farmworker" as their occupational classification in the U.S. for each FY from 1965 through 1969?

Answer. This information is not maintained and can be supplied only after a detailed research of personnel records of the four Military Services.

Question 42. How many personnel maintained directly or indirectly by the DOD in South Vietnam are Mexican-Americans, or have Spanish surnames, for each FY from 1965 through 1969?

Answer. This information is not maintained and can be supplied only after a detailed research of personnel records of the four Military Services.

Question 43. How many personnel maintained directly or indirectly by the DOD in South Vietnam are Filipino for each FY from 1965 through 1969?

Answer. Data is provided to the extent available as follows:

	3d-country nationals (mostly Filipino)		Filipinos employed by contractor
	Appropriated funded	Nonappropriated funded	
Fiscal year 1965.....	(1)	(1)	(1)
Fiscal year 1966.....	22	124	(1)
Fiscal year 1967.....	326	938	(1)
Fiscal year 1968.....	271	838	(1)
Totals as of Mar. 31, 1969.....		1,301	4,388

¹ Not available.

Question 44. How many personnel maintained directly or indirectly by the DoD in South Vietnam are U.S. citizens of Filipino descent for each FY from 1965 through 1969?

ANSWER. This information is not known to be available at any level in the DoD.

Question 45. What amount in pounds and value in U.S. dollars of all table grapes purchased for shipment to South Vietnam comes from California contractors? Provide this information on a quarterly basis for each FY from 1965 through 1969?

ANSWER. See response to questions # 9 and #17.

Question 46. What are the names and addresses of each California contractor from whom DoD purchased table grapes, and what amounts in pounds and value were purchased from each?

ANSWER. See response to questions #17 and #31.

Question 47. Does the DoD have any direct or indirect control over U.S. commercial exports of fresh table grapes sold to South Vietnam civilians?

Answer. Negative.

Question 48. Does the DoD have any direct or indirect control over the number of civilian ships or planes carrying table grapes to South Vietnam for civilian consumption?

ANSWER. Negative.

Question 49. Are U.S. table grapes being sent to South Vietnam for civilian consumption under U.S. military aid programs?

ANSWER. Negative.

Question 50. Do U.S. or DoD military ships or planes carry table grapes for civilian consumption in South Vietnam?

ANSWER. Affirmative—to the extent of the civilians authorized to utilize military facilities in South Vietnam—Civil Service employees, Embassy, and certain contractual personnel.

Question 51. How are DoD table grapes shipped from their point of origin to South Vietnam?

ANSWER. See question 23.

Question 52. How are private commercial shipments of table grapes shipped from their point of origin to South Vietnam?

ANSWER. Information on which to base reply if not maintained by DoD.

Question 53. Give the name, title, and position of the person(s) responsible in South Vietnam for the distribution of table grapes shipped to South Vietnam by DoD.

ANSWER. Major General Joe Heisser, USA, Commander, 1st Logistics Command, and Captain Norman Hermann Clifford Kuhlman, SC, USN, Supply Officer, Naval Support Activity, Danang.

Question 54. Have DoD facilities ever been used, directly or indirectly, to transport or handle private commercial shipments of U.S. table grapes to or within South Vietnam? Please explain.

Answer. Not to the knowledge of DoD transportation authorities.

Question 55. Do U.S. DoD commissaries, officers' clubs, PX's or other installations ever purchase U.S. table grapes from private South Vietnam brokers? If so, what quantities in pounds and amounts in dollars were purchased from these sources in each FY from 1965 through 1969?

Answer. Not to our knowledge.

Question 56. What precautions does the DoD take to insure that table grapes shipped to South Vietnam do not enter the black market?

Answer. Normal security procedure as applied to other commodities destined for military use.

Question 57. What is the price paid per pound for table grapes purchased for South Vietnam by the DoD in each quarter of each FY from 1965 through 1969?

Answer. DoD has made no purchases of table grapes for the Republic of Vietnam. Statistics regarding prices paid by DoD for all table grapes purchased during the fiscal years requested are reflected in the response to question No. 19.

Question 58. Does the DoD sign contracts for table grape purchases with contractors, growers, and/or packers and shippers, who do not pay federal minimum wages to their employees? (a) What measures does the DoD take to guarantee that table grape contractors, etc., meet federal minimum wage standards? (b) What is the name, title, and position of the person in charge of assuring that table grape contractors, and so forth, comply with federal minimum wage standards? (c) Has a DoD purchase contract ever been denied to a table grape grower because he failed to meet federal minimum wage laws? If so, please give the specifics.

Answer. The minimum wage provisions of the Walsh-Healey Public Contracts Act do not apply to purchases of perishables. The Fair Labor Standards Act exempts certain categories of agricultural employees from its minimum wage requirements. This statute is administered by the Wage and Hour Division of the Department of Labor. It is Department of Defense policy to cooperate to the fullest extent practicable with the Department regarding the labor requirements. The Department of Defense would, of course, report to Department of Labor any known violations. There have been no known instances of a contract having been denied to a table grape grower because he failed to meet federal minimum wage laws.

Question 59. Does the DoD sign contracts for table grape purchases with contractors, growers, and/or packers and shippers, who do not pay state minimum wages to their employees? (a) What measures does the DoD take to guarantee that table grape contractors, etc., meet state minimum wage standards? (b) What is the name, title, and position of the person in charge of assuring that table grape contractors, etc., comply with state minimum wage standards? (c) Has a DoD purchase contract ever been denied to a table grape grower because he failed to meet state minimum wage laws? If so, please give the specifics.

Answer. It is Department of Defense policy to cooperate and encourage contractors to cooperate, to the fullest extent practicable, with State agencies responsible for enforcing labor requirements with respect to such matters as State minimum wages. DoD is not responsible for policing compliance and no procedure has been established for contracting only with firms which do comply.

Question 60. Does the DoD sign contracts for table grape purchases with contractors who do not deduct social security payments from the wages of their employees? (a) What measure does the DoD take to guarantee that table grape contractors, et cetera, deduct social security payments from the wages of their employees? (b) What is the name, title, and position of the person in charge of assuring that table grape contractors, etc., deduct social security payments from the wages of their employees? (c) Has a federal contract ever been denied to a table grape grower because he failed to deduct social security payments from the wages of the employees?

Answer. DoD does not take any special measures to guarantee that table grape contractors deduct social security payments from the wages of their employees. To the best of our knowledge, a DoD contract has never been denied to a table grape grower because he failed to deduct social security payments from the wages of employees. Administration of the social security program is not a responsibility vested in the Department of Defense.

Question 61. Does the DoD sign contracts for table grape purchases with contractors, et cetera, who violate Federal or State equal employment opportunity laws in hiring policies or employment practices?

Answer. DoD's contracting operations are conducted in conformity with the appropriate provisions of the Armed Services Procurement Regulations. ASPR 12-808.2 sets up particular procedures for pre-award determination with respect to invitations for bids for supply contracts of \$1 million or more. To qualify for this type of award, the proposed contractor and first-tier subcontractors must be found to be in compliance with the equal opportunity clause prescribed by Executive Order 11246.

ASPR 12-808.3 requires that, before entering into a negotiated contract or a construction contract of \$1 million or more, the Procurement Contracting Officer ascertain whether the proposed contractor is in compliance with the provisions of Executive Order 11246. A contractor who is found to be deficient with respect to his obligations under the Executive Order is ineligible for award until he has taken action or has agreed to take action to repair the deficiencies.

DoD has no responsibility for enforcement of State equal employment opportunity laws. In the conduct of its compliance reviews of contractors under its cognizance and in the investigation of complaints, however, the Department does take official notice of the findings of State Equal Employment Opportunity Agencies as indicators of conditions warranting attention.

Question 61a. What measures does the DoD take to guarantee that table grape contractors, and so forth, do not violate Federal Equal Employment laws?

ANSWER. To assure that contractors assigned to DoD for surveillance do actually comply with the provisions of Executive Order 11246, the DoD undertakes on-site compliance reviews of the contractors' personnel policies, procedures and practices and investigates complaints lodged against such contractors by employees or applicants who allege that the contractor is guilty of discrimination on the basis of race, color, religion, sex, or national origin. When as a result

of such review or investigation the Department finds a contractor in non-compliance with the provisions of the Executive Order it exacts a commitment from the contractor to take the actions requisite to placing him in compliance with the provisions of the Executive Order. If the contractor refuses, or persists in his refusal, the Department initiates action looking toward the imposition of sanctions—cancellation, termination or debarment.

So far as the exercise of this kind of authority toward table grape growers is concerned, the Department's activity is limited to those contractors over whom it has been assigned cognizance by the Department of Labor's Office of Federal Contract Compliance which has responsibility under Executive Order 11246 for making such assignment.

Question 61b. What is the name, title and position of the person in charge of assuring that table grape contractors, and so forth, comply with Federal equal employment opportunity laws?

ANSWER. DoD Directive 1100.11, August 9, 1968, assigns responsibility in the equal employment opportunity area as follows:

The Assistant Secretary of Defense for Manpower and Reserve Affairs (Honorable Roger T. Kelley) is the Contract Compliance Officer for the Department of Defense.

The Director, Defense Supply Agency (Lt. General Earl C. Hedlund) is the Deputy Contract Compliance Officer for the Department of Defense.

As provided by the Directive, the functions of contract compliance operations are organized at both headquarters Defense Supply Agency and field levels into specialized offices and are administered as separate components of Defense Contract Administration Services. The Chief of the Headquarters Office of Contract Compliance is Mr. M. R. Shafer.

Question 61c. Has a DoD purchase contract ever been denied to a table grape grower because he failed to comply with Federal equal employment opportunity laws?

Answer. No.

Question 62. Does the DoD sign contracts for table grape purchase with contractors, et cetera, who employ foreign workers who have entered the U.S. illegally? (a) What measures does the DoD take to guarantee that table grape contractors, et cetera, do not employ foreign workers who have entered the U.S. illegally? (b) What is the name, title, and position of the person in charge of assuring that table grape contractors, et cetera, do not employ foreign workers who have entered the U.S. illegally? (c) Has a DoD purchase contract ever been denied to a table grape grower because he employed foreign workers who entered the U.S. illegally?

Answer. Department of Defense contracts contain no specific provision barring the employment of aliens by the contractor. Known violations of the immigration laws would, of course, be reported to the Department of Justice.

Question 63. Does the DoD sign contracts for table grape purchase with contractors, et cetera, who employ children in violation of Federal or State child labor laws? (a) What measures does the DoD take to guarantee that table grape contractors, et cetera, do not employ children in violation of Federal child labor laws? (b) What is the name, title, and position of the person in charge of assuring that table grape contractors, et cetera, do not employ children? (c) Has a DoD purchase contract ever been denied to a table grape grower because he employed children in violation of federal child labor laws? If so, please give specific references. (d) What measures does the DoD take to guarantee that table grape contractors, et cetera, do not employ children in violation of state child labor laws? (e) What is the name, title, and position of the person in charge of assuring that table grape contractors, et cetera, do not employ children? (f) Has a DoD purchase contract ever been denied to a table grape grower because he employed children in violation of state child labor laws? If so, please give specific references.

ANSWER. As indicated in the answer to question #59, it is DoD policy to cooperate with State agencies responsible for enforcing State labor requirements. There is, however, no procedure for policing compliance nor for contracting only with firms which do comply. The child labor provisions of the Walsh-Healey Public Contracts Act do not apply to purchases of perishable. The Child Labor Provisions of the Fair Labor Standards Act do not apply to employees employed in agriculture outside of school hours for the school district where the employee lives while so employed. As indicated in the answer to question #58, this statute is administered by the Department of Labor.

Question 64. Does the DoD apply minimum standards of quality with regard to sugar content, berry size, color, degree of rot, amount of water berries, and quality of pack to purchases of table grapes? If not, explain. If so, what are these quality standards? (a) Who inspects these grapes to assure that they meet these quality requirements? (b) Give the name, title, and position of the person who inspects these grapes. (c) At what point in the shipping and handling process are these grapes inspected? (d) By what procedure are these grapes inspected and what unit of grapes is selected for inspection?

ANSWER. The Department of Defense procures U.S. No. 1 Grade table grapes or better in accordance with Fed Spec Y-G-671F, PPP-F-685 and the U.S. Standards for Grade. These standards for this minimum quality of grape cover sugar content and color as factors of maturity; decay and water berries as factors of damage. Grapes, when inspected at shipping point, are inspected by State or Federal Inspectors whereas inspections of grapes on wholesale markets are conducted only by Federal Agricultural Commodity Graders. On a national basis, no one individual inspector in the market or shipping point has total responsibility; however, Mr. Fisher Kee, Head, Inspection Section, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, C&MS, USDA, Washington, D.C. has the overall responsibility for assuring proper conduct of inspection on a nation-wide basis. On carlot quantities of grapes, inspection is conducted at the point of loading into the carrier whereas market inspections are conducted prior to transport from wholesalers house to supply point by agricultural personnel. At supply point or receiving installation, verification for identity and condition is conducted in most instances by Veterinary Corps personnel; however, some market areas have arranged a pool type USDA inspection at the supply point at the expense of the vendors. The procedures utilized in inspecting grapes are examination of randomly selected samples and based on the size of the unit, that is, lug, basket, etc., either total contents of the unit or at least $\frac{1}{2}$ the content of the unit is inspected as a sample unit.

Question 65. Has a California table grape contractor ever been held in violation of a contract because he supplied grapes below the minimum standards or in violation of the Walsh-Healey Act? If so, what are the names of such contractors, how did the contractor violate the contract, when was the contract violated, and what was the result in regard to the settlement of the contract with the DoD?

ANSWER. Contractors for table grapes cannot be held in violation of the Walsh-Healey Public Contracts Act because the Act specifically exempts procurement of perishable subsistence from compliance with any provision of the Act.

Same response for questions 66, 67, 68, and 69.

Question 66. What measures does the DoD take to insure that table grape contractors meet the minimum standards of safety and health regarding (a) provision of toilet facilities and washrooms? (b) lunchrooms and food handling? (c) drinking water? (d) medical services? (e) eye protection? (f) environmental conditions? (g) personal protective equipment as specified under the Walsh-Healey Public Contracts Act.

ANSWER. See response for question No. 65.

Question 67. How often and by what procedure is each contractor checked to see that he meets the general standards of safety and health required by Federal contractors under the Walsh-Healey Act

ANSWER. See response to question No. 65.

Question 68. What is the name and title of the person responsible for insuring that table grape contractors comply with the general safety and health standards in Federal supply contracts under the Walsh-Healey Public Contracts Act?

ANSWER. See response to question No. 65.

Question 69. In determining if a table grape contractor is in compliance with the general safety and health standards of the Walsh-Healey Public Contracts Act, does the DoD rely on assistance from state public health officials and/or departments?

ANSWER. See response to question No. 65.

Question 70. Does the DOD purchase table grapes treated with DDT and/or other chlorinated hydrocarbons?

ANSWER. It is not known at the time of purchase whether grapes have been treated with DDT and/or other chlorinated hydrocarbons. There is no routine acceptance inspection performed for this purpose.

Question 71. If so, what is the maximum residue level permitted on these table grapes? (a) How is this residue measured? (b) At what point in the shipping

and handling process are these grapes inspected? (c) Explain the inspection procedure and the manner in which these grapes are selected for inspection. Please give the name, title, and position of the official responsible for this inspection.

ANSWER. The tolerance levels for pesticides and/or insecticides are published in Section 408, Code of Federal Regulations, Title 21, subchapter B, Food, Drug and Cosmetic Act. The residues are measured through analytical determination utilizing approved methods of F&DA. These methods have resulted from food petitions or are contained in AOAC (10th edition) and the Pesticide Analytical Manual. Samples for determination of residuals may be selected by enforcement agencies (state & federal) at any time from harvest to retail point. Samples are collected statistically at various outlets throughout the U.S. The degree of follow-up is based upon results of analytical data. The F&DA has the overall regulatory responsibility; however, actual enforcement is by state officials.

Question 72. Who prepared the fact sheet entitled "DOD Use of Table Grapes," dated March 28, 1969 (2 pages)? Please give name, title, and position. Who is his immediate supervisor? Please give name, title, and position? (a) What is meant by the term "high troop acceptability" used in the fact sheet? (b) What is the "troop acceptability" of all other fruits shipped to Vietnam?

ANSWER. The fact sheet was prepared under the direction of Honorable Barry J. Shillito, Assistant Secretary of Defense (Installations and Logistics), and Mr. Paul H. Riley, Deputy Assistant Secretary of Defense (I&L) (Supply and Services). (a) High troop acceptability is used to denote a preference for grapes over fruits that are commonly available, such as apples and oranges; (b) The troop acceptability of all fruits shipped to Vietnam enjoys a high rating.

Question 73. How many copies of this fact sheet have been distributed?

ANSWER. Approximately 200 fact sheets have been distributed as enclosures to replies for information regarding grapes, of which approximately 50 copies were passed by hand to news media on verbal request to OASD Public Affairs office. DOD does not know how much reproduction and redistribution may have been accomplished by the original recipients, therefore, does not know the total number of copies that are in circulation.

Question 74. Please provide us with copies of all correspondence regarding increased purchases of table grapes by the DOD in response to which the above mentioned DOD fact sheet was sent.

ANSWER. We have interpreted this to mean all fact sheets that have been sent in response to correspondence regarding increased purchases of table grapes. Accordingly we have included one copy of the 101 inquiries received as Exhibit "A." (Exhibit A may be found in the committee files.)

Question 75. Please provide us with the name of the person(s) answering these questions. If more than one person answered these questions, please indicate which questions each person answers.

Answer. All replies to questions regarding grapes referred to OSD were answered as directed by Barry J. Shillito, Assistant Secretary of Defense (Installations & Logistics), Mr. Paul H. Riley, Deputy Assistant Secretary of Defense (I&L) (Supply & Services), and Mr. Dale R. Babione, Deputy Executive Director of Procurement and Production, Defense Supply Agency.

Question 76. Under whose authority were these questions answered? Please give name, title, and position.

Answer. All replies to questions regarding grapes referred to OSD were answered as directed by Barry J. Shillito, Assistant Secretary of Defense (Installations & Logistics), Mr. Paul H. Riley, Deputy Assistant Secretary of Defense (I&L) (Supply & Services), and Mr. Dale R. Babione, Deputy Executive Director of Procurement and Production, Defense Supply Agency.

MEMORANDUM FROM DEFENSE SUPPLY AGENCY

14 July 1969.

DSAH-LC

Memo for Mr. Boren Chertkov, Counsel, Subcommittee on Migratory Labor, Senate Committee on Labor and Public Welfare.

Subject: Subcommittee Hearings, July 15, 1969.

1. In accordance with your request, attached are 100 copies of a Department of Defense fact sheet of 10 June 1969 on the use of table grapes. I have already delivered to you 100 copies of the prepared statement, for the hearing on 15 July, of Mr. Dale R. Babione, the DoD witness.

2. Please note that in paragraph 3 of the fact sheet procurements of table grapes for FY 69 are estimated at 11.0 million pounds. This was a projected figure based upon reports available through the third quarter of FY 69. You will note that the later projection of the FY 69 procurement figure, as cited in Mr. Babione's statement, is 9.69 million pounds, a reduction from the earlier estimate included in the 10 June fact sheet.

Enclosures.

EDMUND C. BURNETT,
Special Assistant for Congressional Matters.

FACT SHEET: DEPARTMENT OF DEFENSE USE OF TABLE GRAPES

1. The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to DoD procurement needs to maintain a sound working relationship with both labor and management. The resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government. From the diverse opinions that have appeared in various news media, it is quite apparent that the dispute over California table grapes falls in this category.

2. In addition to the above policy, the General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a contracting officer may consider the labor practices of a contractor (43 Comp. Gen. 323 (1963)). Also, the Comptroller General has ruled that there is no authority to reject bids on the basis that an employer does not employ union labor (31 Comp. Gen. 561).

3. The Defense Supply Agency, which is responsible for the purchase of food for military dining halls and commissaries, reports that procurements of table grapes have been as follows:

Fiscal year:	Pounds (millions)	Amount (millions)
1966.....	7.5	\$1.04
1967.....	8.3	1.25
1968.....	6.9	1.32
1969 ¹	11.0	1.98

¹ This figure is projected on the basis of actual totals for the 3 quarters of fiscal year 1969 and the rate of decline of seasonal procurements as experienced during the last half of fiscal years 1967 and 1968.

The total Defense Supply Agency purchases of table grapes represent less than one percent of U.S. table grape production.

4. There is no record of any grape shipments to Vietnam prior to fiscal year 1967; subsequent shipments have been as follows:

Fiscal year:	Pounds
1967.....	468,000
1968.....	550,000
1969 ¹	2,500,000

¹ This figure is projected on the basis of actual totals for the three quarters of fiscal year 1969 and the rate of decline of seasonal procurements as experienced during the last half of fiscal year 1967 and fiscal year 1968.

The increase in the Vietnam requirement for grapes during FY 1969 was influenced by the following factors: (1) the high troop acceptability of this seasonal item; (2) the reduced availability of export quality fresh oranges, with a substitution of table grapes; and (3) the improved capability of shipping perishable items, including grapes, to Vietnam by refrigerated vans. In this connection, it is significant that the quantities of all fresh produce shipped to Vietnam have greatly increased during the past three years.

5. The Department of Defense does not purchase grapes merely because they have been made more available and less expensive due to the effects of the boycott.

Grape purchases are made by the Defense Supply Agency in response to requisitions from the Military Services. These requisitions are based on planned menus which reflect numerous factors, among them being troop acceptability; nutritional requirements; variety; and item availability, perishability, and cost. In the interests of objective and systematic management, menu planners (often working a year to eighteen months in advance) should not be required to consider whether a labor dispute exists when making these decisions.

FACT SHEET: DEPARTMENT OF DEFENSE USE OF TABLE GRAPES, FEBRUARY, 1969

1. The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to DoD procurement needs to maintain a sound working relationship with both labor and management. The resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government. From the diverse opinions that have appeared in various news media, it is quite apparent that the dispute over California table grapes falls in this category.

2. In addition to the above policy, the General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a contracting officer may consider the labor practices of a contractor (43 Comp. Gen. 323 (1963)). Also, the Comptroller General has ruled that there is no authority to reject bids on the basis that an employer does not employ union labor (31 Comp. Gen. 561).

3. The Defense Supply Agency, which is responsible for the purchase of food for military dining halls and commissaries, reports that procurements of table grapes for the past three and one-half years have been as follows:

Fiscal year:	Pounds (millions)	Amount (millions)
1966.....	7.5	\$1.04
1967.....	8.3	1.25
1968.....	6.9	1.32
1969, 1st half.....	8.0	1.26

The total Defense Supply Agency purchases of table grapes represent less than one percent of U.S. table grape production.

4. There is no record of any grape shipments to Vietnam prior to fiscal year 1967. Shipments during the past two and one-half years have been as follows:

Fiscal year:	Pounds
1967.....	468,000
1968.....	555,000
1969, 1st half.....	2,047,695

The increase in the Vietnam requirement for grapes during the first half of FY 1969 was influenced by the following factors: (1) the high troop acceptability of this seasonal item; (2) the reduced availability of export quality fresh oranges, with a substitution of table grapes; and (3) the improved capability of shipping perishable items, including grapes, to Vietnam by refrigerated vans. In this connection, it is significant that the quantities of all fresh produce shipped to Vietnam have greatly increased during the past three years. Export quality oranges again became available in late Calendar Year 1968 (second quarter FY 1969), and action was taken to resume procurement of oranges for shipment to Vietnam.

5. The Department of Defense does not purchase grapes merely because they have been made more available and less expensive due to the effects of the boycott. Grapes purchases are made by the Defense Supply Agency in response to requisitions from the Military Services. These requisitions are based on planned menus which reflect numerous factors, among them being troop acceptability; nutritional requirements; variety; and items availability, perishability, and cost. In the interests of objective and systematic management, menu planners (often working a year to eighteen months in advance) should not be required to consider whether a labor dispute exists when making these decisions.

[Sample union contract]

AGREEMENT

This agreement, made and entered into the 18th day of September, 1969, by and between A. Perelli-Minetti & Sons, Pond Road and Highway 99, Delano, County of Kern, California, hereinafter referred to as "P-M", on the one hand, and United Farm Workers Organizing Committee, AFL-CIO, hereinafter referred to as "Union", on the other hand,

Witnesseth:

RECOGNITION

A. P-M recognizes the Union as the exclusive collective bargaining agent for the agricultural employees who work on the agricultural property owned by P-M; but excluding all herdsmen, office and clerical employees, winery employees, laboratory employees, distillery employees, warehousing employees, bottling employees, maintenance employees, electricians and apprentice electrician, professional employees, guards and supervisors who have the authority to hire or fire. The "agricultural property owned by P-M" is defined as the agricultural fields presently owned and directly controlled and operated by P-M.

B. P-M further recognizes the rights and obligations of the Union to negotiate wages, hours and conditions of employment, and to administer this agreement on behalf of all covered employees.

C. P-M and its representatives will make known to all employees, supervisors, and officers, its policies and commitments as set forth above with respect to recognition of the Union and that employees in the bargaining unit should give the utmost consideration to supporting and participating in collective bargaining and contract administration functions.

UNION SECURITY

A. Union membership shall be a condition of employment. Each employee shall be required to become and remain a member of the Union, in good standing, immediately following ten (10) continuous calendar days of employment.

B. The Union shall be the sole judge of the good standing of its members. Any employee who fails to tender the uniformly required initiation fees, periodic dues and regularly authorized assessments as prescribed by the Union shall be discharged within one (1) day after written notice from the Union to P-M.

C. P-M agrees to furnish the Union, in writing, the names of employees giving the names, address, ages, Social Security numbers and type or job classifications.

D. P-M agrees to deduct from each employee's pay all initiation fees, periodic dues and assessments as uniformly required by the Union, upon presentation of individual authorizations, signed by the employees, authorizing P-M to make such deductions. P-M shall make such deductions from the employees' pay once in each month and remit them to the Union not later than the 15th day of the following month. The Union will furnish the forms to be used for the authorization. P-M will furnish the Union with a duplicate copy of all signed authorizations.

E. The Union agrees to hold harmless P-M against the claims of any employee discharged by P-M pursuant to paragraph (b).

RETAINED RIGHTS

A. In order to operate its business, P-M retains all rights of management including the following, unless they are limited by the clear and explicit language of some other provision of this Agreement: to select all of the employees; to determine the number of employees, including the number of employees assigned to any particular operation; to determine the work pace, work performance levels and standards of performance of all of the employees, and to determine whether any individual employee meets such pace, levels and standards so determined; to decide the nature of equipment, machinery, methods or processes used, to introduce new equipment, machinery, methods or processes, and to change or discontinue existing equipment, machinery, methods or processes, to subcontract or contract out any or all of the agricultural processes or the conduct of its business; to discontinue temporarily

or permanently, in whole or in part by sale or otherwise, the products to be produced, or the conduct of its business; to change, combine, or abolish job classifications and the job content of any classifications and to establish new classifications of employees; to terminate employees as the result of the exercise of any of the foregoing rights; to direct and supervise all of the employees, including the right to assign and transfer employees; to determine when overtime shall be worked and whether to require overtime; to establish and make known work rules and safety rules for all of the employees; and to determine work schedules.

SUBCONTRACTING

The Union and P-M understand and agree that the hazards of agriculture are such that subcontracting by P-M is necessary and proper; that P-M will not have as its purpose to subcontract to the detriment of the Union or the bargaining unit. Therefore P-M and the Union agree that P-M has the right to subcontract as it has in the past in such cases as a crop dusting, barley planting and harvesting, manure and gypsum spreading, vine removal, grafting, construction work and the like; where P-M does not have the equipment to do the work; where work is of such short duration that it is uneconomical for P-M to lease equipment. The foregoing are examples only and are not intended as limitations on P-M's right to subcontract. P-M will, if possible, notify the Union prior to any of the above mentioned subcontracting being undertaken.

CLASSIFICATIONS AND RATES OF PAY

The presently existing classifications of employees and rates of pay shall be as set forth in Appendix A attached herewith, incorporated herein, and made a part hereof.

NEW JOB CLASSIFICATIONS

A. P-M will notify the Union in writing of any new job classifications and wage rates.

B. If the Union does not agree with the wage rate established for the new job classification, it may request a meeting to discuss the new wage rate. Failing to agree, the Union may resort to the grievance and arbitration procedure over such wage rate.

C. Should P-M introduce technological improvements, P-M agrees to offer training to qualified bargaining unit employees to fill any new jobs created.

D. P-M shall not change or modify any present classification so as to remove it from the bargaining unit.

HIRING

A. Whenever P-M requires new employees to perform any work covered by this Agreement, it shall notify the Union, stating the number of employees needed, the type of work to be performed, the starting date of the work and the approximate duration of the job or jobs.

B. Upon receipt of such notice the Union shall use its best efforts to furnish the requested number of employees. P-M may reject any applicant who is referred by the Union if he has previously been discharged by P-M for cause. If the Union does not furnish the requested number of qualified employees within 48 hours, or on the date of the beginning of the work (whichever date is later), P-M shall be free to procure needed workers not furnished by the Union from any other source.

C. If P-M procures employees from any other source, it shall notify the Union, in writing, within 48 hours, of the names, Social Security numbers and addresses of all employees so hired.

EMERGENCY

If an emergency should occur, P-M may immediately use any source of labor in order to meet such emergency.

P-M agrees to notify the Union of such emergency condition as soon as practical, and Union agrees to aid and assist P-M, upon notification, in meeting such emergency.

SENIORITY

A. Seniority will be based on continuous service. Seniority shall be retained but shall not accumulate during time not worked.

B. Seniority will be broken for the following reasons:

1. If the employee quits.
2. If the employee is discharged with cause.
3. If the employee is absent for two (2) working days without properly notifying P-M unless a satisfactory reason therefore is given.
4. If the employee fails to return to work within three (3) working days after being notified to work and does not give a satisfactory reason therefore.
5. If an employee has not been employed during a twelve (12) month period, illness excluded.
6. Failure to return from a leave of absence without satisfactory reason being given.

C. When filling vacancies or making promotions between classifications covered by this Agreement, transfers, layoffs, recall from layoff, and reclassifications, P-M will give preference to employees with the greatest length of continuous service, providing that ability and qualifications are equal.

D. To facilitate recall from layoff P-M will notify the Union of its needs as provided in Article HIRING, and the Union will assume responsibility for compliance with seniority. The Union will hold P-M harmless from any claims arising from non-compliance with seniority rights on recall whenever the Union has been notified of P-M's needs.

E. P-M will furnish Union with seniority list after pruning and harvest.

DISCHARGE

A. P-M shall have the sole right to discipline or discharge any employee for just cause. Grievances with respect to the exercise of this right to discharge or discipline are subject to arbitration.

B. Where practicable, P-M shall notify a Union Steward or Union official prior to any discharge.

C. The Union official(s) and/or steward shall have the right to interview discharged employees in private.

D. Within twenty-four (24) hours after any discharge, the employee will be notified in writing of the discharge.

E. As used in the Article entitled HIRING, any person who has been discharged by P-M, will be irrebuttably presumed to have been "discharged for cause" where the discharge was sustained on appeal to grievance or to arbitration, or where such discharge was not appealed to grievance or to arbitration.

F. Individual performance in relation to a piece rate or incentive plan shall not be conclusive evidence for the purpose of discharging an employee.

EMPLOYMENT SECURITY

A. Picket lines.—P-M agree that any employee may refuse to pass through any picket line at any other employer's premises sanctioned by the Union.

B. No farm worker under this agreement shall be required to perform work that normally would have been done by employees of another company that engaged in a strike, or to work on goods that will be handled or are destined to be handled by other workers engaged in strike breaking.

RIGHT OF ACCESS TO COMPANY PROPERTY

Authorized representatives of the Union shall be permitted on P-M's agricultural premises for the normal conduct of Union business. Such representatives shall, before each entry, notify the designated representative of management. It is further provided that such permission to enter P-M's premises shall be exercised reasonably and shall not interfere with the conduct of P-M's operations.

NO STRIKE—NO LOCKOUT

The Union and P-M agree that there will be no strikes or lockouts and no boycotts of any kind during the term of this Agreement.

EQUAL OPPORTUNITY

P-M agrees that it will not illegally discriminate in the hiring of employees, or in their training, promotion, transfer, discipline, discharge or otherwise, on the basis of race, creed, national origin, sex or religion.

GRIEVANCE AND ARBITRATIONS

A. Any dispute which an employee may have relating to his employment with P-M may be processed through the grievance steps outlined below. However, in order to be subject to arbitration as provided in subparagraph D herein, a grievance must be defined as, and limited to, a statement by an employee covered hereby that P-M has violated an express term of this Agreement and that by reason of such violation his rights have been adversely affected. Furthermore grievances relating to alleged threatened or actual violations of Articles *Hiring, Union Security, No Strike—No Lockout, and Recognition* may not be submitted through the grievance steps contained in subparagraphs B and C herein or submitted to arbitration pursuant to subparagraph D herein, it being understood between the parties that the exclusive procedure for arbitrating the Union's or P-M's grievances relating to those four Articles is that procedure set forth in subparagraph E herein.

B. If an employee shall have a proper grievance there shall be an earnest effort on the part of both parties to settle it promptly through the steps listed below:

STEP 1.—An employee grievance must be submitted by the employee's Union Steward to the supervisor immediately in charge of the aggrieved employee within three (3) working days after the event giving rise to the grievance. The supervisor will give his answer to the Steward within twenty-four (24) hours following the presentation of the grievance and the giving of such answer will terminate Step 1.

STEP 2.—If the grievance is not settled in Step 1, the grievance will be submitted by the Union's ranch committee to P-M Management within forty-eight (48) hours after termination of Step 1. Management will give its answer to the ranch committee within two (2) working days following the presentation of the grievance and the giving of the answer will terminate Step 2.

Step 3.—If the grievance is not settled in Step 2, the grievance will be reduced to writing, fully stating the facts surrounding the grievance and the provisions of this Agreement alleged to have been violated, signed by and dated by a Union district officer and presented to the P-M Management within two (2) working days after termination of Step 2. A meeting with such authorized representative of the Union will be arranged to review and discuss the grievance. Such meeting will take place within three (3) working days from the date the grievance is submitted to Management. The P-M Management will give his written reply within end of the fourth (4th) working day following the date of the meeting, and the giving of such reply will terminate Step 3.

C. A ranch committee, consisting of not more than five (5) employees, may participate in Step 2 and 3 of the grievance procedure.

D. A grievance shall be submitted to arbitration as provided in this subparagraph D, but only if the Union gives written notice to P-M of its desire to arbitrate such matter within ninety (90) working days, after the termination of Step 3 above, except that in case of discharge, such written notice must be given within ten (10) working days after the termination of Step 3 above.

(1) As soon as possible and in any event not later than ten (10) working days after P-M receives written notice of the Union's desire to arbitrate, the parties shall agree upon an arbitrator. If no agreement is reached within said ten (10) days, an arbitrator shall be selected from the following panel in the order listed below. If the first named is unavailable, or is unable or unwilling to serve, the next named arbitrator in the order listed shall be selected. (etc.)

1. Robert Mook, Visalia.
2. Wm. S. Boyd, Jr., San Francisco.
3. John B. Lauritzen, San Francisco.
4. John Kelley, Bakersfield.
5. Steve Wall, Bakersfield.
6. Clarence Up de Graff, San Francisco.
7. Robert E. Burns, San Francisco.
8. Thomas T. Roberts, Los Angeles.
9. Adolph Koven, San Francisco.

(2) The arbitrator shall have no power to alter, amend, change, add to, or subtract from any of the terms of this Agreement, nor shall he substitute his discretion for that of the Union or P-M, nor shall he decide any issue not submitted or not arbitrable, nor shall he interpret or apply this Agreement so as to change what can fairly be said to have been the

intent of the parties as determined by generally accepted rules of contract construction. The decision of the arbitrator within the limits herein prescribed shall be final and binding to the parties to the dispute. No decision rendered by the arbitrator shall be retroactive beyond the beginning of the three (3) day period specified in Step 1 of the Grievance Procedure above or the occurrence of the grievance, whichever is the more recent. The arbitrator shall have no power to render an award after the termination date of this Agreement.

(3) Each party shall bear the expense of the presentation of its own case, such as, but not limited to, the reimbursement or witnesses called, and transcripts ordered. The arbitrator's fees and expenses shall be paid by the losing party. If neither party has lost in whole, then such fees and expenses shall be allocated proportionately. If questions arise as to the losing party or proportionate allocation, such issues shall be decided by the arbitrator hearing the matter or matters in dispute.

E. A matter subject to Expedited Arbitration, an exclusive procedure set forth in this subparagraph E, shall be defined as and limited to a claim by P-M or the Union that there is a violation or threat of violation of Articles *Hiring, Union Security, No Strike—No Lockout, and Recognition*.

(1) In the event P-M or the Union believes that one of the foregoing is being violated or threatened to be violated, it shall immediately notify the other party and the other party will do everything within its power to end or avert the same.

(2) Since time is of the essence in settling such disputes, in the event of such claimed violation or threat of violating either Articles *Hiring, Union Security, No Strike—No Lockout, or Recognition*, within twenty-four (24) hours after the other party has been notified according to E(1) above, and the claimed violation or threat of violation has not been cured within said twenty-four (24) hours, the grieving party may within 48 hours, submit such claim to Expedited Arbitration as follows:

(a) The claim shall be filed orally or by telephone with the arbitrator who is selected according to the following procedure and the grieving party shall notify the other party of such filing orally or by telephone.

(b) The arbitrator with whom such claim or dispute may be filed and presented shall be as in Section D(1); in the event he shall be unavailable, or unable or unwilling to serve it shall be submitted in the order enumerated to the following named arbitrators until one is available, able and willing to serve:

1. Robert Mook, Visalia.
2. Wm. S. Boyd, Jr., San Francisco.
3. John B. Lauritzen, San Francisco.
4. John Kelley, Bakersfield.
5. Steve Wall, Bakersfield.
6. Clarence Up de Graff, San Francisco.
7. Robert E. Burns, San Francisco.
8. Thomas T. Roberts, Los Angeles.
9. Adolph Koven, San Francisco.

(c) A hearing before the arbitrator shall be held within eight (8) hours after filing of the grievance. Such time may be extended by written mutual agreement of the parties.

(d) No continuance of said hearing shall be allowed without the consent of the grieving party. Absence from or nonparticipation at the hearing by any party shall not prevent the issuance of an award. Hearing procedures which will expedite the hearing may be ordered at the arbitrator's discretion when he decides that he has heard sufficient evidence to satisfy issuance of an award. The arbitrator's award shall be rendered as expeditiously as possible and in no event later than twelve (12) hours after the close of the hearing.

(e) The arbitrator shall have no power to alter, amend, change, add to, or subtract from any of the terms of this Agreement, nor shall he substitute his discretion for that of the Union or P-M, nor shall he exercise any of the responsibility of the Union or P-M, nor shall he decide any issue not submitted or not arbitrable, nor shall he interpret or apply this Agreement so as to change what can fairly be said to have been the intent of the parties as determined by generally accepted rules of contract construction.

(f) In the event the arbitrator finds that the activities of either employees or the Union, or P-M, are in violation of *No Strike—No Lockout*, he shall, as a part of his decision, specifically order that all normal operations be resumed at once and enjoin any continued or prospective violations of said provisions.

(g) The arbitrator is empowered to award damages, if any, against the Union or P-M should he determine that the activities of either party are in violation of *No Strike—No Lockout*.

(h) The award of the arbitrator shall be final and binding upon the parties.

(i) In the event either party fails to abide in any respect with the arbitrator's award, the other party may apply to any appropriate court for enforcement of said award without notice to the party or parties against whom such enforcement is sought.

(j) The fees and expenses of Expedited Arbitration shall be borne by the parties in accordance with the provisions of subparagraph D above.

BULLETIN BOARDS

P-M will provide bulletin boards placed at such central locations as the Union may designate subject to approval of P-M for posting of formal notices.

RECORDS AND PAY PERIODS

A. Accurate records shall be kept, including total hours worked, piece rates or incentive records, total wages and total deductions. Employees shall be furnished a copy of itemized wage statement and itemized deduction statement each pay day which shall include the employee piece rate production.

B. In case of a dispute as to pay, the Union shall have the right to examine time sheets, work production, or other non-confidential records that relate directly to an individual employee's compensation for the pay period in dispute.

C. During the 90 day period prior to the expiration date of this agreement, the Union may request of P-M piece rate production reports.

LEAVE OF ABSENCE FOR UNION BUSINESS

A. Any regular full time employee, not to exceed three (3), elected to or appointed to an office or position with the Union, shall be granted a leave of absence not to exceed the term of this agreement. Such leave shall not affect the seniority rights of the employee. The leave shall be without pay.

B. The Union agrees that P-M will be given (15) days notice in writing before the employee takes leave to accept such office or position or chooses to return to work.

C. A temporary leave of absence for Union business of not more than three (3) employees shall be granted by P-M provided that ample notice in writing is given P-M. The leave shall be without pay.

LEAVE OF ABSENCE

A leave of absence shall be granted to a regular full time employee, upon proper application, for a reasonable period for any of the following reasons, without loss of seniority; such leaves to be without pay.

A. For jury duty or, if subpoenaed, for witness duty.

B. Up to two (2) years for illness or injury of an employee requiring absence from the job.

C. Valid personal reason not to exceed thirty (30) days.

D. Military Leave: All federal and state statutes applicable to the reemployment of servicemen shall be observed.

CREDIT UNION

A. Upon receipt of written authorization by the employee, deductions from his wages will be made by P-M for the Farm Workers Credit Union. They will be forwarded to that organization, addressed as follows:

Farm Workers Credit Union
P. O. Box 894
Delano, California 93215

B. The Union shall indemnify and save P-M harmless against any and all claims, demands, suits, or other forms of liability that shall arise out of or by reason of action taken by P-M for the purpose of complying with any of the provisions of this Article.

VACATIONS

A. Vacations with pay shall be granted to eligible employees who qualify.

B. Employees shall be eligible in the calendar year following the first anniversary of employment and annually thereafter for the following vacations:

45 Hours after 1 year seniority.

90 Hours after 2 years seniority.

135 Hours after 10 years of seniority.

C. To qualify for vacation pay an employee must have worked 1600 hours in the prior calendar year.

D. Vacation pay will be computed on the basis of the hourly rate (or the basic hourly minimum rate) applicable on the last day worked prior to the vacations.

E. On or before January 1, 1970, P-M will apply to withdraw from its voluntary participation in the State Unemployment Insurance Program. If such withdrawal is approved, the vacation schedule above will be changed to four per cent (4%) of the total yearly earnings for regular full time employees after two years employment, with a qualifying period of 1600 hours per year. All other employees will receive vacation allowance of two per cent (2%) of the total yearly earnings after a qualifying period of 15 working days per year.

JURY DUTY

A. In order to be eligible for jury duty pay, as described herein, one must be an employee.

B. Jury duty pay is defined as the difference between the fees received by him and his regular earnings up to nine (9) hours per day, for each such day of jury duty service.

C. To receive pay under this provision, the employee must (1) provide P-M with notice that he has been summoned for jury service and (2) present P-M with documentary evidence the amount of jury fees received for jury service.

