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**ASONAL FARMWORKER**

**POWERLESSNESS**

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**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 16 AND 17, 1969  
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**PART 3-B**  
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Printed for the use of the Committee on Labor and Public Welfare



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# MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

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U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1970

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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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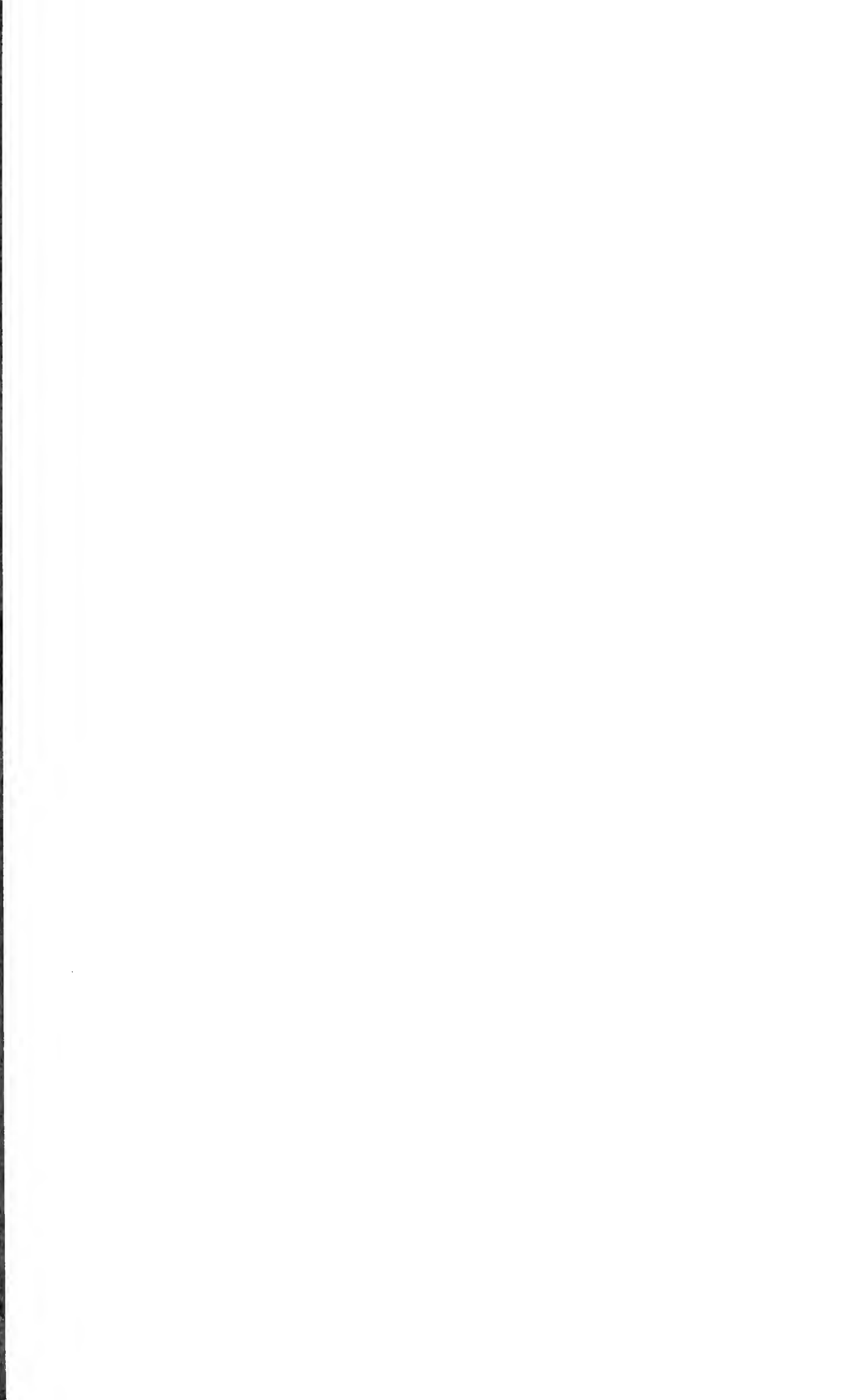
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# MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

(Efforts to Organize)

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WEDNESDAY, JULY 16, 1969

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

The subcommittee met at 9:45 a.m., pursuant to recess, in room 4232, New Senate Office Building, Senator Walter F. Mondale (chairman of the subcommittee) presiding.

Present: Senators Mondale (presiding) and Murphy.

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

Senator MONDALE. The Migratory Labor Subcommittee will come to order. This morning we continue our hearings on efforts to organize. We are very pleased to have with us the distinguished Senator from South Carolina, who will introduce our first witness.

## STATEMENT OF HON. ERNEST F. HOLLINGS, A U.S. SENATOR FROM THE STATE OF SOUTH CAROLINA

Senator HOLLINGS. Mr. Chairman and members of the subcommittee, I appreciate the chance to come before you today and introduce two gentlemen from my hometown of Charleston, S.C. Both of these men are vitally interested in and associated with the problems of migrant and seasonal farmworkers in South Carolina.

As you are well aware, rural residents and seasonal and migrant farmworkers must be of concern to us today. They are the problems that are causing the crisis in our cities. I only hesitate to emphasize the fact that the cause for urban problems, the urban crisis, and everything else, is the fact of rural poverty. I don't know why it is that the Government always comes in at the end of the spectrum of the poverty cycle, and always comes in with the truancy officer, the juvenile court, technical training, remedial courses, rehabilitation, and everything else, but they won't feed the hungry.

By the same token also millions go for urban renewal. Yet the fact is that no one ever leaves the steaming ghetto and goes back on the farm for one single fact, it is still better down in the ghetto than on the farm.

Senator MONDALE. You might be interested to know the other day John Gardner testified in favor of the extension of the Elementary and Secondary Education Act. In his testimony his chief emphasis was

that in studying urban problems one might just as well solve rural problems.

You must emphasize the companion problem you just mentioned.

Senator HOLLINGS. I appreciate that, Mr. Chairman. You and I both agree the concern is to treat the cause rather than the effect.

Both Reverend Goodwin and Mr. Clyburn have seen and worked with the hunger, lack of housing, and generally poor living conditions that are the way of life among today's seasonal and migrant farmworkers.

Rev. Willis T. Goodwin was born in Charleston and attended high school there. He graduated from Claflin College in Orangeburg and Gamon Theological Seminary and has attended several other colleges for graduate work.

He is a Methodist minister who has pastored nine rural churches in South Carolina from Greenville and Easley in the Piedmont to Bamberg in the midlands and finally to Johns Island in the Charleston low country area.

He has taught school in Pickens and Greenville Counties. He has been the Director of Information and Referral Services for OEO in the Charleston area.

He was the New York State chaplain for migrant workers in Mohawk Valley in New York State. He spent 2 years as chaplain to migrants in Beaufort County and is presently a member of the mayor's commission in Charleston, the human relations committee in Charleston, and a member of the board of directors of the South Carolina Commission for Farmworkers.

Reverend Goodwin has spent some 13 years of his life directly involved with the problems of seasonal and migrant farmworkers. He is obviously imminently qualified to speak with authority on the subject.

Mr. James C. Clyburn, who accompanies Reverend Goodwin, was born in Sumter, S.C., and after graduating from South Carolina State College in Orangeburg, has done graduate work in several schools including the Institute of Methods and Techniques for Serving for Disadvantaged Youth at the University of South Carolina.

He taught school in Charleston County, was employed by the South Carolina State Employment Commission, has been director of work and training programs for the Charleston Economic Opportunities Commission, and is presently the executive director of the South Carolina Commission for Farmworkers.

Mr. Clyburn has been associated with the problems of seasonal and migrant farmworkers not only through his present work, but also through the Neighborhood Youth Corps and other programs with which he has been extremely active.

The fact is it was back in 1967 that I first visited the Little Mexico area with Mr. Clyburn bringing forcibly to my attention of problems of hunger in my own hometown. He was working at that time down in the ghetto so when he talks of seasonal farmworkers he is not just from that particular area working in rural problems alone with no regard for the urban.

The fact is that he has been really on this more experienced in the urban field thereby and can understand the rural problems.

The knowledge that these two gentlemen have in regard to the actual problems which confront seasonal and migrant farmworkers today and the possible solutions to these obstacles, I am sure, will be of tremendous value to this committee. I request that the committee look more closely at these problems in South Carolina of seasonal and migrant farmworkers as seen through the eyes of these two gentlemen.

You will have many experts on the national problem of migrant farmworkers but these two gentlemen I think are as attuned as anyone can be to the problems of the seasonal worker.

Senator MONDALE. Thank you, Senator Hollings, for appearing personally this morning to introduce our two witnesses and for emphasizing the importance of concentrating on the seasonal farmworker problem which, as you know, is a very serious one in this country, one that I am interested in.

As a member of the Nutrition Committee I think I share the view of the other members of the committee that it was your work there in South Carolina, maybe with some of the help here, that won the fight for us.

Up until that point there was speculation as to whether there was hunger. It was your personal involvement in South Carolina, the disclosure of the existence of hunger there, and your personal leadership that I think tipped the scales, and gave us reason to be optimistic that we might have a program adequate to meet the needs of the malnourished in this country.

Senator HOLLINGS. I am grateful to you, sir. If there was any contribution it started with these gentlemen right here. That is when we started working on this problem.

I appreciate the courtesy of this committee and particularly you as chairman.

Senator MONDALE. Thank you very much.

Reverend Goodwin and Mr. Clyburn, we are delighted to have you here this morning. You may proceed as you wish.

**STATEMENT OF REV. WILLIS GOODWIN, JOHN'S ISLAND, S.C., ACCOMPANIED BY JAMES E. CLYBURN, EXECUTIVE DIRECTOR, SOUTH CAROLINA COMMISSION FOR FARMWORKERS**

Reverend Goodwin. Mr. Chairman, Senator Hollings indicated I am accompanied by James F. Clyburn, executive director of the South Carolina Commission for Farm Workers. Because of his daily involvement with the issue I am raising I am requesting that he be allowed to assist me in answering any questions that you and the members of the committee may want to ask.

Mr. Chairman, and members of the subcommittee: I have always been awed beyond expression upon entering these classic halls; however, today I am grieved, not that the halls are no longer classic, but I grieve because the issue that brings me here should not be necessary in a country that has produced such classic and awesome surroundings.

I understand that the theme for these hearings is "powerlessness." I understand further, that we are to focus upon and examine the depth and reasons for this "powerlessness" which exists in a substantial por-

tion of our work force, a work force commonly known as migrants and seasonal farmworkers.

Mr. Chairman and members, I beg your indulgence as I attempt to relate some of my impressions which have been gathered over a period of 13 years while working with migrants and seasonal farmworkers along the eastern stream, with particular emphasis in Charleston County, S.C.

I am aware that there are some among you who because of our society's ability to respond only to the issues at hand, may think that Charleston's only problem is its medical college hospital.

However, it does not take the research of the great historian Arnold Toynbee, to establish that the ridiculously inhuman wages being paid nonprofessionals at the Charleston County Hospital and the Medical College Hospital of South Carolina are directly related to the problems of migrants and seasonal farmworkers in this same community.

A quick check of the record will show that 50 percent of the non-professional work force at these two hospitals are composed of former migrants and seasonal farmworkers. Further if you were to research the records for one or two generations one would find that more than 90 percent of the work force in these two hospitals are either former migrants and seasonal farmworkers themselves, or descendants of the same.

Now one must assume that these people moved to this hospital employment in order to better their conditions and improve their surroundings.

If this assumption is correct, then it is obvious that the plight of the migrant and seasonal farmworker is overly burdensome; especially since the leaders in my State and the leaders in your States, all agree that the wages and working conditions of these workers are indecent, inhuman, and violently insulting.

I have reasons to believe that the seasonal farmworkers who turn to hospital employment does so only because of the clamor of white dresses and stockings in contrast to the hot sun, dusty fields, stoop labor, crude housing conditions, uncertain employment, migratory existence, and insufficient wages.

This to me, Mr. Chairman, indicates that something is wrong with the theory that migrants and seasonal farmworkers are a happy lot.

My personal contact with this, which is extensive, has taught me that the migrant is a man without a country, and the seasonal farmworker is one without a community. These two realizations point up the basis for the powerlessness which is prevalent among this segment of our society.

For the past 2 years, I have exerted all of my energies toward community development and organization among these powerless people. I have done so as conference president of the Board of Missions of the United Methodist Church, South Carolina Annual Conference; as chairman of the Migrant Ministry of South Carolina; also as a board member of the South Carolina Commission for Farm Workers, Inc., and as a member of the Migrant Ministry Section of the National Council of Churches of Christ in the United States of America.

These efforts have failed to crystallize. Our efforts have failed to crystallize because contrary to the national focus, we in Charleston County do not consider our No. 1 priority to be education and training.

On the contrary, to the migrant and seasonal farmworkers, either passing through or living in Charleston County, housing is by far the No. 1 priority.

Our efforts in this area have failed because it has proven all but impossible to acquire land in order to develop housing programs for seasonal farmworkers or home based migrants.

Senator MONDALE. This morning everybody was impressed with our Nation's accomplishments in space programs, as they should be. There was a story, however, that obtained very little attention yesterday about migrant farmworkers who live within about 3 miles of the place where this shot occurred, Cape Kennedy, who live in the kind of squalid housing conditions to which you make reference.

We are all aware of the space program, but we are not aware of the problems our astronauts left behind this morning.

Reverend GOODWIN. That is right, Senator.

Senator MONDALE. Senator Murphy, I am delighted to have you here this morning. These handsome boys and girls you see visiting at our hearing are from Minnesota.

Senator MURPHY. I thought they were.

Senator MONDALE. They are a little sharper than those from the west coast.

Reverend GOODWIN. Land in Charleston County and throughout coastal South Carolina is tied up in heir's property, cloudy titles, and cost-prohibiting plantation holdings. Housing for incoming migrants is indecent, inhuman, and utterly revolting.

In a community such as mine, the abjectness of poverty is outstanding. My county is affluent and it shows in the cars, boats, and housing or the lack of it.

My most capable colleague and trusted adviser, James E. Clyburn, who directs the efforts of the South Carolina Commission for Farm Workers, Inc., has substantiated over and over, that the most wanted—and indeed lacking—basic need of rural Charlestonians is decent housing.

This country made a verbal commitment to this necessity in 1937 but has not yet created the will to fulfill that commitment.

Further, Mr. Chairman, I have in my possession a copy of a letter received by Mr. Clyburn from the Farmers Home Administration stipulating that the South Carolina Commission for Farm Workers, Inc., could not be approved for a land development grant because: No. one, our membership did not reflect at least 10 community leaders.

I ask you, Mr. Chairman, to define a community and categorize our 30 board members and tell me what constitutes a leader. To me the mere fact that a person consents to serve, without compensation, in such a capacity qualifies him as a leader.

The second reason given is that the South Carolina Commission for Farm Workers, Inc., was not created for the specific purpose of "providing housing to be built for the mutual self-help method for low- and moderate-income families on the nonprofit basis."

Now, Mr. Chairman, I quote from a line of our charter which was submitted with Mr. Clyburn's request:

To relieve the distressed conditions of the migrant and other seasonally employed, agricultural workers, and their families by seeking to obtain better housing conditions for such workers.

What more is necessary?

Finally, Mr. Chairman, the local community method utilized by Farmers Home Administration for the approval of loan applications is at its best, paternalism, and at its worst, a plantation system.

I am sure that it is obvious to you that the farm owners who sit on such committees will never look with favor upon his or his neighbor's tenant farmers' application knowing full well that to grant a home loan will create a kind of dignity and independence which cannot be tolerated under a plantation system nor paternalism.

SENATOR MONDALE. Is this housing self-help housing?

REVEREND GOODWIN. Yes.

SENATOR MONDALE. Low cost housing?

REVEREND GOODWIN. That is right.

SENATOR MONDALE. The local Farmers Home Administration committee turned down your application; is that right?

REVEREND GOODWIN. That is right.

SENATOR MONDALE. Was it the Washington office that turned it down.

MR. CLYBURN. The Atlanta office.

SENATOR MONDALE. On the grounds that you cited here.

MR. CLYBURN. Right.

SENATOR MONDALE. The regional FHLA office is in Atlanta; right?

REVEREND GOODWIN. Through the South Carolina Commission for Farm Workers, Inc., we have made attempts to acquire the substandard houses presently owned by the county of Charleston in hopes of negotiating a grant or low income loan through one of the maze of Federal programs.

However, our efforts to this point have proven futile because of the impossibility of coordinating this type of venture.

Mr. Chairman, it is hypocritical to condemn this housing because of their inability to meet Labor Department standards, then withdraw all Federal contact such as the coordination of the migratory labor by the Employment Security Commission, then close your eyes, knowing full well that the same human beings who have occupied these camps over the years will return under the same indecent, inhuman, and revolting circumstances.

SENATOR MURPHY. Mr. Chairman.

SENATOR MONDALE. Senator Murphy, do you have a question?

SENATOR MURPHY. Do you have any pictures of these camps?

REVEREND GOODWIN. Yes, Mr. Chairman.

SENATOR MURPHY. I would think it would be a good thing to have pictures. I have found it very helpful. We had a couple of bad camps in California. I obtained actual pictures of one of the camps that belonged to the county, and not to the grower. It has been there for years.

The camp was condemned after 1940, but it is still in use. By getting actual photographs of it I was able to convince people quickly and we got it torn down. I think when you come back I know it would be helpful to me and I think it would be to the chairman to get some actual photographs. The pictures don't have to be fancy.

SENATOR MONDALE. The point that is being made here about seeing things rather than hearing them is very important. We went down to Florida, for example, and went back to some of the migrant housing there. It was the worst housing I had ever seen in my life.

Unspeakable filth and unsanitary conditions exist. Reporters literally fled one of the houses because it was so unbelievable.

The point you make is so well taken. We talk about self-help housing, but one sees very little of it. There are some in and around Delano now where the union has obtained contracts and for the first time the men had job security, so they can now think about building a house.

But down in southern Florida and where you are talking about in South Carolina, it is just impossible to get these programs going without some help.

Senator MURPHY. Actually in the Delano area some of them were built without Federal help. I had one contractor out there who told me he could operate better and faster and less expensively by not going to the Government.

I think what we ought to do is utilize these men who have done the job and have had the experience. I have never been able to see why if you can build housing in California you can't do it in South Carolina, Michigan, or any place else.

It is the same know-how.

Senator MONDALE. One of the big problems as pointed out in this testimony, was exemplified by the elected chairman of the Collier County Board, who told us that the county had no responsibility for the migrants and farmworkers, even though the whole economy was dependent on them.

He went on saying they are gypsies, they don't like to work. The only reason they work is if you starve them they will finally go out in the field. If that is the attitude of the community, and if you let that kind of person sit on the same board that approves and denies applications for housing, how on earth are you ever going to get adequate housing?

They all say that if you give them good housing, they will destroy it. Someone took us to a 221E project outside of town. It was beautiful. It was private, not Federal.

It had been there for a year and it was well taken care of then by the same people who had been living in the shacks. I asked the general manager, "How many broken windows have you had?" and he said, "One. Come to think if it, the contractor broke it."

These people are delighted to have their own housing. I don't know how any of them can have any self-respect, decent health, or any hope for the future in a shack and the stinking holes they live in.

Senator MURPHY. I have been at this a long time and I have seen this work in some places and places where this did not work. I think we are getting to the point now where it is working.

We had one example in Palm Springs, Calif. But the most valuable land in Palm Springs belonged to the Indians, but the Indians could not enter a lease in excess of a year.

Nobody would invest any money in a project on the property. Finally we got that law changed and the Indian owners leased the property for 50 years and immediately a fellow came in and built a hotel. This is now the best area of Palm Springs and the land is owned by Indian minors, the grandchildren of the original tribe.

Now, they all have incomes for life from this land simply because we had the law changed. Before, the land was just lying there, the worst jungle you ever saw.

Excuse me, go ahead.

Reverend GOODWIN. Thank you, Senator.

In fact, Mr. Chairman, I am convinced that the Employment Security Commission is not really interested in the farm laborer. It has been our experience that the employment security representatives who are assigned to the farm labor sections are admittedly concerned only with the big farmer's interests.

In reference to land acquisition for the home-based migrant, I do not wish to advocate land reform. However, Mr. Chairman, what we need is nothing short of reformation. I do wish to suggest that the creation of a joint Federal, State, and in some instances, local effort which would concentrate on clearing up cloudy titles and locating remaining heirs will go a long way toward the eradication of this problem.

The rebuttal to this is obviously the neighborhood legal assistance program. However, they are understaffed, oversubscribed, and in Charleston County, underpaid.

A final housing problem that I feel most urgent can be found in isolated areas throughout my community. This problem is that of land holdings in areas which are deemed too low for insured loans because of water level and insufficient drainage.

Further, they are infested with rodents and various parasites and are, in fact the breeding place for such undesirables. One such instance is Petersfield, which is home for approximately 200 home-based and immigrant families.

The question is always asked, "Why do they live there?" My question is, "Where would they live otherwise?" Tents are not feasible, unless we wished to be as asinine as some supposedly appropriate agencies have proven themselves.

It is customary to treat health problems as a separate entity. However, Mr. Chairman, I am sure that you would who grace these classic halls, and possess such great intellect, easily discern that the ramshackle, indecent, and dilapidated living conditions of farm laborers are the direct causes of their health problem.

I am sure that the many active cases of TB that we have found year after year, and this year, an epidemic of some sort of fever prevalent among the Mexicans, are directly related to their living conditions.

Further, the abundance of worm infested children and cases of acute diarrhea and venereal disease are directly related to their living conditions.

The deplorable plight of expectant mothers and newly born infants is hardly one to be proud of: yet our health and welfare departments continue to be overly concerned with correctly filled out applications, correct referral procedures, and residency requirements.

Example, if a migrant has an active case of TB he cannot be treated by any of the local hospitals. This person has to use public transportation to get back to his home State.

It seems to me that for an agency that is concerned for the health and welfare of its people, this shows very little regard for others who may be perfectly healthy, but also are using public transportation.

However, Mr. Chairman, this is just another example of the great dichotomy which has infested this great society. There is no running water. These people get their water from wells and pumps which are half drained and as a result this has caused a great deal of sickness.



The houses are built of plywood, have no floors, just dirt, no electricity, and no sewage. Some are built right on the water, consequently the tide comes into the house, creating constant dampness. There is always sickness in this type of situation.

The immigrants are found living in camps, both public and private, paying rent at a rate of \$11 per week for a 10 by 10 room which is assigned to families, which in many instances number eight or nine.

These camps have no cooking facilities and garbage is very seldom collected. The outdoor privies are very seldom clean and hot water is nonexistent. The garbage disposal system consists of a large pit which is left open for the duration of the migrants' stay.

In the private camps these conditions are even worse. The old abandoned buses and tin framed shacks are surpassed only by the old buses which are also used as tenements. These camps are not equipped with running water, sewage, or toilets. Their relief is usually found in the nearest wooded area.

As for education and training we feel that if housing and health problems were dealt with, we would create the atmosphere necessary in order to address ourselves to the more academic and attitudinal problems which are prevalent.

It is amazing to watch this country and listen to its leaders create and develop programs to combat the ills of urban society. It is obvious that programs such as model cities, and that of the National Alliance of Businessmen only serve to make the urban areas more attractive to the potential migrant.

We must stem the tide of migration to large cities, if not reverse the trend.

We must create a rural alternative.

In summation, Mr. Chairman, I feel it should not be necessary to admonish you and your illustrious colleagues, but I do suggest that it might be appropriate for you to adopt the philosophy of the South Carolina Commission for Farm Workers, Inc., as one of your many guidelines:

An innovative and imaginative program denuded of paternalism, creates motivation and enhances self-determination.

Mr. Chairman, that may sound like the rural or country sermon. However, I am just a country preacher.

Senator MONDALE. I was a son of a rural Methodist minister. I appreciate your statement. Senator Murphy, do you have any questions?

Senator MURPHY. In regard to the health situation I am very hopeful that under Dr. Egeberg in HEW, we are going to see a great improvement.

He has very definite plans to set up a new system of medicine in many, many areas where you don't need the greatest specialist in the world, but where you just need the simple beginnings of medicine.

I know from my conversations with Dr. Egeberg that he is most interested in providing medical care in areas where none exists. I have known of his activities at the University of Southern California.

I think you are going to find Dr. Egeberg is a doer and not a talker. That is what we need. We have too many studies, too many reports, too many committees that have not produced results.

Senator MONDALE. I was very impressed by Dr. Egeberg.

Senator MURPHY. Dr. Egeberg is a practical man, which is what we need. If a fellow is sick we will take care of him and if he is hungry, feed him. We can talk about that later.

I know Secretary Finch. He and I have been friends for 30 years. I know he too is a practical person. He did not come here just for a job. He came here because he was interested.

Thank you, Mr. Chairman.

Senator MONDALE. Reverend Goodwin, your testimony underscores efforts to develop self-help housing that you undertook. You sought to build decent housing with self-help, but the application was turned down. So you are still there living in squalid housing, with unsanitary conditions. You don't have the water that you need to maintain good health. Apparently many people are sick because they are consuming contaminated water, and they are faced with all the other problems to which you make reference. What do you think the key reason is to get this application approved and again make progress in this area?

Reverend GOODWIN. I would like to yield this question to Mr. Clyburn.

Mr. CLYBURN. Mr. Chairman, as we have underscored many, many times in our correspondence with many Federal agencies and as Reverend Goodwin has underscored today, in fact if I recall, the Farmers Home Administration had something like \$600,000 in this land fund for the entire year for the entire country.

I thought this little bit of money was given for the entire country. However, when we checked into it say 4 or 5 months before the fiscal year was up they had not spent any of the money.

Everybody I talked to, who were trying to get money from this fund, had the same argument. That is, they had always spied one little word in your application or one little word in your charter or something of that sort that to them was not clear and they turned down the application on that basis.

We went on anyway. This application was made in April of this year. At that time they still had \$600,000. We were turned down in the same nebulous manner.

Senator MONDALE. When they turned you down did they tell you, "Look, you have these technical problems. Our lawyer tells us that in your purpose clause you don't state that your function is housing clearly enough, so amend your articles and include this paragraph and then you are qualified."

Do they do it that way, or do they just say no?

Mr. CLYBURN. The response I have here is just a one paragraph statement citing two reasons that we were turned down. They did say, however, that if we could set up another corporation, or set up the same corporation with a different kind of wording in the charter, we would then be eligible for their services, but then we would be ineligible for other services that other agencies could possibly offer.

The only way we could do it was to set up a new corporation over here just to deal with housing, another corporation for health and another corporation for education.

Senator MONDALE. Their position was that you had to have a non-profit corporation whose purpose was limited exclusively to housing?

Mr. CLYBURN. Exclusively to housing.

Senator MONDALE. Now suppose you had done that, would you then have received approval and the funds to go ahead with self-help housing; do you know?

Mr. CLYBURN. We did not do it. I don't know what would have happened if we had done it. But it has been my experience in past dealings with these kinds of agencies that we would have had to rewrite something else in the charter.

The fact is no one got any money out of the fund. So it was not just us. It was everybody in all 50 States.

Senator MONDALE. Do you know other efforts in your area in the south by migrant farmworkers to establish self-help housing, that have had similar reception?

Mr. CLYBURN. We have the only self-help housing program in the State of South Carolina. In 3 years we have only been able to build 20 houses or able to begin 20 houses. We have not finished those. We are going to break ground in Charleston County on the 16th of August on 20 houses. The problem as Reverend Goodwin says stems from the fact that on the coast of Carolina where we operate exclusively, trouble with heirs' property is just as strenuous as the Indians inability to get a lease agreement. Aside from that we have another problem, which we call cloudy titles.

Then we have large plantation ownings. You can acquire a whole plantation but you can't get 20 acres which makes the cost prohibitive.

Senator MONDALE. Do you have OEO legal services to help you down there?

Mr. CLYBURN. Yes; we have a legal service program.

As Reverend Goodwin stated we have a legal services program operating in a county of 216,000 people.

Senator MONDALE. They just don't have the time and resources?

Mr. CLYBURN. And they can't keep the staff because they are underpaid. There is big turnover.

Senator MONDALE. In your opinion, is the title problem solvable? If you had legal help could you solve the problem, or do the title problems go more deeply than that?

Mr. CLYBURN. They are more detailed than that. I think what is actually needed is some commission, State level, Federal level, and local level, that would deal exclusively with the problems of titles. You can't get attorneys to pass up big court fees to deal with clearing up land titles.

If I were an attorney I would not do it. So the problem is that we need an agency that would deal with this.

Senator MONDALE. This subcommittee intends to further investigate the self-help housing problems such as this. I heard the same things in Pahokee, Fla. They said the same thing down there. They have been unable to get land cleared to build houses.

Senator MURPHY. Another important point that the witness made is that there is \$600,000 in the Farmers Home Administration, none of which has been spent.

Senator MONDALE. We will check that, too. That is a good point. I don't see much evangelism over in the Department of Agriculture to get that program off the ground among farmers who are migrants. I think they ought to have some people on the ground to help these people get started.

Senator MURPHY. There are helpful signs in California and also in some areas of Florida. I visited a sugar plantation in Florida where the farmer knows now that if his people are better housed, better fed, better cared for, they work better. It is good business for him to take care of them.

I have some photographs from this sugar plantation operated by one of the old Flying Tigers. He has a fabulous place. On these large farms, they can do it. Some of the farms in California have done away with the migrants because the farmers have been able to rotate their crops and keep their workers the year around.

The farmers have made great progress. There are so many areas that are still operating by old methods and the old ways. Has any prefabricated housing been tried?

Mr. CLYBURN. Not yet. This is what we are going to attempt on the 16th.

Senator MURPHY. A building company in California belonging to the Lockheed Corp. spent 7 years developing prefab housing. The housing is used extensively in the Philippines and works fine.

The company lays down a slab of concrete. They engineered it so that one wall has all the plumbing in it. It is an amazing thing.

The company management expects this to be a fine house. As a matter of fact, I am thinking of getting one as a place to go and hide when we get our vacation.

I am thinking of getting one of these and placing it up in the mountains. They work just great. There is some objection, of course to the use of some modern housing technology on the part of some of the labor unions. I see encouraging signs. Only this year California enacted legislation allowing the suspension of building codes in certain "renewal areas."

Senator MONDALE. I was interested in your comment that many of the workers in Charleston involved in this current tragic dispute are former migrants. Would you dwell on that a minute?

Is this a matter of personal knowledge on your part?

Reverend GOODWIN. Yes. I am pastor of four small rural churches. We have 18 members who are tied up in this hospital strike. John's Island is a rural community close to Charleston. These people commute to the city.

Senator MONDALE. They went into town because that is the only place they can find employment?

Reverend GOODWIN. Yes. When the season is over you have no employment. Right now we are through the tomato crop and we have no employment on John's Island. They also go there because this is better to them, they think this is better than the stooping and bending over and indecent living conditions. As a result they go over there to be exploited.

Senator MONDALE. In this community where you are trying to build housing, did you meet the resistance of the local power structure or were they helpful to you—the county board, city fathers, and so on?

Were they helpful to you in trying to establish local housing or not?

Mr. CLYBURN. Mr. Chairman, I was interested in the statement of Senator Murphy that there are labor unions who oppose the pre-

fab method. Of course I did not know that. I wish I had known because I would have found one area in which the local officials of my county could agree with the labor unions because our opposition has not been from the labor unions.

We have had opposition from the administrators who approve loans. You see, they take the position there that a prefab house is not enough self-help. The fact is that if you build by the self-help method you have 18 months of self-help, in some instances maybe 2 months less and 2 months more in other instances.

So you have the person who is actually working for 14 to 20 months building his house right from the ground. So he gets enough equity in it to satisfy the real, if I might use the term, conservative element in the community. So you are not giving the person anything.

If you work on your own house for 18 months you really have not been given anything. If you use the prefab method you cut the time down to from 4 to 6 months. Then there is not enough sweat on the part of the person who is going to own the house.

Senator MURPHY. I am for getting the job done as quickly as possible.

Mr. CLYBURN. I am too, Senator.

Senator MURPHY. I want to get the thing done as quickly and practically as I can.

Mr. CLYBURN. I agree with you. I hope some of the new administrators might be able to do it that way.

Senator MURPHY. Is it one or varied crops there?

Reverend GOODWIN. Varied crops. It runs through.

Senator MURPHY. It runs through vegetables generally?

Reverend GOODWIN. Yes, sir.

Senator MURPHY. Did you sense any discrimination. I think some of these crops are racially related.

Mr. CLYBURN. I must admit not overtly. I cannot really recall any incident since I have been with the commission that I would actually call racial discrimination. Discrimination, yes. Racial, no.

Senator MONDALE. In dealing with self-help housing and FHA applications, did you once deal with a high official who was black? Were there any black officials in the Government?

Mr. CLYBURN. No.

Senator MONDALE. They were all white?

Mr. CLYBURN. All white. There is one on the State level of South Carolina.

Senator MONDALE. The Attorney General of the United States wrote to the Secretary of Agriculture here a couple of months ago and complained bitterly about discrimination in the Department of Agriculture and asked the Secretary to implement a program.

We cannot get an answer as to what they are going to do.

Senator Murphy, if you can get an answer, I will make you chairman of this subcommittee.

Mr. CLYBURN. I will say this about discrimination.

Reverend Goodwin is clear in his testimony that the local committee method that is used to approve loans is very discriminatory. I think he referred to it as a paternalism or some plantation type system. What he is saying here if I understand it is that when you get three big farmers—

Senator MONDALE. Are there any farmworkers, or black members, of that committee?

Mr. CLYBURN. All farmers, all white throughout the whole State of South Carolina. You see, these people are not on the payroll of the Farmers Home Administration so you can't blame the Farmers Home Administration. However, they are the ones who select the committee.

So then it is their responsibility. The people are not going to look with a favor on the application of some of the people who are going to move off their land.

The tenant farm system must not allow independence.

Senator MONDALE. If this housing was built, then the tenants of this housing would be leaving some of these rented shacks you are talking about?

Mr. CLYBURN. Right.

Senator MONDALE. And moving into this better housing that they own themselves?

Mr. CLYBURN. Right.

Senator MONDALE. So it is your impression that the committee that acts on the application represents the people who might lose some of those rents, is that right?

Mr. CLYBURN. That is right.

Senator MONDALE. You don't have a countervailing power in the community to get them to look at your side of the case?

Mr. CLYBURN. That is right.

Senator MONDALE. I was flabbergasted to see the situation in Florida. Some of those shacks were renting for \$15 a week; \$15 would buy most of them.

Thank you very much for your very useful testimony. We will print your full statement in the record at this point.

Reverend GOODWIN. Thank you very much.

(The statement referred to follows:)

PREPARED STATEMENT OF REV. WILLIS T. GOODWIN, JOHN'S ISLAND, S.C.

Mr. Chairman, members of the Subcommittee on Migratory Labor: I have always been awed beyond expression upon entering these classic halls; however, today I am grieved, not that the halls are no longer classic, but I grieve because the issue that brings me here should not be necessary in a Country that has produced such classic and awesome surroundings.

I understand that the theme for these hearings is "powerlessness." I understand further, that we are to focus upon and examine the depth and reasons for this "powerlessness" which exists in a substantial portion of our work force, a work force commonly known as migrants and seasonal farm workers.

Mr. Chairman and Members, I beg your indulgence as I attempt to relate some of my impressions which have been gathered over a period of thirteen (13) years while working with migrants and seasonal farm workers along the Eastern stream, with particular emphasis in Charleston County, South Carolina.

I am aware that there are some among you who, because of our society's ability to respond only to the issues at hand, may think that Charleston's only problem is its Medical College Hospital. However, it does not take the research of the great historian, Arnold Toynbee, to establish that the ridiculously inhuman wages being paid non-professionals at the Charleston County Hospital and the Medical College Hospital of South Carolina are directly related to the problems of migrants and seasonal farm workers in this same community.

A quick check of the record will show that 50% of the non-professional work force at these two hospitals are composed of former migrants and seasonal farm workers. Further, if you were to research the records for one or two generations, one would find that more than 90% of the work force in these two hospitals are either former migrants and seasonal farm workers themselves, or descendants of the same.

Now, one must assume that these people moved to this hospital employment in order to better their conditions and improve their surroundings. If this assumption is correct, then it is obvious that the plight of the migrant and seasonal farm worker is overly burdensome; especially, since the leaders of my State, and the readers in your states, all agree that the wages and working conditions of these workers are indecent, inhuman, and violently insulting.

I have reasons to believe that the seasonal farm worker who turns to hospital employment does so only because of the glamor of white dresses and stockings in contrast to the hot sun, dusty fields, stoop labor, crude housing conditions, uncertain employment, migratory existence, and insufficient wages.

This to me, Mr. Chairman, indicates that something is wrong with the theory that migrants and seasonal farm workers are a "happy lot".

My personal contact, which is extensive, has taught me that the migrant is a man without a Country, and the seasonal farm worker, one without a community. These two realizations point up the basis for the powerlessness which is prevalent among this segment of our society.

For the past two years, I have exerted all of my energies toward community development and organization among these powerless people. I have done so as Conference President of the Board of Missions of the United Methodist Church, South Carolina Annual Conference; as Chairman of the Migrant Ministry of South Carolina; also, as a Board Member of the South Carolina Commission for Farm Workers, Inc., and as a Member of the Migrant Ministry Section of the National Council of Churches of Christ in the U.S.A.

These efforts have failed to crystallize. Our efforts have failed to crystallize because contrary to the national focus, we in Charleston County do not consider our #1 priority to be education and training. On the contrary, to the migrant and seasonal farm worker, either passing through or living in Charleston County, housing is by far the #1 priority. Our efforts in this area have failed because it has proven all but impossible to acquire land in order to develop housing programs for seasonal farm workers or home-based migrants. Land in Charleston County and throughout Coastal South Carolina is tied up in heir's property, cloudy titles, and cost-prohibiting plantation holdings. Housing for in-coming migrants is indecent, inhuman, and utterly revolting.

In a community such as mine, the abjectness of poverty is outstanding. My County is affluent and it shows in the cars, boats, and housing. My County is also poor and this is most pronounced in housing or the lack of it. My most capable colleague and trusted advisor, James E. Clyburn, who directs the efforts of the South Carolina Commission for Farm Workers, Inc., has substantiated over and over, that the most wanted—and indeed lacking—basic need of rural Charlestonians is decent housing. This Country made a verbal commitment to this necessity in 1937, but has not yet created the will to fulfill that commitment.

Further, Mr. Chairman, I have in my possession a copy of a letter received by Mr. Clyburn from the Farmers Home Administration stipulating that the South Carolina Commission for Farm Workers, Inc. could not be approved for a land development grant because: number one, our membership did not reflect at least ten (10) community leaders. I ask you, Mr. Chairman, to define a community and categorize our thirty (30) Board Members and tell me what constitutes a leader. To me, the mere fact that a person consents to serve, without compensation, in such a capacity qualifies him as a leader.

The second reason given is that the South Carolina Commission for Farm Workers, Inc. was not created for the specific purpose of "providing housing to be built for the mutual self-help method for low and moderate-income families on the nonprofit basis".

No, Mr. Chairman, I quote from a line of our Charter which was submitted with Mr. Clyburn's request, "To relieve the distressed conditions of the migrant and other seasonally employed, agricultural workers, and their families by seeking to obtain better housing conditions for such workers." What more is necessary?

Finally, Mr. Chairman, the local community method utilized by Farmers Home Administration for the approval of loan applications is at its best, paternalism, and at its worst, a plantation system. I am sure that it is obvious to you that the farm owners who sit on such committees will never look with favor upon his or his neighbor's tenant farmers' application, knowing full well that to grant a home loan will create a kind of dignity and independence which cannot be tolerated under a plantation system nor paternalism.

Through the South Carolina Commission for Farm Workers, Inc., we have made attempts to acquire the sub-standard houses presently owned by the

County of Charleston in hopes of negotiating a grant or low-income loan through one of the maze of Federal Programs. However, our efforts to this point have proven futile because of the impossibility to coordinate this type of venture.

Mr. Chairman, it is hypocritical to condemn this housing because of their inability to meet Labor Department standards, then withdraw all Federal contact such as the coordination of the Migratory Labor by the Employment Security Commission, then close your eyes, knowing full well that the same human beings who have occupied these camps over the years will return under the same indecent, inhuman, and revolting circumstances.

In fact, Mr. Chairman, I am convinced that the Employment Security Commission is not really interested in the farm laborer. It has been our experience that the Employment Security representatives who are assigned to the Farm Labor Sections are admittedly concerned only with the big farmers' interest.

In reference to land acquisition for the home-based migrant, I do not wish to advocate land reform. However, Mr. Chairman, what we need is nothing short of reformation. I do wish to suggest that the creation of a joint Federal, State, and in some instances, local effort which would concentrate on clearing up cloudy titles and locating remaining heirs will go a long way toward the eradication of this problem. The rebuttal to this is obviously the Neighborhood Legal Assistance Program. However, they are understaffed, over-subscribed, and in Charleston County, underpaid.

A final housing problem that I feel most urgent can be found in isolated areas throughout my community. This problem is that of land holdings in areas which are deemed too low for insured loans because of water level and insufficient drainage. Further, they are infested with rodents and various parasites and are, in fact, the breeding place for such undesirables. One such instance is Petersfield, which is home for approximately 200 home-based and in-migrant families.

The question is always asked, "Why do they live there?" My question is, "Where would they live otherwise?" Tents are not feasible, unless we wished to be as asinine as some supposedly appropriate agencies have proven themselves.

It is customary to treat health problems as a separate entity. However, Mr. Chairman, I am sure that you who grace these classic halls and possess such great intellect can easily discern that the ramshackled, indecent, and dilapidated living conditions of farm laborers are the direct causes of their health problem. I am sure that the many active cases of T.B. that we have found year after year, and this year, an epidemic of some sort of fever prevalent among the Mexicans, are directly related to their living conditions. Further, the abundance of worm-infested children and cases of acute diarrhea and venereal disease are directly related to their living conditions.

The deplorable plight of expectant mothers and newly born infants is hardly one to be proud of; yet, our health and welfare departments continue to be overly concerned with correctly filled out applications, correct referral procedures, and residency requirements. Example: If a migrant has an active case of T.B., he cannot be treated by any of the local hospitals. This person has to use public transportation to get back to his home base. It seems to me that for an agency that is concerned for the health and welfare of its people, this shows very little regard for others who may be perfectly healthy, but also are using public transportation. However, Mr. Chairman, this is just another example of the great dichotomy which has infested this great society.

There is no running water. These people get their water from wells and pumps which are half-drained, and as a result, this has caused a great deal of sickness. The houses are built of plywood, have no floors (just dirt), no electricity and no sewage. Some are built right on the water, consequently, the tide comes into the house, creating constant dampness. There is always sickness in this type of situation.

The in-migrants are found living in camps, both public and private, paying rent at a rate of \$11 per week for a ten x ten (10x10) room which is assigned to families, which in many instances, number 8 or 9. These camps have no cooking facilities and garbage is very seldom collected. The outdoor privies are very seldom cleaned and hot water is non-existent. The garbage disposal area consists of a large pit which is left open for the duration of the migrants' stay.

In the private camps, these conditions are even worse. The old abandoned houses and tin-framed shacks are surpassed only by the old buses which are also used as tenements. These camps are not equipped with running water, sewage, or toilets. Their relief is usually found in the nearest wooded area.

As for education and training, we feel that if housing and health problems were dealt with, we would create the atmosphere necessary in order to address



ourselves to the more academic and attitudinal problems which are prevalent.

It is amazing to watch this Country and listen to its leaders create and develop programs to combat the ills of urban society. It is obvious that programs such as Model Cities, and that of the National Alliance of Businessmen only serve to make the urban areas more attractive to the potential migrant. We must stem the tide of migration to large cities, if not, reverse the trend.

We must create a rural alternative.

In summation, Mr. Chairman, I feel it should not be necessary to admonish you and your illustrious colleagues, but I do suggest that it might be appropriate for you to adopt the philosophy of the South Carolina Commission for Farm Workers, Inc., as one of your many guidelines: An innovative and imaginative program—denuded of paternalism—creates motivation and enhances self-determination.

Senator MONDALE. Our next witness is Marvin Davies; we are glad, Mr. Davies, to have you before this committee. You testified before us on a very hot day before the Select Committee on Nutrition and Human Needs. I recall your excellent testimony. We are delighted to have you here this morning.

**STATEMENT OF MARVIN DAVIES, FLORIDA FIELD DIRECTOR,  
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED  
PEOPLE, ST. PETERSBURG, FLA.**

Mr. DAVIES. Thank you very much, Mr. Chairman and Senator Murphy, I heard some remarks made earlier. I guess you were interested in some of the conditions around Cape Kennedy. Before going into my testimony I would like to mention something about that.

Senator MONDALE. We would be interested.

Mr. DAVIES. In the area of the Cape, within maybe 3 or 4 miles, there is abject poverty to the extent we have some 700 families that we know could use the Federal food commodities program, yet that county will not enact a Federal food program.

Senator MONDALE. Neither food stamps nor surplus commodities?

Mr. DAVIES. Neither one. We have people living in these kinds of conditions.

Senator MONDALE. Are they farmworkers?

Mr. DAVIES. They are related. They work on the farm and do household work. Their income is on the level where they could qualify for the programs.

Senator MURPHY. What does a domestic get paid down there?

Mr. DAVIES. It runs from \$8 to \$10 a day. Most of us know the attitude of the men in the State of Florida about Federal programs, where we have the highest ratio of migrants they don't consider the people being citizens or residents of that community although there is some \$40 million coming into that community each season to take care of their well-being.

They don't show any kind of responsibility at all to these people. These are the prevailing attitudes we find in and around Florida. I would like to comment on the housing situation in terms of the Farmers Home Administration.

The Farmers Home Administration in terms of their system of approving a loan, their approach will have to be changed or else you are going to have some real reaction to this kind of thing.

They have a local committee made up of white persons who meet on loans and if you make application for loans for farm machinery, equip-

ment loans, crop loans, we have found through surveys that less than one tenth of these loans go to black people who make application.

The Department of Agriculture knows about this and they have not done anything about it. Not only that, as we said earlier, they give you all kinds of run around when you apply for a loan to get a home.

One farm labor group tried to file an application under the 515 program. They found out later on that the 515 program that they were trying to get a loan under was not really a program for helping farmworkers. Yet that is what the Congress thought it was doing when it enacted the legislation. But the farmworkers trying to use that particular act found out it did not fit their needs.

I think Congress has a real responsibility here to try to enact laws and look at them each year to find whether they meet the needs they are intended to meet. Here you talk about a 515 loan.

You can only get up to \$300,000. For a locality that has a high concentration of migrants we can't use that type of loan program because when you talk about 50 to 75 units, you are talking about close to a half million dollars, a half million dollars and over.

You can't lump one or two loans together. They say everything must be separate and distinct. So that act itself should be repealed tomorrow or be amended so that it is workable. That is how simple it is to me.

I would like to get into my testimony.

Mr. Chairman, gentlemen of the subcommittee: My name is Marvin Davies, and I am the Florida Field Director for the National Association for the Advancement of Colored People, NAACP, whose national office is located at 1790 Broadway in New York City and Florida State office at 1125, 22d Street, South, St. Petersburg, Fla., Pinellas County.

The NAACP national office has requested that I present the views of the NAACP with reference to the general condition of migratory and agricultural farmworkers in the State of Florida.

As a social worker—and I will say here that these conditions will probably be the same conditions that will be found anywhere farm laborers may be. Many of these workers move about, and these conditions follow.

For 61 years the working and living conditions of agricultural workers in the United States, especially of Negro farmworkers, have been matters of great concern of the National Association for the Advancement of Colored People.

Prior to my appointment as Florida field director for the association, I was closely associated with the plight, frustration, concern, and problems of the migratory agricultural workers in my native State of Florida.

As a social worker with the State department of public welfare I have worked very closely with the seasonal agricultural farmworkers. My caseload consisted of a ridiculously high 220 farm labor families. The welfare unit to which I was assigned was responsible for serving the area commonly known as the "muck" in Palm Beach County.

My travel and work covered the areas and camps of Belle Glade, Pahokee Bean City, Canal Point, Lake Harbor, Chosen, and South Bay. On special assignments I have had to work with clients in Moorehaven, Clewiston, and Labelle.

Also prior to 1966 I was employed in Fort Myers as a teacher in the public school system. Rather than to hear my outcry of the injustice to the Negroes of Lee County the school board fired me. I was subsequently employed as a teacher in both Charlotte and Collier Counties. The mentioned areas have high concentrations of migratory farmworkers.

In its 1967 report on rural poverty "The People Left Behind" the President's National Advisory Commission on Rural Poverty said:

The urban riots during 1967 had their roots in rural poverty. A high proportion of the people crowded into city slums today came there from rural slums. This fact alone makes clear how large a stake the people of this Nation have in an attack on rural poverty.

Today we assembled here make history in that we gave up seeing the "moonshot" to discuss the problems of the low-paid laborers who seasonally harvest our abundant vegetables and crops.

We are also protecting our right to continue to be the best fed, most overweight nation in the world.

In a few years America has changed from an agricultural nation to an urban society of grave and serious problems. However in that process of change many of our citizens as reported were left behind to do mop-up activities in the fields and pick the crops until mechanization completely eliminates the need for their labor.

During the next 10 years agricultural laborers will be reduced by half and soon thereafter the fieldworkers as we know them today will be as obsolete as the mule and the handplow.

What will happen to those human beings during the interim years? Really, what does the future hold for the farmworker who feed us well on slave rental wages as he is being replaced by a machine?

The answers are simple—guaranteed income, collective bargaining, massive education and training, nonagricultural employment, and faster housing production with greater subsidies.

The larger question is does America want to solve the farm labor problem? I firmly believe that America does not—not at the present time anyway.

At present it is too preoccupied in trying to create and recapture its lost image of world leadership. Another reason is that America has not yet accepted persons born of ebony hue as full-fledged members of the human race and even less as members of this society.

I see grave problems and consequences as a result of this prejudiced attitude. I see a powerful explosive force, which has nothing to lose except its chains and shackles that awaits only the right detonator to set it off.