BEREAVEMENT PAY

An employee will be granted a three (3) day leave of absence in the event of death in his immediate family. For the purpose of this article, a member of the immediate family shall mean only persons who occupy the relationship to the employee of father, mother, father-in-law, mother-in-law, wife, brother, sister, son or daughter. In the event of absence for death in the immediate family, the employee shall be paid his regular hourly rate for his scheduled working hours on any day during such three (3) day leave on which he would otherwise have been scheduled to work, and no employee shall be paid under the provisions of this article for any day falling during a vacation, leave or absence or on a holiday. No extra pay allowance will be made for multiple or simultaneous deaths occurring within any three (3) day period.

If more time is required the maximum leave that would be granted would be ten (10) days without pay.

HOLIDAYS

A. An employee shall receive eight (8) hours pay at his basic hourly rate of earnings for the following holidays:

1. Christmas Day
2. New Year's Day.
3. Labor Day.

B. In the event any employee works on any holiday enumerated in subparagraph above, he shall be paid time and one-half in addition to his holiday pay.

C. When a holiday falls on a Sunday, the following Monday shall be observed as the holiday.

D. Work performed on the following named holidays shall be paid at time and one-half the employee's regular rate of pay.

1. Thanksgiving Day.
2. July 4th.
3. Good Friday.

E. To qualify for the holiday pay an employee must have worked the last working day preceding the holiday and the first working day following the holiday.

HEALTH AND SAFETY

A. The Health and Safety Committee shall be formed consisting of equal numbers of worker's representatives selected by the bargaining unit and P-M representatives. The Health and Safety Committee shall be provided with notices on the use of pesticides, insecticides, or herbicides, as outlined in Section D 1, 2 and 3.

The Health and Safety Committee shall advise in the formulation of rules and practices relating to the health and safety of the workers, including, but not limited to, the use of pesticides, insecticides, and herbicides; the use of garments, materials, tools, and equipment as they may affect the health and safety of the workers and sanitation conditions.

B. The following shall not be used: DDT, Aldrin, Dieldrin, and Endrin. Other chlorinated hydrocarbons shall not be applied without the necessary precautions.

C. The Health and Safety Committee shall recommend the proper and safe use of organic phosphates including, but not limited to parathion. The Company shall notify the Health and Safety Committee as soon as possible before the application of organic phosphate material. Said notice shall contain the information set forth in Section D below. The Health and Safety Committee shall recommend the length of time during which farm workers will not be permitted to enter the treated field following the application of organic phosphate pesticide. If P-M uses organic phosphates, it shall pay for the expense for all farm workers, applying the phosphates, of one baseline cholinesterase test and other additional such tests if recommended by a doctor. The results of all said tests shall be immediately given by P-M to the Health and Safety Committee.

D. P-M shall keep the following records and make them available to each member of the Health and Safety Committee:

- (1) A plan showing the size and location of fields and a list of the crops or plants being grown.
- (2) Pesticides, insecticides, and herbicides used, including brand names plus active ingredients, registration number on the label, and manufacturer's batch or lot number.
 - (a) Dates and time applied or to be applied.
 - (b) Location of crops or plants treated or to be treated.
 - (c) Amount of each application.
 - (d) Formulation.
 - (e) Method of application.
 - (f) Person who applied the pesticide.
- (3) Date of harvest.

SANITATION

A. There shall be adequate toilet facilities, separate for men and women, in the field, readily accessible to workers, that will be maintained in a clean and sanitary manner. These may be portable facilities and shall be maintained at the ratio of one for every 35 workers.

B. Each place where there is work being performed shall be provided with suitable, cool, potable drinking water convenient to workers. Individual paper drinking cups shall be provided.

C. Workers will have two (2) relief periods of fifteen (15) minutes which, insofar as practical, shall be in the middle of each work period.

TOOLS AND PROTECTIVE EQUIPMENT

Tools and equipment and protective garments necessary to perform the work and/or to safeguard the health of or to prevent injury to a worker's person shall be provided, maintained and paid for by P-M.

SUPERVISORS

A. Supervisors and other employees not covered by this Agreement shall not perform work on operations performed by employees in the bargaining unit as defined in this Agreement except for instruction, training, experimental and development work, including the improvement of processes and testing of equipment and emergencies.

B. Any claim by the Union that action on the job of any non-bargaining unit employee is disrupting harmonious working relations may be taken up as a grievance. The Union agrees that grievances filed under this provision are for the purpose of bringing to P-M's attention and correction situations of disharmony between representatives of P-M and members of the Union and further that such grievances shall not have as their purpose the abridgement, modification or lessening of P-M's inherent right to select, assign and/or retain in employment non-bargaining unit employees.

MAINTENANCE OF STANDARDS

Unless otherwise specified in this Agreement, on the job general working conditions in effect at the execution of this Agreement shall be maintained during the term of this Agreement and no employee covered by this Agreement shall suffer a reduction in the rates of pay or other conditions of employment for those classifications set forth in Appendix A as a result of the execution of this Agreement.

ENTIRE AGREEMENT

A. P-M shall not be bound by any requirement which is not specifically stated in this Agreement or stated in any supplementary agreement executed by the parties hereto.

B. The Union and P-M agree that this Agreement is intended to cover all matters affecting wages, hours and other terms and all conditions of employment and similar or related subjects, and that during the term of this Agreement neither P-M nor the Union will be required to negotiate on any further matters affecting these or any other subjects not specifically set forth in this Agreement.

MODIFICATION

No provision or terms of this agreement may be amended, modified, changed, altered or waived except by a written document executed by the parties hereto.

SAVINGS CLAUSE

Should any valid federal or state law or final determination of any board or court of competent jurisdiction affect any provision of this Agreement, the provision or provisions so affected shall be made to conform to the law or determination; and otherwise this Agreement shall continue in full force and effect.

SUCCESSORS

This agreement shall be binding upon the parties hereto, their successors, administrators, executors and assigns. It is understood by this section that the parties hereto shall not use any leasing device to a third party to evade this contract. P-M shall give notice of the existence of this agreement to any purchaser, in writing, with a copy to the Union.

REPORTING AND STANDBY TIME

An employee who is required to report for work and furnished no work or less than four hours work for reasons other than an Act of God or act beyond the control of P-M ranch management shall be paid at least four hours for that day at the employee's hourly rate of pay.

An employee shall be paid for all time he is required to remain on the job at his hourly rate or current incentive rate.

SPECIAL BENEFITS FUND

P-M agrees to contribute to the Union's Special Benefit fund 10¢ per hour for each hour worked by all employees covered by this Agreement

DURATION AND TERMINATION

This Agreement shall remain in full force and effect from May 1, 1969 to April 30, 1971, and thereafter from year to year, unless one party or the other gives notice, in writing, at least sixty (60) days prior to the expiration of this Agreement of the desire to terminate this Agreement or modify its terms.

APPENDIX A

A. Work day.—The normal work day shall be nine hours except in the case of irrigators who shall have a ten hour day and in the case of pickers, pruners, and tiers.

Nothing in this article shall be construed as guaranteeing the number of hours in a work day or that any employee shall receive any specified hours of work per day.

B. Rates of pay hourly

Job classification:	Hourly rate
Irrigator:	
Day -----	\$2.05
Night -----	2.10
Vehicle operators:	
Tractor:	
Day -----	2.20
Night -----	2.25
Pipeline repair -----	2.05
All others -----	2.00

Notwithstanding the incentive rates each employee is guaranteed a minimum hourly rate of \$2.00 per hour effective May 1, 1969.

Overtime pay.—Employees other than irrigators required to work more than 9 hours in a day will be paid 25¢ for each hour worked in excess of 9 hours in addition to their hourly rate of pay, except in the case of irrigators, where such overtime pay will start after 10 hours. Nothing herein, however, shall constitute a guarantee of 9 hours work in a day, or 10 hours in the case an irrigator.

C. 1969 picking rates

	Rate
100 blacks -----	\$11.00
Salvador, Nigeria.	
Thompson -----	7.80
M. Bordelaise, Ribier, Aramon, White #2, Almission, 270 mixed, 53 rows mixed.	
101 -----	8.40
Ranch #1 mixed, Grignolino, Canosino, Verdizo, Rubired and Royalty, 270 experiments.	

D. Effective May 1, 1970 all regular rates of pay will be increased by 15¢ per hour including incentive rates.

Written notices:

- For the Union:
 - P.O. Box 130
 - Delano, California 93215.
- For P-M:
 - P.O. Box 818
 - Delano, California 93215.

In witness whereof, the parties have caused this Agreement to be executed by their respective representatives thereunto duly authorized.

The contract was duly signed by all parties, and a copy with signatures affixed is in the Subcommittee files.)

SUPPLEMENTAL AGREEMENT

It is understood that this Supplemental Agreement constitutes a modification of that certain contract between A. Perelli-Minetti & Sons and United Farm Workers Organizing Committee, AFL-CIO, dated September 18th 1969.

1. Under Article No Strike—No Lockout:

The Union will accept the responsibility for stopping and settling all work stoppages. This is subject to Article Grievance and Arbitrations, Section E, Expedited Arbitration.

2. Under Article Health and Safety, Section C, reference to cholinesterase test recommended by "a doctor", that doctor shall be the doctor, or any doctor on the panel of doctors as designated by P-M's compensation insurance carrier for regular compensation matters.

3. Under Article Tools and Protective Equipment, any equipment supplied by P-M is to be returned to P-M, or to be paid for by the employee; reasonable wear and tear excluded.

4. P-M will pay standby time as provided in article Reporting and Standby Time, except in the case of harvest, where there will be no standby time for the first one-half hour, nor will there be any standby time for any additional delay of one-half hour where caused by interruption of grapes being received at the winery during the lunch hour.

5. P-M will continue payments under voluntary coverage for Unemployment Insurance unless withdrawal from such voluntary program as provided under Article Vacations is approved.

6. Article Special Benefits Fund will not become effective until such time as approval is received from P-M's attorneys that such contribution will be a deductible expense. After such approval P-M will withdraw from the Teamsters Bay Area Warehousemen's Health and Welfare Fund and begin contribution to the Special Benefits Fund.

Dated September 18, 1969.

A. PERELLI-MINETTI & SONS.

CARDIOVASCULAR CLINICAL RESEARCH CENTER,
TEMPLE UNIVERSITY MEDICAL CENTER,
Philadelphia, Pa., February 11, 1969.

ELEANOR A. EATON,
National Representative for Economic Security and Rural Affairs, American
Friends Service Committee, Inc., Philadelphia, Pa.

DEAR MISS EATON: The best authority I can quote in answer to your request for comparison of the nutritional value of oranges and grapes in the U.S. Department of Agriculture Handbook No. 8, "Composition of Foods—Raw, Processed, Prepared" which gives the following figures per 100 grams edible portion.

	Grapes	Orange
Calories.....	69.0	45.0
Protein (g.).....	1.3	1.0
Fat (g.).....	1.0	.2
Carbohydrate (g.).....	15.7	12.2
Calcium (mg.).....	16.0	41.0
Phosphorus (mg.).....	12.0	20.0
Potassium (mg.).....	158.0	200.0
Vitamin A (I.U.).....	100.0	200.0
Vitamin B (mg.).....	4.0	50.0

You will note that grapes possess higher caloric but lower mineral values, while being markedly inferior to oranges in content of vitamins A and C. Grapes have respectively one half and one twelfth as much of these crucial factors as do oranges.

I would expect that either oranges or grapes containerized and shipped promptly without overheating to their destination would arrive without essential change in their nutritive value.

I hope this information will be of some help to you.

Yours sincerely,

T. G. G. WILSON, Ph.D., M.D.

UNITED FARM WORKERS ORGANIZING COMMITTEE AFL-CIO,
Delano, Calif., September 12, 1969.

COMPTROLLER GENERAL OF THE UNITED STATES,
General Accounting Office,
Washington, D.C.

DEAR SIR: This letter is to formally protest the course of practice of the United States Defense Supply Agency ("DSA") in awarding contracts for the procurement of fresh table grapes in continuing violation of the Armed Services Procurement Regulations, the Defense Department Appropriations Acts for fiscal years 1966 through 1969, and the United States Constitution. This protest relates to all DSA awards of contracts for the procurement of table grapes since

fiscal year 1966 and to all future such procurements, from suppliers listed in Attachment 1 hereto, and any other suppliers of table grapes produced in the states of California and Arizona. (These states produce over 95% of total U.S. table grape production). It is based principally on the fact that the Defense Supply Agency has radically increased its purchases of fresh table grapes in fiscal years 1967, 1968 and 1969 with the purpose and effect of supporting and underwriting the growers of table grapes in an on-going labor dispute with the United Farm Workers Organizing Committee, AFL-CIO ("UFWOC"). The existence of this labor dispute has been formally certified by the U.S. Department of Labor. This protest does *not*, however, request or require GAO to take any position on the merits of the labor dispute. Rather, we submit that regardless of the substantive issues in that dispute DSA's purchases of table grapes from the growers referred to above violate the ASPR, the applicable provisions of the Appropriations Acts, and the U.S. Constitution.

I. JURISDICTION

31 U.S.C. § 71 provides that :

"All claims and demands whatever by the Government of the United States or against it, and all accounts whatever in which the Government of the United States is concerned, either as debtor or creditor, shall be settled and adjusted in the General Accounting Office."

§ 20.1 of the G.A.O. Regulations provides that :

"An interested party wishing to protest the proposed award of a contract, or the award of a contract, by an agency of the Federal Government whose accounts are subject to settlement by the U.S. General Accounting Office may do so by addressing a telegram or letter to the Comptroller General of the United States, U.S. General Accounting Office, Washington, D.C. 20548, identifying the procurement or sale and the agency concerned and stating the specific grounds upon which the protest is based."

As is further set out below, DSA's purchases of table grapes directly and substantially affect the relative positions of UFWOC and the growers in the present labor dispute. UFWOC is clearly "an interested party" within the meaning of § 20.1 quoted above. I am the Director of UFWOC.

Both the Armed Services Procurement Regulations and the Defense Supply Procurement Regulations, as well as the GAO Regulations cited above, recognize the right to lodge a protest directly with the General Accounting Office. See ASPR ¶2-407.9(b) (2) ; DSPR ¶2-407.9. We should point out, however, that in the present controversy repeated protests have been made directly to the Department of Defense, but to no avail. After several previous efforts, I cabled the Secretary of Defense on August 2, 1968 to "again ask for [a] policy decision regarding military procurement of California table grapes which are subject to major widespread boycott We are hopeful that your department will be sensitive to the efforts of the California Farm Workers to claim their rights."¹ On August 8 the Department answered, stating that "the Department of Defense does not have any basis upon which to restrict awards to the producers affected by the boycott."² In a letter to Senator Philip Hart, dated October 22, 1968, the Department reiterated that it was "unable to find any evidence which would support a change of the Department of Defense's policy. . . ."³ Finally, in recent testimony before the

Senate Subcommittee on Migratory Labor, the DSA representative left no doubt that the Department of Defense intends to continue its present policies with respect to the procurement of table grapes. See Hearings cited *infra* pp. 55 ff.

II. STATEMENT OF FACTS

1. The Dispute

The United Farm Workers Committee strike against the California growers of table grapes was begun in September, 1965, to protest against the working, health and sanitary conditions existing in the fields, widespread use of child labor, the long hours of work, and inadequate rates of pay. For example, with

¹ See Attachment 2.

² See Attachment 3.

³ See Attachment 4.

respect to sanitary conditions, California law provides that every employer must provide toilet and hand washing facilities for every food crop growing operation. The attached affidavit of Salvador Santos and Gilberto Flores describes over 70 violations of these requirements observed over a short period of time (Attachment 5).⁴ Similar data can be made available with respect to housing, child labor, wages, and hours.

The growers have fiercely resisted the strike, and have employed physical violence and other unlawful tactics in their efforts to break both the union and the strike. The actions of the growers are fully described in the attached affidavit of Jerome Cohen, General Counsel of UFWOC (Attachment 6). In summary, these activities have included i) numerous physical beatings and assaults on pickets and other workers; ii) the use of deadly weapons, economic poison, and motor vehicles to shoot at, spray and run over peaceful pickets; iii) organization of company unions financed and dominated by the employers, in violation of California labor laws; iv) deliberate recruiting of "green card" workers from Mexico in violation of federal regulations prohibiting the bringing of foreign labor into the U.S. to work at locations where a labor dispute exists; v) deliberate firing of workers because of their political views; vi) deliberate mislabeling of struck grapes in violation of state and federal laws in an effort to mislead the public to believe that the grapes were picked by union labor. Many of these activities of the employers are matters of public record. See, e.g., Transcript of Hearing before the Subcommittee on Migratory Labor, Committee on Labor and Public Welfare, U.S. Senate, *Migrant and Seasonal Farmworkers Powerlessness/Efforts to Organize*, July 15, 1969, (hereinafter cited as "Hearings") pp. 19-31 (Testimony of Dolores Huerta); S. Rep. No. 91-83, *The Migratory Farm Labor Problem in the United States*. 91st Cong., 1st Sess., pp. 20 ff.; *Extension of Remarks of Senator Ralph Yarborough*, Congressional Record, July 10, 1969 pp. E5772 ff.

2. The Boycott

Faced with adamant refusal of the growers to recognize the union, to bargain with it, or to make any effort to correct the labor conditions existing in the fields, the United Farm Workers Organizing Committee organized a nationwide consumer boycott against table grapes produced by the Giumarra vineyards, the largest producer of table grapes in the United States. The boycott was instituted in September, 1967. After Giumarra began shipping grapes under the labels of other growers, UFWOC, in January, 1968, instituted a nationwide and international consumer boycott of all California table grapes. In May, 1969, after all Arizona table grape growers refused to recognize UFWOC as the collective bargaining agency for employes, the boycott was expanded to cover Arizona table grapes as well. The boycott has now been organized in all major cities in the United States and in a number of countries abroad.

The boycott has been remarkably successful, resulting in 1968 in a 15% reduction in grape sales in the U.S. and Canada when compared with 1966 figures. Further reductions are occurring in 1969. More significant, however, is the fact that wholesale grape prices have fallen sharply since the boycott began. At the start of the 1969 season, F.O.B. prices on Thompson seedless grapes (which account for over 40% of all California grape production) were down over 30% when compared to 1968 prices. Last year, F.O.B. prices per 22 lb. lug of Thompson seedless grapes shipped from Coachella, in the heart of the grape producing area, opened at \$6.50 and closed at about \$5.00. This year, F.O.B. prices opened at \$4.75 and closed at \$2.75. Thus most Coachella Thompsons were sold for at least \$2.00 less per lug than last year.⁵

3. Procurement by DSA

In the face of consistently declining volume of purchases of table grapes by the public as a result of the boycott, the Defense Supply Agency has radically increased its purchases of California and Arizona table grapes over the last four years. According to the Defense Supply Agency, Defense purchases of fresh table grapes have been as follows:

⁴ Additional similar affidavits are attached as Attachment 5A.

⁵ Affidavit of Jane Brown, attachment 7 hereto. We should point out that Coachella grapes are the first to be harvested and are therefore always priced very substantially above midseason grape prices.

Fiscal year	Millions of pounds	Millions of dollars
1966.....	7.5	1.04
1967.....	8.3	1.25
1968 ¹	6.9	1.32
1969 ²	9.69	1.75

¹ Reduced purchases reflect the unusually low grape harvest in 1968.

² Statement of Mr. Dale R. Babione, Defense Supply Agency, July 15, 1969, attached as attachment 8.

It will be observed that with the exception of the reduced purchases in FY 1968 due to lower harvests in that year, the volume of Defense Supply Agency grape purchases has consistently increased in each year since FY 1966. (The Agency asserts that it has no information for procurement prior to FY 1966). In terms of dollar value (which is, of course, the most significant to the growers), increases are shown in each year, including 1968.

The increases over recent years in grape shipments to Vietnam have been even greater. According to the Department of Defense Fact Sheet of June 10, 1969 (Attachment 9 hereto) the shipments have been as follows:

Fiscal year :	Fiscal year pounds
1967	468,000
1968	555,000
1969 ⁶	2,500,000

Thus, DSA shipments of fresh table grapes to Vietnam in fiscal year 1969 were almost five times the volume shipped in fiscal year 1968. In testimony before the Subcommittee on Migrant Labor of the United States Senate, the Agency admitted that its purchases of table grapes during 1969 were higher than at any previous time in history.⁹

These increases in DSA grape purchases for military consumption worldwide and for shipment to Vietnam in fiscal year 1969 have *not* been matched by a corresponding increase in military personnel. According to Department of Defense figures, there were an average of 531,000 troops stationed in Vietnam during fiscal year 1968, and an average of 538,500 in the first half of fiscal year 1969, an increase of slightly over 1%.¹⁰ Meanwhile the volume of table grapes shipped to Vietnam by DSA rose from 555,000 lbs. in FY 1968 to an estimated 2,500,000 lbs. in FY 1969, an increase of over 350%. On a worldwide basis, military manpower levels *declined* from 3.6 million in 1968 to 3.5 million in 1969 a decrease of approximately 3%.¹¹ In the same period, total DSA purchases of fresh table grapes rose from 6.9 million lbs, to an estimated 9.7 million lbs., an increase of over 41%.

Despite the substantial volumes of DSA purchases, the Agency appears to have paid premium prices for the grapes it bought. According to DSA figures, the average prices per pound paid by the Agency for all grapes it bought in FY 1967, 1968 and 1969 were as follows:

Fiscal year 1967.....	\$0.139
Fiscal year 1968.....	.192
Fiscal year 1969.....	.182

Market prices for purchases by the public are, unfortunately, not available on a fiscal year basis, but rather are reported by season. The California table grape harvest begins in late May or early June and runs through October. Shipments of stored grapes continue, however, until the following May, when the cycle begins again. Thus the "grape season," running from June through May, corresponds roughly to the U.S. fiscal year, running from July through June.

Market price data are available for Thompson seedless and Emperor grapes for the grape seasons which correspond to fiscal years 1967-1969. These two varieties account for 83% of the total fresh table grape harvest. The average F.O.B. shipping point prices to the public at midseason for these varieties, and the average prices paid by DSA for its purchases of grapes, were as follows:

⁶ According to the Department of Defense, this data is "projected on the basis of actual totals for the first three quarters of fiscal year 1969 and the rate of decline of seasonal procurements as experienced during the last half of fiscal year 1967 and fiscal year 1968." Fact Sheet attached as Attachment 9.

⁹ Hearings, p. 65.

¹⁰ See Attachment 10.

¹¹ Hearings, p. 82.

Grape season/fiscal year	Midseason shipping point wholesale f.o.b. prices per lb.—sales to public ¹		
	Thompson seedless	Emperor	Average wholesale prices—sales to DSA, all varieties ²
1966-67.....	\$0.13	\$0.14	\$0.139
1967-68.....	.14	.15	.192
1968-69.....	.11	.12	.182

¹ Source: Department of Agriculture.

² Source: DSA.

Although for FY 1967, the prices paid by DSA and by private purchasers were substantially the same, the average prices paid by DSA in FY 1968 and FY 1969 appear to have been substantially above the midseason wholesale market prices reported by the Department of Agriculture.

III. SUMMARY OF ARGUMENT

Paragraph 12-101(e) of the Armed Services Procurement Regulations provides that "Military Departments shall remain impartial in, and refrain from taking a position on the merits of any labor dispute." Although the Defense Supply Agency insists that its policy is strictly an impartial one, we submit that the substantial increases in DSA procurement of table grapes precisely at the time that the grape boycott was reaching its peak are not impartial, either in purpose or in effect. Although it is, of course, difficult to prove that DSA's purchases were made with the intent of supporting the growers in the existing labor dispute with UFWOC, we believe that the available evidence supports this conclusion. But even if such intent could not be proved, it is clear that the effect of DSA's purchases is not impartial. In either event, DSA, by bringing the economic power of the Defense Department to bear on the side of the growers, violates Paragraph 12-101(e) of the Armed Services Procurement Regulations. We do not contend that for this reason, DSA must cease all purchases of fresh California and Arizona table grapes. We do argue, however, that fresh interpretation of the impartiality principle set forth in the ASPR requires at least that DSA reduce its grape purchases to those levels existing before the strike and boycott began.

The available evidence also suggests that the average prices paid by DSA for table grapes during FY 1968 and 1969 were substantially higher than mid-season wholesale prices for grapes sold for public consumption. It would appear that DSA has either been purchasing grapes at higher than market prices, or has been buying principally during those parts of the season when grape prices are at their highest. In either event, we submit that purchases at these prices violate the reasonable price requirements Paragraphs 3-806 and 3-807 of the Armed Services Procurement Regulations, and demonstrate an intent to support the growers.

Paragraph 1-903.2 of the ASPR, and the regulations cited therein, require that DSA purchase foodstuffs only from suppliers who are approved with respect to sanitation in accordance with certain stated standards and procedures. The suppliers from whom DSA purchases grapes have never been inspected or approved with respect to sanitation as required by the regulations and could not meet applicable requirements if an inspection were to be made.

Finally we submit that DSA violates the First Amendment to the U.S. Constitution when it purchases substantial quantities of grapes from growers who consistently take actions to discourage the workers from organizing a labor union and the consumer boycott. These activities of the workers are protected against governmental interference by the First Amendment. Although the Constitution does not protect the workers against purely private actions by the growers, the government, by financially underwriting the activities of the growers, has made their actions its own for purposes of the prohibitions contained in the First Amendment.

IV. D.O.D. PURCHASES OF TABLE GRAPES VIOLATES § 12-101 (e) OF THE ARMED SERVICES PROCUREMENT REGULATIONS

Paragraph 12-101(e) of the Armed Services Procurement Regulations provides:

"Military Departments shall remain impartial in, and refrain from taking a position on the merits of any labor dispute, and shall refrain from the conciliation, mediation, arbitration, or any such dispute."

The Fact Sheet issued by the Department of Defense with respect to its procurement of table grapes admits the existence of a labor dispute in this case, thus calling ¶12-101(e) into play:

"The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to DOD procurement needs to maintain a sound working relationship with both labor and management. The resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government. From the diverse opinions that have appeared in various news media, it is quite apparent that the dispute over California table grapes falls in this category."¹²

The Armed Services Procurement Regulations are, of course, binding on the Defense Supply Agency and have the force of law. See *Service v. Dulles*, 354 U.S. 363, 372 (1957); *Accardi v. Shaughnessy*, 347 U.S. 260, 265 (1954); *Sangamon Valley Television Corp. v. United States*, 269 F. 2d 221, 224 (D.C. Cir. 1959). Even in the area of procurement, where the government admittedly has substantial discretion, its discretion must be exercised in conformity with applicable laws and regulations, uniformly applied. *Overseas Media Corp. v. McNamara*, 385 F. 2d 308 (D.C. Cir. 1967); see *Gonzalez v. Freeman*, 334 F. 2d 570 (D.C. Cir. 1964).

(a) *The evidence shows a deliberate DSA policy to favor the grape growers in the present dispute in violation of ASPR Par. 12-101(e).*

We submit that the radical increases in DSA grape purchases, particularly in FY 1969, at the very time that the UFWOC organized grape boycott was reaching its peak, demonstrates a deliberate DSA policy of favoring and supporting the efforts of the grape growers in the present labor dispute, in violation of the impartiality principle set forth in Paragraph 12-101(e) of the ASPR and DSA's policy statement quoted above. It could not have been fortuitous that DSA purchases of table grapes should reach an all time high at the very time that purchases of table grapes by the public had declined over 15% as a result of the boycott.

DSA does not attempt to justify its increased purchases on the basis of increased troop levels. As the statistics cited above demonstrate, it could not do so. Moreover DSA admits that grapes provide no unique nutritional value not available in other fruits.¹³ Rather, DSA states in its "Fact Sheet"¹⁴ that the increased purchases were due to 1) "a reduced availability of export quality fresh oranges, with a substitution of table grapes" 2) "high troop acceptability" of grapes and 3) "the improved capability of shipping perishable items, including grapes to Vietnam by refrigerated vans." We shall examine each of these supposed justifications in turn.

(1) *Reduced availability of oranges.*—According to the U.S. Department of Agriculture, there was a substantial reduction in the 1967-68 orange crop as compared with previous levels of production. In July 1968, DSA cabled all armed services food requisitioners in the Far East to advise them of the anticipated shortage of export quality oranges. In the Agency's own language, the requisitioners were "asked to consider grapes as a substitute."¹⁵ Although other fruits were also available as substitutes, no other fruits were mentioned. Only grapes were suggested.¹⁶

¹² See Attachment 9.

¹³ Hearings p. 72.

¹⁴ See Attachment 9.

¹⁵ DSA Reply to Questions by the Senate Subcommittee on Migratory Labor to the Department of Defense concerning Purchase of Table Grapes and other Fruits and Its Impact, Filed with the Subcommittee July 14, 1969. Reply to question 16. (Attachment 11 hereto.)

¹⁶ Hearings pp. 91-95.

Thus there were no DSA fruit purchases which increased in volume nearly as greatly as grape purchases during FY 1969. In recent testimony before the Senate Subcommittee on Migratory Labor, Mr. Dale Babione, representing the Defense Supply Agency, testified as follows:

"Senator Schweiker. One other factor relating to this. Is there any other food here at all in the list I have, tangerines, plums, pears, peaches, and apples, that increased in quantity anywhere near the grape increase?"

"Can you point to any other fruit that had a significant jump, whether you are talking to Vietnam or purchasing in all your buying, that jumped as much as grapes?"

"Mr. Babione. You are talking Vietnam only, or total?"

"Senator Schweiker. I will give you an out either way. It is your option."

"Mr. Babione. No, there is not. . . ." (Hearings p. 93.)

Detailed data with respect to DSA procurement of fruits other than grapes are provided in attachment 12 hereto.

Although the reduced availability of export quality oranges explains why other fruits had to be partially substituted for oranges in FY 1969, it does not explain why grapes were suggested as the *only* alternative when a large variety of other fruits were equally available. Moreover the FY 1969 orange shortage obviously does not explain the increased purchases of grapes by DSA in other years when no orange shortage existed, and would not justify continued heavy purchases in FY 1970, for which no orange shortage is predicted.

(2) *Troop Acceptability*.—DSA states that its increased purchases of grapes are also due to "high troop acceptability." The Agency has, however, been unable to explain how "troop acceptability" is measured. No surveys of any kind have been taken. Rather the Agency's explanation is that "the troops like the taste of the product, and when it is served by and large the majority consume it, instead of thrown away [sic]" Hearings p. 70. Apparently, the Agency takes the position that if a certain food is served to hungry troops in Vietnam or elsewhere and more than 50% of those troops consume that food rather than go hungry, there is "high troop acceptability" that in turn warrants increased purchase of that food. It is obvious, however, that the majority of the troops would consume *any* food when there is no alternative choice. To argue that a five fold increase in grape shipments to Vietnam is warranted because the majority of the troops do not refuse to eat grapes when they are served is, in our view, ridiculous.

(3) *Improved shipping techniques*.—Finally, the Agency asserts that grape purchases and shipments to Vietnam increased substantially in FY 1969 because of the development of improved shipping techniques for perishables. According to DSA, there has been a recent increase in shipping capacity by "refrigerated container" rather "refrigerated hatch." Although shipment by refrigerated container costs substantially more ($8\frac{1}{2}\text{¢}/\text{lb.}$, as opposed to $6\text{¢}/\text{lb.}$ for refrigerated hatch, according to DSA figures), it results in a lower rate of spoilage. Thus, according to DSA, it is more economical to buy and ship grapes now that more refrigerated containers are available.

It is interesting to note, however, that grapes are one of the fruits least subject to spoilage in transit. According to a U.S. Department of Agriculture Handbook published in 1965,

"Average losses during transit and unloading of grapes is relatively small (1%)."¹⁷

By comparison the transit spoilage rate of apples is 2.2%, cherries, 2%, peaches, 3% etc., according to DOA figures.¹⁸

These Department of Agriculture figures are based on data compiled during the early 1960s. If, under shipping methods used at that time, the spoilage rate for grapes during transit was only 1%, it is difficult to understand why the increased availability of improved shipping techniques in FY 1969 justified a five fold increase in grape shipments to Vietnam in that year.

Moreover, as noted earlier, no other fruit procurement by DSA increased nearly as radically as DSA grape purchases during the period in question. The increased availability of refrigerated containers had little impact on other fruits, according to DSA, because these containers are used only for shipping grapes and fresh peaches in season. However, DSA procurement of fresh peaches increased by less than 10% in FY 1969,¹⁹ while total DSA procurement of grapes increased by more

¹⁷ U.S. Department of Agriculture, Agricultural Handbook No. 291, p. 87.

¹⁸ *Id.* at 86-87.

¹⁹ See Attachment 12 and Hearings p. 94.

than 40%. Figures with respect to shipments of peaches to Vietnam during these periods have not been made available by DSA.

There would also seem to be some question as to why DSA should, under the circumstances described above, have paid 8½¢ a pound to ship grapes to Vietnam by refrigerated container when it could have shipped grapes or other fruits at 6¢ a pound by refrigerated hatch. Adding the shipping charges to the average price per pound paid by DSA for grapes in FY 1969, the delivered cost per pound amounted to 26.7¢/lb. for grapes delivered by container as against 24.2¢/lb. for those delivered by hatch, a difference of over 10%. Unless spoilage rates for hatch shipments had been more than 10%, and the use of refrigerated containers reduced spoilage by at least this amount, there was no economic reason for DSA to ship by container. In light of the Department of Agriculture data showing transit losses for grapes at 1%, DSA's "shipping container" rationale for its increased grape purchases does not ring true.

In summary, we submit that the available evidence fails to support DSA's stated explanations for its increased purchases of table grapes since FY 1966. Rather, the radical increases in DSA purchases of table grapes, unaccompanied by increased procurement of other fruits, partially in response to a DCA telegram specifically suggesting procurement of grapes (and no other fruit) in place of oranges, demonstrates, we believe, a deliberate DSA policy designed to favor the growers in the present labor dispute, in violation of Paragraph 12-101(e) of the ASPR, and the DOD policy statement quoted above.²⁰

(b) *The effect of DSA's increased grape purchases is to violate the neutrality principle of ASPR Par. 12-101(e), regardless of DSA's purpose.*

Even if it is assumed that the Defense Supply Agency did not intend to support the growers or to effect the outcome of the present labor dispute, it is clear that the effect of its increased purchases is far from neutral, but is rather to underwrite the efforts of the growers to withstand the boycott and crush the strike.

Our position in this regard was well summarized by Senator Mondale at the conclusion of the recent Senate hearings when he said:

"I think it is asking too much of the average farm workers to believe that the Defense Department is being neutral when it increases the purchase of table grapes 40 percent and in a single year increases their use in Vietnam 350 percent, and this year is buying more table grapes than at any time in history of the Defense Department, and has responded by saying that they have solicited telegram requests to all points around the world urging their consideration of the use of table grapes.

"This is a charged and embittered dispute. It involved the plea of some of the most depressed workers in this country. The plight of the grape worker is about as serious, and as deprived and tragic as any in the Nation. They are trying to settle a strike. They are asking the right to bargain collectively, which is a right most people have had for 30 or 40 years.

"They find themselves overwhelmed by freely imported labor from Mexico. The only tool that they have that is non-violent available to them is the grape boycott.

²⁰ We should also mention that if DSA's actions were intended to assist the growers in the dispute, the Agency also violated the Defense Appropriations Acts for the years in question (FY 1969: PL 90-580, 82 Stat. 1120; FY 1968: PL 90-96, 81 Stat. 231; FY 1967: PL 89-687, 80 Stat. 980). Obviously the purpose of the appropriations was to provide funds for defense procurement, and not to provide funds with which DSA could attempt to affect the outcome of a labor dispute. As stated by the Comptroller General in decision No. A-96689, 18 Comp. Gen. 285, 292 (1938):

"Article I, section 9, clause 7, of the Constitution ordains that "No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law," and section 3678, Revised Statutes, taken from the act of March 3, 1809, 2 Stat. 535, provides that—

"All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

"In the settlement and adjustment of all accounts and claims in which the United States is concerned, and in certifying the balances thereon which the law makes final and conclusive upon the Executive branch of the Government, this office necessarily has the duty of deciding under these cited provisions whether an appropriation is available for making payment on the basis of the record presented. Sections 304 and 305, Budget and Accounting Act, 42 Stat. 24. Generally, the Congress in making appropriations leaves largely to administrative discretion the choice of ways and means to accomplish the objects of the appropriation, but, of course, administrative discretion may not transcend the statutes, nor be exercised in conflict with law, nor for the accomplishment of purposes unauthorized by the appropriation; and, just as clearly, such unauthorized objectives may legally no more be reached indirectly . . . than by direct expenditure." (emphasis supplied).

"In the midst of this boycott, they find these rapidly rising percentages, increases by the Defense Department, purchasing of table grapes, and it may well be that the policy is inadvertent, fortuitous, and neutral, in a highly theoretical sense, but the practical operational fact is that it is favoring and helping the grape grower in this dispute. . . ." Hearings pp. 100-101.

The Agency argues that its purchases of table grapes could not have a substantial effect on the outcome of the existing labor dispute since its purchases represent less than one percent of total U.S. table grape production. This argument is entirely without merit.

First, DOD table grape purchases amounted to over 2% of U.S. table grape production in both FY 1968 and FY 1969. The 1% figure quoted by DSA represents DSA purchases as against *all* grapes sold, whether for crushing (for wine), drying (for raisins) or fresh table use. Since the return to the growers for grapes which are crushed or dried is only a small fraction of the return on fresh grapes,²¹ the 1% figure used by DSA is misleading. The correct data with respect to DSA table grape purchases as a percentage of total U.S. fresh table grape production for 1965-1968 are reflected in the following chart:

TOTAL U.S. DEPARTMENT OF DEFENSE TABLE GRAPE PURCHASES AS A PERCENT OF TOTAL U.S. FRESH TABLE GRAPE PRODUCTION, BY FISCAL YEAR AND HARVEST YEAR, 1965-68.

Harvest year	Fiscal year	California fresh table grape production (millions of pounds)	Estimated U.S. fresh table grape production ¹ (millions of pounds)	DOD table grape purchases (millions of pounds)	Percent DOD table grape purchases of total U.S. fresh table grape production
1965	1966	531.8	557.6	7.5	1.3
1966	1967	522.0	548.1	8.3	1.5
1967	1968	326.0	342.3	6.9	2.0
1968	1969	437.0	458.8	9.69	2.1

¹ California production plus 5 percent.

Source: Compiled from California Crop and Livestock Reporting Service, Sacramento, Calif., and Factsheet: Department of Defense Use of Table Grapes, June 10, 1969, and DSA testimony at hearings cited, supra.

But regardless of whether DSA's purchases amount to 1% or 2% of the total amount of fresh grapes sold, DSA's argument with respect to the economic effect of its purchases is simply bad economics. A change of even 1% in demand may affect price by 3 or 4%, or more. In the grape industry, where costs of production remain essentially fixed regardless of how much of the crop is sold for fresh consumption, a change of 1% in demand may affect grower's profits by as much as 10%. Since costs are essentially fixed, every dollar of sales above the break-even point represents an additional dollar of profit. Thus, as Senator Mondale pointed out at the recent hearings:

"We have farm programs, we spend millions and millions of dollars trying to affect the market by 1 percent, because for 1 percent you can affect the market three or four percent. One percent can make the difference in winning or losing a strike. To argue that one percent is neutral is just not good economics."²²

The assertion that DOD believes its policy to be "neutral" is, of course, not controlling. In a recent decision, the U.S. Court of Appeals for the District of Columbia had opportunity to comment on another instance in which the Department of Defense claimed that its procurement actions were governed by "a policy of complete neutrality." In *Overseas Media Corp. v. McNamara*, 385, F. 2d 308 (D.C. Cir. 1967), the plaintiff, a newspaper publisher sought to restrain the Defense Department from continuing to refuse its newspaper access to PX newsstands in the Far East. After receiving an initial denial of such access, plaintiff sought a letter from the Department expressing "no objection" to sales of the newspaper outside military channels. Apparently such letter was required in order to obtain Government of Vietnam approval for importation of the paper. In refusing to provide the "no objection" letter, DOD used language remarkably similar to that used by DOD throughout the present controversy saying:

"[W]e must maintain a policy of complete neutrality, since to set a precedent for one private entrepreneur would open the door for many such other requests.

²¹ See Attachment 13.

²² Hearings p. 88.

"I regret that my reply must, under the circumstance, be unfavorable." 385 F. 2d at 312.

The D.C. Court of Appeals held that this determination of "neutrality" by DOD was not conclusive, and that the DOD decision to exclude plaintiff's paper from PX newsstands in the Far East was subject to judicial review:

"Appellee . . . contends that his decision fell into the area of procurement, and that his discretion in the purchase of supplies is not subject to question. We do not stop to pursue the implication of the assertion on behalf of appellee that newspapers are no different from any other article of merchandise subject to military procurement. Whether they are or not, the publishers of newspapers, like the makers of shoepolish, may fairly claim to be governed by uniform standards."

While the Court did not reach the merits of the controversy, it held that DOD's concept of what constituted "neutral" treatment was not controlling.

In the present controversy, we submit that regardless of DSA's intent, the effect of its increased purchases of grapes at the very time that the boycott was reaching its peak was not neutral, but was rather to support and underwrite the growers in the existing labor dispute. The effect of DSA's increased purchases of grapes was to violate the neutrality principle set forth in ASPR ¶12-101(e).

V. THE D.O.D. PURCHASES OF TABLE GRAPES VIOLATES ¶¶3-806 AND 3-807 OF THE ARMED SERVICES PROCUREMENT REGULATIONS

According to the Defense Supply Agency, grapes are "either bought in the growing areas by field buyers or by special purchasing procedure known as the Notice of Intent to Purchase (NIP)." ²³ Although we are unable to find any express description or authorization of this procedure in the ASPR, we assume that it involves a type of negotiated procurement. Formal advertised competitive bidding is not required in the procurement of "perishable . . . subsistence supplies." ASPR ¶3-209.

However the fact that procurement may be by negotiation does not, of course, authorize DSA to pay more than market prices for the products it buys. As in all government procurement, the ASPR's applicable to procurement by negotiation require that the government pay no more than lowest fair market prices, quality, delivery time and other relevant factors being considered. See ASPR ¶3-806 and 3-807.

As indicated on pages 6-7 of this protest, it appears that the average price per pound paid by DSA for grapes purchased in FY 1968 and FY 1969 was between 40 and 50% above the average mid-season wholesale prices per pound at which grapes were sold for ultimate consumption by the public. We do not know, and DSA has not explained, the reasons for this discrepancy. It appears likely however, either that DSA is buying grapes at higher than market prices, or that it is concentrating its purchases at those times (the beginning or end of the season) when grape prices are at their highest. In either event, we submit that such purchases violate the price regulations contained in the ASPR, and further demonstrate the intention on the part of DSA to financially support the growers in the present dispute. A thorough investigation of DSA's practices in this regard by your office is clearly warranted.

VI. THE DSA PURCHASES OF TABLE GRAPES VIOLATE ASPR ¶1-903.2 RELATING TO STANDARDS FOR FOOD

Paragraph 1-903.2(b) of the ASPR provides as follows

"(b) Standards for Food. Procurement of food shall be made only from those sources which, in addition to meeting the standards in 1-903.1, are approved with respect to sanitation in accordance with standards and procedures prescribed in AR 40-657, NAVSUP PUB 395, AFR 163-2 and NAVMC 2573."

The regulations referred to in the above paragraph are attached hereto as Attachment 14. They provide, *inter alia* that:

"Purchasing activities of the Armed Forces which use either appropriated or nonappropriated funds will purchase foods only from establishments inspected for sanitation by the military veterinary services and listed in a Directory of Sanitarily Approved Food Establishments for Armed Forces Procurement." Section II, ¶8.

The regulations describe the manner in which such inspections are to be conducted, and provide applicable criteria, and inspection forms. The form

²³ See Attachment 8, p. 3.

of inspection report, set forth on page 7 of the regulations, requires detailed findings on a variety of matters, including specifically,

"Disposal of wastes."

"Toilet, dressing room and hand washing facilities."

"Water supply (ice, if used)."

Protestants believe that no inspections of the types required by the cited regulations have ever been made of the facilities of the growers from whom DSA purchases grapes. Moreover, it is clear that if such inspections were to be conducted as required by the regulations, the growers would not now meet the criteria set forth in the regulations. The attached affidavit of Salvador Santos and Gilberto Flores (Attachment 5) describes over 70 recent violations of California Sanitation laws involving the failure of the growers to establish adequate toilet hand washing and drinking facilities for grape workers. The affidavit recites several instances in which workers have been observed defecating in the fields. DSA has purchased grapes from all of the growers mentioned in the Santos-Flores affidavit.

The cited regulations are, of course, binding on DSA. See cases cited pp. 9-10, *supra*. The Defense Supply Agency, in flagrantly ignoring these regulations, is subjecting U.S. troops to serious health hazards. We submit that further DSA purchases of table grapes should be suspended until such time as the procedures established by the cited regulations have been complied with.

VII. THE INCREASES IN DSA PROCUREMENT OF TABLE GRAPES ALSO VIOLATE THE FIRST AMENDMENT TO THE U.S. CONSTITUTION

By its substantial purchases of table grapes, we submit that the Defense Supply Agency is effectively underwriting the unlawful activities of the growers designed to deny to the United Farm Workers their Constitutionally-protected rights to organize a labor union and to carry out the grape boycott. Since under the First Amendment to the Constitution the Government could not directly take action to discourage the members of UFWOC from organizing a union and carrying out the boycott, neither can it do so indirectly, by underwriting the unlawful efforts of the growers to break the union and the strike (see p. 3 *supra*), whether or not such underwriting by the Government is deliberate.

It is, we believe, absolutely clear that the right of the grape workers to organize a labor union and to take their case to the public by organizing a consumer boycott is protected against governmental interference by the speech and assembly guaranties of the First Amendment. *Thomas v. Collins*, 323 U.S. 516 (1944); *Thornhill v. Alabama*, 310 U.S. 88, 102 (1940); *Carlson v. California*, 310 U.S. 106 (1940); *Hague v. C.I.O.* 307 U.S. 496 (1939); *McLaughlin v. Tilden*, 398 F.2d 287, 289 (7th Cir. 1968). Clearly, if the Government itself undertook to discourage the United Farm Workers Organizing Committee from organizing a union in the grape fields, and from organizing a consumer boycott, whether it did so by firing pro-union workers, by forming "company unions", by unlawfully hiring "green card" strikebreakers, by violence and intimidation or by any other means, such government action would be precluded by the First Amendment. While the government has taken no such direct action against the strikers, the growers from whom DSA purchases grapes have repeatedly and consistently taken actions described at p. 3 above which, if taken by the government, would violate the First Amendment. The issue posed is whether the government violates the Constitutional guaranties of free speech and assembly when, through the exercise of its purchasing power, it underwrites these actions of the growers. We submit that it does.

A similar question has arisen in several cases arising under the Equal Protection Clause of the 14th Amendment. In *Burton v. Wilmington Parking Auth.*, 365 U.S. 715, 725 (1961), the Supreme Court held that by entering into a contract with, and failing to take action against, a business which discriminated on the basis of race, the State had, in effect, "elected to place its power, property and prestige behind the admitted discrimination. The State has so far inserted itself into a position of interdependence with . . . [the business] that it must be recognized as a joint participant in the challenged activity, which, on that account, cannot be considered to have been so 'purely private' as to fall without the scope of the Fourteenth Amendment." See also, *Reitman v. Mulkey*, 387 U.S. 369 (1967), affirming 50 Cal. 881, 413 P.2d 825 (1966), and cases cited in the latter opinion; *cf. Hunter v. Erickson*, 395 U.S. 385 (1969).

Directly on point are two recent federal district court decisions dealing with government procurement of construction services, one involving a state govern-

ment procuring agency, the other involving GSA. In both decisions the federal courts held that by entering into construction contracts with firms employing union labor, which unions excluded Negroes, the government agencies concerned had, in effect, permitted and underwritten private discrimination by the unions, and had accordingly violated the equal protection guaranty of the 14th and 5th Amendments. *Ethridge v. Rhodes*, 268, F. Supp. 83 (S.D. Ohio 1967); *Todd v. Joint Apprenticeship Committee*, 223 F. Supp. 12 (N.D. Ill. 1963), vacated as moot, 332 F.2d 243 (7th Cir. 1963). See also *Simkins v. Moses H. Cone Memorial Hospital*, 323 F.2d 959 (4th Cir. 1963) (holding unconstitutional that provision of the Hill-Burton Act permitting Federal assistance to be expended for private but segregated hospitals).

On the basis of the decisions cited above, the Solicitor of Labor, in a Legal Memorandum prepared at your request concluded that:

"Government contracts or assistance to private employers who discriminate would constitute unconstitutional discrimination by the Government. The Executive has an obligation to ensure that no action is taken by the Federal Government which violates the Constitution by subsidizing an employer who discriminates. The failure of the Federal Government to require a Government contractor to remedy the present effects of past discriminatory practices would render the Government vulnerable to a suit that it had breached its Fifth Amendment obligations." Solicitor of Labor, Legal Memorandum, Authority Under Executive Order 11246, p. 4.

We submit that these principles, heretofore applied in cases arising under the 5th and 14th Amendments, are equally applicable to the claims asserted herein arising under the 1st Amendment. Although private racial discrimination is not barred by the Constitution, see *Civil Rights Cases*, 109 U.S. 3 (1893), the *Ethridge* and *Todd* decisions clearly hold that when the Government buys services from a contractor who discriminates, the Government itself deprives the victims of the discrimination of equal protection of the laws. Similarly, although the private actions of the growers to discourage the boycott and the strike are not themselves barred by the 1st Amendment, we submit that when the Government buys substantial quantities of grapes from growers engaged in that course of conduct, it violates the 1st Amendment to the Constitution. As the Supreme Court has made clear, there is a "preferred place given in our scheme to the great, the indispensable freedoms secured by the First Amendment [citing cases]. That priority gives these liberties a sanctity and a sanction not permitting dubious intrusions." *Thomas v. Collins*, *supra*, 323 U.S. at 530.

Although we maintain that the government's interference in the present dispute is deliberate, it is, from a Constitutional standpoint, immaterial whether or not the Government intends by its purchases to support the growers. Thus, in *N.A.A.C.P. v. Alabama*, 357 U.S. 449 (1958), the Supreme Court held invalid under the 14th Amendment an Alabama requirement that out of state associations doing business in the state file their membership lists with the state authorities. In the following language, the Court rejected the contention that because the state had taken no direct action to discourage free association, and did not intend any such discouragement, its actions were valid:

"In the domain of these indispensable liberties, whether of speech, press, or association, the decisions of this Court recognize the abridgment of such rights, *even though unintended*, may inevitably follow from varied forms of governmental action. Thus in *Doubs*, the Court stressed that the legislation there challenged, which on its face sought to regulate labor unions and to secure stability in interstate commerce, would have the *practical effect* "of discouraging" the exercise of constitutionally protected political rights, 339 U.S. at 393, and it upheld the statute only after concluding that the reasons advanced for its enactment were constitutionally sufficient to justify its possible deterrent effect upon such freedoms. Similar recognition of possible unconstitutional intimidation of the free exercise of the right to advocate underlay this Court's narrow construction of the authority of a congressional committee investigating lobbying and of the Act regulating lobbying, although in neither case was there an effort to suppress speech. *United States v. Rumely*, 345 U.S. 41, 46-47; *United States v. Harris*, 347 U.S. 612, 625-626. The governmental action challenged may appear to be totally unrelated to protected liberties. Statutes imposing taxes upon rather than prohibiting particular activity have been struck down when perceived to have the consequence of unduly curtailing the liberty of freedom of press assured under the Fourteenth Amendment. *Grosjean v. American Press Col*, 297 U.S. 233; *Murdock v. Pennsylvania*, 519 U.S. 105." 357 U.S. at 449 (emphasis supplied).

See also, *Gibson v. Florida Legislative Comm.*, 372 U.S. 539 (1963).

The Court recognized that if Alabama had demonstrated a "compelling interest in obtaining the information it sought, the Alabama requirement could be upheld despite its deterrent effect on constitutionally protected activities. It held, however, that no such compelling interest was present.

We submit that *N.A.A.C.P. v. Alabama*, when read in conjunction with the cases cited earlier arising under the 5th and 14th Amendments, is dispositive of the present controversy. Under the rule in *Burton, Ethridge* and *Todd*, government purchases from, or contracting with, a supplier who discriminates violates the 5th and 14th Amendments. Given the "preferred place" of the freedoms protected by the First Amendment (*Thomas v. Collins, supra*), there can be no doubt that substantial Government purchases from, or contracting with, a supplier who actively seeks to discourage the free speech and association of his employees violates the First Amendment, unless there is an overriding public interest in making such purchases. And under the rule of *N.A.A.C.P. v. Alabama*, it is the effect, not the intent, of the Government's action that is controlling.

In the present case, the evidence is clear that the growers are actively seeking to discourage the grape workers in their constitutionally protected rights to organize a union and to carry out the boycott. Whether or not the Government so intends, the effect of its purchases is to support and underwrite the growers in the present dispute. There is no "compelling" government interest in purchasing grapes from these growers which overrides Protestants' First Amendment rights. The DSA has admitted that its purchases of grapes are not essential to the national defense. Hearings p. 77. It has also admitted that it is not essential from a nutritional point of view to purchase grapes in the amounts that it does. Hearings p. 72.

In conclusion, we wish to emphasize the narrow scope of the argument we assert. We do *not* maintain that the government is precluded by the Constitution (or the regulations) from purchasing a product whenever the employees involved in producing the product are on strike. Nor do we argue that the government may not purchase commodities which are the subject of a consumer boycott. Rather, we maintain only that the Constitution precludes the government from making substantial purchases of a commodity when (1) the producer has taken actions which, if taken directly by the government, would violate the U.S. Constitution, and (2) there is no compelling defense or other need for the commodity being purchased. Although a case in which both of these circumstances exist will be a rare one, both of them are present here.

VIII. CONCLUSIONS

As was observed by Senator Mondale in the Senate hearings cited earlier, the existing labor dispute between UFWOC and the grape growers is a tragic and embittered one. The only effective nonviolent weapon available to the farm workers is the consumer boycott. As indicated earlier, the boycott has been remarkably successful, resulting in a marked reduction of sales by the growers to the public, and a substantial reduction in grape prices. As a result, some 11 growers have, for the first time in history, initiated collective bargaining negotiations with the union.²⁴

By this protest, we are *not* seeking affirmative help from the government. Nor do we ask GAO to examine or take sides in the labor dispute. Moreover, we do not ask that the Defense Supply Agency halt *all* of its purchases of fresh table grapes. We ask only for honest neutrality: 1) that the level of such purchases be reduced to the level prevailing in FY 1965, before the present strike and boycott began; 2) that average prices paid by DSA not exceed midseason fair market prices for fresh table grapes; and 3) that DSA limit its purchases of grapes to those which have been produced by growers who are found not to engage in unlawful activities designed to deprive the workers of constitutionally protected rights, and who have been inspected and approved with respect to sanitation in accordance with the applicable regulations. We will be happy to provide you or DSA with whatever information we may have available bearing on such findings.

Paragraph 2-4079(3) of the ASPR provides as follows:

"Where a written protest against the making of an award is received, award shall not be made until the matter is resolved, unless the contracting officer determines that:

²⁴ See Attachment 7.

- (i) The items to be procured are urgently required; or
- (ii) Delivery or performance will be unduly delayed by failure to make award promptly; or
- (iii) A prompt award will otherwise be advantageous to the Government."

Paragraph 2-407.9(2) provides in part that "Where it is known that a protest against the making of an award has been lodged directly with the Comptroller General, a determination to make award under [the paragraph quoted above] must be approved at an appropriate level above that of the contracting officer, in accordance with Departmental procedures."

DSA admits that its purchases of grapes are not essential to the national defense or from a nutritional viewpoint. Under these circumstances, and in view of the serious violations of the ASPRs and the U.S. Constitution alleged herein, which violations are working irreparable injury to UFWOC, we believe that the above-cited provisions of the ASPR require an immediate suspension of all further procurement of fresh table grapes by DSA until this protest has been decided on the merits. We request that DSA be so notified.

Very sincerely yours,

CESAR CHAVEZ.

PETER A. HORNBOSTEL, Esquire,
734 Fifteenth Street, N.W.,
Washington, D.C. 20005,
737-1255,
Council for Protestants.

DEPARTMENT OF DEFENSE,
NATIONAL MILITARY COMMAND CENTER,
August 2, 1969.

CLARK CLIFFORD,
Secretary of Defense, Department of Defense,
Washington, D.C.

UFWOC, AFL-CIO again ask for policy decision regarding military procurement of California table grapes which are subject to nationwide boycott sanctioned by AFL-CIO, Teamsters and United Auto Workers and all major religious bodies. We suggest you contact us for further clarification—if needed. We are hopeful that your Department will be sensitive to the efforts of California farmworkers to claim their rights.

CESAR CHAVEZ.

AUGUST 8, 1968.

Mr. CESAR CHAVEZ,
Delano, Calif.

DEAR MR. CHAVEZ: This is in response to your telegram of August 1 in which you asked for the policy position of the Department of Defense on the military procurement of California table grapes in light of the boycott presently being imposed.

The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to our procurement needs to maintain a sound working relationship with both labor and management. As you know, the resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government.

In addition to the above policy, the General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a Contracting Officer may consider the labor practices of a contractor. (43 Comp Gen 323 (1963)). We are not aware that the boycott will impair the ability of the contractors to perform their contracts.

Accordingly, the Department of Defense does not have any basis upon which to restrict awards to the producers affected by the boycott. I trust you will find this information helpful in answer to your question.

Sincerely,

THOMAS D. MORRIS,
Assistant Secretary of Defense (Installations and Logistics).

ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., October 22, 1968.

HON. PHILIP A. HART,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HART: This is in reply to your letter of October 11, 1968 to Secretary Clifford about the purchase of grapes by the Department of Defense.

The basis policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to our procurement needs to maintain a sound working relationship with both labor and management. As you are well aware, the resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government. From the diverse opinions that have appeared in various news media, it is quite apparent that the dispute over California table grapes falls in this category.

In addition to the above policy, the General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a contracting officer may consider the labor practices of a contractor (43 Comp Gen 323 (1963)). Also, the Comptroller General has ruled that there is no authority to reject bids on the basis that an employer does not employ union labor (31 Comp Gen 561).

I have been informed by the Defense Supply Agency, which is responsible for the purchase of food for military dining halls and commissaries, that procurements of table grapes for the past three fiscal years have been as follows:

Fiscal year	Million pounds	Million dollars
1966.....	7.5	1.04
1967.....	8.3	1.25
1968.....	6.9	1.32

The total Defense Supply Agency purchases of table grapes represent less than one percent of U.S. table grape production.

There has been a recent increase in the shipment of grapes to Vietnam, for several reasons: (1) the high troop acceptability of this seasonal item; (2) the reduced availability of export quality fresh oranges, with a substitution of table grapes; and (3) the improved capability of shipping perishable items, including grapes, to Vietnam by refrigerated vans. In this connection, it is significant that the quantities of all fresh produce shipped to Vietnam have greatly increased during the past three years.

Finally, let me assure you that the Department of Defense does not purchase grapes merely because they have been made more available and less expensive due to the effects of the boycott. Grape purchases are made by the Defense Supply Agency in response to requisitions from the Military Services. These requisitions are based on planned menus which reflect numerous factors, among them being troop acceptability; nutritional requirements; variety; and item availability, perishability, and cost. In the interest of objective and systematic management, we do not believe that our menu planners (often working a year to eighteen months in advance) should consider whether a labor dispute exists when making these decisions.

Although we appreciate your concern in this matter, we have been unable to find any evidence which would support a change of the Department of Defense policy as stated above.

Sincerely,

PAUL H. RILEY,
Deputy Assistant Secretary of Defense (Supply and Services).

AFFIDAVIT OF SALVADOR SANTOS AND GILBERT FLORES

STATE OF CALIFORNIA
 County of Kern, ss:

Salvador Santos and Gilbert Flores, being first duly sworn upon their oath, depose and say we are community workers in the County of Kern, State of California; our duties include investigation of violations of the field sanitation laws of the State of California which provide that every employer shall provide toilet and handwashing facilities for every food crop growing operation (California Health and Safety Code, sections 5474.20 et seq. and regulations thereunder; Industrial Welfare Commission Order 14-68 [8 California Administrative Code, Section 11500]). During the course of our investigation over the past eight months we have observed the following violations of the California Food Crop Sanitation Laws in the table grape vineyards. These violations were observed in a triangular area formed by Delano, Richgrove and Earlimart. There were some violations in the Arvin-Lamont area.

1. On December 18, 1968, at about 11 A.M. at the Bianco Ranch No. 6 located near Browning Road and Cecil Avenue outside Delano there was a crew of about 25 workers, about 15 of which were women, working in a grape field in tying operations. There were no toilets or handwashing facilities; there was no water provided by the grower and the workers had to bring their own drinking containers.

2. On December 18, 1968, at about 3:30 P.M. at a grape field on the south side of Cecil Ave., between Kyte and Zerker, between Delano and Richgrove, belonging to Louis Caric & Sons, there was a crew of about 15 men working in pruning operations. There were no toilet facilities. We saw no handwashing facilities. There was water supplied, but no individual drinking cups. We saw two plastic cups that were used by the entire crew. This field was checked on December 19 and December 23, and these conditions remained unchanged.

3. In a grape field located in the southeast corner of Cecil Avenue and the Formoso-Porterville Highway, owned by M. Caratan, there have been approximately 15 men working there without any toilets being provided on each of the following occasions: December 18, 1968, at 11:30 A.M., and 3:15 P.M.; December 19, 1968; and December 23, 1968.

4. In a grape field bounded by Highway 99, Road 144, Eighth Avenue, and County Line Road, owned by Mid-State Horticultural Company, there have been three separate crews under three labor contractors, comprising a total of over 60 persons, both male and female, working without toilets or adequate water facilities on each of the following occasions: December 19, 1968 and December 23, 1968.

5. In a grape field in Delano bounded on the east by Highway 99, on the west by Albany St., and on the north by First St., owned by the Lyons Ranch, there was a crew working without toilets provided on each of the following occasions: December 18, 1968, at 2:30 P.M., December 19, 1968, at 9:00 A.M., and December 23, 1968.

6. In two grape fields owned by V. B. Zaninovich, located on either side of Road 208, between Avenue 8 and Avenue 24, west of the Famoso-Porterville Highway, there were on December 23, 1968, two large crews, of about 40 men each, working without toilets provided.

7. A subsequent check on December 27, 1968, at a grape field bounded by Highway 99, Road 144, Eighth Avenue and County Line Road, owned by Mid-State Horticultural Company, revealed that the conditions previously reported were continuing.

8. In a check of another field, apparently owned by the same concern near Delano north of Cecil Avenue on both sides of the Famoso-Porterville Highway, at 3:30 P.M. on January 6, 1969, indicated that three crews were engaged in pruning grapevines, including a substantial number of women. There were no visible toilets or handwashing facilities available for two of the crews, and for the third there was only four walls of plywood over a small hole in the ground with no toilet paper (though it had a newspaper) and a door that would not close.

9. In grape fields on either side of Road 176, between Avenue 40 and Avenue 48, in Tulare County, also apparently owned by Mid-State Horticultural Company, there were three crews totaling 70 to 80 men engaged in pruning grapevines, with no toilets or handwashing facilities visible, at the following observation times: at 11:20 A.M. and at 3:55 P.M. on January 3, 1969; at 2:55 P.M. on January 6, 1969. Drinking water was visible for only one of the crews, and there were no individual drinking cups visible.

10. On December 27, 1968, in a grape field in the southern end of Tulare County bound on the north on Avenue 8, on the south by Olive Road, on the east by Road 148 and on the west by Road 144, there were about 15 men working pruning the grapevines. There were no toilets or handwashing facilities visible at 10:15 A.M., and a second check revealed that these conditions were the same at 2:00 P.M. that same day. On December 30, 1968, two additional checks were made, at 10:15 A.M. and at 4:05 P.M. and these conditions remained the same.

11. There are several grape fields apparently owned by Jack Pandol & Sons, between Kyte Road and the Famoso-Porterville Road, on either side of Rich Road. On December 27 at 3:10 P.M. and again on December 30 at 11:05 A.M. there were several crews, totaling about 40 men on the first day, and about 60 on the second, pruning grapevines, but with no visible toilets or handwashing facilities. On January 2, 1969, at 3:45 P.M., there was again a crew working there with no toilets visible.

12. In two grape fields owned by V. B. Zaninovich located on either side of Road 208 between Avenue 8 and Avenue 24, west of the Famoso-Porterville Highway, there were two large crews engaged in pruning grapevines with no toilets or handwashing facilities visible. Subsequent checks on these fields revealed these conditions to be continuing at 2:30 P.M. on December 27, 1968, at 11:00 A.M. and again at 3:40 P.M. on December 30, 1968, and on December 31, 1968.

13. Moreover, on December 30, 1968, at 10:50 A.M. and again at 3:45 P.M., it was ascertained that in an adjoining field to the north, between Avenue 24 and Avenue 32, and apparently owned by the same grower, V. B. Zaninovich, there were about 25 men pruning grapevines, apparently under labor contractor Jesus Gutierrez, with the closest visible toilet facilities about a 20-minute walk distant.

14. In grape fields on the northwest corner of Avenue 8 and Road 208 in Tulare County, also apparently owned or worked by V. B. Zaninovich, there were two crews totaling about 200 men and women engaged in grape pruning, with no toilets or handwashing facilities visible, at the following times of observation: at 3:40 P.M. on January 2, 1969; at noon; and again at 4:10 P.M. on January 3, 1969; at 3:20 P.M. on January 6, 1969.

15. In a grape field west of Road 208, between Avenue 8 and Avenue 16, in Tulare County, there appeared to be a crew of about 10 men and women engaged in tying grapevines, with no toilets or handwashing facilities visible, at the following times of observation: at 3:35 P.M. on January 2, 1969; on January 3, 1969, at 11:55 A.M., and again at 4:05 P.M.; and at 3:15 P.M. on January 6, 1969. This field is apparently owned or worked by V. B. Zaninovich.

16. In a grape field on the northwest corner of Road 208 and Avenue 40 in Tulare County, which was apparently being worked by V. B. Zaninovich, although it may be owned by Divizich, there was a crew of about 40 to 45 men engaged in pruning grapevines, with no visible toilets or handwashing facilities, at the following times of observation: at 3:30 P.M. on January 2, 1969; on January 3, 1969, at 11:50 A.M. and again at 4:00 P.M.; and at 3:10 P.M. on January 6, 1969.

17. In a grape field, apparently owned by Anton Caratan in southern Tulare County, bounded on the south by County Line Road, on the west by Road 152, and on the north by Avenue 8, on December 27, 1968, at 10:30 A.M. and again at 2:10 P.M., there were observed to be about 40 men engaged in pruning grapevines, with no toilets visible. At 10:25 A.M. on December 30, 1968, there were about 70 people working there with no toilets or handwashing facilities visible.

18. At the Bianco Ranch No. 11 in the Arvin area, bordered to the south by Sycamore Road, there appeared to be a crew of about 40 women and men engaged in pruning grapevines, with no visible toilets or handwashing facilities, on December 30, 1968, at 1:50 P.M. and again, with perhaps an even larger crew, on December 31, 1968, at 3:30 P.M.

19. There are three fields apparently belonging to El Rancho Farms in the Arvin area where there have appeared to be continuing violations. They are located: (1) on either side of Richardson, east of Tejon Highway; (2) at the northeast corner of Landers and Tejon Highway; (3) on the south side of Sunset Avenue, east of Tejon Highway. The violations were as follows: at field No. 1 there appeared to be on December 30, 1968, at 2:05 P.M. and again on December 31, 1968, at 3:35 P.M., two crews, one of about 25 men pruning grapevines and one of about 25 men and women tying grapevines, with no toilet or handwashing facilities visible. At No. 2 there appeared to be, on December 30, 1968, at 2:10 P.M. and again on December 31, 1968, at 3:40 P.M., about 25 men

and women engaged in pruning with no toilet or handwashing facilities visible. At No. 3 there appeared to be, on December 30, 1968, at 2:15 P.M. and again on December 31, 1968, at 3:45 P.M., two crews, one of about 14 women tying grapevines and one of 20 to 25 men and women pruning grapevines, with no toilets or handwashing facilities visible.

20. In a large grape pruning operation, on land apparently owned by W. Mosesian in the Lamont area, east and west of Fairfax to the south of Panama Lane, there appeared to be about 100 workers, women and men, with no toilets or handwashing facilities visible on December 30, 1968, at 1:00 P.M., and again on December 31, 1968, at 1:45 P.M. There were several crews included in this total, one apparently under labor contractor Johnnie Agustin of Lamont, and one apparently under J. M. and Connie Melendes of Bakersfield.

21. In three grape pruning operations on land apparently owned by Sabovich Brothers in the Lamont area there have appeared to be on-going violations. They are: (1) east of Vineland between DiGiorgio and Buena Vista, where there were about 15 men working with no visible toilets or handwashing facilities on December 30, 1968, at 1:15 P.M., and again on December 31, 1968, at 3:05 P.M.; (2) east of Edison on either side of DiGiorgio, there appeared to be two crews, one of 30 women and men to the north of DiGiorgio, and one of 20 men and women to the south of DiGiorgio, with no toilets or handwashing facilities visible, on December 30, 1968, at 1:25 P.M., and again on December 31, 1968, at 3:15 P.M.; (3) east of Comanche between Buena Vista and Sunset there appeared to be about eight women and men working in tying grapevines, with no toilets or handwashing facilities visible, on December 30, 1968, at 1:35 P.M.

22. In a grape field located at the southeast corner of Cecil Avenue and the Famoso-Porterville Highway, owned by M. Caratan, there was a crew working pruning grapevines on January 2, 1969, at 3:40 P.M., and there were no toilet and handwashing facilities visible.

23. In a grape field near McFarland, apparently owned by Sandrini Brothers, on the northeast corner of Benner and Schuster, there was a crew of about 15 men engaged in pruning grapevines, with the nearest visible toilet over a mile away, at the following observation times: on January 2, 1969, at 1:30 P.M. and at 4:05 P.M.; and at 10:05 A.M. on January 3, 1969.

24. In grape fields apparently owned by a concern named Dulcich at three separate locations as follows: (1) at the northwest corner of Road 164 and Avenue 48 in Tulare County; (2) between Avenue 48 and Avenue 52, bounded by Road 152 and Road 160 in Tulare County; (3) on either side of Avenue 52, between Road 176 and 184 in Tulare County. At (1) there were about 20 men pruning grapevines with no toilet or handwashing facilities visible at the following times: January 3, 1969, at 11:00 A.M. and again at 3:40 P.M.; January 6, 1969, at 2:30 P.M. At (2) there were about 15 men pruning grapevines with no toilet or handwashing facilities visible at the following times: at 10:50 A.M., and again at 3:25 P.M., on January 3, 1969. At (3) there appeared to be about 25 adults and children engaged in picking grapes for wine, with no toilets or handwashing facilities visible, at the following times: at 3:05 P.M. on January 2, 1969; at 11:15 A.M., and again at 3:45 P.M., on January 3, 1969; at 2:45 P.M. on January 6, 1969.

25. In a field apparently owned by Lamanuzzi and Pantaleo, located in Tulare County east of Road 168 between Avenue 48 and Avenue 52, there appeared to be about 35 women and men pruning and tying grapevines, with no toilets or handwashing facilities visible, at the following times: at 2:55 P.M. on January 2, 1969; at 11:10 A.M., and again at 3:30 P.M. on January 3, 1969; and at 2:50 P.M. on January 6, 1969.

26. On two fields, apparently owned by George Lucas and Sons, in Tulare County, there were as follows: (1) west of Road 176 between Avenue 48 and Avenue 52; (2) at the northwest corner of Avenue 48 and Road 184. At (1) there was a crew of about 40 men engaged in pruning grapevines, with no toilets or handwashing facilities visible, at the following times: at 2:50 P.M. on January 2, 1969; at 11:05 A.M., and again at 3:35 P.M. on January 3, 1969; at 2:35 P.M. on January 6, 1969. At (2) there was a crew of about 20 men engaged in pruning grapevines, with no toilets or handwashing facilities visible, at the following times: at 3:15 P.M. on January 2, 1969; at 11:20 A.M. and again at 3:50 P.M. on January 3, 1969.

27. In a field owned by Jack Radovich, located at the northwest corner of County Line Road and Road 200, just over the line into Tulare County, where there were about 10 men pruning grapevines, with no toilet or handwashing facilities visible, on January 3, 1969, at 11:40 A.M. and again at 4:10 P.M.; and also at 3:20 P.M. on January 6, 1969.

28. In a grape field in Tulare County on the northeast corner of Avenue 92 and Road 128 there were seven men engaged in pruning grapevines on February 3, 1969, with no toilets or handwashing facilities visible. The owner of the field is not known, but the crew was under farm labor contractor Bessie Williams. On February 4, 1969, there was what appeared to be a toilet, but inside the four walls was merely a vertical plank for one to rest oneself upon, no toilet paper and not even a hole scraped in the ground.

29. In grape fields in Tulare County north of Avenue 24 between Highway 99 and Road 144, apparently owned by Vignolo Farms, on February 4, 1969, at 10 A.M. and again at 2:45 P.M., there were 30 men and women engaged in pruning grapevines with no toilets or handwashing facilities visible.

30. On February 24, 1969, in nearby fields on the south side of Avenue 32, also apparently owned by Vignolo Farms there were observed about seven men and women tying grapevines, at 10:40 A.M. and again at 2 P.M., with no visible toilets or handwashing facilities.

31. In a grape field in Tulare County, east of Road 168 between Avenue 48 and Avenue 52, apparently owned by Lamanuzzi and Pantaleo, there were about 60 men engaged in pruning grapevines with no toilets or handwashing facilities visible. Observations were made on February 4, 1969, at 11:30 A.M. and again at 3:10 P.M.

32. In fields also apparently owned by Lamanuzzi and Pantaleo, to the northwest of the intersection of Avenue 48 and Road 176, on February 11, 1969, at 1:10 P.M. and again at 3:25 P.M., a crew of about 30 men was observed pruning grapevines with no toilets or handwashing facilities available.

33. In fields apparently owned by George Lucas and Sons in Tulare County west of Road 176 between Avenue 48 and Avenue 52, and in a field just slightly to the west, bounded by Avenues 48 and 52 and Roads 168 and 164, there were about 15 men engaged in pruning grapevines with no toilets or handwashing facilities visible. Observations were made on February 4, 1969, at 11:20 A.M. and again at 3:05 P.M.

34. In the same grape field as mentioned in Paragraph 33, conditions were unchanged on February 11, 1969, at 10:30 A.M. and at 1:15 P.M., when there were again about 15 men pruning and three women tying grapevines, with no toilets or handwashing facilities visible.

35. In another nearby grape field, to the southwest of Avenue 56 and 176, and also apparently owned by George Lucas and Sons, there were observed on February 11, 1969, at 1:25 P.M., and again at 3:35 P.M., about eight men making cuttings for planting grapevines with no toilets or handwashing facilities visible.

36. At a grape field in Tulare County at the northwest corner of Road 164 and Avenue 48 (previously mentioned in paragraph 24), apparently owned by John Dulcich and Sons, conditions seemed very much the same on February 4, 1969, at 11:25 A.M. and again at 3:00 P.M. There were seven men and women engaged in pruning and tying grapevines with no toilets or handwashing facilities visible.

37. At another grape field, (also previously mentioned in paragraph 24) between Avenue 48 and Avenue 52, bounded by Road 152 and Road 160 in Tulare County, apparently owned by John Dulcich and Sons, conditions were again the same on February 11, 1969, at 10:35 A.M. and 1:15 P.M. There were about 17 men pruning, with no toilets or handwashing facilities visible.

38. At the third grape field mentioned in paragraph 24, along Avenue 52, between Roads 176 and 184 in Tulare County, apparently owned by John Dulcich and Sons, conditions were observed to be very much the same on February 4, 1969 at 11:35 A.M. and at 3:15 P.M. where there were more than 30 people, in two crews, engaged in pruning grapevines with no toilets or handwashing facilities visible. One worker was seen depositing fecal matter in the grape field on this date.

39. In another grape field apparently owned by John Dulcich and Sons located in Tulare County on the northeast corner of Avenue 56 and Road 176, there were 12 men pruning grapevines with no toilets or handwashing facilities visible. Observations were made on February 4, 1969, at 11:40 A.M. and again at 3:20 P.M.

40. In another grape field apparently owned by John Dulcich and Sons, to the southeast of the intersection of Avenue 52 and Road 176, there were observed on February 11, 1969, at 1:30 P.M. and again at 3:40 P.M. about 18 men pruning grapevines with no toilets or handwashing facilities visible within a five minute walk.

41. In a grape field, apparently owned by John Dulcich and Sons, on the south side of Avenue 48 slightly to the east of Road 176 in Tulare County, there was observed a crew of about 30 men pruning grapevines on February 11, 1969, at 1:05 P.M. and 3:20 P.M., with no toilet or handwashing facilities within a five minute walk. One man was seen depositing fecal materials in the grape field on this date.

42. On February 24, 1969, in another grape field apparently owned by John Dulcich and Sons, at the northwest of intersection of Avenue 48 and Road 168 in Tulare County, at 10:50 A.M. and at 2:10 P.M., there were observed to be about 25 men and women pruning, without visible toilets or handwashing facilities.

43. In grape fields apparently owned or worked by V. B. Zaninovich in Tulare County, north of Avenue 8 along Road 208 (previously mentioned in paragraph 6) the conditions were still very much the same. On February 4, 1969, at 12:15 P.M. and at 3:45 P.M., there were about 60 men and women engaged in tying grapevines, with no toilets or handwashing facilities visible.

44. On February 4, 1969, at 11:05 A.M. and at 2:50 P.M. in what appeared to be a V. B. Zaninovich operation in grape fields located near Earlimart between Avenues 48 and 52 to the west of Road 144, there were six men pruning with no toilets or handwashing facilities visible.

45. In a field immediately adjacent to the one mentioned in the preceding paragraph, just to the north of Avenue 52, on February 4, 1969, at 11:05 A.M. and at 2:50 P.M., there was seen a crew of six men tying grapevines with no toilets or handwashing facilities visible. This land is apparently owned by B. F. Glover.

46. In grape fields immediately adjacent to those referred to in paragraph 43 above, on the south side of Avenue 8 and west of Road 208, on land apparently owned by Bruno Dispoto, there were, on February 4, 1969, at 12:15 P.M. and at 3:45 P.M., about 30 men pruning with no toilets or handwashing facilities visible.

47. On February 11, 1969, at 10:10 A.M. and at 1:40 P.M., the conditions mentioned in paragraph 44 above (apparently a V. B. Zaninovich operation in Earlimart between Avenues 48 and 52 to the west of Road 144) were unchanged. There was a crew of about 12 men pruning and tying grapevines with no toilet or handwashing facilities visible.

48. On February 11, 1969, at 12:20 P.M. and at 3:00 P.M., in the fields mentioned in paragraphs 6 and 43 above (apparently owned or worked by V. B. Zaninovich in Tulare County, north of Avenue 8 along Road 208) there were two crews totaling over 100 men and women pruning grapevines, with no toilets or handwashing facilities visible.

49. In the Delano area on the south side of Cecil Avenue and on either side of Reed, on February 11, 1969, at 11:55 A.M. and at 2:45 P.M. there were observed to be about 40 men and women harvesting oranges, with no toilets or handwashing facilities visible.

50. On February 11, 1969, and on February 24, 1969, at 3:25 P.M. on the former date and 11 A.M. on the latter, conditions were unchanged from those mentioned in paragraph 9 above in fields apparently owned by Mid-State Horticultural Company near Avenue 48 and Road 176. On February 11 a crew of seven women was engaged in tying grapevines, with no toilet within a five minute walk and no handwashing facilities visible. On February 24 there were about 11 women tying grapevines, with no toilets or handwashing facilities visible.

51. A grape field in the Richgrove area located on the southwest of the intersection of Richgrove Drive and Fourth Avenue, apparently owned by Louis Caric & Sons, was observed on February 11, 1969, at 12:10 P.M. and again at 2:55 P.M. to have a crew of about 70 men pruning grapevines, with no toilets or handwashing facilities visible.

52. On February 11, 1969, at 11:45 A.M. and at 2:35 P.M. a grape field in the Delano area located northwest of the intersection of Garces Highway and Wallace, apparently owned by Anton Caratan, was observed to have a crew of about 80 men engaged in pruning, with but one toilet for all, and it was

more than a five minute walk away from the workers on both observations, and no handwashing facilities visible.

53. In a grape field apparently owned by L. Caratan in the Delano area on the north side of Cecil Avenue and slightly to the east of Zerker, on February 11, 1969, at 12 noon and at 2:50 P.M. there was observed a crew of about 40 men engaged in pruning grapevines, with no toilets or handwashing facilities visible.

54. In a grape field in the Earlimart area, apparently owned by W. L. Kiggins, there was observed on February 11, 1969, at 10 A.M. and at 1:35 P.M. a crew of seven men pruning, with no toilets or handwashing facilities visible. The field is located on the north side of Avenue 48 and slightly to the west of Road 164.

55. On February 11, 1969, in a grape field apparently owned by Jack Radovich in the Delano area southeast of the intersection of Cecil Avenue and Browning Road, at 11:30 A.M. and again at 2:20 P.M., there was observed to be a crew of about eight men pruning grapevines, with no toilets or handwashing facilities within a five minute walk of the workers.

56. In a lettuce field in the Delano area located to the southeast of the intersection of Wallace and Woolomes, there was observed, on February 11, 1969, at 11:50 A.M. and at 2:30 P.M. a crew of about ten men and women thinning lettuce plants, with no toilets or handwashing facilities visible.

57. In a grape field in the Earlimart area, apparently owned by a concern known as Agri-Business, northwest of the intersection of Avenue 48 and Road 208, on February 11, 1969, there was observed to be a crew of about 12 men, at 12:30 P.M. and at 3:05 P.M., pruning grapevines with no toilets or handwashing facilities visible.

58. In another grape field in the Earlimart area, also apparently owned by Agri-Business, southeast of Avenue 48 and Road 192, on February 11, 1969, at 12:40 P.M. and at 3:10 P.M., there was observed to be a crew of about 18 men pruning grapevines with no toilets or handwashing facilities visible.

59. In another grape field, apparently owned by Agri-Business in the Earlimart area, on both sides of Road 192 between Avenues 40 and 48, on February 11, 1969, at 12:50 P.M. and at 3:15 P.M., there was observed to be three crews pruning and tying grapevines, without adequate toilet or handwashing facilities visible. To the east of Road 192 was a crew of about 60 women tying grapevines, having but one toilet about three-quarters of a mile away. Several of these women were seen going across the street to relieve themselves among the vines in another vineyard, apparently because it was too far to the one distant toilet. Adjacent to those women was a crew of about 15 men pruning, who had to use the same one toilet, which was also about three-quarters of a mile from them. To the west of Road 192 was a crew of about 20 more women pruning; the only visible facility was a toilet half to three-quarters of a mile from them, well over a five minute walk away.

60. On February 24, 1969, at 12 noon and again at 2:20 P.M., in a grape field in the Delano area, just north of County Line Road (in Tulare County) and west of Road 136, there were about 80 women and men tying grapevines, without visible toilets or handwashing facilities. One tin can had been provided to be used by all of the workers to drink water out of. It is not known whose farm this is, but the workers were under the direction of farm labor contractor Pete Velasco.

61. On March 7, 1969, at 10:20 A.M. and 1:30 P.M. we observed a crew of 16 working under farm labor contractor Joe Medina in Delano on the corner of Driver Avenue and Cecil. The crew was pruning table grapes. There were no toilet or handwashing facilities.

62. On March 7, 1969, at 10:40 A.M. we observed a crew of 50 tying table grapevines, also at 1:23 P.M., in the Delano area on a ranch owned by Vincent B. Zaninovich east of Road 208 and south of Avenue 24. There were no toilets or handwashing facilities.

63. On March 7, 1969, at 10:45 A.M. we observed a crew pruning grapes on Marco Zaninovich's ranch in the Delano area on the west side of Road 208 and north of Avenue 24. There were no toilets or handwashing facilities.

64. On March 7, 1969, at 11:10 A.M., we observed a crew of 50 pruning grapes on a ranch owned by Lamanuzzi and Pantaleo in the Delano area on the corner of Road 168 and Avenue 56. There were no toilets or handwashing facilities.

65. On March 7, 1969, at 11:25 A.M. and 1:45 P.M. we observed a crew of 10 to 12 tying table grapes on the George Lucan Ranch in the Delano area on

the east side of Road 164 between Avenues 52 and 48. There were no toilets or handwashing facilities.

66. On April 17, 1969, at 12:30 P.M. and 2:40 P.M. we observed 14 people suckering table grapevines (removing small leaves and suckers) on W. B. Mitchell's Ranch in the Delano area at the northeast corner of Avenue 24 and Road 192. There were no toilets or handwashing facilities.

67. On April 17, 1969, at 10:30 A.M. and 2:07 P.M. we observed a crew of 8 suckering table grapevines on land owned by the Railway Realty Investment, in the Delano area at Avenue 44, and County Line Road. There were no toilets or handwashing facilities.

68. On April 17, 1969, at 11:30 A.M. and 2:33 P.M. we observed a crew of 12 suckering table grapevines, on John Pagliarolo's ranch in the Delano area at the corner of Road 192 and Avenue 56. There were no toilets or handwashing facilities.

69. On April 17, 1969, at 12:20 P.M. we observed a crew of 20 suckering table grapevines on Vincent B. Zaininovich's land in the Delano area north of Avenue 40 and west of Road 208.

70. On May 13, 1969, at 1:30 P.M. we observed a crew of 20 budding table grapevines in the Hanford area, on M. C. Maskant's land off Seventh Avenue between Elder and Excelsior. There were no toilets or handwashing facilities.

We declare under penalty of perjury that the foregoing is true and correct.

SALVADOR SANTOS.
GILBERT FLORES.

Subscribed and sworn to before me this 16th day of July, 1969.

BESSIE L. GILLARD.

Notary Public in and for said County and State.

My commission expires Jan. 9, 1971.

AFFIDAVIT OF JOSEPHINE ORTIZ

Josephine Ortiz, being first duly sworn upon her oath, deposes and says she is a farm worker in the County of Kern, State of California.

1. During the period beginning on November 26, 1968, and ending on January 30, 1969, I was employed by William Mosesian Corporation in the farming operation of pruning table grapevines, in the Lamont area at the corner of Panama Road and Fairfax.