We here must accept our share of the blame for this atrocious and unfortunate situation in our midst.

The conditions which I have witnessed in Florida among migrant workers would cause most of you many sleepless nights. I have found myself on the loading ramps in Belle Glade, Fla. at 4:30 a.m. I have worked with clients with children who were housed in what is commonly called matchboxes and shacks.

I have known babies to die of malnutrition. I have seen seriously injured workers denied medical care to doctor's offices and public supported hospitals. I have seen 5- and 6-year-olds attempting to prepare a meal for smaller brothers and sisters. I have had clients with no

jobs and/or hopes of one, no food nor adequate clothing. I have witnessed clients earning less than child care expense after a 12-hour work day.

I have reached the conclusion, based upon my work and direct involvement, that the 100,000 seasonal agricultural workers in the State of Florida are the victims of the most extreme abuse and exploitation to be found anywhere in the United States.

In fact it is my opinion that farm labor conditions in the State of Florida constitute a serious national disgrace, if not a deliberate conspiracy involving the U.S. Congress, U.S. Government, governmental agencies, State, county, and local business and public officials.

Can the U.S. Congress adequately defend its position to deny the basic right of collective bargaining to farmworkers?

Can the U.S. Department of Labor defend its decisions year after year to allow the importation of foreign workers in violation of Public Law 414, the Walsh-Healey Public Contracts Act?

Can the U.S. Department of Agriculture justify its continuing priority to provide grants for research to farmers for farm mechanization but fail to assist farm laborers in finding alternatives to farm-work?

Can the U.S. Congress and the States defend justly their refusal to set an adequate minimum wage for farmworkers?

Can the U.S. Department of Defense and the Department of Agriculture justify their continued contracts with farmers and farm cooperatives who refuse to pay minimum wages and deny equal employment opportunities to minority farmworkers?

Is the Florida Fruit & Vegetable Association so powerful, is the United States Sugar Producers Association so mighty, are the farmers who exploit farm laborers so sacred, that they can bend the Government of the United States to their will?

If this kind of political arrangement and inaction do not constitute a conspiracy to deny farm laborers their most basic right—the right to live in decency with dignity—then the definition of a conspiracy is beyond my grasp.

In my conversations with workers as they prepare to proceed from Florida into other States along the Atlantic coast, I have found it to be very clear that these workers “go up on the season” or “follow the sun” for only one basic reason and that is economics.

If these workers could seek and find employment in Florida they would do so.

It is difficult to understand how the U.S. Government which has a clear responsibility to protect the welfare of its citizens can be so powerless in correcting conditions which adversely affects, in the sharpest possible manner, the economic and social welfare of the most deprived group of citizens in this Nation.

Because of the U.S. Government's failure to accept its responsibilities to protect the welfare of its migratory farmworkers I have concluded that these workers are the illegal black bastards of America's political and social order. My feeling now is that the American people must force their Government to extend the 13th amendment to the U.S. Constitution to these workers or confess that migratory workers are our slaves.

No man or country can ignore his child or slave once he accepts him as his own. The U.S. Government must contribute as much to correct the living and economic conditions of seasonal and migratory farm laborers as it contributes to its pseudopsychological hangup to conquer space, or its liberation program in Asia which makes little or no sense when we don't have the wisdom to maintain a safe and viable society at home.

We can no longer enjoy the luxury of having foreigners within our country. The frustration levels of these workers are becoming saturated daily. They have seen the farmworkers organize in California and Texas; they are now aware of their plight and their importance to this economy; they have seen several cities receive attention after a period of disorder; they are aware of the political "wheeling and dealing" which keep them in 1970 style slavery; they know who their enemies and friends are and many concerned persons are of the opinion that in time, if present conditions remain, these laborers will deal with each appropriately.

The new crisis which this country is apparently headed for in farmworker-farm management relationships can be avoided, and I hope that the cries and protests here today will set the stage for prompt and immediate action by the U.S. Congress and the American people.

I have testified before several other U.S. congressional committees about the seasonal farmworkers' problems and I would hope that the facts and the record are now clear and that your pleas and recommendations to the Congress will be heard and acted upon immediately. In fact there is a strong feeling among those concerned that time for action is drawing to a close.

This committee must realize, that in addition to the continued opposition of fellow colleagues who have a high concentration of migratory labor in their congressional district there is, in assuming the task of helping migratory labor become an integral part of the mainstream of America's life, a kinship likened to the task of our association in 1919 when we took on the challenge to remove racial discrimination and segregation from America's life. Many said the task was misdirected or too great but we felt the cause was too just to adhere to the desire of the pessimist. The cause of migratory farmworkers today is equally a challenge and an opportunity.

The major question should now be what are the priorities and where shall we start? We offer the following recommendations:

1. That a commodity food program and or a food stamp program with free stamps for a family of 3 earning less than \$150 monthly be established in every county in this country that does not now have one. These programs should be so located and opened during hours which will benefit the recipients, not the persons who are administering the program. Where counties fail to establish such programs then acceptable nonprofit groups be granted the authority and contracted with to administer the program.

2. That a food and nutrition educational program be established in conjunction with the commodity or stamp program utilizing persons of the target area to teach others the best use and preparation of such food items. These persons—would work on a part-time basis with salaries in excess of the present minimum wage.

They would also serve as recruiters and referral persons for the commodity and/or the food stamp program.

3. That a free lunch and breakfast program be launched at all schools in which there is a need. In case the schools fail to initiate such programs a newly established or existing nonprofit group could be contracted and empowered to perform such service. These programs of need cannot be left solely to the hand of the local politicians or school officials.

4. The U.S. Department of Agriculture and Labor should place in top priority the elimination of the migrant stream. That is the real problem. Let us get rid of it for good, forever. Training programs and related economic and supportive social services must be immediately instituted which will provide alternatives to seasonal agricultural employment.

5. That in areas of high migratory workers concentration the U.S. Department of Agriculture and Housing and Urban Development should provide outright grants for land purchase, start up and development of complete communities, including industrial parks. The concepts of condominium and cooperative living should be explored, but individual ownership where possible should have top priority and be fostered. These developments must have adequate day care, health, recreational, training, and educational facilities.

6. That the U.S. Departments of Agriculture and Commerce offer incentives and opportunities for nonagricultural industry to move into agricultural areas.

7. That legal services to agricultural workers and the poor be established as a permanent and continuing program. I have a comment I will make later on that.

8. That medical service and health care be expanded to serve all persons in need and that these services be available at times convenient to the agricultural worker.

9. That Federal funded programs dealing with migratory labor be funded at a level consistent with the challenge. Many programs need to be reviewed annually to determine if they are meeting the need of the intended recipients.

10. That the right of collective bargaining for farmworkers become a reality during this session of Congress.

11. That serious consideration be given to enacting legislation to guarantee an annual income for all American citizens.

There are many other problems of which we are all aware but your patience has been overburdened and I am sure that the seasonal and migratory agriculture workers in America and especially in Florida are now gaining additional friends in the U.S. Congress.

The NAACP and I look forward to helping to free the American conscience of this national disgrace—the migratory farm labor conditions in America.

The comment that I have to make and I am going to make it now is that legal services to the poor or the rural person, particularly the farmworker, are just as basic a necessity to these people to free them, to help them become citizens of this country, as it is to feed them.

Because I know what we are fighting. We are fighting some of the largest corporations in this country when we talk about organizing or assisting farmworkers.

We are fighting the largest corporations in the world when we talk about personal injury cases. These people do not have the money to fight these corporations. We're talking about fighting these same corporations getting decent and sanitary housing for these people or just to feed them.

We need these legal aids and services to continue. We are now fighting some of your colleagues who are right here, right now, fighting because they do not want a legal service program to help the people in their area or any area.

I don't know what we are going to have to do but certain Congressmen are tied to the interest of the farmer without thinking about the farmworker. Many of these people get so much money out of these farmers that they don't see anything they can do for the farmworker.

I am asking you to publicly censure them and tell them unless they start doing something about the other constituents in their district then you are going to do something about it.

We need to do this. Every time we propose a program in Florida we have to fight some Congressmen. I think they should be helping us rather than our having to fight them. It is a disgrace that America has not yet decided to do something about these people.

I will be glad to entertain your questions.

Senator MONDALE. Thank you very much for your excellent testimony.

One of the things that constantly baffles me is the last point that you touched on, namely, the apparent political impotence of the migrant farmworkers.

When we were in Immokolee, Fla., talking about voting, it was as though it never occurred to them that this was a right farmworkers had. I wonder if there is not something about the psychology of not voting and the impression under which they live which go so far to create in their mind a feeling that they are not a citizen anywhere.

In Collier County there are 22,000 farmworkers, and almost half of the county's population is migrant.

In this case I think the farmworker population is about equally divided between Mexican Americans and black Americans. Yet it was manifestly clear that they had no food program at all. The county board was openly contemptuous of them publicly to the extent that they said "They are not our people, they are Federal people."

One of them said, "They just like to winter here."

What accounts for this political impotence? I have never fully understood it.

Mr. DAVIES. First of all the migrant is treated not as a citizen in this country, not even by the laws of the land. So he has no right to believe he is a citizen.

All the laws exclude him. You talk about minimum wage, social security, you talk about collective bargaining. He says everybody else can be protected by these, why can't he.

He finds out he can't because the law states he can't. So the laws in this country are against him. He is really not a citizen here. As I stated here earlier, we first have to make this man a citizen.

Here is a problem we are having with these people. Most places he goes has residence requirements. If you are going to vote or do anything else you have to be a resident. When I was a social worker working in Florida there must have been 12,000 or 15,000 people who came to us for service that we just could not help because they could not prove they were residents of Florida.

But they say "we are residents of Florida, this is our home." They told us this. I believed them. But they had to show proof that they had been there so long and they had these kinds of ties and those kinds of ties before they could get any kind of service. They would go down to the registry, they would tell them the same thing, "You have to prove to us you are a citizen of Florida."

So these kinds of things negate any kind of political activity on their part. Now we have tried to organize the migrants in Florida and got slaughtered because we did not know who we were fighting.

I know who we are fighting now. I did not know when we started out. I was a novice in this whole area. We thought we could get organized and get cards and get the unions to sign them up. The unions came in. The union did not understand the magnitude of the problem either.

They put in \$40,000, \$50,000, or maybe \$100,000 and thought they were going to organize the migrants with that kind of money. They came in. The same thing happened to the unions. They were slaughtered. The unions have in their constitution "We are dedicated to organizing the unorganized." However, they have neglected the farmworkers in Florida.

We put a little pressure on the farmers. They sent some people down there, we found out whom we were fighting. We were fighting the power structure in this country: people like Coca-Cola, Minute Maid, United States Sugar, and so forth.

These people have all kinds of power, all kinds of money. Unless we can get in this country the type of support we need we are really going to get wiped out before we get started.

SENATOR MONDALE. Let us stop right there because that is a central issue here.

MR. DAVIES. That is right.

SENATOR MONDALE. We passed, for example, a Federal direct commodity food program. Today it is still available for any county that wants it, free.

They have to distribute it, but it is free to them. In Collier County they would not even have the program. In most counties that do have the program, it is a nominal operation.

In other words, those that do have an overage program take care of 5 percent of the hungry in the county. This is a case where the local government is not doing its job.

The counties that need help the most are the very counties you are talking about, the counties of high concentration of farmworkers and migrant workers. That is usually where you see the worst conditions.

MR. DAVIES. This is where the opposition is.

SENATOR MONDALE. Why is it that farmworkers, for example, in Collier County cannot register and vote and get in a position where these county officials either respond to farmworkers' needs, or realize



farmworkers are going to get some new officials. You mentioned that responsibility with respect to Congressmen.

In other words, I have met a lot of dumb politicians in my life, but I never met one who could not count who got elected. The trouble is, farmworkers don't count in the minds of politicians.

Am I correct? They have found out down there that politically it is easier to ignore the farmworker and the migrant, and play the other side of the street. That is why you are in trouble with the migrant legal service program in Florida.

This is one of the best programs in existence.

Mr. DAVIES. That is right.

Senator MONDALE. One of the few times there has been some power in the hands of the farmworker was with the legal help of that program. This was an institution responsive to the farmworker.

The Governors in the States are opposing it. Others are opposing it. They want to put legal service programs into the hands of the local bar association, so that they will only apparently represent farmworkers, and they won't be in a position to bring the lawsuits that really make the difference.

It is so bad down there that in one county every time a farmworker wants welfare, he has to take a lawyer with him. They go only to the county officials and they say, "Mr. Crab, we want welfare."

His name is Craft but the local people have changed the name a little bit. If a woman appears for help, he would make insulting remarks about her moral standards. Although they were obviously impoverished, he would want business records. What does an impoverished migrant have for business records?

They finally took a lawyer with them. They said, "Mr. Crab, we get welfare or you will be sued tomorrow morning. Which do you want?"

They got welfare. They got the welfare with dignity for the first time. Now they want to take the legal services program away from them.

Running all through the problems of the migrants in Florida is the fact that they are so impotent politically that there is no requirement, no need, to respond to their legitimate requests.

I think there is much that we should be doing, there is no question about it. I agree with every point you have made in terms of these programs.

It should have happened a long time ago, indeed. I said when they came up with the administration's nutrition program which is dependent on local consent, that program is no good.

I don't care how much money you appropriate, if you let the local county boards decide whether they will or will not feed the hungry, they won't feed them.

You have to be able to follow them around, or they won't do the job. I have come somewhat reluctantly to the conclusion that in order to put substance and reality into these federally enacted programs, there has to be political economic clout at home.

Mr. DAVIES. I will agree with that.

Senator MONDALE. That makes the difference. This is why I am baffled by this frustrating impotence, politically and economically, of the seasonal and migrant farmworker.

Mr. DAVIES. May I say this? Migrants are discouraged from registering to vote.

Senator MONDALE. How is that done?

Mr. DAVIES. If you take the migrant stream in terms of Florida particularly, the migrants come back after going north and east and they start coming back to Florida around October or November.

They leave around late March, they leave going up the road as they call it. Your highest concentration in terms of numbers in the State of Florida is probably December, January, and February.

And early March. During this period most times this is the time when the books are opened in terms of registration.

Senator MONDALE. When do you register in Florida?

Mr. DAVIES. What date? There is no certain date.

Senator MONDALE. What is the period of registration?

Mr. DAVIES. He must be a citizen in the county for 6 months and have residence in the State for 1 year.

Senator MONDALE. When are the books closed so you can't register?

Mr. DAVIES. They close them 30 days before the election, but most times they are open. What happens is this: You must have been in Florida 1 year and 6 months in the county, the last 6 months prior to registration. Most of the people can't prove they were in the county the last 6 months prior to registration. If they are on the road they are not eligible.

Senator MURPHY. The worker is only there as you say 4 months. Is he on the road the rest of the time?

Mr. DAVIES. That is right.

Senator MURPHY. Would it help if the worker could establish that he had been there 4 months this year, 4 months last year?

Mr. DAVIES. No, sir. It has to be continuous.

Senator MURPHY. I know, but would it help if the law could be changed?

Mr. DAVIES. Yes.

Senator MURPHY. In other words, what we are trying to find is a method of giving him a permanent location?

Mr. DAVIS. I think his intent, whatever he says.

Senator MURPHY. In California, migrants and farmworkers are different groups.

One group that has no problems. There is another group in California that prefers to do this. They work and then go down to Mexico for the balance. That is one group.

One of the problems is to establish permanency. I think this might be a way to do it. If a fellow could establish he returned 2 or 3 years in a row, that certainly would give some permanent rights.

Mr. DAVIES. In the Federal election now as you know Congress says they can vote. But you are not going to get the State to allow these people to vote.

Therefore, this local county politician controls the citizens in the county and keeps the food programs out as they are administered now.

I mentioned he should be able to only indicate his intent, if he intends to live in Florida, that is where his home should be. He does not have an address that he keeps year around, the mail cannot reach

him, nobody can contact him the year around at any particular place.

The problem is that they don't have homes. They can't afford to pay rent while they are on the road. It means in effect many of them would say to you if you ask the question "where is your home?" They say Florida. But Florida won't accept them as it being their home. So they are Federal people.

SENATOR MONDALE. Actually if that rule were to be applied to Congressmen none of us could vote because we are here more than the migrant is out of Florida.

MR. DAVIES. That is right. The whole attitude of the State government and county government is that "they are Federal people," and we are not going to allow them to mess up our political situation here.

SENATOR MONDALE. Thank you very, very much for your useful testimony. We will include your full statement in the record at this point.

MR. DAVIES. Thank you very much.

(The prepared statement of Mr. Davies follows:)

PREPARED STATEMENT OF MARVIN DAVIES, FLORIDA FIELD DIRECTOR, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (NAACP)

Mr. Chairman, gentlemen of the Subcommittee, my name is Marvin Davies and I am the Florida Field Director for the National Association for the Advancement of Colored People (NAACP) whose national office is located at 1790 Broadway in New York City and Florida State Office at 1125 22nd Street South, St. Petersburg, Florida (Pinellas County).

The NAACP National Office has requested that I present the views of the NAACP with reference to the general condition of migratory and agricultural farm workers in the State of Florida.

For 61 years the working and living conditions of agricultural workers in the United States, especially of Negro farm workers, have been matters of great concern of the National Association for the Advancement of Colored People.

Prior to my appointment as Florida Field Director for the Association, I was closely associated with the plight, frustration, concern and problems of the migratory agricultural workers in my native State of Florida.

As a Social Worker with the State Department of Public Welfare, I have worked very closely with the seasonal agricultural farm workers. My case load consisted of a ridiculous high of 220 farm labor families. The welfare unit to which I was assigned was responsible for serving the area commonly know as the "muck" in Palm Beach County. My travel and work covered the areas and camps of Belle Glade, Pahokee, Bean City, Canal Point, Lake Harbor, Chosen and South Bay. On special assignments I have had to work with clients in Moorehaven, Clewiston, and Labelle.

Also, prior to 1966 I was employed in Fort Myers as a teacher in the public school system. Rather than to hear my outcry of injustice to the Negroes of Lee County the School Board fired me. I was subsequently employed as a teacher in both Charlotte and Collier Counties. The mentioned areas have high concentrations of migratory farm workers.

In its 1967 report on rural poverty "The People Left Behind", the President's National Advisory Commission on Rural Poverty said, "The urban riots during 1967 had their roots in rural poverty. A high proportion of the people crowded into city slums today came there from rural slums. This fact alone makes clear how large a stake the people of this nation have in an attack on rural poverty." Today, we assembled here make history in that we gave up seeing the "moon shot" to discuss the problems of the low-paid laborers who seasonally harvest our abundant vegetables and crops. We are also protecting our right to continue to be the best fed, most overweight nation in the world.

In a few years, America has changed from an agricultural nation to an urban society of grave and serious problems. However, in that process of change many of our citizens as reported were "left behind" to do "mop-up" activities in the

fields and pick the crops until mechanization completely eliminates the need for their labor. During the next ten (10) years, agricultural laborers will be reduced by half and soon thereafter the field worker as we know him today will be as obsolete as the mule and the hand plow. What will happen to those human beings during the interim years? Really, what does the future hold for the farm worker who feed us so well on slave rental wages as he is being replaced by a machine? The answers are simple—guaranteed income, collective bargaining, massive education and training, non-agricultural employment and faster housing production.

The larger question is does America want to solve the farm labor problem? I firmly believe that America does not—not at the present time anyway. At present, it is too preoccupied in trying to create and recapture its lost image of world leadership. Another reason is that America has not yet accepted persons born of ebony hue as full fledged members of the human race and even as members of this society. I see grave problems and consequences as a result of this prejudice attitude. I see a powerful explosive force, which has nothing to lose except its "chains and shackles" that awaits only the right detonator to set it off. We here must accept our share of the blame for this atrocious and unfortunate situation in our midst.

The conditions which I have witnessed in Florida among migrant workers would cause most of you many sleepless nights. I have found myself on the loading ramps in Belle Glade, Florida at 4:30 A.M.; I have worked with clients with children who were housed in what is commonly called match-boxes and shacks; I have known babies to die of malnutrition; I have seen seriously injured workers denied medical care at doctor offices and public supported hospitals; I have seen five and six year olds attempting to prepare a meal for smaller brothers and sisters; I have had clients with no job or hopes of one; no food nor adequate clothing; I have witnessed clients earning less than child care expense after a twelve (12) hour work day.

I have reached the conclusion, based upon my work and direct involvement, that the 100,000 seasonal agricultural workers in the State of Florida are the victims of the most extreme abuse and exploitation to be found anywhere in the United States. In fact, it is my opinion that farm labor conditions in this state constitute a serious national disgrace, if not a deliberate conspiracy involving the U.S. Congress, U.S. Government agencies, state, county and local business and public officials.

Can the U.S. Congress adequately defend its position to deny the basic right of collective bargaining to farm workers?

Can the U.S. Department of Labor defend its decisions, year after year, to allow the importation of foreign workers in violation of Public Law 414, the Walsh-Healey Public Contracts Act?

Can the U.S. Department of Agriculture justify its continuing priority to provide grants for research to farmers for farm mechanization but fail to assist farm laborers in finding alternatives to farm work?

Can the U.S. Congress and the States defend justly their refusal to set inadequate minimum wage for farm workers?

Can the U.S. Department of Defense and the Department of Agriculture justify their continued contracts with farmers and farm cooperatives to pay minimum wages and deny equal employment opportunities to minority farm workers?

Is the Florida Fruit and Vegetable Association so powerful; is the United States Sugar Producers' Association so mighty, is the farmers who exploit farm laborers so sacred, that they can bend the Government of the United States to their will?

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It is difficult to understand how the United States Government which has a clear responsibility to protect the welfare of its citizens can be so powerless in correcting conditions which adversely affects in the sharpest possible manner the economic and social welfare of the most deprived group of citizens in this nation.

Because of the U.S. Government's failure to accept its responsibility to protect the welfare of its migratory farm workers I have concluded that these workers are the illegal black bastards of America's political and social order. My feeling now is that the American people must force their government to extend the 13th Amendment to the U.S. Constitution to America must be convinced or forced to accept these workers as her children. No man or country can ignore his child once he accepts him as his own. The U.S. Government must contribute as much to correct the living and economic conditions of seasonal and migratory farm laborers as it contributes to its Pseudo psychological hang-up to conquer space, liberation in Asia which makes little or no sense when we don't have the wisdom to maintain a safe and viable society at home.

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The new crisis which this country is apparently headed for in farm worker-farm management relationship can be avoided—I hope that the crys and protests here today will set the stage for prompt and immediate action by the U.S. Congress and the American people. I have testified before several other U.S. Committees about the seasonal farm worker problems and I would hope that the facts and record are now clear and that your plea and recommendations to Congress will be heard and acted upon immediately. In fact, there is a strong feeling among those concerned that time for action is drawing to a close.

This committee must realize that in addition to the extreme opposition of fellow colleagues who have a high concentration of migratory labor in their congressional district there in assuming the task of helping migratory labor become an integral part of the mainstream of America's life is likened to the task of our Association in 1919 when we took on the challenge to free America of racial discrimination and segregation. Many opposed this move and said the task was too great but the cause was too just to adhere to their desire. The cause of migratory farm workers today is equally a challenge and opportunity.

The major question should now be what are the priorities and where shall we start. We offer the following recommendations:

1. That a commodity food program and/or a food stamp program with free stamps for a family of three (3) earning less than \$150.00 monthly be established in every county in this country that does not now have one. These programs should be so located and opened during hours which will benefit the recipients, not the person who are administering the program. Where counties fail to establish such programs then acceptable non-profit groups be granted the authority and contracted with to administer the program.

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10. That the right of collective bargaining for farm workers become a reality during this session of congress.

11. That serious consideration be given to enacting legislation to guarantee an annual income for all American citizens.

There are many other problems of which we are all aware but your patience have been overburdened and I am sure that the seasonal and migratory agriculture workers in America and especially Florida are now gaining additional friends in the U.S. Congress. The NAACP and I look forward to helping to free the American conscience of this national disgrace—the migratory farm labor conditions in America.

Senator MONDALE. Our next witness this morning is Tomas Atencio of Dixon, N. Mex. Please come to the witness stand. Mr. Atencio, we are delighted to have you here this morning and that you would come so far to be with us. Do you have a prepared statement? It is a long statement. What we will do with your permission is include it in the record at the close of your testimony as though read, and then you can emphasize extemporaneously those points you think ought to be dealt with specifically here.

#### **STATEMENT OF TOMAS ATENCIO, CONSULTANT, DIXON, N. MEX.**

Mr. ATENCIO. Thank you very much, Mr. Chairman and Senator Murphy for this opportunity. I will briefly state a little bit about my background, where I come from. My home base is Dixon, in Rio Arriba County, N. Mex. I am associated with the farmworkers from Texas up through Ohio and Colorado and so forth.

I am a social worker by training and I have worked with the health and social welfare field, in education, in community organization. My contact with farmworkers, of course, has been since I was a youngster inasmuch as the village where I come from has supplied farmworkers for Colorado and various other States for a long time.

My professional contact or my intensive contact came when I was director of the Colorado Migrant Council at Boulder. This is an OEO-funded program.

While at Boulder and getting into the whole administrative and organizational process in more organized fashion I operated on one major premise. I was working with Mexican Americans mainly. The Mexican American migrant worker must acquire the political power to influence the allocation of resources.

I think, to use the old cliché, that the wheel that squeaks the loudest gets the oil. I am really coming to the manifest seat of power asking for power for the powerless.

I was listening carefully to the questions asked of the witness that preceded me. The problem of political impotency goes to the roots perhaps of the history of the oppressed, the disenfranchised, and the attitudes that develop as a result.

This is a psychological and social manifestation, probably, but I think they are tied up with what has occurred. I have taken a very close look at the situation in south Texas historically, mainly trying to find out where do the farmworkers come from.

We can see that since the advent of the land-clearing days in south Texas, and so forth, when the Indians and the Mexicans from Mexico began to clear the mesquite trees and so forth, and when the refugees from the Mexican revolution came across that there has been lack of participation in the mainstream, an alienated group in fact.

While some have been able to work it out through education and so forth, many who remained as migrants in the farmworker situation have not been able to do it. I call this a syndrome.

I have attached some samples of what goes on in the migrant stream, some short stories, and some of the experiences we have had in Colorado that demonstrate the problems. I don't have to go into them. Everybody talks about those things.

Senator MURPHY. May I ask a question? What crop is in Colorado?

Mr. ATENCIO. Beets, mostly. Sugar beets and tomatoes.

Senator MURPHY. Are there farms near Boulder?

Mr. ATENCIO. Boulder was the headquarters of the Colorado Emigrant Council. The farms, of course, are in the northern part of the State.

Senator MURPHY. Have you been there in the last 2 years?

Mr. ATENCIO. Yes, I have been there in the last 2 years.

Senator MURPHY. It is amazing what has happened in Boulder now that the industry has moved in. The reason I am interested is my daughter lives there and attended the University of Colorado. At that time it was a quiet university town. Now industry has moved in and with industry will come the opportunity for permanent employment for former migrants if they are properly trained.

I would say that Boulder has expanded three times in size in the last 5 years.

Mr. ATENCIO. That is true. I think that industry has a multiplier effect and has provided opportunities for the people who heretofore had not had opportunities. But the basic issue for those who perceive the opportunities is learning survival skills, getting into IBM and perhaps learning a little more than that, learning how to work within the political system, learning how to relate to the issues, that affect their brothers back home in Texas, who are not able to do this.

It seems to me that sometimes the training programs, and I don't want to deemphasize them, I think they are important and very good but many times they are based on national stereotypes, and what is good for one industry is good for the Nation, and are not broad enough to consider the human element and the impact that the human being can have for potential economic development, but labor considers someone only as an individual who can come in and help.

Senator MURPHY. That wasn't my experience. As a matter of fact, one of my main jobs before I came here was to institute a retirement program in a large corporation. It had been a corporation that had been run as almost a closed, locked-in system for many years. With new management, it was my job to open the doors.

I always say that a man works in three positions, he either leans forward, straight up, or leans backward. In competition today you

had better have all your fellows going with you or you can't make it any more.

I am glad to say that just by simple application of what I consider good conditions, creating a pride in the job, making all the individuals part of the job community, we increased the production of that company double every year for the 4 years while I was there. Maybe I can have the same effect here on this job I am in. I intend to try. I have had an interest in labor matters for some 35 years, as you probably know. I am sure you know about my background. I have seen a lot of competence. I find in these hearings that there is still a lot that has not been done. We had more success in some areas than we have had in others.

What is the going rate for a farmworker in south Texas?

Mr. ATENCIO. In south Texas most people are paid \$1.25 an hour.

Senator MURPHY. \$1.25?

Mr. ATENCIO. Yes. Others, it is hard to document but we know in the piece rate it goes below that at times, sometimes with the computer who comes from across. We have looked into that extensively. But it is usually that. We think with \$1.25 an hour for a family of eight children it is pretty tough to make it.

Senator MURPHY. That is right.

Mr. ATENCIO. And that is not adequate. But even to follow your point, your statement, perhaps the models that you have used before in which you have found success are good and can be used again and should continue to be used. What I am saying is that as you create a community in which there is an interest in the job you find you will have success.

Senator MURPHY. One of the things I am talking about we have had with housing. We have found that where a man owns a house, there is pride and a strong family community. There is enough private ownership in community housing as I would like to see, although a good start has been made in California in several areas. This private ownership is particularly necessary with the Mexican American. This is one of the things that I have been interested in and I know Senator Dole has been interested in.

For years I was a nomad in show business. You didn't live any place; you traveled. You never knew when you were going to work. In the old days you signed a contract, if you were lucky, for 20 weeks, 10 weeks, whatever you could get. You lived out of a suitcase. Finally, for the first time in history you rent a house or buy a house next to Hollywood and you become a permanent citizen for the first time. I have enjoyed it and I think if everybody else had the same work they would enjoy it too.

Mr. ATENCIO. You have had pretty much the same experience that a migrant has had in terms of mobility.

Senator MURPHY. I have had more than that. I have been earning my own living since I was 12 years old.

Mr. ATENCIO. That is the same way that migrant workers do. That is pretty young to earn their own living. I think this also points to the need for recognizing ability. It is not a detrimental factor.

I want to continue the analogy further. When you are a part, when you get a piece of the action, you have pride in it. I think what I am saying is when you have a piece of the action in the political



process you have pride in it too. When you have a piece of the action in social problems, what is going on in the community, and you are able to relate, this makes democracy work. I am just trying to draw the analogy.

Senator MURPHY. There are always terms that kind of befuddle me. I say that for the reason that many years ago, several of us in Hollywood realized the need for a hospital in the Watts area. The Watts area had not been as highly publicized as recently. We purchased a piece of ground. We got an organization going. In order that the community could have the proper pride in it I accepted an arrangement whereby a local group would raise 10 percent of the money from within the community so it was theirs. I had arranged to provide the other 90 percent. With this we built the hospital.

Because of an unfortunate weakness in human nature, we no sooner got to this point than the big argument was who was going to be on the board of the hospital. I said, "Let us get it built first." The next thing that happened was that I involved all the leaders of all the churches in the community. All of a sudden it became a matter of social consciousness rather than building a hospital. As a result, the whole project fell apart.

I think the chairman will agree that one of my weaknesses may be a strength, to try to simplify it and say "Look, we need housing." I have said for 5 years—first get these people jobs. Start with one, get that done, and then move on to the next one.

Mr. ATENCIO. I think this is certainly a good goal. When we look at the situation of the farmworker and I am addressing myself to the migrant, you find that he does have a job but it is a job that is not bringing him an adequate livelihood. We are saying let us maximize the alternatives for this individual to give him the skill and education but also through a process which begins to significantly involve them in the political process, so that they can have power.

Senator MURPHY. We used to have a Screen Actor's Guild. We used to have the worst time to get the members of the guild, and they are generally a fairly enlightened group, to come to the meetings. I used to say why won't you come to the meeting? They said everything is going along fine, you fellows are doing great, so why should we worry? This is the one problem. We used to have to think up reasons.

Mr. ATENCIO. I think this is a problem you find all the way across in meetings. People don't have time to attend meetings or are not committed enough, whatever the issue is.

Senator MURPHY. Some are not interested enough to vote. You find the average vote in the presidential election is—what, 55 to 60 percent? Not that high, usually. If you took these rights away from the people they would miss them sorely. But as long as they have them, sometimes they don't appreciate them.

Mr. ATENCIO. That is true. Perhaps many people take for granted what they can get because it belonged to the majority, the majority system, where the recourses are pretty much available to the people and they are in harmony with the way the system delivers the services. I am talking about a group of people who are not in harmony with the way the system delivers the services. The question of housing, the question of sanitation, and so forth, I think is very much tied up with the powerlessness that these people have. The middle-class commu-

nity does not have to worry too much or the Screen Actor's Guild by going to the union, you know. After all, they have individual power, they have the way of relating to the system.

Senator MURPHY. No, they didn't, I am sorry. The reason we formed the Screen Actor's Guild is because the actors didn't have the individual power. There was great discrimination in many ways. By organizing together we were able to bring about a contract which has been a good contract.

Mr. ATENCIO. I am sure this is the reason why people began organizing in Delano and they are trying the same efforts elsewhere. You know how the union works, I go in the union shop, I don't have to belong to the union, I will be getting the same wage. But when you are starting an effort then it is important to organize because it creates a sense of unity, I think, this creates power more than anything else. I agree with you.

Senator MURPHY. I never could understand, really, why Delano was selected as the town to make this initial effort. Do you know why?

Mr. ATENCIO. I could not speak to that point.

Senator MURPHY. In Delano, 90 percent of the people, particularly who work in the vineyards there, are not migrant. Ninety percent live there. It is a completely integrated town. I have been assured, and I have been there several times, that it is a good town. As a matter of fact, the mayor was in my office 2 weeks ago and explained to me the makeup of their board of education and supervisors. I never could quite understand why that particular town was selected.

Mr. ATENCIO. I could not speak to that town but I can see in many places where you have a so-called integrated community and you have what seems to be an adequate distribution of power that sometimes those communities are the hardest to crack because if you do happen to have a small minority group, again it is the same problem, they can not relate. Maybe Delano is not interested in the problems of farmworkers, then you develop a powerless system like any kind of organization which is trying to represent a particular interest group.

Again I was just trying to continue the discussion around the need for organizing and perhaps the reason why some people in the general, what we call the middle-class society, are not too concerned with participating in this and that. There is no crisis. They do have a crisis but they never see it. But when you are hungry the mother of a migrant child is not concerned with whether she should prop the bottle or not, she is concerned with do I have the bottle. The issue is different. You work around this.

Then the whole idea revolves in terms of growth and development in this country and becomes relevant. It has to be relevant and the relevant issue for the farmworker has been gone through today and many times before: Housing, discrimination, wages, so forth.

Getting back to the cause, some of the approaches to rectifying this problem. I use the rhetoric of democracy and I use that because that is the original thing I have. I would rather use that at this point than the rhetoric of revolution because both are irrelevant. The thing you want to make relevant is that the people do participate and begin to get a piece of the action.

In south Texas in the migrant stream the people have experienced the discrimination, the blood baths in south Texas some years ago,

being confronted with the Texas Rangers and so forth. You get scared. When I went back to Texas working with the Interstate Research Associates, because I had been with the migrant council I had an official of public safety follow me for 2 weeks. Fortunately, I know a little bit about how the guy operates, so there was somebody following him.

Senator MURPHY. I had a fellow follow me one day. He was around always. I said, "Look, this is ridiculous. If you want to hear what I am saying come with me." You know, he was around the corner, always listening. He was a representative of the IBU, I remember. At that time the IBU was kind of outside. He didn't know what we were doing. We were trying to settle a strike at that time. I said, "Come along with us, come to the meetings, and listen to what is said so that you will know and be able to report back more clearly."

Mr. ATENCIO. The guy was missing the point. I was not the organizer. I was doing it much better because of my association with the organizing effort previously, not union. How can we work to solve these problems? He finally came to see me but very concerned. He was suffering a little more from persecution complex than I was.

I am just trying to point out this is the way things are in some places. They don't want any people coming in and organizing, especially if the goal happens to be squeaking a little louder.

To get back to perhaps answering some of those questions that were asked of the previous witness—

Senator MURPHY. Would you forgive me if I ask to be excused? I have enjoyed this testimony very much indeed. Unfortunately, I have another appointment. I wish I could stay but I will read the balance of your testimony very carefully in the record.

Senator MONDALE. Thank you, Senator Murphy, for being with us this morning.

Mr. ATENCIO. What one seems to have preference in trying to organize migrant workers, speaking again to the mobile individual, seems to be in the first place the need for the money immediately. They come to Colorado, they are working with people, expressing an interest in organizing and confronting issues such as housing. It becomes very difficult for them to really see this because the immediate goal is money. What they earn in the North they take back to Texas. That is it. That is one of the problems.

Another problem, and this is perhaps more of a speculative statement from what we know in psychology, that individuals who have this kind of experience in life do develop a sense of mistrust. They really have the same behavior that you find in free enterprise, individualism. They seem fatalistic about the prospects of organizing.

This is all interconnected. Very often they experience an outburst of rage. People get pretty angry. The migrant stream sometimes becomes a pretty difficult community to work with because the outrage is expressed within the people, a lot of fights, this kind of problem, which is really bad. The northern Colorado people say, "All we do is get Mexicans who come and fight with the local Mexicans." Many of these, of course, are related to what they have had to face, the specifics that we were talking about before in previous testimony, voter registration, problems like that.

Now, coming in and working with this is difficult because they develop a sense of loyalty to the crew leader or to the farmer which makes it very difficult to work with. Besides the fact that they need the money, they also don't want to cross that guy who brought them up in the first place, or the sugar company will give him \$7 to drive them from Texas to Colorado.

The people who know how to use this attitude of course exploit it. A farmer or crew boss can very easily place obstacles to organize by just withdrawing the money. Some of the States, I don't know if it prevails today, but in Ohio in the tomato crop last year they had a bonus system they would offer 17 cents a hamper in Texas. You drove off and it becomes 15 cents a hamper and 2 cents extra if you stay to the end of the contract. That is hardly a bonus.

This is a real bad problem. We had an experience in Colorado 2 years ago when farmworkers came supposedly under contract but they came in and it rained and rained. They could not leave to seek jobs in the Middle Western States because they were committed to the contract and they were committed because if they didn't finish they wouldn't get paid. So they have people pretty well controlled.

I am not saying it is a conspiracy. You find a weakness and you use it.

One of the problems I had in developing organizational programs in trying to let us, say, work with the syndrome, was a fear of OEO programs, migrant division programs, especially at that time with the whole idea of organization. Because we were committed to the idea of organization education, what we call community life education in which you are working with the total person in the total community not only getting a job for the person but getting him to engage in the community problems we were pushing organization.

This is part of the thing. There was a fear. We had a program in the migrant stream which worked from Texas to Michigan. It was reluctantly funded after a lot of work and theoretical postulation that we would not have riots in the stream and so forth. It was funded. It worked pretty good. It worked slowly but the effort was to try to work around individual problems like housing, not that housing was going to solve the problem but that the only thing, the commonality that these people had in Michigan was bad housing, poor wages. So, solve that, and mobilize the people to solve another experience.

If they chose to go the union route they had at least some knowledge of what it meant to work with the union. If they chose the alternative I sometimes posed a corporate route, I really wanted to sympathize with the farmer and give the guy an alternative. I would like to have a corporate group approach a big farmer, an industrialized group, and negotiate an alternative, give them the choice of the union or the business approach, just to get rid of the myth that organization is bad.

The migrants themselves feel if they come to Michigan and then they cannot negotiate they have lost everything and the money again was a problem.

My suggestion was a guaranteed income of some kind, a stipend based on an effort to become a businessman. I feel this might clear some thinking as to what those who have been working with the

farmworker are after. We are after the bargaining power. If they want to use a union, great. But all of a sudden the farmer and the union become a bad thing. Since they are oriented to business maybe they would like to deal with a businessman who relates to a community corporation.

The OEO was not too much in favor of that kind of approach. Again there was considerable fear. So it has been an uphill battle in this whole direction.

There is another situation in south Texas in which organizing efforts were stifled through the Office of Economic Opportunity again, Colonias del Valle. It was a grassroots organization. Because it was not using the rhetoric of minority capitalism and it was trying to use the basis of organization at that time, we could not go beyond that. The minority mobilization VISTA program, which is completing its first year, was strictly a community organization effort to lay the groundwork to move ahead. This creates a lot of reaction from the State.

Senator MONDALE. Did they cancel the VISTA program in south Texas?

Mr. ATENCIO. It is up for negotiation now. The Governor canceled the program out of Del Rio.

Senator MONDALE. One county?

Mr. ATENCIO. One county. Because the Governor presented opposition, I presume, it has had an effect in Washington with VISTA. I don't know what the intricacies of negotiations are. But again these efforts at community organization which I feel are necessary if you are going to move in the direction of economic and political independence, if you are going to come in with minority capitalism. We already have minority capitalism. We have it in New Mexico but we have a lot of poverty.

Senator MONDALE. Let me try out a little theory on you, since you are a sociologist.

I am on several what you might call human problems subcommittees—Indian Education, Nutrition and Human Needs, and Labor. While the problems differ in details, it seems to me there is a constant principle that runs through all of the subcommittee's activities. That is that people in this country exist without economic or political or social power. You find people who are oppressed. You find certain counties with heavy migrant farmworker population, who won't even feed people who are starving. You find that almost 40 years after the right to organize and bargain collectively is generally accepted in American life, no such right exists for the migrants and farmworkers. You find a Nation which protects against dumping of foreign products because they adversely affect business, but the dumping of human beings from Mexico into the United States which affects the right to organize and depresses living and working conditions is accepted with only faint cries of objection.

You have the deteriorating quality of education, community services and the whole syndrome of discrimination which we have seen. For example, the activities of the Texas Rangers, and so on. Then you had the same thing with the American Indian and with the other groups that suffered discrimination.

I think discrimination, for example, is one of the reasons that we see so many laws passed federally—but they don't work at the local level, whether it is minimum wage coverage, social security laws, worker hazard protection laws, and so on. The poor hear about the laws, they hear them discussed, they know they are in existence, but they don't apply to them. You see an OEO program specifically established for the first time to declare war on poverty. Yet you see the VISTA program canceled in Del Rio. You see the migrant legal service program in serious jeopardy in Florida.

You can't even get a legal service program in southern Texas, let alone have the privilege of getting it canceled. Running through all of these problems is a basic problem that must be solved if we are going to have a decent life.

I think the average white middle-class appraisal of this situation is that we are a very decent people, that we make fine guardians, and we will deal nicely with our wards.

That is probably a little harsh, but I think we find it hard to believe that we do what we do to these people. We would rather not hear about the problem, we would rather change the subject. Or if we are finally forced to face it, we find a scapegoat somewhere and blame them, not us. But the life of the poor people does not change. We have heard ream upon ream of specific examples.

If this is true don't we have to develop techniques for shifting power, and give those techniques a high priority, rather than pursue a policy which hopes for the magnanimity and benevolence of the present power structure.

The syndrome of the visiting liberal could be a book all by itself. Eleanor Roosevelt, God bless her, traveled the length and breadth of this country looking at migrants and farmworkers. She was concerned about the grapes of wrath. Many of the visits she made were helpful in that particular environment. They might build a migrant camp, they might do something else to take care of a specific objection, but there was no restructuring of the power structure of the establishment.

Thus, for all practical purposes the migrant is just as bad off as he was 40 years ago, and perhaps worse off, because we should be manifestly more able to deal with the problem today than we were then. We are more aware of it, we are a much wealthier society, we know how to better educate people and develop industry.

Now you are one who has dealt with this whole problem of community organization. Why has that been so disappointing? Why haven't we received more progress in the development of community organization or more progress in developing political clout than we have seen?

Do you have suggestions as to how the pace of progress in this field might be quickened?

Mr. ATENCIO. I have several theories. I think you have been addressing yourself to what we call paternalism. This is a continuation of the oppression which might start with the Texas Rangers and continue to the welfare department. This is true; I agree this is what has happened. Somewhere in my statement I state that institutions, foundations, unions, and Government have to make a commitment to

community organization. Many times this organization, like the churches, did a lot for migrants but my experience before the OEO came, before it changed, and take the power away from the people again, to give milk to the babies, provide clothing for the poor, it was all the old social worker, the breadbasket. This has been the approach all the way through.

Nothing else happened with the Office of Economic Opportunity, title II, community action program, at least awakened us to the fact that the migrant had the right.

Also it awakened us to the fact to let the consumer have the power to speak on the resources. This is an effort on the social planning field to begin to involve the people at the local community. Yet it came in so fast that those who were in community organizations were using the old model which was the paternalistic model. The community organization specialist was trained to work as executive director of the united fund or community council. They organized the people to give money. They set up a welfare planning council here where they talked to the executives that delivered the goodies.

This is the whole approach; this is the whole syndrome. This is the way it works. You have stated it very well. How do we do that? I think we started with such efforts like Minority Mobilization. It seems to me that perhaps some of this effort was radical because they could not integrate it into the power structure of the community.

Everything comes from the community, is coming through established government and that does not really mean that the people are participating. It means some guy like the mayor or city council. This is the way the model goes. So, the alternate model of working with the people and offering them, as difficult as it is, with an organization-educational program which does not only train a guy, a man to work in Dallas for "LTV" and completely lose his identity and lose whatever hope he has to become a powerful force, in the next generation his case might be in the middle class if we have one. But the training programs we now have are committed to training people for nonjobs or based on stereotypes out of Detroit for the south Texas Valley. They have not taken a look at the whole organizational-educational process that goes to the human being.

My approach has been very early from an ethical point of view more than anything else, that if you are going to render service to a person like a community council how do you know what he needs. He will take whatever you give him. You will keep on engendering more dependency. So the community organization with the different strategies—and I outlined some in the paper—are certainly very important. This again relates to the efforts that are going on in Delano, in south Texas, the efforts in minority voter registration and whatever else is going on in the South and in the urban area. We have to continue this because we are asking for a piece of the action, for power. If we don't get it we are going to grab it or go after it, which creates reaction from the other side and you have nothing but conflict in the whole situation.

Senator MONDALE. Could you direct your attention for a moment at this political power problem in the home base? You have been trying to work with migrant streams, and that is exceedingly difficult. If you take a town in Texas where there is a large community of migrant

farmworkers, Mexican-Americans, why is it that they don't have more political clout? I just can't understand how their basic problems are ignored the way they are.

Why isn't the stream of commuters closed off in Mexico more than it is? Why is there not more concern and regard shown for the problems of farmworkers?

I still don't understand.

Mr. ATENCIO. I think it is possible to develop political clout. If you are going to use farmworker organizing technique, all you have to do is look at the border situation and that stops that. It is very easy to go pick up a farmworker at the bridge. You get organizations like Ed Krueger has at Colonias del Valle and try to get support. I don't know how long we have been trying to work there. There has been the most scattered reaction that one has had from Federal as well as private agencies. The budget is building up, the efforts are going on. There are many problems. I think the main problem is the whole history of oppression and persecution that exists in Texas.

Senator MONDALE. I agree with that. I am impressed with what you say, but I don't hear something that will change it. I accept community organization theory. I don't know of any other theory that makes sense. We talked to Leo J. Leo. He ran for County Commissioner in south Texas. He nearly made it. He lost by about a hundred votes, or something like that. He was a Mexican-American that was very sympathetic to the migrant farmworker in the community. The key precinct he was dependent on to win was transferred the day before election a mile and a half out of town to the farm of a violently antifarmworker farmer. There was a sign out front that people weren't welcome. He lost by an amount which might easily have elected him had the precinct stayed where it was. That is clearly a civil rights violation, there is no question about that.

But when you are so close, hopefully, to that kind of sympathetic person why can't you move across that goal line and get a sympathetic local power structure? It is true, for example, in south Texas, that the local courts for some reason have a role in welfare, and they personalize welfare so that the poor feel grateful to the individual doling out benefits in the sense that the price of survival to the poor is an agreement to keep the courts in power.

Isn't it possible to do a better job of organizing, to concentrate more than has been done on the voter power situation, and see if you can get a more sympathetic attitude? I don't have much hope for conversion of the present power structure. I have some hope that someone will be just as responsive to the new power structure as they are to the present one. It is not a moral judgment on their part, it is just a politically shrewd courthouse syndrome. Can you give me any encouragement at all?

Mr. ATENCIO. I came out of Texas very depressed, too, but I want to go back because there is something going on there. When you go back into history and say start counting, the first effort during the farmworkers' strike, the strikers got treated very badly and they got beaten up and thrown in jail. It was tough. I think the Texas Rangers are a little more fearful. We are not converting them or anything like that, but I don't think they are going around pushing people with loaded shotguns any more. They might.



I remember during the march there were a lot of them with sawed-off shotguns waiting for some move. Since those days I think many things have begun to happen. There is still a lot to be done, but in Colonias del Valle people are aware down there and people are beginning to move. I think the first step is to get rid of what the power structure calls apathy. They are frozen to the point where they can't move. If you begin to talk out you begin to get some action. This does not have too much to do with community organization theories, but just getting out and doing it.

The only theory is you are going to do it and sell them out to the power structure. Something that would help this a lot, I think, I would visualize, for example, if a guaranteed income were to come, with the concomitant community organization effort, you have people out there to give some voice and organization and political social involvement, and you have a guaranteed income, I think you would solve a lot of the problems you had in your disadvantaged area. Without that income, without that good, it is very hard to confront anything.

Senator MONDALE. I see the guaranteed income is a way of giving a kind of power to the deprived that they don't now have. If they have some money they can go around and bargain with it.

Mr. ATENCIO. That is right.

Senator MONDALE. An additional feature is if they can get out from underneath an oppressive local welfare structure which is designed in part to keep them under control politically, they will be free from that as well.

I see a lot of power shifting with guaranteed income which would be very helpful.

Mr. ATENCIO. I think that the guaranteed income is a good thing, but I don't think that it is just, you know, let them have it. The education, community organization, the whole idea, you know, would be very important. Some people who are against guaranteed income. I am not for it all the way, but they are against it because they say this is another paternalistic effort. It is not because it will have an economic influence that will shift power.

Senator MONDALE. You want it to be coupled with some help that would accelerate community development.

Mr. ATENCIO. Community development, yes.

Senator MONDALE. Is there much that is encouraging in terms of the hope that Congress could do it? We know it is not going to happen at the Texas State level or the Florida State level right now. So the hope is for outside financial help, whether it is foundation aid, or private philanthropy, or union sources, or something that comes from the Federal Government. Yet we have seen that the OEO efforts which direct themselves to the power structure rather than to the delivery of in-kind services such as education, are immediately obstructed by the local power structure.

We have seen abundant evidence of that and you have testified to it. We see it everywhere. Cesar Chavez, for example, told me he didn't want an OEO program in town. His lawyers are all paid for through funds he obtains principally from other unions, or foundations, because he just doesn't think OEO is a program of integrity. He feels that the money comes with so many strings that he does not want to bother with

it. He thinks it degrades the kind of community effort he has in mind. Thus, do you have much hope that the Federal Government is going to create a fund that will in fact come without strings that will be available to the poor to organize themselves in the community to change the power structure?

Mr. ATENCIO. No, I am not very optimistic.

Senator MONDALE. I had hoped that the Voting Rights Act might make a difference and it has in a few areas. There are a million more blacks registered in the South. There certainly has been no revolution down there.

Mr. ATENCIO. When I first read the OEO bill, title II, I felt that this is really good, now you are getting at it. At that time I was doing some thinking on the guaranteed income, I felt this was the beginning of a real viable nonpaternalistic program that they could develop with self-help where you could use guaranteed income for the shifting of power.

Then we had a change in OEO and all kinds of reactions. I still see this as one of the real hopes to the whole approach.

Senator MONDALE. In other words, you would recommend a continuing effort at the Federal level to try to expand, and make more honest, community action efforts?

Mr. ATENCIO. I would.

Senator MONDALE. That is very interesting.

We will include your statement in its entirety in the record. We are most grateful to you for your contribution.

(Mr. Atencio's prepared statement follows:)

PREPARED STATEMENT OF TOMAS C. ATENCIO, CONSULTANT, DIXON, N. MEX.

Thank you, Senator Mondale and Members of the Committee for the opportunity to present these thoughts before you.

My name is Tomas C. Atencio. I am from Dixon, Rio Arriba County, New Mexico. I am associated with Interstate Research Associates (I.R.A.), a consultant firm specializing in programs designed to meet the needs of Mexican Americans. Formerly I was Executive Director of the Colorado Council on Migrant and Seasonal Workers in Boulder, Colorado.

I am a social worker by training and since 1963 have worked in the fields of health and social services as a community organization and development specialist.

My association with farm work dates to my youth. At one time or another, members of my family, relatives and friends from my village have toiled in the agricultural fields of Colorado, Wyoming, Utah, Idaho and California. Since 1962 I have worked in programs related to migrants of Northern New Mexico as a welfare caseworker and an organizer in the area of health. In 1967 I assumed the associate directorship of the Colorado Council and 8 months later became Executive Director of the organization. While in Colorado I directed the efforts of the Council towards organization of migrants based in Texas which included the planning, development and implementation of the Interstate Itinerant Tutorial Program now operating in migrant streams throughout the country. Since February 1969 I have been engaged in a Manpower Study in South Texas. The Study concentrates on employment problems of farmworkers.

My experience in designing and administering program for migrant farm workers and in training organizers has been extensive, including the Valley South of Texas, Idaho in the Rocky Mountain Region, Michigan and Ohio in the Midwest and several States in-between.

As an organizer and administrator I operate from one major premise: The Mexican American migrant farm worker must acquire the political power to influence the allocation of resources.

It is only through this power that they can prevent the continual relegation to a lower level in the socio-economic strata because of the distinctive cultural values, and the alienated society from which he stems. Recognizing the fact that the Mexican American has the potential to influence the services rendered by our society—education, health, welfare, legal, etc.; it is hoped that he will then participate in the determination of his destiny, which heretofore has been denied.

The farm worker, then, must be organized, educated, given the survival skills with which to live in a democratic, yet highly competitive and segmented society.

An examination of the Mexican American migrant farm worker from Texas reveals the following characteristics:

1. Migrant and seasonal agricultural workers lack skills and education, resulting in underemployment and/or seasonal employment. Because of lack of education, they are unable to express themselves clearly and fall victims to faulty communication.

2. Migrants are mobile, consequently they have no permanent residence. Incumbent to their lifestyle is inadequate housing, insufficient education for their families, denying them opportunity to participate in political processes.

3. In Colorado, the migrant and seasonal agricultural workers are primarily Mexican American or American Indian. Oftentimes discriminatory conditions prevail against them. Furthermore, their problem is augmented by their inability to speak or understand English.

4. Some migrant and seasonal farm worker crews consist of kin, related either through blood, marriage or a compadre system. This provides certain kinds of social relationships which are conducive to cooperation among the crew members. These kinds of kinship systems also exist in the barrios of Colorado.

5. Migrants and seasonal agricultural workers live in a subsistence economy, which is an economy of scarcity. It is viable insofar as mutual aid prevail among the crew's members and all able family members contribute to the work force.

6. Migrant and seasonal agricultural workers experience a lack of self-determination and isolation from the mainstream of American society, which manifests itself in a myriad of personal and social conflicts. Generally these problems are the result of the rapidly changing society on which they depend for a livelihood and to which they must relate socially, legally, and economically. While the indigenous society is not damaging in itself, the confrontation of the dominant society with the barrio or the migrant society results in the impairment of the social functioning of the weaker one and even threatens its survival.

Attached to this paper are a series of vignettes written by two itinerant tutors formerly with the Colorado Council. The theoretical cornerstone describing the migrant as well as the small frames depicting migrant life portrays a pretty dismal picture. The organization that prevails in the migrant stream is either that which is forced upon him by the need for work and which pledges whole allegiance to the crew leader or boss, or the natural organization that forms around family or kinship systems.

Accordingly, the task before the organizer is great and not too promising. One must proceed nevertheless by working within the reality of what prevails:

1. The organizer must recognize that mobility in itself is not detrimental if conditions for moving are sound, i.e. wages, housing, etc. and all migrants experience similar problems in these areas.

2. The organizer must recognize that being a Mexican American is not a stigma, even though Mexicans have a history of oppression and discrimination.

3. The organizer must recognize that natural kinship ties are common amongst Mexican American migrants. Having done this, one begins to strengthen the positive aspects of the group towards the goal of enhancing the self-image and strengthening the identity. This creates a more conducive climate to organize and educate.

It must be stressed that organizing is much more than mobilizing people to act; it is bringing a sense of community among the people that have a commonality of interest and through this expand the range of alternatives for

action, and also provide the skills for survival within the superordinate system. Hence, education-organizing, or, community life education is what must occur. (Refer to Community Development: from Community of Interest to Community of Action).

In the programs I've directed, the three factors of mobility, ethnicity and kinship systems, have been used as guide-posts. Therefore, while to some they may be liabilities to organizing, I viewed them as a reality and attempted to turn them into assets. The ensuing discussion contains an analysis of this kind of organization.

#### MOBILITY

At this point, farm workers are needed in almost all agricultural states, while at the same time there is a labor surplus in the States with a heavy concentration of Mexican Americans. To these members of the Labor Force, migracy is the only alternative. Thus, we have migrants. In 1967, 158,500 workers from Texas migrated. Many colonias (settlements) in South Texas literally close up from early May to November or December. These colonias are not incorporated and therefore do not have any of the benefits of the urban or semi-urban towns. Because they consistently migrate, the people do not have an organized power base at home. In Eagle Pass, Texas migrants complained that important elections and referenda took place while they were away depriving them of any decisive power. Hence mobility is detrimental to home-base organizing for political or economic action. Moreover, while whole towns are inactive as a result of the trek to the North, not always do these people travel together, which hinders their natural propensity to work together.

However, while these farm workers are away from home the fact that they are of common origin, all Mexican Americans, most of them from Texas; having common problem—bad housing, sanitation, wages, etc. and of most significance that they are in unfamiliar surroundings, engenders a tendency to stick together, creating a positive climate for organizing the migrant into a distinct community.

Therefore, the migrant's community is defined, not according to the geographic boundaries, but according to the problems they have in common, to the common denominator of ethnicity, and to the values that flow from the culture. Organizational efforts must be emphasized in the mobile community.

During my tenure as Director of the Colorado Council on Migrant and Seasonal Agricultural Workers the organization forged ahead and developed an interstate tutorial program that was reluctantly granted by the Migrant Division of O.E.O. This program aimed at two main goals: 1. facilitate the acquisition of services—health, social, legal, educational—to the migrant while in the "migrant stream", i.e. advocate services; 2. to assist migrants in mobilizing themselves to find solutions to the problems confronting them. The latter had multiple consequences in that involvement in group problem-solving gives a sense of success and control, it creates leaders, and it leads to greater organization—organization that may be union oriented, business oriented, even conflict oriented.

It takes time to yield results that manifest themselves in a massive organization, or even results that can be quantified for statistical reporting. But the program was working.

These tutors were all farm workers, trained in community life education. All returned to their crews and travelled North. Many were members of the Colonias del Valle in South Texas, and had their inputs into their community when they returned.

Yet I found that the Migrant Division Staff in the Office of Special Field Programs in O.E.O. was reluctant to continue funding the program. This fear of organizing was again evident in the Migrant Division when they failed to fund Las Colonias del Valle. "Las Colonias is a poor people's migrant organization; furthermore, O.E.O. is no longer funding community development organization programs because the vogue approach today is economic development and minority capitalism." This was the reason. Economic as well as political power is based on community organization. Yet they fail to acknowledge this.

While I was in South Texas early this spring a group of young Mexican Americans approached me to assist them in developing a program which would place some 60 high school and college age students in the stream to help in organization. They needed money so when they returned they could proceed with their studies. All members of MAYO, the Mexican American Youth Organization, were from the migrant community. They had seen the need to organize

so that the problems they inherited would not go beyond another generation (a copy of part of the proposal IRA helped conceptualize is attached). The unfortunate, yet predictable outcome was that no funding was secured.

#### HOME-BASE ORGANIZING

In the border regions of South Texas, the problems of organizing farm workers are compounded. Alternatives for employment are severely limited. Wages for farm workers are usually lower than in the Northern States. The proximity to Mexico with its large, cheap labor surplus provided through the commuter and resident alien system create even less choices for the Mexican-American farm worker. When organizing efforts to ameliorate poor working conditions are launched, the employer only goes to the international bridge to select his labor.

##### *What are the major obstacles to organizing?*

1. As stated earlier and documented by the vignettes attached, the most salient problem is that migrants are victims of a syndrome that is common to all oppressed people. They seem fatalistic about the prospects if they organize. These people are highly individualistic and distrustful. They lack a certain discipline for organization. They have deep discouragement, a need for immediate reward and money. They experience occasional outbursts of rage often directed at others within the same community. This is what the U.S. System has done to them.

2. Other obstacles emanate from the oppressed conditions. Because of the need for money, there is a certain servitude based on fear towards the employer, be he crew leader or farmer. Some do not dare organize for after all they (the employers) have been "nice"; the farmworker owes him loyalty which in fact manifests itself as subservience.

3. The lack of support for organization from federal programs serving migrants. Also the lack of commitment from private organizations, i.e., unions, foundations, churches to the solution of migrant problems. In some instances these organizations work to divide and subvert organizing attempts.

4. Police harassment in Texas aimed at individuals involved in organizing migrants. When I returned to Texas with I.R.A., I was followed for two weeks and finally interviewed by a Department of Public Safety Officer and a local Justice of the Peace concerning my organizing activities, which is not always the good fortune my contemporaries share in dealings with "Law" enforcement personnel.

5. Fear of loss of pay. When the migrant leaves Texas or home base, he goes only for one purpose—to earn the money that will sustain him for the rest of the year. If he organizes, he may lose what he went for. Again, the farmers exploit this condition. The technique oftentimes referred to as "black-mail".

6. In home base and even in the stream—the commuter from Mexico creates problems as he does not see the need to organize, and working in the U.S. is a great opportunity.

7. Denial of access to camps where migrants reside while in the stream often confronts organizers.

##### *Recommendations:*

1. A clear and strong commitment to the organization of migrant farm workers for all concerned with the workings of a democracy. This means financial support as well as legislation protecting those involved in organizing.

2. A clearly delineated strategy to adequately implement any programs that may emerge if a commitment is made.

3. Development of industrialized migrant crews that bargain with the farmer as a community corporation, give the farmer an alternative to unionism.

4. Support for farm workers union, particularly the grape boycott.

5. A recognition by all concerned with the problems of farm workers that the attitudes and concomitant social and psychological problems of a people oppressed through history and exploited presently can be reversed only by organizing the victim for political and economic power. This carries with the corollary of self-determination. They must begin to control their own programs and be given maximum direction to assert themselves. Anything short of this is another paternalistic effort to help the others in terms of the helper, a condescension that the migrant will react to, not respond.

6. Legislation that will provide greater controls on the "green carder" commuter when residents are trying to organize.

7. An annual guaranteed income which provides the basic income maintenance that will free him to choose his own course of political action without fear of starvation. A concomitant program of community organization available simultaneously to guaranteed annual income.

8. Enactment and enforcement of constitutional guarantees for organizers against police harassment. The right of organizers to enter migrant camps ought to be protected. Organizations such as the Office of Equal Opportunity, U.S. Commission on Civil Rights, and the like, should assume the responsibility of investigating firings, dismissals, and the blacklisting of migrant as punitive measures for organizing activities.

(From the Colorado Migrant Council Annual Report—March 1967 to February 1968:)

#### INTRODUCTION

From the moment the farm worker packs his family and their most necessary belongings into their car or crew truck in early spring, until he returns home in late fall or early winter with the major portion of his income for the year, he defines, in the most simple and complete terms, the meaning of the word migrant.

His greatest sin, of course, is that he has not attained success as defined, restricted and ordained by the majority of the American people.

His greatest virtue is that, in his failure, he has retained the basic human values necessary to the preservation of the human race and America.

The following narrative excerpts, taken out of context and never intended for publication by their authors, are from several young men who have tried this past summer to help a pitifully few such migrants see the course that they must take to alter their destiny.

"Both of Raul's brothers-in-law rode with me. It was a little difficult at first because one of them is deaf and cannot speak. I soon learned how to communicate with him a little. The first large town that we reached in Kansas, we ate our breakfast. The women stayed in the pick-up while all the men grouped together to have their breakfast in the restaurant. We quickly gobbled our food down, and then hit the road. We did not stop again until about seven hours later. This time it was for a dinner-lunch combination."

"Severo Chavez and his family are from Brownsville, Texas. The Chavez family has been working in the Colorado area for the past six years.

They have worked in the Fowler area for four years and in the Rocky Ford area for two years. The mother died a few years ago and there are now five members of the Chavez family. The youngest child is 10 years old. The other children are 16, 17, 19, and 23 years of age.

The travel pattern of the Chavez family varies a great deal. During the past ten years they have travelled as far as Michigan, Illinois, Ohio, Nebraska and Kansas. After they finish working for the sugar company here, they will return to Brownsville. They always try to enroll the youngest child in some nearby school.

Severo Chavez was born in Mexico and he has been living in the United States for the past 22 years. He is now 23 years old. Severo is still not a citizen, but he has been preparing himself for the citizenship test. He and his father were arrested a few years ago as "Wetbacks", but he was later released. Severo is very anxious to obtain his citizenship papers. He wants to attend more school as soon as he becomes a citizen. He now has a fifth grade education.

Severo's brother-in-law will soon be working in the Rocky Ford area. He just recently left Brownsville and is expected at any time. The Chavez's are being paid \$1.40 an hour by the sugar company. They, like most of the workers, have been hurt by the rain in the area."

"The Maldonado's are from the Rio Grande Valley in Texas. They are planning to leave the Vineland area in a week. They have been in the area for the past two months. This is the first time that they have worked in Colorado. They normally remain in Texas to work during the Summer."

"One of the employment officers had told me earlier about the Migrant Rest Center which is located about 120 miles away, near a small town called Libertyville. I thought it would be a good idea to take a drive out there to see exactly what the center was like. I was very impressed with the facilities and with the basic idea of the Center, but I was very disappointed with the philosophy of those

in charge of the center. There were two large buildings that were being used as dorms for the migrants. The only thing wrong was that they would split up the families. For instance, the men would sleep in one area and the women would sleep in another, and still another was used for the children. In some cases the men had to sleep on the floor, while the women had beds. This perhaps is a plausible idea for the middle-class traveler, but not for the Spanish-American migrants. The men are the head of the household and should be treated as such. In other words, I think that the people in charge of the Center mean well in their actions, but they have not taken the time to really understand the Spanish-American migrants."

"The migrants really do not need the Farm Bureau to tell them about working conditions, wages, housing, etc. The migrants have their own communication system which far surpasses those of the establishment. Sure, there are occasions when they are misled by their own people, but for the most part it works."

"The migrant camp which is located about five miles east of Rocky Ford carries the name of the farm owner—John Good. Farmer Good does not necessarily follow the philosophy that his name might imply. In fact, Good's camp is one of the dirtiest and the most unkept camps that I have had the chance to see.

"The camp is one long building constructed of cinder blocks. There are six rooms located on each side of the building. The center rooms on one side are used to store old worn-out mattresses, bed springs, and trash. John Good said that he would clean out the storage room if somebody wanted to live in that room. There is one water faucet located about 50 feet from the side of the building. Near the far corners of the building the male and female rest areas are located."

"After I left the Swink camp I headed toward Rocky Ford where I found a small yellow house in which 13 people were living. The only person that could speak English was a small eight year-old girl who was playing in back of the house. She helped her mother speak to me. There was no father present in the family. He has been gone for the past four years. They are from the Rio Grande Valley in Texas. The children of the family are 2, 3, 4, 5, 7, 8, 11, 15, 18, and 19 years of age. One of the daughters is married and her husband is with her."

"From a distance, the Center Ranch Camp looks like a typical middle-class housing tract, but as one gets closer the appearance rapidly begins to change. Each house was at one time, clothed in white paint, but time and weather have since turned the white to a dirty gray. The steps leading to each front porch have already begun to crumble and are now full of holes. The porches themselves are beginning to leave their foundations."

"This camp appeared to be in good condition. Although the shacks were not too big, they were big enough for what the people needed. A shower and wash-room were housed in the building. The camp water had to be hauled in by the farmer because the local water supply was contaminated. Two privies served the occupants of the eight small shacks."

The women were extremely thorough in their cleaning. They first swept the floors and then poured a mixture of pinesol, purex bleach, and water on the floor and then mopped the house throughout. The men, in the meantime, pulled all the weeds that were growing around the house. After that job was done, Rafael set fire to all the dead grass."

"Rafael, Juan's father-in-law, is pretty sharp when it comes to bargaining over wages and conditions. He really scouts around before he decides to stay in any one place. He wants to know about housing, the size of the tomatoes, the price per hamper and if there is a bonus. If all of these things agree with him, he will then stay. To these people, the grass always seems greener on the other side of the fence. They are not content to stay in one place too long."

"I was amazed to see how quickly these people can move in and out of a place. It took us about 15 minutes to unload the pick-up and distribute the household goods, personal items and clothing. Here again, one of the first things that was done was to scrub each shack and to pull all the weeds. The living plan was for the young men and myself to stay in one shack while the two families took the two remaining dwellings."

"Isabel was one of the first persons that I met in the Holly area. She is a rather young mother with six children from two to nine years of age. She was wearing a tattered green faded dress that looked just as depressing as she seemed to have felt. The look of depression was quickly replaced by a warm and

friendly smile when she saw me. Rose has been spending her time at home since she is carrying her seventh child and she could not work out in the fields with her husband and neighbors.

Isabel and her husband are living with her sister's family in a 16 x 25 foot apartment. Isabel's sister has eight children ranging in age from two to thirteen.

Isabel and her family are from Brownsville, Texas. They have been coming to the same area, living in the same house, working for the same farmer for the past eight years. During the so-called "off season" in Colorado, they sometimes venture to California to work in the fields, but for the most part they just return to Brownsville to "winter."

For Isabel's sister, Holly is a new place. She is originally from Lubbock, Texas. From what Isabel says, her sister and family will be leaving for Texas soon, but for Isabel, Holly will remain her home until the first of December, and then she will also return to Texas.

Isabel's husband is the only one working out in the fields now. He begins work at 6:00 a.m. and quits at 5:00 p.m. If the farmer runs out of work they then try to find work elsewhere, but then they must pay the farmer rent for their housing.

There have been times when Isabel's husband has been unable to work because of sickness. He has gone to three different doctors, but none have been able to determine the cause of his illness. One doctor in Mexico, said that he must lose weight. He then went on a diet and has felt much better since.

Isabel seems to be in good health, but she looks very tired. The children seem to be healthy, but they all need immediate dental attention. When they have some medical problems, they just try to find a doctor. Isabel said that this is very difficult and some of the doctors will not even talk to them unless they can prove to him that they can pay the bill."

"I met a young man of about 23 named Avila. I was very surprised when I saw this young man. He appeared to be suffering from malnutrition, but it did not seem possible at that age. He had a very long face with bulging eyes that I thought were going to fall out at any time. I noticed that his eyes were extremely thin and that he had a "pot belly."

"Lucia mentioned that her mother was just recently shot in the leg and her father had to take her to the hospital, but before they would admit her he had to give them \$70.00. The first bill came to about \$200.00. Lucia stated that they always have to prove to people that we can pay them before they will help us."

"Mrs. Jimenez had her last baby while she was working in Oregon. She jokingly said, 'My first boy cost only 25¢.' She had the baby delivered by interns at the County Hospital and so there was no charge."

"I knocked at each door in an attempt to talk to someone, but all my efforts were in vain. I then decided it would be best to come back in the evening. Before I left, I walked over to the men's rest room. Upon entering the rest room, I first noticed the cement floor which was covered in some areas with at least an inch of water. This was caused by a clogged floor drain located near the middle of the floor. As I ventured nearer to the toilet, I soon found myself surrounded by a mass of flies. After overcoming these 'winged monsters' I finally reached my long sought destination—the toilet. Here I noticed a large heap of toilet tissue which seemed to be alive with flies. I finished quickly what I had to do and then made my escape from the flies and the stench of decaying feces. During my quick departure, I notice one wash basin next to the shower. Above the basin, for all to see, but a few to read, were signs written in English. One sign read, 'Wash Your Hands Before You Leave.' The other sign depicted how flies cause disease."

"Diseases stemming from these conditions were staph. lice, kidney trouble, bed bugs—the usual load a migrant family will at first try to combat, and then, through constant loss of battles, give up and accept. My thoughts range from how do they accept all of this, to how could I ever accept it, especially after a day of dirty backbreaking work, then coming home to your hovel and being told you must be trustworthy middle-class, and not steal anything and show respect for the farmer and his housing. Then you meet the great big bigots and hypocrites."

"I talked to a local Spanish-American leader on Saturday and he told me that he didn't want people like us coming to his area and do the things that would clean it up or tell the people that they were living like pigs, to which I agreed. After agreeing, he then said that if I didn't care about his people, he didn't care about me and he didn't want me around. I then decided to see an end to this game."



"Mrs. Navarro's husband works as a foreman for one of the local farmers. Every morning Mr. Navarro picks up the local workers to take them to the farm. During the winter months, Mr. Navarro does not work because there is no work around. Mrs. Navarro says, 'We just rest during the winter.' The Navarro family tries to make enough money during the summer time to carry them through the winter, but sometimes they do not make enough."

"Things have been very rough for all the families in the area because of the rain. Consuelo mentioned the educational programs in Texas in which the people are paid thirty dollars per week for attending school. She said that she would like to get into a program like this. They both said that they would attend some of the adult education classes in Colorado if they were close by and if they did not last too long."

"The families from Laredo went to California last year to pick citrus fruit, but they did not like the work so they left. They said that they would never go back there to work. The Trujillo's came to this area from Greeley. They could not get enough work and so they decided to try their luck in this area. If he finds the work here to be unsuitable, he will try somewhere else."

"Three of the families are being paid \$1.25 per hour, but 25¢ goes to the crew boss. They have been pleased with the work so far because they have been able to work everyday. The other family, the Trujillo's, have only been at the camp for a day, so they have not had a chance to work. Mr. Trujillo said that he does not like to work under a crew boss. So, he is not sure whether he will stay in the area or not."

"Actually, the working conditions here were very good. The price per hamper was higher than any of the other areas. The people were getting 15¢ per hamper and a 2¢ bonus if they stayed for the complete harvest. In some ways, the bonus works for the farmer. The people are far more reluctant to leave when they know that they will lose their bonus. The crew boss told us that the tomatoes were not quite ready, but that they would be soon. We later found out that some of the families had just been sitting around for the past two weeks without any work. In fact, there were at least two families that had no food for the past three days. The crew boss was afraid to ask the farmer for any money to help his people."

"A few days ago, the farmer blamed Atanasio and his crew for filling the bottom of the hampers with green tomatoes. He had them work a day without pay. They are afraid to quit because they will lose their bonus. In other words, the farmer has the people over a barrel. The farmer had told them while they were in Texas that he would pay them 17¢ a hamper, but when Atanasio and his crew arrived in the area they found out that the price had been lowered."

"They also told me another interesting thing that I was not aware of before. According to the Farm Agent, the migrants are not permitted to leave the State to look for work, unless they have been cleared by the local recruiting office. If they are caught, they can be put in jail."

"This area is a belligerent one, not just with the Anglos, but with the migrants too. The area may be new in growing beets, but the prejudice and hate that follows the stream seems to be one step ahead in this area. It looks like there will be bigger crops with more farmers in the coming years and it would be a good thing to see some form of pre-community acceptance in this area."

"Some farmers from another area said:

"There are no need for migrant workers, because we are not planting like we used to."

"In the past we have had too much difficulty in getting workers so we had to quit planting beets and melons. Now most of the small farmers are planting corn."

"We do not use the migrants because they want too much money. Why should we have to pay for their schools?"

"Saturday, for most migrants, is a happy day. It is on this day that they receive their monetary rewards for their backbreaking toil. They work like hell for six days to get one day of enjoyment. For some, Saturday means beer, shooting craps and maybe a strange piece of tail. For others, Saturday may mean a movie or just a quiet walk around town. For the woman, Saturday means doing the weekly wash and buying next week's supply of food. For the old people, Saturday is special too. For them it is mainly a day of rest—a day just to sit around and talk to their neighbors. Of course, most of the conversation is centered around their work. Rumors pass through the camp daily about the work conditions elsewhere—better pay, better tomatoes, better pickles, etc."

"I was lucky to have to work only for half a day on Saturday. At noon, we rushed back to our cars and drove to the crew leader's house to get our pay. All the wages were doled out in cash and there were no records given to the people to indicate how much money they made or if taxes and social security had been taken out. When I received my wages from the crew boss, he did say how much he had taken out for social security. This was impossible because I had never given him my social security number."

"Families are used to living continually in a close unit (8 to 10 in a 2-room shack is average) waging a constant battle against filth and unsanitary conditions. Too often, human adaption to poor conditions have prevailed and the migrants have to learn to live in these conditions. People don't yell anymore about having to carry their drinking and washing water in buckets from town. They don't have the survival tactics to alleviate having no "john" or outhouse. There can only be so much these people can do to get heat in their homes. It becomes evident that there is a slight lack of socialization indoctrination, when a father does not know where to go if a member of his family needs care."

"The people in the class grabbed at the idea, and soon the word spread among the crew that we had found something to save the families a lot of money. Being a young crew, they had a lot of mouths to feed, and being a large crew, they used a lot of gas. That was the primary effort, and it sparked a lot of enthusiasm. This was my opportunity to get everyone together for once and speak of a subject that benefited the entire group. Everything did not occur quite that simply though. Getting that initial meeting of all the people was getting to be impossible. Attendance at the meetings was a dismal half at the best, and there seemed to be no hope that things would change.

"Then the crisis hit the families. The crisis was that the mother who was expecting was having a lot of trouble and it appeared that the costs were going to be high. I set the ultimatum to the families—either let the families handle this problem by themselves, or organize themselves and present the situation and a solution for their medical payments. We called a meeting for that night, and at least one member of each family was present. I explained to the group more closely how a cooperative works, how it saves them money, and how it can and could help our family.

"Since that time we have talked about such things as a migrant-wide insurance and health plan, self-help housing, and medical pharmacy co-ops not just with this crew, but a co-op that would reach every migrant crew in the United States. The crew has not forgotten their home base. In *Seco Mines*, there is no water, even though *all* the residents have put up \$25.00 each. When we get back home, the co-op is going to use all their efforts to bring about a change in this situation."

"Many of the migrants are very much aware of the things being wrong yet not that many of them have any concept of things to do or where to start. The Hispano, Corky, even Chavez are not close names to them, and to a few, these are unknown. I met two bright young guys who said '... if to Colorado, we are going to skip the next night.' They were going to California, about 19 and 20 years old, they had never heard of Cesar Chavez. We talked for awhile about things in California and about things past in Chicago with a different oppressed people. They left for California that afternoon."

"It is apparent to me now why so many migrants stay away from other types of work even though they have the required skills. The work application, in some areas, is enough to scare anyone away. Also, whenever they have filled out applications before, there has never been any results. Why bother now? I think that not only the skill of filling out the application needs to be taught, but also the reasons why applications are important."

"I have also observed that during the good times when the weather was good, plenty of work and some money coming in that the idea of education and dropping out of the stream seems very distant to them. Many of the large families can make between \$300 and \$400 a week if the work is good. It is then very difficult to talk in terms of education and dropping out of the stream. When the rains come and the work is slow, the talk of the future has more meaning. For some, the ability to think in terms of the distant future is limited to a few weeks or months."

"There are many practical problems to consider when one talks about the migrant dropping out of the stream while away from the home base. For instance, there is the matter of housing, rent, and money for utilities, to just mention a few. These are simple problems, but their solutions are sometimes very difficult to solve. Also, the need for community development work is far greater at the home base because it is here where they have the low wages and the closed opportunity system. This is why they enter the 'stream' in the first place."

## M.A.Y.O.'S DEL CAMPO

We are the members of the Mexican-American Youth Organization. We have inherited from our parents and grandparents the tradition of traveling to the north every summer to "reap" a living. While we all agree this kind of nomadic life must cease, today we have no other alternative save the long, hot trek to the green fields of the north. Unless we abandon all hope of completing our education, we must leave each June to pay our own way through the next school year. This time, however, we have decided that we must contribute to that community which to this day has given us our daily sustenance—"The Migrant Stream" (to use the educated term applied to us). The method we have conceived is outlined below:

Descriptively, Migrant MAYO is composed of 60 young men ranging in age from 17 to 22 who reside in the area between Brownsville-Kingsville in the south and east, and Uvalde-Del Rio in the north and west, excluding Laredo. Ninety (90%) percent of them migrate annually, and all have had farm work experience. Nearly all are either in high school or college and plan to return there in September. Consequently, the formal migrant project itself is only for the summer months, but the work will continue among the same people after our return. The actual project, therefore, will continue year round.

The idea for this project has been developing since October—the time when our parents returned to the Valley, only to confront two unsatisfactory alternatives: slave in the fields and packing sheds or simply remain idle. The logic is clear: if we must spend half our lives in the vacuum of South Texas, then we must either double our summer earnings or receive the coverage of unemployment insurance afforded other workers. To assure this and other desirable things common to those in the American mainstream, but denied to us in the migrant stream, we must first educate ourselves. Secondly, we must organize ourselves. Farm workers must know their rights, and recognize their responsibilities. Concurrently, they must have the power to defend those rights and the dignity to accept that responsibility.

Accordingly, we propose to hold classes in the campesino communities during the summer months. We will begin working with other young people in the camps to make them aware of the problems we have committed ourselves to eradicate—the injustice of migration forced on us by a system which has slammed the doors of opportunity in our faces. We will do this through small group discussions after working hours. We will make our contacts as we ourselves work in the fields at the outset. Through these youths, we propose to reach the parents and demonstrate to them that by organization and discussion of issues, the problems they now encounter can be solved.

The Mayo's Del Campo will migrate with their own families and crews, but their target population includes all others traveling in the same group. The destinations of Valley migrants are many: the western states, the Rocky Mountain region, the Midwest and the Great Lakes. They will be our destinations. We have established a basic design for communicating with each other while out in the field. Although we will be spread over the country at one point, there will be times, particularly in late summer, when we will converge. By that time, we will have established a basic organization for generating some responsible action.

At the end of the summer period, we will all return to school either in the Valley or at various colleges. Those who remain in the Valley can continue to work there with the same people with whom they talked in the north. Thus, the program can be seen as existing  $\frac{1}{3}$ rd in the northern fields and  $\frac{2}{3}$ rd in the Valley barrios and colonias.

Because we are students who intend to complete our education, we require financial assistance to maintain our project. We must have one week of initial training before going north. Occasionally, we will need field support. In addition, we must be funded for telephone communications and travel money, since we will pick up the stream after the school year is over and in September return prior to the main body of migrants.

Because we as young Mexican-Americans are determined to control our own programs and our own destinies, we need maximum freedom in selecting our own sponsors, co-ordinators and program design. Therefore, we have contacted Interstate Research Associates, Inc., a Mexican-American consultant firm to serve as a conduit in securing financial assistance. We also have agreed that IRA can function as the fiscal agent for this program, since Mayo's Del Campo is not yet incorporated. We reserve the right to select the co-ordinator who will

support us out of the South Texas region. We also demand to screen all training staff suggested by IRA and will, in addition, provide some of our own trainers.

Senator MONDALE. Our final witness is the Reverend Ed Krueger.

**STATEMENT OF REV. EDGAR A. KRUEGER, RIO GRANDE VALLEY,  
TEX.**

Reverend KRUEGER. Thank you, Mr. Chairman. It is a pleasure to appear before your committee.

Senator MONDALE. Which would you prefer to do, Reverend Krueger? Would you prefer to put the statement in as though read, and then comment on the key points, or would you prefer to read it? Either way.

Reverend KRUEGER. I would prefer to more or less go through the statement, just referring to key points, and have it included as though it were read.

Senator MONDALE. Very well.

Reverend KRUEGER. One of the first topics with which the statement deals is in regard to the matter of the oversupply of labor. Time and again we run up against this kind of fiction which has apparently been deliberately created speaking of a shortage of workers. As recently as last week there was a petition on the part of some people in south Texas to bring in braceros in that area while at the same time we are quite well aware that approximately 37,500 farmworkers each year leave Hidalgo County alone looking for work in other areas.

I think it is tragic when one considers that at the height of the bracero program 87,000 braceros were being used in the lower Rio Grande Valley alone at the same time that tens of thousands of farmworker families left the area. I wish that the Texas Employment Commission were more helpful on this point.

I think it is significant how their statistics do not accurately reflect the unemployment in the area. An example of this is that after Hurricane Beulah, farmworker employment dropped dramatically. For example, in December of 1966, 8,100 workers were employed in agriculture in Cameron County. In December 1967, following the hurricane, 2,900 farmworkers were being employed. At the same time, the figure for unemployment for Cameron County was 5.3, December 1966, compared to 4.5, December 1967.

My question is, What happened to the more than 5,000 workers who were not being employed in agriculture? At that same time, which was really a period of intense organization on the part of Colonias del Valle, we were constantly running up against families who really did not have any food at all in the home, or maybe only a few pounds of beans. It was during that particular period following Hurricane Beulah that the Colonia organization proceeded at a very rapid rate. Naturally the threat of starvation was one factor which helped in bringing about organizations in the Colonias. Time and again you find the inconsistency of people speaking about the wage situation, speaking about the shortage of workers, the very hard work, which it is, picking the fruit and yet at the same time very inconsistently desiring to pay low wages.

Wages have come up in recent years but they are still desperately low. When one considers the amount per hour that one receives working on the piece rate, especially right now at the time of cotton harvest in south Texas, generally it is lower than the main wage.

When you add to this the factor of irregularity at work you see the depth of the tragedy. I am thankful that the Senate subcommittee in its yearly report for 1969 confirms the tragic reality that the average farmworker works 85 days per year earning \$922 per year.

Senator MONDALE. We heard a figure here today that migrants make \$7,000 or \$8,000 a year. Do you know of any that make that much?

Reverend KRUEGER. No, sir.

Pedro Guzman recently showed me his tally for work for the week, the number of hours worked, and the amount he was paid. He sought work every day, 6 days during that week. His pay was \$12.41, hardly enough to cover the driving and certainly not enough to feed his eight children. Pedro Guzman is an energetic, healthy, very intelligent person. Very eager to get ahead. Yet \$12.41 will not allow for much progress.

The oversupply of labor I think enhances, if you might call it that, the callousness or the sense of cruelty on the part of some of the employers. Some things which would naturally be brought out in union negotiation are completely forgotten or not available to workers who are unable to protect themselves.

Simple matters such as clean drinking water, and toilets, are of crucial importance to workers. One again hears of employers losing their tempers over trivial matters, sometime causing workers to fall off trucks or refusing to pay workers on their own whim. I think this is emphasized perhaps due to the oversupply of workers.

Senator MONDALE. In the areas where you work, in the Rio Grande Valley, there is an inexhaustible supply of foreign labor?

Reverend KRUEGER. This is certainly true. It is particularly tragic that a small area near the Reynosa Bridge on the U.S. side of the border is the place where more farmworkers are employed daily than in any of the employment agencies in the Lower Rio Grande Valley. This is naturally more easily accessible to the green card commuters across the river. Some U.S. citizens have actually traveled 12 to 15 miles to go to that area of recruitment.

Senator MONDALE. In terms of your work down there, do you see any difference now that the bracero program has ended in the availability of foreign labor?

Reverend KRUEGER. Shortly after the bracero program ended we were very, very hopeful, we thought this was going to make a very significant difference. I still must say that I am thankful that the bracero program came to an end. There have been so many loopholes or so many people who have come into the United States under Public Law 414 that the effect of cutting off the bracero program has been bypassed. More and more workers come as green card workers into the area.

I wonder how so many of them have ever been certified. I also wondered about the possibility of establishing some kind of program of recertification of the so-called resident aliens, who really are not residents in the United States at all, but are green card commuters.

Senator MONDALE. We had some sympathy for this approach by the previous Secretary of Labor and Secretary of Agriculture.

Reverend KRUEGER. That is right.

Senator MONDALE. I regret to say I don't see any sympathy for this problem at all as a result of my trip to a border-crossing point in your area: 45 percent of the persons that morning coming across the border produced birth certificates and baptismal certificates as their evidence of U.S. citizenship. Some of them were in their twenties, and they had a brand new certificate. It was a sort of miracle. Yet when we told the Immigration Service and asked them about it, we got utterly no relevant response. If you can produce something as easy to obtain as a baptismal certificate to cross the border then something is wrong. I had a Catholic priest tell me this is a serious problem. A family living on the Mexican side, desperately poor, has no legal right to cross the border. They are not green carders, they are not U.S. citizens, but they get themselves a baptismal certificate, and on they go.

Another thing which I didn't realize at first is that the green card program pyramids. One person gets a green card, and all his relatives then automatically become eligible. When you talk about some of these Mexican families, you are talking about a large number of people that are all permitted to come across. For every green carder who has obtained a certified labor clearance, there may be a hundred who will come across without any labor certification, because the Federal Government admits they don't check relatives. So labor certifications are a nominal gesture, amounting to a nullity in fact.

I will ask Mr. Chertkov to ask any questions for the record.

Reverend KRUEGER. Some mornings when I have been at the Reynosa Bridge watching the farmworkers cross, I have found that some of them hardly lose a step, hardly wait for a half a second as they flash a birth certificate or green card or baptismal certificate to the officer there. They are very evidently farmworkers who simply cross the bridge, go through customs without really losing a step and immediately cross the street to the shapeup area where hundreds of farmworkers get their job each morning.

Adding to the sheer chaos of that kind of situation is the fact that many employers will recruit perhaps several times the number of workers in the morning that they actually need, will take them to the field, give them 1 or 2 hours of work and then return them to the bridge. This I think really accounts for the terribly low wages which one finds recorded in the 1960 census report.

The median family incomes, for example, of \$1,395 for the Hidalgo County area or \$1,595 for Starr County or \$1,973 for Willacy County in the lower Rio Grande Valley area.

Mr. CHERTKOV. What is the effect on community organization of the people coming across the border, and the consequent lowering of wages and so on? Why isn't this serious enough to cause people to come together in terms of meaningful and effective union or community organization?

Reverend KRUEGER. I am sure that one reason, one effect, is the lack of financial resources on the part of the families. They lack the mobility to get around to make their wishes and feelings and needs known.

Another effect is that they are sometimes so desperately poor that they are willing to take jobs at almost any price.

I recall one instance when we were making a wage survey in Hidalgo County, I came to a farmworker family late in the evening, they had just returned from work. They were sitting out in front of their house. They didn't have the energy, really, to go in. I had asked them what they had received in wages the year before, what kind of wages they had been getting. The mother blurted out almost as if she had memorized, saying it over and over again, "We are earning a dollar an hour, we are earning a dollar an hour."

Her 23-year-old son turned to her, glared at her and said, "Tell him the truth, tell him the truth."

Finally, it came to light that they were actually earning 50 cents an hour. Perhaps she had been coached to say a dollar an hour. Perhaps it was too much of an insult to her own dignity to admit that they had to work for 50 cents an hour.

The woman then turned apologetically to me and said, "What can we do if there isn't any other work, or there isn't any food for the children?" She was very apologetic for having to say this, for actually working for less than the minimum wage. I think this is part of the reason why it is so hard to organize as far as union organizations are concerned, because the people do not have the resources to support themselves during time of struggle. There is so much threat of retaliation on the part of the power structures, people who have been willing to stick out their necks or have been willing to speak the truth about the situation have suffered numerous kinds of reprisals. The threat of dismissal from jobs, from employment, even though it might be employment at a very low income, is a very ominous kind of threat for those who are bordering on starvation. Too much of a gamble for many of them.

Mr. MITTELMAN. Reverend Krueger, have you had an experience with actual malnutrition of children and mothers?

Reverend KRUEGER. Yes, sir, again, and again, and again. Almost any time during the year you can go into almost any of the Colonias and they number about 200 in the lower Rio Grande Valley alone. They are generally tucked away in byroads, off the highways, not easily visible, but they are there. When you go into these communities made up of a hundred percent Mexican-Americans, large numbers of farmworkers, you find extreme poverty and a high rate of malnutrition.

Mr. MITTELMAN. Is there any food stamp program?

Reverend KRUEGER. Not food stamps. We have commodities in the county but there are numerous difficulties which the people have with the commodity distribution program.

If I might take a moment just to mention about the commodity distribution program, recently some of the people from the Colonias have worked together to try to approach the county judge trying to point out how many of the decisions made by the county welfare director have been on his personal whim, his own personal discretion, or the people are very blandly told we can't help you or, OK, we will help you this month but don't come back again, or told they can be helped for only 2 months at a time, or in some cases it is just a general

rule that during April and May, and for several months thereafter, people are cut off from surplus commodities with the idea that an adequate amount of work is available when in reality it isn't available.

People sometimes find they demand birth certificates or a letter from their doctor or are told that because they are not the head of the household they cannot get commodities. One woman had to produce a letter from her husband in Levelland, Tex., several miles away showing he was absent from the household. Again and again they are told, you can go to work, when in reality no work was available to the family.

Mr. MITTELMAN. Does the judge run the commodity distribution program?

Reverend KRUEGER. The county judge has charge along with the commissioners court which has surveillance of the county welfare program. They appoint the county director. In Hidalgo County, a county made up of 75 percent of Mexicans and much higher percentage of the people who come to receive commodities are Mexican-Americans, the county welfare director is Anglo.

Mr. MITTELMAN. You mentioned demographically speaking the population is 75 percent Mexican-American.

Reverend KRUEGER. Yes.

Mr. MITTELMAN. What is the ratio of registered voters who are Mexican-Americans as compared to native-born Americans?

Reverend KRUEGER. It would be a lower rate than 75 percent. I am not sure of the exact ratio. As far as actually voting in the election, it would be even lower than that. The impotence on the part of the Mexican-American community, as far as voting is concerned, is increased, the impotence or powerlessness is increased due to the fact that polling places, as was mentioned earlier, are sometimes changed to inaccessible spots, or workers, farmworkers are sometimes kept in the fields for long days and in large numbers on those days of county or national elections, and other techniques are used to assure that the people who are presently in power will continue with their power.

Mr. MITTELMAN. Is the language problem part of the difficulty?

Mr. KRUEGER. This is certainly part of it. You could add to it the lack of availability of the polls, the fact that many of the Mexican-Americans have to walk to the polls and they are not so easily accessible or do not have adequate information as to the issues in a campaign. For example, last November one of the major issues was the proposed amendment to our State constitution to raise the welfare ceiling from \$60 to \$75 million. That amendment failed miserably in Hidalgo County. I am sure one reason was due to the fact that the people frequently affected by that welfare ceiling were not given information as to the purpose and importance of that amendment.

Mr. MITTELMAN. With those organizing efforts that have been going on, your own efforts, you just haven't been able to succeed in communicating with the people on the basic political issues? Is there any political education campaign carried on in that area at all?

Reverend KRUEGER. I think that we can see some significant progress which has been made in the last couple of years. At the time that I first came into the valley to live, about 3 or 4 years ago, the one thing which typified the feeling in the Colonias was one of almost complete apathy as far as the political situation is concerned.



The percentage of those who registered is very low and the percentage of voters even lower. But the situation is changing and very, very rapidly. People are coming alive. They are beginning to see the importance of elections. They are beginning to understand the whole political process. They understand how the election of county commissioner is related to the appointment of the county welfare director. They understand what that is, or they feel in themselves, in their emotions, the insensitivity, the callousness, the cruelty shown by that county director. His harsh manner of treating the people, of herding them around the office, of dealing with them. And the fact that on his own whim he can decide cases. People are coming alive. But it is a process which is the long, hard uphill kind of road. One needs to remember the long history of the poll tax in Texas, the fact that some people even today are unaware that they have the right to vote and secondly, that they do not have to pay to vote.

It is a long process, it takes a lot of time in overcoming this kind of historical system of oppression and helping them to understand what their rights at the polls really are.

Some people are intimidated from going to the polls. There is one case where Mrs. Diaz, who obtained 50 signatures to become a poll watcher, was actually intimidated, and had it not been that she had built up a sense of her personal dignity and her knowledge of rights through the community organization process she probably would have simply left that place at the polls.

Mr. CHERTKOV. What is the actual timing of any election?

Reverend KRUEGER. Many of the most important elections occur on the first Saturday in June, which is the time when so many farmworkers are out of the area. When you consider 37,500 farmworkers leaving Hidalgo County, more than any other county in the United States, this is a significant margin which would have a significant impact on the election or decrease the effect of farmworkers on that particular election which is the time for the runoff election after the primary.

Mr. MITTELMAN. Is there intimidation or poll switching?

Reverend KRUEGER. A number of complaints have been filed through the U.S. Civil Rights Commission. We have made numerous phone calls to people in Washington. Nothing has ever been done about it. We don't see any action. We don't see that Washington is really helping out in our situation.

Mr. MITTELMAN. Have you filed this in writing in any instances?

Reverend KRUEGER. In some cases we have through letters and the like.

Mr. MITTELMAN. Could you furnish us copies of those letters?

Reverend KRUEGER. Just recently I filed a complaint in regard to strawberry picking in Michigan. I made a long-distance telephone call to the Department of Labor, Wage and Hour and Public Contracts Office in Lansing, Mich. They refused to accept charges on the call, so I paid for the call. The import of that call was to let them know that for approximately 1 week while I was picking strawberries in Michigan, near Keeler, Mich., the average rate of pay coming out on a piece rate basis was 60 cents an hour, much below the minimum wage. I am sure that this particular grower would have come under the wage and hour law because sometimes we had as many as 50 or possibly even a hundred workers in the field at one time picking strawberries. Some days there

was not nearly enough work, some days we were able to work only 2 or 3 hours and that was all.

Could I add this? In regard to the whole powerlessness as far as elections are concerned, in Texas we do have annual voter registration which is an added handicap, especially for the less articulate and less mobile low-income families.

Mr. CHERTKOV. Does that mean each year the voter has to be re-registered?

Reverend KRUEGER. Right. The time specified for registering is between October 1 and January 31 for voting in the following year.

Mr. MITTELMAN. Just to change the subject for one last question. I was with the subcommittee when we came down to south Texas several years ago. At that time you related some interesting experiences you had had with the Texas Rangers. I was wondering if the situation had changed since then.

Reverend KRUEGER. In some respects the situation has changed. I feel that as far as the Texas Rangers themselves are concerned, we have not suffered any undue sense of oppression since the visit of the Senate committee. I think your visit had a very favorable impact in that respect. However, on the department of public safety as a whole we had felt some intimidation. We had some evidence that phones are being tapped, we had evidence of people being followed again and again. We had some evidence of people who are related to farmworkers who were desirous of bringing about a change have been stopped by the department of public safety and a few on occasion, a few of the local police. We are thankful for your visit to the valley. We hope you will come again.

Mr. MITTELMAN. I am glad we accomplished some good. It was a most interesting visit.

Reverend KRUEGER. In my testimony there is some information in regard to correlating periods of success by the United Farm Workers Organizing Committee with some kind of retaliation on the part of the Texas Rangers. I gave four or five examples.

Mr. CHERTKOV. You may continue with your statement.

Reverend KRUEGER. One might also mention in regard to election that in some counties ballots are not assumed to be secret. A corner of the ballot which is detached from the rest of the ballot bears the same number which is on the ballot and the name of the person voting. In Starr County, for example, many people assume that the politicians check the ballots with the ballot corners to see how the people voted. This does not make for effective change. It is one method which is used for keeping the status quo. I think one might include in the record a few of the statements made by Mayor Leo J. Leo of La Joya. He states:

The (establishment) were forcing us to go to a place to vote where we didn't want to go in order to humiliate and intimidate us.

They were forced to go to a ranch where the growers were very evidently antiworker and anti-Mexican American. He continues:

Just at the time when we are making progress, they (the establishment) do something to force us to do something which we don't want to do just to humiliate us. Why couldn't we, the people of this precinct, vote where we wanted to vote? Why did someone from outside the precinct have to force us to vote where we didn't want to? Isn't it that they just want to show us that they are in control, that they can push us around, that they are the "papacitos"?