2. During the aforesaid period there were no toilets provided by the said William Mosesian Corporation for the use of myself and the other farm workers employed with me. As a result, all of us working for the said employer were forced to perform bodily functions in or near the fields in which we were working.

3. During the aforesaid period of time I worked for the said employer no handwashing facilities of any kind were provided for our use. As a result, we were unable to wash our hands after performing bodily functions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 1969, at Lamont, California.

In witness whereof, the undersigned has executed this instrument this 24th day of July, 1969.

JOSEPHINE ORTIZ,
X (her mark).

The name of Josephine Ortiz and the words "X her mark" were written by the first of the undersigned witnesses, following which Josephine Ortiz made her mark in the form of an "X".

Dated July 24, 1969.

SALVADOR SANTOS,
Witness.
FLORENTINA MANIGIZ,
Witness.

I, the undersigned, say:

That I am the person named in the foregoing affidavit; that I have had a Spanish translation of the foregoing affidavit read to me and I fully understand its contents, as translated to me in Spanish, and know the contents thereof; and that the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 1969, at Lamont, California.

In witness whereof, the undersigned has executed this instrument this 24th day of July, 1969.

JOSEPHINE ORTIZ,
X (her mark).

The name of Josephine Ortiz and the words "her mark" were written by the first of the undersigned witnesses, following which Josephine Ortiz made her mark in the form of an "X".

Dated July 24, 1969.

SALVADOR SANTOS,
Witness.

FLORENTINE MANRIQUEZ,
Witness.

STATE OF CALIFORNIA

County of Kern, ss:

Subscribed and sworn to before me this 24th day of July, 1969.

SALVADOR SANTOS.

Notary Public in and for said county and State.

My commission expires June 2, 1972.

I, Salvador Santos, read a Spanish translation of the foregoing affidavit on July 24, 1969, at Lamont, California, to Josephine Ortiz. The Spanish translation which I read to her was a true and correct representation of the foregoing affidavit. At the same time and place I recited to Josephine Ortiz an accurate translation into Spanish of the above verification, which she signed at that time and place.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 1969, at Lamont, California.

SALVADOR SANTOS.

AFFIDAVIT OF SAMUEL MANRIQUEZ

Samuel Manriquez, being first duly sworn upon his oath, deposes and says he is a farm worker in the County of Kern, State of California.

1. During the period beginning on November 26, 1968, and ending on January 30, 1969, I was employed by William Mosesian Corporation in the farming operation of pruning table grapevines, in the Lamont area at the corner of Panama Road and Fairfax.

2. During the aforesaid period there were no toilets provided by the said William Mosesian Corporation for the use of myself and the other farm workers employed with me. As a result, all of us working for the said employer were forced to perform bodily functions in or near the fields in which we were working.

3. During the aforesaid period of time I worked for the said employer no handwashing facilities of any kind were provided for our use. As a result, we were unable to wash our hands after performing bodily functions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 1969, at Lamont, California.

SAMUEL P. MANRIQUEZ.

STATE OF CALIFORNIA

County of Kern, ss:

Subscribed and sworn to before me this 17th day of July, 1969.

SALVADOR SANTOS.

Notary Public in and for said county and State.

My commission expires June 2, 1972.

I, the undersigned, say:

That I am the person named in the foregoing affidavit; that I have had a Spanish translation of the foregoing affidavit read to me and I fully understand its contents, as translated to me in Spanish, and know the contents thereof; and that the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 1969, at Lamont, California.

SAMUEL MANRIQUEZ.

STATE OF CALIFORNIA,

County of Kern, ss:

Subscribed and sworn to before me this 17th day of July, 1969.

SALVADOR SANTOS.

Notary Public in and for said county and State.

My commission expires June 2, 1972.

I, Salvador Santos, read a Spanish translation of the foregoing affidavit on July 17, 1969, at Lamont, California, to Samuel Manriquez. The Spanish translation which I read to him was a true and correct representation of the foregoing affidavit. At the same time and place I recited to Samuel Manriquez an accurate translation into Spanish of the above verification, which he signed at that time and place.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on July 17, 1969, at Lamont, California.

SALVADOR SANTOS.

AFFIDAVIT OF MARIA GARCIA

Maria Garcia, being first duly sworn upon her oath, deposes and says she is a farm worker in the County of Kern, State of California.

1. During the period beginning on December 15, 1968, and ending on January 6, 1969, I was employed by John J. Kovacevich in the farming operation of pruning table grapevines, in the Arvin area at the corner of Tejon Highway and Sycamore.

2. During the aforesaid period there were no toilets provided by the said John J. Kovacevich for the use of myself and the other farm workers employed with me. As a result, all of us working for the said employer were forced to perform bodily functions in or near the fields in which we were working.

3. During the aforesaid period of time I worked for said John J. Kovacevich no handwashing facilities of any kind were provided for our use. As a result, we were unable to wash our hands after performing bodily functions.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on July 17, 1969, at Lamont, California.

MARIA GARCIA.

STATE OF CALIFORNIA,
County of Kern, ss:

Subscribed and sworn to before me this 17th day of July, 1969.

SALVADOR SANTOS.

Notary Public in and for said county and State.
My commission expires June 2, 1972.

I, the undersigned, say:

That I am the person named in the foregoing affidavit; that I have had a Spanish translation of the foregoing affidavit read to me and I fully understand its contents, as translated to me in Spanish, and know the contents thereof; and that the same is true of my own knowledge.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on July 17, 1969, at Lamont, California.

MARIA GARCIA.

STATE OF CALIFORNIA,
County of Kern, ss:

Subscribed and sworn to before me this 17th day of July, 1969.

SALVADOR SANTOS.

Notary Public in and for said county and State.
My commission expires June 2, 1972.

I, Salvador Santos, read a Spanish translation of the foregoing affidavit on July 17, 1969, at Lamont, California, to Maria Garcia. The Spanish translation which I read to her was a true and correct representation of the foregoing affidavit. At the same time and place I recited to Maria Garcia an accurate translation into Spanish of the above verification, which she signed at that time and place.

I declare under penalty of perjury that the foregoing is true and correct.
Executed on July 17, 1969, at Lamont, California.

SALVADOR SANTOS.

AFFIDAVIT OF JUANA MANRIQUEZ

Juana Manriquez, being first duly sworn upon her oath, deposes and says she is a farm worker in the County of Kern, State of California.

1. During the period beginning on November 26, 1968, and ending on January 30, 1969, I was employed by William Mosesian Corporation in the farming

operation of pruning table grapevines, in the Lamont area at the corner of Panama Road and Fairfax.

2. During the aforesaid period there were no toilets provided by the said William Mosesian Corporation for the use of myself and the other farm workers employed with me. As a result, all of us working for the said employer were forced to perform bodily functions in or near the fields in which we were working.

3. During the aforesaid period of time I worked for the said employer no handwashing facilities of any kind were provided for our use. As a result, we were unable to wash our hands after performing bodily functions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 1969, at Lamont, California.

JUANA A. MANRIQUEZ.

STATE OF CALIFORNIA,
County of Kern, ss:

Subscribed and sworn to before me this 17th day of July, 1969.

SALVADOR SANTOS.

Notary Public in and for said county and State.

My commission expires June 2, 1972.

I, the undersigned, say:

That I am the person named in the foregoing affidavit; that I have had a Spanish translation of the foregoing affidavit read to me and I fully understood its contents, as translated to me in Spanish, and know the contents thereof; and that the same is true of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 1969, at Lamont, California.

JUANA A. MANRIQUEZ.

STATE OF CALIFORNIA,
County of Kern, ss:

Subscribed and sworn to before me this 17 day of July, 1969.

SALVADOR SANTOS.

Notary Public in and for said county and State.

My commission expires June 2, 1972.

I, Salvador Santos, read a Spanish translation of the foregoing affidavit on July 17, 1969, at Lamont, California, to Juana A. Manriquez. The Spanish translation which I read to her was a true and correct representation of the foregoing affidavit. At the same time and place I recited to Juana A. Manriquez an accurate translation into Spanish of the above verification, which she signed at that time and place.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 17, 1969, at Lamont, California.

SALVADOR SANTOS.

AFFIDAVIT OF FRANCISCO ORTIZ

Francisco Ortiz, being first duly sworn upon his oath, deposes and says he is a farm worker in the County of Kern, State of California.

1. During the period beginning on November 26, 1968, and ending on January 30, 1969, I was employed by William Mosesian Corporation in the farming operation of pruning table grapevines, in the Lamont area at the corner of Panama Road and Fairfax.

2. During the aforesaid period there were no toilets provided by the said William Mosesian Corporation for the use of myself and the other farm workers employed with me. As a result, all of us working for the said employer were forced to perform bodily functions in or near the fields in which we were working.

3. During the aforesaid period of time I worked for the said employer no handwashing facilities of any kind were provided for our use. As a result, we were unable to wash our hands after performing bodily functions.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 1969, at Lamont, California.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 24 day of July, 1969.

FRANCISCO ORTIZ.

X (his mark).

The name of Francisco Ortiz and the words "his mark" were written by the first of the undersigned witnesses, following which Francisco Ortiz made his mark in the form of an "X".

Dated: July 24, 1969.

SALVADOR SANTOS, *Witness.*
FLORENTINA MANIQUEZ, *Witness.*

I, the undersigned, say:

That I am the person named in the foregoing affidavit; that I have had a Spanish translation of the foregoing affidavit read to me and I fully understand its contents, as translated to me in Spanish, and know the contents thereof; and that the same is true of my knowledge.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 1969, at Lamont, California.

IN WITNESS WHEREOF, the undersigned has executed this instrument this 24th day of July, 1969.

FRANCISCO ORTIZ.
X (his mark).

The name of Francisco Ortiz and the words "his mark" were written by the first of the undersigned witnesses, following which Francisco Ortiz made his mark in the form of an "X".

Dated: July 24, 1969.

SALVADOR SANTOS, *Witness.*
FLORENTINA MANIQUEZ, *Witness.*

STATE OF CALIFORNIA,
County of Kern, ss:

Subscribed and sworn to before me this 24th day of July, 1969.

SALVADOR SANTOS.

Notary Public in and for said county and State.
My commission expires June 2, 1972.

I, Salvador Santos, read a Spanish translation of the foregoing affidavit on July 24, 1969, at Lamont, California, to Francisco Ortiz. The Spanish translation which I read to him was a true and correct representation of the foregoing affidavit. At the same time and place I recited to Francisco Ortiz an accurate translation into Spanish of the above verification, which he signed at that time and place.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on July 24, 1969, at Lamont, California.

SALVADOR SANTOS.

▲AFFIDAVIT

I, Jerome Cohen, declare under penalty of perjury as follows:

I am an attorney duly licensed to practice law in the state of California. I have been the General Counsel for the United Farm Workers Organizing Committee, since May of 1967. My offices are in Delano, California. During this time I have been in close contact with the members of our Union and with those persons who patrol our picket lines. It has been my duty to protect the First Amendment rights of all of the members of the United Farm Workers Organizing Committee and it has been my duty to legally defend the organizational and boycott activities protected by the First Amendment. At various time since May of 1967 grape growers have:

1. Used physical violence to intimidate those U.F.W.O.C. members who patrol our picket lines. This violence has included but has not been limited to the use of pick-up trucks to run at members of our picket line, physical beatings and threats with firearms.
2. Certain of the growers including but not limited to the Giumarra Vineyards Corporation, Jack Pandol, Robert Sabovich, Eugene Nalhandian, John Kovacevich and William Mosesian engaged in an illegal attempt to form a company union the purpose of which was to interfere with and deprive members of the United Farm Workers Organizing Committee of their First Amendment right to picket and of their right to conduct an orderly peaceful boycott of table grapes throughout the nation. As indicated in a report which was

filed with the Office of Labor Management and Welfare Pension Reports in San Francisco, the growers promoted activity which was designed to: (a) drown out U.F.W.O.C. pickets wherever they picketed any grape growers; (b) harras members of U.F.W.O.C. by following them and taking their pictures; and (c) halt and disrupt all planned U.F.W.O.C. functions. The details of this illegal grower activity are outlined in a letter to the Secretary of Labor signed by two officers of the Agricultural Workers Freedom to Work Association, the illegal company union, which was formed by these growers. This letter together with the activities and Agreements Report and the Receipts and Disbursement Report are attached to this affidavit.

Examples of growers attempts to interfere with protected First Amendment picket activities include but are not limited to the following: a. On July 12th, 1969 in Wasco, and on July 26th, 1969 in the Arvin-Lamont area of Kern County, economic poisons were used in such a manner as to make members of the United Farm Workers Organizing Committee, engaged in picket activities nauseated and sick. Mr. Rodney Penner on July 12th, at approximately 9 AM turned on a valve attached to an amonia gas tank and allowed amonia gas to envelop a picket line at the Lost Hills Packing Shed in Wasco, California. With the aid of a policeman from the city of Wasco we were able to stop Mr. Penner's activities. On July 26th, 1969, while picketing the vineyards of S. A. Camp, 16 members of the U.F.W.O.C. picket line were sprayed with an economic poison known as Lindane by Robert Flores, personnel manager of S. A. Camp. b. On or about October 15, 1966, at a packing shed located in Delano, California at Garces Highway and Glenwood Street at or about 10 AM of that day, Lowell Jordan Shy acting within the scope and course of his employment, maliciously and deliberately assaulted U.F.W.O.C. picket, Manuel Rivera, by driving a flatbed truck loaded with grapes; California license number W49-554 over Mr. Rivera's body thereby causing him great injury including the crushing of his pelvis and breaking of his legs; thereby removing him from the picket line for approximately 9 months. c. During August of 1969, shots were fired at pickets who were picketing the Prospero packing shed of the Giumarra Vineyards Corporation. d. On August 29th, 1967 while attempting to talk to workers at the Sylvia Carranza labor camp, located between Panama Lane and Panama Road in Kern County, Marcos Munoz and Jessica Govea were threatened by a private guard of the Giumarra Vineyards Corporation who assaulted them with a gun.

e. On June 16, 1968, Jose Mendoza and Gilbert Rubio who were then on the payroll of the Giumarra Vineyards Corporation held a meeting in the Delano Memorial Park and issued a call to use violence to destroy the picket and the organizational activities of the United Farm Workers Organizing Committee. Subsequent to that, Mr. Rubio and Mr. Mendoza were involved in instances in which pickets were threatened verbally, were beaten and were assaulted with guns.

f. Shortly before testifying at a House of Representatives Committee. Hearing on Labor and Education in Delano, California on August 15th, 1968, Mr. Manuel Rivera was beaten by members of the Agricultural Workers Freedom To Work Association which was at that time financed by local grape growers.

g. During a strike which occurred in Coachella in June of 1968, I participated in picket activities of the United Farm Workers Organizing Committee. It was my duty to cooperate with the local police in an effort to see that law and order were maintained. At that time Mr. Peter Williamson was employed in my office as a law clerk. He also served as a picket on the United Farm Workers picket line. Mr. Ralph Jacobs a foreman in the Charles Freedman Ranch, in the Coachella Valley assaulted and beat Mr. Williamson with a "no trespassing" sign causing Mr. Williamson to leave the picket line and go to a hospital. Another picket, Mr. Bill Richardson was dragged into the fields by the crew boss of Mr. Charles Freedman and was beaten within the field. Furthermore, the foreman of this ranch constantly issued verbal threats to members of our picket line informing them that if they continued to picket they would "get the same treatment that Williamson and Richardson got."

h. During the opening weeks of the strike against the Giumarra Vineyards Corporation in August of 1967, there were numerous instances in which employees of the Giumarra Vineyards Corporation drove their pick-up trucks directly at members of our picket line in an effort to intimidate them and injure them.

In addition to the instances which have been specified above, I have in my files in Delano over 150 instances in which members of our picket line and those helping to organize our boycott activities have been physically mistreated or threatened by growers or those working on behalf of growers. This has tended

to reduce the number of people who are willing to participate in picket activities and has also had a marked chilling effect on the activities of those who do participate in our picket activities.

In addition to the kinds of violence which has been above specified, grape growers have engaged in a pattern of illegal activities designed to circumvent and subvert our organizational efforts which have included but have not been limited to:

1. The deliberate mislabeling of struck grape in violation of state and federal law in an effort to persuade the public that this grape was picked as Union grape.

2. The deliberate recruiting of green card workers who being permanent residents of Mexico are by federal regulations prohibited from working behind picket lines in the United States.

3. Massive and deliberate violations of the basic sanitation laws of the state of California.

4. Recruiting workers and not informing them that there is a strike in progress, which is a violation of 973 of the California Labor Code. This activity on the part of the Giumarra Vineyards Corporation was enjoined in August of 1967 by the Kern County Superior Court.

5. Participation in the organization of an employee group including but not limited to the Agricultural Workers Freedom to Work Association, Mothers Against Chavez, Men Against Chavez which were dominated, controlled and financed in whole or in part by an employer, which is in violation of 1122 of the California Labor Code.

6. Deliberate firing of workers solely because they are members of the United Farm Workers Organization which is a violation of Section 923 of the California Labor Code and which is also a violation of those workers' First Amendment rights to organize as guaranteed by the United States Supreme Court in *Thomas vs. Collins*. I am currently handling cases against the Giumarra Vineyards Corporation on behalf of farm workers Felipe Garcia and Ambrosio Gallegos Hernandez who were fired because they attempted to talk to their fellow workers about the merits of the United Farm Workers Organizing Committee.

In Tulare County various grape growers dismissed farm workers for having Kennedy bumper stickers on their cars just prior to the primary election in June of 1968. In addition to these activities there are certain grape growers such as S. A. Camp who are currently maintaining a "black list" which list indicates workers who are members of the United Farm Workers Organizing Committee for the purposes of using this as a factor in the hiring and firing of such workers.

Executed at Delano, California on August 26, 1969.

JEROME COHEN.

AGRICULTURE WORKERS FREEDOM TO WORK ASSOCIATION,
Delano, Calif., February 22, 1969.

SECRETARY OF LABOR,
c/o Office of Labor Management and Welfare Pension Reports, U.S. Department
of Labor, San Francisco, Calif.

DEAR SIR: The undersigned officers of AFWFA herewith submit an Agreement and Activities Report (Form LM-20) and a Receipt and Disbursements Report (Form LM-21) as required by Section 203(b) of the Labor Management Reporting and Disclosure Act of 1959.

The reports may be incomplete but they reflect all the information currently available to us. We are instituting action to recover financial records of AFWFA, if they still exist, and the reports will be amended to reflect any further information as it becomes available.

AWFWFA was an outgrowth of an untitled group led by the growers which hired Jose Mendoza and Gilbert Rubio to persuade the workers that there was two sides to the union story, don't be afraid of Chavez, be united and we will protect and support you. The employees and members of the group were to try to get information on plans of UFWOC. This group and others became AFWFA which was incorporated by Jose Mendoza, Gilbert Rubio and Shirley Fetalvero on July 1968. The three incorporators became the directors of AFWFA. The first public actions of the new organization were counter picketing of the United Farm Workers Organizing Committee, AFL-CIO, pickets at the homes of Giumarra foremen crew bosses at McFarland and Earlimart, California in May of 1968, also at a public picnic attended by 1,500 people was held at Delano Park on June 16, 1968.

Until recently AFWFA never had a meeting of the Board of Directors or an election of officers. Jose Mendoza called himself General-Secretary and sometimes Gilbert Rubio was identified as chairman. Mendoza acted as the chief-executive of AFWFA. Mendoza was advised by Mr. Baseco of the Department of Labor that a consultant report was required if AFWFA had an agreement with employers connected with the grape labor dispute and boycott. Mendoza denied any agreement existed or that AFWFA was being supported by the growers.

So far as we know all of AFWFA's records were maintained by first Fernando Marquez, then by Jose Mendoza and then turned over to Donald Garaniga. We are making efforts to recover these records.

In late 1968, Jose Mendoza left Bakersfield on several trips, on his return he contacted Shirley Fetalvero and Gilbert Rubio wanting them to agree to dissolve AFWFA so it would be legally out of existence. We, with advice from Cornelio Macias, refused to sign to dissolve the corporation. Mendoza advised he was no longer associated with AFWFA and Cornelio Macias could be a Director in his place. He threatened to send the Department of Labor after us. In October or November 1968, Shirley Fetalvero and Gilbert Rubio informally met as a Board of Directors and elected Cornelio Macias as Director of AFWFA.

We have been interviewed by Robert H. Holland of the San Francisco office of the office of Labor Management and Welfare Pension Reports, U.S. Department of Labor. Mr. Holland advised us that AFWFA was covered by the filing requirements of Section 203(b) of the Labor Management Reporting and Disclosure Act of 1959 and had been delinquent in filing an Agreement and Activities Report (LM-20) since July 3, 1968 or earlier. He also advised us that a Receipts and Disbursements Report covering the fiscal year ending 12/31/68 was due by March 31, 1969.

On February 22, 1969 Shirley Fetalvero and Gilbert Rubio held an emergency meeting of the Board of Directors of AFWFA, Cornelio Macias could not be contacted. Gilbert Rubio was elected president and Shirley Fetalvero was elected for the purpose of 1.) submitting the required reports to the Secretary of Labor, 2.) obtaining records of AFWFA to complete this filing and other filings which may be required and 3.) to make plans as appropriate to dissolve AFWFA or to decide on future activities.

In line with the preceding the attached reports are forwarded. This letter should be considered an integral part of the filing.

GILBERT RUBIO,
President.
SHIRLEY FETALVERO,
Secretary-Treasurer.

(Office of Labor-Management and
Welfare-Pension Reports
U.S. Department of Labor
Washington, O.C. 20210
(July 1966)

AGREEMENT AND ACTIVITIES REPORT
FORM LM-20

Required of Persons, Including Labor Relations
Consultants and Other Individuals and Organizations,
Under Section 203(b) of the Labor Management Reporting and Disclosure Act of 1959

Form Approved—Bureau of the Budget,
No. 44-11170.

File No. **C.**

A—PERSON FILING

1. Name and mailing address (Include ZIP code):		2. Any other address where records necessary to verify this report are kept:	
AWFWA, aka Agricultural Workers Freedom to Work Association c/o (See attached sheet)		Donald Gazzaniga, PRI 6408 Sally Avenue Bakersfield, California	
3. Date fiscal year ends: Dec. 31, 1968		4. Type of person: a. <input type="checkbox"/> INDIVIDUAL b. <input type="checkbox"/> PARTNERSHIP c. <input checked="" type="checkbox"/> CORPORATION d. <input type="checkbox"/> OTHER (Specify):	

B—NATURE OF AGREEMENT OR ARRANGEMENT

5. Full name and address of employer with whom made (Include ZIP code): (See attached sheet)		6. Date entered into: On or about May, 1968.	
		7. Names of persons through whom made: Same as above	
8. Check the appropriate box to indicate whether an object of the activities undertaken, is directly or indirectly: a. <input checked="" type="checkbox"/> To persuade employees to exercise or not to exercise, or persuade employees as to the manner of exercising, the right to organize and bargain collectively through representatives of their own choosing. b. <input checked="" type="checkbox"/> To supply an employer with information concerning the activities of employees or a labor organization in connection with a labor dispute involving such employer, except information for use solely in conjunction with an administrative or arbitral proceeding or a criminal or civil judicial proceeding.			
9. Terms and conditions (Explain in detail; see Part B-9 of instructions.): (See attached sheet)			

(See attached sheet)

C—SPECIFIC ACTIVITIES TO BE PERFORMED

10. For each activity, separately list in detail the information required (See Part C-10 of instructions):	
a. Nature of activity: (See attached sheet)	
b. Period during which performed: (See attached sheet)	c. Extent performed: (See attached sheet)
d. Names and addresses of persons through whom performed: (See attached sheet)	
11. Identify (a) Subject employees, groups of employees, and (b) labor organizations. (See attached sheet)	

D—VERIFICATION AND SIGNATURE. The person in item 1 above and each of his undersigned authorized officers declares, under penalty of law, that all information in this report, including all attachments incorporated therein or referred to in this report, has been examined by him and is, to the best of his knowledge and belief, true, correct, and complete.

SIGNED: <i>Shirley Felton</i>	PRESIDENT	SIGNED: <i>Shirley Felton</i>	TREASURER
at: <i>Los Angeles</i>	(If other title, cross out and write in correct title above.)	at: <i>Los Angeles</i>	(If other title, cross out and write in correct title above.)
City		City	
State		State	
on: <i>2/23/68</i>		on: <i>2/23/68</i>	
Date		Date	

1. Shirley Fetalvero, 117 W. 15th Avenue, Delano, California 93215.
 5. John Giumarra Jr., John Giumarra, Senior, Joseph Giumarra operating in whole or in part as Giumarra Vineyards Corp., Giumarra Farms, Inc. and Giumarra Bros. Fruit Co., Edison Highway, Bakersfield, California.

Jack Pandol, Rt. 2, Box 388, Delano, California 93215.

Pandol & Sons, Rt. 2, Box 388, Delano, California 93215.

Robert Sabovich, Melvin Sabovich, Sabovich Bros., P.O. Box 577, Lamont, California.

Eugene Nalbandian, Eugene Nalbandian Inc., P.O. Box 665, Lamont, California.

John J. Kovacevich, P.O. Bin 488, Arvin, California.

William Mosesian, Lamont, California.

9. During early 1968, the United Farm Workers Organizing Committee, AFL-CIO, UFWOC, was engaged in a labor dispute with several table grape growers in and around Kern and Tulare Counties in California including the Giumarra Vineyards Corporation, Highway #58, Edison, California, and Pandol & Sons, Rt. 2, Box 388, Delano, California. In May, 1968, a meeting was held at Sambo's Restaurant on Union Street in Bakersfield attended by John Giumarra, Sr., John Giumarra, Jr., Treasurer and General Counsel respectively of Giumarra Vineyards Corporation, Teresa Arrambide, a labor foreman for Giumarra, Paul Marrufo, head foreman for Sabovich Bros., grape growers, Vine & DiGiorgio Roads, Lamont, California, Louis Barazza, a former associate of Cesar Chavez, Robert Flores, personnel manager of Di Giorgio Fruit Corporation, Jess Marquez, who runs a camp for DiGiorgio, Fernando Marquez, brother of Jess, an accountant with an office in Lamont, Jack Pandol of Pandol & Sons, Gilbert Rubio, Jose Mendoza, and others. This meeting was to outline activities of AFWFA. We were to tell workers not to be afraid of Chavez to be united and we as an organization would support and protect workers; we were to oppose UFWOC efforts to organize and boycott. This meeting and other meetings decided AFWFA would also try to enlist workers and obtain information on UFWOC's plans and activities. The meeting decided to get funds from the growers and hire Mendoza and Rubio at \$120.00 a week to start opposing Chavez. AFWFA started counter-picketing UFWOC pickets at the homes of Giumarra's foremen in McFarland and Earlimart. The Giumarras furnished office space for Mendoza and Rubio in the conference room at the Edison Highway headquarters with typewriter and other office supplies.

Arrangements were made to pay Mendoza and Rubio and then Aurelio Rios through Fernando Marquez first through MADRA then through an AFWFA bank account. Several meetings involving many persons were held but only John Giumarra, Jr., Robert Sabovich, and Jack Pandol gave orders to Mendoza and AFWFA.

10. A. AFWFA was to :

(a) Counter-picket and try to drown out UFWOC pickets wherever they picketed any grape grower or they picketed any grape grower or their employees, using sound trucks, jeers, etc.

(b) Hold picnics for mass of agricultural workers giving free food, beer, and music and raffles to get them to listen to speeches against Chavez and UFWOC.

(c) Enlist the aid of all growers and their foremen in enrolling workers into AFWFA without cost with the idea that we would represent them.

(d) Try to settle grievances or disputes between farm workers and the grape growers.

(e) Picket advertisers of Catholic Register which supported Chavez and UFWOC until John Giumarra, Jr. told us to stop.

(f) Appear on radio, TV and the news with propaganda against Chavez and UFWOC.

(g) Opposed Teamsters-UFWOC boycott of Coors beer by counter-picketing.

(h) Try to get information on all UFWOC planned activities to take action to halt or disrupt them (Sanger picnic, labor day parade).

(i) To keep track of all people associated with and helping UFWOC using friends, papers, and taking pictures of people in and around UFWOC headquarters.

(j) To put out mimeographed notices, flyers, message and reports on flyers to be widely distributed to the workers and the public in Spanish and English. Obtain bumper stickers attacking the boycott and UFWOC.

(k) Counter picket stores selling New York products after New York City boycotted the table grapes, including picketing of Sachs 5th Avenue in Los Angeles.

(l) Picket news media and TV stations in Los Angeles who were giving biased coverage for Chavez and UFWOC.

(m) To use all of the above methods to get headlines, newspaper and TV coverage with statement of farm workers are not on strike and boycott is just another trick to force the Union on the workers.

10B. These activities were performed between May and October 1968.

10C. All activities were performed to the extent possible.

10D. All activities were carried out under the name of AWFWA or MADRA (Mexican-American Democrats for Republican Action) by the following people:

- (1) Jose Mendoza—2421 I Street, Bakersfield.
- (2) Gilbert Rublo—217 Cliff Street, McFarland.
- (3) Shirley Fetalvero—117 W. 15th Avenue, Delano.
- (4) Mary Matt—371 Oleander Drive, Bakersfield.
- (5) Wanda Hillary—Baker Street, Bakersfield.
- (6) Donald Gazzaniga—Sally Drive, Bakersfield.
- (7) Robert Flores—DiGiorgio Fruit Corporation, Lamont.
- (8) Jess Marquez—DiGiorgio Fruit Corporation, Lamont.
- (9) Fernando Marquez—4212 Alexander, Bakersfield.
- (10) Cornelio Macias—Newark Rod., Sanger.
- (11) Teresa Arrambide—Moffet St., Wasco.
- (12) Louis Baraza—
- (13) Aurelio Rios—Dover Street, Delano.
- (14) Paul Maruffo—
- (15) Helen Murillo—7616 Delight Avenue, Lamont.
- (16) Anna Mariano—822 Kensington, Delano.
- (17) John Giumarra, Jr.—Edison Headquarters, Edison, Ca.
- (18) Robert Sabovich—P.O. Box 577, Lamont.
- (19) Melvin Sabovich—P.O. Box 577, Lamont.
- (20) Eugene Nalbandian—P.O. Box 665, Lamont.
- (21) William Mosesian—Lamont, California.
- (22) John Kovacevich—P.O. Bin 488, Arvin.
- (23) Sabovich Bros.—P.O. Box 577, Lamont.
- (24) Jack Pandol—Rt. 2, Box 388, Delano.

Many people were interested to picket and to come to picnics, etc.

11. Employees of all table grape growers in Kern, Tulare, and Fresno Counties of California, including field workers, both members and non-members of UFWOC, AFL-CIO and unorganized employees in the sheds. We were supposed to be active in the Coachella Valley but we never went.

Office of Labor-Management and Welfare-Pension Reports
U.S. Department of Labor
Washington, D.C. 20210
(July 1966)

RECEIPTS AND DISBURSEMENTS REPORT
FORM LM-21

Required of Persons, Including Labor Relations Consultants and Other Individuals and Organizations,
Under Section 203(b) of the Labor-Management Reporting and Disclosure Act of 1959

Form Approved—Budget Bureau
No. 44-81171.

A.—PERSON FILING

1. NAME AND ADDRESS (Include ZIP code) ANFWA, aka Agriculture Workers Freedom To Work Association c/o Shirley Fetalvero 117 W. 15th Ave. Delano, Calif. 93215	2. ANY OTHER ADDRESS WHERE RECORDS NECESSARY TO VERIFY THIS REPORT ARE KEPT: Donald Gazzaniga, Public Research Institute 6408 Sally Ave., Bakersfield, California							
	3. FILE NO. C-	4. PERIOD COVERED BY THIS REPORT From: _____ To: _____	<table border="1"> <tr> <th>Month</th> <th>Day</th> <th>Year</th> </tr> <tr> <td></td> <td></td> <td></td> </tr> </table>	Month	Day	Year		
Month	Day	Year						

B.—STATEMENT OF RECEIPTS. Report all receipts from employers in connection with labor relations advice or services regardless of the purposes of the advice or services.

1. NAME AND ADDRESS OF EMPLOYER (Include ZIP code)	6. TERMINATION DATE	7. AMOUNT
This information is given to the best of our knowledge at this time. As more information becomes available we will submit it. See attached sheet for numbers 5, 6 & 7.		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
		\$
TOTAL		\$

C.—STATEMENT OF DISBURSEMENTS. Report all disbursements made by the reporting organization in connection with labor relations advice or services furnished to the employers listed in Part B.

D. DISBURSEMENTS TO OFFICERS AND EMPLOYEES:				9. Office and Administrative Expenses \$	
(a) Name	(b) Salary	(c) Expenses	(d) Totals		
See attached sheet.	\$	\$	\$	10. Publicity	\$
				11. Fees for Professional Services	\$ #9 through 14
				12. Loans Made	\$ See attached sheet.
				13. Other Disbursements	\$
Total Disbursements to officers and employees:			\$	14. Total Disbursements	\$
				(Sum of Items 8-13)	

D.—SCHEDULE FOR STATEMENT OF DISBURSEMENTS. Use this Schedule to report only disbursements made for the purposes described in Part D of the instructions.

15. EMPLOYER	16. TO WHOM PAID	17. AMOUNT	18. PURPOSE
See attached sheet.		\$	
TOTAL		\$	

IF MORE SPACE IS NEEDED ATTACH ADDITIONAL SHEETS

E.—VERIFICATION AND SIGNATURE. The person in Item 1 above and each of his undersigned authorized officers declares, under penalty of law, that all information in this report, including all attachments incorporated therein or referred to in this report, has been examined by him and is, to the best of his knowledge and belief, true, correct, and complete.

SIGNED: <i>Shirley Fetalvero</i> at: <i>Delano Co.</i> City State on: <i>2/22/69</i> Date	PRESIDENT (If other title, cross out and write in correct title above.)	SIGNED: <i>Shirley Fetalvero</i> at: <i>Delano Cal</i> City State on: <i>2/22/69</i> Date	TREASURER (If other title, cross out and write in correct title above.)
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The checks below were deposited in the M.A.D.R.A. Account #0208686 at the Community National Bank at 6th and Chester Avenue in Bakersfield.

Date of check	Name and address of account	Signed by	Amount
June 18, 1968	Kern Valley Farms, Inc., P.O. Box 505, Lamont, Calif., Office: Wheeler Ridge Rd., Mettler, Calif., phone 858-2874; United California Bank, Bakersfield.	James Trino, Jr.	\$200
June 19, 1968	Dalton Richardson, Richardson Farms, Route 2, Box 520; Valpreto Rd, Mettler, Calif., phone 858-2520; Bank of America, Arvin, Calif.	Dalton Richardson	200
Do.	Muzinich Farms, 207 Panorama Dr., Bakersfield, Calif., farm on Le Gray Rd., phone 858-2555, phone residence 323-2252, United California Bank, Bakersfield.	Anthony L. Muzinich	200
Do.	Gagosian Farms, 2455 Produce St., Greenfield, phone 323-9493, also on DiGiorgio Rd., phone 845-1561, Bakersfield National Bank, Greenfield, Calif.	Leo Gagosian	200
Do.	Griffin Spray Co., 3104 St. Mary's St., phones 871-8000 and 366-3308, Community National Bank, Bakersfield, Calif.	Thomas E. Griffin	200
June 20, 1968	Eugene Nalbandian, Inc., P.O. Box 665, Lamont, Calif., phone 845-0729, shed on DiGiorgio Rd., Bank of America, Bakersfield, Calif.	Eugene Nalbandian	200
June 22, 1969	C. Scarrone and Marie Scarrone, Route 1, Box 640, phone 858-2510, Arvin, Calif., Bank of America, Arvin Branch.	C. Scarrone	200
June 28, 1968	Bianco Fruit Corp., P.O. Box 1801, Delano, Calif., phone 725-3215, Bank of America, Delano, Calif.	Bianco Fruit Corp., machine stamp initials not discernible on microfilm copy.	200
June 30, 1968	Haddad and Berling, G St., Wasco, Calif., made out to MADRA Research.	Harley Berling	200

Check #1335, 7/8/68 from General Distributors Fresno, Ca., East Fresno Branch of the Bank of America to the amount of \$250.00 paid to Berge Kirkorian c/o P.O. Box 202, Arvin, Calif. Endorsed and deposited to M.A.D.R.A. account.

Check #325, 7/21/68 from Calpine Containers, 1875 Olympic Blvd., Walnut Creek, California to the amount of \$250.00 to John Kovacevich, endorsed and deposited to M.A.D.R.A. account.

The checks listed below were deposited in AFWFA Account #0647802166, Bank of America at "H" & Broad, Bakersfield, California. Account was opened July 25, 1968.

Bank Number	Amount	Issued by	Date	Payable to—
90-142, check No. 2276	\$300	Mazzie Farms, Derby Rd., Arvin, Calif.	July 11, 1968	AWFWA.
90-142, check No. 52641	100	San Joaquin Tractor Co., 1201 Union Ave., Bakersfield, Calif.	June 28, 1968	AWFWA.
90-139	100	Kern County Equipment Co.	July 3, 1968	AWFWA.
90-90, check No. 793	100	Central California Ice Co., 3401 Chester St., Bakersfield, Calif.	July 1, 1968	AWFWA.
90-142, check No. 015703	200	California Box & Lumber Co., DiGiorgio Rd., Lamont, Calif.	July 6, 1968	AWFWA.
11-55, check No. 140860	200	Blake Moffit & Towne, 2225 16th St., Bakersfield, Calif.	June 20, 1968	AWFWA.
	150	O. D. Handel & Son Farms, 413 Central Ave., Shafter, Calif.	Aug. 5, 1968	AWFWA.
Deposit check No. 236, Sept. 10, 1968.	400	D. A. Gazzaniga, expense account, 6408 Sally Ave., Bakersfield, Calif.	Sept. 11, 1968	Jose Mendoza.
Check No. 174	500	California for Right to Work 300 27th St., Suite C, Oakland, Calif.	Oct. 9, 1968	Do.
		Account closed out Oct. 25, 1968	do	AWFWA.

NOS. 8, 9-14, AND 15

	(a)	(b)	(c)
No. 8 a:			
Jose Mendoza	Unknown	Unknown	Unknown.
Gilbert Rubio	do	do	Do.
Aurelio Rios	do	do	Do.
Nos. 9-14: Unknown.			

No. 15: These are disbursements currently available to us. Additional information will be furnished when available.

M.A.D.R.A. WITHDRAWALS—6/28/68

\$700.35 for Cashiers check to PRI endorsed Donald A. Gazzaniga for return to AFWFA.

6/28/68 Wonderly Electronic \$84.08 for tape recorder.

6/28/68 Roundtree Camera for camera & supplies \$58.70, check #103.

Check #104 7/2/68 County of Kern—\$100.00—Reservation for Hart Park.

Check #108 Radio Station KWAC \$640.00, 7/16/68 Radio advertising AFWFA.

Check #105 \$477.07 Davenport's 7/2/68 Copying machine.

Check #106 7/10/68 Smith Radio Service \$50.00 Public Address Service.

Check #107 7/10/68 \$300.00 Cash endorsed by Jose Mendoza.

Check #109 7/9/68 A. B. Dick Co. \$168.99 for mimeograph & supplies.

Check #110 7/19/68 Delano Ambulance—Service Ambulance for Gilbert Rubio for \$37.00.

Check #111 7/19/68 \$20 Mrs. Rubio, repair for Gilbert Rubio's car.

Check #112 7/19/68 Golden West Telephone Company \$79.86 for payment of Jose Mendoza's telephone bill.

Check #113 \$300.50 to Bank of America.

A.W.F.W.A. CHECKS

Check #117 9/9/68 Gilbert Rubio. Expenses \$21.00.

Check #119 9/17/68 Pacific Telephone Co. \$119.00.

Check #116 9/10/68 Kern County Patrol. \$30.00. Bodyguard for Mendoza.

Check #120 10/14/68. Merchants Printers. \$78.59.

Check #121 10/14/68 Golden West Telephone Co. \$337.71.

Disbursements were made by PRI for AFWFA for salary and expenses of Mendoza, Rubio and Rios.

Telephone bills of Shirley Fetalvero and Gilbert Rubio of over \$500 were paid in cash by Wanda Hillary and Jose Mendoza.

1. Zellerbach Paper Company contributed a check for \$200.00 to Farm Workers' Rally which was not deposited in the above bank accounts.

2. Jack Pandol lent AFWFA his 1968 Chevy pick-up for two months for AFWFA use.

3. Bob Sabovich gave AFWFA a 1958 Chevy station wagon for AFWFA use.

4. DiGiorgio furnished mimeograph machines and supplies to print AFWFA flyers on DiGiorgio property.

5. The Giumarra Vineyards Corporation, Edison Highway #84, Bakersfield, California, through John Giumarra, Sr., and John Giumarra, Jr., paid the following:

(1) A salary in an unknown amount for Jose Mendoza.

(2) Two \$50 "loans" to Gilbert Rubio and one \$50 "loan" to Aurelio Rios totalling \$150.

The Giumarras also allowed use of conference room at Giumarra headquarters with telephone, typewriter, and office supplies.

6. They also allowed free access to the yard gas pump to obtain gas for vehicles for AFWFA business. They provided repair of automobiles in the corporate garage.

7. Fernando Marquez furnished expense money in cash and checks to Mendoza, Rubio, and Rios.

8. Don Gazzaniga paid salary to Mendoza, Rubio, and Rios through the Public Research Institute (PRI) with the cover that they were researchers for PRI. Information and pictures obtained by AFWFA were used for PRI.

AGRICULTURAL LABOR DISPUTES, CALIFORNIA (CURRENT: OCT. 21, 1968)

Employer	Address	Date determined
Giumarra Vineyards Corp.	Edison	July 28, 1967
W. B. Camp, Jr.	Bakersfield	Jan. 31, 1968
Anton Caratan & Son	Delano	Do.
M. Caratan	do.	Do.
Jake Cesare	do.	Do.
Louis Caric & Sons	do.	Do.
Bruno Disposto	do.	Do.
P. J. Divizich Fruit Corp.	Ducor, Calif	Do.
Frank Gallo	McFarland	Do.
George A. Lucas & Sons	Earlimart	Do.
Frank A. Lucich	Delano	Do.
John Pagliarulo	do.	Do.
Pandol & Sons	do.	Do.
Gene Radovich	do.	Do.
Jack Radovich	Richgrove	Do.
Sandrini Bros.	McFarland	Do.
D. M. Steele & Sons	Delano	Do.
Tudor & Sons	do.	Do.
A & N Zaninovich	do.	Do.
George Zaninovich	do.	Do.
Marko Zaninovich, Inc	Earlimart	Do.
Marion Zaninovich	Delano	Do.
Vincent Zaninovich	do.	Do.
Vincent Zaninovich & Sons	do.	Do.
Chuchian Farms	Coachella	June 18, 1968
David Freedman Co., Inc	Thermal	June 20, 1968
Ara Herbekian/Mel-Pack Ranch	do.	June 26, 1968
Coachella Vineyards	do.	Do.
John Zaninovich	Indio	Do.
Ross Cariaga	Coachella	Do.
H & M Ranch Company	Oasis	Do.
Richard Badgasarian	Mecca	Do.
Richard Glass & Co., Inc	Indio	Do.
Cy Muradick & Sons	do.	July 2, 1968
Carl Joseph Maggio, Inc.	Salinas	Do.
R. W. Blackburn & Sons	Thermal	July 5, 1968
Karahadian & Sons	do.	Do. ¹
Eugene Nalbandian, Inc	Arvin	July 19, 1968
John Kovacevich	Bakersfield	Do. ¹

¹ Date reported by telephone; dated copy not returned.