We have had some considerable difficulty in obtaining loans from the Farmers Home Administration, especially in Cameron County. The Cameron County staff for the Farmers Home Administration, as far as the administrative staff is concerned, I believe still lacks Mexican-Americans.

So far as I know, they have not given any loans to low-income families. Now there might be some loans which are made which have escaped my observation. In the cases where we have helped people of low-income families make application, in some cases the applications have not even been processed. Some of those applications have been with the agency for almost a year now and the families in some cases have not even received so much as a letter reply.

In another case, the case of Simon Rivera, a 68-year-old farmworker, who had the house for him and his wife ruined by a hailstorm in that county, made application for a loan. We followed up on it, tried to get the loan, even supplied adequate information to the Farmers Home Administration showing that this man had been very good about repaying debts in many stores around in the Brownsville area. This man's loan was not accepted. They said he was not earning a large enough income to validate this loan.

I believe the repayment on the loan would have been something less than \$10 per month.

Mr. CHERTKOV. We heard testimony earlier this morning about the difficulty in South Carolina in getting clear titles to land, so that applications could be handled by the Farmers Home Administration. Are there similar problems in Texas?

Reverend KRUEGER. Yes, there are many cases where the titles are not clear for one reason or another. Perhaps they are in the name of a deceased relative or some other handicaps that the family have in getting clear title to their property. This does slow up the process. This is another reason why we do need more legal counsel, aid in helping people clear up their titles.

Mr. CHERTKOV. Is there no legal service program in south Texas?

Reverend KRUEGER. There is one legal aid program in Cameron County but none in Hidalgo County.

Mr. CHERTKOV. Have applications been made for a legal service program?

Reverend KRUEGER. Yes, the south Texas rural legal program was written up. I believe the application was sent to OEO more than a year ago. So far we have not received the program.

Mr. CHERTKOV. Do you know why?

Reverend KRUEGER. I am not sure of the intricacies of the OEO office here but I would rather imagine that there are political pressures from Texas militating against such an OEO program of legal services.

I am sure that the former Governor of the State—well, from what I have heard anyway—was not in favor of this legal services program for south Texas. I am sure that many in the local bar associations would not desire this legal services program as well.

Mr. CHERTKOV. Are members of the local bar association providing adequate legal services to the people in the valley.

Reverend KRUEGER. No, they are not in spite of the fact that they did issue a statement that anyone who wanted legal services could get them free of charge if they were not able to pay for them. This simply is not true. This is not the case.

Mr. CHERTKOV. Do you have any personal experiences where an indigent person sought legal advice, needed legal advice, and could not obtain it?

Reverend KRUEGER. I am sure we could furnish some cases like that. I am sure my wife has some cases on record where they have sought out legal aid and been refused.

Mr. CHERTKOV. Otherwise, for traditional legal services, you depended upon voluntary help of other attorneys?

Reverend KRUEGER. There are a few attorneys who will volunteer some time. We are very thankful for Bill Ellis' help sometimes with problems that relate to Colonias del Valle or individuals.

But it is still a very, very serious problem, trying to get legal problems worked out. Sometimes they relate to welfare, family situations, divorce cases, and other things where chaos now exists and with the help of an attorney we could bring more of a sense of order and make more certain it is available to more individuals.

I might add just a very brief comment in regard to the health situation in the lower Rio Grande Valley. Hidalgo County is sometimes the only place in the Nation where cases of polio are present. In 1967, a 13-county area in South Texas which includes Willacy, Cameron, and the "river" counties up to Val Verde County or del Rio, had a new TB case rate  $3\frac{1}{2}$  times that of the United States as a whole. Often poor people in that area turned away from hospitals due to the fact that they don't have \$50 or more which is required as deposit for entering the hospital.

Cases of malnutrition can be found quite regularly. This is a complicated factor which does cause death, if complicated by other disease. Tuberculosis, upper respiratory diseases, skin infections, and other diseases caused by overcrowding, lack of sanitation, have a very high rate of incidence in the south Texas area.

Mr. CHERTKOV. Is there a migrant health program in South Texas?

Reverend KRUEGER. Yes; we appreciate the program but unfortunately we find their funds are very inadequate in really coping with the very serious problem. We are hoping that we can work out something in conjunction with the public health service in that area to where the migrant people or the farmworkers themselves might participate in the decisionmaking on some of these programs in order to make the programs more accessible to the people who most desperately need the programs.

I believe that Colonias del Valle and other local organizations can help in making the programs more effective. Related to health is the whole matter of pesticides and perhaps it is another illustration of the callousness with which some workers deal with their employees. In one case farmworkers were sent into a field the morning after a field had been sprayed with parathion. It was a very wet morning. The parathion of course penetrated through the skin and it is deadly poisonous to human beings. That same day 22 persons were admitted to the hospital in Harlingen, or treated at the hospital. I believe 13 of the 22 persons were kept overnight and some of them for several days.

Later on someone came to these same persons who had been poisoned by parathion saying if they signed a certain paper they would not have to pay for their hospital bill, and they would be given a week's pay.

They signed the paper and found that they had really been signing a release with the insurance company.

Mr. CHERTKOV. Do you hear of other pesticide complaints from farmworkers who have come in contact with pesticides?

Reverend KRUEGER. It is very difficult to gather information in regard to pesticides because the people are usually unaware of what it is that is causing their sickness. They have nausea or feel ill while working in the field or sometimes after they come back from the fields they have headaches or show symptoms which indicate that they have actually been poisoned. The people sometimes are unaware of the connection, are unaware of what it is that is causing their malaise. But we have numerous cases where people have skin irritations or skin infection or a general feeling of malaise or nausea which evidently are related to the pesticides that are being used in the fields.

Mr. CHERTKOV. In view of your experiences in working with farmworkers in the valley is it your opinion that farmers are taking appropriate safety precautions in the use of various agricultural chemicals?

Reverend KRUEGER. Certainly not. When one considers that a farmer may have a field sprayed in the evening and that the workers might be in that same field when it is wet the following morning, certainly it is an adequate illustration that they are not really trying to protect the safety of the employees.

Mr. CHERTKOV. Have you seen workers pick and eat fruit and vegetables that they are harvesting or cultivating in the field?

Reverend KRUEGER. Yes, quite often. As a matter of fact, I ate a few strawberries myself.

Mr. CHERTKOV. It is a fairly common practice?

Reverend KRUEGER. Yes, Right.

I might add that one thing which I don't believe was included in my statement is the fact that the cash bonds which were set for many of the people who were arrested for very trivial kinds of things or very trivial charges or fictitious charges, the cash bonds are very, very large. In some cases going up to \$2,000. As far as the arrest of my wife and myself, the cash bond was \$500 for this occasion when we were observing a demonstration or had gone to a place to observe a demonstration by the United Farm Workers Organizing Committee. Actually the demonstration was not carried off while we were there. Twelve persons had been arrested prior to our arrival on the scene. But because we were there when the melon train happened to go through that evening we were arrested by the Texas Rangers and bond was set at \$500 for each person arrested on that occasion.

I might say perhaps in summarizing that the situation has changed in south Texas. It is becoming more and more explosive all the time. The youth in the area will not wait another generation. People, farmworkers and others in the area realize that they are low man on the totem pole. They realize how time and again both private and Government agencies have beaten back efforts for community organization and self-determination. They ask, when will such injustices end. In Hidalgo County, according to the last census, more than 50 percent of the people in that county fall below the poverty line. They realize that others have a much better situation. Where farmworkers and other low income families are struggling for justice and for self-

identity, tensions are high, time is short. A crisis is looming. In a sense this may be our last chance for working out reasonable non-violent solutions to some of these problems.

Jesus Ramirez, 17 years old, is a very brave young man, who is vocalizing or articulating some of the demands and the feelings of thousands of people in Hidalgo County, who were presenting to the county welfare director their demands in a situation that needed a remedy. I was very ill, very ill at ease. At the time of the arrest of that young man tensions were so high that any additional spark could have really touched off some serious violence.

One never knows what might precipitate violence. We advocate non-violent action but if the situation is allowed to continue day after day, year after year, without reasonable solutions, violence will come. We know that people will not continue to take this kind of situation, this kind of injustice for generation after generation. A change must come.

Mr. CHERTKOV. What indications do you have of growing restlessness among the youth in the Rio Grande Valley?

Reverend KRUEGER. You have some indications of this in the development of youth organizations, in high schools and universities. Some of these are the Mayo or Mexican-American Youth Organization. In the whole south Texas area there are numerous organizations. I think this is one primary indication that there is a restlessness on the part of the young people, especially for change. We find individuals among the youth who are completely committed to bring about this change one way or another. If it cannot be brought about without violence, I am sure that many of them will resort to violence. You find a new tendency toward self-identity on the part of the Mexican-American illustrated by numerous papers which are part of the Chicago Press Association, rising in the whole south Texas area. Newspapers which cry out about the injustice and which call people to militant action to bring about change.

I am sure that the distribution of these papers will quicken the tempo of change within the low-income Mexican-American groups in the south Texas area.

Mr. CHERTKOV. The recent Kerner Commission report talked about the growing polarization particularly between blacks and whites in our major urban centers. There have been some reports of similar polarization between whites and Mexican-Americans in other parts of the country. Is there evidence in the valley of this?

Reverend KRUEGER. Yes. Anglo-Americans who are involved in the movement or sympathetic to the movement find it increasingly difficult to maintain a relationship, a viable, active relationship with the Mexican-American movement in south Texas. So far, since I am obviously an Anglo, although my wife is Mexican and our four children are Mexican-Americans, it is very difficult for me at times to relate to certain individuals, especially some of the more militant ones, in the south Texas area. I think this is one additional indication that the time is short. We have an enormous task that needs to be done. We might as well face up to the problem and actively try to solve this problem while time really remains for its solution. Hopefully the solution will be brought about nonviolently. But the indications are that the time is really very, very short.

Mr. CHERTKOV. The purpose of this set of hearings is to study community organization. Several weeks ago your wife, Mrs. Krueger, testified about her experiences in traveling in the stream. I understand she is now in Michigan engaged in community organization work.

Reverend KRUEGER. That is right.

Mr. CHERTKOV. What impact do you think that organization in the stream will have on efforts at community organization in the Rio Grande Valley?

Reverend KRUEGER. I am hopeful that this kind of instream activity in organization will perhaps reach some of the people who might not otherwise be reached in very inaccessible spots in the lower Rio Grande Valley. I think that to make it truly effective this kind of instream organization will have to be tied to organization in the home base. It seems to me it would be very logical for some of the instream work to be tied to organizations like Colonias del Valle or the local organizations in the Rio Grande Valley.

The community of seasonal farmworkers who are resident in the valley throughout the entire year are intermixed with the migrant farm worker who follows the migrant trail. It seems very logical that their problems must have some common solution. The more we can integrate programs both instream and at home base I believe the more effectively we will be able to deal with some of the serious problems.

Mr. CHERTKOV. Do you see effective organization of Las Colonias del Valle as a means for ending the migrant stream?

Reverend KRUEGER. I would imagine that it would have some effect in helping to stabilize the population, helping them to find permanent jobs or to regularize the employment in agriculture in the lower Rio Grande Valley, stabilize it during the entire year. The Colonias have also been effective in finding some permanent employment for some of their residents. This, I think, will help to stabilize some of the farmworker families and for those who perhaps will for several years to come follow the migrant stream; it will perhaps make them more aware of their rights and better their living conditions while they are in the stream. I think we can look forward to improved living conditions as they work at economic development in the lower Rio Grande Valley itself.

Mr. CHERTKOV. Do you think that the present efforts of the OEO program in the Rio Grande Valley are effectively meeting the needs of the whole community there?

Reverend KRUEGER. We have recently had a change in the directorship of the OEO program in Hidalgo County. The former director seemed to be very disinterested in cooperating with Colonias del Valle in programs which had been mutually beneficial. The acting director of the local community action agency in Hidalgo County by contrast has come to Colonias del Valle office and has initiated some talk and some planning and even a proposal in conjunction with Colonias del Valle.

One example of this is an attempt which we are now making to locate a cannery in the lower Rio Grande Valley under the Colonias del Valle. Someone has donated a cannery and with the help of the local community action agency we hope to provide employment and food items, foodstuffs for many of the people in the Colonias del Valle. However, in the past this kind of cooperation has been very

lacking. As a matter of fact, we have often encountered local opposition to organization of Colonias del Valle. As a matter of fact, the former director of the community action agency in Hidalgo county attacked the VISTA organization project in that county. There are other instances which I think I could give later on illustrating the similar attitude of attacking Colonias del Valle, other indigenous groups of the poor in that area.

I would like to enter into the record as if I had read it another part of the statement which was overlooked, if I might do so.

Senator MONDALE. So ordered.

Do you have any final remarks?

Reverend KRUEGER. I would like to invite the members of this committee and the counsel to come into the south Texas area to visit in the Colonias to see the poverty, to feel perhaps the rising tension, the rising impetus toward change which is occurring in that area. There are so many things which one cannot explain adequately in words, but which you might begin to feel if you were actually on the scene.

I feel that this is a time of opportunity, if we took adequate massive measures for this very depressed area we could bring about some very wonderful results in terms of human beings, helping people in a sense to feel a new life or to come alive, to begin to participate in the larger community life, in the decisionmaking process.

There are wonderful opportunities for development of human resources which are presently going to waste. We invite you to come into the area. We invite you to participate in this revolution which is taking place. I feel that your massive adequate participation in this revolution might help to keep it nonviolent. Neglect of the area only means that things will go from bad to worse.

I thank you for this opportunity to appear before the committee. (The prepared statement of Reverend Krueger follows:)

PREPARED STATEMENT OF REV. EDGAR A. KRUEGER, UNITED CHURCH OF CHRIST

Mr. Chairman, my name is Edgar A. Krueger. I am a minister with the United Church of Christ working primarily with the powerless farmworkers and other low income families in the Lower Rio Grande Valley of Texas. My major emphasis has been on Community Organization. I commend the Subcommittee and the very fine statement of its work set forth in Senator Mondale's opening remarks.

POWERLESSNESS AND THE ECONOMIC SITUATION

A radical surplus of labor exists on the Texas side of the border in the Lower Rio Grande Valley. This surplus is disastrously increased by bringing in laborers from across the border. Employers deliberately try to continue this situation of surplus labor. Government agencies have been generally ineffective in bringing some order into this chaotic situation. During the height of the braceros program, 57,000 braceros were employed at one time in the Lower Rio Grande Valley. At the same time tens of thousands of agricultural migrant workers had to leave the Lower Rio Grande Valley to look for work. It is presently estimated that 37,500 persons in agricultural migrant families leave Hidalgo County each year to look for work elsewhere. This is *more than for any other County in the U.S.* Although the braceros program had ended, thousands of green card workers from Mexico cross the border daily to work in the United States, depressing the wage situation even further, and by such unfair competition, driving U.S. residents who have to support their families on a U.S. economy virtually to despair. It is estimated that half of Laredo's labor force is from Mexico.

I would like to include in the record documentation of the economic situation in the Valley and in Texas that was recently prepared by the Civil Rights Commission for hearing in December 1968. (See exhibit A.)



As recently as last week, (July 9, 1969) a hearing was held in Edinburg, Texas, in regard to what Mr. Tanner of Edinburg Citrus Association, which encompasses 15,000 to 16,000 acres of citrus groves, called a "labor shortage". Few, if any, areas of the United States, have such a surplus of laborers as the Lower Rio Grande Valley.

Mr. Tanner stated that there was a labor shortage during the entire season. This was in contradiction to testimony from the Texas Employment Commission. The story from the farmworkers testifies constantly to the lack of jobs. Daily in the colonias, the rural unincorporated villages where many of the farmworkers of the Lower Rio Grande Valley live, we see a situation of vast unemployment and underemployment. The weekly wages, even during the time of vegetable harvest, are desparingly low. Recently, Pedro Guzman, a farmworker, showed me the slip of paper tallying hours and pay for the week. For a six-day week he averaged about two hours work per day. The check he received for that week was \$12.41, hardly enough to cover driving expenses, certainly not enough to feed his eight children.

Mr. Tanner stated that "because of welfare, the workers are losing their ambition". Apparently he is unaware that welfare checks are low and are given only for Old Age Assistance, Aid to the Blind, Aid to the Permanently and Totally Disabled, and Aid to Families with Dependent Children. There is no General Assistance category in Texas.

Mr. Tanner stated, "Fruit picking is hard work. I could hardly carry the bag of fruit which someone gave me the other day." He realizes that it is a "man's operation" requiring very hard work from very strong men. It is not a family-type job. In spite of this, one still sees many families in the field. And yet, Mr. Tanner apparently fails to see the incongruency of paying ridiculously low wages for this hard labor.

Farm wages in Texas in 1967 averaged 98¢ per hour while unskilled industrial workers in the State averaged \$2.48 per hour. If you have ever picked cotton, you will know that farmwork often required considerable skill to do it well. Because of low wages, women and children must work to supplement the father's income and workers on the piece-rate may hurry and run all day long. Even when figures are quoted which show a high hourly wage rate, one must remember that these cannot be translated into yearly income figures due to irregularity of employment and chronic unemployment, and unpredictable work seasons. In this respect, the tragic realization of the Senate Subcommittee's yearly report for 1969 confirms the tragic reality that the average farmworker works 85 days per year, earning \$922 per year.

It appears that agricultural employers in particular operate on the basis of a surplus of laborers, deliberately taking steps to continue or to increase the over-supply of laborers. This depresses wages and working conditions even more.

The over-supply of laborers tends to *make employers less sensitive* to the workers. Callousness and carelessness toward human beings becomes a mind-set or an attitude. Examples of this recklessness or carelessness about human life can be seen in many ways. A good supply of clean drinking water is usually lacking. Toilets in the fields are virtually non-existent in all South Texas. It is not uncommon to see a woman walking a quarter of a mile over plowed ground to a wooded area. Growers sometimes losing their tempers, have backed trucks into groups of workers or have accelerated their trucks rapidly causing some workers to fall from the trucks. Some, when angered over something trivial, have refused to pay their workers. Constantly hanging over the heads of the workers like the sword of Damocles is the threat of dismissal. One employer with a flat bed pick-up would turn corners sharply, dropping workers from the truck. This was especially true on Friday so that he wouldn't have to pay them until Monday. Some illegal entries or "wet-back" workers were paid with flour instead of money.

Sheer chaos becomes ordinary as employers daily pick up many more workers than they actually need at the bridge near Reynosa, Mexico, working them for about two hours and then returning them to the bridge. Some growers ordering workers from the Texas Employment Commission in the morning, will complain if an ample supply of workers is not in the field by early afternoon.

In some cases the trucker is, perhaps, contracting with the grower for \$1.30 an hour, but the workers are receiving only 95¢ per hour.

Each morning during the week at the border crossing in the area, hundreds of workers are available for work who find no work for the day or only one or two hours of work.

In some situations, truckers and farmers and agents smuggle workers to areas far north of the border and some are left to die in the backs of trucks. (See the articles attached hereto as Exhibit B.)

Green card workers often have the advantage for employment by being closer to the "shape-up" areas near the international bridges. Some farmworkers who are U.S. citizens travel fifteen miles to the bridge and "pretend" to be green card commuters from Mexico in order to compete for the jobs available. People have also been referred by the Texas Employment Commission office in McAllen to the Reynosa bridge area to get work. Such lack of imagination on the part of the Texas Employment Commission fails to create a new "shape-up" area and perpetuates a system which encourages a labor surplus and depressed working conditions.

Not only has the Texas Employment Commission failed to solve the tragic condition of unemployment and underemployment, but it has also failed to get out accurate figures on the deplorable situation. People generally are unaware of the depth of the catastrophe. A press release made by Reynaldo De La Cruz of Weslaco, Texas, on February 3, 1969, illustrates how many of the workers feel about the Texas Employment Commission, as it is accused of "a dereliction of duty in fulfilling its responsibility to actively search for employment for our people."

"At the expense of repeating ourselves, we will reiterate our objectives in demonstrating before this office:

1. We contend that T.E.C. has falsely reported the degree of unemployment in the state of Texas. T.E.C. has not gone out among the people to ascertain how many people are unemployed. The demeaning treatment which T.E.C. gives the applicants discourages the use of this agency by our poor people.

2. We further contend that T.E.C. has made no effort to cooperate with other agencies in reducing or eliminating the influx of Green Carders who compete with local labor and deflate the wage structure in this area.

3. We further charge that T.E.C. and related agencies have failed to educate the public of the projections into the near future when automation will replace the farm laborer. T.E.C. has never tried to educate or train migrant labor to prepare itself for the inevitable; the day when technological progress will dry up the market for his labor, leaving him jobless and destitute.

4. We further submit that T.E.C. is employer-oriented and guilty of gross neglect in servicing needs of the employee, who also pays taxes for the operation of T.E.C. offices."

Minimum wage laws are not effectively enforced. Piece-rate scales generally fall far below the minimum wage level. The wage, hour, and public contracts office of the U.S. Department of Labor apparently lacks sufficient personnel to enforce the minimum wage laws in the area. Piece-rate scales often fall far below the minimum wage level. Workers picking cotton now in South Texas seldom earn the minimum wage. When workers complain, employers threaten greater use of machines or say "If you don't like it, you can quit."

When paid on a piece-rate basis the tally of hours worked attached to paychecks is often much less than the hours actually worked. Such lowering of the hours makes the tally "appear as if" the minimum wage is being paid. A high percentage of workers are still not paid by check.

The disastrous effect of chronic underemployment, irregularity of work, and chaotic employment is increased by the lack of coverage by unemployment compensation.

The median family income for family with Spanish surnames was \$2,027 for Hidalgo County; \$2,206 for Cameron County; \$1,973 for Willacy County; \$1,595 for Starr County and \$1,395 for median family income in Zapata County, according to the 1960 census report figures. These figures compare to a median family income of \$5,660 for total United States population for the same period. The three standard Metropolitan Statistical Areas with the lowest per capita income are in the South Texas area. The family size for this South Texas area is larger than for the total U.S. and yet the median family income is sometimes  $\frac{1}{3}$  or  $\frac{1}{4}$  of the median for the total U.S.A.

Gentlemen, when will we see an end to this system which in some respects resembles slavery but which, to many workers, even lacks the security which the slave enjoyed?

## HISTORY OF THE COLONIAS

Organizing in South Texas must take into account the history of the area, the history of the colonias, and the economics of the area. The "colonias" are the rural, unincorporated villages which are to be found throughout south Texas and especially in the Lower Rio Grande Valley. In most of them the population is 100% Spanish surname. Approximately 80% of the families in the colonias are farmworker families. More than 90% of the families fall below the "poverty line." I would like to include in the Record Exhibit C, which details the prevailing economic situation in the Rio Grande Valley.

Some of the colonias are older than most of the cities in the Lower Rio Grande Valley. One, Grangeno, was founded in 1767. Both color and tragedy typify the history of the older colonias. Mr. Hernandez of El Grangeno remembers how in 1906 Mexican money was more common than American money in the area. Most of the people living on the land and working the land and considered to be owners of the land were Mexican-Americans.

Mr. Hernandez relates how some of the Anglo owners increased their land-holdings. He remembers how Mexican-Americans were sometimes "herded" together, how land owners would extend their fences to include villages, how the Texas Rangers would carry off men who had done nothing wrong, how these men were not heard from again and how the bewildered and fearful people living on the land would flee from the area. When asked why the people from the area did not go to the County Courthouse to find relief and protection from the Sheriff's Department and the Texas Rangers, he replied that they were the same group who were giving them trouble or were related to the people threatening and terrorizing the lives of the people in the colonias. See Exhibit D, attached hereto.

Some of the colonias are of recent origin. Developers subdivide the land and sell empty lots or lots with houses. The prices for lots and houses are extraordinarily high when one considers their very small size.

Over 200 colonias are presently to be found in the four-county area of the Lower Rio Grande Valley. I shall submit for the record a list of about 200 colonias in the area.

Problems which face the majority of the colonias include lack of water, poor roads, high rate of unemployment and underemployment, high rate of illiteracy, lack of out-reach services from agencies (people are served better in the cities in the area), non-existent sewage disposal, low wages, poor and crowded housing, health problems, lack of community organization and community leadership, and lack of participation in the decision-making processes of the area.

The Lower Rio Grande Development Corporation gives the farmworker in the colonias very little reason to hope. Bob Chandler of that office said, "The best remedy for the colonias is to go in with a bulldozer and clear them off." Apparently he is either callous or completely unaware of the history of the colonias (dating back in one case to 1767) or of the strength of community and family life which, in this day, could serve as examples for many of us.

## POWERLESSNESS AND EDUCATION

The median school years completed for persons with Spanish surnames 25 years of age and above in Hidalgo County is 3.3, according to the 1960 Census Report. At the same time the national median was 10.6, and the Texas median was 10.4 school years completed. As agricultural families migrate, education is interrupted. Children may attend three or four schools in a single year.

"In Texas an almost unbelievable 78.9 percent of Mexican-American children drop out of school before completing high school." This compares with a dropout rate of 33.1 percent of Anglos. (Edwin Stanfield, Southwest Intergroup Relations Council, Inc., Austin, Texas.)

In some areas Anglos are in almost complete control of school boards. School board meetings are not announced. Filing deadlines for positions up for election come and go without any adequate announcement. Elections are not announced.

In one area where some colonias are located, 85% of the population is Spanish surname. Anglos have long been in control of the school board. Many of these Anglos had no children or sent their children to private schools.

"A high school history teacher testifying to the Commission on Civil Rights said that there is not available a textbook on Texas history which does justice to the contributions of Spanish-surnamed patriots or to the Hispanic heritage of Texas." (Ed Stanfield S.I.R.C., Austin, Texas.)

A powerful threat against those seeking reform or changes is the threat of losing one's job. Teachers having the courage to speak out on certain social problems may expect to be dismissed promptly or may not have their contracts renewed for the following year. (Cases: Leo Montalvo, Pat O'Day, Ron Greathouse) it appears that one teacher was dismissed because he wanted students to understand both sides of the farm labor dispute in the Rio Grande city area.

#### POWERLESSNESS AT THE POLLS

Powerlessness at the polls perpetuates the plight of the farmworker. The effect of the long history of the poll tax in Texas can still be seen in the nonparticipation of the majority of the people in the colonias in political life. Many adults have never registered to vote. During our voter registration drives from October 1 to January 31, the only period when residents may register to vote, we still find people who are not aware that they are eligible to vote. Many still think it is necessary to pay a poll tax. Annual voter registration increases the problems, especially for the poor.

After they are registered, getting people to the polls is difficult. Apparently some growers deliberately keep as many workers as possible in the field on election day, working them as long as possible to keep them from going to the polls.

The migrant farmworkers are particularly powerless in elections as they tend to be away at the time of the June "run-off" elections. Most of them will not vote in the very important election August 5, 1969.

This can be a critical percent of the vote, especially for a county like Hidalgo County where approximately 37,500 persons in agricultural migrant families leave this county every year to look for work elsewhere.

The absentee ballot is little consolation. It is rather complicated to attain and most people from the colonias lack the money to have their ballots notarized.

In some counties ballots are not assumed to be secret. A corner of the ballot which is detached from the rest of the ballot bears the same number which is on the ballot and the name of the person voting. In Starr County, for example, many people assume "that the politicians check the ballots and ballot numbers to see how people voted."

Mrs. Pablo Diaz from the colonia of Santa Maria had obtained the 50 signatures of registered voters, the number required to be a poll-watcher, but when she took her place at the poll on election day, an attempt was made to ignore her or to intimidate her to prevent her from carrying out her function. On some occasions, we have reported cases to Washington. We have "gone through channels" and nothing has happened. Usually, Texas Precincts are under Party control. Texas is a one-party state.

In Hidalgo County, the County Commissioner for the western section of the county suddenly changed the location of the polling place in an attempt to intimidate voters' opposition in the La Joya precinct where about 95% of the voters are Mexican-American, many in opposition to the incumbent County Commissioner.

Usually voters go to the centrally-located Ag Building of the La Joya Public Schools to cast their ballots. The County Commissioner changed it to a packing shed down a distant dirt road with "keep out" signs where the owners are known to curse and mistreat their Mexican-American employees.

Leo J. Leo, the Mexican-American mayor of La Joya, says, "They (the establishment) were forcing us to go to a place (to vote) where we didn't want to go to humiliate and intimidate us." The presence of many law enforcement officers, including Texas Rangers, increased the intimidation and humiliation.

Leo J. Leo stated that the presiding judge for that election was an Anglo; in their precinct about 70 or 80 persons are Anglo whereas about 1,900 are Mexican-American.

He continues, "Just at the time when we are making progress, (the establishment) to do something to force us to do something which we don't want to do just to humiliate us. Why couldn't we, the people of this precinct, vote where we wanted to vote? Why did someone from outside the precinct have to force us to vote where we didn't want to? Isn't it that they just want to show us that

they are in control, that they can push us around, that they are the "papacitos"?

"What's to keep them from doing it again and again, as long as they are in power? Many of our voters don't have transportation. What's to keep them from changing the polling place from a centrally located, easily accessible spot to some place down in the boon docks? Do you have any solution, any cure?"

Mr. Leo states that the establishment opposes him because of his identification with the poor and the United Farm Workers Organizing Committee.

#### GOVERNMENT PROGRAMS

Government programs, conscientiously designed in agency offices, fail to reach the people at the grass roots, the people for whom they were intended.

Although many programs are supposed to meet the needs of the poor people at the "grass roots level," they have a tendency to help the middle-income group more.

A recent article in the Texas Law Review discusses the housing problem in detail, and is attached hereto as exhibit E.

For example, the Farmers Home Administration has loans for "low income families", but again and again, especially in Cameron County, Texas, the Farmers Home Administration disqualifies loans to poor families because they do not own enough property or because their income is not "high enough," even though the family may have a long and excellent history for repayment of loans for furniture or other items.

Programs of the Office of Economic Opportunity in the Lower Rio Grande valley are centered in the cities and almost completely neglect the "colonias" in the rural areas where one finds the worst poverty problems.

They, also, like other agencies, respond mostly to the more aggressive families, once again by-passing the poorest of the poor.

Although the O.E.O. Community Action Agencies talk about self-determination and participation on the part of the poor, whenever someone really tries to put it into practice, he's very likely to be fired.

As director of a Day Care Center in Edinburg, Texas, my wife, Tina, who is Mexican-American, was able to enroll children from very low income families. She also had the most active group of parents who gave much volunteer time and were encouraged to share in making decisions. In March of 1968 she was dismissed partly because of the increased participation of the poor, partly because I was actively involved in organizing the poor, and partly because in "off-hours" and in another city she showed sympathy for the United Farm Workers Organizing Committee.

Government programs seem to be so unresponsive to the tragedy of the situation. The people who really need the help are not getting it. The Farmers Home Administration of the Department of Agriculture, in Cameron County has failed to act on several applications for loans for low income families made about one year ago.

The FHA turns some people away because they do not have enough income (although the people have an excellent history for repayment of debts) or because they do not own enough property. Those who already "have" can "get." In one case a man whose roof was ruined by hail could not get a loan from the Cameron County FHA to repair the roof.

The same Department of Agriculture, through the Agricultural Stabilization and Conservation Service made 466 payments totaling \$7,730,000, in 1967, to keep land idle. However, idle workers, made idle by taking land out of production and by the general surplus of laborers could not receive any kind of a check. Porter and Wentz Farms received an A.S.C.S. payment of \$143,000. In neighboring Hidalgo County and A.S.C.S. payments totalled \$8,720,980. Krenmueller Farms received \$127,000. Shary Farms, Inc., received \$125,000.

In Willacy County, the population is rather sparse. The median family income for Spanish-surname families (1960 census) was \$1,973. Last year the A.S.C.S. made 226 payments totalling \$3,198,000. Sebastian Cotton and Grain in Willacy County received a A.S.C.S. payment of \$149,000.

In neighboring Starr County Charles Roos III received an A.S.C.S. payment of \$101; Starr Produce received \$68,000; and La Casita Farm received \$54,000. The median family income for Spanish-surname families in Starr County was \$1,595 according to the 1960 census report.

And yet another federal office the O.E.O. has refused to fund Colonias del Valle which would have developed the talents of people in the colonias and would have meant money for poor families.

#### *Welfare in Texas*

Texas' public assistance grants are among the lowest in the nation. Part of the reason for the present welfare crisis, which has caused Aid to Families with Dependent Children checks to be cut twice in the past year, is that Texas is the only state where a constitutional amendment establishes a "welfare ceiling" on state funds available for public assistance payments. An amendment submitted in November, 1968 failed by over 300,000 votes. A major reason for the failure seems to be the frontier "bootstrap" attitude which still persists. Poverty is believed to be caused solely by indolence and lack of moral fibre. In reality, more than 80% of the public assistance money goes to OAA, Old Age Assistance. The rest is divided among Aid to the Blind, Aid to the Permanently- and Totally-Disabled and Aid to Needy, dependent Children and their caretakers.

On July 1 of this year, a federal court in Dallas ruled that cutting welfare checks violates a section (402A23) of the Social Security Act, which requires that welfare grants reflect changes in the cost of living. Before the cuts were made, Texas ranked 46th in the nation for A.F.D.C. payments. The State Department of Public Welfare has until September 1 to enact another welfare plan or lose federal welfare funds. (If the amendment to be presented to the voters August 5 passes, sufficient funds will be available). The court did not specifically declare the ceiling unconstitutional but implied that the present plan which includes the ceiling was not proper.

Texas' eligibility requirements, especially with the present shortage of funds, are strict. To qualify for Aid to the Permanently and Totally Disabled, the applicant must be mentally ill, bedfast, or chairfast.

As Texas has the largest number of poor of any state, the only solution to its welfare crisis, given voter opposition to welfare "handouts" and the shortage of funds, is probably that suggested by Governor Hearnes of Missouri—a uniform national system of welfare payments with uniform requirements and regulations, with funds distributed to the states according to the numbers of poor and the state's cost of living index.

On this same subject, I would like to introduce into the record, an article from the most recent issue of the *The New Republic*.

#### *TB in the Rio Grande Valley*

In 1967 a 13-county area of South Texas (Willacy, Cameron, and the "river counties" up to Val Verde County) had a new TB case rate  $3\frac{1}{2}$  times that of the U.S. as a whole. (South Texas had 80 new cases per 100,000 population compared to 23 for the U.S.) The South Texas rate was over  $2\frac{1}{2}$  times that of Texas as a whole. The death rate from TB was also higher in S. Texas than in the entire state or U.S.

(Source: TB Program, National Communicable Disease Center, PHS; National Center for Health Statistics, PHS)

The last case of smallpox in Texas was in Hidalgo County (*Texas Health Bulletin*, August, 1968). Hidalgo County has sometimes been the only county in the nation with cases of polio.

The poor are often turned away from hospitals for lack of a \$50 (or more) deposit.

#### HEALTH AND MALNUTRITION

Malnutrition is a chronic problem in the South Texas area. Many families simply lack the money required for adequate food for the family. The amount of money which would normally be budgeted for food for a family on AFDC in Texas is about 8 cents per person per meal. Long periods of unemployment and underemployment force farm workers to live on even less than that. Vast areas of the Lower Rio Grande Valley had almost no farm work for a period of almost six months following Hurricane Beluah. At that time many people literally faced starvation. It was at that time that the organization, Colonias del Valle, came into existence and effectively organized colonials to face the food emergency.

Deaths in the area are frequently caused when malnutrition is a factor complicating another disease. Hidalgo County is sometimes the only place in the nation with cases of polio. There is constantly a high rate of tuberculosis, upper respiratory infections, skin infections, and other diseases caused by, or aggravated by, malnutrition, overcrowding and lack of sanitation.

## PESTICIDES

One indication of callousness or/and carelessness about human health and life in the South Texas situation can be seen in the use of pesticides. On June 13, 1968, 22 workers entered a field with a heavy dew. The field had been sprayed with parathion the evening before. The same twenty-two persons reported to a Harlingen, Texas, hospital that same day because of parathion poisoning. Thirteen were hospitalized. Two "were in critical condition for awhile," according to the Texas Health Bulletin of August, 1968, (p. 5). According to a poverty program worker, the same thirteen persons, shortly after leaving the hospital, were asked to sign papers which would take care of their hospital bill and give them one week's pay. An agent for the insurance company thereby obtained a release from them.

## BIASED LAW ENFORCEMENT

Law enforcement officers have played a very biased, partisan role in the South Texas struggles of the United Farm Workers for dignity, a just wage, and an end to conditions of slavery and peonage. Much of this is documented in the Report prepared for the Civil Rights Commission which I have attached for the record as Exhibit F.

One deputy in Starr County counseled me, "If you really want to help these people (the strikers of UFWOC), you'd tell them to go back to work."

Ranger Captain A. Y. Allee warned me on another occasion that if the melon crop was not harvested it would have a disastrous effect on the entire economy and all the population would suffer.

Again and again, during the strike dozens of arrests were made on trivial or false charges (sometimes thought up long after the arrest), in an attempt to intimidate and demoralize the strikers and break up the union movement. Charges have ranged from unlawful assembly, to abusive language, to secondary boycott, to disturbing the peace.

Partisan law enforcement is illustrated by the fact that whenever the United Farm Workers Organizing Committee scored a notable success the Texas Rangers would find a way to retaliate, attempting to intimidate the farm workers. Several items serve to illustrate this pattern.

On May 10, 1967, the United Farm Workers Organizing Committee with the help of the C.T.M. (*Confederacion de Trabajadores Mexicanos*, Confederation of Mexican Workers of Mexico), successfully closed the border to green-card commuters at Roma, Texas. That same morning a farm worker was arrested for failing to have a driver's license and Texas Ranger Jack Van Cleve pushed several of the farm workers.

On May 17, 1967, a large number of workers refused to enter the fields or walked out of the fields. On May 18, 1967, thirteen farm workers were arrested by the Texas Rangers.

On May 25, and 26, 1967, the State Advisory Committee to the U.S. Commission on Civil Rights held hearings in Rio Grande City. The farm workers talked about the many abuses. The Texas Rangers refused to testify. The evening of May 26, only a few hours after the adjournment of the State Advisory Committee, the Texas Rangers arrested 16 persons.

On June 1, 1967, State Senator Joe Bernal investigated the strike situation in the Lower Rio Grande Valley. Some of the time was spent questioning Ranger Captain A. Y. Allee. That same day several farm workers were arrested. Two were severely beaten. One suffered multiple bruises and a cut on his head from Captain Allee's shotgun, a cut which required several stitches.

## PRIVATE AGENCIES SUCCUMB TO PRESSURES

Private agencies and groups may likewise capitulate to pressures from groups which resist change. In January of this year, I received my notice of dismissal from the Texas Council of Churches. See the articles in Exhibit G, attached hereto. Anglo, power structure churches in South Texas effectively applied financial and other pressure on the T.C.C., protesting my involvement with organizations of the poor. Although my major job description was to work with farm workers and communities of the poor, the T.C.C. administration later wanted to work through "the county courthouse, the city hall, and other manifestations of the so-called establishment." My major emphasis . . . to try to change the old paternalistic systems by getting poor people in the colonias to work together to help themselves. Some people in the Anglo churches who enjoyed illicit power

and privileges felt threatened as people in the colonias began to speak for themselves, to solve their own problems, to defend the rights of their families, to participate in the decision-making processes of the larger community.

Typical of the pressure and resistance to change is Scott Toothaker, McAllen Attorney, who in a letter to the "lay members of the Annual Conference of the Methodist Church in the McAllen District" calls the farmworkers "lawless ruffians" and "agitators" and criticizes the Texas Council of Churches for "ministering to" and "closely cooperating with" this group.

Another reason was that my wife and I did not desire to sign a compromise agreement exonerating the Texas Rangers and discontinuing our lawsuit against them in regard to our illegal arrest in Mission, Texas, where we had gone to observe a demonstration by the United Farm Workers Organizing Committee on May 26, 1967.

It appears that I was "too militant" in expressing a belief in self-determination and self-help, a belief that all segments of society should participate in the democratic processes, a belief in unbiased law enforcement, a belief that the country should know the facts about South Texas.

Senators, we need your help. The poor and the farmworkers of America will not wait forever. The youth are more and more impatient. For generations the farmworker has been "the low man on the totem pole." Today the unskilled industrial worker in Texas is paid two and one half times more than the average farmworker. Time and time again both private and government agencies beat back efforts for community organization and self determination. When will such injustices be ended? The poverty of South Texas is overwhelming; more than 50% of the families in Hidalgo County receive incomes below the poverty line. Time is running out. The situation is becoming more and more explosive. The youth will not wait another generation. See, for example, the attached articles that tell of the Edcouch-Elsa High School student activities. (Exhibit H.). It is increasingly difficult for Anglo-Americans to have a part in the Mexican-American struggle for justice and self-identity. Tensions are high. Time is short. A crisis is looming. This may be our last chance.

Equal protection under the law (Texas Rangers should not act like strike-breakers), protection of right to organize to help themselves, restrictions of unfair competition with workers from across the border, more government programs directly controlled by the poor and for their benefit; all these are ways to change the attitudes and allow people to help themselves.

In the midst of the South Texas situation of need, exploitation and suffering, there are signs of hope. One sign of hope is seen in the emergence of a valley wide incorporated group known as Colinas del Valle, Inc., which is made up of representatives of organized colonias in a four-county area of the Lower Rio Grande Valley (Cameron, Hidalgo, Starr, and Willacy Counties), and which embraces about 2,000 families in this area. At least 90% of the families in the colonias fall below the "poverty line."

The staff of the Texas Council of Churches, emphasizing the ideals of self-determination and community development, made a few beginnings in the organization of colonias in the spring of 1967, but the main work of colonia organization began following Hurricane Beulah in September, 1967.

Following the hurricane the unemployment rate in many of the colonias (especially the unincorporated rural communities made up almost entirely of farm workers) was almost 100% for a period of four to six months. Because of this crisis a series of many dozens of open, problem-solving community meetings were held in the Lower Rio Grande Valley area. Most of the meetings were held in the colonias where the needs have been most severe.

Attendance varied from ten to 160 persons. Some meetings were held in unoccupied houses, in open-ended garages, and in houses with dirt floors. Others were held out-of-doors under a variety of conditions—by lantern light, standing around a fire, amid swarms of mosquitoes, or plagued by rain, cold or mud. In spite of many handicaps, the people's interest and willingness to work and cooperate ran high. Usually as a result of several open meetings in each colonia a local colonia organization would be formed with its own independent executive committee. By January 15, 1968, twelve colonias had been organized, and 18 organizations had been formed by February 18.

The leaders from the colonias held three valley-wide open meetings with representatives from agencies to discuss their problems and to begin shaping plans.



In the process of calling people together within the colonia for the purpose of discussing community problems, resources were sought within the colonia and from organizations and agencies which might help. Colonia leaders gave generously of their time in making door-to-door surveys, meeting weekly to plan a program deciding which families needed help with food or medicine, buying shoes for children who were not in school for lack of them, and aiding in the process of distribution of food, medicines, and shoes and clothing.

All work done by colonia leaders was voluntary. No one in the colonias received pay for the hundreds of hours of work involved in their programs. Although thousands of miles of driving were necessary to make the program work, only on a few exceptional occasions did anyone receive money for gas.

This self-help relief program was an answer to massive immediate need, served to build permanent organizations, protected the dignity of the people in the colonias, and called forth of the best qualities of people in the colonias.

Colonia leaders proved their capability. They did such an effective job because they were poignantly aware of the tragic needs, had time to volunteer work, knew their neighbors very well, were willing to share sacrificially, and were willing to learn how to organize themselves.

As the people in the individual colonias met together stronger community ties developed, and the people began to see that they could work together to solve many other problems.

Some of the work done by Colonias del Vallee, Inc., and the individual colonias includes—

- getting better roads for certain colonias,
- acquiring a water system with good drinking water,
- establishing a mobile cooperative store,
- voter registration,
- influencing school boards,
- influencing welfare departments,
- helping individuals obtain Social Security,
- aiding programs in health and education,
- helping over 900 families with food during crisis periods,
- voter registration,
- education on civil rights,
- helping to enforce Wage and Hour laws,
- informing the state and the nation on the depth of the problems in South Texas,

- establishing emergency loan funds within the colonias,
- making referrals to agencies,
- making agencies more attentive to the needs of people in the colonias and barrios.

On January 10, 1969, the following officers were elected: President, Raynaldo De La Cruz from Santa Cruz; Vice-president, Pablo Diaz from Santa Maria; Secretary, (Mrs.) Catarina Cano from Relampago; Assistant-Secretary, Pedro Guzman from Colonia Evans; Treasurer, Lucas Ruiz from Madero; Assistant-treasurer, Hipolita Pequeno from Colonia Nueva; Member-at-large, Davil Mercado from Colonia Hidalgo Park.

Colonias del Valle, Inc., a valley-wide organization now includes 27 self-determining organizations embracing over 2,000 families. Its program has relied primarily on the work of hundreds of volunteers and developing leaders within the colonias. Its self-propagating spirit has led to the continuous development of new organizations in other colonias.

Although the major emphasis has been on rural poverty, Colonias del Valle has also developed organizations in some of the urban areas.

Throughout this whole process communities which have been largely powerless are "coming alive" with now-found strength and hope; democratic processes are being developed and leadership is being developed where it is most needed.

The address of the organization is: Colonias del Valle, Inc., P. O. Box 907, San Juan, Texas 78589, Telephone: ST 7-9362.

#### *The Coalition of Indigenous Groups*

Another hopeful sign has been the development of a spirit of cooperation among several groups concerned with bringing constructive changes to this area. Some of these groups are:

*Colonias Del Valle, Inc.*—a federation of 23 local organizations of needy rural areas embracing approximately 2,000 families in three counties.

*P.A.S.O.*—Political Association of Spanish Speaking Organizations.

*U.M.W.O.*—The United Mothers' Welfare Organization. Mothers on welfare working together for mutual protection and for improving the life and conditions for their families.

*M.A.Y.O.*—Mexican American Youth Organization with a number of chapters in this area.

*H.P.D.C.A.*—an indigenous group of parents who have incorporated their group with the intention of setting up self-help day care centers in Hidalgo County.

*U.F.W.O.C.*—United Farm Workers Organizing Committee with membership in South Texas.

Community groups organized by VISTAS and VIDA workers in Cameron County (VISTAS—Cameron and Hidalgo Counties).

Community groups organized by Starr County Improvement Committee.

Community groups organized in Willacy and Hidalgo Counties by Mexican American Service Teams.

*F.L.O.C.*—Farm Labor Organizing Committee—about 500 members with home base in South Texas.

*O.U.*—members of Obreros Unidos (farm workers) with membership in South Texas residences.

Volunteers from Brethren Volunteer Service.

The humanity, the dignity and the value of farm workers must be affirmed by National legislation. There must be safeguards to protect the farm worker from callous, arrogant and powerful interests.

The following are some suggestions in regard to legislation :

1. Restrict, limit and control the chaotic situation with green-card commuters (supposedly "resident aliens"); periodic re-certification of "resident alien" status; and improved definition of the location of residence.

2. Application of a minimum wage of \$1.60 per hour to all farm workers.

3. A cutting-off of Agricultural Stabilization and Conservation Service payments to all growers who pay farm workers less than the minimum wage.

4. Making A.S.C.S. payments only to those growers whose work force has less than 10% "resident aliens", and to growers who maintain minimum living and working conditions for farm workers.

5. Extension of unemployment compensation to farm workers and the enactment of the guaranteed annual income.

6. Requirement of giving a written receipt for Social Security deductions.

7. The right to organize on both community and union level must be guaranteed and protected by laws that are enforced.

8. Since growers are paid for making land idle, farm workers that are made idle by the A.S.C.S. program or made idle by an over-supply of labor should also be paid during those idle periods.

9. Increased appropriations for rural legal aid programs. (A South Texas program must be immediately funded.)

10. More funds for health programs and emergency food programs in the Lower Rio Grande Valley with active participation of the poor in the decision-making processes.

11. Encourage industry to locate in depressed areas.

12. Increase the funds for rural housing programs for the poor.

## EXHIBIT A

## U.S. COMMISSION ON CIVIL RIGHTS

## STAFF REPORT

DEMOGRAPHIC, ECONOMIC AND SOCIAL CHARACTERISTICS OF THE  
SPANISH-SURNAME POPULATION OF FIVE SOUTHWESTERN STATES 1/

According to the U.S. Census of Population, in 1960 the Spanish-surname 2/ population in the five States<sup>2</sup> of the Southwest was nearly 3.5 million, or approximately 12 percent of the total inhabitants of the area. In the period 1950 to 1960, the Spanish-surname population in the five States increased by more than 50 percent. Part of this increase was attributable to a more adequate identification of persons of Spanish-surname but it was mostly the result of a high birth rate and continuing flow of immigrants from Mexico. 3/ In 1960 Texas and California each had approximately 1.4 million persons of Spanish-surname. The Spanish-surname population in 1960 accounted for nearly 30 percent of New Mexico's population, just under 15 percent of that of Texas and Arizona respectively, and 9 percent of California's and Colorado's total population respectively.

Between 1950 and 1960 the most important change in growth and distribution of the Spanish-surname population among the five Southwestern States was the great increase in their numbers in California.

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1/ Arizona, California, Colorado, New Mexico, and Texas.

2/ The designation of Spanish-surname as used here is found in the Special Census Reports on Spanish-surnames in the 1950 and 1960 censuses. Statistical data, on which this paper is based, were obtained from these census reports.

3/ U. S. Department of Agriculture, Economic Research Service, Agricultural Economic Report No. 112, "Low Income Families in the Spanish-Surname Population of the Southwest," Washington, D. C., April 1967, p. 3.

Distribution of Spanish-surname Population, among the Five  
Southwestern States, 1950 and 1960.

<u>State</u>	<u>1950</u>		<u>1960</u>	
	<u>Number</u>	<u>Percent</u>	<u>Number</u>	<u>Percent</u>
California	780,000	33.2	1,427,000	41.2
Texas	1,034,000	45.0	1,418,000	40.9
New Mexico	249,000	10.9	269,000	7.8
Arizona	128,000	5.6	194,000	5.6
Colorado	118,000	<u>5.2</u>	157,000	<u>4.5</u>
TOTAL		99.9		99.9

Population shifts of Spanish-surname during the period between censuses were clearly from rural to urban communities and, within the rural population, generally from farm to nonfarm areas. In 1950 about 66 percent of all Spanish-surnames lived in urban centers; <sup>4/</sup> by 1960 they accounted for 79 percent of the population living in urban areas. In California the change was from 76 percent in 1950 to 85 percent in 1960.

About 85 percent of the persons of Spanish-surname in the five Southwestern States were born in the United States; more than half were native born of native parents, i.e., at least second generation American citizens. The proportion of persons of Spanish surname who were native born ranged from a low of 80 percent in California to 97 percent in Colorado. <sup>5/</sup>

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<sup>4/</sup> The 1960 Census defined an urban place as one that contained 2,500 or more persons.

<sup>5/</sup> "Low Income Families Among the Spanish-surname Population of the Southwest" loc cit.

TABLE 1. Spanish-surname Population Five Southwestern States  
as Percent of Total Population, 1960.

<u>State</u>	<u>Total State Population</u>	<u>Spanish-surname Population</u>	<u>Percent Spanish-surname</u>
California	15,717,204	1,426,358	9.1
Texas	9,579,677	1,417,810	14.8
New Mexico	951,023	269,122	28.3
Arizona	1,302,161	194,356	14.9
Colorado	1,753,947	157,173	9.0

Source: U.S. Census of Population 1960. Persons of Spanish-surname PC(2) 1B.

The median age of the Spanish-surname population of the Southwest in 1960 was slightly over 19 years, compared with more than 28 years for the total white 6/population in the five States. Median age varied greatly by State. In Texas the median age for the Spanish-surname population was a very low 18 years compared with 27 years for whites. In California it was 22 years contrasted with 30 years. 7/

Males outnumber females in the total Spanish-surname population of the Southwest; whereas in the United States as a whole women now outnumber men. According to the 1960 Census of Population, there were approximately 103 males for every 100 females among the Spanish-surname group in the Southwest. The ratio was much higher among the farm population--about 138 males for every 100 females. Figures for 1960 also show that Spanish-surname women living in rural areas who are nearing the end of their childbearing years have borne, on the average, two more children per woman than other rural white women. The fertility rate among Spanish surname rural people during the 1950s was sufficient to double that population in each generation. In contrast the fertility rate among rural Anglos produced a potential population growth of about 26 percent in a generation. 8/

#### Income

The average income level of the Spanish-surname population in 1959 was higher than that of nonwhites in the five Southwestern States. Particularly in New Mexico and Arizona, where there are large concentrations of Indians, median nonwhite incomes were considerably below those of persons of Spanish-surname. Nevertheless, average incomes for Spanish-surname fell appreciably below that of the total white population and this pattern was general throughout the Southwest.

More than one-half (52 percent) of the rural Spanish-surname families of the Southwest and not quite a third (31 percent) of those families living in urban areas had less than \$3,000 incomes in 1959, the level of income generally associated with poverty conditions. Texas has the greatest incidence of low-income Spanish-surname families: 69 percent among the rural families and 47 percent among the urban families. The smallest number of families with incomes below the poverty level occurred in California where only 17 percent of the urban and 30 percent of the rural families were in this low-income category (Table 2). 9/

6/ Total white population includes persons of Spanish-surname as well as other whites.

7/ Barrett Donald A. "Demographic Characteristics," in La Raza: Forgotten Americans ed. by Julian Samora, University of Notre Dame Press, 1966.

8/ "Low Income Families Among the Spanish-Surname Population in the Southwest." op. cit. pp. 8-10.

9/ Ibid pp. 10-11.

Table 2.--Family income in 1959: Spanish-surname heads of urban and rural households of Five Southwestern States, 1960

1959 Family income	Families in --										
	Total	Arizona	California	Colorado	New Mexico	Texas	Thou.	Pct.	Thou.	Pct.	Thou.
Urban families 1/-----	567	29	100.0	267	100.0	22	100.0	32	100.0	217	100.0
Total with income:											
Under \$3,000-----	175	8	28.5	47	17.5	6	28.3	11	33.1	103	47.3
Under \$1,000-----	43	2	6.9	11	4.2	1	5.0	3	7.8	26	12.0
\$1,000 - \$2,999	132	6	21.6	36	13.3	5	23.3	8	25.3	77	35.3
\$3,000 and over----	393	21	71.5	220	82.5	16	71.7	22	66.9	114	52.7
Rural families 1/-----	131	8	100.0	38	100.0	10	100.0	22	100.0	54	100.0
Total with income:											
Under \$3,000-----	68	3	39.3	11	30.2	5	50.4	12	53.8	37	69.2
Under \$1,000-----	18	1	8.0	2	6.8	1	9.4	4	16.4	11	20.3
\$1,000 - \$2,999	50	2	31.3	9	23.4	4	41.0	8	37.4	26	48.9
\$3,000 and over	63	5	60.7	26	69.8	5	49.6	10	46.2	16	30.8

1/ Totals may not add due to rounding.

Source: U. S. Bureau of the Census, 1960. Census of Population, Persons of Spanish-Surname, PC(2)1b.

Educational Attainment

On the average the educational achievement of persons of Spanish-surname lags behind other ethnic groups, despite overall improvements between 1950 and 1960. In Texas the Spanish-surname population in 1950 had about 3.6 years of schooling compared to 9.7 years for total whites; by 1960 the comparison was a little better for the Spanish-surname population but attainment was still disproportionately low (6.1 years for persons of Spanish-surname contrasted with 10.8 years for total white). In Arizona persons of Spanish-surname had attained a median education of less than 8 years of schooling, whereas all whites had attained a median of almost 12 years. 10/

The early educational mortality of the Spanish-surname population in the Southwest is one of the highest of any group in the Nation. This is particularly true for the rural population. At all ages considered, dropout rates for persons of Spanish-surname in the rural population were generally much higher for the Spanish-surname population than for the total United States population. In urban as well as rural areas in Texas, the percentage of persons of Spanish-surname in the 16-and 17-year old group not in school was almost twice as high as for all persons in the comparable age group throughout the United States. 11/

10/ Barrett, op. cit., p. 179-180.

11/ "Low Income Families Among the Spanish-Surname Population of the Southwest," op. cit. p. 22.



TABLE 3. MEDIAN SCHOOL YEARS COMPLETED BY SPANISH-SURNAME  
TOTAL WHITE AND NONWHITE POPULATIONS 1950 AND 1960

	<u>Spanish-surname</u>		<u>Total White</u>		<u>Nonwhite</u>	
	<u>1950</u>	<u>1960</u>	<u>1950</u>	<u>1960</u>	<u>1950</u>	<u>1960</u>
California	7.6	9.0	11.8	12.1	8.0	10.5
Texas	3.6	6.1	9.7	10.8	7.0	8.1
New Mexico	7.4	8.4	9.5	11.5	5.8	7.1
Arizona	6.1	7.9	10.6	11.7	5.5	7.0
Colorado	6.4	8.6	10.9	12.1	9.6	11.2

SOURCE: U.S. Census of Population 1960. Persons of Spanish-Surname, PC(2) 1B  
U. S. Census of Population 1960 U.S. Summary, PC(1) 1D, and PC (1) 4C, 6C,  
&C, 33C, and 45C.

UNITED STATES COMMISSION ON CIVIL RIGHTS

STAFF REPORT

THE MEXICAN AMERICAN POPULATION OF TEXAS

## THE MEXICAN AMERICAN POPULATION OF TEXAS

This paper presents a description of the socio-economic status of Mexican Americans in the State of Texas. 1/ Particular problem areas are highlighted, including the low level of educational attainment, low occupational status, high rate of unemployment and underemployment and lack of adequate housing. The data were compiled from Federal, State, and local government sources as well as universities and other private sources. 2/

Demographic Characteristics

The 1960 Census reported 1,417,810 persons with Spanish surnames residing in the State of Texas. 3/ They accounted for 41 percent of the Spanish-surname population residing in the Southwestern United States and for one of every seven Texans (about 15 percent of the State's total population of 9,579,677).

1/ The term "Mexican American" is used to describe the Spanish-surnamed population of the Southwestern United States. Members of the groups are also known as "Chicanos," "Mejicanos," Spanish Americans, Spanish-speaking, Hispanos, and Latin Americans. Mexican American is used here because it is roughly descriptive, since most Americans of Spanish-surname in the Southwest are of Mexican descent or birth and because it differentiates between them and other Spanish-surname populations such as Puerto Ricans or Cubans.

2/ Unfortunately, there is a dearth of post-1960 census data about Mexican Americans specifically or Spanish surname populations in general. No up-to-date estimates of the number of persons with Spanish surnames were found in either Washington or Texas. This lack severely handicaps the interpretation of the more recent data, such as those in migratory labor and employment.

3/ According to an OEO estimate, this population had increased to at least 1,600,000 in 1966.

Nonwhites, nearly all of whom were Negroes, accounted for nearly 13 percent of the State's population. The remainder, 72 percent, were Anglos. 4/ In the period from 1950 to 1960, the Mexican American population of Texas grew by 37 percent compared to a growth rate of 22 percent for both the Anglos and nonwhite sectors of the population. If the 1950-1960 growth rate for all three groups were to remain unchanged until 1980, the Spanish-surname population would rise to approximately 18 percent of the State total.

Although there were Mexican Americans in nearly all of the 254 counties of Texas, 70 percent of them were concentrated in the Southern and western part of the State (See Figure 1). In 17 of the counties all located on or within a short distance of the Mexican border, Mexican Americans accounted for more than 50 percent of the population. 5/

The Mexican American population is primarily urban. In 1960, nearly 80 percent resided in urban areas, 6/ a higher urban concentration than that of either Anglos or nonwhites (Table 1). About two-thirds of all Mexican Americans lived in towns of 10,000 or more, and 30 percent resided in three major urban areas, San Antonio, El Paso, and Houston. In spite of the high and growing rate of urbanization, many Mexican Americans continued to be oriented toward agriculture, particularly along the Mexican border. A substantial proportion were employed on farms though residing in towns.

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4/ In the Southwest, the word "Anglo" is used to designate white persons other than Spanish surnames whose main language may or may not be English. It is so used here. "Nonwhites" include American Indians, Negroes, and Orientals.

5/ Unless otherwise specified, figures used in this paper are taken from the U.S. Census of Population: 1960.

6/ The U.S. Census definition of urban area is used in this paper. According to that source, any area with a population of 2,500 or more persons is classified as urban.

TABLE 1. RESIDENCE MEXICAN AMERICAN (SPANISH SURNAME),  
ANGLO AND NONWHITE POPULATION, 1950 AND 1960

<u>Residence</u>	<u>1950</u>	<u>1960</u>
<u>Mexican American (Spanish Surname)</u>		
Urban	68.1	78.5
Rural nonfarm	18.8	15.0
Rural farm	13.1	6.5
	<u>100.0</u>	<u>100.0</u>
<u>Anglo</u>		
Urban	61.8	74.3
Rural nonfarm	21.2	17.9
Rural farm	17.0	7.8
	<u>100.0</u>	<u>100.0</u>
<u>Nonwhite</u>		
Urban	62.6	75.1
Rural nonfarm	18.3	19.8
Rural farm	19.1	5.0
	<u>100.0</u>	<u>99.9</u>

Sources:

U.S. Census of Population: 1950. Special Reports, Part 3, Chapter C, Persons of Spanish Surname. Table 2, Page 3C-15.

U.S. Census of Population: 1950. Vol. II, Characteristics of the Population. Part 43, Texas. Table 15, Page 43-64.

U.S. Census of Population: 1960. Subject Reports. Persons of Spanish Surname. Final Report PC(2)-1B, Table 1, Page 2.

U.S. Census of Population: 1960. Vol. I, Characteristics of the Population. Part 45, Texas. Table 37, Page 45-325.

In age distribution, the three ethnic groups in Texas display striking differences. The Spanish surname population was considerably younger than either the Anglo or nonwhite groups (Table 2). Relative to their numbers, Mexican Americans had almost 50 percent more youthful persons among them than Anglos and about 20 percent more than nonwhites. Another yardstick of the relative youth of the Mexican American population is its median age, 18 years in 1960, compared to 27 years for the Anglos and 24 for nonwhites. The primary reason is the higher birth rate of the Mexican American population (Tables 2 and 3).

Both the nonwhite and the Mexican American population had smaller proportions of males in the working age groups, 15-64 years of age, than did the Anglos. <sup>7/</sup> In the age group over 65, there were nearly as many males as females among the Spanish-surname groups, 96.1 males for every 100 females, whereas among nonwhites and Anglos, the rate of males to females was 91.2 and 80.3 percent respectively. There are several possible reasons why there were fewer females over 65 among persons of Spanish surnames than among Anglos and nonwhites. They include the following: First, among older foreign-born Mexican Americans, males account for a larger share of the population since males have traditionally predominated among immigrant groups. Secondly, many foreign-born women return to their families in Mexico upon deaths of their husbands in the United States.

The Mexican American population is divided into three groups depending on where they or their parents were born. They are the natives born of native parents, natives born of foreign or mixed parents, and foreign born. In 1960 more than half were in the native born of native parents group; nearly a third were native born with foreign-born parents; and about a sixth were foreign-born (See Table 4). Between 1950 and 1960, the proportion in the native born of native parents group increased substantially. The other two groups declined correspondingly. In 1960, for the first time, more than half of the Spanish-surname population was born in Texas of native parents. A further proportional increase in native born of native parents is to be expected because of the 1965 amendment to the Immigration and Naturalization Act which sets a ceiling on the number of immigrants which may enter the United States from the Western hemisphere.

<sup>7/</sup> This may, in part, have been because many of the male members of the two minority groups were not counted in the census either because they had no fixed address or for some other reason.

TABLE 2. AGE CHARACTERISTICS OF MAJOR ETHNIC GROUPS, 1960

<u>Ethnic Group</u>	<u>Percent in Age Groups</u>			<u>TOTAL</u>
	<u>0-14</u>	<u>15-64</u>	<u>65 +</u>	
Mexican American	44.4	51.7	3.8	99.9
Anglo	30.1	61.2	8.7	100.0
Nonwhite	37.0	55.7	7.3	100.0

## Sources:

U.S. Census of Population: 1960. Subject Reports, Persons of Spanish Surname. Final Report PC(2)-1B. Table 2, Page 10.

U.S. Census of Population: 1960. Vol. I, Characteristics of the Population. Part 45, Texas. Table 16, Pages 45-67 and 45-68.

TABLE 3. RATIOS OF MALES TO FEMALES IN SELECTED AGE GROUPS OF  
MEXICAN AMERICANS, ANGLOS, AND NONWHITES IN TEXAS: 1960

<u>Ethnic Group</u>	<u>0-14</u>	<u>15-44</u>	<u>45-64</u>	<u>65 and over</u>	<u>TOTAL</u>
Mexican American	102.0	93.9	101.6	96.1	98.4
Anglo	104.1	100.5	96.1	80.3	98.7
Nonwhite	100.3	90.5	93.1	91.2	94.5

Sources: U.S. Census of Population: 1960. Persons of Spanish Surname  
Table 2, Page 10.

U.S. Census of Population: 1960. Vol. I, Characteristics of  
the Population. Part 45, Texas. Table 16, pages 45-63, 45-66,  
and 45-69.



TABLE 4. MEXICAN AMERICAN POPULATION OF TEXAS, BY NATIVITY AND PARENTAGE,  
1950 and 1960

Nativity and Parentage	Population		Percent of Population		Absolute Change 1950-1960	Percent Gain 1950-1960
	1950	1960	1950	1960		
Natives of native parentage	477,910	776,824	46.5	54.8	298,374	62.4
Natives of foreign or mixed parentage	362,625	442,387	35.3	31.2	79,374	22.0
Foreign born	186,920	199,159	18.2	14.0	12,239	6.5
TOTAL	1,027,455	1,417,810	100.0	100.0	390,355	38.0

Sources: U. S. Census of Population: 1950. Special Reports. Part 3, Chapter C, Persons of Spanish Surname. Table 5, Page 3C-22.

U. S. Census of Population: 1960. Subject Reports. Persons of Spanish Surname. Final Report PC(2)-1B. Table 1, Page 2.

In years past, Texas was the preferred goal of Mexican immigrants. Lately, Texas is less frequently sought. The Immigration and Naturalization Service reports that in the period from 1910 to 1914, 77.8 percent of the Mexican immigrants to the United States indicated they desired to move to Texas. By 1920-1924, the proportion had dropped to 67.1 percent. In the 1960 to 1964 period, only 25.1 percent reported Texas as their preferred destination. 8/

### Education

Of the three major ethnic groups in Texas, the Mexican American population has the lowest level of formal educational attainment. In 1960, about 118,000 Texans of Mexican descent had received less than one year of formal schooling; about three-fourths of these lived in urban areas. Nearly 40 percent of the adult Mexican American population in Texas had received only four years of education or less and were, therefore, regarded as functionally illiterate.

A comparison of the median number of years of school completed by various population groups 14 years and older shows a considerably lower level for Mexican Americans than for Anglos, both in 1950 and 1960. In 1950, Mexican Americans completed less than half the years of Anglos: 4.5 years as compared to 10.3 years (Table 5).

By 1960, the difference was smaller, but still more than four years: 6.2 years for Mexican Americans as compared with 10.7 years for Anglos. The school attainment of nonwhites in the period from 1950 to 1960 remained between that of Mexican Americans and Anglos.

The number of Mexican Americans who completed high school increased by more than 80 percent in the 1950's; the number completing college rose by 110 percent. These gains should not obscure the fact that most adult Mexican Americans in the State had not even completed grade school (See Table 6).

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8/ These rates were computed from the annual report of the Immigration and Naturalization Service and its predecessor agents and are reported in the Advance Report No. 2 of the Mexican American Study Project by Leo Grebler entitled "Mexican Immigration to the U.S.: The Record and Its Implications. Mexican American Study Project Advance Report No. 2, 1966, Table 4, Page 28.

TABLE 5. MEDIAN YEARS OF SCHOOL COMPLETED BY ANGLO,  
NONWHITE, AND MEXICAN AMERICAN  
POPULATIONS\* OF TEXAS, 1950 AND 1960

ETHNIC GROUP	MEDIAN YEARS OF SCHOOL COMPLETED	
	1950	1960
Mexican American	4.5	6.2
Nonwhite	7.6	8.7
Anglo	10.3	10.7
All Groups	9.5	10.4

\* Comprised of persons 14 years old and over.

Sources: U. S. Census of Population: 1950. Vol. IV, Special Reports. Part 3, Chapter C, Persons of Spanish Surname. Table 6, Pages 30-39.

U. S. Census of Population: 1950. Vol. II, Characteristics of the Population. Part 43, Texas. Table 20, Pages 43-69; and Table 64, Pages 43-391.

U. S. Census of Population: 1960. Subject Reports. Persons of Spanish Surname. Final Report PC(2)-1B. Table 3, Page 13.

U. S. Census of Population: 1960. Vol. I, Characteristics of the Population. Part 45, Texas. Table 103, Pages 45-716.

TABLE 6. DISTRIBUTION OF PERSONS 25 YEARS OLD AND OVER,  
BY YEARS OF SCHOOL COMPLETED AND BY ETHNIC GROUP,  
FOR TEXAS: 1960

Years of school completed	Mexican American		Nonwhite		Anglo		All Classes	
	Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total
None	128,675	22.9	31,710	5.4	43,660	1.1	204,045	4.1
1 to 8	318,254	56.8	321,996	54.8	1,209,868	31.2	1,850,118	36.8
High School 1 to 4	90,464	16.1	184,881	31.4	1,806,514	46.5	2,081,859	41.4
College 1 to 4	23,366	4.2	49,367	8.4	821,804	21.2	894,537	17.8
Total	560,759	100.0	587,954	100.0	3,881,846	100.0	5,030,559	100.0

Sources: U. S. Census of Population: 1960. Subject Reports. Persons of Spanish Surname. Final Report PC(2)-1p. Table 7, page 82. U. S. Census of Population: 1960. Vol. I, Characteristics of the Population. Part 45, Texas. Table 47, pages 45-330.

The educational accomplishments of Mexican Americans varied according to nativity, residence and sex. Natives who were the children of native born parents received the most schooling, followed closely by native-born of foreign-born parentage; the foreign-born had the least. With the decline of the proportion of foreign-born, the average level is rising and is likely to continue doing so (Table 7).

Generally, urban dwellers are likely to have achieved higher educational levels than persons living in rural areas. In 1960, the educational attainment level among urban male residents born of native parents was 7.6 years; it was 5.7 years among males in rural farm areas. The difference between the school attainment level of males and females is slight (Table 7).

Mexican Americans had a lower percentage of the school-age population enrolled in school than Anglos and Negroes. Among children of elementary and junior high school age, five to fifteen years of age, the rate of enrollment in 1960 was 80.2 percent for Mexican Americans, slightly lower than that of Anglos and nonwhite children, of whom 85.8 percent and 82.8 percent respectively were enrolled. The largest difference in school enrollment among the three ethnic groups was at the senior high school level (16 to 19 years of age). Only 46.2 percent of the Mexican Americans in this age group were in school, compared with 57.6 percent of the nonwhite and 64.3 percent of the Anglo groups of the same age (Table 8).

The children of Mexican American migratory farm workers received the least education. There were in 1967-1968 upward of 65,000 school age children 16 and under who migrated during the school months. Their parents were poorly educated. One-third of all Texas migrant workers had no education at all and only 5 percent had gone beyond the elementary level. The usual situation for these children is to have 3-6 years of schooling. 9/

#### The Governor's Committee

A recent report of the Governor's Committee on Public School Education 10/ sheds additional light on the disparities in education between Mexican Americans in Texas and the dominant Anglo group. The Committee was charged with the development of a long-range plan for an adequate educational system. It reviewed the present system including its shortcomings.

9/ Evaluation of Migrant Education in Texas. Final Report to Texas Education Agency by Southwest Educational Development Laboratory, June 24, 1968.

10/ The Challenge and the Chance. Report of the Governor's Committee on Public Education, Austin, Texas, August 1968.

TABLE 7. MEDIAN YEARS OF SCHOOL COMPLETED BY MEXICAN AMERICANS  
14 YEARS OF AGE AND OVER  
BY BIRTH AND PARENTAGE, SEX, AND RESIDENCE, TEXAS, 1950 AND 1960

	Males		Females	
	Urban	Rural nonfarm	Urban	Rural nonfarm
Natives of native parentage				
1950	5.9	4.3	5.9	4.2
1960	7.6	6.2	7.6	6.3
				Rural farm
Native of foreign or mixed parentage				
1950	6.0	3.9	5.8	3.7
1960	7.1	5.1	6.7	4.9
				3.1
Foreign born				4.6
1950	3.2	1.6	2.9	1.2
1960	3.8	1.5	3.7	1.5
				1.0
				1.8

Sources: U. S. Census of Population: 1950. Special Reports. Part 3, Chapter C, Persons of Spanish Surname. Table 6, Pages 3C-40, 3C-41, and 3C-42.

U. S. Census of Population: 1960. Subject Reports. Persons of Spanish Surname. Final Report PC(2)-1B. Tables 7, Pages 84-89.

TABLE 8. SCHOOL ENROLLMENT, BY ETHNIC GROUPS, PERSONS 5 TO 19 YEARS OF AGE, TEXAS, 1960

Ethnic Group	Age Group	
	5-15	16-19
<u>Mexican American</u>		
Total population	424,308	99,902
Total number enrolled	340,218	46,155
Percent enrolled	80.2	46.2
<u>Anglo</u>		
Total population	1,450,423	415,267
Total number enrolled	1,243,789	267,003
Percent enrolled	85.8	64.3
<u>Nonwhite</u>		
Total population	292,878	73,866
Total number enrolled	242,622	42,568
Percent enrolled	82.8	57.6

## Sources:

U.S. Census of Population: 1960. Vol. I, Characteristics of the Population. Part 45, Texas. Table 16, pages 45-68, and Table 101, pages 45-692, 45-694, and 45-695.

U.S. Census of Population: 1960. Subject Reports. Persons of Spanish Surname. Final Report PC(2)-1B. Table 4, page 25.

The Committee found that the Texas educational system ranks 31st among the 50 states measured by median educational attainment, and 42nd when measured by the percentage of its young people who graduate from high school. Within this framework of poor overall performance Mexican Americans and Negroes constitute a disproportionately high share of those who do not complete high school. Of the State's total population 20 to 49 years of age, 42 percent never completed the 12th grade. The proportion was 79 percent for Mexican Americans, more than twice the Anglo rate of 33 percent and higher than the 60 percent rate for Negroes. Half of the Mexican Americans who did not finish high school had not even completed the elementary grades (Table 9).

According to the Governor's Committee report, teacher shortages as expressed by the number of "non-degree, emergency-permit teachers" affected schools with high Mexican American enrollment more than other districts. In some heavily Mexican American districts more than half of the teachers were not fully qualified for their jobs. The salary schedules in these districts were often low (See Table 10).

The Committee found dropout rates higher among Mexican Americans than among Anglos and Negroes and Mexican Americans drop out earlier than the other groups (Table 11).

Even among those Texas young people who complete high school, there is a high proportion who do not have the educational equivalent of a high school education, according to the Governor's Committee. Twenty percent of the Texas high school seniors had less than the equivalent of a ninth grade education. A higher proportion of Mexican Americans than Anglos were among those who finished high school but whose education had remained deficient.

#### Occupations

A large proportion of the Mexican American population are in occupations of low economic status. Both in 1950 and 1960 Anglos



TABLE 9  
1960 TEXAS POPULATION AGE 20-49 NOT GRADUATES OF HIGH SCHOOL

	Less Than 5th Grade		5th-7th Grade		8th Grade		9th-11th Grade		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Mexican American Men	30,644	12.9	60,512	25.5	54,952	23.2	39,308	16.6	185,416	78.2
Mexican American Women	35,255	14.0	64,118	25.4	62,271	24.7	39,184	15.6	200,828	79.7
Anglo Men	6,024	0.4	36,981	2.7	132,021	9.5	300,471	21.7	475,497	34.3
Anglo Women	4,212	0.3	22,417	1.6	108,267	7.8	307,537	22.2	442,433	31.9
Negro Men	5,179	2.5	24,101	11.4	44,956	21.4	58,129	27.6	132,365	62.9
Negro Women	3,605	1.5	15,813	6.7	43,179	18.4	71,465	30.5	134,062	57.3
TOTAL	84,919	2.3	223,942	6.1	445,646	12.0	816,094	22.0	1,570,601	42.4

Source: "The Challenge and the Chance." Report of the Governor's Committee on Public School Education, computed by the Committee Staff 1960 Census in Population of Texas, Page 16.

TABLE 10

## TEACHER SHORTAGES BY POPULATION CHARACTERISTICS, SELECTED SCHOOL DISTRICTS, TEXAS

1964-65 to 1966-67

District	Non-Degree Permits	Total Permits	Percent Non-Degree	Percent Spanish Surname	1966-67 Salary Base
Edgewood	591	1024	57%	76%	\$4104*
Rio Grande City	53	113	55	88	4104
Brownsville	124	297	44	73	4384
Laredo	85	204	41	82	4204
Pharr-San Juan Aleme	57	140	41	70	4450
Harlingen	56	153	37	29	4449
Harlandale	76	302	25	40	4504
Yoleta	190	1048	18	36	5000
San Antonio	135	995	14	45	4900

\*State schedule

1/ Three of the districts, Edgewood, Harlandale, and San Antonio are in the San Antonio Metropolitan Area; the others are in the Rio Grande Valley.

Source: "The Challenge and the Chance," Report of the Governor's Committee on Public School Education, Page 46.

TABLE 11  
 TEXAS DROPOUT RATES BY ETHNIC GROUP, GRADES 7-12

Dropout Rates Compared with Enrollments				Dropout Rates by Grade Level					
Anglo	Latin	Negro	Total	Grade	Anglo	Latin	Negro	Total	Cumulative
19%	34%	27%	23%	7	4.8%	17.6%	7.2%	9.3%	9.5%
				8	7.0	17.1	8.9	10.6	19.9
				9	15.0	22.5	19.2	18.1	38.0
				10	28.5	23.2	26.7	26.4	64.4
				11	27.4	13.7	23.6	22.3	36.7
				12	17.4	5.9	14.4	13.1	99.3
				Total	100.1	100.0	100.0	99.8	

Source: "The Challenge and the Chance," Report of the Governor's Committee on Public School Education, Page 38.

were more likely to be engaged in high prestige and better-paid occupations than were Mexican Americans and nonwhite persons. Members of the two minority groups were concentrated at the lower end of the occupational scale. For example, in 1960, 32 percent of the males in the Mexican American and nonwhite labor force were laborers compared to 6 percent of male Anglos. On the other hand, 24 percent of Mexican Americans and 13 percent of nonwhite employed males were in professional, technical, managerial or craft occupations compared to 45 percent of the Anglos (Table 12).

In 1960, about one-fourth of all Mexican American females 14 and over were employed. A higher ratio of Mexican American women than of men were in professional, managerial or clerical and sales occupations, but the proportion, about a third, was about half that among employed Anglo women of whom two-thirds were engaged in white-collar pursuits. More than 45 percent of the Anglo working women and 25 percent of the Mexican American working women were employed in the clerical and sales field. In contrast, only 3.5 percent of nonwhite women obtained this type of employment in Texas. Thus, it would appear that employers are more likely to accept Mexican American women in clerical and sales positions than nonwhite women.

The pattern of occupations changed significantly among Mexican American males during the decade of the 1950's, as it did for all ethnic groups, away from the farmer and farm labor categories into other occupations. The increase in the number of Mexican American males entering professional and technical occupations during the decade was 132 percent, higher than for male Anglos (56 percent) and nonwhites (20 percent). However, this movement still left the proportion of Mexican Americans employed in this category at 3.1 percent, far below the 11.5 percent among Anglos (Table 12).

Employment data for the spring of 1966 are available for nearly 75,000 employees in five major industries located in six Texas metropolitan areas (Table 13). Each of the areas had a large Mexican American population, accounting for 37 percent of the total population in San Antonio and for 80 percent in Laredo. Only in Houston was the Mexican American proportion low (6 percent). In four of the five industry groups Anglos predominated. The exception was the apparel and other textile industry where Mexican Americans made up 81 percent of the work force. The oil and gas extraction industry was an almost exclusively Anglo domain; no less than 96 percent of the employees were Anglos. In banking, they constituted better than 80 percent (Table 13 and 14).

Wherever Mexican Americans were employed, their job status was generally higher than that of Negroes, but decidedly lower than that of the Anglos. Most Mexican Americans held blue-collar jobs whereas Anglos were, by and large, white-collar workers. In the apparel industry where Mexican Americans constituted more than 80 percent of the work

TABLE 12. PERCENT OF EMPLOYED IN MAJOR OCCUPATIONAL CATEGORIES,  
BY ETHNIC GROUPS AND SEX, TEXAS, 1950 and 1960.

OCCUPATIONAL CATEGORY	ANGLO			MEXICAN AMERICAN			NEGRO		
	1950	1960	1960	1950	1960	1960	1950	1960	1960
SALES	100.0	100.0	100.1	100.0	100.1	100.0	100.0	100.0	100.0
Professional and Technical	8.2	11.5	1.7	3.1	2.7	3.2			
Farmers	13.1	7.1	5.2	4.6	11.3	3.0			
Managers	13.8	14.5	4.4	2.6	2.2	1.9			
Clerical and sales	14.1	14.9	6.6	8.2	2.5	3.9			
Craftsmen	20.3	20.5	12.4	15.9	6.2	8.0			
Operatives	16.6	16.4	16.4	21.8	16.8	21.2			
Private Households	0.1	---	0.2	0.2	0.2	1.1			
Service workers	3.5	3.8	6.3	7.4	16.8	0.9			
Farm Laborers	4.2	2.2	26.8	16.2	10.8	7.1			
Other Laborers	5.0	4.2	18.8	15.8	28.3	24.5			
Not Reported	1.1	4.4	1.1	4.3	1.3	7.7			
ABSOLUTE TOTAL	1,580,984	1,752,514	222,035	277,639	234,739	236,946			
FEMALES	100.0	99.8	100.1	100.0	100.1	100.1	100.1	100.1	100.1
Professional and Technical	14.7	15.6	3.8	5.3	4.0	7.3			
Farmers	1.0	0.7	0.4	0.2	1.1	0.3			
Managers	6.6	5.6	4.3	2.8	2.0	1.3			
Clerical and sales	45.3	46.2	23.5	25.2	2.8	3.5			
Craftsmen	1.4	1.1	1.2	1.0	0.3	0.4			
Operatives	9.9	8.1	21.5	20.3	7.2	6.5			
Private Households	3.1	3.3	18.7	16.1	51.6	46.5			
Service Workers	13.2	12.9	14.8	16.1	22.5	25.0			
Farm Laborers	2.5	0.1	8.1	5.7	4.3	1.4			
Other Laborers	0.4	0.3	1.4	1.2	1.0	0.8			
Not Reported	1.9	3.3	2.4	6.1	1.3	6.5			
ABSOLUTE TOTAL	531,591	782,115	58,340	103,563	130,754	165,708			

Notes: (-) Represents less than 0.1 percent.

Sources: U.S. Census of Population: 1950. Vol. IV, Special Reports, Part 3. Chapter C, Persons of Spanish Surname, Table 6, Page 3C-39.

U.S. Census of Population: 1960. Vol. II, Characteristics of the Population. Part 43 Texas Table 28, Page 43-74; and Table 28a, Page 43-75.

U.S. Census of Population: 1960. Subject Reports, Persons of Spanish Surname. Final Report PC (2)-1-B. Table 6, Page 39.

U.S. Census of Population: 1960. Vol. Characteristics of the Population. Part 45, Table 57, Page 45-326, and Table 58, Page 45-339.

TABLE 13. DISTRIBUTION OF THREE ETHNIC GROUPS IN SELECTED INDUSTRIES  
OF SIX STANDARD METROPOLITAN AREAS OF TEXAS, 1966.

INDUSTRY AND JOB TYPE	TOTAL EMPLOYMENT		ANGLO		NEGRO		Mexican American	
	Number	%	Number	%	Number	%	Number	%
Oil and Gas Extraction	15,471	100.0	14,897	96.3	250	1.6	324	2.1
White collar	11,158	100.0	10,999	98.6	61	.5	98	.9
Craftsmen	1,302	100.0	1,284	98.6	2	.2	16	1.2
Blue Collar	3,011	100.0	2,614	86.8	187	6.2	210	7.0
Food and Kindred Products	20,490	100.0	10,525	51.4	2,339	11.4	7,626	37.2
White collar	6,223	100.0	5,379	86.5	169	2.7	675	10.8
Craftsmen	2,338	100.0	1,507	64.4	175	7.5	656	28.1
Blue collar	11,929	100.0	3,639	30.5	1,995	16.7	6,295	52.8
Apparel and other textiles	7,677	100.0	1,130	14.7	300	3.9	6,247	81.4
White collar	782	100.0	446	57.0	8	1.0	328	42.0
Craftsmen	1,912	100.0	228	11.9	28	1.5	1,656	86.6
Blue collar	4,983	100.0	456	9.2	264	5.3	4,263	85.5

(Table 13 continued on next page)

TABLE 13 - continued

INDUSTRY AND JOB TYPE	TOTAL EMPLOYMENT		ANGLO		NEGRO		MEXICAN AMERICAN	
	Number	%	Number	%	Number	%	Number	%
Retail general Merchandise	23,350	100.0	16,407	70.3	1,624	7.0	5,319	22.3
White collar	18,213	100.0	14,043	77.1	347	1.9	3,823	21.0
Craftsmen	1,002	100.0	668	66.7	34	3.4	300	29.9
Blue collar	4,135	100.0	1,696	41.0	1,243	30.1	1,196	28.9
Banking	6,670	100.0	5,539	83.0	577	8.7	554	8.3
White collar	4,441	100.0	3,801	83.0	205	4.6	435	9.8

1/. SMSA's used are (1) Brownsville-Harlingen-San Benito (2) Corpus Christi (3) El Paso (4) Houston (5) Laredo (6) San Antonio.

2/. Includes only employees of those firms that responded to Equal Employment Opportunities Commission Questionnaire. An estimated 25 percent of firms located in the six SMSA's did not respond.

Source: Standard Form 100 (Employer Information Report EEO-1) Spring 1966 by Equal Employment Opportunities Commission in cooperation with the Office of Federal Contract Compliance of the Department of Labor.

TABLE 14. NONWHITE, ANGLO, AND MEXICAN AMERICAN POPULATIONS OF SELECTED STANDARD METROPOLITAN STATISTICAL AREAS, 1960

Metropolitan Area	Anglo		Mexican American		Nonwhite	
	Total Population	Total Number	Percent of Total Population	Total Number	Percent of Total Population	Total Number
Brownsville-Harlingen-San Benito	151,098	53,133	35.2	96,744	64.0	1,221
Corpus Christi	221,573	126,794	57.2	84,386	38.1	10,393
El Paso	314,070	166,562	53.0	136,993	43.6	10,515
Houston	1,243,158	918,672	73.9	75,013	6.0	249,473
Laredo	64,791	12,726	19.6	51,784	79.9	281
San Antonio	687,151	382,666	55.7	257,090	37.4	47,395

Sources: U. S. Census of Population: 1960. Vol. I, Characteristics of the Population. Part 45, Texas. Table 20, pages 45-75, 45-77, and 45-79.

U. S. Census of Population: 1960. Subject Reports. Persons of Spanish Surname. Final Report PC(2)-1B. Table 9, page 136, and table 13, pages 178 and 179.



force, they held only 42 percent of the white-collar jobs. Correspondingly, 57 percent of the white-collar employees were Anglos who made up only 15 percent of the entire work force.

In all five industries, a larger percentage of Mexican Americans were in white-collar and craftsmen jobs than were Negroes. Even in banking, the one industry in which there were overall more Negro employees than Mexican Americans, Negroes were few in white-collar jobs, less than half the number of Mexican Americans. In retail and general merchandising too, the number of Negroes was small, less than 2 percent of all white-collar employees in 1966, compared to 21 percent who were Mexican American. In this field, 3.4 percent of all craftsmen were Negroes compared to 30 percent who were of Spanish surname.

Mexican nationals, residing in the United States as permanent legal residents, fare worse than the Mexican American citizens. Of the males in this group, two-fifths are in farm or other laboring jobs and another third are either craftsmen or operatives. About one-half of the females work either in private households or as operatives. Most of the remainder are in clerical or sales or service occupations.

A sizeable portion of the Mexican American work force are migrant farm workers. The Texas Council on Migrant Labor estimated the total of Texas' migrants--men, women and children--at 167,000 in 1965. Exact figures are not available but, according to the Council, 95 percent of all migrant farm workers were Mexican Americans. <sup>11/</sup> Nearly 80 percent of the Texas migratory workers worked outside the State in 1964. They left their homes to work on thousands of farms extending from Texas to 36 states throughout the country. The three states employing the largest number of Texas migratory workers were Michigan, Ohio, and Wisconsin. According to the Texas Council, only 25,000, about 20 percent, of all migratory workers worked entirely within the State of Texas, mostly on farms producing cotton or vegetables.

Persons of Spanish surname residing outside the United States also contributed to the Texas work force. Two groups commute daily to jobs in the United States. The Bureau of Employment Security in the Department of Labor reported for 1964 that 20,384 aliens commuted daily to jobs in Texas from their residence in Mexico. <sup>12/</sup> Of this total, 3,981 were

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<sup>11/</sup> Texas Council on Migratory Labor. "Texas Migratory Labor: The 1964 Migration" April 1965.

<sup>12/</sup> U.S. Department of Labor, Bureau of Employment Security, "The Commuter Problem and Low-wages and Unemployment in American Cities on the Mexican Border", April 1967.

employed in agriculture and most of the remainder in industry. In the same year, approximately 18,000 United States citizens also commuted from Mexican residences to jobs in the United States. In general, both groups of commuters have low occupational status. Their tasks are menial and their pay is poor. Constituting the bulk of the farm labor force in many border counties, their ranks include maids, kitchen helpers, and sewing machine operators.'

### Federal Employment

In employment with the Federal Government, the Mexican American population is well represented in the aggregate. However, a large percentage of this group is concentrated in low-paying jobs. <sup>13/</sup> In 1967, 18 percent of all Federal employees in Texas were identified as Mexican American, a slightly higher proportion than in the State's total population. They held 18.2 percent of all classified jobs at grades GS-1-4, but only 7.6 percent in grades GS-9-11 and 2.3 percent of the positions in grades GS-12 to 18. They constituted 38 percent of the Federal blue-collar workers earning less than \$4,500 annually but only 15.5 percent of those making \$8,000 or more. In the postal field service, Mexican Americans held 11.3 percent of the low paying PFS-1 through PFS-4 positions, but only 1.4 percent of the PFS-12-20 positions.

Some improvement in the employment conditions of Mexican Americans is evident when figures for 1967 are compared with those for 1965. The proportion of Mexican Americans rose in all categories.

A very large proportion of Mexican Americans were still found in wage board (blue-collar) employment. While 28.2 percent of all Federal employees in Texas in 1967 were in wage board classifications, 55.4 percent of the Mexican American employees were in this category. Conversely, Mexican Americans were underrepresented in general schedule (white-collar civil service) employment. In 1967, 49.3 percent of all Texas Federal employment fell in this category, but only 32.0 percent of the Mexican Americans (Table 15).

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<sup>13/</sup> Source: U.S. Civil Service Commission, 1967 Report on Federal Minority Employment. U.S. Printing Office, pp. 164-169, Table No. 5-10.

TABLE 15

MEXICAN AMERICANS IN FEDERAL EMPLOYMENT IN TEXAS  
NOVEMBER 1967 AND JUNE 1965

PAY CATEGORY	1967			1965		
	EMPLOYMENT	MEXICAN AMERICAN		EMPLOYMENT	MEXICAN AMERICAN	
		NUMBER	%		NUMBER	%
TOTAL ALL PAY PLANS	143,650	25,872	18.0	122,587	19,132	15.6
TOTAL GENERAL SCHEDULE OR SIMILAR	70,808	8,279	11.7	59,767	5,896	9.9
GS-1 THRU 4	22,198	4,039	18.2	18,150	2,795	15.4
GS-5 THRU 8	20,212	2,660	13.2	17,500	2,019	11.5
GS-9 THRU 11	17,695	1,338	7.6	15,400	950	6.2
GS-12 THRU 18	10,703	242	2.3	8,717	132	1.5
TOTAL WAGE BOARD....	40,517	14,330	35.4	32,883	10,966	33.3
UP THRU \$4,499	4,873	1,862	38.2	6,583	2,340	35.5
\$4,500 THRU 6,499	19,640	7,717	39.3	19,227	7,322	38.1
\$6,500 THRU 7,999	13,159	4,310	32.8	6,153	1,265	20.6
\$8,000 AND OVER	2,845	441	15.5	920	39	4.2
TOTAL POSTAL FIELD SERVICE.....	31,451	3,209	10.2	28,104	2,165	7.7
PFS-1 THRU 4 *	25,688	2,891	11.3	22,895	1,999	8.7
PFS-5 THRU 8	4,603	296	6.4	4,283	151	3.5
PFS-9 THRU 11	871	18	2.1	730	15	2.1
PFS-12 THRU 20	289	4	1.4	196		
TOTAL OTHER PAY PLANS.....	874	54	6.2	1,833	105	5.7
UP THRU \$4,499	292	31	10.6	1,314	93	7.1
\$4,500 THRU 6,499	288	20	6.9	223	9	4.0
\$6,500 THRU 7,999	36			78		
\$8,000 AND OVER	258	3	1.2	218	3	1.4

\*INCLUDES 4TH CLASS POSTMASTERS AND RURAL CARRIERS

NOTE: 1965 INFORMATION IS FOR MEXICAN-AMERICAN EMPLOYMENT.

SOURCE: Table number 5-10, page 164, U.S. Civil Service Commission, 1967 Report on Federal Minority Employment, U.S. Government Printing Office.

## Unemployment

The Mexican American community of Texas has a relatively high unemployment rate caused in part by low levels of educational attainment or lack of verbal facility with the English language. According to the 1960 Census, 8.2 percent of the male Mexican American population 14 years of age and over was unemployed compared to only 3.3 percent of the Anglos. Unemployment among Mexican American females was also higher than for nonwhite or Anglo females. It is also generally higher in cities than in rural areas. For example, in 1966, in highly urbanized Bexar County (San Antonio), the unemployment rate was 6.4 percent among Mexican American heads of families in the labor force. On the other hand, in largely rural Atascosa County, there were only 2.2 percent unemployed among the Spanish surname heads of families.

A 1966 survey of the U.S. Department of Labor entitled Sub-employment in the Slums of San Antonio showed an 8 percent unemployment rate in the slums of that city where 114,889 people lived. <sup>14/</sup> This compares unfavorably with the City of San Antonio's rate of 4.2 percent. Twenty-five percent of the unemployed living in slums had been out of work for 6 months or more. More than 18 percent of the employed living in the slum area only worked part-time. Nearly half of these did so because they could not find full-time employment. The survey also revealed a large number of persons in the slum area who could have been working but were not working and were not looking for work and who thus were not counted as in either the work force or as being unemployed. The nonparticipation rate in the slums was 9 percent among the men in the 20-64 year age group, with a 7 percent rate for this group for the country as a whole. About 15 percent of the adult males expected to be part of the slum area population was not found by the survey. This parallels the Census' "undercount" experience. The survey also found 25 percent of the teenagers unemployed.

## Income

Low educational and occupational levels are accompanied by comparatively small income. According to the 1960 Census, the median personal income of Mexican Americans in Texas in 1959 was \$1,536 or 57 percent of the Anglo median. Nonwhite median income for the same year was even less, \$1,150, 43 percent of the Anglo income. The median incomes had increased substantially for all three groups for

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<sup>14/</sup> "A Sharper Look at Unemployment in U.S. Cities and Slums." U.S. Department of Labor Publication 850 #1 and 850 #10.

the period 1949-1959, 40 percent for the Anglo group, 41 percent for nonwhites, and 57 percent for the Mexican Americans.

In 1959, the urban population had considerably higher incomes than either the rural nonfarm or the rural farm population. If the variable of nativity is introduced, the most striking finding is that the natives of native parents do not have the highest median income; instead, the native of foreign born parentage held this position. The latter's is 12 percent above the former's. The difference is greatest in urban areas and least in rural areas. As was expected, the foreign born group had a much lower median income than either of the other two groups.

Slightly more than half of the Spanish-surname families in Texas had annual incomes below \$3,000. The incidence of poverty among Mexican American families increases as one moves from urban to rural nonfarm and to rural-farm residence. Most of the counties having an extreme level of poverty among the Spanish-surname population are in the southern portions of the State. This area extends from Maverick County on the Rio Grande northeasterly to Medina County, then south from Medina to Cameron County where it again joins the Rio Grande. The region described consists of 19 counties which in 1960 contained over one-third of the Mexican American families of Texas.

### Housing

Mexican Americans in Texas live in much worse housing than Anglos. Average income levels below those of Anglos as well as families of large size accentuate the problem. No less than one-fourth of the Mexican American households, compared to 4 percent of the Anglos and 15 percent of the nonwhite households, consisted of 7 or more persons.

The 1960 Census does not provide data which would permit a statewide comparison of the housing conditions under which Mexican Americans live with those of Anglos. Examples from selected Standard Metropolitan Statistical Areas with large Mexican American populations are used here to highlight the plight of Mexican Americans.

In the San Antonio Metropolitan Area in 1960 only about three-fifths of Mexican Americans lived in housing that the Census characterized as "sound." More Mexican Americans than Anglos were in deteriorating housing; every eighth Mexican American family compared to every twentieth of all families lived in housing which the Census called dilapidated (that is housing which constitutes a danger to the health and safety of its occupants). Nearly one-half (45 percent) of the Mexican American families, compared with

one-fifth of all families, lived in overcrowded housing, housing where there are more persons than rooms. Though the majority of Mexican American families (59 percent) lived in houses they owned, the value of the houses was less than two-thirds that of all owner-occupied houses (\$6,000 vs \$9,300).

In the El Paso Metropolitan Area, where Mexican Americans made up 37 percent of all households, they occupied 85 percent of the dilapidated and 71 percent of the overcrowded houses. Dilapidated units were almost exclusively found in areas predominantly occupied by Mexican Americans.

In the Brownsville-Harlingen Area, Mexican Americans were 54 percent of all households; they occupied 89 percent of the dilapidated and 85 percent of the overcrowded units.

The pattern is repeated wherever Mexican Americans live in any numbers. For example, in Lubbock, Mexican Americans lived in deteriorated housing four times as often as Anglos, in dilapidated housing six times as often. In Crystal City, a small town near the Mexican border which is primarily inhabited by Mexican Americans, 87 percent of all housing was considered substandard.

### Health

The only recent data concerning the health of Mexican Americans are limited to the San Antonio area. According to a 1967 publication of the San Antonio Health Department, <sup>15/</sup> infant mortality among Mexican Americans in that city has shown a progressive decline in the past 20 years, but was still much higher than that of Anglos. In 1950, the infant mortality rate of Mexican Americans in San Antonio was 60.2 per 1,000 live births. By 1960, it had dropped to 33.7 and continued to decline to a rate of 22.9 in 1965. The infant mortality rate for Anglos was lower, 23.2 in 1960 and 18.9 in 1965. Nonwhites had higher rates than both Anglos and Mexican Americans, 41.4 in 1960, and 45.4 percent in 1965.

A smaller percentage of San Antonio's Mexican Americans than of the total population died from diseases associated with advanced age,

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<sup>15/</sup> "Vital Statistics Bexar County and City of San Antonio 1902-1966"-published April 1967 by San Antonio Metropolitan Health District.

heart disease, vascular lesions, cancer and arteriosclerosis. On the other hand, Mexican Americans had higher rates of death from pneumonia, cirrhosis of the liver, diabetes and accidents. Premature births and diseases of early infancy accounted for a greater percentage of deaths among Mexican Americans than among the rest of the population. The tuberculosis rate among Mexican Americans was also higher. In 1960, it was approximately 10 per 10,000 population, about three times as high as the rate for the Anglo population in the city. A recent computation by the Mexican American Study project at UCLA showed that upper respiratory disease was a major cause of death among Mexican American residents in the Rio Grande Valley in Texas. This has been attributed to the poor housing conditions in the area. 16/

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14/ Mexican American Study Project Advanced Report No. 2, "Health Status and Practices of Mexican Americans." February 1968 unpublished data.