DECLARATION UNDER PENALTY OF PERJURY

My name is Jane Brown. I am the National Boycott Coordinator for the United Farm Workers Organizing Committee (UFWOC), AFL-CIO, at 103 First Street, Delano, California.

I am responsible for coordinating and evaluating the effect of the UFWOC boycott of California table grapes. In evaluating the boycott statistically, I consider two factors: California table grape unloads in major U.S. and Canadian cities and F.O.B. prices of California table grapes. Information on unloads of California table grapes in major U.S. and Canadian markets is available on a weekly basis. Information on F.O.B. prices of California table grapes by variety and by shipping point to major U.S. cities is available on a daily basis.

The California table grape harvest begins approximately in June of each year. Although picking is over by November, a portion of the harvest is held in cold storage and shipped out during the rest of the season through May until the next harvest begins.

To evaluate the effect of the boycott during the 1968 season—June through March—we compare it with the 1966 season. (April and May figures were not available when this report was compiled, but since the amount of California table grapes shipped in these months equalled about only 3% of the total shipped, the omission of these months does not significantly distort the results of the following report.)

It is generally agreed that 1967 was a very light harvest and is not useful for comparative purposes. My research indicates that although nearly the same number of railroad carlot equivalents of table grape was shipped by California growers in the 1966 and 1968 seasons, in the 1968 season, unloads of California table grapes in major U.S. and Canadian markets were down 15% from 1966.

Entering the 1969 season, we find that the boycott continued to be effective. There are five major shipping points for California table grapes: Indio,

(Coachella Valley; Arvin; Delano; Fresno; and Lodi. The harvest begins each year in the Coachella Valley and runs there for approximately eight weeks. In spite of the fact that the Coachella harvest was predicted to be 17% to 20% larger this year, at the end of eight weeks of harvest, only 7.8% more carlots of table grapes had been shipped from Coachella compared to the same harvest period in 1968, (i.e., 2524 carlot equivalents in 1969 as compared to 2363 carlot equivalents in 1968.) Furthermore, shipments to 41 major U.S. cities, where the boycott is concentrated, were down 6% from last year for the same harvest period, (i.e., 1380 carlots in 1969 as compared to 1469 carlots in 1968).

Although the Coachella growers were forced to leave 750,000 boxes of unpicked grapes on the vines—according to a report by the Riverside County Agricultural Commissioner—there is no doubt that the growers can sell all the grapes they pick, although because of the boycott they must sell at lower prices. The major impact of the boycott is to decrease demand for grapes in traditional markets and thus force the price down on all boycotted grapes that are sold.

The boycott is definitely depressing prices. Thompson seedless grapes accounted for 43% of all table grape packages shipped from Coachella in the 1969 harvest. Last year F.O.B. prices for #22 lugs of Coachella Thompson grapes opened at \$6.50 and closed at about \$5.00. This season, the F.O.B. prices on this variety opened at \$4.75 and closed at \$2.75. Most of the Coachella Thompsons were sold at least \$2.00 less per lug than last year. I stress the words "at least" because these F.O.B. prices are for top quality grapes shipped prepaid by rail. Second label grapes shipped by trucks and/or on consignment probably went at even lower prices. A June 14, 1969, report on the Coachella harvest in the *Los Angeles Times* said that, "One prominent grower reported grape production this season is costing between \$5.50 and \$6.00 a lug (22 pounds). But he is selling the product for between \$5.00 and \$5.50 a lug."

Directly because of the impact of the table grape boycott, on June 13, 1969, ten growers from Coachella and Arvin, representing approximately 12% of the California table grape industry, agreed to enter into collective bargaining negotiations with UFWOC. After two weeks of negotiating the growers called for a recess on July 4, 1969. To date these negotiations have not been resumed.

It is difficult to explain why growers under such pressure should suddenly cease negotiations. One of the unknown factors in their decision is the impact of Department of Defense Fiscal Year (FY) 1970 (harvest year 1969) purchases of grapes. On the basis of a D.O.D. fact sheet of June 10, 1969, it is clear that D.O.D. purchases of U.S. fresh table grape production jumped from 1.3% of total production in FY 1966 (1965 harvest season) to 2.4% in FY 1969 (1968 harvest season). D.O.D. purchases of such a large percent of fresh table grape production—equal to 11 million pounds, or as much as the entire Detroit area with a population of 4 million people purchased in the 1968 season—must have had a substantial effect on maintaining high prices for the grape growers in spite of a successful boycott.

Finally, in testimony on July 15, 1969, before the U.S. Senate Subcommittee on Migratory Labor, a representative of the D.O.D. testified that principal contractors from whom D.O.D. has purchased table grapes during recent years include Heggblade Marguleas Co. (Coachella grower-shipper) and Eugene Nalbandian Inc. (Arvin grower-shipper) with whom the UFWOC was involved in collective bargaining negotiations, as well as the R. A. Glass Co., a major Coachella packer-shipper.

Recent increased purchases of California table grapes concentrated among the above mentioned and other Coachella-Arvin grower-packer-shippers could be the major factor for the break off of negotiations and for other major Coachella and Arvin growers not negotiating at all.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: August 26, 1969 in Delano, California.

JANE C. BROWN.

FACT SHEET—DEPARTMENT OF DEFENSE USE OF TABLE GRAPES, JUNE 10, 1969

1. The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to DoD procurement needs to maintain a sound work-

ing relationship with both labor and management. The resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government. From the diverse opinions that have appeared in various news media, it is quite apparent that the dispute over California table grapes falls in this category.

2. In addition to the above policy, the General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a contracting officer may consider the labor practices of a contractor (43 Comp. Gen. 323 (1963)). Also, the Comptroller General has ruled that there is no authority to reject bids on the basis that an employer does not employ union labor (31 Comp. Gen. 561).

3. The Defense Supply Agency, which is responsible for the purchase of food for military dining halls and commissaries, reports that procurements of table grapes have been as follows:

Fiscal year	Million pounds	Million dollars
1966.....	7.5	1.04
1967.....	8.3	1.25
1968.....	6.9	1.32
1969 ¹	11.0	1.98

¹ This figure is projected on the basis of actual totals for the 3 quarters of fiscal year 1969 and the rate of decline of seasonal procurements as experienced during the last half of fiscal year 1967 and fiscal year 1968.

The total Defense Supply Agency purchases of table grapes represent less than one percent of U.S. table grape production.

4. There is no record of any grape shipments to Vietnam prior to fiscal year 1967; subsequent shipments have been as follows:

Fiscal year:	Pounds
1967.....	468,000
1968.....	555,000
1969*.....	2,500,000

*This figure is projected on the basis of actual totals for the 3 quarters of fiscal year 1969 and the rate of decline of seasonal procurements as experienced during the last half of fiscal year 1967 and fiscal year 1968.

The increase in the Vietnam requirement for grapes during FY 1969 was influenced by the following factors: (1) the high troop acceptability of this seasonal item; (2) the reduced availability of export quality fresh oranges, with a substitution of table grapes; and (3) the improved capability of shipping perishable items, including grapes, to Vietnam by refrigerated vans. In this connection, it is significant that the quantities of all fresh produce shipped to Vietnam have greatly increased during the past three years.

5. The Department of Defense does not purchase grapes merely because they have been made more available and less expensive due to the effects of the boycott. Grape purchases are made by the Defense Supply Agency in response to requisitions from the Military Services. These requisitions are based on planned menus which reflect numerous factors, among them being troop acceptability; nutritional requirements; variety; and item availability, perishability, and cost. In the interests of objective and systematic management, menu planners (often working a year to eighteen months in advance) should not be required to consider whether a labor dispute exists when making these decisions.

PRESS CONFERENCE OF MANUEL VASQUEZ, WASHINGTON REPRESENTATIVE, UNITED FARM WORKERS, SEPTEMBER 12, 1969

The United Farm Workers Organizing Committee, AFL-CIO, headed by Cesar Chavez, announced here today that it was filing a formal protest with the Comptroller General of the United States with respect to the continuing Department of Defense procurement of fresh California and Arizona table grapes. The Comptroller General has overall responsibility for the review of government procurement actions. In a press conference called here, Manuel Vasquez, Washington

representative for the Farm Workers, stated that the Department of Defense had almost doubled its dollar purchases of table grapes from fiscal year 1966 to fiscal year 1969 at the very time that the public was buying some 20% less grapes as a result of the boycott. From fiscal year 1968 to fiscal year 1969 D.O.D. table grape shipments to Vietnam increased from 555,000 to 2,500,000 lbs., Vasquez said, an increase of over 350%. The Defense Department's purpose, Vasquez charged, was to help the growers by buying up grapes which the public would not buy because of the grape boycott. The D.O.D. purchases were brought to light in recent hearings conducted by the Senate Subcommittee on Migratory Labor.

The protest is based on several independent grounds.

First, Vasquez said, the Armed Service procurement regulations require that the Department of Defense remain neutral and not take sides in a labor dispute. The available evidence suggests that the increase in D.O.D. purchases since the strike began was deliberately intended by D.O.D. to help the grape growers in their dispute with the farm workers. The protest refutes the reasons advanced by the D.O.D. to justify its increased grape purchases since the strike began. For example, the principal reason advanced by the Department for last year's increase was the shortage of fresh oranges in that year. However, when the shortage became known, the Defense Supply Agency cabled all D.O.D. food requisitioners suggesting that grapes be considered as a substitute. No other fruit was suggested although, of course, many other fruits were available.

The Farm Workers contend that even if the Defense Department's purchases were not intended to help the growers, their effect was definitely to help the growers, and thus to violate the neutrality requirement contained in the regulations.

The protest also alleges that the Defense Supply Agency has been paying more than mid-season market prices for the grapes it purchases, and that it is buying grapes produced under unsanitary conditions, in violation of the Armed Services Procurement Regulations.

Finally, the Farm Workers' protest argues that the Defense Department's purchases violate the first amendment to the U.S. Constitution. The Supreme Court has held that labor's right to organize, and to carry out a strike is protected against undue governmental interference by the First Amendment. In the current dispute which is now entering its fifth year, the Farm Workers allege that the employers have resorted to a variety of violent and unlawful means to break the strike. Pickets have been beaten, shot at and run over by employer representatives, the union charged. The union argues that by underwriting these and other unlawful actions through the exercise of its purchasing power, the government violates the First Amendment.

The protest asks that all further Department of Defense procurement of California and Arizona table grapes be suspended until the General Accounting office can make a full investigation of the charges made.

STATEMENT OF MANUEL VASQUEZ, WASHINGTON REPRESENTATIVE, UNITED FARM WORKERS

We have called this press conference this morning to discuss a very serious matter and to tell you what we are trying to do about it. We have been very disturbed for a long time that the Defense Department has been taking the side of the growers in our labor dispute.

In the last three years the Defense Department has nearly doubled its purchases of table grapes. Yet, at the same time, the general public is now buying almost 20% fewer grapes as a result of the boycott which has developed all over the country. Just in the last year, shipments of table grapes to our troops in Vietnam has increased over 350%, from 555,000 to 2,500,000 pounds. We understand that these are as many grapes as would normally feed a city of 2½ million.

There is only one conclusion that can be reached from these facts. The Defense Department's purpose is to help the growers by buying up grapes which the American public will not buy because of the grape boycott.

We know that every American worker including farm workers has a Constitutional right under the First Amendment to the United States Constitution, which guarantees freedom of speech, to organize and carry out a strike without unfair Government interference. We know that the laws and regulations of the Defense Department require it not to take sides in a labor dispute.

One of the Defense Department's answers is that there was a shortage of oranges last year. But the Senate Subcommittee on Migratory Labor recently brought out that the only substitute for oranges that the Defense Department suggested was grapes.

The grape purchases also violate government regulations on buying unsanitary products. Attached to this protest are reports of over 70 instances where grapes were picked without adequate field toilets or other sanitary facilities. In addition, the Defense Department seems to be paying more than is necessary for these huge quantities of grapes that it is buying.

The facts could not be plainer. The Government is taking sides in a labor dispute. Instead of doing what it should be doing—preventing pickets from being beaten, shot at, and run over, preventing the growers from using harmful and dangerous pesticides in the fields, and protecting the safety of our workers—the Government is doing just the opposite. It is helping the growers.

Today we are filing a formal protest with the Comptroller General of the United States demanding that he exercise his authority to make the Defense Department cut down on its purchases of grapes, and stop helping to bail the growers out of a bad situation.

FACT SHEET—DEPARTMENT OF DEFENSE USE OF TABLE GRAPES, OCTOBER 15, 1969

1. The procurement of grapes by the Department of Defense is a very normal practice, essentially the same as the purchase of other perishable food items for military personnel located in the United States and overseas, and every attempt has been made to remain completely neutral in the labor dispute between certain California grape growers and the United Farm Workers Organizing Committee of the AFL-CIO.

2. The basic policy of the Department of Defense with regard to awarding defense contracts to contractors involved in labor disputes is to refrain from taking a position on the merits of any labor dispute. This policy is based on the premise that it is essential to DoD procurement needs to maintain a sound working relationship with both labor and management. The resolution of labor disputes involves complex and delicate areas of judgment and interpretation for which the responsibility has been vested by the Congress in other agencies of the Government. From the diverse opinions that have appeared in various news media, it is quite apparent that the dispute over California table grapes falls in this category.

3. In addition to the above policy, the General Accounting Office has stated that it is only to the extent that a contractor's labor practices interfere with the potential performance of a contract that a contracting officer may consider the labor practices of a contractor (43 Comp Gen 323 (1963)). Also, the Comptroller General has ruled that there is no authority to reject bids on the basis that an employer does not employ union labor (31 Comp Gen 561).

4. The Defense Supply Agency, which is responsible for the purchase of food for military dining halls and commissaries, reports that procurements of table grapes have been as follows:

Fiscal year	Million pounds	Million dollars
1966.....	7.5	1.04
1967.....	8.3	1.25
1968.....	6.9	1.32
1969.....	10.42	1.7

5. Allegations that the Department of Defense has reflected partiality toward the grape growers by increasing purchases of table grapes during the boycott fail to recognize that there was an over-all decrease in DoD grape purchases in FY 1968 as compared with FY 1967; the FY 1969 procurement is only slightly higher than the FY 1967 figure, indicating that the long term trend is not toward greatly increased grape procurements. It should also be noted that total DoD purchases of table grapes comprise less than one percent of U.S. production. (The annual sales of table grapes as reported by the May 1969 copy of the U.S. Department of Agriculture Statistical Reporting Service, Crop Reporting Board, is 1,105,000,000 pounds.)

6. There is no record of any grape shipments to Vietnam prior to fiscal year 1967; subsequent shipments have been as follows:

	<i>Pounds</i>
1967-----	468,000
1968-----	555,000
1969-----	2,167,000

The increase in the Vietnam requirement for grapes during FY 1969 was influenced by the following factors: (1) the high troop acceptability of this seasonal item; (2) the reduced availability of export quality fresh oranges, with a substitution of table grapes; and (3) the improved capability of shipping perishable items, including grapes, to Vietnam by refrigerated vans. These figures are significant only if kept in perspective. The consumption of 2,167,000 pounds of grapes by 500,000 troops amounts to only 4.33 pounds per man over an entire year, or, about one-third pound per month.

7. The Department of Defense does not purchase grapes merely because they have been made more available due to the effects of the boycott. Grape purchases are made by the Defense Supply Agency in response to requisitions from the Military Services. These requisitions are based on planned menus which reflect numerous factors, among them being troop acceptability; nutritional requirements; variety; and item availability, perishability, and cost. In the interests of objective and systematic management, menu planners (often working a year to eighteen months in advance) should not be required to consider whether a labor dispute exists when making these decisions.

DEFENSE SUPPLY AGENCY,
October 15, 1969.

DSAH-LC

Memo for: Sidney Johnson, Professional Staff Member, Subcommittee on Migratory Labor, Senate Committee on Labor & Public Welfare.

Subject: Department of Defense Use of Table Grapes.

The following information is substantially that which was furnished to Congressman James G. O'Hara (D, Mich.) by letter of 8 October 1969 from Captain J. A. Warren, Director for Food Service, OASD:

The Defense Supply Agency, through its Defense Personnel Support Center in Philadelphia, is responsible for the bulk of the procurements of food commodities as requested by the military services for troop feeding. It is also its responsibility to advise its customers (military service requisitioners), through its regional offices, of market conditions to assist the requisitioners in submitting their requirements.

As to your request for a report of monthly purchases of grapes by the military services, I am enclosing a copy of our latest fact sheet. This fact sheet is currently under revision and will reflect the following quarterly figures for FY 1970 when updated:

Total purchases, 1st quarter, fiscal year 1970 (pounds)-----	2,550,000
Dollar value-----	\$464,000
Shipments to Vietnam, 1st quarter, fiscal year 1970 (pounds)-----	289,000

DANIEL A. VARLEY,
Congressional Matters Officer.

Enclosures.

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE,
Washington, D.C., October 8, 1969.

HON. JAMES G. O'HARA,
House of Representatives,
Washington, D.C.

DEAR MR. O'HARA: As a result of your letter to Secretary Laird dated October 1, 1969, I have been asked to inform you that the Director of the Defense Supply Agency has been provided a copy of the news article on the record crop of Florida citrus products. Also, I have requested that Agency to provide you a report of procurement plans in support of requirements of the military services on the basis of this anticipated increased availability of oranges and grapefruit.

As you know, the Defense Supply Agency, through its Defense Personnel Support Center in Philadelphia, is responsible for the bulk of the procurements of food commodities as requested by the military services for troop feeding. It is also its responsibility to advise its customers (military service requisitioners),

through its regional offices, of market conditions to assist the requisitioners in submitting their requirements.

As to your request for a report of monthly purchases of grapes by the military services, I am enclosing a copy of our latest fact sheet. This fact sheet is currently under revision and will reflect the following quarterly figures for FY 1970 when updated :

Total purchases 1st quarter fiscal year 1970 (pounds)-----	2,550,000
Dollar value-----	\$464,000
Shipments to Vietnam 1st quarter fiscal year 1970 (pounds)-----	289,000

We do not have an established reporting system for providing this information specifically as requested.

I appreciate your bringing this anticipated availability of citrus products to our attention.

Sincerely,

J. A. WARREN,
Captain, SC, USN,
Director for Food Service.

Enclosure.

FACT SHEET—DEPARTMENT OF DEFENSE USE OF TABLE GRAPES

1. The procurement of grapes by the Department of Defense is a very normal practice, essentially the same as the purchase of other perishable food items for military personnel located in the United States and overseas, and every attempt has been made to remain completely neutral in the labor dispute between certain California grape growers and the United Farm Workers Organizing Committee of the AFL-CIO.

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UNITED FARM WORKERS

ORGANIZING COMMITTEE AFL - CIO

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JEROME COHEN
ATTORNEY AT LAW

December 11, 1969


Senator Walter F. Mondale
Room 443
Old Senate Office Building
Washington, D.C. 20510

Dear Senator Mondale:

I am enclosing a paper written by an Economics student as a senior thesis at the Massachusetts Institute of Technology, entitled "The Delano Grape Strike and Boycott: Inroads to Collective Bargaining in Agriculture." When I first picked it up, I found myself reading until very late that night so that I could finish it. The account is very accurate, and I found it very interesting. It seems to be rather unusual to have someone take the time to write about our movement without finding many inaccuracies.

Because Mr. Georgi has made such a well-planned presentation of some of the various facts behind our struggle, I would like to respectfully request that it be inserted into the record as a guide to other students at some appropriate point in your hearings on Migrant and Seasonal Farm Worker Powerlessness under the sub-heading, "Efforts to Organize."

Sincerely yours,


Cesar E. Chavez
Director

CEC/nc

opeiu-30
afl-cio

THE DELANO GRAPE STRIKE AND BOYCOTT:
INROADS TO COLLECTIVE BARGAINING IN AGRICULTURE

by

PETER HUGH GEORGI

Submitted in Partial Fulfillment

of the Requirements for the

Degree of Bachelor of Science

at the

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

August, 1969

Signature of Author . . . *Peter Hugh Georgi*
Department of Economics, August 15, 1969

Certified by Thesis Supervisor

Accepted by
Chairman, Departmental Committee on Theses

We ought to be ashamed of the fact that this nation, for all its wealth and prosperity, is far behind most other industrialized countries in giving farm workers the forms of protection and security they need and other American workers have long had. But shame, understanding, sympathy, moral indignation, are not enough.

What the farm workers need most of all is action-- in Washington, in state capitals and in the fields-- to end the hypocritical double standard by which this whole nation has conspired, actively or through ignorance and indifference, to keep farm workers and their families from their full humanity.

The choice before this country today, after Delano, is not whether American farm workers are to have unions. Those of us who went through similar union struggles in the 1930's are going to continue to help them to organize and, if necessary, to strike to secure their basic rights.

The choice is whether they are going to have them the hard way, after a long period of strife and chaos and suffering because of employer resistance and governmental--which is to say public--callousness. That is the way it has been going; but there is an easier, more rational, more democratic and more humane way.

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. The challenge to the rest of us is to insist that the Congress let this better future for farm workers be born without long agony and travail, by giving their unions the protection of NLRA and thereby a chance to bring order and justice into the industry and into their lives.

---Walter Reuther
President
United Automobile Workers,
AFL-CIO

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ABSTRACT

The thesis that farm workers deserve the equal protection of the National Labor Relations Act which applies to industrial workers is especially worthy of consideration and analysis. Farm workers have been and are the lowest-ranking occupational group with respect to average annual income, educational attainment, health, and adequacy of housing. For over one hundred years, attempts to organize farm labor have met with violent opposition from growers who had a vested interest in retaining the ability to exploit their workers. The recently-formed United Farm Workers Organizing Committee in Delano, California is engaged in a strike and boycott effort which poignantly demonstrates this phenomenon. Without the inclusion of agricultural labor under federal provisions similar to those which have allowed unions in the industrial sector to flourish, it does not seem there is much hope that the plight of the farm worker can be meaningfully remedied.

ACKNOWLEDGMENTS

I am indebted to the following sources for generously providing research materials for this thesis: the Administrative Office of the United Farm Workers Organizing Committee in Delano, California, Gary Hamelin of the UFWOC office in Boston, Massachusetts, Charlene Bohl of the UFWOC office in Madison, Wisconsin, the Reverend Eugene Boutilier (director of the National Campaign for Agricultural Democracy, Washington, D.C.), Professor D. Quinn Mills of M.I.T., Randy and Fred Georgi, Mark Rosenfeld, and the National Advisory Committee on Farm Labor, New York City. I am also grateful to Mary Elliott for her help with preparation.

TO CESAR CHAVEZ

PREFACE

To date, no thorough analysis has been written of the unique farm labor movement in Delano, California and its relation to the prospect of national unionization of agriculture. The average consumer gives little if any thought to the operations involved in getting the farm-grown food he eats from the fields to his table. It is of course the farm worker who begins the process by conditioning a crop for growth and then picking it. The history of agricultural employer-employee relations in America is as interesting as it is depressing. A genuine understanding of the events in Delano cannot evolve without the awareness of those which have preceded it since the beginning of farm labor organizing over one hundred years ago.

CHAPTER 1:

A HISTORY OF CALIFORNIA FARM LABOR

BEFORE 1882

The large-scale influx of farm laborers into the fertile valleys of central California began shortly after the war with Mexico ended in 1848.¹ The war had begun in 1846, primarily because of a dispute about the attempted annexation of Texas in 1845. By the end of the war, there was speculation and hope in Washington that, because victory over Mexico was so complete, not only the annexation of Texas, but that of California, New Mexico, and the entire country of Mexico could be secured. President Polk settled for all but Mexico and agreed to pay \$15,000,000 to cover the "purchase" of California and New Mexico. This set the stage for the acquisition by several hundred Mexican and American speculators of over eight million acres of land in California. The land was consigned by the Federal Government after presentation of some eight hundred land grants, most of which were obtained by fraud, forgery or bribery. The courts, however, upheld most of the transactions.

During the next twenty years, the railroads brought in many settlers from the East as well as almost 50,000 Chinese coolies to help build additional road-beds. By

1870, railroad rights-of-way land holdings amounted to 20,000 acres. The farm labor force prior to the arrival of the coolies was composed primarily of American Indians and some mestizos (part Spanish and part Indian). The Indians began working for Franciscan missionaries, but were gradually incorporated into the Spanish haciendas and large farms where they were paid only half the wages the mestizos were paid. By the end of the Mexican War, the Indians were a dispossessed minority, having had their lands legally expropriated and their labor additionally exploited because of the arrival of large contingents of eager-to-work coolies.

Growers preferred foreign labor because it was malleable and cheap. The Chinese were culturally isolated and despised in the cities, and hence were willing to work at below-subsistence wages on the farms. By the mid-1870's, the Chinese made up more than 75% of the farm labor force in California. Because of constant intimidation by white growers, the Chinese were never able to form into collective bargaining units, but they did establish associations known as tongs, essentially private agencies which recruited and hired Chinese workers. These tongs were very similar to the labor contractor systems which emerged over the years when other minority groups suffered similar oppression. According to contemporary description, the tongs "are very rarely heard of, but nevertheless exist and are very powerful. In case of

a strike or boycott they are fierce and determined...making a bitter and prolonged fight."² In 1882, grower interests lobbying in Washington brought about the passage of the Chinese Exclusion Act. When the Depression of 1893 set in, many banks were failing and white persons were losing their jobs. The Chinese were made scapegoats as their labor camps were leveled and their businesses looted.

1883 TO THE END OF WORLD WAR I

After 1882, the number of Chinese laborers dwindled considerably and growers began importing Japanese contract workers. At first, they were willing to work for only thirty-five to forty cents a day, less than the remaining Chinese demanded, and even supplied their own transportation and board. Over time, the Japanese got such a foothold in the labor market that they pressed for higher wages. They had been able to form into "associations" like the Chinese, ostensibly to find and coordinate farm work, but their strength allowed the workers to stage "quickie strikes" and "slow-downs", often at harvest time, and thereby exact higher wages. Again, grower resentment culminated in the passage of a law, this time the Immigration Act of 1924, which forbade Japanese immigration into the United States and allowed Mexican entry. Mexicans had already been crossing the border to work in California during the Mexican Revolution of 1910. It was virtual policy to allow the starving workers to enter illegally and fill up

the ranks of workers at the huge ranches at low cost. Because of their illegal status, they were less prone to form into antagonistic unions and hence were more vulnerable to exploitation. When the Depression of 1929 arrived, however, many Mexicans were deported.

Growers had tapped two other sizeable national groups, Hindustanis and Filipinos. Different wage scales were established according to nationality. This engendered considerable racial strife and competition for available jobs and the opportunity to be the cheapest source of labor to get the jobs. This of course assured the lowest possible wage bill for the growers. The Filipinos rebelled with a vengeance against their working conditions and wages. The response of the growers to the unrest was callous: The Filipino worker was denounced as "the most worthless, unscrupulous, shiftless, diseased semi-barbarian that has ever come to our shore."³

Because each successive national group received the same repressive, exclusionist treatment, and because each served as the undercutting competition of the previous group, large-scale farm unions were not able to emerge, or begin to emerge, in California. The first organizing efforts were made by the Industrial Workers of the World, known as the "Wobblies". The movement originated in 1905 in Chicago when the Western Federation of Miners and the American Labor Union merged to oppose "centralizing power at the top" and to organize "the

skilled and unskilled, urban and rural workers across the country into 'One Big Union', with the aim of 'achieving eventual worker ownership of industries.'⁴ California's migratory labor camps were prime targets for initial organizing. By 1913, although less than 8% of the migratory laborers in California were members of the Wobbly organization, Wobbly influence was felt throughout the state. Offices were set up in Fresno, Bakersfield, Los Angeles, San Diego, San Francisco, and Sacramento. Hostile Vigilante Committees also sprung up and took matters into their own hands to control the Wobblies. They conducted their own trials, maintained an armed force, and meted out their own brand of punishment:

The vigilantes rounded up all persons even remotely suspected of being Wobblies and marched them, one night, to Sorrento. There the Wobblies were made to kiss the American flag and sing the national anthem, while hundreds of vigilantes stood about armed with revolvers, knives, clubs, black jacks, and black snake whips. Then they were marched to San Onofre and driven into a cattle pen and systematically slugged and beaten. After a time they were taken out of the pen and beaten with clubs and whips as, one at a time, they were made "to run the gantlet."⁵

In the summer of 1913, at the height of the I.W.W. campaign, a riot broke out at a labor camp in Wheatland, California. According to a commission of inquiry which investigated the cause of the riot, the camp's owner, E. B. Durst, had advertised for one thousand more workers than he had jobs for. This was a usual practice to keep wages depressed. The destitute extra workers had to

remain idle for the entire season for lack of work elsewhere, while the eighteen hundred workers who were given work were paid a maximum of one dollar per day. The conditions at the camp made for an explosive situation:

The camp was in such a foul condition that some of the workers, unable to take it any longer, left before the end of the season, thereby forfeiting the ten percent of their wages Durst withheld when they signed on. Tents were rented to the workers at seventy-five cents a week. Many had no blankets and others slept in the open fields. One group of forty-five men, women, and children slept huddled together on a single pile of straw. Dysentery was rampant. There were only nine outdoor toilets for the 2,800 people, creating a stench that hung over the camp like a pall. There was no garbage disposal, no organization for sanitation. Nor was there enough water, which was a boon to Durst's cousin, who had a lemonade concession, selling the juice to the workers at five cents a glass. Local merchants were forbidden to send delivery wagons into the camps, so that the workers would buy their provisions from the company store. Many of the workers who went into the fields were children, and there were numerous instances of children from five to ten years old suffering from sickness and prostration.

During a mass protest against these conditions, the sheriff, his several deputies, and a district attorney arrived on the scene. One deputy shot his gun into the air to quiet down the crowd, but instead triggered a riot. Four persons were killed. The National Guard was called out and Wobblies all over California were arrested. The Wheatland Riot attracted national attention to the Wobbly movement and the plight of the farm workers, but on the local level, organizers still met with fierce animosity, fear, and repression. After 1915, the Agricultural

Workers Organization of the I.W.W. continued the membership and unionization drive, and by 1917 total Wobbly membership in the nation was reported to be over 70,000. Because the I.W.W. organizers posed a continuing threat to the economic and political system, however, they had to cope with a rising tide of violence and intimidation. Their opposition to involvement in World War I led to Federal prosecution under the Espionage Act during the war. Syndicalist laws passed during the war prohibiting certain types of organizing activity dealt a death blow to the Wobbly movement.

THE DEPRESSION TO THE BEGINNING OF WORLD WAR II

During the war years, a general shortage of labor guaranteed relative calm on the farms. The elimination of the Wobblies meant little organizing after the war. The onset of the Depression of 1929 brought thousands of unemployed workers from the cities to the farms. Job competition was bitter and collective bargaining efforts were non-existent for several years. It was not uncommon for a 1929 wage level of fifty cents per hour to drop by more than two-thirds by 1933.⁷ Moreover, the 1930's saw the emigration of over 200,000 poverty-stricken farm workers to California, encouraged by the promise of immediate employment.⁸ These masses were welcome to the growers as yet another means to dampen wages, but the

accessibility and receptivity of these masses to labor organizers eventually left the growers with little to be enthusiastic about. The living conditions of these emigrants left subsistence to be desired:

One investigator reported that he had found a two-room cabin in which forty-one people from southern Oklahoma were living; another described a one-room shack in which fifteen men, women, and children, "festering sores of humanity," lived in "unimaginable filth." One ranch provided a single bathhouse and a single shower in connection with a block of houses capable of housing 400 people. Most of the boasted model camps maintained by the growers were found to be without baths, showers, or plumbing. In most districts, the workers bathed and drank from irrigation ditches. Eighteen families were found living in Kingsburg, under a bridge. Workers in large numbers were found living in shacks built of linoleum and cardboard cartons; in tents improvised of gunny sacks on canal banks with coffee cans serving for chimneys on their makeshift stoves. In some cases, bits of carpet or sacking had been tacked against a tree for shelter. Health and sanitary conditions were found to be equally appalling.

To compound matters for farm laborers, the New Deal legislation which was passed between 1932 and 1933 (see Chapter 3) had virtually no direct or indirect effect on their miserable standard of living or bargaining position, whereas the status of their industrial counterparts was revolutionized.¹⁰ By mid-1933, the farm labor market across the nation was in an upheaval: a total of 56,800 farm workers had gone out on sixty-one strikes in seventeen states by the end of the year.¹¹ In California, the Communist-led Cannery and Agricultural Workers' Industrial

Union, formed in 1931, had spearheaded twenty-five strikes involving 37,550 workers. Partial wage increases were won in twenty-one of these twenty-five.¹² As in the past, the California growers formed vigilante posses to combat, and in several cases kill, the strikers. C.A.W.I.U. offices in Sacramento were raided in July 1934, and in April 1935, several of the Union leaders were imprisoned for violations of the Criminal Syndicalism Law. The Union formally dissolved.

The first modern farm labor union emerged in 1939. The Filipino Agricultural Laborers Association grew out of a protest against a California asparagus grower's threat to cut the wages of his pickers. The Union was formed by the concerned workers themselves, rather than by labor organizers, as had been the case with the I.W.W. and the C.A.W.I.U. The Union membership was helped initially by the Congress of Industrial Organizations (C.I.O.) and the American Federation of Labor (A.F. of L.) and later obtained a charter from the A.F. of L.¹³ Under a new name, the Federated Agricultural Laborers Association (FALA), the union won several strikes, union recognition, wage increases, improved conditions, and written contracts. FALA also saved several thousands of dollars for its members when it discovered several farmers illegally deducting workmen's compensation payments from their wages, whereupon the authorities were alerted. The union was

unable to survive the competition of Mexican workers whom the growers brought in during World War II, and therefore collapsed. Ironically, FALA had earlier helped Mexican workers on strike by agreeing not to take their places in the field and break the strike.

DURING AND AFTER THE WAR

As had happened twenty-five years before, war broke out before pressure could be put on the growers to improve the lot of the majority of workers who were not able to communicate with their employers, much less bargain with them. World War II drained off much of the farm labor force into the war factories and military forces. Japanese-American workers were put into detention compounds until the end of the war. Growers found themselves in desperate need of labor, for once, and had to turn to Congress for help. Congress agreed to enter into an informal agreement with Mexico on August 4, 1942, whereby Mexican workers (braceros) would be imported for the duration of a harvest and then be returned home. After the end of the war, American growers in the Southwest claimed (unjustifiedly) that there were still not enough American workers to handle the harvest, so the Federal Government allowed the informal bracero program to continue.

In 1946, the American Federation of Labor granted a charter to the National Farm Labor Union, a successor to

the Southern Tenant Farmers Union, whose organizing efforts in the deep South began in 1934 and met with violent opposition and little success through its twelve-year history. The first strike by the NFLU in California was conducted by Local 218 against DiGiorgio Fruit Corporation in Kern County. The strike involved workers from Arvin, Lamont and Weedpatch. DiGiorgio was easily able to recruit bracero strikebreakers and secure an injunction against Union picketing, which led to the failure of the strike one and a half years later. The Cotton Strike of 1949 was successful, however. The basic issue was the cutting back of wages to the 1948 level, which was later rescinded. Subsequent strikes in the 1950's by various farm worker-oriented unions in California were few and generally unsuccessful. Between 1954 and 1959, one of the more active unions concerned with farm labor, the United Packinghouse Workers of America, AFL-CIO

...conducted perhaps ten or twelve strikes in California. Virtually every one of UPWA's strikes was broken by the unrestricted use of braceros behind the union's picket lines.¹⁴

The obvious advantages of the docile, cheap, alien labor force which the bracero program supplied impelled growers to lobby for the program's continuation in spite of its original intent of alleviating the war-time labor shortage until the end of the war. Grower interests were able to prevail upon Congress to extend the program year after year with only minor revisions. Although many growers were legally entitled to these Mexican workers

at low wages, they went a step further and sought to populate their fields with "wetbacks" (illegal Mexican workers, so called because a common means of entry to the U.S. was to swim the Rio Grande) who would work for even less. Furthermore,

Braceros themselves brought back tales of wanton discrimination throughout California and the Southwest. Too many growers had reneged on wage payments and transportation back to Mexico...illegal labor slipped across the border often with the connivance of the Border Patrol. Before the tide was stemmed, as many as one million illegal laborers were caught and deported back to Mexico in a given year. Growers said they did not know who was legal and who was not. But there was scarcely a grower who did not know a labor contractor who would supply illegal seasonal help. Wetbacks, because of their illegal status, could not complain if they were cheated. More than one grower would inform the Border Service at the end of a season that there were illegals on his ranch, in the hope that immediate deportation of the workers would save him the need of paying their wages.¹⁵

Because of these abuses of the bracero program, Mexico informed Washington in 1951 that if the program was to be continued, the informal arrangement would have to be formalized. Thus Congress passed Public Law 78 on July 12, 1951, which provided that no braceros were employable in any areas where domestic laborers were available. Again the growers attempted to assure for themselves the lowest possible wage level by circumventing this stipulation:

Domestic workers were told that a ranch was not hiring, when obviously there was work available, or they were offered one wage by the Farm Placement Service and a lower wage by the grower when they arrived in the fields. In one town, the Farm Placement Service advised asparagus cutters that

the black peat land was an irritant to fair-skinned people. Workers dependent on a single automobile to get to work were sent to different farms so that those without a car were without transportation and hence without a job. Growers neglected to give domestics notice of transfer to other fields, so that when they finally arrived on the job they found that they had been replaced by braceros. So great was the harassment, so slim the chances of employment, that thousands of domestic workers simply stopped seeking farm work, leading growers to contend even more vigorously that domestics would not do stoop labor.¹⁶

The abuses of the bracero program led to such an influx of Mexican labor that Congressional pressure finally began to build up in 1964 to discontinue the program. The rationale heard was not so much that the nearly 300,000 braceros employed each year during harvests were depriving domestics of jobs (and hence were by and large imported illegally), but that almost \$100,000,000 in gold was leaving the U.S. to pay for them (and hence the economy was being adversely affected). The growers fought to save P.L. 78, but this time their arguments did not carry much weight: domestics would not do stoop labor; the braceros were therefore indispensable; without them, California and national agriculture would collapse; the braceros' families would starve without "foreign aid", etc. The bracero program was discontinued on December 31, 1964.

The lapsing of P.L. 78 immediately stabilized California's farm labor force, 80% of which was now Mexican-American. Nine months after the termination of the bracero program, two fledgling California farm labor

organizations, the Agricultural Workers Organizing Committee and the National Farm Workers Association, joined forces into the United Farm Workers Organizing Committee and embarked on a united strike effort against the grape growers of Delano, California. That effort continues today.

9

CHAPTER 2:

THE STATUS OF THE FARM WORKER TODAY

INCOME

The hired farm worker (as distinguished from the farm worker who owns his own farm) ranks lowest in average annual income of all occupational groups. It has been said that "no other group of workers labors so hard, produces as much, and receives so little for its labor."¹ The average annual earnings for adult male farm workers in the nation are \$1307.² Farm workers in California earn an average of \$2024.³ Income varies considerably according to race as well as state. In 1966, whites averaged 139 days of work at \$9.45 per day, earning \$1322 per year, whereas non-whites averaged 134 days at \$6.25 per day, earning \$838 in a year.⁴ Mexican-Americans in California comprise 80% of the work force there and earn \$1380 per year. California Negroes averaged \$1437 and whites \$2110 per year.⁵ 84% of the nation's migratory workers have incomes below the federal poverty level (\$3100).⁶

WAGES

The national average hourly wage for farm workers is \$1.33 as compared to an average of \$1.62 in California.⁷ These levels can be contrasted with industrial wage averages

of \$2.83 per hour for manufacturing and \$4.09 for construction.⁸ This gap between farm wages and industrial wages is widening. In 1948, the average California farm worker earned 62% of the average hourly wage of his counterpart in manufacturing. In 1965, however, the figure had fallen to 46%.⁹ The agricultural wage has failed to keep pace with productivity changes. Between 1951 and 1963, the average percentage rate of increase in agricultural productivity was 5.88%, while hourly earnings rose 2.91% or 2.1¢ per hour per year.¹⁰

Wage averages do not really give a good idea of annual income because:

- 1) The migrant farm worker works an average of only 82 days per year.¹¹ (Full employment is considered to be approximately 250 days per year in farm work.) The California farm worker averages 134 days per year.¹²
- 2) Transportation, room and board charges are often deducted from wages, usually on a weekly basis.¹³ The average weekly room and board charge is about \$17.50.
- 3) Workers are often at the mercy of labor contractors who sometimes cheat them out of their actual wages.¹⁴
- 4) It is a common practice for crew foremen to subtract rent for hand tools workers use in the fields.¹⁵
- 5) Enforcement of minimum wage laws, if applicable, is often lax.
- 6) Sometimes pickers are forced for various reasons to repack boxes at the end of the day without pay.

Average wages also do not convey the general economic hardships which accompany farm work.

The vast majority of farm workers do not have contracts; they do not get overtime pay; too often they do not even know their rate of pay while they are working. Farm workers go to work not knowing how long the day will be or how many days of work there will be in that week. They are laid off in the middle of the week, for days

or weeks at a time with no notice and no clear indication of when work will be available. Workers do not have health or pension plans; there are no holidays or vacations with pay; in many instances they must provide their own tools and equipment; safety provisions are minimal; toilets and sanitary drinking water may or may not be provided; there are no regular rest periods. Speed-ups and abusive supervision are all too common. Farm workers can be fired at any time without explanation.¹⁶

THE FARM LABOR FORCE

The total farm labor force has been decreasing over time. In 1967, agriculture employed 3.8 million persons, but hired only 2.9 million for cash wages.¹⁷ Farm laborers fall into two categories: about 1.1 million workers are described as casual, i.e. employed less than twenty-five days per year.¹⁸ 1.8 million are non-casual workers, i.e. engaged in more than or exactly twenty-five days annually. Three-fifths of hired farm workers do not do farm work as a major activity.¹⁹ About forty percent of all farm workers are non-white, mostly including Negroes and persons of Latin American origin.²⁰

Workers tend to have a great many different employers during a year. Only ten percent of farm workers have permanent employers, while twenty-five to thirty-three percent have more than ten in a year.²¹ Of the 2.9 million persons who during 1967 did farmwork for wages at any time, 276,000 or 9% left their home county to do such work. These migratory workers were only a small proportion of the total farm wage

force in the U.S., but they represented a large proportion of the hired farmworkers employed on labor-intensive crops in areas where local labor was not available in the quantity demanded.²² Because of low wages and long periods of unemployment, migrants generally do not remain permanently migratory.

HOUSING

A survey made in California in 1963 indicated that farm workers consider housing second to higher wages in importance. This is not surprising considering the results of a study made by the Governor's Advisory Commission on Housing in the same year in California:

Fewer than twenty percent of the California farm worker families lived in dwellings which could be considered adequate by present standards of health, safety and comfort. Sixty-three percent of the dwelling units occupied by general field workers were dilapidated or deteriorated. For thirty-three percent of the dwelling units occupied, the only toilet facilities were pit privies. Thirty percent of the dwellings had no bathing facilities, and twenty-five percent lacked even so basic a necessity as a kitchen sink with running water. These conditions offer little evidence of improvement in the relative economic and social position of the agricultural worker in California. He remains among the most poorly paid, poorly fed, and poorly housed of California's citizens.²³

These conditions are not universal, however. Some employers are unusually sensitive to their workers' needs. But most others, having paid more attention to their own interests than their workers', have propagated the misery which is experienced by the majority of California's and the nation's workers.

EDUCATION

The farm worker ranks lowest in educational attainment of all occupational groups.²⁴ This of course seriously affects his ability to find non-farm work during periods of unemployment. The national median of years completed in school by the average farm worker is 8.6. Over seventeen percent of the farm labor force is functionally illiterate.²⁵ Among California and Texas workers of Latin American descent, the median education is only 4.9 years.²⁶

Educating children of migrant farm workers is especially problematic. Free public schooling is often not available to these children. The average migrant usually will have attended dozens of schools within a few years without receiving a coordinated and effective education by the time he leaves school. School and health records are usually not collected in a systematic way. A few educational programs have been established with the implementation of the Migrant Branch of the Office of Economic Opportunity, but adequate funds have been lacking. Day care and pre-school programs have been stressed, but little has been done to set up migrant schools, which may be the only answer to the problem of migrant education.

HEALTH

The incidence of farm worker and especially migrant health problems is expectedly high. The life expectancy

for migrants is 49 years, as compared with 70 years for the national average.²⁷ Death rates, as well as non-fatal disease rates, as a percentage of national rates in 1967 are as follows:

infant mortality	125%
maternal mortality ^a	125%
influenza and pneumonia	200%
tuberculosis and other infectious diseases ^b	260%
accidents ^c	300% ²⁸

- a) More than 16,000 pregnant mothers were without pre-natal care.²⁹
- b) There were approximately 5,000 untreated cases.
- c) Fatal farm worker accidents account for 22% of all fatalities in all work accidents in the nation.³⁰ Agriculture employs less than 7% of the U.S. worker force.

In 1962, there were about 2700 reports of non-fatal occupational disease coming from 230,000 farm employees. Dermatitis, pesticide poisoning, food poisoning, and heat stroke were most frequently reported. From 1955 to 1962, a total of 29 cases of fatal occupational disease were reported, most of which were attributable to heat stroke, pesticides, or tetanus.³¹ Occupational injury accounted for far more deaths than this in 1962 alone, when 76 persons were killed in work-related accidents.³²

Employers have generally not abided closely with state health laws. In one report, it was noted that 1,869 violations of state health laws were recorded in one year in California. In one county, over 90% of the farmers committed violations.³³

California agriculture experiences the highest occupational disease and accident rate of any industry in the state, and three times as high as the average of all national industries. Several reasons account for this. There are formidable hazards, both new and old, on the farm (the most dangerous of which is the use of pesticides). Control of these hazards is more difficult on the field than in the factory. Safety supervision is inadequate. Sanitary facilities are extremely lacking in both living and working quarters.

PESTICIDES

According to a recent report, four hundred workers and three thousand children are poisoned each year by pesticides in the U.S.³⁴ Well over half of these poisonings occur in California. Over a dozen cases of fatal poisoning are reported each year in California, and over 150 are recorded nationally.³⁵ Newer pesticides (like parathion) are so potent that a few drops, entering the body orally or dermally, are lethal. Over 35,000 applications of pesticides, including one hundred tons of DDT, were made in the Delano, California area in 1968 alone.³⁶ Non-fatal cases generally involve such symptoms as impairment of vision, severe skin rashes and burns, acute nausea, respiratory problems, and dizziness. Several thousand cases involve less serious symptoms. When water is available for use, it is often polluted with pesticides and fertilizers in farm areas. In Delano, much

of the water is unsafe for a child under six years old.³⁷ Recent research indicates that some pesticides by be carcinogenic, moreover.³⁸

Regulation of the use of pesticides has been virtually non-existent. A billion-dollar per year pesticide industry, which is concentrated in California and growing at a rate of about sixteen percent a year, has been able to block even minimum steps toward control. A recent proposal in the California State Legislature to ban DDT was killed, despite the endorsement of the California Farm Bureau. Public pressure is increasing, however, especially in light of a recent statement by the Department of Health, Education and Welfare that the average American diet contains ten percent more DDT than the limits recommended by the World Health Organization.³⁹ At a recent Congressional hearing, testimony was given by an independent laboratory which indicated that grapes marketed in the Washington, D.C. area were found to contain one hundred eighty times the level of Aldrin (another strong pesticide) considered safe for humans.

One University of California study has shown that several crops contain potentially dangerous levels of DDT. This has been denounced by the State Agriculture Director as "completely untrue and irresponsible. Fruits and vegetables are remarkably free of chemical residues."⁴⁰ It has also been revealed that chemicals containing arsenic have been

used as pesticides.⁴¹ Efforts to ban the use of propanil, a weed killer, were successful, however, after prune and almond growers in California complained that other growers were damaging their crops by careless spraying.⁴² Pesticide usage still remains a delicate subject to broach with growers. Self-regulation of grower use of dangerous chemicals is therefore not likely to occur.

CHAPTER 3:
FEDERAL AND STATE LABOR LEGISLATION

THE NATIONAL LABOR RELATIONS ACT

As Chapter 1 shows, the obstacles to long-term labor organizing have been prohibitive and have generally derived from farmer determination to maintain the status quo of worker exploitation. By the early 1930's, it was obvious that the Federal Government had to do something constructive to divert the turbulence and frustration of the labor movement in both the industrial and agricultural sectors. The major breakthrough came with the National Labor Relations Act (NLRA) of 1935. (A summary of major labor legislation appears in Appendix A.)

The NLRA established that an employer must sit down and bargain with elected representatives of his employees in order that they can participate in the decision-making which affects the conditions of their employment. The Act further set up the National Labor Relations Board (NLRB) which is composed of five Presidentially-appointed members who are vested with the responsibility to administer the law. The NLRB conducts worker elections to determine consensus and investigates charges of unfair labor practices. The law prohibits employers from interfering with union activity or discriminating against workers on the basis

of union membership. When the Taft-Hartley Amendments to the NLRA were passed in 1947, unions were forbidden to wage secondary boycotts, refuse to collectively bargain in good faith, or engage in various kinds of coercion.

As the original bill was written in 1935, its provisions applied to all workers, farm and industrial alike. But when it came out of committee, it was rewritten to exclude all agricultural laborers. Explanations were vague: "administrative reasons"... "one mouthful at a time"¹... "Farm workers are not engaged in interstate commerce."² But it appeared that the farmers wielded enough influence with President Roosevelt and Congress to stay the inclusion.³ One writer speculated that the law was passed at the expense of farm labor:

The agriculturists were willing to approve of the Act as long as farm labor was excluded. Thus a bill passed which could not pass the year before and probably not a year later.⁴

In spite of the oft-heard pronouncements about both the necessity and inevitability of farm worker coverage, it has yet to be extended despite two amendments of the NLRA.

Without the protection of the NLRA, a farm labor union is virtually doomed at the outset. Growers can ignore the existence of the union and thwart any worker-grower communication it attempts to establish. Worker self-organization in most states is therefore at the stunted level of frustration that prevailed during the 1930's. Only Hawaii, Kansas, and Wisconsin have state

labor relations bills which afford their farm labor NLRA-type collective bargaining rights.⁵ The low socio-economic status of the farm worker today, his often migratory nature, and his disadvantageous bargaining position all create a great dependence on social legislation which might provide some of the benefits which he cannot obtain unilaterally. The following sections discuss the extent to which such legislation has been forthcoming.

OTHER LEGISLATION

In 1966, the Fair Labor Standards Act was amended by Public Law 89-601 to extend federal minimum wage provisions to farm workers. Only one percent of the nation's farms and 30% of the farm labor force, however, are covered because of a stipulation that workers must be employed at a farm which uses more than 500 man-days of labor during any calendar quarter of the preceding year, or about seven full-time employees. The Act further excludes piece-rate workers (those whose wage depends on the quantity of a crop they are able to pick) and casual workers (those who work less than 25 days per year). Workers who do qualify receive about 30% less per hour than the minimum industrial wage, and they are exempt from the Act's over-time provision of a 50% wage bonus beyond a forty-hour work week. Since most of the larger farms are in areas where the prevailing wage rate already matches or exceeds the minimum

wage (\$1.30 per hour in 1969), the Act is presently not affecting many poorly paid workers. Indeed it is not uncommon to find smaller farms paying less than 50¢ per hour near larger farms which pay as high as \$1.50.⁶ As more small farms are absorbed by the larger ones, the average wage scale can be expected to increase.

California's minimum wage law covers only female and minor farm workers, who are supposed to be paid \$1.65 per hour, the minimum set by the State Industrial Welfare Commission. Male farm workers, even at harvest time, usually receive only \$1.40 or \$1.50 per hour.⁷ The Civil Rights Act of 1965 requires that a person who performs the same job as another person must receive the same minimum wage regardless of sex. But this provision is seldomly enforced.

The Migrant Health Act was passed in 1962 as an amendment to the Public Health Service Act. Original authorization was for \$7 to \$8 million per year in grants, but funding has fallen far short of this amount. Projects already completed provide medical diagnosis and treatment, immunizations, family planning, pre-natal care, curative and preventative services, nursing services, sanitation programs, health education, and dental treatment. These services reach only about 25% of the total migrant worker population because of the limited appropriations.⁸ Average per capita health care expenditure in 1967 was \$12 in program benefits for a migrant population of one million.⁹

The Migrant Health Act has yet to reach 60% of the counties in which migrants work or make their homes.¹⁰

The Housing Act of 1965 authorized \$50 million through 1969 for the construction of low-rent housing for farm workers, but again, funding has been below the level originally intended and not much impact on farm housing conditions has been made.¹¹ The Economic Opportunity Act of 1964 allocated about \$60 million in 1967 as a measure to wage the "war on poverty" in the farm sector. The Office of Economic Opportunity was able to set up day care, housing, education and sanitation programs in 35 states.¹² The main beneficiary of the Act, however, has been the impoverished small farmer. The Farm Labor Contractor Registration Act was designed to provide some insurance coverage and better living conditions for the farm worker. It also regulated wage practices of the labor contractor, but because many labor contractors did not register with the State Employment Service as the Act required, the law was not uniformly enforced. The Social Security Act of 1935 also did not help farm workers very much. It specifically provided that workers must earn \$150 with or work twenty days for one employer before they are eligible for benefits. It has been difficult for most workers, especially migrants, to obtain coverage. They have been unable therefore to provide for their old age or for their families in case of death or disability.

Farm workers are included in workmen's compensation

coverage in only fourteen states, including California. The rationale of the majority of states for exclusion has been that farm work does not entail as much danger as industrial work which is characterized by heavy and complex equipment and diversified activity. The fact is that the accidental death rate in agriculture is only third after those in the mining and construction industries.¹³ In 1964, farm work accounted for 22.5% of all worker fatalities but only 7% of total employment.¹⁴ California has several farm worker protection laws, including disability insurance, farm labor camp regulation, and transportation laws, but enforcement is often not sufficient.

Aside from coverage in Hawaii, Puerto Rico, and the District of Columbia, farm workers are also bypassed by the unemployment insurance extended to industrial labor. The difficulty of uniform coverage for all farm workers is the unemployment inherent in a seasonal and migratory industry like agriculture. Although access to foreign labor has been severely limited, there is still a general over-supply of all types of farm labor: casual, migratory, temporary and year-round. Most workers seek work in non-agricultural occupations when they cannot be accommodated on the farm, but often have trouble because of restrictive union policies or their lack of skills. The logistics of any kind of legislative policy taking up the slack, however, are fairly formidable. Farm mechanization is rendering the farm labor situation more chaotic day by day.

Use and abuse of child labor has been a continuing problem on farms. In 1938, the Fair Labor Standards Act was passed to set up wage and child labor standards for industries in which goods were produced for interstate commerce. More stringent standards were set up in 1949 by an amendment of the Act. Employers were not allowed to compete with schools for children under sixteen years of age. Children who were fourteen or fifteen years old were allowed to work in jobs only after school hours. All minors under eighteen years of age were protected against employment which endangered their health or safety. In spite of these provisions, it is estimated that at least 300,000 children yearly hold harvesting jobs which farmers fill in violation of the law.¹⁵

Growers have been known to arrange for "crop vacations" from school which allow legal employment of child labor. Their rationalization for such practice points to their insensitivity:

We believe that the prohibition against employment of migratory minors twelve or thirteen years of age is a prohibition that would do more harm than good. We do not share the view that employment of young people is "exploitation" of their labor. Exposure to work at a comparatively early age is an important part of the educational process and the development of maturity.¹⁶

(Despite the growers' high regard for work experience at such an early age, surprisingly few of their offspring are found in the fields.)

Most violations of child labor laws go unnoticed.

The Department of Labor reported that only 5,487 children under sixteen years of age were found illegally employed in 1966. The violations occurred on 1,725 of 2,880 farms inspected, many of which were in California¹⁷ (which has its own child labor law).¹⁸

Unfortunately farm labor exemption from minimum wage legislation probably encourages migrancy by attracting needy families who want to find jobs for their children. This interrelation between the lack of one law and the problems with another is also observed in another situation. Because most states' residence requirements abnegate voting rights of migrants, such workers are unable to affect the decisions-making process and possibly expedite protection from grower abuses of laws already on the books. Thus the major problem with at least migrant workers is the disenfranchisement they experience from the channels through which they might be able to affect their lives.¹⁹

CHAPTER 4:

A PORTRAIT OF AGRIBUSINESS

A PERSPECTIVE OF NATIONAL AGRICULTURE

"Agribusiness" is the name coined to describe the relatively few mammoth mass production farms which stand out above the more conventional units of the farming industry. There are over 3,000,000 farms in the U.S. today.¹ Their numbers are rapidly decreasing, however, as the larger farms are absorbing those which cannot compete on their level of efficiency.

As late as 1910, one out of every three Americans lived on a family farm. Today the 11.5 million people living on the nation's farms represent less than 6 percent of the population. In the last eight years, 25 percent of America's small farms have disappeared, but farm land has decreased only 4 percent.²

As the number of farms has decreased, so has the number of workers. Since 1947, there has been a 60% decrease in the farm labor force as one to two hundred thousand workers leave it each year.³ There are presently 2.9 million hired farm workers, 1.8 million of whom are "regular" workers and 1.1 million of whom are migrant and seasonal workers.⁴ Half of the nation's farms do not hire any outside labor at all, while 89% of total wage expenditures for hired workers is accounted for by only 29% of the farms which do.⁵ Only 10%

of the nation's farms account for two-thirds of total produce sales.⁶

A continuing disadvantage of the small farmer is his dependency on market conditions. It has become increasingly difficult for the smaller farms to remain independent and hold their own against the agribusinesses which have spread themselves from the production level to the marketing level. The power of production which the large farms attain through economics of scale is enhanced by their ability to "vertically integrate" growing and processing, thus allowing control from the field to the store. Vertically integrated growers can fairly easily sustain losses on their farms since farming is only one area of their operation. Moreover they can apply these losses to reduce taxation on other income. The large farmer, unlike the small grower, also has the power to sell land, get easy credit at the bank, and generally use his influence to affect the decisions concerning his enterprise. It is the large farms which have generally benefited from government subsidies (\$3.9 billion in 1968⁷).

Based upon these large payments it is obvious that the small family-type farmer is not the real beneficiary of our present farm program. The government through these large payments is in reality subsidizing an expansion of the corporate-type of farming operation.⁸

Hence it is not surprising to find that farms are increasingly being taken over by food processors.⁹

CALIFORNIA AGRIBUSINESS

California has a soaring agricultural industry with sales presently surpassing \$4 billion annually.¹⁰ By the time California's more than two hundred commercial crops are harvested, packaged, and transported, their market value exceeds \$16 billion.¹¹ Over 40% of the nation's fruit, vegetables and nuts are produced in California. In fifteen crops, California grows more than 90% of the nation's total.¹² California farms and related industries account for 33% of the state's employment.¹³ The California farm labor force varies between 126,000 and 246,000 depending on the time of year.¹⁴

The 1964 Census of Agriculture states that there are 81,000 farms in California, about 60% (49,000) of which have no outside labor (and therefore are not involved in the union movement). These latter farms average about fifty acres each in size, and comprise only 5% of the total farmland in California.¹⁵ Not only is California agriculture becoming an increasingly lucrative enterprise, but it is also becoming one which is increasingly concentrated in the hands of a few landholders. 6% of the farms own 75% of the land.¹⁶ 5.2% of the farms pay 60.2% of the farm wages, while $\frac{1}{2}$ of 1% pay over 30% of the wages.¹⁷

The average farm income in California increased from \$10,600 per family in 1959 to \$15,000 in 1969. Average farm acreage increased from 378 to 458 acres during the

same period.¹⁸ The national phenomenon of decreasing farm population is observed as well in California:

Table 1¹⁹

<u>year</u>	<u>number of farms</u>
1954	123,000
1964	81,000
1968	65,000

The total amount of land under production has remained fairly constant, as figures for the grape industry show:

Table 2²⁰

<u>year</u>	<u>grape acreage</u>	<u>number of farms and vineyards</u>
1945	469,561	26,193 (table, wine, and
1964	500,576	12,117 raisin grapes)
1964	106,303	3,355 (table grapes only)

THE GRAPE INDUSTRY

The California grape industry normally produces over \$40,000,000 worth of produce annually.²¹ Approximately 340,000 tons of table grapes per year are grown and harvested,²² accounting for 95% of the national total.²³ Control of production, like in other crops, has largely passed into the hands of incorporated family enterprises, large conglomerate corporations, and non-farm interests. 9% of table grape farms produce 62% of the harvest.²⁴ Kern County, in the Southern San Joaquin Valley, is the heart of the table grape industry. The average farm size in Kern County increased 549 acres between 1959 and 1964.²⁵ The total crop value of Kern County and nearby Fresno County is over

\$1 billion annually. Delano, a city about 130 miles northeast of Los Angeles with a population of 14,000, is the center of grape production in Kern County.

Although some agricultural industries are somewhat mechanized, grape production remains predominantly labor intensive. (Grape harvesters are available for about \$20,000, but they cannot be used with table grapes.) Grape-growing is almost a year-round process because of the many separate and delicate operations involved: pruning, spraying, trimming, girdling, etc.

Each year the vines must be nursed through several delicate hand operations beginning with the mid-winter pruning and continuing periodically through the late fall harvests. Each step is vital to the production of full, well-formed bunches of grapes which are sweet and bruise-resistant.²⁶

The work is more than hard:

The workers hunch under the vines like ducks. There is no air, making the intense heat all but unbearable. Gnats and bugs swarm out from under the leaves. Some workers wear face masks; others, handkerchiefs knotted around their heads to catch the sweat.²⁷

The 1968 grape harvest in California involved a work force of 66,000.²⁸ Figures for the Kern County labor turnover from December 1967 to November 1968 are as follows:

TABLE 3:²⁹

December 2	200 workers	{harvest}
December 18-January 27	3200	{pruning}
February 24	400	{pruning}
March 30	0	
May 13-June 1	3500	{thinning}
July 13	800	{thinning}

August 7-September 2	6000 workers	(harvest)
September 21	1500	(harvest)
November 23	50	(harvest)

Thus a small percentage of work is year-round, while the majority of work involves seasonal migrant or local workers. The average Kern County farm worker sees only 119 days of employment per year.³⁰ Full employment is considered to be 250 days.

THE GROWERS

Delano grape growers were the initial target of the many strikes which were called in the area in 1965 and which continue today. The following list includes 17 out of the 38 growers which have been struck, including 12 other California growers:

TABLE 4³¹

<u>company</u>	<u>acreage</u>	<u>1966 subsidy</u>
Kern County Land Company (KCL)	348,026	\$652,057 ^a
Standard Oil	218,485	
Southern Pacific Railroad	201,851	
Tejon Ranch (Los Angeles Times)	168,531	\$121,096 ^b
Vista de Llana (Anderson Clayton)	52,000	\$622,840
Boston Ranch (J. G. Boswell)	37,555	\$506,061
Russell Giffen	33,000	\$2,397,073 ^c
J. G. Boswell	32,364	\$2,807,633 ^c
South Lake Farms	30,478	\$1,468,696
Everest Salyer	25,220	\$1,014,860
Miller and Lux	25,313	\$299,051
Del Monte Properties	18,000	

The following are in the Delano strike area:

DiGiorgio	21,400	\$56,100
Giumarra	12,459	\$246,882
Bianco	6,795	
W. B. Camp	4,908	
Steele	4,187	
Elmco	3,610	

Schenley	3,500
Caratan	3,000
Divicich	2,500
Pandol	2,283
Perelli-Minetti	2,100
Zaninovich	1,150
Mid-State	900
Dulcich	900
Bianco	800
Lucas	600
Pagliarulo	400
Radovich	400

- a) subsidy was \$838,000 in 1968
- b) subsidy was \$155,000 in 1968
- c) subsidy was \$4,091,818 in 1968, the largest subsidy in the nation that year

KCL, the largest "grower" in California, had a 1966 gross revenue of approximately \$170,000,000, up about \$20,000,000 from 1965.³² KCL is described as "engaged primarily in oil and gas production, the manufacture of automotive parts, and 'land use' including agriculture, cattle, and real estate."³³

GIUMARRA: THE LARGEST DELANO GROWER

The Giumarra family controls two corporations and a partnership, the combined value of which is \$25,000,000. Giumarra Vineyards Corporation is the largest of the three enterprises and owns the largest area of grape vineyards in Delano and the nation.³⁴ It also operates a winery. With \$12,000,000 in annual sales, the company employs 2,500 men at harvest time (about half the total harvest employment in Delano), and has an annual payroll of \$2,500,000. Giumarra ranches are scattered throughout Tulare and Kern

Counties. The company maintains the nation's second largest cold storage (after Ed Merzoian's, another grower): Its tremendous volume allows it to underbid its competitors without losing much of its profit.

Giumarra's quality grapes usually bring 50¢ to \$1 more per lug (box) than most other growers, however. The company's biggest buyers include Safeway Stores, A&P Foods, Kroger Markets, Food Fair, Topco Associates, Pacific Fruit and Produce, Grand Union and National Tea, each customer buying close to 250 railway carloads per year. Each 250-car lot is worth about \$1,000,000. Most profits are invested in stocks to provide stable assets: Bank of America (3500 shares), the Tennessee Gas Transmission Company (1000 shares), Cutter Labs (100 shares), American Murietta, West Coast Transmission, Exeter Oil, Windgate Manganese, and Calzona Box Company.³⁵ The last of these, when it forecloses on one of its loans to a small farmer, allows Giumarra to buy up the debtor's property at a low price.³⁶ Several small farmers are directly in debt to Giumarra and in jeopardy of being similarly absorbed.

Giumarra Brothers Fruit Company loaned \$1,500 at 6 percent interest to a Watsonville strawberry farmer upon condition that he market his strawberries through Giumarra. When he couldn't make his payments, Giumarra successfully sued for the \$1,500 plus \$90 interest, \$7,200 lost selling commission, and \$2,750 in lawyers' fees.³⁷

IRRIGATION AND THE FEDERAL RECLAMATION LAW OF 1902

Development of the Delano area for grape-growing was begun in the 1920's by Sicilian and Yugoslavian immigrants.³⁸ After several decades, serious depletion of underground water which had been drawn up by irrigation wells had occurred and there was a question about whether the communal water table would support continued farming. The U.S. Bureau of Reclamation had begun work in the 1930's on the vast Central Valley Project. In 1951, it succeeded in bringing water to Delano from some one hundred miles away via the Friant-Kern Canal. The water table has since risen and the industry survived.

The Delano-Earlimont irrigation district, virtually a single giant vineyard, stretches north and east from Delano for 120 square miles. Of the district's 48,000 irrigated acres, 30,000 are planted with endless miles of six-foot high vines. An average of 140,183 acre-feet of water are delivered annually by the federal government, supplying the area with more than an adequate amount of irrigation. The estimated cost of supplying this water is \$700 per acre, of which \$123 is paid by the growers. The balance is paid almost entirely by tax-payers. Users of the Central Valley Project electric power also make a minimal contribution for irrigation costs.

The Federal Reclamation Law dictates that each land-owner is entitled to irrigation of no more than 160 acres

for each person in the grower's family. A proviso in the law allows a grower unlimited irrigation if he agrees in writing to make all land in excess of this acreage allowance available for sale at the end of ten years. Some of the large Delano growers made such agreements well over ten years ago, but the sale of their property has not been effected because of weak enforcement of the law. Other growers received the benefit of unlimited irrigation but refused to sign any agreement. If excess irrigation is cut off from these growers, they will now be able to tap the high water table at low pumping cost. Present plans, however, are to expand the irrigation projects. The billion-dollar Federal-State Westlands Water Project will soon be in full operation on the west side of the San Joaquin Valley.

CHAPTER 5:
THE STRIKE AND BOYCOTT

DIFFICULTIES OF FARM LABOR ORGANIZATION

The plight of the California farm worker and the power of his employer are the basic ingredients of the present struggle for agricultural union recognition. Since John Steinbeck's Depression era novel Grapes of Wrath, there has been a general public concern about the conditions in the fields, but it seems that the social, economic, political and logistic problems of amelioration have proven too complex. Without helpful labor laws or generous social legislation, the average farm worker has little to look forward to beside a continuation of his abject existence.

Labor organizers have been continually rebuffed by grower recalcitrance. They are hampered by the nature of farm work itself. The seasonality of the work load and the migratory nature of the work force have not been conducive to any long-term employer-employee relationship. Hence getting leverage against the growers has been a battle against the hesitance of workers to unite on a common front and possibly risk their jobs. Braceros have been ready and willing replacements at the growers' behest.

Other factors have proven problematic. Growers are usually one step removed from the labor supply market,

since most have labor contractors who hire and lease workers to them. Migrant farm labor is usually housed on owner property. Consequently, organizers have to trespass to gain access to the camps because grower permission is unlikely. There has also been a lack of trust by Mexican-American workers toward white labor organizers. The big unions had often discriminated against Mexican-Americans, and they were suspected of trying to fill their ranks only to collect the farm worker's dues to help the industrial union. Farm labor, in contrast to industrial labor, had indeed been the compromised beneficiary of many state and federal laws. A lasting farm labor movement in California was therefore bound to evolve only under indigenous leadership. AFL-CIO dedication to this end was voiced at a convention in 1961 when affiliated unions were officially called upon

to support the organizational undertaking financially, by publicity in their newspapers and magazines, by cooperation in the legislative effort on behalf of the hired farm workers, and by direct coordination with the actual organization effort.¹

INITIAL ORGANIZING

In 1959 the AFL-CIO formed the Agricultural Workers Organizing Committee (AWOC). Offices were set up in Stockton and several thousand members were soon enrolled. AWOC led several important strikes, one during the lettuce harvest in 1961. This strike did not succeed, however, for the same reason previous strikes in California were

unsuccessful:

For nearly two months the Agricultural Workers Organizing Committee, the United Packinghouse Workers of America, and the Government of Mexico insisted that the Department of Labor enforce the law, and remove braceros from the struck area. It did not do so. The lettuce harvest was completed by braceros and the strike was broken.²

The strikes that were staged and the threats of strikes that were made exacted moderate wage increases in many areas of California over the next few years. By the end of 1961,

farm wages in California rose about 25% from their mid-1958 levels. The number of Mexican Nationals employed in the state dropped as higher wages attracted more domestic workers. Public pressure generated by the campaign helped to extend disability insurance to agriculture in California.³

Efforts to win a union contract with growers did not meet with the same success. Hatred of unions was so great among growers that one near Stockton let his cherry crop rot at a loss of several hundreds of thousands of dollars rather than negotiate with the striking AWOC.⁴

Membership in AWOC was mostly Filipino-American. The Mexican-American population remained rather indifferent to the union and had reason to be disenchanted. Instead of working directly with the farm workers, AWOC tried to organize labor by approaching the labor contractors (who act as the growers' middlemen and representatives). Not having faith in the contractors, the Mexican-Americans could not have much faith in the union. Subsequently, the AFL-CIO withdrew most of its support (which had amounted

to over \$500,000 by June 1963)⁵ and AWOC was considerably weakened.

In 1962 Cesar Chavez, the director of the Mexican-American Community Organization (CSO) and a former grape picker himself, organized the predominantly Spanish-speaking National Farm Workers Association (NFWA) in Delano, California. The NFWA rapidly established offices around the southern San Joaquin Valley and adjacent areas. Retaining some of the intents of the CSO, Cesar Chavez designed within the NFWA a credit union (the first one ever established for farm workers in the U.S.), a biweekly newspaper (El Malcriado--The Misfit), a death benefit insurance plan, a cooperative store and garage, and later a health clinic. Seventeen hundred families, about half of them from the Delano area, were enlisted within three years. Monthly dues were \$3.50 per month per family. Mexican-American political awareness and a new civil rights movement--La Causa--were beginning to grow.

PUBLIC LAW 414

The decision by Congress not to renew the bracero program in 1964 was a great boon to California's two new farm unions. The usual grower practice of undermining strikes by importing "scab" labor was now conceivably undermined itself. But employers immediately began to hunt for a loophole to renew access to Mexican nationals,

and they found it in the McCarran-Walter Immigration and Nationality Act (Public Law 414). The Act established two criteria which had to be met before importation was allowed: 1) no labor dispute could exist between the grower who needed additional workers and his employees, and 2) a so-called "adverse effect" wage (varying according to state) had to be offered to domestic workers as proof of an attempt to attract them.

If it appeared that a domestic labor shortage existed, according to P.L. 414 the Secretary of Labor would so certify and then allow importation of foreign workers into the shortage area. Upon entry into the U.S., aliens were given green cards (they are now blue) which declared their status as immigrants who were to establish permanent residence and citizenship in the U.S. These "green-carders", however, have systematically returned to live in Mexico to take advantage of the lower cost of living and to support their families who remained there.

Many growers supposedly showed good faith by offering the "prevailing" wage rate to domestics before hiring braceros, whereas that rate was really an artificially depressed one because of previous, unjustly low wage levels set by growers to discourage domestic labor from working. Moreover, the California state government in many cases would either decertify labor disputes at struck ranches or refuse to recognize that there were any, thereby

allowing growers to import cheaper labor.⁶ The gradual increase in employment of braceros indicated that the Department of Justice, the Department of Immigration, the Department of Labor, and the Border Patrol were all remiss in enforcing importation regulations and guarding the rights of the domestic workers.

THE STRIKES BEGIN

In May 1965, the adverse effect wage in California was \$1.40 per hour and many growers, intent on keeping the "new" bracero program going, paid this wage to both the domestics and the braceros they hired without a loss in retail profits. Growers in the Coachella Valley, however, 250 miles southeast of Delano near the Mexican border, were paying brazenly discriminatory wages of \$1.10 an hour to Mexican-American grape pickers, \$1.25 an hour to Filipino-Americans, and \$1.40 an hour to braceros. In addition, 15¢ per lug was paid as incentive. AWOC called a strike in May at three large vineyards after efforts to contact the growers were futile. One thousand workers left their jobs. The union won the crew foremen and labor contractors over to its side, who in turn won the workers over to the union position. After ten days, the growers agreed to pay a uniform wage of \$1.40 an hour and raise piece work incentive from 15¢ to 25¢ a lug, but they refused to sign any contracts.

In the same month, the Tulare County Housing Authority

decided to raise the rents in two public housing projects-- Linnell and Woodville Labor Camps--from \$18 to \$25 per month. The projects, located just outside Delano, were built as temporary housing in 1937, and consist of one-room metal shacks with no windows or running water. They measure eight by fourteen feet and are described as ovens in the summer and refrigerators in the winter.⁷ Each hut commonly houses a man, a wife, and up to four children. A rent strike and picketing were organized by the NFWA. In mid-summer, the Housing Authority agreed to "compromise" at a new rent of \$22 per month, and agreed to make a few housing improvements.

When the grape harvest in Delano began in August 1965, some of the same growers who agreed to pay \$1.40 an hour plus incentive in the Coachella Valley were paying only \$1.20 an hour plus 10¢ a lug on the average for the same work in the Delano area. Again the braceros in Delano were paid \$1.40 an hour, as were most domestic workers in other parts of California. On September 8, after growers were completely unresponsive to AWOC's demands for a wage increase, the chief AWOC organizer in Delano, Larry Itliong, called strikes on thirty-four ranches which affected about 1500 workers. The demands escalated to include improvement of working conditions and a union contract. Eight days later, on Mexican Independence Day, 1100 NFWA workers met to decide whether to participate in the strike, which by that time had removed about 1300 Filipino-Americans from the fields.

Cesar Chavez addressed the congregation:

A hundred and fifty-five years ago, in the state of Guanajoto in Mexico, a padre proclaimed the struggle for liberty. He was killed, but ten years later Mexico won its independence. We Mexicans here in the United States, as well as all other farm workers, are engaged in another struggle for the freedom and dignity which poverty denies us. But it must not be a violent struggle, even if violence is used against us. Violence can only hurt us and our cause. The law is for us as well as the ranchers. The strike was begun by the Filipinos, but it is not exclusively for them. Tonight we must decide if we are to join our fellow workers.⁸

The vote to strike was unanimous. Support from the clergy and civil rights groups was welcomed to strengthen the strike and turn it into a unique movement. The strike split the town and united two ethnic groups which had often been antagonistic to each other. "Viva la huelga!" (Long live the strike!) was heard in the streets as was "Communists!".

Cesar Chavez only reluctantly decided to join the strike. He thought his union was not up to the task, especially with only \$100 in the strike fund and the possibility of having to feed up to 1500 persons each day. The unions soon received support from the Industrial Union Department, AFL-CIO, which contributed \$2000, and from the United Automobile Workers (UAW), which pledged \$5000 per month for the strike fund. A few other large donations were received, but the strike was primarily sustained during the early months by individual contributions which averaged \$5.56.⁹

The initial tactic of the strikers was a sit-in with no picketing. But when growers were able to obtain some strikebreakers, organized crews of pickets were set up. Some traveled out of Delano as far as Texas to describe the situation, solicit support, and keep potential strikebreakers away. They were quite effective. Another tactic was picketing the homes of "scab herders", contractors who recruited the strikebreakers. Picket lines set up at packing houses and cold storage plants were honored by truck drivers and railroad workers to the extent their contracts allowed. Their unions were not able to officially sanction the secondary boycotts, but many drivers and engineers chose to honor the lines on their own. They would stop their trucks or railway cars at the lines, thus forcing supervisors to finish driving them to the loading ramps and then back to the lines again.¹⁰ In mid-November, the International Longshoremen's and Warehousemen's Union (ILWU) refused to load Delano grapes at the shipping docks in San Francisco.¹¹ A resolution was passed at an AFL-CIO convention in December condemning the "arrogance, greed, and inhumanity" of the grape growers.¹²

The growers had responded to the strike with a severely trying campaign of harassment: pickets were sprayed with insecticide or choked with dust intentionally stirred up by trucks and tractors, picket signs were riddled with bullets, workers were frequently roughed up by growers' "private police", and harsh injunctions limiting free speech

and assembly were delivered by the Delano courts.¹³ Electricity, gas and water were often turned off in worker camps to force strikers back into the fields. Many workers were evicted, some of whom had lived in the barracks for close to thirty years. Their belongings were thrown out onto the ground and the buildings were nailed and padlocked. The history of the casual breaking of strikes by determined growers seems to have given them an impetus to keep doing so to save face.

Gradually, some of the strikers did return to the fields because of the stringency of their sacrifice:

The average farm worker in Delano has seven children, lives in a house which he rents for \$55 a month, makes payments on a car, furniture, and to a finance company. Before the strike, he worked eight months of the year at \$1.10 an hour, and his wife worked four months beside him. On weekends and in the summer, his children worked too. The average farm worker buys food at the same stores at the same prices as the rancher does. So now these average workers are strikers; they've been willing to lose their cars, furniture, to live on beans and more beans, to work "on the line" seventy hours a week for the right to a living wage.¹⁴

The total number of strikers, however, remained larger than the number of "non-scab" workers in the fields.

THE BOYCOTT BEGINS

Public Law 414 together with occasional "wetbacks" supplied the growers with an ample number of strikebreakers to significantly weaken the impact of the strike. Estimates

of the number of strikers ranged from several hundred to five thousand workers, but it seems that about three thousand is most likely. The strike was nevertheless not a sufficient long-range weapon. The NFWA realized this and began to plan a nation-wide consumer boycott effort. Cesar Chavez decided in early December 1965 to aim the boycott at the two biggest grape ranches in Delano at that time: DiGiorgio Corporation (4400 acres) and Schenley Industries, Inc. (3350 acres). Both were absentee landlords with minimal interests in farming compared to their aggregate holdings. Only a fraction of DiGiorgio's \$232,000,000 and Schenley's \$500,000,000 annual sales accrued from farming. Both companies had agricultural operations which were only marginally profitable. They were therefore especially suited to a boycott since neither was likely to jeopardize the majority of its non-grape sales just to maintain its rather meagre table grape profits.

Most of DiGiorgio's investment was in the processing and marketing of canned goods (S&W brand). Schenley's chief retail products were wine and distilled spirits, which were easier to boycott than table grapes. For this reason, the boycott was directed more toward Schenley's products than at DiGiorgio's grapes.¹⁵ It was also thought that men, who usually buy liquors, would be more sympathetic to labor than women, who do most of the household shopping.

The boycott plans got a boost when Walter Reuther of the UAW declared that his union "will put the full support of organized labor behind your boycott and this is a powerful economic weapon."¹⁶ Unfortunately the economic effects of the boycott were negligible. But the adverse publicity of several million leaflets distributed nation-wide did have an effect on the decisionmakers at both boycotted companies according to NFWA informants stationed in both. Cesar Chavez thereupon set about to publicize the boycott even more dramatically by staging a march by both unions in March 1966 to Sacramento, California's capital three hundred miles north. The twenty-five-day march, culminating in an assemblage of eight thousand persons in Sacramento, also culminated in Schenley's offer on April 6 to negotiate. Public pressure, the refusal of Teamsters to cross NFWA picket lines outside a company warehouse, and a false rumor of a bartenders' strike in support of the unions finally swayed the Schenley management. A contract was signed on December 21 and provided for a minimum wage of \$1.75 an hour and 25¢ per lug, various fringe benefits, a union shop, and a hiring hall.¹⁷

Gaining recognition from DiGiorgio, a far more established and powerful grower than Schenley, was more difficult despite a stepped-up boycott effort. The company's public relations man issued the following statement:

DiGiorgio is not opposed to unionization under conditions which assure the rights of both parties. Our analysis of the current Delano disturbance, however, has convinced us that

those who have requested meetings with us do not represent our employees. Our employees have so informed us.¹⁸

When the unfavorable publicity built up to an unanticipated level though, DiGiorgio finally indicated that it was willing to hold an election at its Sierra Vista ranch in Delano to determine worker sentiment about union representation. While DiGiorgio, the NFWA and AWOC were attempting to negotiate the ground rules of the election amid charge and countercharge, the Teamsters Union entered the picture. Union politics and the threatening prospect of potentially unfriendly unions representing the farm workers were the main motivations for Teamster interest. Teamster cannery and packingshed workers, as well as truck drivers, could be thrown out of work if a farm strike were called. Delano growers, having reluctantly accepted unionization as somewhat inevitable, welcomed the Teamsters as a source of revenge on the hated unions. DiGiorgio openly allowed the Teamsters to use its foremen and supervisory personnel to proselytize the farm workers, many of whom were threatened if they did not show the proper allegiance. To strengthen their unity jeopardized by the arrival of the Teamsters, the NFWA and AWOC then decided to merge, under the direction of Cesar Chavez, into the United Farm Workers Organizing Committee, which was able to obtain a charter from the AFL-CIO. Larry Itliong became assistant director.

When DiGiorgio on June 21 called for an election to be held within two days, catching the unions by surprise,

it was determined that the election should be boycotted. Of the 732 eligible to vote, 347 did not vote, 281 voted for the Teamsters, and 3 specified they simply desired union representation. A government-appointed referee disallowed the results.

The situation in Delano having reached the boiling point, on June 28 California Governor Pat Brown appointed the American Arbitration Association to look into the problem of representation. On July 13 a new election was announced for August 30 at Sierra Vista, and all parties agreed to participate in it. On July 17, when DiGiorgio laid off 190 workers, including twenty UFWOC organizers, at Sierra Vista, the situation became very abrasive. Although, under the terms of the election, any person who had worked for DiGiorgio for fifteen days during the previous year was eligible to vote, it was not expected that most workers who were dismissed sufficiently prior to the election, as July 17 was, would forfeit their opportunity to find other work, or to leave any new jobs they might have found. As it turned out, 513 former workers did come to Delano, including some braceros. One came two thousand miles on his own money just for the election; another made a trip only to find he was not eligible. The UFWOC won the election (which was supervised by the American Arbitration Association) with 530 votes to the Teamsters' 331. Three hundred ballots were challenged and uncounted,

and nineteen expressed the desire for no union. In a separate vote for shed workers, the Teamsters won the right of representation 94 to 43.

THE UNION CONTRACT

Negotiations with DiGiorgio resulted in similar benefits to those won from Schenley, and according to the president of DiGiorgio, they established "precedents for collective bargaining agreements in California and other agricultural states."¹⁹ The UFWOC won a minimum wage of \$1.65 an hour to be scaled up each year, a guaranteed payment for a maximum of four hours for "reporting and standby" (many growers hire workers who find themselves still without work at mid-day and without compensation for waiting since early morning), provisions for holidays and leaves of absence, a week's paid vacation for workers employed at least 1600 hours per year, and a two weeks' vacation for those who have been with the company for at least three years. The DiGiorgio contract, which includes two other ranches in addition to Sierra Vista, also provides for a union shop and a hiring hall. Strikes, boycotts and lockouts are prohibited, with binding arbitration required in case they do occur. The contract covers about three thousand field workers, irrigators, tractor drivers, shed and maintenance workers, and pipeline repairmen. There is a four-step grievance procedure and a formulation for

employment and promotion by seniority. Discrimination on the basis of race, creed, color, religion or national origin in hiring, wages and housing is forbidden.²⁰

A jointly administered fund to which DiGiorgio contributed \$25,000 was set up for medical, dental, welfare, and pension benefits. The company additionally agreed to pay 5¢ per hour for the total number of hours employees worked to continuously augment the fund. The contract is in force until 1970 when stipulated reopeners on benefits including wages can be renegotiated. Hence the contract, like that with Schenley, strikingly resembles those obtained by industrial unions, and even includes a provision for arbitration on openers in case of dispute which industrial contracts seldom contain.

The shed workers who voted for Teamster representation were included under somewhat similar contractual arrangements between DiGiorgio and the much smaller Teamster Farm Workers Union (TFWU). Early in October of 1966 Perelli-Minetti, one of the biggest Delano growers, signed a contract with the TFWU. The UFWOC announced that it did not recognize the agreement and began picketing Perelli-Minetti vineyards, thus bringing about considerable UFWOC-TFWU conflict. The continuing battle between the AFL-CIO and Teamster upper echelons only prolonged the Delano competition until a compromise was worked out in July 1967. The UFWOC received jurisdiction over the field workers, TFWU over workers in the canneries, creameries, frozen-food and

dehydrating plants, and warehouses. Teamster opposition has since been negligible.