UNITED STATES COMMISSION ON CIVIL RIGHTS

STAFF REPORT

FARM WORKERS



## INTRODUCTION

Each year, Texas is the origin of the largest of the three streams of migratory farm workers who travel northward to harvest the Nation's crops, mostly fruits, vegetables, sugar beets and cotton. (The other two streams originate in Florida and Southern California.) The main stream flows north and west from Texas, covering most of the North Central, Mountain and Pacific Coast States before the end of the harvest season in December. 1/

Of the three million persons who did farm work at any time during 1967, 466,000 or 15 percent migrated. Mexican Americans provide a proportionately large part of the farm labor force and an even larger part of the migrant force. In 1960 the 261,000 Spanish speaking persons who did farm work represented 7% of the farm labor force; the 103,000 who did migratory farm work accounted for 25% of the migrant force. 20% of Spanish speaking wage earners did some farm work that year as compared to 4.5% for the rest of the Nation. 40% of the Spanish speaking labor force were migrants as opposed to 9% for other farm workers. 2/

The annual migration of over one million persons (including workers and their families) reflects the fact that farm work is one of the most poorly compensated occupations in this country. As the National Advisory Committee on Farm Labor declared in 1964, "... The American economy embraces many trades that are just as hot, just as dirty, just as backbreaking as farm labor... But no work is so ill-rewarded. 3/ The simple fact is that migratory workers travel because of extreme economic necessity; no other category of workers need move so often to obtain work. 4/

The particularly deplorable living and working conditions in South Texas account for that area's being the fountainhead of the migratory stream. A report by the Social Action Department of the

1/ 1968 Report of the Subcomm. on Migratory Labor, The Migratory Farm Labor Problem in the United States, S. Doc. No. 1006, 90th Cong., 2d Sess. 2 (1968).

2/ Id. at 4.

3/ National Advisory Comm. on Farm Labor, Agribusiness and Its Workers 4 (1964).

4/ The mobility rate for male farm workers in 1966 was 30.2 as compared with 21.5 for white collar workers, 20.8 for manual workers and 18.8 for service workers. See n. 1 at 5.

Texas Catholic Conference presented to the Senate Subcommittee of Migratory Labor stated:

Due to the lack of sufficient economic development and the declining state of American agriculture this condition of poverty is most acutely felt in the fields of the Rio Grande Valley. The overwhelming majority of hired farm workers in this state are Mexican-American. Because of the lack of opportunities in their area, 88,700 Texas farm workers (not including their families) are forced to migrate from their homes every year in search of employment. Unfortunately, because of the vast supply of "green carders", that is, people who have been granted immigrant status but who live in Mexico and work in the United States, the domestic workers are unable to compete with the depressed wages that result from the availability of cheap labor to the growers. This accounts for the fact that almost one-half of the Texas migrant workers come from the four counties of the Lower Rio Grande Valley. 5/

Whether migrants or non-migrants, farm workers rank lowest in annual income of all the Nation's occupational groups. 6/ In all sectors of the nonfarm economy and in every State the average hourly earnings of production workers are above farm wage rates. 7/ In 1967 employees in contract construction made almost four times as much per week as farm workers. 8/ The average hourly earnings in agriculture in 1967 were \$1.33; in laundries and dry cleaning \$1.73; in all manufacturing,

5/ Hearings on S.S. 8, 195, 197, 198 Before the Subcomm. on Migratory Labor of the Senate Comm. on Labor and Pub. Welfare, 90th Cong. 1st Sess. pt. 1, at 61 (1967).

6/ See n. 1 at 27.

7/ Id.

8/ Id.

\$2.83; in contract construction, \$4.09. 9/ The 1967 average farm rates in Texas were \$1.12 per hour as compared with a high of \$1.62 in California and a low of \$.89 in South Carolina. 10/ The average annual income of migrants employed exclusively at farm work was about \$1000 in 1964. 11/ And although many farm workers do receive such benefits as housing, meals and transportation, the value of these benefits does not compare with fringe benefits, such as paid vacations and medical insurance, commonly received by other occupational classes. As will be discussed later, housing provided farm workers is commonly substandard 12/ and transportation commonly less than safe.

Low wages are accompanied by steady unemployment and underemployment. The overall unemployment rate of agricultural workers was 6.5 percent in 1966, compared with an unemployment rate of 3.4 percent for workers in other industries. 13/ Farm workers have the shortest workyear of almost any occupation group. During 1965, only 31 percent of the wage and salaried workers in agriculture worked a full year (50 to 52 weeks) compared to 62 percent of the wage and salaried workers in nonagricultural areas. 14/ The same year, in California, the average farm worker worked 134 days, both in agricultural and non-agricultural employment. 15/

It is not surprising, therefore, that a substantial proportion of hired farm workers is employed outside of agriculture during part of the year. During 1965, about half the migrants did nonfarm work. Eventually many people abandon farm work altogether and migrate to cities which are ill prepared to provide adequate economic opportunities for this flow of unskilled workers. As Secretary of Labor Wirtz has said: "The urban poor who are today overwhelming our cities are the rural poor of yesterday... And the rural poor of today...are the urban poor of tomorrow". 16/

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9/ Id.

10/ Id.

11/ Id. at 29.

12/ See p. 11

13/ See n. 1 at 47. However, with respect to seasonal workers, the unemployment rate during the off-season often runs as high as 50%. Interview with Cruz Reynoso, Deputy Director, California Rural Legal Assistance, in San Antonio, Texas, Dec. 3, 1968.

14/ Id. at 28.

15/ Brunwasser, The Rural Poor, in Rural Poverty: Presentation of Discussion Material by the Issues Development Comm. of the Calif. Demo. Club (1965).

16/ See n. 5 at 959.

The unemployment and underemployment of farm workers are attributable in part to agriculture's irregular and seasonal labor requirements - during harvest season many hands are required for a short period of time. Furthermore the farm worker is often beset by competition from Mexican "commuters" 17/ and illegal entrants, as well as the continuing decrease in job opportunities brought on by mechanization and the greater use of chemicals to control weed growth.

The farm worker's low wages and erratic employment are compounded by his exclusion from normal worker's benefits. Farm workers are either excluded from or inadequately covered by federal minimum wage standards, unemployment insurance, social security benefits, federal child labor protection and the benefits of the National Labor Relations Act. State legislation for farm workers concerning minimum wages, workmen's compensation, unemployment insurance and migrant housing standards ranges from adequate in some states (like California) to inadequate in others (like Texas). (See Table I) Even where there is legislation, it generally is ineffective.

Exclusion of farm workers from meaningful social legislation is due to well organized opposition from farm employers. This opposition is based on the argument that "farming is different" - different from the majority of American businesses which are subject to laws protecting workers. The farm traditionally has been portrayed to Congress as a family-run affair, at the mercy of the elements, which could be burned out one day and frozen out the next and which would be destroyed if burdened by social legislation aimed at industrial employers.

In fact, a great transformation has occurred in agriculture. Technological developments, labor saving machinery, refrigeration, improved fertilizers, crop specialization and other advances have turned farming into an industry, resulting in the displacement of some two million farm operators and their families and an 85% increase in production within a decade. 18/ A farm worker in 1910 produced

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17/ Commuters are Mexican immigrants who retain actual residence in Mexico and commute to their employment on this side of the border. They offer unfair competition to the American worker since they live in a lower cost economy and are thus able to work for lower wages.

18/ See n. 3 at 13.

Table I  
STATE LAWS AND REGULATIONS COVERING FARM WORKERS AS OF DECEMBER 1, 1967\*

State	Workmen's Compensation	State Minimum Wage	Social Insurance (Unemployment and disability insurance)	Housing
California	Compulsory	\$1.65/hr. for women and \$1.35 for all minors between 16 and 18	Disability insurance for most farm workers	Mandatory Standards
New Mexico	Voluntary at discretion of employer	\$1.00/hr to increase to \$1.30 on 2/1/69	None	Mandatory Standards
Texas	None	None	None	None
Colorado	Voluntary at discretion of employer	None	None	Mandatory Standards
Arizona	Compulsory for some workers	None	None	Mandatory Standards
Michigan	Compulsory for most workers	\$1.25/hr. for some workers	None	Mandatory Standards
New York	Compulsory	None	None	Mandatory Standards
New Jersey	Compulsory	\$1.25/hr until 1/1/69; \$1.50/hr. thereafter for persons over 18	None	Mandatory Standards
Hawaii	Compulsory	\$1.25/hr. for men and women	Agricultural workers covered	Mandatory Standards
Oregon	Compulsory	State statute probably applies to farm workers	None	Mandatory Standards

\*Comp' from: U.S. Dept. of Labor, Status of Agricultu -kers Under State and Federal Laws,  
(Dec. 1965, revised Dec. 1, 1967).

enough food for 7 people. Today, despite an increase in per capita consumption, he produces enough for 24 people. 19/

In 1960, less than 9 percent of all farmers owned nearly 40 percent of all farm land, accounted for nearly 50 percent of farm sales and paid more than two-thirds of the total farm wage bill. 20/ It is these large, modern farms, run as profitmaking businesses, that employ the vast majority of farmworkers. "As of 1964, 89 percent of all hired farm workers were employed by the large commercial sized agri-business interests." 21/ This description of the typical modern farmer appeared in the Los Angeles Times:

"Herb Lee, the personable young Vice President of Brock Ranches, can look out the big window of his modern new office and, without moving, watch the asparagus that helps pay his salary go from ground to packing crate. Set in the midst of cropland a few miles southwest of El Centro, the seat of California's Imperial County, the quarter-million dollar packing shed of which Lee's office is a part exemplifies agribusiness at its best." 22/

One representative of modern agribusiness is the Kern County Land Company, which owns 2,800 square miles of land, an area twice the size of the State of Rhode Island. KCLC owns land in 14 states.

19/ Id. "Agriculture in California is big business, extending over a third of the state's land, requiring an investment of some 727,000,000 man hours, and producing a gross income of more than three billion dollars. Much of this agri-business is run by large corporations which operate like industrial factories, with elaborate machinery, mass production techniques, and large numbers of unskilled or semi-skilled employees. The farmworker is one of these employees, the man or woman or child who works for an hourly piece-work wage on land which he himself does not own." Lorenz, Jr., Case Study of the California Farmworkers, 15 Kan. L. Rev. 409 (1967).

20/ Sec n. 3 at 10.

21/ Brief for Plaintiff at 4, Romero v. Wirtz, Civil No. 502134 (N.D. Cal., 1968).

22/ Los Angeles Times (1961).

At the very least, the company owns nearly 350,000 acres in the Central Valley of California.<sup>23/</sup>

<sup>23/</sup> Kerry Napuk, research director of the United Packinghouse, Food and Allied Workers, AFL-CIO, gave the following testimony before the Senate Migration Labor Subcommittee:

"Agribusiness influence rests on public acceptance of a myth developed and propagated by powerful interests in the farming community. This myth is that somehow farming and all agriculture is different from other forms of commerce.

Yet, the facts do not support this conclusion. Farming of the 1930's does not resemble farming of the 1960's. The public was duped into believing that farming is a rough and troubled business staffed by independent yeomen farmers with the help of their "hired man." In truth, however, farming is a big business, grossing more than \$3.8 billion in California alone, controlled by large industrial enterprises whose success depends on their very size.

This is the real structure of agriculture.

First, between 1940 and 1960 the total number of farms fell from 6.4 to 3.5 million - a decline of more than 45 percent. While the absolute number of farms were declining, the size of farms were increasing. With a 5-percent rise in farmland, the average size of farms increased from 175 acres in 1940 to 303 acres in 1959 - an increase of more than 73 percent. Farms with more than 500 acres (9 percent of all farms) accounted for 61 percent of land in farms during 1959. This situation led one student of agriculture to remark that "it would be hard to drive farmers out of farming faster than present economic conditions have been doing for years."

Second, although the 19,979 large-scale farms which marketed \$100,000 or more farm products represented only four-fifths of 1 percent of the 2.4 million commercial farms, they accounted for one-sixth of all commercial farm products sold during 1959, and employed more than 20 percent of all hired farmworkers. Moreover, 32 percent of all farm products sold in that year were marketed

(footnote 23/ continued)

by only 3 percent of all farms classified as class I commercial enterprises with sales of \$40,000 or more. These farms employed 35 percent of all hired farm labor.

Third, and most important, roughly half the farms in the Nation employ no farmworkers, but rather rely on family labor. Another 30 percent of the farms spend less than \$500 a year on hired labor. Only 6 percent of all farms have a wage bill of over \$2,500 a year. In other words, the real impact of collective bargaining would fall on the top 12.9 percent of American corporate farms which paid 80.7 percent of the total farm wage bill in 1959.

Fourth, according to one source:

Concentration of landownership has grown along with its rising cost until today the Nation's 100,000 biggest farms control about one-fourth of all farmland resources. For many years now, about one-third of all farmland has been bought by purchasers who are not farmers.

Gentlemen, we are talking about the cream of American agriculture. We are discussing enterprises that reap millions of dollars in profits from the land. We are examining business enterprises representing billions of dollars in invested capital, managed by some of the best equipped technicians in our society. We are not talking about the small family farm with its one or two hired hands.

When this is realized, the supposed distinctions between industry and agriculture diminish. Enterprises in both sectors are characterized by their similarities, not their differences. Both are huge corporate organizations, both employ vast numbers of workers and both are immensely profitable. See n. 5 at 213.



Most of the farmworker's problems are indistinguishable from the problems affecting the poor generally. Some of these problems, however, are related to his particular employment status and cultural background. He is likely to be unskilled and uneducated and therefore, incapable of qualifying for higher paying jobs. Often he is a Mexican or Mexican-American, "separated from the dominant, Anglo-Saxon culture of America, the inheritor of a distinctive history, divergent values, and a profound sense both of his inferiority and of his own special worth".<sup>24/</sup> He lacks effective economic organization and political participation and the conditions of abject poverty, poor education, poor health, squalid working and living conditions permeate every facet of his existence. "Understandably . . . (he) is not easily persuaded that his wages, hours, and working conditions can be readily improved. Redemption at the end of a lifetime may appear possible, but progress which is measured at an annual rate may be quite unthinkable to him".<sup>25/</sup> Some of the basic problems of the farmworker will be discussed in the remainder of this paper.

#### WAGES

Despite recent increases, farm wages are still the lowest of all occupational groups. Moreover, they are becoming relatively worse. "(T)he gap between agricultural and nonagricultural earnings has continually widened since World War II. The relative worsening of the farm-nonfarm wage-rate situation exists when adjustments are made for cost-of-living increases, and holds for all major sections of the country."<sup>26/</sup> The farm worker's situation is compounded by the fact that his work year is shorter than that of almost any other occupational class and his family and dependents more numerous.

The reason for the systematic depression of farm labor wage rates was summarized by Senator Yarborough of Texas during hearings of the Senate Subcommittee on Migratory Labor:

<sup>24/</sup> See n. 15 at 421.

<sup>25/</sup> Id. at 422.

<sup>26/</sup> See n. 1 at 27.

The farmer has less income now. I think he has more gross income, but he has less net profit now than he has had in the past. The costs are constantly going up, so the owners of the farms have responded by fighting to hold down all the costs, he has less machinery because machinery has gone up fastest of all, because the workers who produce that machinery . . . are organized, so his machinery has gone up, his chemical fertilizers have gone up, his insecticides and pesticides to protect the crops have gone up.

So the only thing he is strong enough to protect himself on is wages, because the migrant worker is economically weak -- weaker than the farmer. 27/

In 1966 the Fair Labor Standards Act was amended to cover for the first time agricultural workers. By and large the coverage is ineffective. The Act applies only to workers employed by employers using more than 500 man-days of farm labor in any calendar quarter of the preceding calendar year. Its provisions thus apply to only 35,000 farms (about 1 percent of the total farms) and 400,000 workers. The wage is presently set at \$1.15 per hour and will increase to an inadequate \$1.30 on February 1, 1969. Certain workers who are paid on the piece rate are exempted and all farm workers are excluded from the Act's overtime provisions. 28/ The Act has been less than enthusiastically enforced. For example, in Hidalgo County, Texas, where about one fourth of the labor force is employed in agriculture, the

27/ See n. 5 at 113.

28/ At present seven states, Hawaii, California, Massachusetts, Michigan, New Jersey, New Mexico and Wisconsin, have minimum wage provisions affecting agricultural workers. California recently revised its farm wage order setting a \$1.65 minimum for women and a \$1.35 minimum for 16 and 17 year olds. U.S. Dept. of Labor, Bureau of Labor Standards, Status of Agricultural Workers Under State and Federal Labor Laws, Addendum (Dec. 1965, rev'd Dec. 1, 1967).

Sugar beet workers are treated under special legislation. Under the Sugar Act of 1948, 7 U.S.C. <sup>SS</sup> 1100-1161 (1964), wages for these

wage and hour office spends only about five percent of its time on agricultural enforcement. 29/ The officials realize that infractions are widespread, but point out that the intermittent work pattern of employees makes violations hard to pin down. Furthermore the amount collected by a suit against any individual employer might be no more than \$15 or \$20. 30/ Few farm workers are aware of the provisions of minimum wage legislation and of those that are aware many are afraid to complain.

The Migratory Labor Subcommittee 1968 Report urgently recommends expansion of minimum wage legislation -- both in terms of rate set

(footnote 28/ continued)

laborers are determined by the Secretary of Agriculture on the basis of annual regional hearings. 7 U.S.C. s 1131 (c)(1) (1964); 7 C.F.R. § 802 (1966); 32 Fed. Reg. 5458 (1967). (One commentator has stated that these hearings are usually dominated by sugar processors and producers and lack adequate representation of the workers' interests. Chase, The Migrant Farm Worker in Colorado - The Life and the Law, 40 Colorado L. Rev. 45, 64 (1967)).

As of 1967 producers of sugar beets are given the option of paying \$1.40 per hour or paying on a piece-work basis. 32 Fed. Reg. 5458 (1967). (Compliance with these rates is ensured by requiring evidence thereof from the employer as a prerequisite to receiving annual sugar payments. 7 U.S.C. §1131 (1964); 32 Fed. Reg. 5459 (1967).) "It should be noted, however, that at \$1.40 per hour, working 50 weeks for eight hours a day which is extremely unlikely) a worker would have an annual income of \$2,800, hardly a living wage". See Chase, infra, at p. 65, n. 40.

On October 26-28, 1967, the Inter-Agency Committee on Mexican American Affairs held cabinet hearings in El Paso, Texas. Testimony was heard and a discussion group was held concerning the problems of farm workers in sugar beets. The discussion group responded to the presentation by recommending to Secretary Freeman that the minimum hourly wage for workers in sugar beets be raised to \$2.00 per hour.

29/ Interview with Mr. Michael Ward, Wage and Hour Investigator, in McAllen, Texas, Sept. 1968.

30/ Id.

and number of workers included. More adequate coverage of farm workers would not, as farm interest groups have alleged, put any undue burden on the consumer. The Report demonstrated that wage increases for farm labor would have little, if any, impact on the consumer in terms of his spending power in the supermarket:

It has been alleged that the wages needed to attract American workers to our fields would force the consumer to pay higher prices for his foods. The fact of the matter is that the cost of field labor is only a minute part of the retail price paid by the consumer. On a head of lettuce which has a retail price of 21 cents the field labor cost is 1 to 1.3 cents. On a pound of celery retailing at 15½ cents per pound, the cost of field labor is 0.3 to 0.5 cent. On lemons retailing at 24 cents per pound, the field labor costs are 0.6 to 1 cent. On dates retailing at 49 cents per pound, field labor comes to 1 cent per pound. On oranges retailing at 50 to 72 cents per dozen, the field labor costs are 1 to 2 cents. And on grapefruits having a retail price of 8 to 10 cents each, the field labor costs are 0.2 to 0.4 cents. 31/

#### HOUSING

A vast number of federal programs to improve farm labor housing are administered by the Farmers Home Administration, the Department of Housing and Urban Development, the Economic Development Administration, the Small Business Administration and the United States Department of Agriculture Rural Community Development Service. These programs provide financial assistance for the construction and improvement of farm labor housing. As a general matter they are too complex, involve undue delay, and often apply different standards and regulations. 32/ Most important, they lack centralization and coordination.

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31/ See n. 1 at 30.

32/ Id. at 19.

Other laws attempt to force employers to maintain decent housing conditions. Under U.S. Department of Labor regulations 33/ an interstate employer of farm labor may not use state employment services for recruitment unless he furnishes housing that is hygienic and adequate to the climate, reasonably calculated to accommodate the workers sought, and safe and sanitary. If state standards are more stringent than the federal requirements, compliance with them also is mandatory.

Similarly, thirty-two states have mandatory laws or regulations governing housing facilities provided for migratory workers. 34/ These states include all those with heavy migrant demand except for Texas. But all too often the standards established are too weak or inadequately enforced. "State inspection laws are necessary, followed by meaningful enforcement action. One possible approach is precicensing powers to forbid the occupancy of defective structures". 35/ Along these lines, a recent amendment to Massachusetts's housing regulations requires annual inspection and certification of all housing facilities.

In spite of state and federal legislation decent housing remains an urgent need of the rural poor. "They live in dilapidated, drafty, ramshackle houses that are cold and wet in the winter, leaky and steaming in summer. Running water, inside toilets, and screened windows are the exception rather than the rule". 36/

In making these observations, the 1967 Commission on Rural Poverty Report took particular note of the fact that the housing of Mexican Americans in the Southwest is far below the level of other housing in the area. The Report refers to a study in New Mexico revealing that while 89 percent of the homes had electricity; only 33 percent had running water; only 26 percent had flush toilets, only 13 percent had telephones. A similar study showed that only a third of the rural Mexican American families in Atascosa County, Texas, had indoor plumbing and only a fourth had hot running water.

33/ 20 C.F.R. 602.9(d).

34/ See n. 28 at 4.

35/ See n. 1 at 19.

36/ President's National Advisory Commission on Rural Poverty, The People Left Behind 99 (1967).

Testimony recently given before the Texas Interim Committee Considering Wages, Employment and Economic Problems pointed out that in Starr County, an overwhelmingly Mexican American county, 35 percent of all housing was classified by the local Community Action Program agency as either "deteriorating" or "dilapidated". More than half of the houses had neither a bath nor shower, more than half had no flush toilets, more than a third had no running water, either inside or outside. 37/

Similarly, in California, one of the most progressive states in terms of farm worker legislation, a 1962 study made for the Governor's Advisory Committee on Housing made the following findings based on a study of six representative communities:

Fewer than 20 percent of the farm worker families covered in our study live 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 33 percent of the dwelling units occupied by general field workers, the only toilet facilities were pit privies. Thirty percent of the dwellings had no bathing facilities, and 25 percent lacked even so basic a necessity as a kitchen sink with running water. 38/

The housing problem is compounded in the case of migrants who take up temporary residence in a series of living quarters as they

37/ Testimony presented by Rev. Edgar Krueger.

38/ Mr. Thomas Pitts, quoted in Supplement B, Housing Needs of California Farm Workers (1962). This observation was elaborated upon by James Lorenz, Jr., who points out that "(s)eventeen percent (of the California farm workers) rent housing from landlords who are also their employers and who thereby possess magnified power over their lives. In such cases, and in others, the workers may be wary about pressing for redress of their grievances". 15 Kan. L. Rev. 421 (1967).

travel, often living in hotels, furnished rooms or trailers. The President's Commission on Rural Poverty Report stated:

Migratory farm workers as a group are discriminated against. They are not welcome to take up permanent residence in the communities where they work for a brief period, or season each year. They are tolerated because their labor is necessary to harvest crops. Established residents and service organizations have little contact with them and want less.

Although Federal funds have been available for many years for the construction of housing for migratory workers, farmers and farm associations have been reluctant to build housing for migratory workers with the aid of these funds. Many farmers are unwilling to make the capital investment required for the construction of housing for migratory workers in spite of the liberal terms of financial assistance by the Federal Government. Moreover, they are reluctant to build housing and maintain it in good condition, since they fear it will be vacant for much of the year.

While some improvements have been made in recent years, the general condition is still deplorable. Twenty-eight States have enacted legislation establishing minimum standards for living space, provisions for running water, bath and toilet facilities, cooking and dining space, sewage disposal, and requiring more frequent inspections of labor camps to see that standards are met. In general, however, housing for migratory labor is still intolerable. 39/

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39/ See n. 1 at 16.

## HEALTH

As an occupational class, the farm worker has one of the highest accident rates in the country. 40/ At the same time his living and working conditions are among the most unsanitary. Labor in fields recently sprayed with toxins 40a/ and use of contaminated water supplies and unsanitary toilet facilities frequently lead to health problems.

When migrants congregate to harvest a crop, disease and epidemics become a major threat:

It is hard to imagine how anyone, even those with rugged health and some understanding of sanitary principles, could stay well in the housing furnished to many migrant families. Sanitary facilities may be primitive or so badly maintained as to be worse than useless. Where facilities do exist, they may contaminate nearby shallow wells. Water supplies are often nonexistent or water may have to be carried several hundred feet from a common tap or well. Families of 8 or 10 people may be crowded into a space adequate for 2 or 3. 41/

In 1967 the average per capita health care expenditure for the one million migrant workers and their families was \$7.20 as compared with \$200 for the population as a whole and \$170.15 for the Indian population. 42/ It is not surprising, therefore, that the health of the farm worker is far below the national norm. To a great extent

40/ Agriculture is the third most hazardous industry. Its fatality rate is exceeded only by that of mining and construction. National Safety Council, Accident Facts 23 (1967).

40a/ In June of this year a Rio Grande Valley newspaper reported the hospitalization of 14 Mexican-American farm hands "felled by deadly parathion sprayed on the cotton field in which they were working". "Three were nearly dead when they arrived at the hospital..." The examining doctor reported that the workers "apparently absorbed through their skin the poison which (the morning dew) contained". "He said symptoms of parathion poisoning are, progressively, tightness of the chest, nausea, vomiting, diarrhea, fluid in the lungs; convulsions, and death". Valley Morning Star, June 15, 1968.

41/ Hearings Before the National Advisory Commission on Rural Poverty, Rural Poverty 106 (Jan. 1967).

42/ See n. 1 at 15.



this is due to financial inability to secure proper medical and dental treatment. For example, at a meeting on migrant health problems recently held in Hidalgo County, Texas, it was pointed out by many persons that farm workers are often refused service in the local hospitals because they are unable to pay the \$50 or \$75 required as down payment.<sup>43/</sup> Constant mobility, lack of education on basic health and dental matters, and unawareness about available health services are also factors.

The Migrant Health Act of 1962, <sup>44/</sup> extended in 1967, <sup>45/</sup> represents an important step in upgrading the health of the migrant family. The program pays part of the cost of (i) establishing and operating family health service clinics for domestic migrant workers and their families, including training persons to provide services in the establishment and operation of these clinics, and (ii) special projects to improve existing health services. Through these services farm workers receive medical diagnosis and treatment, immunization, family planning and prenatal care. Nursing services, sanitation services, health education and dental programs also are available under the Act. The year 1967 saw a total of 115 projects located in 36 states and Puerto Rico.

Although the number of migrants having access to these projects has increased from less than 100,000 during the first year of the program's existence to an estimated 310,000 in 1967, <sup>46/</sup> this represents only one third of all migrants and "even for this portion of the migrant population, the care is intermittent and accessible only if the migrant happens to live and work in a county where a project is in operation."<sup>47/</sup>

<sup>43/</sup> Interview with Rev. Edgar Krueger in Pharr, Texas, Oct. 27, 1968.

<sup>44/</sup> Public Law 89-692.

<sup>45/</sup> Public Law 87-692.

<sup>46/</sup> See n. 1 at 14.

<sup>47/</sup> Id. at 15.

The urgent need for expansion and improvement of the program was underscored by the findings of the President's Commission on Rural Poverty that:

nowhere in the United States is the need for health service so acute, and nowhere is it so inadequate as with the low-income citizens in rural America. We have failed miserably to protect the health of low-income people in rural areas. The health service they get is not only inadequate in extent but seriously deficient in quality. It is badly organized, underfinanced, rarely related to the needs of the individual or the family. Such health service as there is too often is discriminatory in terms of race and income and heedless of the dignity of the individual. 48/

#### FARM CHILDREN

A most depressing aspect of the farm labor situation is the plight of farm children. The general poverty and erratic employment pattern of their parents result in serious educational difficulties. When asked about the problem his family faced in educating his children, one farm worker stated:

My father and mother live with us and we must support them. We have to go North each year because we don't make enough here. I don't want to keep the kids out of school, but I have to. When we are picking tomatoes in Michigan it's hard to return in time to put the kids in school because we lose a bonus if we do not stay until the end of the season. On the other hand the principal puts pressure on us to come back in time for school saying that the children will not pass if they do not return in time. 49/

In a report outlining the problems of migrant education, former Secretary of Health, Education and Welfare, Anthony Celebrezze pointed out that migrant children "are the most educationally deprived group of

48/ Id. at 16.

49/ Interview with Mr. Santos Gonzalez in Mission, Texas, Sept. 11, 1968.

children in our Nation. They enter school late, their attendance is poor, their progress is slow, they drop out early; consequently their illiteracy is high. Studies indicate that most migrant children are far below grade level and that their school achievement is usually under fourth grade." 50/

To meet the special needs of migrants the Office of Education and the Office of Economic Opportunity have instituted special programs providing services such as day care, compensatory education, special drop-out programs, adult education and basic health, food and clothing supportive programs. Texas migrant education programs include special bilingual training, concentrated six month instruction programs, and various supportive programs.

State compulsory school attendance laws often are inadequately enforced and in many cases migrant children are not covered by them since they are often nonresidents of the states where their family is employed.

Another critical factor in the life of farm labor children is the health problem resulting from their labor. Presently, agricultural labor of children outside of school hours is exempted from the child labor provisions of the Fair Labor Standards Act. 51/ Only 11 states provide a minimum age for the employment of farm children outside of school hours. 52/ Yet excessive muscular activity of children at an early age has serious harmful effects on children. Agricultural labor requiring constant bending, stooping and lifting expends the child's energy which is needed for normal growth, and chronic fatigue lowers a child's resistance to disease. 53/ Furthermore children are acutely affected by the rising accident rate accompanying the mechanization of farm labor. It has been estimated that there are about 800,000 farm laborers under 16, comprising one fourth of the total work force. "A recent Department of Labor study covering only seven states, and incomplete even in those seven, showed nearly 4,000 injuries in 2 years to farm workers 10 to 17 years old". 54/

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50/ See n. 36 at 49.

51/ On July 1, 1967, the Secretary of Labor issued regulations declaring certain jobs to be hazardous for persons under age 16 with the effect of excluding these children from certain farm occupations. 29 C.F.R. 1500, Apr. 18, 1967.

52/ See n. 1 at 34.

53/ Id.

54/ Id. at 32.

## RESIDENCE REQUIREMENTS

Most states have residence requirements having the dual effect of disenfranchising the migrant farm worker and excluding him and his family from public assistance programs. For voting most states require establishment of residence and previous registration. "Only in a minority of states is it possible for absent residents both to register and vote by mail. Accordingly, migrancy is likely to disenfranchise the farm worker in his home State without conferring the right to vote elsewhere". 55/

Federal programs - old age assistance, aid to the blind, aid to families with dependent children, aid to the permanently and totally disabled and medical assistance for the aged, are usually tied to state residence requirements of up to one year. General assistance payments and, to a lesser extent, emergency relief assistance are normally tied to residence requirements of up to six years. Since general relief programs are usually administered by the county, applicants generally have the additional burden of demonstrating residence in the particular county where application is made.

Residence and length of residence is difficult to prove for farm laborers who move from farm to farm without formally registering in each county. Assuming a county can be determined to be responsible for a worker it must still be proven that he has lived in the state for the requisite number of years with the intent to make it his home. For farm laborers living in labor camps or fringe area "flop houses" intent is not easily demonstrable and thus the ambiguity of a farm worker's place of residence may result in the denial of general relief.

These residence requirements for public assistance, currently under attack in the courts, 56/ are incorrect in their inference that migrant workers provide an undue burden on local welfare systems. First, they ignore the extent to which the state depends on this seasonal labor force to harvest its crops. Secondly, the assumption that the poor will flock to a state to receive benefits when the state has no residency requirements has been proven unfounded. The Moreland Commission on

55/ Id. at 62. Mexican American farm workers suffer an additional disadvantage in states like California where English literacy is a prerequisite to voting. Cal. Const. Art. II, §1.

56/ Lower federal courts have sustained attacks on many such requirements. Several of these cases are presently pending in the Supreme Court: Shapiro v. Thomason, prob. juris. noted, 389 U.S. 1032 (1968); Washington v. Legrant, prob. juris. noted, 390 U.S. 940 (1968); Reynolds v. Smith, prob. juris. noted, 390 U.S. 940 (1968).

Public Welfare in New York, after studying that state's welfare system, which is uniquely devoid of durational requirements, found that:

To assume that people are influenced to move or not to move according to the availability of help on a relief basis is to misunderstand the dynamics of human behavior.

...welfare aid is not a lure for people on the move, and...migration to States where living is attractive is high despite strict residence requirements. (Emphasis in the original) 57/

Residence requirements for voting are traditionally based on the desire that voters be familiar with local issues and candidates. This does not justify disenfranchisement in presidential and congressional elections. There is no rational connection between a person's length of residence in a given place and his ability to cast a meaningful vote for national officers. It is not surprising that this class of people, which has been systematically excluded from all meaningful worker benefit legislation, both state and federal, is also a class which is devoid of any political voice.

#### UNEMPLOYMENT INSURANCE AND WORKMEN'S COMPENSATION

The purpose of unemployment insurance is to "alleviate the burden on the unemployed, to insure a diligent worker against the vicissitudes of enforced unemployment caused through no fault of the worker, and to bolster the national and local economies by providing a minimal sustenance and spending power during periods of involuntary unemployment". 58/ Yet farm workers, a group which annually encounters unemployment and severe economic hardship during the late autumn and winter months, are the only significant occupational class employed by private enterprise which is excluded from unemployment insurance benefits. 59/

57/ See n. 1 at 58.

58/ See n. 21 at 3.

59/ The federal statute providing for the collection of unemployment compensation exempts employers of agricultural workers from payment of the federal tax. 26 U.S.C. §3306 (c) & (k). Although states are free to provide coverage independently of the federal scheme, of all the fifty states, only Hawaii has opted to do so.

Two traditional reasons are given for the exclusion of farm workers. The first is that the transient pattern of agricultural employment would make the administration of the program for farm workers too difficult. The second is that the financial burden of coverage would be too great on the farmer. Both are based on the characterization of the average farm employer as the small family farmer. Thirty three years ago when the national plan of unemployment insurance was enacted this characterization was correct. Today, as has been seen, agriculture is dominated by high financed, highly mechanized and computerized commercial farms.

To accurately reflect the realities of present day agri-business it has been suggested that unemployment compensation coverage be extended to farm employees working for employers who used more than 300 man days of labor in any of the four preceding quarters. This would cover about 67,000 farms employing about 572,000 workers. It would not affect small family farm operators and the increase in cost to farms covered only would be about .2 percent of their total production expense.

The limited extension of unemployment compensation to farm workers employed on our Nation's largest farms would obviously have little impact on food prices or labor costs. However, the extension of unemployment compensation coverage to farm workers would be a great step forward in providing small amounts of income for the migrant and his family during the periods of the year when employment is unavailable. 60/

The Department of Labor concurs in this position:

The national objective should be to achieve for farm workers the kind of protection which has come to be accepted for non-farm manpower. More specifically: 1. Unemployment insurance should be extended to farm wage workers...61/

60/ See n. 1 at 52.

61/ U.S. Dept. of Labor, Manpower Report 145 (1966).

The purpose of workmen's compensation is to assure that benefits be paid promptly to employees injured on the job, with a minimum of formality and without the need for protracted litigation. 62/ Although there is almost total compulsory coverage of industrial workers under state law, agricultural workers have been omitted from coverage on the grounds that the occupation is nonmechanized and therefore less hazardous. As has been seen, the introduction of mechanization and the widespread use of toxins have made farm labor one of the most dangerous occupations in the country. 63/

Nevertheless, only 14 states cover farm workers to approximately the same extent as other workers. Eight others cover farm workers to a more limited extent. In some states farm workers are exempted from automatic coverage but may be included voluntarily by the farmer. In five states, including Texas, there is no coverage whatsoever.

To remedy this situation the following recommendation was made in the 1968 Report of the Senate Subcommittee on Migratory Labor:

Compulsory workmen's compensation laws should be extended so as to provide coverage for all agricultural workers. While such laws traditionally have been within the province of State government, the interstate recruitment and employment of migratory farm workers and the continued lack of adequate coverage at the State level strongly suggest the desirability of Federal action in this area. 64/

#### LABOR ORGANIZATION AND NLRA EXCLUSION

One important route for alleviating the problems of the farm worker would be effective organization. Several obstacles stand in the way, however. In their daily field work farm workers are dispersed. They often migrate for parts of the year. Both of these factors make farm workers much harder to organize than industrial workers. The lack of a political voice results in action and inaction at both the state and federal level supporting or favoring farm owners rather than farm

62/ To be distinguished from workmen's compensation benefitting workers injured on the job are temporary disability insurance laws providing benefits for workers because of non-work connected illness or accident. Few states have such legislation and only California's covers farm workers.

63/ See discussion at p. 16.

64/ See n. 1 at 52.

workers and often interfering with organizational efforts. "It was apparent to me", stated Senator Edward Kennedy, referring to testimony he heard about organizational efforts in Delano, California, and Starr County, Texas, "that the problems faced by the farm workers are overwhelming, especially the violence that was perpetrated on the workers who were trying to organize and who were trying to better the fundamental conditions in which they work, in which they exist, in which they live, conditions which affect sanitation, affect their health, and affect the kind of food that they will eat". 65/

Most important, farm workers have been continually excluded from the National Labor Relations Act of 1935 which provides machinery facilitating the orderly and peaceful organization of workers. 66/ The exclusion of these workers has traditionally been justified on the familiar grounds that agriculture is different from industry, and that farmers are particularly vulnerable to strikes at harvest time and would have to accede to even the most unreasonable demands. One response has been that strikes would be no more likely were farm workers covered by the Act, that in fact the absence of coverage was partly responsible for the recent history of strikes and boycotts, alluded to by Senator Kennedy, above, and that had farmers been willing to negotiate contracts with the workers the strike would have been averted.

The primary issue in the organizational struggles in Delano and Starr County was self determination. They involved no single goal. "Wages and working conditions were basic, of course, but the primary objective was to have the workers share in the decisions that affected their lives." 67/ In the 1960s unionization efforts of California farm workers took new life, owing in part to vigor generated by the civil rights movement and the termination of the bracero program (Public Law 78) which deprived growers of their cheap labor supply. By 1965 two major California groups were active, the Agricultural Workers Organizing Committee, AFL-CIO, striking to increase wages from \$1.20 to \$1.40 in the Coachella Valley and the National Farm Workers Association in Delano (headed by Cesar Chavez), opposing rent increases, for the deplorable shacks which constituted public housing near Delano. The NFWA had

65/ See n. 5 at 53.

66/ 49 Stat. 449 (1935), as amended, 61 Stat. 137 (1947), 29 U.S.C. 151, et seq. (1964).

67/ National Advisory Committee on Farm Labor, Farm Labor Organizing 1905-1967, A Brief History 48 (1967).



organized a credit union, a newspaper, a cooperative store, a health clinic, a theatre group and other activities to meet the needs of the farm workers.

When the AWOC workers brought their demands for higher wages, better working conditions, and a union contract to Delano ranches, they were joined by the NFWA. Only the largest ranches like Schenley and DiGiorgio were struck:

The growers responded in traditional fashion by returning registered union letters unopened, hiring strikebreakers, denying the existence of a strike, and harrassing pickets. Trucks and tractors were driven near to choke the pickets with dust. Picket signs were riddled with bullets and the strikers sprayed with insecticide. Injunctions to limit picketing were secured and groups were arrested for unlawful assembly. Workers who had lived for years on grower property were evicted. 68/

Aided by outside donations, a refusal of the International Longshoremen's and Warehousemen's Union to load grapes across the AWOC-NFWA picket lines, assistance from the Migrant Ministry of the California Council of Churches and national attention arising from a march on the State capital in 1966, the union arrived at an agreement with Schenley recognizing NFWA as the sole bargaining agent for its workers. This resulted in a contract providing for a \$1.75 an hour minimum, fringe benefits, and a union shop and hiring hall. 69/

Subsequently a consumer boycott aimed at DiGiorgio products was stepped up. The NFWA and the AWOC merged into the United Farm Workers Organizing Committee, obtaining a charter from the AFL-CIO, and won a representational election in the DiGiorgio fields late in August 1966. In April 1967, results of arbitration were announced, including substantial wage hikes, the establishment of a fund including health and welfare, dental, pension and insurance benefits. DiGiorgio agreed to pay an initial \$25,000 into the fund and contribute five cents an hour per employee. Other aspects of the contract covered vacations, holidays, unemployment insurance, hiring and leaves of absence. 70/

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68/ Id. at 49.

69/ Id. at 51.

70/ Id. at 53.

Union activity developed next in Starr County, Texas:

Starr County, in the lower Rio Grande Valley on the Mexican border, is the home base for thousands of migrants and one of the poorest counties in the United States. Average per capita income is \$1,568. Farm workers earn an estimated 50 to 85 cents an hour, and about 75 percent of the county population migrates in search of work. Since 90 percent of the people in the county are Mexican American, sympathy for the farm workers is almost universal. 71/

Owing to greater access of growers in this border area to Mexican strike breakers, organizing difficulties caused by the mass migration of workers, and the apparent alliance between the state law enforcement authorities and the growers, the strike in Starr County was not as successful as in Delano. One of the strike leaders stated the problem this way:

The strike doesn't put economic pressure on the company because 'greencarders' are available.... A law against mass pickets says that demonstrators must be separated by a distance of 50 feet. The farms are huge and a picket may not have much effect because it passes nearly unobserved....I never saw more Texas Rangers in one area in my life than there are in Roma. 72/

Allegations of harassment, physical violence and brutality, pro-grower conduct of state officials, arbitrary and illegal arrest, excessive bail and neglect in bringing to trial the more than 100 cases arising from the arrests of union organizers, clergymen, and sympathizers, have been made by union officials. Growers have alleged violence by union members including the sabotage of farm machinery and other equipment. The Texas State Advisory Committee to the United States Commission on Civil Rights, after closed meetings held in Starr County on May 25-26, 1967, found various denials of the strikers' legal rights, including physical and verbal abuse by Texas Rangers and local law officials, arrest without full investigation and holding of union organizers for many hours before they were released on bond, and the encouragement of farm workers by the Rangers to cross picket lines. The Committee also noted the harassment and intimidation by Rangers of UFWOC members, organizers and sympathizers "which gave the appearance of being in

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71/ Id. at 53.

72/ Jesus Sales, quoted in Appleton (Wisconsin) Post-Crescent, Jan. 8, 1967. The term "greencarder" as used here is synonymous with "conunter".

sympathy with the growers and packers rather than the impartiality usually expected of law enforcement officers". 73/

The Committee went on to observe that:

The majority of the farm workers and members of the Farm Workers Organizing Committee are Mexican Americans. To many Mexicans, the Texas Rangers are a symbol of oppression; their appearance in Starr County only served to aggravate an already tense situation. While the Committee supports fair and objective law enforcement and recognizes the possible need of Starr County law enforcement agencies to seek outside assistance in this situation, it questions whether the Texas Rangers are the appropriate source for such assistance.

The Committee also collected information indicating that many Mexican Nationals who possess alien-resident receipt cards (Green Cards) but who are living in Mexico, are being utilized as a source of labor on farms which are being picketed. Several persons alleged that this practice constitutes a violation of the spirit, if not the letter, of Federal Immigration Law. 74/

The struggle in Delano and Starr County, including strikes, boycotts and violence, is similar to the industry strife which obstructed interstate commerce and led Congress to pass the National Labor Relations Act. "It is an inescapable conclusion that various elements of the agriculture industry are on a collision course similar to the course of industry in general in 1935." 75/ The need by farm workers for an orderly collective bargaining procedure has resulted in widespread demands that these workers be brought within the purview of the NLRA. This theme was elaborated by the attorney for the UFWOC, AFL-CIO, in a letter to legislators advocating inclusion of farm workers under the Act. Enclosing a copy of a temporary restraining order issued against the United Farm Workers Organizing Committee, AFL-CIO, imposing strict regulations upon the picketing activities of UFWOC, the attorney stated:

UFWOC is currently engaged in a strike with Giunarra Vineyards Corporation, Giunarra Farms, Inc. and Giunarra Bros. Fruit Co. UFWOC has obtained the

73/ Texas Advisory Committee to the United States Commission on Civil Rights, The Administration of Justice in Starr County, Texas 2 (1967).

74/ Id. at 3.

75/ See n. 1 at 42.

support of a majority of the Giumarra workers.<sup>1</sup> However, since we are not under the regulations of the National Labor Relations Act, we cannot demand an election and thereby follow an easy and orderly procedure to assert our legitimate right to represent these workers. Our only weapon is the economic pressures we can exert on this employer. A crucial facet of this economic pressure is picketing

Even if our picketing activities were unrestricted, as you can see by the attached exhibit, they would have limited effect. The workers are often out of earshot; they are scattered over 25 fields including some 10,000 acres of land, and there are over 100 entrances to these fields. This injunction is only one of many similar injunctions which are issued as soon as UFWOC strikes an employer. It is essential that our union have more tools to rely upon than simply the exertion of economic pressure with simultaneous picketing. Unless we are covered under the NLRA as soon as possible, many farm workers who desire to organize are deprived of their right to organize. They cannot vote and, after an injunction is issued, they cannot picket effectively to assert their rights. As attorney for UFWOC, I have seen since the beginning of this strike how vital it is to obtain coverage for our union as soon as possible. 76/

As the Migratory Labor Subcommittee has pointed out, the express exclusion of farm workers from federal labor relations legislation is

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76/ Letter from Jerome Cohen, Aug. 7, 1967.

"a most pernicious form of discrimination" 77/ leading to unnecessary strife and violence. "(T)he continued failure to remove the exclusion brings to the Federal Government a concrete share of the responsibility for the continuation of the struggle". 78/

77/ See n. 1 at 40. The exclusion of the farm workers from Federal benefits occurs in the context of vast Federal aid to growers in the area. The unprotected farm worker in the Rio Grande Valley may read that during the past year \$4,254,673 was paid to local growers for not planting crops. Valley Morning Star, July 24, 1968. The Delano farm worker may be told that when the water table level started to fall drastically, local grape growers were rescued by the Federal Bureau of Reclamation which provides a water supply worth \$700 per acre to growers at a cost of only \$123 per acre. The rest is born by tax payers. "The 160 acres-per-owner limitation on land irrigated by Federal water projects (which are supposed to benefit family owners, not giant corporations) has been so loosely enforced that DiGiorgio's acreage is still 4,600 and Schenley's 3,500." See n. 67 at 26.

78/ See n. 1 at 40.

UNITED STATES COMMISSION ON CIVIL RIGHTS

STAFF REPORT

ON

EMPLOYMENT

Commission staff members gathered information from a number of public and private employers to determine the employment status of Mexican Americans 1/ and black persons. In each case the staff had been told by numerous persons that minorities were either excluded or concentrated in the lower paying jobs. The survey found that in some areas of employment Mexican Americans and black persons were almost totally excluded. In most cases Mexican Americans and black persons were concentrated in the lower paying jobs.

The Commission examined banks, restaurants and the Welfare Department in Bexar County, the U.S. Post Office in South Texas, and the Texas Employment Commission. This staff paper summarizes the major findings regarding employment in these areas.

#### A. Banks

Fifteen 2/ of the twenty-nine banks in San Antonio, including the nine largest in terms of total deposits, were visited by Commission staff. The banks visited had approximately 89 percent of the total deposits of all banks in San Antonio. 3/

The 1960 census showed that 37.4 percent of the population of San Antonio was Spanish-surname and 6.9 percent of the total population was black. Yet only 16.1 percent of the total number of bank employees were Mexican Americans and only 2.3 percent of the total were black. Three banks, the Frost National Bank, the Alamo National Bank and the Kelly Field National Bank, accounted for over 64 percent of the total number of Mexican Americans employed in the fifteen banks surveyed.

The disparity in minority group utilization was greatest in bank management. These are the most critical positions for the Mexican American and black communities, since those in managerial positions must approve loans made by the bank to individuals and businesses.

1/ The terms Mexican American, Spanish American, Spanish surname and Latin American are used interchangeably in this paper.

2/ Appendix A lists the fifteen banks surveyed and shows the total number of employees and the number of Mexican Americans and black employees at each bank. A similar breakdown is also provided for managerial and official positions and clerical and office workers, the two major classifications of white collar employees in banks.

3/ Bank deposits in San Antonio, Texas as of October 30, 1968. San Antonio Express, p. 7-A, November 6, 1968.

Yet seven banks reported that none of their managers or officials were Mexican American and five others reported that they had only one Mexican American official. One bank, the Frost National Bank, accounted for nearly half of the total number of Mexican American officials - ten out of a total of twenty-one. Only one bank, the Alamo National Bank, reported any black managers or officials. 4/

Of the office and clerical workers employed by the fifteen banks 16.4 percent are Mexican American and 1.4 percent are black. Minority employment of office and clerical workers ranged from 100 percent in one bank to practically none in several other banks. West Side State reported that all of its clerical help was Mexican American, while two banks, Main Bank and Trust and Jefferson State, reported that under 1 percent of their clerical employees were Mexican American. Two major downtown banks, Frost National and Groos National, reported over 20 percent of their clerical employees were Mexican American, while the other two major downtown banks, National Bank of Commerce and Alamo National Bank, reported that 10 percent or less of their clerical employees were Mexican American.

The Personnel Officer at Kelly Field National Bank, a bank employing a very high percentage of Mexican Americans, told Commission staff that one explanation for the high percentage of Mexican American employees was the fact that the bank was located in a predominantly Mexican American area. An officer of West Side State, the other bank with a high percentage of Mexican Americans, accounted for the large percentage of Mexican American employees by the fact that 60 percent to 70 percent of their customers are Mexican American.