The union movement also began to make headway with grape-growing wineries. During the Perelli-Minetti dispute, E.&J. Gallo Winery (the world's largest), Paul Masson Vineyards, Mont La Salle Vineyards (Christian Brothers Winery), and the Novitiate Winery of Los Gatos voluntarily recognized the union and agreed to hold representation elections for their field and processing workers. Contracts very similar to that signed by DiGiorgio were secured. Thus the farm labor union effort had made a far greater indentation on grower intransigence than had been conceived as possible in the early 1960's:

Unionization of the agricultural work force seems, in view of past attempts, almost as hopeless as autonomous correction. To date, there has been virtually no lasting or significant organization of agricultural field workers in the United States. For unionization, the future appears as dismal as the past.²¹

CHAPTER 6:
CONTINUATION OF UFWOC EFFORTS

A CHANGE OF SCOPE

The goal of the United Farm Workers Organizing Committee has evolved beyond the representation of a majority of Delano farm workers at a handful of ranches to the complete democratization of grower-worker relations everywhere in California and the nation. It has become increasingly obvious to the many persons who have joined La Causa that the focus of the movement had to be redirected to bring about sweeping changes on the national level in order to bring about any profound changes on a local level. Some public cognizance of the deprived conditions of the farm worker was engendered by the UFWOC's previous tactics, but it appeared that most pressing of all now was 1) informing an unaware public and its legislative representatives that farm labor needs useful labor legislation to effectively better its lot, and 2) exhorting the public on a massive scale to pressure grape growers by not buying their product. It has been hoped that public support of the latter objective and the success of the former would sufficiently influence Congressional leaders and elicit the necessary legislation. If this were the result, national agriculture would be greatly affected by the end result of the commotion in Delano agriculture.

THE BOYCOTT AND PUBLIC REACTION

In May 1967, with six contracts won, the UFWOC began an organizing campaign among the workers of Giumarra Vineyards Corporation. In June, the UFWOC sent a registered letter to Giumarra requesting a representation election, but it received no response. It then contacted the California State Conciliation Service and several other independent parties, asking that they arrange a meeting, but the company remained adamant about not having any contact with the union. On August 3, after two months of these efforts, 950 of Giumarra's 1000 employees walked out on strike. The grape fields were nearly emptied and the packing shed was virtually shut down.¹ As expected from precedent, the company began recruiting green-carders and wetbacks as strikebreakers and obtained an injunction against union picket line activity. The UFWOC thereupon began promoting a boycott against Giumarra table grapes.

Shortly after the boycott commenced, other growers loaned their own labels to paste over Giumarra's to render his grapes unidentifiable. By November, Giumarra was shipping grapes in the U.S. and Canada under sixty-five different labels, and by December the number had increased to over one hundred.² The Food and Drug Administration was alerted to this fraudulent practice, but by the time an investigation was completed and a warning issued, Giumarra had already labeled and packed most of the harvest's

grapes.

In January 1968, after the UFWOC had sent telegrams to all table grape growers in California requesting discussion about recognition procedures and received no response from any of them, a decision was made to expand the boycott to all California grapes except DiGiorgio's. The decision was prompted by the resistance of the grape industry to the union and the impossibility of boycotting just Giumarra's grapes. Over thirty farm workers set out for fifteen major U.S. and Canadian cities to organize local boycott offices.³ Within one year, boycott support activities were being carried on in over two hundred American and foreign cities, including Tokyo, Mexico City, and several in Western Europe and Canada.⁴ It was pointed out that wines, jellies, raisins and the Hi-Color label of DiGiorgio grapes were not being boycotted.⁵ Some supermarkets began substituting higher-priced grapes imported from Africa, Israel or Southern Europe.⁶

As support for the boycott grew, so did the resentment against it. Most growers denounced the boycott as "immoral and illegal".⁷ California Governor Reagan called it "ill-advised" and an attempt to compel farm workers to join a union against their wishes.⁸ Richard Nixon stated that the boycott was illegal, publicly ate grapes, and said, "We have laws on the books to protect workers who wish to organize. We have a National Labor Relations Board to impartially supervise the election of collective bargaining

agents and to safeguard the rights of the organizers."⁹ The AFL-CIO Executive Council responded to this, saying that "...we are surprised at Mr. Nixon's ignorance of the law, particularly since he boasts that he was one of the authors of Taft-Hartley...(Instead of being) on the side of the poor and downtrodden, Nixon is automatically with the big financial interests."¹⁰

Senate restaurants in Washington chose to continue serving grapes, while the House restaurants stopped doing so.¹¹ Some growers began sending letters to chain stores indicating that the labor disputes in California had been settled.¹² Many persons felt that more was at issue than just the welfare of the grape workers:

If such blackmail tactics of the UFWOC are successful and the boycott of California grapes in eastern markets forces compulsory unionization of grape workers, producers of all farm products in all states would be affected adversely. Other boycotts could be expected for other perishable, vulnerable, specialty crops.¹³

The consumer boycott has been accused of violating the secondary boycott restrictions of the Taft-Hartley Act. It is actually a "primary" or "product" boycott, however, which is legal under the Act. A secondary boycott would not be a crime in any case, but only an "unfair labor practice". Since the farm unions do not come under the jurisdiction of the Act at present, even a secondary boycott by the UFWOC would be legal. If a non-farm union, however, refuses to deliver grapes or supply grocery carts to a store which sells grapes, it would be engaging in a secondary boycott.

In spite of the boycott's legality, organizers have carefully avoided violation of the secondary boycott laws by confining picketing to supermarkets which continue to sell grapes and by assuring their activity does not impede the normal flow of customers.

RESULTS OF THE BOYCOTT

The immediate objective of the grape boycott effort has been the reduction of table grape sales to put economic pressure on the grape growers. The success of the consumer boycott is therefore measured by the extent to which a decline in the sale of grapes and a concomitant decline in their price affect individual grower profits. It is expected that a sharp decline in grape sales will bring about a decline in grape prices. If grape growers send more grapes to distributors than there is a demand for, a lower wholesale price will prevail because distributors would fear a surplus stock. A lower wholesale price to stores will mean a lower retail price to consumers. If growers decide not to harvest as many grapes, they will lose the unpicked grapes to spoilage. Consumers heeding the request to boycott will probably not buy grapes at any price, so even if a smaller shipment of grapes can demand the original higher prices, the total revenue to growers will be low because the sales are not as strong.

To evaluate the results of the boycott then, many

factors can be considered: the extent of decision and exhortation by public figures and institutions to join the boycott, decline in shipments, prices, and sales, amount of storage, total economic damage to growers, secondary boycotts related to the primary boycott, and the extent of grower concern and retaliation. Data on these criteria are not very complete, accurate or consistent. The following compilation of reports shows the extent of correlation in the data and should give a general idea of the important trends since the beginning of the boycott:

Eleven major city mayors have urged the people of their respective cities to refrain from purchasing grapes from California until further notice.¹⁴

In Cleveland, over three hundred stores have agreed to display signs over their grape counters reading: "Please don't buy California table grapes. Help the California grape workers better their living conditions." In return, boycott personnel have agreed not to leaflet or picket outside the stores.¹⁵

The Canadian Labor Congress pledged to withhold patronage from California grapes.¹⁶

In most cities, the local food trade unions have cooperated by bringing pressure to bear on food chains and other distributors and retail stores to stop handling California grapes.¹⁷

U.S. Department of Agriculture reports indicate a slowdown in transporting, wholesaling, and distributing of grapes. Prices are lower than in previous years and the number of sales on consignment has increased.¹⁸

After six weeks of the 1969-70 table grape harvest, shipments to thirty-six major cities in the U.S. are down 20% from the 1968-9 shipments.¹⁹

Sales in the nation's twenty largest metropolitan areas have declined an average of 15% below the 1967 level, although this year's crop is 13% larger.²⁰

UFWOC statistics show that shipments of California table grapes for November 1968 were 12% lower than the 1960-66 average. For the three weeks before Christmas, total shipments to forty-one major cities were down 19% from a comparable period in 1966. (1967 was a bad season, so 1966 was used as a standard of comparison.)²¹

New York City shipments declined 58% below figures for 1967. Boston and Baltimore shipments were down 48%.²²

In New York City, a grape industry spokesman admitted that sales were down sharply. It was announced that the New York City administration would no longer buy California grapes for its hospitals, prisons, and city institutions. It usually buys about fifteen tons per year.²³

Receipts in New York City for harvest grape sales for June 10 to July 15, 1968 plummeted. The city normally consumes about 20% of the total California grape crop.²⁴

The Detroit city administration announced it would not buy California grapes "as a tangible indication of support for the legitimate aspirations of the farm workers". It normally buys three tons per year.²⁵

Nationwide sales were off 12% in 1986. 1969 grape prices are down as much as 15%.²⁶

Growers in the Coachella Valley during the June 1968 harvest were packing and shipping only about 10% of the normal shipment.²⁷

One Coachella Valley rancher claimed he lost \$1 per lug on 37,000 lugs of fresh grapes. A Kern County grower estimated his loss for the season at 50¢ per lug. (The normal price for an average twenty-five pound lug is about \$4.50.)²⁸

The California Grape and Tree Fruit League reported that initial shipments of the Coachella Valley 1969 harvest of grapes were significantly higher than those during comparable periods last year. Shipments as of June 21 were 1.8 million boxes as compared to 1.06 million in 1967 and .98 million in 1968. One Coachella Valley grower, however, criticized the comparison because it did not take account of a "vicious cost-price squeeze" inflicted on growers because of the world-wide boycott. The grower also declared that "Every grape grower knows 1969 is going to be a bad season, and we are losing maybe 20% of our market because of the boycott."²⁹

There were fifteen times as many grapes in cold storage at

the beginning of August 1968 as the ten-year average for this same period.³⁰

In December 1968, more than 50,000 boxes of table grapes, worth more than \$200,000 wholesale, jammed warehouses in Chicago. These grapes had to be sold within about one month, after which they would spoil. (Chicago normally consumes about 225,000 boxes per year.)³¹

In mid-November 1968, officials at the Federal-State Market News Service in Sacramento, California said that the average price of grapes is down 25¢ per box worth \$3 wholesale. On this basis, the cash loss at that time would be about \$5 million.³²

The UFWOC estimated its boycott had cost growers \$3.7 million in lost wholesale sales by the end of the 1968 harvest.³³

British dock workers refused to unload more than 70,000 pounds of California table grapes in London in February 1969. The blockade on the grapes was extended to all English, Swedish, Finnish and Norwegian ports. English longshoremen, truck drivers, warehousemen, and other members of the transportation industry are all members of the Transport and General Workers Union (TGWU), which has more than 1,500,000 members. The TGWU voted on December 28, 1968 to refuse to handle scab grapes. Swedish Transport Workers Union passed a similar resolution on January 18, 1969 and has been joined by many other Swedish unions in backing the boycott. 230,000 pounds of grapes were refused at Swedish ports earlier and had to be taken to Germany and sent overland. The grape boycott received much publicity in Sweden. The Swedish Consumer Cooperative, which accounts for 30% of all retail grocery sales, agreed to stop buying California grapes. California grapes make up only 5% of Northern European grape imports. The blockade has been effective in convincing buyers and shippers that it is not worth the trouble involved to import grapes from the U.S. ³⁴

The Mexican Confederation of Workers (CTM) stated that it would set up a program of local committees in cities along the U.S.-Mexico border. They would attempt to halt the sale of California grapes in Baja California and the shipment of grapes to other parts of Mexico. (The CTM has in the past tried to halt the flow of Mexican strikebreakers into the U.S. and has generally succeeded in some measure.)³⁵

A California grower said that the boycott has turned the lush Coachella Valley into "a disaster area". He maintained that unless a quick settlement is reached, one-half of the

Valley's eighty-five growers may be driven out of business. Growers are losing \$400 per acre of grapes, because at the present wholesale rate of \$3 per lug, they get only \$300 for each acre which costs \$700 to cultivate. In previous years, boxes sold for as much as \$7 per lug. Because of the year's lower price, \$3 to \$4 million worth of grapes will be left on the vines. Some growers thought that the lower prices were due to the boycott, while some thought they were low because there were "too many grapes."³⁶

In June 1968, one hundred growers filed a \$25 million damage suit with the New York Regional Office of the NLRB. They charged six New York City union locals with violating the secondary boycott laws and unlawfully coercing the supermarket chains and brokers who had stood together in not buying grapes. The charges were dropped when the unions stated publicly that they had not engaged in secondary boycotting in the past nor would they do so in the future. Notices to this effect were to be put up on the union bulletin boards. The agreement opened up the New York market to a degree, but shipments continued to be below normal.³⁷

Senator George Murphy (R-California) and Charles Schuman, president of the American Farm Bureau Federation, the nation's largest farm organization, asked the U.S. Attorney General to investigate the boycott of California grapes to determine whether it is a conspiracy in restraint of trade in violation of the anti-trust laws.³⁸

In July 1969, a group of eighty-five California grape growers, represented by the California Farmers Committee, sued the UFWOC for \$75 million in damages because of the boycott. Only one week before the suit was filed in Fresno Federal District Court, growers were saying that the boycott was a flop. Now they contended that their markets in Boston, New York and Chicago were severely cut and that prices everywhere were low. The suit seeks an injunction against the boycott and triple damages growers claim to have sustained. It is asserted that the UFWOC had "unreasonably restrained trade" in violation of the Sherman Anti-Trust Act because the union was

- 1) trying to "illegally force and coerce" growers and their workers to recognize the union as the representative of the workers.
- 2) attempting to "destroy totally" the sale of grapes in this country and abroad, in part by threatening retailers and others "with financial ruin" and by using "various kinds of illegal coercion and intimidation".
- 3) conspiring with operators of retail markets to prevent the sale of grapes.
- 4) depriving many consumers "of the opportunity to buy California table grapes of suitable condition and quality and at a competitive

price."

UFWOC attorney Jerome Cohen called the suit "a hoax...their annual attempt to scare the chain stores." He said the union may bring a counter-suit charging that the growers themselves have acted "in restraint of trade" by allegedly threatening to get markets to boycott the grapes of the twenty-three growers who have contracts with the union or who have agreed to negotiate with the union. On August 4 Federal Judge M.D. Crocker dismissed the suit on the grounds that it did not demonstrate sufficient evidence for action. Growers were given thirty days, however, to gather additional evidence to amend the suit and refile it with the court.³⁹

The pattern which emerges from the above reports is one which points to a generally successful boycott. Growers have essentially admitted that they are hurting by filing a suit which claims direct losses of \$25 million. This is expectedly exaggerated, but there is ample reason to assume that real losses are in the vicinity of about half that amount. No aggregate estimates have been ventured yet since the 1969 harvest season is not over, but it is likely that the boycott will cost growers well over twice the \$5 million loss which had accumulated by the time the 1968 crop had been picked and distributed. Grapes from Arizona have now been added to the boycott as organizing activities in the state have been stepped up.⁴⁰ Total 1969 season losses will therefore include the effects on the Arizona market.

TABLE GRAPES AND THE DEPARTMENT OF DEFENSE

The major factor threatening the consumer boycott over the last year has been increased government purchases of

table grapes. The Defense Supply Agency of the Department of Defense (DOD) is responsible for filling military menu needs. During the fiscal year 1968-9, table grape purchases increased over twice the magnitudes of previous years, as the following figures show:

TABLE 1⁴¹

<u>fiscal year</u>	<u>pounds purchased</u>	<u>change from previous year</u>
1966-7	7,500,000	
1967-8	6,900,000	-8%
1968-9	16,000,000	+232%

The union claims the increase is

nothing short of a national outrage...an all-out effort by the military to bail out the growers and break our boycott.⁴²

DOD has insisted, however, that it is not taking sides.

It gives several reasons for the augmented orders: lower grape prices, greater grape availability, better methods of preserving and shipping grapes, and increased demand from the military services.⁴³

In addition to an increase in overall purchases, the amount of grapes sent to military forces in Vietnam has increased several-fold over previous years:

TABLE 2⁴⁴

<u>fiscal year</u>	<u>pounds shipped</u>	<u>change from previous year</u>
1966-7	468,000	
1967-8	550,000	+18%
1968-9	4,000,000	+628%

Private commercial grape shipments to South Vietnamese civilian importers have also been much larger:

TABLE 3⁴⁵

<u>year</u>	<u>pounds shipped</u>	<u>change from previous year</u>
1966	332,000	
1967	1,195,000	+260%
1968	2,855,000	+151%

These private shipments must have the prior approval of the U.S. Department of Agriculture. It has been speculated that both the USDA and DOD have been encouraging the increased grape exportation to South Vietnam.⁴⁶

The above data do not really leave much room to give government purchasing policy the benefit of the doubt. The inordinate increases which have coincided with stepped-up boycott activity and more aggravated losses by grape growers hardly appear to be the result of "neutral decision-making" as DOD claims. The UFWOC finds it implausible that the demand for grapes in Vietnam is so great as that in a city like Detroit whose population is five times the number of American troops in Vietnam. It further notes that close to 19% of the troops have Spanish surnames, that nearly 25% are Negro, and that both these groups have been vocal about not wanting to eat grapes, which are now served as often as three times a day.⁴⁷

The UFWOC's claim that grape prices are being "shored up" meets with some corroboration. The respective amounts paid for the 1966-7 and 1968-9 grape purchases in Table 1 are \$1.04 million and \$1.98 million.⁴⁸ Dividing these payments by the number of pounds of grapes bought yields

the price of one pound for each year: 14¢ per pound in 1967-8 and 18¢ per pound in 1968-9. It is surprising that grape prices which obtain for government purchases would increase while the wholesale price level in the private sector has decreased. Also surprising is a comparison between the lug price which the government is paying and the current average wholesale lug price. At 18¢ per pound, the average twenty-five pound lug of grapes costs the government \$4.50, which is about what the average lug cost before the boycott brought the wholesale price down about \$1.50 per lug. Moreover, the UFWOC has accused the government of buying its grapes consistently from growers who were under the greatest pressure from the boycott. The union has announced that it will seek an injunction to half Federal grape purchases on the grounds that the government is taking sides in a labor dispute.⁴⁹ It would seem that DOD purchasing policy does fly in the face of President Nixon's executive order to Federal employees that the Administration "cannot tolerate favoritism--or even conduct which gives the appearance of (favoritism)."⁵⁰

THE STRIKE CONTINUES

When the boycott of all California grapes was announced in August 1967, it was clear to the UFWOC that the ability of growers to import substitute labor was the sole factor which was keeping the union from succeeding in its struggle

to be recognized and accepted as a bona fide bargaining agent.⁵¹ The strike was being undermined from too many directions to be effective in maintaining pressure on the growers by itself. The growers had found an ally in Governor Reagan, who early in the strike supplied inmates from state prisons to help fill the broken ranks at struck ranches.⁵² Since this was against the law, the practice was later discontinued. The Governor's intervention with the California Department of Labor brought about decertifications of about half of the more than forty certified labor disputes.⁵³ This allowed the state employment agencies to supply strikebreakers to ranches, including Giumarra's, which were still being struck. The Governor has also supported legislation which lowered the minimum age at which students could work in the fields and delayed the beginning of school in certain regions until after the harvest season.⁵⁴

The strike effort had also run into financial difficulty. Only \$5 per week plus room and board could be paid to those who continued striking. Since 1966, the cost of maintaining the UFWOC has risen from about \$25,000 to \$40,000 per month (most of which is being paid by the AFL-CIO and some by the UAW).⁵⁵ Only about 10% or 1700 of the union's members are still able to man picket lines.⁵⁶ Those who decide they must work try to find work in another area or in a crop other than grapes. The pickets, working daily usually in teams of about one hundred, frequently used

megaphones to talk to workers in the fields about the benefits of unionization, civil rights, grower injustices, the brotherhood of the Mexican-American community, the Bible, and community events. Although some workers are won over to the union's cause, growers easily replace them. Growers have claimed that workers leave because of intimidation by pickets, not out of sympathy with them.⁵⁷

Another frequent claim of growers is "90% of the more than 5000 pickers hired at the peak of the harvest in Delano are residents of the area."⁵⁸ By arguing that their workers are predominantly local, growers have tried to convey how unsuccessful the strike effort is in keeping indigenous workers away from the fields. (It is interesting to note how growers at the same time stress the infeasibility of farm unions because of the large proportion of migrants in the labor force.) Independent research, however, shows that about 60% of the grape harvest workers in Kern County are migrants.⁵⁹

In June 1968, UFWOC organizers began working in the Coachella Valley. They drove throughout the valley asking field workers to join the drive for union recognition, and got 90% of the workers to pledge their support.⁶⁰ The same pattern of violence and legal repression prevailed there, however, as in Delano. Reverend James Drake, previously an active organizer in Delano who directed the Coachella Valley activities, described the situation as "a little frightening. This is tough country. It's close

to the border, and there is more disregard for human life."⁶¹ Violence has become an increasingly troublesome problem in the movement. Cesar Chavez undertook a long fast in the Spring of 1968 to counter at least spiritually the militant tendency of some of his followers. He related that

Some of our people accuse us of cowardice in following the path of nonviolence. They tell me: "If we go out and kill a couple of growers and blow up some cold storages and trains, the growers would come to terms. This is the history of labor. This is how things are done." But we've said many times that one drop of human blood is worth more than all the contracts. We'll use strikes and we'll use boycotts to get recognition, but we'll wait as long as we must to get contracts without violence.⁶²

Nevertheless violence has occurred. Packing sheds have been set on fire, foremen have been threatened, tires have been slashed. The union has claimed that there have been several incidents

that we know are being perpetrated by someone other than ourselves...to create a climate of fear and violence. One of the growers who agreed to negotiate with the union had 35,000 boxes burned two days after he made the announcement. Another grower who was negotiating with the union was attacked and almost had his eyes torn out. Several have received death threats.⁶³

In the Fall of 1968, three New York City supermarkets were firebombed. Since the stores were selling grapes at the time, some growers insinuated that the boycott organizers were responsible. It was later revealed, however, that the Mafia had committed the vandalism because the stores would not carry a product produced by a Mafia-backed

company.⁶⁴ Union activities in Texas have met with the most hostility. The Texas Rangers have a history of "putting farm workers in their place". Union success in Texas has therefore been rather fleeting. The strike did spread in June 1969 into Arizona, however, and the boycott now includes Arizona as well as California table grapes.

CONTROL OF MEXICAN LABOR

Since growers turned to Public Law 414 to satisfy their need for additional workers, almost 700,000 Mexican aliens have flooded the farm labor market. Up to 150,000 of these are estimated to commute between Mexico and the U.S., thus regarding their green cards as "work permits" instead of the "permanent residence visas" they were intended to be.⁶⁵ The UFWOC has conducted a propaganda campaign along the border urging Mexican nationals not to break the strikes it had called. On the other hand, growers distributed leaflets encouraging them to commute. In 1967, an amendment to Public Law 414 was passed which barred the use of greencarders as strikebreakers. But growers were able to get an injunction by the 1968 harvest which prevented immigration authorities from enforcing the ban. A Los Angeles Federal Court ruled that the ban violated the equal protection clause of the Fourteenth Amendment.⁶⁶

In addition to the greencarders, wetbacks have

presented a big problem to the strike effort. In the jurisdiction of the Bakersfield, California Border Patrol Station (about two and one half counties where the grape strike is centered), the following numbers of illegal Mexicans were caught monthly after the beginning of the strike against Giumarra:

TABLE 4⁶⁷

July, 1967	273
August, 1967	564
September, 1967	418
October, 1967	321
November, 1967	209
December, 1967	144
January, 1968	94
February, 1968	158
March, 1968	229
April, 1968	240
May, 1968	221
June, 1968	415
July, 1968	397
August, 1968	502
September, 1968	<u>519</u>
TOTAL	4,704

A Station official also estimated that about 40% of the counties' farm worker force were greencarders.⁶⁸ One grower in the area is alleged to have a false compartment in his truck to smuggle Mexicans from the border, and the Immigration authorities have up to now ignored him.⁶⁹

Two bills have been drafted to control the excessive flow of Mexican labor into American ranches. Senator Edward Kennedy (D-Massachusetts) has proposed that each commuter alien be certified every six months by the Labor Department. Certification would not be renewed if the

presence of the alien had previously depressed wages or work conditions in any area, or if he had acted as a strikebreaker. Senator Walter Mondale (D-Minnesota) has introduced legislation which would oblige greencarders to live in the U.S. The State Department has opposed the bills, however, because they would:

- 1) deprive Mexicans of their earning power
- 2) reduce trade along the Mexican frontier
- 3) perhaps make the Mexican government retaliate.⁷⁰

CHAPTER 7:
THE GROWERS' CASE

INTRODUCTION

"A man sweats blood trying to make something. He's got a right to try and save it. These people are trying to take it away from him. We ain't never had a war in this country and these people are trying to start one."¹

Behind the emotionalism of the above sentiment lies the basis of the struggle in Delano (not to mention a good grasp of American history). The growers do indeed have something the farm workers want. The workers also have something the growers want: their labor, and as inexpensively as they can get it. The unionization of farm labor, of course, threatens the farmer. To what extent is a running debate which this chapter will analyze and attempt to resolve.

THE ARGUMENTS

Widespread and comprehensive unionization of farm workers depends, as has been discussed, on the appropriate amendment of the National Labor Relations Act. Amendment to include farm labor would essentially open the gates for all representative farm unions to collective bargaining,

since growers would be forced to acknowledge and come to terms with these unions. Advocates of such amendment, by now including most growers, have especially varying views about how a new labor relations law should be construed. As expected, growers have fears which they hope a new law would mitigate, while unionists also have fears that grower-proposed legislation would leave them more shackled than would the absence of a new law. Thus the following arguments, vociferously voiced and spread by grower interests², represent the main reasons of the minority which is lobbying for no new law, as well as of the majority of farmer spokesmen desiring as restrictive a law as possible:

- 1) Agriculture is "different" from other industries and is therefore not appropriately covered by analogous collective bargaining guidelines.
- 2) Farm workers do not want a union because they are happy and well-paid.
- 3) Cesar Chavez and the UFWOC demonstrate how a farm union and its leaders can be unrepresentative, untrustworthy, and hungry for power and money.
- 4) Unionization of the farm worker only means his increasing obsolescence as mechanization proves to be less expensive and troublesome.
- 5) Collective bargaining would make farming unprofitable because of its small profit margin.
- 6) Collective bargaining is neither feasible nor possible because of the inordinate threat a harvest-time strike would pose to the farmer and the nation.

DISCUSSION

1) The opinion that agriculture is "different" was basically what exempted farm workers from the provisions of the NLRA. It has been conservatively argued that if Congress' reasons for exemption were good in 1935, they must still be good, since the nature of agriculture has not changed that much. Recently, before the Senate Subcommittee on Migratory Labor, the following testimony was given:

Agriculture in our opinion is not now, and never has been, an industry that can be made subject to the whim of a labor union or labor organizer. It is dependent entirely on nature-- on varying temperatures, rainfall, or the lack of it, insects, storms, weeds, and so many other items that it is impossible to forecast and make the subject of a labor union contract.³

This passage underlines the "difference" which growers claim makes the farm union unjustified. It would not seem, however, that those factors which are considered so impossible of prediction are really so relevant to the question of unionization. It is predominantly the large corporate farm which would come under the stipulations of a labor relations statute. Such a farm's economies of scale provide a buffer against the vagaries which might make some aspects of farming less profitable than others. The few union contracts which do exist, moreover, do incorporate restrictions with respect to "acts of God".

Another distinguishing feature of agriculture is the nature of the labor it employs. Farm workers often work

in small, scattered, and migratory units and are sometimes in one area for no more than a few weeks. For these reasons, farmers have argued that workers are less responsive and amenable to unions. But again, the growth of agribusiness, as well as improved communication and transportation, should be taken into account. The contrast between the present-day and earlier structure of the farm labor force, not to mention the workers' legitimate desire to be unionized, must be noted. In the last few decades, agriculture has moved far in the direction of industry insofar as its operations have become increasingly mechanized and vertically integrated. Public policy should reflect an accommodation of this transition and recognize that, at least with respect to agribusiness, the essential nature of any "difference" between the two sectors is mainly administrative and not particularly qualitative. In this context, statements that farm labor is inherently less valuable than industrial labor, and hence not worthy of commensurate remuneration, can also be rebutted:

I think, actually, that the average farm laborer requires a much wider range of skill than the average industrial laborer does. Conditions on a farm are such that the job content changes constantly. You can't break a farm job down into a series of repetitive, easily supervised operations like you can a factory job. I'm an engineer. I've run quite a few factories and I've run quite a few farms. I've never seen an honest job evaluation yet that didn't come to the conclusion that the farm job ought to be paid more than the factory job.⁴

- 2) A frequent grower claim in pamphlets, conversation, and

full-page advertisements is that their workers do not want a union.

In talking to our workers since the union has been concentrating its organizing campaign here during the past 13 months they tell us they do not want a union to negotiate their own working conditions. The union has been trying to organize farm workers for over a year, and as far as I know, not a single one of our employees has joined the union.⁵

In light of the ballot count results in Delano, however, it would seem that this argument is really a convenient ploy to justify the growers' continued refusal to allow a vote and thereby resolve the issue. In fact, in the three secret-ballot elections and the five card check elections which have been held to date, workers have in every case voted for UFWOC representation. Employers who have given in and allowed elections and granted the protection of a UFWOC contract are regarded with considerable disdain by the bloc which is holding out. (It should be noted that Sections 921-923 of the California Labor Code prohibit any employer from "interfering with or restraining" any worker in the exercise of his right to join a union.)

Employer paternalism has long been the pattern on American farms. The fact that there are so many workers in the fields is given by growers as evidence that there is no strike and therefore no discontent with working or living conditions. Farm spokesmen constantly point out that workers can earn up to \$2.50 an hour and that California pays the highest farm wages of all states in the

nation. In fact, some workers do receive wages as high as \$2.50 an hour, but only during the harvest season when the crop is plentiful and work is available. At most other times of the year, their income is so meagre that average annual earnings are well below the poverty line.

Frequently the mother and father are the payroll statistic but all their children may be in the field picking with them and having their production credited to the parents, thereby inflating the wage rate.⁶

Furthermore, California does not pay the highest farm wages in the nation as growers claim. Hawaii's unionized workers average three dollars an hour. California does have one of the highest minimum wages, however (since most states do not have minimum farm wage coverage), but again a high minimum wage neither guarantees year-round work nor a sufficient annual income.

Living conditions have been touted as "modern and attractive motel-style units provided free of charge to workers".⁷ The image is very pleasing but hardly accurate, as any visit to any California labor camp would reveal. Growers also emphasize that there are many laws on the books relating to the farm worker's welfare. But it is not emphasized that most of them have been either weakly enforced or totally ignored. Nor is it mentioned that Kern County law enforcement officers have enforced the law by clamping down on the strikers (who supposedly do not exist) while ignoring union reports of lawbreaking by its opposition. It is very questionable whether most

workers can be happy, like their employers say they are, when such attitudes as the following prevail:

We protect our farmers here in Kern County. They are our best people. They are always with us. They keep the country going. They put us in here and they can put us out again, so we serve them. But the workers are trash. They have no standard of living. We herd them like pigs.⁸

3) The assertion that the UFWOC is unrepresentative has been partially discussed in regard to the grower claim that workers desire no union. Whether workers in general prefer the UFWOC as their bargaining representative or not remains to be seen, since only a small fraction of the total California farm working force is unionized at this point. UFWOC claims to have about 17,000 worker members throughout California and the Southwest (growers say 2,500 to 3,000), an estimated 3,000 of whom are actually covered by its contracts.⁹ So there are probably around 14,000 persons who put in their bid for UFWOC representation even before receiving contract sanction from their employers. Membership in the Teamsters Farm Workers Union does not approach these numbers. It seems likely, therefore, that the UFWOC is indeed representative, and promises to be so on a large scale if given the legal backbone to force negotiations with growers. Many growers maintain that the union has not offered to bargain, but this is false. Indeed it has been the growers who have consistently refused to grant UFWOC requests proposing discussions about representation procedures.

The formation of several other groups in Delano in opposition to the UFWOC is cited as further evidence of union unpopularity. The first group to emerge after the Teamsters was the Kern-Tulare Independent Farm Workers. It was later exposed by the late Senator Robert Kennedy in Senate Subcommittee hearings as a "company union" with no actual worker leadership. At least six "company unions" have formed altogether, in addition to the Citizens for Facts from Delano, Mothers Against Chavez, Women Against Chavez, Men Against Chavez, and the Agricultural Workers Freedom to Work Association (AWFWA).¹⁰ The anti-Chavez groups are right-wing citizen organizations, supported by the growers to propagandize against the UFWOC and expose its efforts as a "Communist conspiracy": "The objective is not to help fruit pickers get higher wages, but Communist control of America's food supply."¹¹ The AWFWA is an anti-union worker organization aligned with the National Right to Work Committee. It is currently being sued by the UFWOC for violating a California statute forbidding employee organizations financed and controlled by employers. The UFWOC is in turn accused of breaking "Right to Work" laws which do not even exist in California and of violating Taft-Hartley prohibitions which do not pertain to farm unions.

The argument that Cesar Chavez and the UFWOC are untrustworthy in one respect concerns the ideological antipathy toward the man and the movement. Senator Harrison

Williams (D-New Jersey) tried to make both seem a little more palatable in a recent Senate address:

Cesar Chavez is proving to the world his dedication to the aspirations of his own people. He is a leader in nonviolence, known and supported by the major religious bodies in this country. The nation's labor movement is firmly supporting his efforts. Before the strike, his union salary was less than \$75 per week. Since the strike began, only \$5 per week has been paid to him, as to all adults who work in the strike. Cesar Chavez and the workers with him have no desire to destroy anyone, least of all their own employers. The agricultural industry may someday recognize with gratitude that they can choose to bargain with humane and reasonable men.¹²

The argument also concerns a charge that union contracts have been broken. Evidence that this has happened, however, is weak. Officials of the South Central Farmers' Committee in Delano claimed that the UFWOC had made an "atrocious" of its no-strike agreement with Schenley by staging "58 strikes and slow-downs at the company". But Schenley denied the allegation and said relations with the union were "remarkably good".¹³ There was one infringement on a contract with Almaden Vineyards, but a company representative's explanation absolves the union:

We've had one minor work stoppage, and it was unauthorized, but I've seen wildcat strikes in other unions before...It is unfair to say this is not a responsible union.¹⁴

4) Farmers fairly accurately note that if farm unions grew especially numerous and strong, the rate of mechanization would increase:

It would be hard to envisage any legislative

enactment which would result in quicker disemployment of a group of people most needing employment than the extension of collective bargaining to farm workers.¹⁵

The phenomenon has not been so pronounced in manufacturing and other industries since industrial mechanization and a relatively large labor force are complementary. But in farming, harvesting machines require little labor and replace much. To argue, however, that because mechanization will displace labor in response to union pressures and that unions will therefore be counterproductive to farm labor is specious. Mechanization is going to come into some areas of farming whether unions exist or not.

Some crops are not so readily conducive to mechanization. Table grapes is one according to a Delano grower:

If it were just a matter of picking, automation might be feasible. You could do it for raisins or for wine grapes, but there are too many quality checks for table grapes. A picker has got to check color, the size of the grape, the size of the bunch, and trim bad grapes before a bunch can be packed. How are you going to mechanize these functions?¹⁶

On the other hand, there are many crops which are already being mechanically picked and processed. Mechanical cotton pickers and use of chemical spray instead of workers to control weeds cut back harvest employment in the Mississippi Delta from 32,328 in 1965 to 7,225 in 1967.¹⁷ In some crops, there is already a threshold wage level beyond which mechanization will be instituted:

—There is right now a practical selective lettuce harvester, but there's such an abundance of labor

in lettuce that it's still economically feasible to harvest by hand. The lettuce labor force is almost entirely Mexican. If a completely domestic labor force had to be used, then I think you'd see the machine overnight.¹⁸

Although some job elimination is a long-range likelihood in certain areas of agriculture, there are some immediate advantages of mechanization for both unions and employers. As more skilled workers are required in the field, a hierarchy of labor needs will emerge. This will provide promotions and mobility for workers as well as the opportunity for growers to make supply arrangements with unions to meet their more sophisticated requirements. A problem which growers have even today is interstate recruitment of farm labor. Federal and state employment services have been "more geared to the laborer, and less to assuring an adequate labor supply."¹⁹ One grower suggested that he would not be so averse to unions if he could be guaranteed an adequate number of employees for his seasonal work and a fair price for his crop if his requirements were not met.²⁰ Such an arrangement is conceivably within the realm of possibility, especially since it would subdue grower fears of a controlled labor supply.

The prospect of mechanization is no more encouraging to workers than the prospect of unionization is to growers. But it is not really appropriate that growers argue that the one should militate against the other.

The only real issue is whether or not America's hired farm workers should continue to be excluded from the protection which is available to most

other workingmen in this country. There are no moral, or social, or economic criteria which suggest they should be treated differently from other workers who have similar needs and problems.²¹

5) Another primary concern of farmer spokesmen is that NIRA coverage will entail higher labor and administrative costs that might prove to be prohibitive. It is certainly true that many growers are faced with a cost-price squeeze. Profit levels generally vary from year to year, mainly according to climatic conditions and the incidence of crop insects and disease. These variables, however, do not range between such extremes that farm incomes on the average have been adversely affected. Technological advances have helped increase the farmer's control over these problems as well as his income.

Small farms are of course more vulnerable to crop failure, but they are probably not much more likely to figure in a farm union scheme than the many small businesses which have remained outside the jurisdiction of the industrial unions. The vast majority of the farm worker force is employed by a minority of growers. In California, for example, 10% of the farms employ 80% of the workers, while over 60% of the farms do not use any outside labor. Moreover, many of the large growers who would be affected are those presently receiving large government subsidies for not growing at all. The increased costs which do accrue because of farm unionization can in many cases be balanced by a more judicious distribution of these funds.

In addition to the farm worker, the small farmer will also benefit from the unionization of the large farms. If the wage bill of agribusiness increases while the cost of small farm labor remains constant, the competitive advantage of the larger growers will decrease, and the value of the small farm's product will increase. It is apparent that the small farmer as well as the farm worker has been exploited in the marketplace. Thus the National Farmers Union and the National Farmers Organization have come out in favor of the inclusion of farm labor under the NLRA.

Growers have claimed that the minimum wage law is ample to help the farm worker and that it is impossible for unions to do more for the wage rate. In fact, wages have increased about 50¢ an hour on the average (the differential for harvest wages is more) by the contracts the UFWOC has won from growers.²² One of the smaller growers recently commented, "Our contracts have increased labor costs, but we're not hurt."²³ When DiGiorgio announced that it was selling its Sierra Vista ranch (only a small part of its holdings), some growers claimed that both the sale and the fact that only half the asking price was received was caused by the effects of the union. The president of DiGiorgio later denied that the UFWOC was a factor and insisted that the full government-appraised value of the land was realized in the sale.²⁴ It appeared that the federal reclamation agreement DiGiorgio had signed in 1952 finally caught up with the company.

The experience with the UFWOC contracts also indicates that farmers may have overestimated the legal costs involved in dealing with unions as well. Whatever the price employers eventually have to pay, however, it will partly be the price they must pay for permitting poor labor practices in the past.

Neither large nor small farmers can justify their own survival in business if it is purchased at the cost of suffering for farm workers and their children.²⁵

6) The most vehement grower opposition to farm unionism derives from the fear of a crippling strike at harvest time. It is supposed that if a union exercises its prerogative to call a strike, a farmer could lose his entire crop plus the capital invested in it.

The unique feature of the employment relationship in agriculture is the vulnerability of the farmer as an employer to any work stoppage on his farm.

While most industrial or commercial concerns may suffer reduction in profits as a result of a strike, it is rare for them to be disastrously affected. For the most part they can close down the operation and sit out the strike with nominal losses.

Compare this to agriculture. It is not possible to close down a farm. Production must continue in tune with the season. Crops must be harvested when ready. Even a delay of a few days may²⁶ substantially reduce the value of the crop.

Collective bargaining would not equalize the bargaining of farmer and worker; it would make the farmer subservient to labor.²⁷

Thus it is contended that the perishability of farm products makes the farm union dangerous and unfeasible. Many growers visualize the threat of a harvest-time strike as a threat to the national security. For several reasons, however, the

"perishability argument" is not very convincing. For one, the few perishable-product industries whose unionized employees are already covered by the NLRA have successful and secure collective bargaining relationships. They include fruit and vegetable packers, canning and freezing factories, transporters, sugar processors and the fishing industry, all of which have a seasonal need for a large number of temporary employees. Union contracts in these industries often expire when economic activity and the threat of a strike is at a minimum. In Hawaii, 20,000 sugar and pineapple field employees have been unionized ever since the enactment of the Hawaiian Employment Relations Act (HERA) in 1945. Strong provisions to control and settle strikes have contributed to the Act's success:

A complaint filed by employers gives the Hawaii Employment Relations Board (HERB) the power to petition a circuit court for temporary relief or a restraining order in cases of an alleged violation of a collective bargaining agreement. In such cases the circuit court, if it sees fit, can grant relief. All the major sugar and pineapple contracts contain no-strike clauses, which are for the most part rigidly adhered to.²⁸

Nor have crippling effects resulted from the two labor relations laws in Kansas and Wisconsin. Agricultural employees in many foreign countries have also long been permitted to form and join collective bargaining organizations.

All UFWOC contracts negotiated with growers contain no-strike clauses with stringent, immediate, binding arbitration in the event of any violation. Each contract

specifies the arbitrator as the State Conciliation Service or an individual attorney. Since the contracts went into effect, no protracted strikes during harvest or any other time have occurred. The strikes which are being conducted by the UPWOC now do not of course involve contracted union members. Their rather small effect on the economic welfare of the Delano growers even during the harvests abundantly demonstrates how a strike is not necessarily the vicious weapon it is made out to be. It is in fact a weapon to replace poverty and inequality with economic and social justice. When this is done, the strike is basically obviated. Since only a partial realization of this goal is the likely outcome of present farm labor organizing, it is all the more important that good faith be maintained with growers by resisting indiscriminate striking. The farm worker, as well as the farmer, has much to lose during a harvest-time strike, since that is also his most lucrative period during the year.

Growers can take heed of the vulnerability of several commercial industries which operate with critical production times and of the seasonality of the building trades. They should also realize that strikes have been the exception rather than the rule in industrial labor history, whereas they have been the consistently aborted anomaly in farm labor history. Indeed it is the success of grower efforts to deny the farm worker collective bargaining rights which has led to the tactic of harvest-time strikes in order to win those rights. Once they are won, the tactic should become an uncommon last resort.

CHAPTER 8:
THE NEGOTIATIONS

THE CONTRACT DISCUSSIONS

Since the voluntary offers of four California wineries to establish contracts with the UFWOC in 1967, contracts with three other wineries have been signed: Almaden Vineyards, Franzia Brothers, and Mosesian-Hourigan-Goldberg of Delano. (The results of the union representation elections which have been held to date appear in Appendix D.) By far the most momentous event in the UFWOC's history occurred on Friday, June 13, 1969 when ten California table grape growers offered to commence contract negotiation. The total grape acreage of the growers comprised ten to fifteen percent of the state's total. The Federal Mediation and Conciliation Service was brought in to mediate "as a public service". The basic conditions and demands of both sides were presented:

GROWERS:

- 1) Any contract would have to contain a no-strike, no-boycott clause.
- 2) The union would have to demonstrate that it represents the majority of workers.
- 3) Contracts would have to be ratified by the company's workers.
- 4) A Federal minimum wage law would have to be passed before a contract could be signed.

- 5) Likewise a Federal unemployment insurance law and a National Labor Relations Act for Farmers would have to be legislated.

THE UNION:

- 1) better working conditions
- 2) wages of at least \$2 per hour plus incentive
- 3) proper sanitary facilities
- 4) adequate protection against pesticide poisoning
- 5) fair elections to determine majority will
- 6) a hiring hall

The UFWOC would like to obtain contracts similar to those it already has. Unionized workers in wineries currently earn a minimum of \$1.90 per hour off-season and \$3.25 per hour during the harvest. It was reported that union workers at Almaden earned an average 1968 income of about \$4,600.¹ They also received ten cents per hour for a health and welfare fund. Twenty-five percent of the workers received free housing. As the talks progressed, representatives of a few other growers occasionally dropped in. Bruno Dispoto, one of the Delano growers most violently opposed to Cesar Chavez and his union, joined the negotiations after several weeks to "be in on the ground floor of a settlement." It was reported that "several Arizona grape growers and some in California may soon announce their willingness to open discussions" in addition to those now under way.²

It is quite likely that if the growers presently negotiating come to a settlement, many other growers would also begin negotiations with the UFWOC, since growers

with union contracts would then have some advantages over those who do not. For one, they would no longer be boycotted. They would also be more competitive for efficient workers in the labor market because of the higher wages they would be paying. Contracted growers are able to benefit from the union hiring hall which simplifies worker recruitment by obviating the labor contractor system and stabilizes the labor market. There is now only a 1% turnover in Schenley's unionized labor force, whereas there was a 126% turnover before the company signed a union agreement.³

One problem which has been brought up is the difficulty consumers would have in distinguishing between union and non-union grapes if the boycott continues and several growers come to terms with the union. Although packing boxes are easily labeled, display counter are not. The UFWOC claims that the existing boycott machinery can be turned around to promote the produce of those who have signed contracts. Markets which have cooperated in the boycott could supposedly cooperate with the union by handling just union grapes. Although this procedure sounds simple, it may be especially difficult to get the grape distribution process to distinguish between groups of grapes and incorporate special routing. The effectiveness of the boycott may therefore be diluted after agreements with some growers are made.

After several meetings, the negotiations unfortunately

bogged down. It does not appear that the growers will be intractable with respect to the rather far-fetched demands for Federal legislation as a proviso for settlement with the union. But on some disputed points, growers do not want to leave much leeway for discussion. The union made the point that "more workers have reported symptoms of chemical poisoning this year than in the three previous years."⁴ Attempts to resolve what safeguards against pesticide dangers should be developed did not yield any solutions acceptable to both sides. The talks have therefore recessed at an impasse. President Nixon was requested by frustrated growers to appoint a "fact-finding commission to make whatever recommendations it feels would be necessary to resolve the table grape dispute."⁵ The union rejected the commission idea as one which could not bring about a solution. "Commissions of any sort take years to bring about recommendations."⁶ The UFWOC is therefore waiting out the gap in communication in the hope that it can ultimately do by will power what industrial unions have been able to do by dint of the NLRA.

PROPOSALS IN WASHINGTON

The prospect for inclusion of agriculture in some sort of national collective bargaining legislation presently appears to be quite promising. The spectrum of opinion, presented in Congressional hearings, about how agriculture

should be covered varies considerably. As pointed out in Chapter 7, most farm interests have not been predisposed to supporting any law that does not afford guarantees against the dangers they feel are lurking in mandatory collective bargaining with farm unions. But they have moved far in recent years by coming to the fairly unanimous realization that the time has come for the unionization of at least the larger farms in the nation.

The first problem which must be resolved is the definition of an agricultural worker. This has been the subject of considerable litigation in courts since some types of farm-related work have been difficult to categorize as appropriate for NLRA coverage. The court decision in NLRB versus the Grower-Shipper Vegetable Association of Central California has come to serve as precedent for the definition:

Agricultural labor includes all services performed by an employee on a farm in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding or management of livestock, bees, and poultry; or processing of articles from materials which were produced on a farm; also the packaging, transportation, or marketing of those materials or articles, provided, however, that such services are performed by an employee of the owner or tenant of the farm on which the materials in their raw or natural state were produced, and that such processing, packing, packaging, transportation, or marketing is carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.⁷

The general rationale for considering some jobs as exempt from NLRA coverage and not others therefore seems to be the difference in the intensity of labor compared to capital

in a particular occupation. A definition of the thin line between the two categories will probably remain important since a labor relations law for agriculture is likely to be different from those now applicable to industry.

Another factor which will have to be taken account of is the question of a jurisdictional standard, i.e. whether only farms with a certain output or certain magnitude of employment should be covered. Most of the other problems in formulating a labor relations law for agriculture revolve around the extent to which the NLRA and its Amendments should be copied or changed in a new law. Present proposals range from allowing farm unions to be covered by the NLRA without its Amendments to the establishment of a grower-controlled agency to supervise collective bargaining and rule on disputes and violations.

One of the first grower-proposed formats for a Federal law to cover farm workers was presented by the American Farm Bureau Association. Its recommendations favored:

- 1) rules defining employment relationships between farmers and farm workers involving neither the Labor Management Relations Act nor the National Labor Relations Board.
- 2) prohibition of secondary boycotts, product boycotts, and strikes which would result in loss of perishable products.
- 3) protection of the right of each individual worker to join, or not to join, a union.
- 4) secret balloting by workers with respect to representation, to be conducted by the U.S. Department of Agriculture.
- 5) authorization for an aggrieved party to sue for damages and/or seek injunctive relief against violations of the Act.⁸

The suggestion that damaging strikes and boycotts (in other words all strikes and boycotts) should be prohibited has not been taken too seriously by the Congressmen who are empowered to forge a new law. The right of workers not to join a union is guaranteed by "right-to-work" laws in the few states which have them, but union security (compulsory union membership) would probably be assured by a new or amended law for agriculture, possibly even in the "right-to-work" states.

Secretary of Labor George Schultz has recently (May 6, 1969) detailed an agricultural unionization plan which the Nixon Administration would like to see embodied in a new law. Its provisions would:

- 1) forbid employers to recognize a farm union unless and until the union wins an election.
- 2) prohibit consumer boycotts.
- 3) allow strikes if employers declined the use of special arbitration machinery which might otherwise prevent the strike.
- 4) create a Farm Labor Relations Board (FLRB) to serve a similar function to the NLRB.
- 5) apply only to those farms employing more than 500 man-days of labor during the peak quarter of the previous calendar year.⁹

Concerning 1) the following explanation was given:

Agricultural workers...are largely unorganized and therefore employers should not be permitted to enter into collective bargaining agreements unless an election first indicates majority representation by the contracting union.¹⁰

This proposal is in contradistinction to the present law for industrial labor relations which states that an employer must recognize a union which he has good reason

to believe represents a majority of his employees. The Schultz proposal would give growers who wish to thwart the wishes of their employees to be unionized free reign to commit unfair labor practices which might prevent a fair representation election. It is not entirely clear why the fact that farm workers are "largely unorganized" in general should make it more difficult for them to become organized into a bargaining unit.

The special arrangement to allow strikes is as follows: a union would be required to give a ten-day notice of intent to strike to the employer, during which time either party could invoke a thirty-day period of mediation and fact-finding by a neutral party. A strike would be forbidden during this period. The third party's recommendation(s) after an investigation would be binding on the party which initiated the mediation, but only if accepted by the other party. If settlement is not reached within the thirty days, the union would be free to strike. (The same provisions for striking apply to employer lockouts.)¹¹

There seem to be several difficulties with this scheme. Giving a grower notice about a contemplated strike would allow him to recruit strikebreakers in time to mitigate the strike's impact. The restrictive ban on strikes during the thirty-day mediation period also reduces the effectiveness of the strike. A strike would most likely be called during the harvest which would almost be completed forty days after the intent to strike was announced. When

a union declares a potential strike, the grower is the party which will probably call for mediation. If the recommendation of a third party is against the wishes of the union, the grower is likely to accept it and tie up the mediation for the entire thirty days. On the other hand, if the recommendation is basically in favor of the union, it will be binding on the grower and acceptable to the union. The difficulty with this contingency is that the mediator is chosen from a list of five names selected by the Secretary of Agriculture. George Meany, president of the AFL-CIO, had this to say at Congressional hearings about such an arrangement:

As far as the farm workers are concerned, that is indeed putting the fox in charge of the hen-house. The Department of Agriculture has long been noted for its tender loving care of the nation's big farmers and for its callous indifference to the welfare of farm workers. It would seem more normal for the Federal Mediation and Conciliation Service to have been given this role.¹²

The UFWOC has elucidated its position on the type of labor relations coverage which it feels should be enacted. The following points have been put forward:

- 1) Farm unions should be exempt for a time from the Taft-Hartley and Landrum-Griffin Amendments which restrict traditional union activity, especially the ban on recognition and organizational picketing and the so-called secondary boycott, made particularly repressive by the mandatory injunction in both cases (see Appendix A).
- 2) Farm labor should be excluded from the operation of Taft-Hartley section 14(b), which makes misnamed state "right-to-work" laws operative in interstate commerce.

- 3) No legislative or administrative exemption of small growers from a labor relations law should be allowed.
- 4) Union security and the right to strike must be maintained.
- 5) Growers should not be allowed to refuse to discuss possible safety precautions with respect to the use of pesticides. They should further be required to heed complaints about inadequate sanitary facilities in work or living areas.
- 6) It should be made an unfair labor practice for a grower to employ anyone during a strike who has not actually established a permanent residence in the U.S.
- 7) Some civil remedy should exist against growers who employ illegal Mexican workers as strike-breakers.¹³

In recent hearings before the Senate Subcommittee on Migratory Labor, Dolores Huerta, the vice-president of the UFWOC, defended the union's request that farm unions be exempt from the amendments to the NLRA:

Where would the large industrial unions of today be if Congress had "protected" them from the beginning, not with the NLRA, but with the Taft-Hartley Act? We too need our decent period of time to develop and grow strong under the life-giving sun of a public policy which affirmatively favors the growth of farm unionism. History will record that Taft-Hartley, 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.¹⁴

It is from the UFWOC's first-hand experience with the boycott, strikes, unfair labor practices, the high cost of litigation, etc., that its anxiety about simple extension of the amended NLRA evolved. For several years, this simple extension was its ultimate goal. But of late the goal has

been refined to what has come to be called the "twelve years of sunshine amendment". (The NLRA was passed in 1935, Taft-Hartley in 1947.) Even with the protection of a national law, the UFWOC is not convinced that farm unions can feel secure in their ability to bring about fruitful negotiation with growers. It feels that too many state and federal agencies have permitted widespread violation of too many laws pertaining to the welfare of the farm workers, which demonstrates how laws often do not do the job. Hence the advantage of securing individual contracts by putting recalcitrant growers under duress becomes clear. The disadvantage of legislation which deviates too far from what the UFWOC desires is that it would limit the use of the two semi-efficacious weapons it now has: the strike and the boycott.

The concern of the UFWOC that small farmers may be exempt from any legislation that is forthcoming was described by Cesar Chavez recently:

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. 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, big agribusiness will get the benefit of better workers attracted by higher union wage rates. Large growers would also benefit from political alliance with the union when there is question

of union employers against nonunion employers. 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 urge small growers to give the matter a great deal of thought before pressing for an exemption from NLRA coverage.¹⁵

The small farmers, however, may well feel that exclusion is the lesser of two evils. Actually the most frequently mentioned jurisdictional standard would cut off coverage to farms with less than \$50,000 minimum annual sales in interstate commerce. This would mean that only 3.5% of the nation's farms would come under a labor relations law.

Congress has been considering several farm labor relations bills which incorporate in varying degrees the many different sentiments which have been conveyed to it. Eighty members of Congress have co-sponsored two bills (S.8 and H.R. 9954) in particular. The bills contain some amendments to make a new law more suitable and operable for agriculture, but they do not go so far as the UFWOC would like, nor are they so restrictive as the American Farm Bureau would like. Senator Alan Cranston (D-California) has suggested that he feels the UFWOC might reconsider its position on certain points, including the right to organize boycotts, if Congress could assure that the Mexican border would be effectively closed off to strikebreakers.

A bill called "A Consumer Food Protection Act", recently filed by Senator George Murphy (R-California), is proffered as a substitute for S.8 which Senator Murphy consistently

voted against in the Senate Committee on Labor and Public Welfare. The Act would prohibit strikes, boycotts; picketing at retail establishments, and union security, as well as set up an Agricultural Employee Relations Board within the Department of Agriculture.¹⁶ Several states, including California, have also responded with their own versions of Senator Murphy's bill. It does not appear that any of the proposed bills have an edge over the others. Nor does it appear that any will have an easy time avoiding stiff opposition in floor debates to become law.

CHAPTER 9:
CONCLUSION

CONCLUSION

The UFWOC most certainly has a valid and justified case in arguing that since restrictions were not imposed on industrial union activity until they had grown powerful, they too should be given equal protection of the same law. Farm unions today are weaker than industrial unions were in the 1930's. It is curious to note that the equal protection consideration just as well applies to the current paradox that farm unions do not receive the same protection as industrial unions under the same law. Indeed they are not protected at all. Growers have in fact consistently obtained injunctions from courts against picketing activities by successfully arguing that since the NLRA excludes farm workers from its provisions regulating peaceable union organizing, they should not be allowed to organize.

A fair approach to the problems of the farm worker will have to take into account the problems of the grower, who is now facing mounting costs, increased foreign competition (especially from Mexico in certain crops including grapes), and water shortages in some areas. The plight of the farm worker would be ideally remedied with little sacrifice on the part of the marginally successful grower.

That farmers should receive a fair return for their products can be readily acknowledged and accepted. But it would seem that the Federal "income maintenance benefit plan" (i.e. subsidies) has allowed many corporate farmers to receive well over their fair share. Thus the small-scale farmer is more burdened, assuming he figures in a unionization plan, than if subsidies were more rationally distributed, and he is therefore less able to cope with the economic pressures a farm union may entail. A solution to allow inclusion of the smaller growers and cut the excesses of the subsidy program would be to put a ceiling on the amount large growers could receive from the government.

Surplus funds which might accrue from trimming the more exorbitant subsidies could be redirected by the government into programs to help the farm worker. A government plan to aid unemployed workers between harvests and another to set up job training and retraining centers are exigent. Lawmakers should realize that solving urban problems depends partly on the ability to improve job opportunities and living standards in the countryside. Efforts will have to be made to accommodate the influx into the cities of rural unskilled labor seeking better opportunities than farms offer. Predictions about the effect of mechanization on the farm labor force do not bode well with a lax approach to this problem.

A continuing drain on farm union potency has been the

easy supply of Mexican labor, which has also contributed to the increase in the rural-to-urban emigration. The UFWOC and some informed Congressmen realize that the key to raising wages and living standards of farm workers, mainly in the Southwest, lies in cutting off this supply. The urgency of this problem was eloquently expressed already in 1964:

Since these growers show no signs of self-reform, they need to be told emphatically and with finality that the approximation of slave labor conditions which they have perpetuated will no longer be tolerated by this nation. They need to be made to understand in what century and in what kind of economy and society they are living and operating. They must be forced to realize that to exploit the poverty of other nations in order to beat down and crush the poor of our own country is the grossest kind of immorality.¹

Once the secondary problems of the establishment of a sound farm fiscal policy and the control of Mexican labor have been at least partially resolved, there is still the question of whether farm unions can operate effectively and dynamically. It is an unanswered question whether labor relations legislation will either promote the growth of strong farm unions or benefit the general economy in any way. One problem which may to some extent hamper union activity is the especially transient nature of the farm labor force. The selection of a bargaining agent and communication with the constituency of a union could be complicated. The crucial decision which must be made, however, is whether farm workers will be given in the first place

the legal apparatus to force a dialog with their employers and bargain on their own behalf. The efforts of the UFWOC in California have set the stage for social changes which are and will be occurring on farms for many years to come. Hopefully the decision about whether or not to include the farm worker in a constructive labor relations system will glorify those initial efforts in Delano instead of rendering them futile.

APPENDICES

APPENDIX A: SUMMARY OF MAJOR LABOR LEGISLATION

- 1932: The Norris-LaGuardia Act was passed in response to widespread use of repressive court injunctions which crippled legitimate labor organizing efforts. It required federal courts considering labor injunctions to give notice to all parties involved, to hear testimony of witnesses with opportunity for cross examination, and to issue an injunction only if it was found that the lack of an injunction would result in irreparable damage to property and that greater damage would result to the complainant from denying the injunction than to the defendant from granting it. The Act was weakened by provisions of the Taft-Hartley and Landrum-Griffin Acts. California does not have a similar law to cover state courts.
- 1933: The National Industrial Recovery Act established public policy in favor of labor organization and collective bargaining. The U.S. Supreme Court declared this act unconstitutional in 1933.
- 1935: The Wagner-Connelly Act (the National Labor Relations Act) created the National Labor Relations Board, established procedures for union representation elections and good faith collective bargaining, and outlawed certain employer unfair labor practices. (See Chapter 3 for full discussion.)
- 1947: The Taft-Hartley Amendments to the NLRA changed the name of the NLRA to the National Labor-Management Relations Act, although the old name is still more frequently used. The Amendments outlawed certain unfair labor practices by employees, outlined certain illegal kinds of secondary boycotts, permitted state "right to work" laws, and required employer participation in the administration of worker health and welfare plans.
- 1959: The Landrum-Griffin Amendments to the NLRA strengthened secondary boycott restrictions, outlawed clauses in contracts which permit non-handling of scab products ("hot cargo" clauses), and made organizational and recognition picketing illegal under certain conditions. For each of the above cases, the NLRB was required to seek a so-called "mandatory injunction" against unfair union practices upon issuance of a complaint.

1959: The Landrum-Griffin Act, otherwise known as the Labor Management Reporting and Disclosure Act, provides for union membership rights, protects democratic practices in unions, and requires reporting on membership and money matters to the Federal Government.

APPENDIX B

DEFINITION OF A STRIKEBREAKER

by Jack London

After God had finished the rattlesnake, the toad, and the vampire, he had some awful substance left with which he made a Strikebreaker. A Strikebreaker is a two-legged animal with a cork-screw soul, a water-logged brain, and a combination backbone made of jelly and glue. Where others have hearts, he carries a tumor of rotten principles.

When a Strikebreaker comes down the street, men turn their backs and angels weep in Heaven, and the devil shuts the gates of Hell to keep him out. No man has the right to be a Strikebreaker, so long as there is a pool of water deep enough to drown his body in, or a rope long enough to hang his carcass with. Judas Iscariot was a gentleman...compared with a Strikebreaker. For betraying his master, he had the character to hang himself...a Strikebreaker hasn't.

Judas Iscariot was a traitor to his God. Benedict Arnold was a traitor to his country. A Strikebreaker is a traitor to himself, a traitor to his God, a traitor to his country, a traitor to his family, and a traitor to his class. There is nothing lower than a Strikebreaker.

APPENDIX C: MAJOR LABELS OF BOYCOTTED TABLE GRAPES

A and A	Honey Bee	Royal K
Alila	Jindy	Sall-n-Ann
All American	Jovista	Scotsman
Antone's Quality	Kenney, Jr.	Sierra Moon
Arra	LBL	Silver King
Banquet	Lindy	Silver Knight
Better Test	Louis XIV	Sno-Boy
Blue Flag	MC	Souvenir
Blue River	MC Extra	Springtime
Bonophil	Marlin	Steady
Camelot	Maruska	Steele
Caric	Mary-Jo	Sun Best
Cashmere	Mid-State	Sunview
Columbine	Miss Bute	Super Sweet
Del-Vin	Moses	Sweet Cluster
Delano Gold	Mother	Table Queen
Delano King	Mr. KK	Thomas
Diamond S.	New Yorker	3 Brothers
Early Mart	PBI	Treasure
El Toro	PIA	Trocha
Elmco	Prosperity	Tudor
Flamingo	Quality	Tuxedo Park
Galliano	Radovich	VBZ
Gee Jay	Rennie Boy	Verko
Heritage	Rodes	Vines Best
Hi Style	Roxie	Vinland
Highland	Royal Delano	Zora

APPENDIX D: RESULTS OF UNION REPRESENTATION ELECTIONS

	<u>UFWOC</u>	<u>OTHER</u>	<u>NO UNION</u>
Almaden	85	0	26
DiGiorgio			
Arvin ranch	283	0	199
Delano and Borrego Springs ranches	530	331*	19
Gallo	68	0	0
Mont La Salle			
Napa	29	0	0
Reedley	63	0	0
Mosesian-Hourigan-Goldberg	285	0	38
(Coachella Valley striker convention at Indio)	1484	0	32

At Franzia and Paul Masson, employers recognized the union without elections when a majority of workers voiced a desire for the union.

*all for Teamster representation

source: "The Delano Grape Strike: The Farm Workers' Struggle for Self-Determination", by Rev. Wayne C. Hartmire, California Migrant Ministry, February 1969, footnote 26.

FOOTNOTES

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- 4) Farm Labor Organizing, *op. cit.*, p. 12
- 5) *ibid*, p. 12
- 6) Carey McWilliams, Factories in the Field (Boston: Little, Brown and Company, 1939), pp. 158-162.
- 7) Stuart Jamieson, Labor Unionism in American Agriculture, U.S. Department of Labor, Bureau of Labor Statistics, Bulletin No. 836 (Washington, D.C., Government Printing Office, 1945), p. 81.
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- 10) Pope Pius XI, in Quadragesimo Anno (1931) had criticized the economic despotism which results from "limitless free competition" and emphasized the need to insure a just wage. Earlier, Pope Leo XIII wrote in Rerum Novarum (1891):
 Everyone's first duty is to protect the workers from the greed of speculators who use human beings as instruments to provide themselves with money. It is neither just nor human to oppress men with excessive work to the point where their minds become enfeebled and their bodies worn out.
 (from Basta! (Enough!) (Delano: Farm Worker Press, no date), p. 53.
- 11) Jamieson, *op. cit.*, p. 16.
- 12) *ibid*, p. 87.
- 13) Harry Schwartz, "Recent Developments Among Farm Labor Unions," Journal of Farm Economics, XXIII: 4 (November, 1941), p. 838.
- 14) Truman Moore, The Slaves We Rent (New York: Random House, 1965), p. 157.
- 15) Dunne, *op. cit.*, pp. 47-8.
- 16) *ibid*, p. 48.

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- 1) Congressional Quarterly, Weekly Report, 5/12/67; No. 19, p. 785.
- 2) Fay Bennett, Report to the Board of Directors of the National Sharecroppers Fund, The Conditions of Farm Workers and Small Farmers in 1967, National Sharecroppers Fund, New York, p. 1.
- 3) California Department of Employment, Disability Insurance Report No. 835, parts 5a, b, c, and d, 1967.
- 4) The Hired Farm Working Force of 1966, a statistical report, U.S. Department of Agriculture, Economic Research Service, Agricultural Economic Report No. 120 (Washington D.C., Government Printing Office, 1967), p. 5.
- 5) Agenda magazine, Vol. 2, No. 7 (Industrial Union Department, AFL-CIO, Washington, D.C., July 1966), p. 11.
- 6) Lamar B. Jones, and James W. Christian, "Some Observations on the Agricultural Labor Market," Industrial and Labor Relations Review, July 1965, Vol. 18, No. 4, p. 293.
- 7) Congressional Record, Vol. 114, No. 169, 10/11/68.
- 8) Eugene Boutelier, "The Grape Strike Today," engage magazine, 10/1/68.
- 9) U.S. Department of Agriculture, Human Resources Division, Bulletin No. 1370-5.
- 10) Jones, op. cit., p. 527.
- 11) Congressional Record, op. cit.
- 12) "Ford Facts" (Milwaukee: Wisconsin Boycott Committee, 9/9/68)
- 13) *ibid*
- 14) *ibid*
- 15) Judea B. Miller, Delano Diary (Malden, Massachusetts: privately mimeographed, Temple Tifereth Israel, no date), p. 54.
- 16) Rev. Wayne C. Hartmire, "The Delano Grape Strike: The Farm Workers' Struggle for Self-Determination," (Los Angeles: California Migrant Ministry, February 1969)
- 17) Bennett, op. cit., p. 1.
- 18) The Hired Farm Working Force of 1966, op. cit., p. 1.
- 19) *ibid*, p. 2.
- 20) *ibid*. p. 2.
- 21) Varden Fuller, "A New Era for Farm Labor?" Industrial Relations: A Journal of Economy and Society, Institute of Industrial Relations, University of California, Berkeley, Vol. 6, No. 3, May 1967, pp. 291-294.

- 22) The Migratory Farm Labor Problem in the U.S., 1969 Report of the Committee on Labor and Public Welfare, U.S. Senate, Report No. 91-83 (Washington, D.C., Government Printing Office, 1969), p. 3.
- 23) Appendix to the Report on Housing in California, Governor's Advisory Commission on Housing Problems, April 1963, p. 656.
- 24) Manpower Report of the President (Washington, D.C., Government Printing Office, 1964), p. 220.
- 25) The Migratory Farm Labor Problem in the U.S., op. cit., p. viii.
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- 27) Time magazine, 7/4/69, p. 20.
- 28) Congressional Record, op. cit.
- 29) Bennett, op. cit., p. 3.
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- 32) ibid
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- 35) ibid, p. 7.
- 36) ibid, p. 7.
- 37) Civil Liberties, newsletter of the American Civil Liberties Union, April 1969, p. 6.
- 38) Medical World News, 3/13/69
- 39) El Malcriado, op. cit., p. 7.
- 40) San Francisco Chronicle, 7/17/69
- 41) Fresno Bee, 1/12/69
- 42) El Malcriado, 2/16/69, Vol. 2, No. 24, p. 9.

CHAPTER 3

- 1) Austin P. Morris, "Agricultural Labor and National Labor Legislation," California Law Review, 54:5 (December 1966), p. 1954.
- 2) Dunne, op. cit., p. 100.
- 3) see Congressional Quarterly, 5/12/67, p. 785.
- 4) Robert Evans, Public Policy Toward Labor (New York: Harper and Row, 1965), p. 65.
- 5) "Status of Agricultural Workers under State and Federal Labor Law," U.S. Department of Labor, Fact Sheet No. 2, December 1965, p. 24.
- 6) The Migratory Farm Labor Problem in the U.S., 1967 Report of the Committee on Labor and Public Welfare, U.S. Senate, Report No. 71 (Washington, D.C., Government Printing Office, 1967), p. 11.
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- 11) The Migratory Farm Labor Problem in the U.S., 1967 Report, op. cit., p. 29.
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- 15) international magazine, published by the Seafarers International Union, September 1968
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- 17) international magazine, op. cit.
- 18) One California grower, Giumarra Corporation of Bakersfield, California, consistently violated the child labor statutes and was consistently convicted. The total fine for the violations, however, was only \$1150, and that was suspended. Dolores Huerta, "Obstacles to Union Organizing," prepared testimony before the Senate Sub-Committee on Migratory Labor, 7/15/69, p. 3.
- 19) see Richard A. Givens, "Legal Disadvantages of Migratory Workers," Labor Law Journal, Vol. 116, No. 9, September 1965, p. 588.

CHAPTER 4

- 1) George Meany, testifying before the Senate Sub-Committee on Migratory Labor, 5/16/69
- 2) Farm Labor Organizing, op. cit., p. 5.
- 3) Dunne, op. cit., p. 31.
- 4) Meany, op. cit.
- 5) Bennett, op. cit., p. 2.
- 6) Meany, op. cit.
- 7) Huerta, op. cit.
- 8) Statement issued by Senator Harrison Williams (D-New Jersey), 6/19/67
- 9) Los Angeles Times, 1/12/69
- 10) New York Times, 1/17/68
- 11) "Agribusiness Power in the San Joaquin Valley of California" (Los Angeles: California Migrant Ministry, May 1968)
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- 14) "Labor Report", U.S. Department of Agriculture (Washington, D.C., Government Printing Office, 1967)
- 15) Howard Gregor, "The Plantation in California," The Professional Geographer, Vol. 14, March 1962
- 16) 1959 Census of Agriculture, U.S. Department of Agriculture
- 17) Farm Labor Organizing, op. cit., p. 7.
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- 23) "Agribusiness Power in the San Joaquin Valley of California," op. cit.
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- 25) "Agribusiness Power in the San Joaquin Valley of California," op. cit.
- 26) The Grape Strike, National Advisory Committee on Farm Labor, 1966, p. 5.

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- 28) William Kuhrt, Report submitted to the California Department of Agriculture
- 29) Weekly Farm Labor Report, 881A
- 30) William H. Metzler, Technological Change and Farm Labor Use, (Berkeley: Giannini Foundation, 1964), Part 11, p. 27.
- 31) compiled from statistics in the following sources:
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 1959 Census of Agriculture, U.S. Department of Agriculture
The Grape Strike, op. cit.
- 32) Farm Labor Organizing, op. cit., p. 6.
- 33) New York Times, 6/6/66
- 34) material for this section compiled predominantly from:
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- 35) Giumarra Corp. v. First California Company, Kern County Superior Court
- 36) Kern County Record Book No. 3683, p. 250.
- 37) Los Angeles Superior Court, Docket No. 779160
- 38) material for this section compiled predominantly from:
The Grape Strike, op. cit., pp. 5-9.
Farm Labor Organizing, op. cit., pp. 46-47.

CHAPTER 5

- 1) National Advisory Committee on Farm Labor, Information Letter 18, February 1962
- 2) Moore, op. cit., p. 157.
- 3) National Advisory Committee on Farm Labor, Information Letter 16, August 1961
- 4) Nelson, op. cit., p. 18.
- 5) Farm Labor Organizing, op. cit., p. 42.
- 6) Huerta, op. cit.
- 7) Dunne, op. cit., pp. 61-62.
- 8) ibid, pp. 79-80.
- 9) ibid, p. 94.
- 10) The Grape Strike, op. cit., p. 17.
- 11) ibid, p. 24.
- 12) New York Times, 12/12/65
- 13) "On the spot" injunctions were often given by Delano's "law enforcement" officers. One officer, after reading Jack London's "Definition of a Strikebreaker", told a minister who was about to read it out loud that if he did, he would be arrested. The minister proceeded to read the passage and was arrested. On another occasion, a Kern County sheriff arrested several pickets when they were threatened by some antagonistic men on a Delano ranch. When Senator Robert Kennedy held a Senate Sub-Committee hearing in Delano in March 1966, he questioned the sheriff about the arrest:

KENNEDY: What did you charge them with?"

SHERIFF: Violation of--unlawful assembly.

KENNEDY: I think that's most interesting. Who told you that they were going to riot?

SHERIFF: The men right out in the field that they were talking to said, 'If you don't get them out of here, we're going to cut their hearts out.' So rather than let them get cut, we removed the cause.

KENNEDY: This is the most interesting concept, I think. How can you arrest somebody if they haven't violated the law?

SHERIFF: They're ready to violate the law.

KENNEDY: Can I suggest that the sheriff read the Constitution of the United States?

Dunne, op. cit., pp: 28-29. (see Appendix B)
- 14) ibid, p. 59.
- 15) A list of Delano grape labels were published to help

in identifying those included in the boycott. (See Appendix C). Other growers' grapes were added to the boycott, but it was intended that DiGiorgio's would be most affected.

- 16) Dunne, op. cit., p. 128.
- 17) The entire contract appears in:
Migratory Labor Legislation, Hearings before the
 Sub-Committee on Migratory Labor of the Committee
 on Labor and Public Welfare, U.S. Senate (Washington,
 D.C., Government Printing Office, 1968), pp. 833-842
 (Part 4).
- 18) Dunne, op. cit. p. 139.
- 19) New York Times, 4/4/67
- 20) The entire contract appear in Migratory Labor Legislation,
 op. cit., pp. 842-856.
- 21) Jones, op. cit., p. 532.

CHAPTER 6

- 1) "Ford Facts", op. cit.
- 2) ibid
- 3) Fineberg, op. cit.
- 4) ibid
- 5) Boutilier, op. cit.
- 6) Time magazine, 7/4/69, p. 16.
- 7) San Francisco Chronicle, 6/28/69
- 8) AFL-CIO News, 8/28/68
- 9) AFL-CIO News, 9/17/68
- 10) ibid
- 11) Time, op. cit., p. 16.
- 12) Boston Globe, 10/27/69
- 13) Nation's Business magazine, October 1968, p. 47.
- 14) "California Grape Strikers Need Help Now," (Philadelphia: Jewish Labor Committee, September 1968)
- 15) Boutilier, op. cit.
- 16) Nation's Business, op. cit., p. 46.
- 17) ibid, p. 46.
- 18) Congressional Report, op. cit.
- 19) Huerta, op. cit.
- 20) AFL-CIO News, 10/3/68
- 21) Fineberg, op. cit.
- 22) AFL-CIO News, 10/3/68
- 23) AFL-CIO News, 7/2/68
- 24) Nation's Business, op. cit., p. 47.
- 25) AFL-CIO News, 8/1/68
- 26) Fineberg, op. cit.
- 27) AFL-CIO News, 6/27/68
- 28) Fineberg, op. cit.
- 29) San Francisco Chronicle, 6/28/69
- 30) Boston Globe, 10/17/68
- 31) El Malcriado, Vol. 2, No. 24, 2/16/69, p. 5.
- 32) Boston Globe, 11/29/68
- 33) AFL-CIO News, 10/3/68

- 34) El Malcriado, 2/16/69, pp. 2-3.
- 35) AFL-CIO News, 10/9/68
- 36) This analysis seems to overestimate the actual losses growers are incurring. Approximately 680,000,000 pounds of table grapes are produced on about 106,000 acres each year (see Chapter 4). Thus around 6,400 pounds or 250 lugs (average 26 pounds each) is the average output per acre. Actual costs of production range between \$450 and \$650 per acre, depending on conditions and the farm. This yields a cost per lug of between \$1.80 and \$2.60, with a total average revenue per acre of about \$550. At \$3 per lug (the lowest prevailing wholesale price), an acre will give approximately \$750 revenue and \$200 profit.
- 37) Nation's Business, op. cit., p. 47.
- 38) Boutilier, op. cit.
- 39) Compiled from UFWOC flyers and articles in the San Francisco Chronicle
- 40) Huerta, op. cit.
- 41) ibid (1968-9 figure is estimated from current data through March 1969 in Fresno Bee, 4/25/69)
- 42) San Francisco Chronicle, 12/21/68
- 43) ibid
- 44) DOD Fact Sheet, "Use of Table Grapes", 3/28/69
- 45) Huerta, op. cit.
- 46) AFL-CIO News, 6/14/69
- 47) Huerta, op. cit.
- 48) New York Times, 6/27/69
- 49) ibid
- 50) San Francisco Chronicle, 12/21/68
- 51) Ironically, the eagerness of growers to recruit strikebreakers in 1965 was to their detriment. As it turned out, the 1965 grape crop was the largest in California's history. So many grapes were picked and packaged that the average price of wine grapes fell from \$57 per ton to less than \$20 per ton. If strikebreakers were not sought and employed, the harvest would have been incomplete and a higher price and revenue would have probably been received by the growers.
- 52) Boston Globe, 10/27/68
- 53) UFWOC flyer, OPEIU No. 13-cb, June 1968
- 54) Boston Globe, 10/27/68

- 55) The union has received many donation to continue the strike: 12,000 high quality used garments were donated by a New York union (AFL-CIO News, 7/2/68), and a bus for national boycott workers was donated by a Colorado union (Fineberg, op. cit.).
 ...hardly a day goes by when a station wagon or pickup truck does not arrive with new provisions. Some people even donate cars. One union has pledged a hundred dozen eggs a week, another, forty pounds of hamburger. A bakery in Los Angeles sends up, daily, a hundred loaves of day-old bread.
 Dunne, op. cit., p. 96.
- 56) Boston Globe, 5/25/69
- 57) Boston Globe, 11/29/68
- 58) Allan Grant, "California Grapes and the Boycott: the Grower's Side of the Story," Presbyterian Life magazine, 12/1/68
- 59) William H. Metzler, Farm Mechanization and Labor Stabilization (Berkeley: Giannini Foundation, no date), part 2, p. 46.
- 60) AFL-CIO News, 6/27/69
- 61) New York Times, 5/4/69
- 62) Boston Globe, 11/29/68
- 63) Huerta, op. cit.
- 64) UFWOC flyer, Boston office, 7/10/69
- 65) New York Times, 5/4/69
- 66) *ibid*
- 67) Miller, op. cit., p. 62.
- 68) *ibid*, p. 69
- 69) Huerta, op. cit.
- 70) New York Times, 5/4/69

CHAPTER 7

- 1) Dunne, op. cit., p. 88.
- 2) The largest grower organizations are the American Farm Bureau Federation, the California Farm Bureau Federation, the National Right-to-Work Committee, the Council of California Growers, the California Grape and Tree Fruit League, the Table Grape Commission of the State of California, and the California-Arizona Labor Association.
- 3) Migratory Labor Legislation, Hearings before the Sub-Committee on Migratory Labor of the Committee on Labor and Public Welfare, U.S. Senate (Washington, D.C., Government Printing Office, 1967), p. 566 (Part 2).
- 4) National Advisory Committee on Farm Labor, Report on Farm Labor (Public Hearings, Washington, D.C., February 5 and 6, 1959), p. 24.
- 5) Migratory Labor Legislation, op. cit., p. 567.
- 6) La Voz Mexicana, newspaper of Obreros Unidos, Wautoma, Wisconsin, Vol. 5, No. 4, p. 7.
- 7) Grant, op. cit.
- 8) Jamieson, op. cit., p. 103.
- 9) Dunne, op. cit., p. 170.
- 10) Huerta, op. cit.
- 11) Boutilier, op. cit.
- 12) Congressional Record, op. cit.
- 13) Los Angeles Times, 12/16/68
- 14) *ibid*
- 15) Migratory Labor Legislation, op. cit., p. 519.
- 16) Dunne, op. cit., p. 16.
- 17) Michael J. Piore, "Negro Workers in the Mississippi Delta: Problems of Displacement and Adjustment," paper for the 20th Annual Meeting of the Industrial Relations Research Association, December 1967, Washington, D.C., mimeo, p. 1.
- 18) Dunne, op. cit. p. 33.
- 19) Fuller, op. cit., p. 298.
- 20) Migratory Labor Legislation, op. cit. p. 568.
- 21) *ibid*, p. 543.
- 22) Los Angeles Times, 12/16/69
- 23) *ibid*

- 24) *ibid*
- 25) Congressional Record, *op. cit.*
- 26) Migratory Labor Legislation, *op. cit.*, p. 519.
- 27) *ibid*
- 28) *ibid*, pp. 938-939.

CHAPTER 8

- 1) Los Angeles Times, 12/16/68
- 2) Capital Times (Madison, Wisconsin), 7/1/69
- 3) Miller, op. cit., p. 29.
- 4) La Voz Mexicana, 7/18/69
- 5) San Francisco Chronicle, 7/16/69
- 6) San Francisco Chronicle, 7/17/69
- 7) Labor Law Reporter, Paragraph 1670.051, CCA-9, 1941
- 8) "The Truth about the Grape Boycott," pamphlet published by the American Farm Bureau Federation, April 1969
- 9) Meany, op. cit.
- 10) ibid
- 11) New York Times, 5/7/69
- 12) Meany, op. cit.
- 13) Cesar Chavez, prepared statement delivered to the Senate Sub-Committee on Migratory Labor, 4/16/69
- 14) ibid
- 15) ibid
- 16) Memorandum from Senator George Murphy, 4/28/69

CHAPTER 9

- 1) Dunne, op. cit., p. 50.

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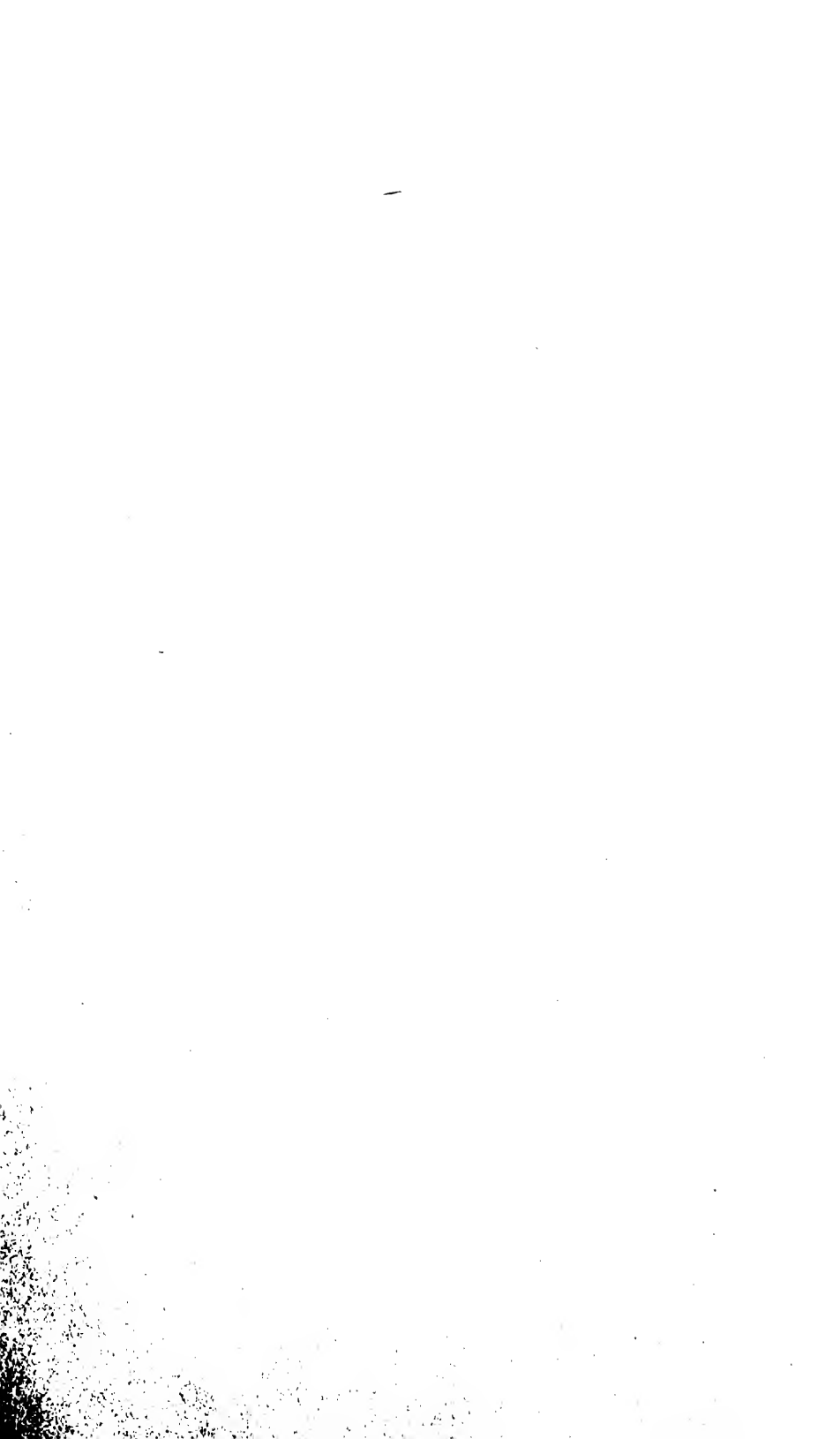
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