The Treasury Department in 1966 ruled that banks that have federal deposits or sell and redeem U.S. Savings Bonds are covered by Executive Order 11246. 5/ This order prohibits discrimination and requires that as a condition for doing business with the U.S. Government, companies undertake affirmative policies to assure equal employment opportunity. All of the banks visited reported that they had federal deposits and/or sold U.S. Savings Bonds. With two exceptions, however, the banks reported they had received no communication regarding their obligations from the Treasury Department and had taken no steps as a result of the Executive Order to institute an affirmative program to recruit minorities.

The two exceptions were Jefferson State and Highland Park, which reported receiving a letter from the Treasury Department. Both received an April 5, 1968, letter sent by Robert Wallace, Assistant Secretary of the Treasury, to 700 banks across the country. The letters were sent to banks whose 1967 EEO-1 reports - reports filed

4/ The Alamo National Bank included in its statistics, however, persons employed in its garage and the maintenance crew for the office building owned by the bank; thus, these officials are not necessarily bankers.

5/ 31 C.F.R. 202.4.



with the Federal Equal Employment Opportunity Commission - showed a minority utilization of under 2 percent. Both banks reported a slight increase in minority group employment from the date they received the letter till the date of the Commission staff visit. (Jefferson State reported an increase of two minority group members and Highland Park reported an increase of five minority group members). Highland undertook an affirmative program to recruit additional minority group persons. They reviewed their hiring procedures, contacted minority group community leaders and ran advertisements for employees in local newspapers which stated that they were an Equal Opportunity Employer.

#### B. Restaurants

Commission staff were told by numerous persons and observed on several occasions an apparent racial and ethnic employment pattern existing in some restaurants in certain areas of the Southwest. Waitresses, cashiers and other employees having direct contact with customers appeared to be Anglo, while the bus boys and kitchen help appeared to consist only of members of minority groups. A sample survey conducted by the Commission indicated that this pattern does exist. 6/ Nine restaurants with a total employment of approximately 380 full-time regular employees were surveyed. Without exception, the restaurants visited reflected the reported pattern.

In the restaurants surveyed 198 employees were listed as waiters, waitresses, hostesses, cashiers and managers. Only twenty-four, twenty Mexican Americans and four black persons, or less than 15 percent, of these positions were held by minority group persons. One restaurant accounted

6/ Several factors were used in determining which restaurants to survey. It was determined not to visit restaurants specializing in food from a particular foreign country, which might be expected to employ large numbers of persons from that country. This should not be interpreted as an endorsement of such hiring policies. No position is taken as to either the legality or desirability of such a practice. It also was determined to survey only restaurants that employ 25 or more employees who are subject to the Civil Rights Act of 1964, prohibiting discrimination in employment. Restaurants located within a motel or hotel were not included in the survey, initial visits to such restaurants failed to reflect any particular pattern.

for ten of the twenty Mexican Americans employed in these positions and three of the four black persons. In the positions of bus boys, cooks and kitchen help, on the other hand, 169 (93 Mexican Americans and 76 black persons) of the 182 positions, or 93 percent of the total, were held by minority group members. Thus in all but one of the restaurants surveyed, no more than 20 percent of the employees with direct customer contact were minority, while at least 80 percent of the employees without direct customer contact were minority. In two of the restaurants surveyed, all of the regular full-time employees with direct customer contact were Anglo, while all of the regular full-time employees without direct customer contact were minority group members.

When asked why they had so few minority group persons in customer contact jobs a variety of answers were given. The most often cited reason was that the restaurant hired only persons with experience in similar type jobs. Several also said that they received few applications from minority group members. Three restaurants stated that they were a great distance from the minority group communities and thus transportation was a problem for minority group employees; although transportation did not, however, appear to be a problem for the kitchen help.

#### C. Bexar County Department of Public Welfare

The Director of the Welfare Department in Bexar County told Commission staff investigators in August of 1968 that he estimated 75 percent of the welfare recipients in the county were Mexican American. With the exception of clerical workers, however, the percentage of Mexican American employees in the Welfare Department does not equal the percentage of the Mexican Americans in the total population of Bexar County 7/ Only twenty of the ninety-one caseworkers, or less than 22 percent, were Mexican American. It is the social workers who must elicit the information that determines whether an applicant receives aid, and if he does, the amount of the aid. Mexican Americans do fare better, however, in the higher paying jobs. Six of the nineteen supervisors and administrators are Mexican American. In the food stamp program of the fourteen employees twelve were Mexican American, one was a Negro and only the supervisor was Anglo.

#### D. United States Post Office

One of the larger Federal employers in South Texas is the United States Post Office. The employment statistics of the Post Office were examined in 18 counties. 8/ According to the 1960 Census all of the

7/ See Appendix B for a breakdown by major job categories of the number of Negro, Mexican American and Anglo employees in the Bexar County Welfare Department.

8/ Appendix C lists the total number of Caucasian, Negro and Mexican American persons employed by the Post Office in each of the 18 counties.

counties examined, with the exception of Bexar County, had a population over 50 percent Mexican American. The figures for the majority of counties showed significant discrepancies in the employment of Mexican Americans as compared to their total of the population. This section of the Employment Staff Paper will examine these discrepancies.

In eight of the counties (Webb, Zapata, Starr, Presidio, Maverick, Kennedy, Jim Hogg and Duval) the minority employment picture appears to be equitable. Mexican Americans hold over half of the total jobs in each of these counties, including many of the higher positions.

In three counties 9/ (Bexar, Cameron and Hidalgo) although Mexican Americans hold 40 percent or more of the total Post Office jobs in the counties, significant discrepancies exist in the higher grade positions. In Bexar County, for example, Mexican Americans hold approximately 40 percent of the total jobs, yet only six of the forty-four PFS Grades 10 and above positions or 12 percent of the total are held by Mexican Americans. In Cameron and Hidalgo Counties the picture is worse. Only one of the seventeen PFS Grades 10 and above positions is held by a Mexican American.

In the remaining seven counties (LaSalle, Zavala, Willacy, Jeff Davis, Frio, Dimmit and Jim Wells) Mexican Americans hold less than 30 percent of the jobs in each of the counties. Of the 209 jobs in the counties Mexican Americans hold only fifty-one or 24 percent of the total. None of the 14 positions in LaSalle and Jeff Davis are held by Mexican Americans, even though they make up over 50 percent of the population in each of the two counties according to the 1960 Census.

#### E. Texas Employment Commission

According to 1960 Census figures sixty-nine percent of rural Spanish-surname families living in Texas and 47 percent of those urban families had incomes under \$3,000. Thus the need for employment counseling and job information is especially acute for Mexican American job seekers. The public agency primarily responsible for providing such help in Texas is the Texas Employment Commission. Since for many of these families Spanish is the first and in some cases the only language, there undoubtedly is a need for bilingual persons. Of the 2,946 full-time regular employees employed by the Texas Employment Commission, however,

9/ See Appendix D for a breakdown of the number of Mexican American, Negro and Caucasian employees by grade.

226 or less than 8 percent were Mexican American. 10/

In the higher grade positions, the number of Mexican American employees was even less. Of 527 managerial and supervisory positions only fourteen or less than 3 percent were held by Mexican Americans. Of 1606 professional and technical employees, only 118 or slightly over 7 percent were held by Mexican Americans.

The Texas Employment Commission does not have offices in many of the counties with populations over 50 percent Mexican American. They do have offices, however, in the following areas with a high proportion of Mexican Americans: Bexar, Cameron, Hidalgo, Webb and Willacy Counties and the cities of Corpus Christi and El Paso. With the exception of El Paso and Webb County the figures show a disproportionately small number of Mexican American employees, particularly among the professional employees. 11/ For example, in Bexar County only nine of seventy-three employment interviewers were Mexican American and there were even fewer Mexican American employment counsellors, two out of forty-nine. In Corpus Christi, only four of fifty-five professional and technical employees were Mexican American.

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10/ See Appendix E for a breakdown by major job categories of the number of Negro, Mexican American and other employees in these areas.

11/ See Appendix F for a breakdown by major job categories of the number of Negro, Mexican American and other employees in these areas.

## APPENDIX A

## SAN ANTONIO BANKS 1/

Name of Bank	All Employees			Officials and Managers			Office and Clerical		
	Total	Spanish	Black	Total	Spanish	Black	Total	Spanish	Black
Frost National Bank	507	103	9	89	10	0	399	89	4
National Bank of Commerce	387	28	6	60	3	0	311	23	6
Alamo National Bank	303	68	20	49	3	2	189	19	4
Fl. San Houston National	168	29	2	28	1	0	138	28	0
Groos National	109	21	3	23	0	0	84	21	1
Main Bank and Trust	72	2	2	20	1	0	52	1	2
Bexar County National	102	7	3	24	1	0	75	3	3
Broadway National	119	2	2	20	0	0	98	2	1
Highland Park State	81	4	2	12	0	0	69	4	2
Kelly Field National	77	51	0	8	1	0	69	50	0
Jefferson State	72	1	0	11	0	0	61	1	0
Union State Bank	50	5	0	10	0	0	40	5	0
West Side State	24	21	0	4	1	0	20	20	0
Citizens National	48	3	0	9	0	0	39	3	0
Mission City	25	3	1	7	0	0	17	3	0
<b>Total</b>	<b>2144</b>	<b>348</b> (16.1%)	<b>50</b> (2.3%)	<b>374</b> (5.6%)	<b>21</b> (5.6%)	<b>2</b> (.5%)	<b>1661</b> (16.4%)	<b>272</b> (16.4%)	<b>23</b> (1.4%)

1/ The statistics were supplied by the personnel manager of each bank. The statistics generally were given as of the date the bank filed its 1968 EEO-1 Form. The statistics, therefore, reflect the employment situation of the bank in the early part of 1968. Some banks, however, because of their small size were not required to file EEO-1 forms and therefore gave the employment picture as it existed on the date of the Commission staff visit.

## APPENDIX B

BEXAR COUNTY WELFARE  
DEPARTMENT 1/

<u>Job Classification</u>	<u>Anglo</u>	<u>Mexican American</u>	<u>Neuro</u>
Clerical	15	61	1
Case Workers	68	20	3
Supervisors	10	5	1
Administrators	2	1	0
Total	<u>95</u>	<u>87</u>	<u>5</u>

1/ The data was supplied by the Director of the Bexar County Welfare Department as of August, 1968.

## APPENDIX C

EMPLOYMENT BY U.S. POST OFFICE IN 18 TEXAS COUNTIES 1/

County	Total Employees	Caucasian		Negro		Spanish American	
		PFS	Rural Carriers	PFS	Rural Carriers	PFS	Rural Carrier
Bexar	2,197	1,123	14	182	0	872	6
Cameron	194	80	7	2	0	105	0
Dimmit	16	13	0	0	0	3	0
Duval	16	6	0	0	0	10	0
Frio	18	15	1	0	0	1	1
Hidalgo	229	127	14	3	0	83	2
Jeff Davis	4	4	0	0	0	0	0
Jim Hogg	6	0	0	0	0	6	0
Jim Wells	114	58	8	15	0	33	0
Kennedy	2	0	0	0	0	2	0
La Salle	10	10	0	0	0	0	0
Maverick	28	7	1	0	0	20	0
Presidio	11	4	0	0	0	7	0
Starr	26	2	0	0	0	23	1
Webb	117	7	0	0	0	109	1
Willacy	28	15	5	0	0	8	0
Zapata	7	1	0	0	0	6	0
Zavala	<u>19</u>	<u>14</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>5</u>	<u>0</u>
TOTAL	3,042	1,486	50	202	0	1,293	11

1/The statistics were furnished by the U.S. Post Office. The data was compiled in November 1967.

APPENDIX D

EMPLOYMENT BY U.S. POST OFFICE IN 3 TEXAS COUNTIES BY PFS GRADE 1/

PFS Grade	BEXAR				CAMERON				HIDALGO	
	Caucasian	Negro	Spanish American	Caucasian	Negro	Spanish American	Caucasian	Negro	Spanish American	Spanish American
2-4	70	46	97	3	1	16	7	2	12	
5	757	115	664	53	1	77	81	1	54	
6	141	19	88	11	0	8	14	0	7	
7-9	111	2	17	8	0	3	13	0	10	
10 and above	44	0	6	5	0	1	12	0	0	
Rural Carriers	14	0	6	7	0	0	14	0	2	
TOTAL	1137	182	878	87	2	105	141	3	85	

1/ The statistics were furnished by the U.S. Post Office. The data was compiled in November 1967.



APPENDIX EEMPLOYMENT BY TEXAS EMPLOYMENT COMMISSION 1/

<u>Job Classification</u>	<u>Total</u>	<u>Negroes</u>	<u>Spanish Americans</u>
Managerial and Supervisory	527	7	14
Professional and Technical	1606	39	118
Clerical and Office	763	37	90
Custodial and Service	50	30	4
	<hr/>	<hr/>	<hr/>
TOTAL	2946	113	226

1/ Information obtained from Texas Employment Commission as of  
February 1, 1968

## APPENDIX F

## ETHNIC BREAKDOWN OF THE TEC EMPLOYMENT FOR SELECTED AREAS 1/

	<u>Total All Employees</u>			<u>Total Professional</u>			<u>Employment Counselors</u>			<u>Employment Interviewer</u>		
	<u>Latin</u>			<u>Employees</u>			<u>Latin</u>			<u>Latin</u>		
	<u>Other</u>	<u>American</u>	<u>Negro</u>	<u>Other</u>	<u>American</u>	<u>Negro</u>	<u>Other</u>	<u>American</u>	<u>Negro</u>	<u>Other</u>	<u>American</u>	<u>Negro</u>
Bexar County	184	40	12	165	19	4	47	2	2	64	9	1
Cameron County	28	19	1	27	14	1	4	0	1	10	8	0
Hidalgo County	35	20	0	31	14	0	4	2	0	16	5	0
Webb County	2	34	0	2	27	0	1	4	0	1	15	0
Willacy County	2	0	0	2	0	0	0	0	0	0	0	0
Corpus Christi	62	11	1	51	4	0	7	0	0	25	3	0
El Paso	38	24	0	30	19	0	6	3	0	10	9	0

1/ Data was supplied by the Texas Employment Commission on November 6, 1968.

[From Farm Labor Development, U.S. Department of Labor]

LA HUELGA—IN STARR COUNTY, TEX.

(By Irving J. Cohen)

One of the more determined efforts to organize field workers is underway in the Lower Rio Grande Valley of Texas. Now in its second year, the effort was an outgrowth of, and has been modeled after, the relatively successful Delano strike in California. This strike is popularly referred to by its Spanish name, "La Huelga."

In 1966, during the Delano grape strike, the United Farm Workers Organizing Committee sent representatives throughout the country to organize boycotts against the products of the struck employers. One of these representatives, Eugene Nelson, went to Houston for this purpose. In Texas, he soon became familiar with the economic and social problems of farmworkers in the Lower Rio Grande Valley. Borrowing heavily upon his California experience, he worked with melon-harvest workers to help them form a union, the Independent Workers' Association. By June, membership had reached 700. After some fruitless attempts to bargain with employers, a strike was called June 1, 1966, against three farms, La Casita, Los Puertos, and Sun-Tex. The main economic issue involved a minimum hourly wage of \$1.25—some 45 cents per hour higher than the rates prevailing in the area. But, as at Delano, union recognizing was at the heart of the dispute.

The first day, Nelson contended, all three farms and five packing sheds were closed down with about 600 to 700 workers not working. At the packing sheds, 50 union packers refused to cross the picket lines. Almost immediately it became evident that a key element in the strike was the employment of "green-card commuters."<sup>1</sup> Trade-union supporters have long argued that aliens should be required to actually live in the United States if they are to be regarded as immigrants. Early in the morning of the strike's first day the union attempted, without success, to halt buses transporting green-card commuters from the Mexican-border bridge at Roma to the struck farms.

Later in the day, the union attempted, and failed, to halt railroad shipments of cantaloupes. Nelson was arrested when he refused to move from the railroad tracks. On June 2, 1966, four Starr County packing sheds sued the union for \$4,000 per day damages and asked the court to restrain the workers from picketing. In response to their plea, State District Judge Woodrow Laughlin issued a preliminary order banning picketing in Starr County. Moreover, the Texas law regarding picketing does not permit the mass picketing that was a highlight of the Delano strike.

Unable to picket effectively, and with the melon harvest tapering off, farmworkers begin to leave the area or return to work despite frequent rallies and marches organized to keep the strike live. The union became formally affiliated with the United Farm Workers Organizing Committee, the farm labor union that grew out of the Delano strike. The Texas State AFL-CIO announced its full support. A march from Rio Grande City to Austin was organized to dramatize the plight of the workers and gain national publicity and support. This march also focused attention upon a bill before the Texas legislature that would have established a \$1.25 per hour minimum wage for farmwork. The 380-mile march took 56 days from July 4 to September 5, 1966. It did keep the idea of the strike alive through the summer, but it did not have the success that a similar march in California had in kindling public support.

Activity since the march has consisted largely of skirmishes. In October 1966, the union unsuccessfully attempted to prevent the entry of green-card commuters through a lay-in at the Roma International Bridge. A special grand jury, in November, returned several indictments against the strikers and called the strike unlawful and un-American.

In February 1967, the arrest of 10 persons, five of them Roman Catholic priests, for "disturbing the peace," focused attention on the strike. The FBI investigated

<sup>1</sup> Mexicans admitted as immigrants to the United States are commonly referred to as "green carders." They are so called because of the color of the Alien Registration Cards (Form I-151) issued to immigrant aliens of all nationalities. If a green carder actually resides in Mexico and commutes to work in the United States, he is called a "green-card commuter." A good discussion of the green-card-commuter issue may be found in Study of Population and Immigration Problems, Special Series No. 11, Committee on the Judiciary, Subcommittee No. 1, House of Representatives, U.S. Government Printing Office, Washington, D.C., 1963.

to determine whether or not there had been a civil rights violation in the arrest of the 10. At this time, the union called for a national boycott of the products of one of the struck farms. As a result, two large retail chains agreed not to handle these products, but the commodities were still being marketed through other channels.

March 1967 was highlighted by increased church participation. The Texas Council of Churches had stated in the fall of 1966 that it was not partisan and its role in the strike was to help people in need. This attitude changed as the strike continued. In mid-March, the Texas Council of Churches recommended that church people contribute food and money for the striking workers. At the end of March, a statement issued with the unanimous approval of all bishops from the 10 Roman Catholic dioceses of Texas noted that workers had a "duty" to form and join unions or associations.

As with all fledgling unions, fund raising is a major problem. In April, funds were obtained through a students' Easter "Caravan of Justice" and a fiesta sponsored by the Young Democrats of Dallas County. William L. Kircher, AFL-CIO national director of organization, in an appearance on the Mutual Broadcasting System's Labor News Conference stated: "Labor is spending large sums of money to help organize farmworkers because it has a moral obligation that is much above any consideration of profits or losses."

In April, the UFWOC participated in a representational election conducted by the National Labor Relations Board at the Starr Produce Company. Since the packing-shed workers involved in this strike are considered as non-agricultural workers, this labor dispute falls within the scope of the National Labor Relations Act. The vote resulted in a 14-to-14 tie with three challenged ballots, and sequent National Labor Relations Board hearing on the challenged ballots, and the possibility of unfair labor practices, closed on August 28.

In spite of the apparent lack of success against melon growers in Starr County, the union announced that it would send organizing crews into the citrus belt. In early May 1967, Gilbert Padilla, Vice President of the UFWOC, arrived in Rio Grande City to participate personally in this movement. But citrus growers contended their workers had no need for a union, claiming that they were then guaranteeing minimum earnings of \$1.00 per hour. They asserted that harvest workers, who are paid on a piece rate basis, could easily clear this minimum if they were experienced workers.

Union efforts to prevent green-card commuters from crossing into the United States to work on the struck farms were given a temporary boost on May 11, when the powerful Confederation of Mexican Workers threw up a picket line on the Mexican side of the Roma International Bridge. This action effectively prevented the green carders from crossing the bridge. However, the following day Mexican Federal policemen forced the pickets to disperse, thus abruptly halting the Mexican union's effort to support the UFWOC.

By June 1967, after striking for a full year, the farm union appeared to be making some headway in a roundabout manner. With the melon harvest at peak, the strikers continued their efforts to picket shipping points in efforts to halt shipments of the melons. The growers responded by preferring charges against the workers for violating the Texas law against mass picketing. Texas Rangers made numerous arrests, some accompanied by alleged incidents of police brutality. Rangers were assigned to guard the trains moving the melons out of the valley. On June 14, the union called an end to picketing in Starr County. A union leader, Gilbert Padilla, stated: "We cannot ask our people to go out on picket lines with the knowledge that they will be subject to arbitrary arrest and brutality on the part of the Texas Rangers and local law-enforcement officials."

The actions of the Texas Rangers dramatically focused national attention upon the strike. The Texas Advisory Committee to the U.S. Commission on Civil Rights investigated the Valley situation. Its formal report, issued June 17, condemned the Rangers' actions and called for a full investigation by the Justice Department.

The union cause received another lift when the Senate Subcommittee on Migratory Labor held hearings in Rio Grande City to investigate complaints that Latin-American farmworkers were being deprived of their civil rights. The Committee heard testimony that the Texas Rangers had made numerous arrests without legal cause, used excessive force when taking subjects into custody, and participated in strikebreaking activities. The Subcommittee Chairman, Har-

rierson Williams (D., N.J.), in commenting on these allegations, stated: "The atmosphere and events of recent months in the Rio Grande Valley . . . comprise the most powerful testimony this Subcommittee has ever received as to the need to extend the established rules and procedures of the collective bargaining provisions of the National Labor Relations Act to the farm industry."

The Subcommittee also asked for an investigation by the U.S. Attorney General and the U.S. Secretaries of State and Labor of the policies which permit green-card commuters to cross the border daily to work.

This is not the most difficult problem but important. The illegal entry is also very difficult.

Still another gain was scored by the union when the regulations of the Justice Department were revised, effective July 10. The new regulations provide:

"When the Secretary of Labor determines and announces that a labor dispute involving a work stoppage or layoff of employees is in progress at a named place of employment, Form I-151 shall be invalid when presented in lieu of an immigrant visa or reentry permit by an alien who has departed for and seeks reentry from any foreign place and who, prior to his departure or during his temporary absence abroad has in any manner entered into an arrangement to return to the United States for the primary purpose, or seeks reentry with the intention, of accepting employment at the place where the Secretary of Labor has determined that a labor dispute exists, or of continuing employment which commenced at such a place subsequent to the date of the Secretary of Labor's determination."

On July 10, 1967, Secretary of Labor Willard Wirtz announced that labor disputes existed at several establishments, including six Starr County farms. Affected were La Casita Farms, Sun-Tex Farms, Griffin and Brand (Trophy Farms), A. B. Margo Farms, Starr Farms Co. (Los Puertos Plantation), and Elmore and Stahl (Rancho Grande and Ringold Farms). Several employers questioned the Secretary's decision and the matter was being reinvestigated by the Labor Department in early October.

Late May and early June 1967 was the crucial period for both strikers and growers as a severe heat wave accompanied the beginning of the melon-harvest season and a shortage of pickers could have resulted in heavy losses to the growers. However, it was reported that, with excellent yields, favorable weather conditions, a good market, and apparently no serious labor shortages, this had been one of the more successful seasons for cantaloupe growers. Thus, despite the gains resulting from the Justice Department's revised regulations, the agreement of one grower to discuss union recognition, and development of some public sympathy, the UFWOC did not have a great deal of success in its second season of organizing melon-harvest workers.

Evaluating the effects of this labor dispute, developments may be summed up as follows: Growers were able to obtain sufficient labor to harvest a bumper crop; overall, the growers had one of their best seasons; union efforts to close the border were unsuccessful this year; the proposed \$1.25 minimum-wage bill failed to get approval from the Texas legislature; picketing, demonstrations, and bridge lay-ins led to over 60 arrests and failed to deter workers, both local and green carders, from accepting employment at the struck farms.

From the union standpoint, the most encouraging aspects of the strike have been: (1) the establishment, even though temporary, of the first "international picket line" formed by the Mexican Confederation of Workers on the Mexican side of the International Bridge at Roma; and (2) the agreement of one grower to meet with the union and discuss a recognition agreement. Union opponents, however, dismissed the latter as essentially a local political maneuver.

The regulation providing for invalidation of green cards in the specified labor-dispute situations was too late to affect the outcome of the strike in 1967, but it might have considerable impact in future labor disputes. The use of green-card commuters hired as strikebreakers will be curtailed once the Secretary of Labor has announced a labor dispute exists. This provision is not limited to the agricultural sector, and may well affect all labor-management disputes in border States. For this reason, this may be one of the most significant developments in the labor dispute, at least in terms of a change in public policy designed to meet a long standing problem encountered by labor organizers on the borders. It should be noted, however, that the impact of the new regulation is limited to restricting the entry of alien commuters, and the employment of alien residents as strikebreakers is not affected.

At present, the melon-harvest season is long past and the union appears to be approaching a crossroad. It must evaluate its past actions and achievements, make an appraisal of future conditions, and determine a course of future action. The new Justice Department regulation may be a very important factor in any decision, as it offers the prospect of more favorable conditions for organizing. In any event, the union appears to have three alternatives: (1) to continue the strike and to concentrate on the firms now being struck; (2) to continue the strike while expanding the scope of the strike to include other employers in other crops; or (3) to abandon the effort as many such efforts to organize farmworkers have been abandoned in the past.

The growers also must take stock and formulate their plans. In the sense that they were able to successfully harvest their melon crop this year without recognition of the union, they won the 1967 battle. But certainly never before in the Rio Grande Valley has farm-labor organizing received the national attention that this strike did—attention that has not always depicted the growers and law-enforcement officials in a favorable light. It is apparent in Texas, as in California, that the climate of public opinion is beginning to change. Legislative action to govern labor relations in agriculture is not now completely beyond the realm of possibility. Administrative actions, such as the changes in the Justice Department regulations, that weaken the growers' position have already taken place.

Regardless of the result, this strike has already had a profound impact on unionization of both agricultural and nonagricultural workers in the border areas. The immediate future of agricultural labor relations in the United States may well depend on future actions of Starr County farmworkers and farm employers.

Source note: This article was prepared by Irving J. Cohen, Labor Economist, Office of Farm Labor Service, Bureau of Employment Security, using as source material newspaper accounts and information from government agencies.

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#### EXHIBIT B

[From the Washington Post, Oct. 2, 1968]

#### 46 JOB-HUNTING MEXICANS LEFT TO DIE IN LOCKED TRUCK IN SAN ANTONIO

SAN ANTONIO, Oct. 1 (UPI).—For 46 Mexicans, the promise of jobs in Chicago was worth the asking price of \$10 to \$12. The bargain turned into a nightmare.

Locked in an unventilated truck van, the group was found abandoned yesterday in San Antonio. One man was dead of suffocation. Twelve others were hospitalized from heat exhaustion and lack of oxygen, with four in critical condition early today. A second man died during the day.

The rest of the group were charged with illegal entry and jailed for questioning.

San Antonio police said they would file murder charges against whoever was responsible for abandoning the two-ton truck in a San Antonio residential section, where residents called police after they heard screaming and pounding from inside the vehicle.

John Holland, San Antonio district director of the U.S. Immigration Service, said two more camper trucks were stopped near the border today. One carried 15 Mexicans and the other 17, Holland said. He said some of the occupants told officers they had been promised jobs in Chicago.

Drivers of the two trucks, both of Chicago, were charged with unlawfully transporting illegal immigrants.

Survivors from the truck abandoned in San Antonio said they also had been promised jobs in Chicago. They paid 100 to 150 pesos, about \$10 to \$12 in U.S. currency, for the trip.

The truck found yesterday apparently started at the border at dawn. The trip ended 13 hours later when the driver disappeared and left the Mexicans inside the oven-like van.

"It was unbelievable," said patrolman Jack Adamson. "They were laying around like cord wood. Three of them couldn't even get out of the truck."

[From the San Antonio Express News, August 17, 1968]

## 100 MARCHERS PROTEST COMMUTER WORKERS USE

(Special to the Express-News)

LAREDO.—Some 100 followers of the local Barrios Unidos (United Neighborhoods) and Raza Unida (United Race) marched to the International Bridge here Friday to demonstrate against commuter workers from Mexico.

There were no incidents, although traffic was interrupted for a few minutes by the marchers as they paraded in the vicinity of the bridge.

The marchers included several VISTA volunteers and other workers on the federal payroll of the local Community Action Program.

A Texas Department of Public Safety unit joined Laredo Police and firemen a block away from the bridge to keep the picketing marchers from continuing on to the bridge. Officers said they heard reports that some of the more militant demonstrators would attempt to block traffic on the bridge.

A fire department engine and emergency unit also were at the scene.

The marchers carried signs calling for jobs for Laredo residents, higher wages and more industry.

Two march leaders, Manuel Ramirez and Juan Guevara, the latter a CAP aide, carried a banner which read "Today we demonstrate, tomorrow we revolt." A VISTA volunteer carried a sign which read, "We declare war on commuters."

Police Chief Billy Weeks and six patrolmen met the marchers at the intersection of Grant Street and Convent Avenue, a block away from the bridge. Weeks told the group they would not be permitted to march on the bridge.

People shopping in the stores lined the sidewalks to see the demonstrators. The marchers chanted, "Queremos trabajo para gente de Laredo. (We want jobs for Laredo people)."

Some people on the sidewalks shouted, "Ponganse a trabajar. (Get to work)."

Prior to the march the demonstrators rallied at Jarvis Plaza to hear several speakers blast Laredo employers for using green card workers from Mexico.

## BORDER CRACKDOWN ON MIGRANTS URGED

AUSTIN.—Just a little bit down and a little bit more each month would go a long ways toward stopping a wave of illegal migrant labor recruiting on Texas' border.

That's the proposition made Texas legislators by Tommy V. Smith, commissioner of the Bureau of Labor Statistics.

"Right now, I'll bet we don't catch one out of 50 unlicensed labor recruiters operating in the (Lower Rio Grande) Valley," Smith told the Senate Finance Committee Monday. "Give me three more offices and we can do a lot better job."

Smith's appeal to the Senate Finance study group came during one of the fast increasing number of committee sessions called as lawmakers take the first steps toward passing new Texas laws or changing old statutes. So far about 150 legislative proposals have been introduced in both houses and are in various stages of consideration by committees before being brought out for actual debate.

Both Houses planned brief meetings today before recessing for more committee study.

"Right now we have 14 field offices but only 2½ on the border to license and inspect these migrant labor recruiters that come in from Florida and other states," Smith told the Senate group that will recommend how much money the Bureau of Labor Statistics gets in 1970-71.

"We get a lot of calls here at Austin that some recruiter is loading up at McAllen or Laredo or somewhere, but by the time we can get a man down there, he has his load and is gone."

Presently the bureau has a man in Edinburg and one in El Paso. An employe in San Antonio works part time in Laredo.

Senators asked if the Highway Patrol could not help enforce the labor laws. He said patrolmen were helpful in setting up road blocks but were not trained or experienced in the technicalities of labor laws.

In other committee action Monday, Lt. Gov. Ben Barnes told the newly created Senate Youth Affairs Committee that he wants them to work with private professional people on an "in-depth study of the Texas Youth Council, paying particular attention to the rehabilitation program."

"My impression is that the council is doing a good job, but there are things that need to be changed," Barnes said.

He said he doubted if the Senate committee would be able to visit the Gatesville School for Boys, center of a recent controversy over alleged beating of inmates, but Barnes asked the committee to turn over any information they might receive to law officers for investigation.

## BILLS

AUSTIN.—Rep. Joe Shannon Jr., Fort Worth, has a legislative proposal he thinks will thwart any student takeover of a public school or college building in Texas, if the occasion should ever arise.

"Every student has the right of full access to our academic facilities and should not be deprived of this educational opportunity by the disruptive actions of a small minority who choose to resort to violence and anarchy to present their views," Shannon said in a statement.

Shannon's bill offered for introduction in the House Monday would make it a fine up to \$200 and up to six months in jail to "wilfully engage in disruptive activity on the campus or property of any public school or tax-supported institution of higher education." The bill specifically outlaws the blocking of any passageways or seizing control of any school building.

Shannon said his bill is particularly needed since a federal district court recently held Texas' "Disturbing the peace" law was too broad. The case involved several demonstrators arrested at dedication ceremonies of Central Texas College near Killeen, where former President Lyndon Johnson was the speaker.

## EXHIBIT C

OEO CAP 5 FORM (1960 ESTIMATES)—South Texas Counties

	Total	Cameron County	Hidalgo County	Starr County	Willacy County
Total population	372,123	151,098	180,904	20,037	20,084
Percent population in rural areas	28.6	25.6	28.8	60	17.9
Total number of families	75,201	31,370	36,431	3,339	4,061
Families, income less than \$3,000	38,924	14,821	19,623	2,384	2,096
Percent families, income less than \$3,000	51.7	47.2	53.8	71.4	51.6
Families with income less than \$1,000	11,225	4,262	5,444	1,005	514
Families, income \$1,000 to \$1,999	15,273	5,628	7,785	949	911
Families, income \$2,000 to \$2,999	12,396	4,931	6,394	430	671
Males 14 and over in labor force	81,658	31,321	42,627	3,002	4,708
Percent of such males unemployed	7.1	8.7	5.8	13.8	3.5
Females 14 and over in labor force	36,363	15,914	18,290	1,348	1,811
Percent of such females unemployed	7.7	7.9	7.3	13.8	.6
Persons under 21 years of age	178,658	76,709	82,776	8,532	10,641
Percent under 21 w/AFDC payments	3.4	2.4	4.6	.06	4.0
Persons aged 65 years and over	16,566	8,093	6,477	972	1,024
Percent persons 65 and over, old age assistance	41	24	60	69	31.7
Percent persons in school (14 and 15)	87.3	88.3	86.8	90.7	80.8
Percent persons in school (16 and 17)	66.1	69.5	64.1	68.1	57.6
Number of persons 25 years and older	160,006	65,994	77,971	7,513	8,528
25 and over, less than 8th grade education	87,280	33,223	45,160	3,809	5,088
Percent 25 and over, less than 8th grade education	54.7	50.7	57.9	50.7	59.6
Persons 18 to 25 examined by selective service	2,201	288	1,527	109	277
Persons rejected by selective service	1,152	158	751	73	170
Percent persons rejected by selective service	52.3	55	49	75	61.1
Births per year	10,442	4,523	4,824	675	420
Deaths per year, infants under 12 months	(200)	179	(0)	4	4.2
All housing units	100,059	42,083	47,711	4,489	5,776
Housing units substandard	45,667	17,224	23,488	1,567	3,388
Percent of housing units substandard	45.7	40.9	49.2	35	58.4
Population with Spanish surname	254,766	96,474	129,092	15,196	13,734
Percent population with Spanish surname	68.4	64	71.3	76	68.3

† Not available.



## COLONIAS

*Cameron County*

Bayview  
 \*Blue Town  
 Carricitos  
 Cavazos  
 Combes  
 El Calaboz  
 \*El Rauchito  
 Fernando  
 \*La Feria  
 Lantana  
 \*La Paloma  
 Las Rusias  
 Laureles  
 Los Fresnos  
 Los Japoneses  
 Los Yellescascas  
 Lozano  
 Monte Grande  
 Olmitos  
 \*Primera  
 Rio Hondo  
 Russelltown  
 San Pedro  
 \*Santa Maria  
 \*Santa Rosa  
 \*Southeast  
 Villa Nueva

*Hidalgo County*

Aeropuerto  
 \*Campo Alto  
 Capisallo Park  
 Carrizolos (nr. Los Ebanos)  
 \*Chihuahua  
 Colonia Acosta  
 Colonia del Cementerio  
 \*Colonia Evans  
 Colonia Huisache  
 Colonia McAllen  
 \*Colonia Nueva  
 Colonia Rodriguez  
 Colonia Small

Colonia Small #2  
 Cnevitas  
 El Capote  
 El Gato  
 El Granjeno  
 \*El Rincon  
 El Tinaco  
 Elsa  
 Fayesville  
 Habana  
 Hargill  
 La Blanca  
 La Cuchilla  
 La Hielera  
 La Lomita  
 La Milla Diez  
 La Milla Quince  
 La Milla Seis  
 \*La Milla Tres  
 \*La Tijera  
 La Villa  
 Las Milpas  
 Las Pompas  
 Lindsay Gardens (La Milla Cinco)  
 Lopesville  
 Los Ebanos  
 \*Madero  
 Mission Acres  
 Monte Alto  
 Monte Christo  
 North Hidalgo  
 \*Ojo de Agua  
 \*Penitas  
 \*Perezville  
 Progreso  
 Puerto Rico  
 \*Rancho Alegria  
 \*Relampago  
 San Carlos  
 San Juan Settlement  
 South East Mission  
 Stockholm  
 Sullivan City  
 \*Tabasco  
 Thayer

\*Tollander Subdivision  
 Union  
 Villa Llano Grande  
 Weslaco Labor Camp  
 West Mercedes  
 \*Zacatal

*Starr County*

Arkansas City  
 Chapena  
 Delmita  
 El Centro  
 El Sanz  
 Escobares  
 Fronton  
 Garceno  
 Garcias  
 Garciasville  
 La Casita  
 La Gloria  
 La Grulla  
 La Reforma  
 \*Los Garcias  
 Olmos (Arroya)  
 Rincon  
 Roma  
 Rosita  
 Salinero  
 San Isidro  
 Santa Catarina  
 \*Santa Cruz  
 Santa Elena  
 Viboras

*Willacy County*

Los Coyotes  
 Lyford  
 Paso Real  
 Porfirio  
 San Perlita  
 Santa Monica  
 Sebastian  
 Willamar

\*Organized colonias.

## PERSONS OF SPANISH SURNAME (SOUTH TEXAS COUNTIES)

County	Median <sup>1</sup> family income	Median <sup>1</sup> school years completed	Total number with Spanish surname
Zapata (southeast of Laredo).....	1,395	4.1	3,285
Starr (Rio Grande City area).....	1,568	4.3	15,196
Frio (Pearsall area).....	1,666	2.3	6,250
Dimmit (Carrizo Springs area).....	1,721	2.3	6,760
Zavala (Crystal City area).....	1,732	2.3	9,440
Live Oak (northwest of Corpus Christi).....	1,956	1.8	2,686
San Patricio (north of Corpus Christi).....	1,936	2.1	22,239
Willacy (Raymondville area of "Valley").....	1,973	2.8	13,734
Hidalgo (McAllen area).....	2,027	3.3	129,092
Bee (northwest of Corpus Christi).....	2,166	3.3	8,580
Cameron (Brownsville-Harlingen area).....	2,206	3.9	96,744
Jim Wells (Alice area).....	2,351	4.4	18,848
Nueces (Corpus Christi area).....	2,974	4.5	84,386
Comparisons with total United States, Oklahoma, and Texas: <sup>2</sup>			
Total U.S. population.....	5,550	10.6	
Total Texas population.....	4,884	10.4	

<sup>1</sup> The median is "the value which divides the distribution into 2 equal parts,  $\frac{1}{2}$  of the cases falling below this value and  $\frac{1}{2}$  of the cases exceeding this value." This definition and all of the figures on counties in Texas are taken from the U.S. Census on Population, 1930, "Persons of Spanish Surname" pp. 189-191. All income figures are for 1959. All "Median school years completed" figures are for persons 25 years old and over.

<sup>2</sup> The figures for the United States and Texas are taken from the Statistical Abstract of the United States, 1962 p. 333.

## BACKGROUND DATA FOR 4 LOWER RIO GRANDE VALLEY COUNTIES, TEXAS

Item	Cameron	Hidalgo	Starr	Willacy	Texas	United States
Population.....	158,000	191,000	22,000	15,007	10,984,900	199,220,900
Migrant population.....	40,000	37,500	5,000	4,000	158,000	1,000,000
Family income less than \$3,000:						
Percent of families.....	47	34	71	52		21.5
Percent of Spanish surname families.....	46	49	63	51		
School years completed:						
Median.....		6.3				10.6
Less than 5 years (percent of persons over age 25).....		40.4				8.4
Health manpower:						
Physicians per 100,000 population.....		59.9				140.2
Dentists per 100,000 population.....		17.1				53.5
Hospital beds (per 1,000).....		2.1				3.9
Percent of births not in hospitals.....		26.9				2.0

<sup>1</sup> All 4 counties.

Sources: Reports of Census Bureau; National Office of Vital Statistics; special report prepared under contract with Public Health Service; Sales Management, 1968.

Note: In the 4 counties, from 49 to 65 percent of housing is unsound and lacking in plumbing facilities. From about  $\frac{1}{4}$  to  $\frac{2}{3}$  of the population is rural. Taking the 4 counties together, 53 percent of the housing is unsound and 30 percent of the population is rural.

## HEALTH EXPENDITURES PER MIGRANT IN THE 4 LOWER RIO GRANDE VALLEY COUNTIES COMPARED WITH WHAT WOULD HAVE BEEN SPENT AT THE NATIONAL PER CAPITA AVERAGE RATE OF EXPENDITURE

County	Number of migrants	Federal funds available, fiscal year 1969	Grantee contributions	Amount per migrant	Total available including local contributions fiscal year 1969	Amount per migrant	Amount required at \$250 per person <sup>1</sup>	Deficiency
Cameron.....	40,000	\$272,625	\$100,109	\$6.80	\$372,734	\$9.30	\$10,000,000	\$9,627,000
Hidalgo.....	37,500	185,520	139,027	4.90	324,547	8.60	9,375,000	9,050,000
Starr.....	5,000	91,597	15,146	18.00	106,743	21.00	1,250,000	1,143,000
Willacy.....	4,000	51,105	11,859	13.00	62,964	15.00	1,000,000	937,000
Total.....	86,500	600,847	266,141	6.91	866,988	9.96	21,625,000	20,758,000

<sup>1</sup> The amount spent per capita for personal health care in the United States in 1967 was approximately \$250. The serious lack of health resources in the valley would limit what could realistically be spent even if funds were unlimited. However, the contrast between the average health expenditure in the valley of a little less than \$10 per migrant (including funds from all sources) and the national per capita average of \$250 shows a gross deficiency. It is obvious that with the present extremely limited funds, the migrant health projects in the 4 lower Rio Grande Valley counties cannot begin to meet the need.

Source: Migrant health program data, Public Health Service

## FACTS ON HIDALGO COUNTY, TEX.

## COUNTY SEAT—EDINBURG

Hidalgo County is a Lower Rio Grande Valley county, intensively cultivated with a large agricultural income. It has Texas' largest crop income (\$50,566,610 in 1960). About 100,000 acres of vegetables are harvested yearly. There are 65,000 acres of citrus, 135,000 acres in cotton. The county had six population centers of over 10,000 in 1960. Reynosa, Mexico is the major border city nearby.

Source: The Texas Almanac, 1964-65.

Hidalgo County has the third largest surname population in the state (129,092 in 1960). In 1950 it was second highest with 112,422. It has the ninth highest Spanish surname percent of the total population (71.4 percent in 1960).

The total population of the county was 160,446 in 1950 and 180,904 in 1960.

*Education*

The median school years completed (white persons, Spanish surnames) for persons twenty-five years of age and over was 3.3 in 1960, according to the U.S. Census Bureau. The median for the total U.S.A. for the same year was 10.6 school years completed.

*Income*

The median family income for the Spanish surname family in this county was \$2,027 in 1960, compared to \$5,660 for the total U.S.A. for the same period.

Source: U.S. Census Bureau.

*Agricultural migrant labor*

There were over 25,000 home-based, resident agricultural workers in the county in 1964. This constitutes the highest number of resident agricultural workers in any county in Texas and is about one-fifth of the Spanish surname population.

Most of the above material was taken from "A Study of the Inter-border Area of Texas," a pamphlet prepared by Rev. Leo D. Niete, 1400 Gaudalupe Street, Austin, Tex.

## FACTS ON STARR COUNTY, TEX.\*

*Employment*—P. 15: One out of every four persons in Starr County was employed either as a farm laborer or as a farm foreman.

*Income*—P. 25: The median family income for a Starr County family was \$1700. This should be compared to the median family income for Texas as a whole, which was \$4884.

P. 25: Of the 3,680 families in Starr County, 1,005 had an income of less than \$1,000. 2,054 families made less than \$2,000. 2,484 families—about  $\frac{2}{3}$ —made less than \$3,000.

*Education*—P. 17: The median educational attainment of Starr County residents more than 25 years old was 4.9 years. This should be compared to 10.9 years for Texas as a whole.

*Housing*—Pp. 26 and 27: About 35% of all housing in Starr County was classified as either "deteriorating" or "delapidated." More than  $\frac{1}{2}$  of the houses had neither bathtub nor shower bath, more than half had no flush toilet. More than  $\frac{1}{3}$  had no piped water supply, either inside or outside the house.

*Communications*—P. 62: There were no telephone facilities in the western  $\frac{2}{3}$ 's of Starr County. There was no radio station in Starr County and none within 45 miles of Rio Grande City.

\*From 1960 Census, compiled in "Your County Program: Overall Economic Development Plan for Starr County, Texas," Starr County Program Building Committee, Efrain A. Duran, Chairman.

MEDIAN<sup>1</sup> FAMILY INCOME AND MEDIAN<sup>1</sup> SCHOOL YEARS COMPLETED, WHITE PERSONS OF SPANISH SURNAME  
SELECTED COUNTIES IN TEXAS

County in Texas	Median <sup>1</sup> family income	Median <sup>1</sup> school years completed	Total number with Spanish surname
Zapata (southeast of Laredo).....	\$1,395	4.1	3,285
Starr (Rio Grande City area).....	1,568	4.3	15,196
LaSalle (Cotulla area).....	1,585	1.4	3,832
Karnes.....	1,620	2.4	5,595
Frio (Pearsall area).....	1,666	2.3	6,250
Dimmit (Carrizo Springs area).....	1,721	2.3	6,760
Zavala (Crystal City area).....	1,732	2.3	9,440
DeWitt (northwest of Victoria).....	1,758	2.0	3,928
Gonzales (east of San Antonio).....	1,773	1.0	3,594
Caldwell (south of Austin).....	1,833	2.6	4,905
Jim Hogg (Hebronville area).....	1,885	4.5	3,861
Live Oak (northwest of Corpus Christi).....	1,956	1.8	2,686
San Patricio (north of Corpus Christi).....	1,966	2.1	22,239
Willacy (Raymondville area of "Valley").....	1,973	2.8	13,734
Hidalgo (McAllen area).....	2,027	3.3	129,092
Maverick (Eagle Pass area).....	2,047	3.9	11,253
Atascosa (south of San Antonio).....	2,089	2.5	8,545
Brooks (Falfurrias area).....	2,121	4.8	5,928
Duval (east of Laredo).....	2,152	5.1	9,788
Bee (northwest of Corpus Christi).....	2,166	3.3	8,580
Medina.....	2,185	3.0	6,998
Williamson (north of Austin).....	2,191	2.1	5,284
Cameron (Brownsville-Harlingen area).....	2,206	3.9	96,744
Hays (San Marcos area).....	2,207	2.4	7,208
Wilson (Floresville area).....	2,277	3.1	4,911
Jim Wells (Alice area).....	2,351	4.4	18,848
Hale (Plainview area).....	2,352	2.7	6,505
Kleberg (Kingsville area).....	2,415	4.4	12,514
Webb (Laredo area).....	2,425	5.4	51,784
Dawson (Lamesa area).....	2,430	2.6	4,569
Val Verde (Del Rio area).....	2,478	3.7	10,814
Presidio (southeast of El Paso).....	2,567	4.3	2,700
Victoria.....	2,587	3.3	10,767
Uvalde.....	2,616	3.4	8,002
Reeves (Pecos area).....	2,738	2.8	7,128
Nueces (Corpus Christi area).....	2,974	4.5	84,386
Lubbock.....	3,084	3.1	17,003
Travis (Austin area).....	3,219	4.4	26,072
Bexar (San Antonio area).....	3,446	5.7	257,090
Wichita (Wichita Falls area).....	3,702	6.2	3,444
El Paso.....	3,857	6.6	136,993
Galveston.....	4,104	6.9	11,872
Harris (Houston area).....	4,339	6.4	75,013
Dallas.....	4,516	6.5	32,741
Tarrant (Fort Worth area).....	4,723	7.7	19,373
Jefferson (Beaumont area).....	5,715	8.6	6,571
Comparison with total United States, Oklahoma, and Texas: <sup>2</sup>			
Total U.S. population.....	5,660	10.6	.....
Total Texas population.....	4,884	10.4	.....
Total Oklahoma population.....	4,620	10.4	.....

<sup>1</sup> The median is "the value which divides the distribution into 2 equal parts, 1/2 of the cases falling below this value and 1/2 of the cases exceeding this value." This definition and all of the figures on counties in Texas are taken from the U.S. Census on Population, 1960, Persons of Spanish Surname, pp. VII, 189-194. All income figures are for 1959. All "Median school years completed" figures are for persons 25 years old and over.

<sup>2</sup> The figures for the United States, Texas, and Oklahoma are taken from the Statistical Abstract of the United States, 1962, p. 333.

THE MIGRANT IN THE LOWER RIO GRANDE VALLEY ECONOMY

Demographically the impact area is a paradox. Three of the four counties classify as urban areas with from 50.5% (Willacy) to 77.1% (Cameron) of the population living in towns with more than 2,500 population. Total population for the four-county area is 372,123. Economically the area is intensely agricultural. Hidalgo County, with the highest population of the four (180,904), has the largest crop income of any county in Texas. Basically despite the urban distribution of the population, the area is predominately rural, farm oriented with many of the farm laborers living in "barrios" in the small towns or cities and others living in "colonias."

"Colonias" are rural, unincorporated villages, most of which lack essential services such as potable water, sewerage systems, retail systems, and telephones. Population in these varies widely with often much of it absent during those months when families follow the crops as migrant workers.

Despite the enormous wealth generated by the farm economies of the four impact counties, a pattern of dependency and chronic unemployment and underemployment has developed. The "Magic Valley" has been called the "Tragic Valley" for the Mexican-American farmworkers who have been rendered a surplus and dependent population by modern agricultural techniques and by racial and economic discrimination. More than half (30,924) of the total number of families (75,201) in the area have incomes below the poverty level. This percentage of 51.7% contrasts sharply with the U.S. average for counties of 15.6%. Other poverty factors such as housing, educational achievement, health care, and functional illiteracy, indicate that conditions are uniformly critical in the four county area. Unemployment and underemployment are also critical. Unemployment varied from 8.4% in Cameron to as low as 4% in Willacy. However these figures do not reflect portions of the population who are in the migrant stream during more than half the year. They do however, serve to point up the fact that working families are living on starvation wages (51.7% earning under \$3,000 per year).

The population this program will be concerned with is not, unlike other poverty areas, a homogeneous group. That target population includes a large pool of resident, unemployed laborers, many small farmers owning or renting a few acres of land, and finally the migrant laborers. Hidalgo County has more home-based and transient migrants than any county in the nation. Cameron ranks third in the nation. Migrants have special problems; they are not eligible for unemployment compensation; federal welfare programs have little impact because of the residency requirements; they have no political voice or power; patterns of racial discrimination coupled with language problems have further arrested any chance for economic or social progress. Finally, because of their mobility, education for migrant children has often been non-existent.

However, patterns of economic stagnation, dependency, unemployment and discrimination are beginning to surface. Young Chicanos are not willing to participate in a structure which gives them nothing. This tension can be expected to continue and increase.

Finally many Mexican-Americans have and continue to migrate out of the Valley to both the large urban industrial centers and the already overloaded rural agricultural areas. During the period from 1950 to 1960 Hidalgo County suffered a net loss of 23.0%, outmigration exceeding immigration by some 36,900 people. Cameron lost 21.1%, outmigrants exceeding immigrants by 24,468. Starr County lost 10.1% with an outmigration of 1,402 persons. Willacy County suffered a net loss of 36.8%, outmigration exceeding immigration by 7,703 persons. According to the Department of Agriculture's Economic Research Service, the following areas were the ten leading destinations for individuals and families migrating out of three of the four impact counties (Cameron, Hidalgo, and Willacy) during this same period: (1) Fresno, California; (2) San Antonio; (3) Houston; (4) Chicago; (5) Corpus Christi; (6) Southwest Rio Grande Plain; (7) Los Angeles; (8) Upper San Joaquin Valley and Tulare Basin; (9) Dallas and (10) Northeast Rio Grande Plain.

Aggravating the pattern of migration to the urban areas is the very high natural population growth rate in each of the counties. Despite the substantial outmigration, the natural growth rate, as high as 41.9% in Cameron, is actually increasing the population in each of the counties. What appears to be developing then, is a situation where conditions are severe enough to send thousands of unskilled laborers to northern and western cities, without any decrease in the absolute numbers of unskilled workers in the area. The area most definitely qualifies for special impact funding under the OEO I-II legislation.

Source: An OEO Grant Application by Colonias Del Valle, Inc.

#### EXHIBIT D

#### STATEMENT OF CARLOTA HERNANDEZ, PREPARED FOR THE SENATE SUBCOMMITTEE ON MIGRATORY LABOR, REGARDING THE EL GRANGENO COLONIA

The Briggs Company fenced in all the brushland about two (2) miles wide and about fifteen (15) miles long. Later, the company sold this land to John Shary.

In 1915, John Shary's administrator wanted to have this land surveyed. Manuel Estapa, a man who had lived on a ranch at Comas Altas for more than twelve (12) years, refused to have anyone survey the land where he lived.

The Rangers then proceeded to bring all the people they found on their way (farmers, chicken raisers, cowboys and field workers) and had them line up on a street. They sent for Frank Dew so that he could recognize the people. Frank Dew declared that he knew all of the people and that they were good freinds of his.

While this was going on, soldiers were sent to get Manuel Estapa. The soldiers told Estapa that they needed him as an interpreter for the group of people. Of course, there was not a word of truth in what the soldiers told Estapa, but he did not know otherwise. The soldiers turned Estapa over to the Rangers. Daniel Saenz, a friend of Estapa's, was picked up by the Rangers near Madero, Texas. Estapa and Saenz were never seen again.

Frank Dew, who was a ranger then, was ordered by the county to burn down Comas Altas. Being a good man, he told the people that they could take out their belongings before he set fire to Comas Altas. No people were injured.

Hoit and Conway bought the land from Rincon Road to Jardin de Flores from the priests. Later this company sold this same land to John Shary.

Another injustice to the people occurred about 1915. People were forced to clean up the Military Road, yet they received no wages for their work. They were forced to leave the fields, their farms, or any other type of work they engaged in to go to work on the Military Road. If they refused to do so, they were taken to prison from fifteen (15) days to thirty (30) days.

One day, Captain McCoy saw several persons working on the Military Road, and he stopped to ask them if they were getting paid for their work. They replied that they received nothing in return. Captain McCoy then told the people to go home and work at their own jobs. He told them that the county should pay them for the work they put out. After that incident, people were paid for any work they did on the Military Road.

The people living on these ranches and farms were Mexican-American.

## EXHIBIT E

[From the Texas Law Review, July 1968]

### HOUSING OF MIGRANT AGRICULTURAL WORKERS

(By Richard R. Brann)

#### I. INTRODUCTION

The long-standing difficulties of migratory farm workers are rediscovered by the American public every few years. Intensive studies of the problem accompany each rediscovery, and soon thereafter numerous recommendations are made. Affirmative action is seldom taken, however, and the unfortunate plight of migratory workers continues without significant improvement.<sup>1</sup>

Migratory agricultural workers are an especially disadvantaged group of people who each year leave their usual home and travel the nation to satisfy the fluctuating seasonal demand for short-term farm labor.<sup>2</sup> One of the most pressing problems confronting these impoverished nomads is the lack of adequate housing. The housing problems of these rural workers are quite different from those of the city slum dweller, but are nonetheless just as serious.<sup>3</sup> Historically,

<sup>1</sup> Bennett, *Still the Harvest of Shame*, 80 COMMONWEAL, Apr. 10, 1964, at 83; *The Vagabond Kings*, 28 THE REPORTER, May 9, 1963, at 13; see 1 THE TEXAS FRONT IN THE NATION'S WAR ON POVERTY, Oct. 1966, at 2.

<sup>2</sup> THE GOOD NEIGHBOR COMM'N TEXAS, TEXAS MIGRANT LABOR—THE 1966 MIGRATION (1967) (unpaginated); *Blue-Sky Sweatshop*, 71 AM. FED., June 1964, at 8; Britton, *Open-Sky Sweatshops*, 1 HOUS. L. REV. 131, 134 (1963); *Migratory Farm Labor, The Problem and Proposals for Improvement*, 31 STATE GOV'T 94 (1958).

The domestic migrant force, composed of American Indians, Negroes, and Mexican-Americans, is often exploited by both labor contractors and growers. See *id.* at 95; *Roots for the Rootless*, 80 CHRISTIAN CENT. 635 (May 15, 1963). Intrastate migrants are found principally in California, Florida, and Texas. *Migratory Farm Labor, The Problem and Proposals for Improvement*, *supra* at 95. Although the migrant's labor is anxiously awaited by the harvesting farmer, as the harvest ends the migrant's departure from the community is equally welcomed. PRESIDENT'S NAT'L ADVISORY COMM'N ON RURAL POVERTY, THE PEOPLE LEFT BEHIND 98 (1967); Tyson, *Migratory Labor—Some Legal, Economic and Social Aspects*, 3 MERCER L. REV. 278, 284 (1952); see Moore, *Slaves for Rent*, 215 ATLANTIC MO. 109, 110 (Mar. 1965).

<sup>3</sup> P. WALD, LAW AND POVERTY 1965, REPORT TO THE NAT'L CONFERENCE ON LAW AND POVERTY 13 n. 36 (1965).

housing in rural areas has been inferior to urban housing;<sup>4</sup> and as a group the migrant workers rank among the poorest housed of our rural population. The remoteness of their rural setting, however, renders their substandard housing barely visible to the American public.<sup>5</sup>

The migrant's need for decent housing falls primarily in two basic areas—home-base housing and on-the-job housing. Each category presents its own unique problems, but most of these problems stem primarily from the migrant's transient nature and resultant lack of strong community ties. Since they are on the move much of the year, these laborers are the constituents of no one. Thus legislation to improve their accommodations depends largely on the noble intentions of "do-good" lobbies and liberal legislators.<sup>6</sup> Although the efforts of these individuals have been persistent, they have seldom been sufficient to overcome the influence of tightly organized agricultural interests.<sup>7</sup>

The housing difficulties of the migratory worker are particularly acute in Texas, the home state of by far the greatest number of farm workers in the country.<sup>8</sup> As both a principal supplier and employer of migrant labor, Texas must cope with the migrant's home-base housing needs as well as with on-the-job lodging for those who migrate intrastate. In the past, efforts to improve housing in each of these categories have been woefully inadequate.

## II. HOME-BASE HOUSING

Home-base housing describes the migratory worker's accommodations in the locality where he spends the greatest part of the year.<sup>9</sup> Characterized as among the worst in the nation,<sup>10</sup> this "permanent" housing is often simply a shack in a run-down section of an older community. Various parts of California, Arizona, and south Texas are dotted with these cabin slums of migrant workers attempting to settle briefly during the off-season.<sup>11</sup> In Texas the home bases of most migrants are located from San Antonio to the border and the gulf, with a large concentration in the Lower Rio Grande Valley.<sup>12</sup> Typically substandard,<sup>13</sup> migrant

<sup>4</sup> Malotky, *Better Housing in the Country*, in *A PLACE TO LIVE, THE YEARBOOK OF AGRICULTURE 185* (1963).

<sup>5</sup> *Id.* at 188; *Hearings on S. 981 Before a Subcomm. of the Senate Comm. on Banking and Currency*, 88th Cong., 1st Sess. 57 (1963) (statement of William L. Blatt, Sr., Administrator, Area Development Administration) [hereinafter cited as *Hearings on S. 981*]. The deplorable conditions of some migrant labor camps, often located near large population centers, are nevertheless hidden from public view; for the camps are usually constructed well within the limits of private property. Moore, *supra* note 2, at 112.

<sup>6</sup> *The Vagabond Kings*, *supra* note 1, at 13; see Keisker, *Harvest of Shame*, 74 *COMMONWEAL*, May 19, 1961, at 202; Kovarsky, *Congress and Migrant Labor*, 9 *ST. LOUIS U.L.J.* 293, 300 (1965).

<sup>7</sup> *E.g.*, *Blue-Sky Sweetshop*, *supra* note 2, at 8; Keisker, *supra* note 6, at 203; Kovarsky, *supra* note 6, at 299. Large agricultural interests comprise what has been described as one of the "toughest" lobbies in Washington. See generally S. ALLEN, *THE GROUND IS OUR TABLE 47* (1966).

<sup>8</sup> THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2; Moore, *supra* note 2 at 109; Interview with Joe Manahan, Director of Farm Placement, Texas Employment Comm'n, in Austin, Texas, March 4, 1968.

<sup>9</sup> PRESIDENT'S COMM'N ON MIGRATORY LABOR, *MIGRATORY LABOR IN AMERICAN AGRICULTURE 137* (1951). See generally L. SHOTWELL, *THE HARVESTERS: THE STORY OF THE MIGRANT PEOPLE 20* (1961).

<sup>10</sup> PRESIDENT'S COMM'N ON MIGRATORY LABOR, *supra* note 9, at 144; *Migratory Farm Labor, The Problem and Proposals for Improvement*, *supra* note 2, at 95; see M. HARRINGTON, *THE OTHER AMERICA 54* (1963). Some 80% of the farm workers in California live in dilapidated homes. SELF HELP ENTERPRISES, INC., *NEW HOUSING BY POOR FARM WORKERS* (1968) (unpaginated).

<sup>11</sup> Moore, *supra* note 2, at 112. Attempts to forsake the migrant stream and settle in distant parts of the country are difficult since the migrant lacks a stable income and is usually ineligible for welfare assistance because of state residence requirements. See *Hearings on S. 981*, *supra* note 5, at 49 (statement of Rev. James L. Vizzard); SENATE SUBCOMM. ON MIGRATORY LABOR, *THE MIGRATORY FARM PROBLEM IN THE UNITED STATES, 1968 REPORT*, 90th Cong., 2d Sess. 56-61 (1968). The constitutionality of these residence requirements is presently in doubt. See generally Harvith, *The Constitutionality of Residence Tests for General and Categorical Assistance Programs*, 54 *CALIF. L. REV.* 567 (1966).

<sup>12</sup> THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2. This report lists Hidalgo County in south Texas as having the greatest number of resident migrants with approximately 25,000 in the county. Nearly 90,000 of a total 134,700 Texas migrants reside in the counties of the Lower Rio Grande Valley. These figures are estimates based on farm laborers recorded by the Texas Employment Commission or recruited under the Bureau of Labor Statistics regulations. The figures include only workers and not necessarily their children. *Id.* Evidence also indicates that thousands of migrants have begun to settle in an area near Lubbock, Texas. I THE TEXAS FRONT IN THE NATION'S WAR ON POVERTY, *supra* note 1, at 1.

<sup>13</sup> See *Rural Poverty, Hearings Before the Nat'l Advisory Comm'n on Rural Poverty*, Memphis, Tenn., Feb. 2 & 3, 1967, at 206, 257 (remarks and written statement of H. S.

housing in these communities is predominately nonfarm and is often owned by the migrant family.<sup>14</sup>

Although home base may be nothing more than a dilapidated shack in the Mexican quarter of some southwestern town, this is where the migrant most likely has the greatest feeling of community belonging.<sup>15</sup> Despite this feeling, absence from the area much of the year prevents most migrants from becoming an integral part of their home community. The lack of significant community ties undermines the migrant's ability to persuade local authorities to initiate housing programs beneficial to him.<sup>16</sup> Consequently, his housing at home base is likely to remain substandard.

Except for the migrant's absence from the community for much of the year and resultant lack of strong community ties, the problems of improving the migrant's home-base housing are not unlike the problems of improving any substandard housing in rural or urban fringe areas. Although little seems to have been done in the past, in recent years several steps have been taken by governmental authorities to aid the migrant and other rural poor in bettering their home-base housing.<sup>17</sup> One of the most important programs in this area is self-help housing and home improvement,<sup>18</sup> a plan by which the poor themselves supply the necessary labor in the construction and improvement of their homes. Having had significant impact on the areas in which it has been utilized successfully,<sup>19</sup> self-help housing is a particularly attractive program for migrants because it not only enables them to improve their housing, but also provides them with useful vocational training in construction skills.<sup>20</sup>

Technical assistance for migrant self-help housing is financed under the federal program of Assistance for Migrant and Seasonal Farm Workers authorized by Title III-B of the Economic Opportunity Act of 1964.<sup>21</sup> Loans are obtained from the Farmer's Home Administration of the United States Department of Agriculture.<sup>22</sup> Usually coordinated by a nonprofit corporation, migrant families form a self-help group and guarantee each other a certain number of hours of labor.<sup>23</sup> Eligibility for OEO assistance and FHA mortgages is limited,<sup>24</sup> but the families that qualify are able to receive valuable guidance in construction skills from self-help construction supervisors.<sup>25</sup> The construction itself offers a beneficial utilization of what would otherwise be a slack period in their agricultural employment. One of the most successful of these self-help projects is now underway in California. By the end of the 1967, approximately 138 homes had been built by self-help and another 133 were under construction.<sup>26</sup> In Tulare

Brown, President, Texas AFL-CIO) [hereinafter cited as *Rural Poverty Hearings—Memphis*]; *Rural Poverty Hearings Before the Nat'l Advisory Comm'n on Rural Poverty, Tucson, Ariz.*, Jan. 26 & 27, 1967, at 398 (statement submitted by Walter Richter, Director, Southwest Region OEO) [hereinafter cited as *Rural Poverty Hearings—Tucson*]; PRESIDENT'S COMM'N ON MIGRATORY LABOR, *supra* note 9, at 145.

<sup>14</sup> SENATE SUBCOMM. ON MIGRATORY LABOR, *supra* note 11, at 18.

<sup>15</sup> See authorities cited note 9 *supra*.

<sup>16</sup> E.g., *Rural Poverty, Hearings Before the Nat'l Advisory Comm'n on Rural Poverty, Washington, D.C.*, Feb. 15, 16 & 17, 1967, at 288 (statement submitted by Robert C. Weaver, Secretary of Dep't of Housing and Urban Development) [hereinafter cited as *Rural Poverty Hearings—Washington*]; *Migratory Farm Labor, The Problem and Proposals for Improvement*, *supra* note 2, at 95.

<sup>17</sup> See, e.g., VICE PRESIDENT'S HANDBOOK FOR LOCAL OFFICIALS, A GUIDE TO FEDERAL ASSISTANCE FOR LOCAL GOVERNMENTS 190, 194-96 (1967) [hereinafter cited as VICE PRESIDENT'S HANDBOOK]; OFFICE OF ECONOMIC OPPORTUNITY, CATALOG OF FEDERAL ASSISTANCE PROGRAMS 162, 167, 183, 396, 552 (1967); Shriver, *Rural Poverty—The Problem and the Challenge*, 15 KAN L. REV. 401, 402 (1967). For a breakdown of federal funds allocated to state and local governments for rural housing for domestic farm labor see VICE PRESIDENT'S HANDBOOK 261.

<sup>18</sup> *Rural Poverty Hearings—Washington* 439 (statement submitted by Sargent Shriver, Director of the OEO); Shriver, *supra* note 17, at 403.

<sup>19</sup> Shriver, *supra* note 17, at 403.

<sup>20</sup> *Id.*; I THE TEXAS FRONT IN THE NATION'S WAR ON POVERTY, *supra* note 1, at 4.

<sup>21</sup> Economic Opportunity Act of 1964, 42 U.S.C. § 2861 (Supp. I, 1965). For insight into the legislative background of this section see S. REP. NO. 599, 1965 U.S. CONG. & ADMIN. NEWS 3501. Rural Community Action Programs under Title II-A of the Economic Opportunity Act of 1964 also serve as a basis for self-help housing. See 42 U.S.C. § 2781 (1964).

<sup>22</sup> SELF HELP ENTERPRISES, INC., *supra* note 10; *Hearings on S. 981, supra* note 5, at 23.

<sup>23</sup> SELF HELP ENTERPRISES, INC., *supra* note 10; *Hearings on S. 981, supra* note 5, at 67 (letter from American Friends Service Comm., Inc.).

<sup>24</sup> To obtain OEO funds, applicants must have incomes within poverty standards, and to qualify for loans the applicant must demonstrate an ability to pay the monthly installments. SELF HELP ENTERPRISES, INC., *supra* note 10.

<sup>25</sup> *Id.*

<sup>26</sup> See generally *id.*



County, California, fifty homes had been built by February, 1967 the community's goal is to build 250 homes every year in the county.<sup>27</sup>

The Texas Office of Economic Opportunity began a similar self-help housing project in 1965 at Meadow Wood Acres, a Mexican-American community twelve miles west of San Antonio.<sup>28</sup> A subsequent continuation of this project commenced in January, 1967, and the project was completed on August 31, 1967. The project, funded with a Title III grant of \$46,241 dollars<sup>29</sup> and under the direct supervision of the Texas OEO, was not terminated until all qualified migrant families who wanted to build homes had done so.<sup>30</sup>

Although an enthusiastic self-help housing program is beneficial to the migratory worker, its ultimate success is hampered by the same factors that hinder the migrant's development in other areas—absence from the community for much of the year. A certain degree of local leadership and stability in the community is necessary if the migrant is to take full advantage of any self-help housing project. This needed stability is nearly impossible to achieve when the migrant family is gone from the community from April to October each year.<sup>31</sup>

In addition to self-help housing, there are several other federal programs available that might be employed to improve the migrant's home-base housing conditions.<sup>32</sup> Among the programs generally applicable to rural areas is the relatively new Rent Supplement Program, which provides a federal rent subsidy for the low income occupant of substandard housing and also encourages private construction of low income housing.<sup>33</sup> Another federal private housing program of potential benefit to the migrant family is the below-the-market interest rate program authorized by section 221(d)(3) of the Housing and Urban Development Act of 1965.<sup>34</sup> This mortgage insurance program, geared toward helping people with incomes too high for public housing and yet too low for private housing, is fully applicable to rural areas.<sup>35</sup>

An intermixture of several factors seems to have contributed to the apparent lack of real progress in the area of permanent migrant housing despite the availability of the above programs. First, many of the applicable programs are of relatively recent origin,<sup>36</sup> and the administrative machinery responsible for implementing positive measures has not yet had the opportunity to utilize them on a very wide scale. In Texas, for example, the Migrant Division of the Texas OEO was not created until 1966.<sup>37</sup> Since that time, however, the Migrant Division has proceeded vigorously under able leadership to remedy many of the problems of Texas migrant laborers, including housing.<sup>38</sup> Secondly, there is a positive need that the incentive for most of these programs come from the local level. If any home-improvement measure is to be truly successful, it must be sparked by local

<sup>27</sup> Bennett, *supra* note 1, at 84; authorities cited note 18 *supra*. For a discussion of a similar self-help housing project conducted under a migrant opportunity program in Arizona see *Rural Poverty Hearings—Tucson* 30-32 (statement of Mrs. Leford Harry, worker in the program).

<sup>28</sup> THE TEXAS FRONT—1967, ANNUAL REPORT OF THE TEXAS OFFICE OF ECONOMIC OPPORTUNITY EXECUTIVE DEPARTMENT 45; THE TEXAS FRONT—1966, ANNUAL REPORT OF THE TEXAS OFFICE OF ECONOMIC OPPORTUNITY EXECUTIVE DEPARTMENT 38.

<sup>29</sup> Of this \$346,241 grant, only \$67,892 was actually used to meet the costs of the housing project. The remaining \$278,349 was reallocated to the Adult Migrant Education Program. THE TEXAS FRONT—1967, *supra* note 28.

<sup>30</sup> *Id.* For an explanation of how the Meadow Wood Acres self-help housing project operated see 2 THE TEXAS FRONT IN THE NATION'S WAR ON POVERTY, July-Sept. 1967, at 3.

<sup>31</sup> For a map portraying the major travel patterns of Texas migrants see THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2. For a brief discussion of intrastate and interstate migrant travel patterns see L. SHOTWELL, *supra* note 9, at 19.

<sup>32</sup> See authorities cited note 17 *supra*.

<sup>33</sup> Housing and Urban Development Act of 1965, 12 U.S.C. § 1701s (Supp. I, 1965); see *Rural Poverty Hearings—Washington* 290 (statement of Robert C. Weaver, Secretary of Dept of Housing and Urban Development). For a complete analysis of the qualifications necessary and the benefits available under the Rent Supplement Program see OFFICE OF ECONOMIC OPPORTUNITY, CATALOG OF FEDERAL ASSISTANCE PROGRAMS 415 (1967); U.S. DEPT OF HEALTH, EDUCATION, AND WELFARE & U.S. DEPT OF HOUSING AND URBAN DEVELOPMENT, NEW PROGRAMS IN HEALTH, EDUCATION, WELFARE, HOUSING AND URBAN DEVELOPMENT FOR PERSONS AND FAMILIES OF LOW AND MODERATE INCOME 33 (1966) [hereinafter cited as NEW PROGRAMS]; U.S. DEPT OF HOUSING AND URBAN DEVELOPMENT, PROGRAMS OF HUD 43 (Aug. 1967).

<sup>34</sup> Housing and Urban Development Act of 1965, 12 U.S.C. § 1715l (Supp. I, 1965); see NEW PROGRAMS 34.

<sup>35</sup> *Rural Poverty Hearings—Washington* 290.

<sup>36</sup> See authorities cited notes 33-34 *supra*.

<sup>37</sup> THE TEXAS FRONT—1966, *supra* note 28, at 10.

<sup>38</sup> For an outline of the assistance programs handled by the Migrant Division of the Texas OEO in 1967 see THE TEXAS FRONT—1967, *supra* note 28, at 44-45.

interest in remedying the situation.<sup>39</sup> Local interest is not likely to be very great since most migrants have no truly significant ties with their home community. Consequently, a combination of local apathy, lack of community awareness, and lack of effective local leadership thus far seems to have impeded substantial progress toward improving the emigrant's home-base housing.

### III. ON-THE-JOB HOUSING

The quality of on-the-job housing varies greatly. In a few areas the dwellings provided are remarkably good. Usually, however, the housing is unsatisfactory and often fails to meet even minimum standards of decency.<sup>40</sup> The typical migrant camp consists of a series of small shacks, each housing families of six or more persons.<sup>41</sup> The accommodations in one Arizona camp were described as unattractive, poorly insulated, and inadequately heated.<sup>42</sup> Aside from the dwellings often being structurally substandard, many camps lack decent toilet facilities and a safe water supply.<sup>43</sup> During one investigation made by the Federal Bureau of Employment Security, several camps in a southwestern state were discovered to have no hot water for bathing, bath water seeping into nearby wells, stagnant water around outside spigots, and numerous other deficiencies.<sup>44</sup> A similar investigation of a midwestern camp revealed that the camp consisted of a group of old buses and a trailer located in the middle of a field. The camp had no available water supply, and water was hauled from a distance in large cans.<sup>45</sup> In Virginia a recent survey disclosed that only fifteen percent of the housing available to migrants met the minimum guidelines of the President's Commission on Migratory Labor. Deficiencies in washroom and toilet facilities were among the primary reasons for noncompliance.<sup>46</sup>

To compound the problem, housing that was once provided for Mexican Bracero labor prior to 1965<sup>47</sup> is wholly inadequate for housing today's domestic migrants. The all-male braceros were usually housed in barrack-type buildings; this type of arrangement is plainly unsatisfactory for the domestic migrant who usually travels with his family. Consequently, states that once relied heavily on bracero farm labor are now finding it necessary to remodel existing accommodations or construct new housing to satisfy the needs of domestic migrants.<sup>48</sup>

#### A. State Legislation Aimed at Improving On-the-Job Housing of Migrants

Housing for domestic migratory workers while on the job usually consists of either accommodations provided by the grower on his own property or accommodations furnished by a group of growers under a cooperative plan.<sup>49</sup> Less fre-

<sup>39</sup> See Bennett, *supra* note 1, at 84-85; Shriver, *supra* note 17, at 407.

<sup>40</sup> PRESIDENT'S NAT'L ADVISORY COMM'N ON RURAL POVERTY, *supra* note 2, at 98; THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2. For a description of the utterly deplorable housing conditions of migrant workers 30 years ago see H. H. COLLINS, AMERICA'S OWN REFUGEES 251-60 (1941). Mr. Collins refers to the farm labor camps constructed and operated by the federal government as superior to privately owned camps. These government camps were later turned over to private and public organizations, and a few still serve the needs of migrants today. Malotky, *supra* note 4, at 188.

<sup>41</sup> A vivid description of the typical migrant camp is found in Moore, *supra* note 2, at 112-15 (conditions behind the "tar-paper curtain"). See also S. ALLEN, *supra* note 7, at 32; M. HARRINGTON, *supra* note 10, at 54; THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2. See *Bitter Harvest*, TIME, Feb. 16, 1968, at 51-52; Gomes, *Migrant Diary*, 4 VISTA VOLUNTEER, Feb. 1968, at 3. Mr. Gomes describes the Florida camp in which he lived as follows: "The camp is an old packing house which has been divided into little compartments. It is structured of wood and tin, and the room dividers are of cardboard. There is no indoor plumbing. One light bulb is centered in each of the rooms. . . ." *Id.*

<sup>42</sup> *Rural Poverty Hearings—Tucson* 388 (statement of Jean Enrick describing Sahuarita cotton camp).

<sup>43</sup> See S. ALLEN, *supra* note 7, at 32-33; P. WALD, *supra* note 3, at 13 n.36; *Hearings on S. 981*, *supra* note 5, at 42 (statement of John F. Henning).

<sup>44</sup> *Hearings on S. 981*, *supra* note 5, at 42 (statement of John F. Henning).

<sup>45</sup> *Id.*

<sup>46</sup> VIRGINIA POLYTECHNIC INSTITUTE, MIGRANT LABOR HOUSING REQUIREMENTS FOR THE EASTERN SHORE COUNTIES OF VIRGINIA 1, 15 (1968).

<sup>47</sup> Public Law 78 authorizing the importation of Mexican nationals to perform seasonal farm labor was terminated December 31, 1964. THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2. See generally Britton, *supra* note 2, at 159.

<sup>48</sup> S. ALLEN, *supra* note 7, at 101; THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2; *Hearings on S. 981*, *supra* note 5, at 45-46 (statement of Rev. James L. Vizzard).

<sup>49</sup> Britton, *supra* note 2, at 145; see VIRGINIA POLYTECHNIC INSTITUTE, *supra* note 46, at 1. Only an estimated 15% of the housing furnished met the minimum guidelines of the President's Commission on Migratory Labor. *Id.* In some areas migrants obtain commercial accommodations in nearby cities. These arrangements are usually expensive and overcrowded. Britton, *supra* note 2, at 146. While en route to employment the migrant finds few rest camps or hotels that welcome him. Consequently, he must usually travel long distances from one employer to the next. *Migrant Farm Labor—The Problem and Proposals for Improvement*, *supra* note 2, at 95.

quently, a labor camp is maintained by a farm labor contractor for the workers he recruits.<sup>50</sup> In an effort to guarantee minimum standards of decency in these migratory labor camps, twenty-eight states have established mandatory laws or regulations applicable to these facilities.<sup>51</sup> These statutes or regulations fix minimum standards for migrant housing and often provide for inspection of the labor camps to insure that the standards are met.<sup>52</sup> The standards established in labor camp codes<sup>53</sup> vary considerably from state to state. The codes of at least eight states require a license to operate a labor camp.<sup>54</sup> Ordinarily, a state agency is required to inspect the camp for code compliance prior to the issuance of a license.<sup>55</sup> On the other hand, Arizona, Connecticut, and several other states have no registration or licensing provisions in their codes.<sup>56</sup> The state codes themselves may establish minimum standards for matters ranging from location of the camp area<sup>57</sup> and size of the living quarters<sup>58</sup> to the quality of the water supply<sup>59</sup> and the method of sewage and refuse disposal.<sup>60</sup> Penalties for noncompliance with these regulations range from a 1,000-dollar fine or six months imprisonment in Florida<sup>61</sup> to a 200-dollar fine or sixty days in jail in Nevada.<sup>62</sup> Noncompliance with the migrant housing regulations in New Hampshire invokes a fine of only ten dollars.<sup>63</sup> In addition to penalty provisions, the codes of several states, including California and New Jersey, make provision for the abatement as a public nuisance of camps not conforming to the code and regulations.<sup>64</sup>

As a guideline for those states without statutes and those states revising their labor camp legislation, the President's Commission on Migratory Labor has prepared both a model bill authorizing regulation of agricultural camps and a model set of regulations dealing with the construction and operation of labor camps.<sup>65</sup> The standards announced in these recommended regulations are considerably more stringent than those of most states.<sup>66</sup> For example, the highly detailed regulations suggested by the President's Commission establish rigid minimum standards for such matters as beds and bedding, safety and fire prevention, washrooms, bathrooms, and laundry facilities.<sup>67</sup> Moreover, the model statute recommended by the President's Commission contains not only a licensing provision and procedure for revocation, but also penalty provisions authorizing fines, imprisonment or both. The model statute further provides for the enjoining of any violation of the suggested regulations.<sup>68</sup>

Despite the presence of less comprehensive codes in several states, labor-camp housing has for the most part remained substandard. Even with a detailed code, it is quite possible for a camp to be overcrowded and inconvenient and yet technically meet the requirements of the code.<sup>69</sup> Sometimes the established standards are so minimal or so vague that they are of insignificant bene-

<sup>50</sup> Note, *Agricultural Labor Relations—The Other Farm Problem*, 14 STAN. L. REV. 120 (1961). At least two states, New Jersey and Pennsylvania, apparently make the farm labor contractor jointly responsible with the farmer for providing sanitary and healthy farm labor camps. U.S. DEPT. OF LABOR, MAJOR PROVISIONS OF STATE AND FEDERAL FARM LABOR CONTRACTOR LAWS 4, 17, 19 (1965).

<sup>51</sup> PRESIDENT'S NAT'L ADVISORY COMM'N ON RURAL POVERTY, *supra* note 2, at 98. For a complete analysis of existing state labor camp legislation and a comparison of state regulations see U.S. DEPT. OF LABOR, HOUSING FOR MIGRANT AGRICULTURAL WORKERS, LABOR CAMP STANDARDS (1961) [hereinafter cited as LABOR CAMP STANDARDS]. Some commentators suggest that the regulation of agricultural camp housing is fundamentally a state responsibility. Bennett, *supra* note 1, at 85; see *Rural Poverty Hearings—Washington* 481 (statement of Catherine C. Hiatt, Executive Director, Traveller's Aid Society).

<sup>52</sup> See generally LABOR CAMP STANDARDS.

<sup>53</sup> The term "codes" as used in this Comment includes both laws and regulations.

<sup>54</sup> Those eight are Delaware, Florida, Maryland, New York, Ohio, Pennsylvania, Washington, and Wisconsin. LABOR CAMP STANDARDS 4, 27-28, 30, 36, 38, 40-41; *c.g.*, FLA. STAT. ANN. § 381.432 (1960); WIS. STAT. ANN. § 146.19 (Supp. 1967).

<sup>55</sup> See note 54 *supra*. See also LABOR CAMP STANDARDS 4-7.

<sup>56</sup> LABOR CAMP STANDARDS 5, 26-43; see ARIZ. REV. STAT. ANN. §§ 36-661 to 675 (1956); CONN. GEN. STAT. ANN. § 22-17a (1958).

<sup>57</sup> *E.g.*, ARIZ. REV. STAT. ANN. §§ 36-663 to 664 (1956). See also LABOR CAMP STANDARDS 7-9.

<sup>58</sup> *E.g.*, NEV. REV. STAT. § 444.140 (1963). See also LABOR CAMP STANDARDS 9-10, 44-71.

<sup>59</sup> *E.g.*, ARIZ. REV. STAT. ANN. § 36-665 (1956). See generally LABOR CAMP STANDARDS 13-14, 79-92.

<sup>60</sup> *E.g.*, ARIZ. REV. STAT. ANN. § 36-670 (1956); NEV. REV. STAT. § 444.170 (1963). See generally LABOR CAMP STANDARDS 15-16, 72-92.

<sup>61</sup> FLA. STAT. ANN. § 381.411 (1960).

<sup>62</sup> NEV. REV. STAT. § 444.200 (1963).

<sup>63</sup> LABOR CAMP STANDARDS 23.

<sup>64</sup> *E.g.*, CAL. LABOR CODE § 2645 (West Supp. 1967); N.J. STAT. ANN. § 34:9A-32 (1965).

<sup>65</sup> L. SHOTWELL, *supra* note 9, at 113. The complete text of both the recommended bill and regulations can be found in LABOR CAMP STANDARDS 93, 102 (Appendix B).

<sup>66</sup> See LABOR CAMP STANDARDS 26-101.

<sup>67</sup> See generally *id.* at 93-101.

<sup>68</sup> *Id.* at 104.

<sup>69</sup> L. SHOTWELL, *supra* note 9, at 112.

fit.<sup>70</sup> At other times, the state agency administering the regulations may be so inadequately staffed that effective inspection is impossible.<sup>71</sup> For example, one commentator notes that in 1961, Minnesota had 1,000 migrant labor camps and only one state official in charge of camp inspection.<sup>72</sup> Without adequate inspection: enforcement of the regulations, no matter how rigid, becomes a myth. Moreover, the mild penalty provisions of some codes, like the ten-dollar fine in New Hampshire, minimize the deterrence of noncompliance by these codes.<sup>73</sup> Varying combinations of the above factors contribute to the circumvention of state regulations in many instances.

One technique developed to enhance compliance with state labor camp codes is the Secretary of Labor's regulations concerning the referral of migrant labor under the federal-state employment service system.<sup>74</sup> These regulations provide that before any employer may receive interstate agricultural worker recruitment assistance, his labor housing must be inspected by an appropriate agency for compliance with the more stringent of either state labor camp regulations or the suggested federal labor housing standards.<sup>75</sup> The burden is on the employer to certify that his housing meets the requisite standards before he can avail himself of this valuable recruitment service.<sup>76</sup>

Although these regulations are an important step toward a total working partnership between federal and state agencies in the area of migrant housing, there are two significant loopholes in the plan. First, these regulations concern only farm labor recruited through the state employment security system.<sup>77</sup> An employer still can hire a licensed recruiter to go into a neighboring state and procure workers without having to certify that he has complied with local labor camp regulations.<sup>78</sup> Secondly, the Secretary of Labor's regulations do not cover housing provided farm workers recruited and employed in the same state where the housing is located.<sup>79</sup> Because of this latter exemption the Secretary's regulations do not benefit the thousands of Texas farm laborers who migrant wholly within the state.

To alleviate the above defects future state regulations should include two requirements. First, they should not only provide for the licensing of recruiters, but should also hold the recruiter jointly responsible with the camp owner for insuring full compliance with state labor-housing regulations.<sup>80</sup> Perhaps a certification of a camp's compliance with state housing standards could be required of the recruiter before he is allowed to legally recruit intrastate for an employer using that camp. A similar certificate might be required by the federal government before the recruiter could legally solicit workers across state lines for a given employer. Secondly, certification of compliance with state housing regulations should be mandatory before any employer is allowed to use the intrastate services of a state employment agency. Simply stated, an employer's legal capacity to recruit needed farm labor should be conditioned on compliance with state labor housing regulations. To lessen the possibility that an employer or labor contractor will regard the penalties as merely a cost of doing business, violation of the above requirements should invoke heavy fines or imprisonment.

<sup>70</sup> *Id.*

<sup>71</sup> Britton, *supra* note 2, at 146; see *Rural Poverty Hearings—Tucson* 359 (statement of Jean Emrick).

<sup>72</sup> L. SHOTWELL, *supra* note 9, at 113.

<sup>73</sup> For a comparison of each state's penalty provisions see LABOR CAMP STANDARDS 26-43.

<sup>74</sup> A detailed explanation of these regulations is found in the U.S. DEPT OF LABOR, HOUSING REGULATIONS OF THE U.S. DEPT OF LABOR FOR OUT-OF-STATE AGRICULTURAL, WOODS, AND RELATED INDUSTRY WORKERS RECRUITED THROUGH STATE EMPLOYMENT SERVICE (1967) [hereinafter cited as DEPT OF LABOR, HOUSING REGULATIONS].

<sup>75</sup> *Id.* at 2. See also Lorenz, *The Application of Cost-Utility Analysis to the Practice of Law: A Special Case Study of the California Farmworkers*, 15 KAN. L. REV. 420, 425 (1967). In California a building may be both a hotel or apartment house on the one hand or a labor camp on the other. Consequently, the structure may become subject to both the State Housing Act and the Labor Camp Act, whichever is more stringent. 30 CAL. OP. ATT'Y GEN. 16 (1957). In that instance the employer would most likely have to comply with the most stringent of the three regulations in order to satisfy the Secretary of Labor's regulations.

<sup>76</sup> See DEPT OF LABOR, HOUSING REGULATIONS 2.

<sup>77</sup> *Id.*

<sup>78</sup> Interview with Joe Manahan, Director of Farm Placement, Texas Employment Comm'n, in Austin, Texas, March 4, 1968.

<sup>79</sup> DEPT OF LABOR, HOUSING REGULATIONS 2. This defect is particularly acute in Texas, a state in which is both a prime employer and a home base for many migrants. See THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2.

<sup>80</sup> See U.S. DEPT OF LABOR, *supra* note 50.

Texas is presently one of the few states employing large numbers of migrant laborers that does not have a state agency with legal authority to require certain minimum standards of health and sanitation in migrant labor camps.<sup>81</sup> Efforts to enact needed migrant-camp legislation, however, have been made. Bills dealing with migrant housing were introduced in the 56th, 57th, 58th, and 60th Legislatures, but were not passed.<sup>82</sup> The most recent proposal, House Bill 208, introduced during the 60th Legislature, was the first such bill to be passed by the house. Although the bill was reported favorably out of committee in the senate, its penalty provision had been reduced significantly by the committee.<sup>83</sup> This bill, which entrusted the State Board of Health with making reasonable regulations concerning the maintenance of migrant labor camps, subsequently died in the senate.<sup>84</sup>

Texas does have the Good Neighbor Commission, an agency charged with studying the problems of the state's migrant workers and with coordinating federal, state, and local efforts designed to improve the migrant's living conditions.<sup>85</sup> Since lack of effective coordination of migrant programs is a prime defect in many efforts at improvement,<sup>86</sup> the Good Neighbor Commission serves a very useful function. Unfortunately, however, the Commission lacks funds and working tools to achieve the desired results.<sup>87</sup>

Adequate on-the-job housing is necessary to guarantee the effective allocation of a sufficiently large farm labor force.<sup>88</sup> More strict enforcement of existing state codes and a strengthening of regulations covering migrant camps would aid in the improvement of labor camp conditions. But a comprehensive and strictly enforced code alone will not guarantee satisfactory accommodations when camp owners are without adequate funds to improve their housing.<sup>89</sup> Even the most willing farmer may be financially unable to bring his labor housing up to the requisite state standards without financial aid. Therefore, coupled with the strict enforcement of comprehensive state codes must be programs designed to assist the camp owner financially in the construction and modernization of migrant housing.<sup>90</sup> Financial programs of this nature are presently available from the federal government.

#### *B. Federal Legislation Aimed at Financing the Improvement of On-the-Job Housing of Migrants*

In 1961 Title V of the Housing Act of 1949 was amended to promote improved on-the-job housing for migrants by authorizing the Farmer's Home Administration to insure loans for the construction and modernization of housing and other facilities for domestic farm labor.<sup>91</sup> The approved borrowers may include farmers, associations of farmers, state or political subdivisions, and public or private corporations.<sup>92</sup> The first loans insured under the 1961 amendment went to finance the building of forty-eight dwelling units for migrant workers who harvest fruit and vegetables grown in Gem County, Idaho.<sup>93</sup>

A second step toward the improvement of on-the-job housing for migrants was taken in 1964. In that year Congress authorized direct financial assistance to any

<sup>81</sup> LABOR CAMP STANDARDS 3; THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2; L. SHOTWELL, *supra* note 9, at 112.

<sup>82</sup> THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2.

<sup>83</sup> Compare H.B. 208, 6th Texas Legislature, § 10 (Jan. 30, 1967), with H.B. 208, 60th Texas Legislature, § 10(b) (May 18, 1967).

<sup>84</sup> Letter from State Representative Bill Rapp to author, March 10, 1968. In the letter Mr. Rapp indicated that the bill would probably not be reintroduced since he was not returning to the legislature, and noted "there aren't many who want to help our Migrants from my former District."

<sup>85</sup> TEX. REV. CIV. STAT. ANN. art. 4101-2, § 4(1) (1965). The Good Neighbor Commission replaces the old Texas Council on Migrant Labor once authorized by Tex. Laws 1957, ch. 417, at 1255. The federal government in 1954 set up a special President's Committee on Migratory Labor to plan for and coordinate measures relating to farm labor. Bennett, *supra* note 1, at 83.

<sup>86</sup> See *Rural Poverty Hearings* 489 (statement submitted by Mitzie Turkfeld).

<sup>87</sup> 1 THE TEXAS FRONT IN THE NATION'S WAR ON POVERTY, Oct. 1966, at 2.

<sup>88</sup> See 109 CONG. REC. 3296 (1963) (remarks of Senator Williams).

<sup>89</sup> See *Hearings on S. 981, supra* note 5, at 41 (statement of John F. Henning), 74 (letter from Committee of Officials on Migratory Farm Labor of the Atlantic Seaboard States).

<sup>90</sup> *Id.*; see 109 CONG. REC. 3297 (1963) (remarks of Senator Williams).

<sup>91</sup> Housing Act of 1949, § 514, 42 U.S.C. § 1484 (1964); VICE PRESIDENT'S HANDBOOK 196; OFFICE OF ECONOMIC OPPORTUNITY, CATALOG OF FEDERAL ASSISTANCE PROGRAMS 167 (1967); Malotky, *supra* note 4, at 188.

<sup>92</sup> Housing Act of 1949, § 514(a), 42 U.S.C. § 1484(a) (1964).

<sup>93</sup> *Hearings on S. 981, supra* note 5, at 25-26 (remarks of Howard Bertsch, Administrator, Farmer's Home Administration).

state or political subdivision or any public or private nonprofit corporation to provide low-rent housing for domestic farm labor.<sup>94</sup> The applicant for assistance is required to contribute at least one-third of the development cost; this one-third contribution may come from a loan insured under the 1961 amendment mentioned above.<sup>95</sup> In order to insure the adequacy of housing constructed with federal assistance funds, the applicant is required to guarantee that the housing will be kept in a safe and sanitary condition in accordance with standards prescribed by state and local codes. Moreover, absolute priority must be given to domestic farm labor in granting occupancy of the low-rent housing financed under this statute.<sup>96</sup>

In 1965 Congress took another major step in expanding the assistance programs available for the construction of migrant labor housing. Section 517 of the Housing Act established a rural housing insurance fund and authorized the making and insuring of loans for migrant housing.<sup>97</sup> Although this provision and other comprehensive federal programs<sup>98</sup> are clearly of great potential benefit to the farm worker, some observers suggest that the housing authorization of the Farmer's Home Administration is painfully inadequate.<sup>99</sup> For example, in 1965, 1966, and 1967 only three million dollars a year was authorized for migrant labor housing under the Housing Act.<sup>100</sup>

Moreover, despite the availability of technical and financial assistance programs, many farmers have been reluctant to construct and modernize housing for their workers when they know the building will be unoccupied much of the year.<sup>101</sup> Housing for the workers, whether used for six weeks or six months, is costly;<sup>102</sup> and in the past many farmers have been unwilling to undergo the expense of building and maintaining good housing in spite of liberal government loans.<sup>103</sup> This hesitance to take advantage of available labor-housing improvement programs, however, seems to have been declining in recent years. Since the termination of the bracero program, farmers have become increasingly aware of the migratory worker's importance to them.<sup>104</sup> Growers are slowly being forced to compete for the migrant's services. Agricultural workers usually appreciate good housing, and, consequently, the availability of attractive accommodations is becoming a significant factor in procuring and holding an adequate labor supply.<sup>105</sup> A grower with access to a good labor camp has little trouble in finding workers; those utilizing substandard camps often may find their workers leaving for better accommodations elsewhere.<sup>106</sup>

A program recently implemented in Dimmit, Texas, is an excellent illustration of agricultural interests reacting to the need to attract a substantial farm labor force. Once-useful bracero housing located in that area was inadequate to satisfy the needs of domestic migrants.<sup>107</sup> In order to lure farm workers into Castro County, the agricultural interests realized that adequate housing had to be made available. Several prominent citizens formed the Castro County Agricultural Housing Association; and with private funds, a federal loan, and a federal grant

<sup>94</sup> Housing Act of 1949, § 516, 42 U.S.C. § 1486 (1964). Measures aimed at assisting in the provision of decent housing for farm labor have not been without both opposition and support from the farm community. *Hearings on S. 981, supra* note 5, at 72 (letters from the Glasboro Service Assoc. and the National Farmer's Union respectively opposing and supporting the measures).

<sup>95</sup> Housing Act of 1949, § 516(a)(2), 42 U.S.C. § 1486(a)(2) (1964).

<sup>96</sup> *Id.* § 516(c)(2)-(3), 42 U.S.C. § 1468(c)(2)-(3) (1964).

<sup>97</sup> *Id.* § 517, 42 U.S.C. § 1487 (Supp. I, 1965).

<sup>98</sup> See generally VICE PRESIDENT'S HANDBOOK 195-97.

<sup>99</sup> *Rural Poverty Hearings—Washington* 423 (statement submitted by Barbara Moffet, American Friends Service Comm.).

<sup>100</sup> SENATE SUBCOMM. ON MIGRATORY LABOR, *supra* note 11, at 18.

<sup>101</sup> PRESIDENT'S NAT'L ADVISORY COMM'N ON RURAL POVERTY, *supra* note 2, at 98; *Hearings on S. 981, supra* note 5, at 46 (statement of Rev. James L. Vizzard), 50 (statement of Sarah Newman).

<sup>102</sup> Williams, *Proposed Legislation for Migratory Workers*, 12 LAB. L.J. 630, 634 (1961); see L. SHOTWELL, *supra* note 9, at 223. But see S. ALLEN, *supra* note 7, at 102. For a detailed analysis of the costs of constructing and maintaining three different sized labor camps see VIRGINIA POLYTECHNIC INSTITUTE, *supra* note 46, at 24.

<sup>103</sup> Authority cited note 101 *supra*.

<sup>104</sup> See PRESIDENT'S NAT'L ADVISORY COMM'N ON RURAL POVERTY, *supra* note 2, at 98; *Hearings on S. 981, supra* note 5, at 45-47 (statement of Rev. James L. Vizzard). See generally S. ALLEN, *supra* note 7, at 94-104.

<sup>105</sup> S. ALLEN, *supra* note 7, at 78, 95; L. SHOTWELL, *supra* note 9, at 223-4; THE GOOD NEIGHBOR COMM'N OF TEXAS, *supra* note 2; *Rural Poverty Hearings—Tucson* 106 (statement submitted by Elroy Chavez); Tyson, *supra* note 2, at 289.

<sup>106</sup> S. ALLEN, *supra* note 7, at 95; *Hearings on S. 981, supra* note 5, at 45 (quoted remarks of a California grower).

<sup>107</sup> See authorities cited note 48 *supra* and accompanying text.

they began construction of a comfortable and attractive agricultural housing complex. Recently completed near the outskirts of Dimmit, this housing project consists of 192 one- and two-bedroom units. In addition to the dwellings, the complex contains a barber shop, laundromat, health unit, and Texas Employment Commission office.<sup>108</sup> This million-dollar complex will do much to entice workers to the area and hopefully will set a precedent for other agricultural employers in Texas.

Proposed legislation aimed at further encouraging construction and modernization of farmer-owned migrant housing includes a bill first introduced in Congress by Senator Harrison Williams in 1963 that would give farmers a tax incentive to provide decent housing for migrants.<sup>109</sup> Briefly stated, this proposal would allow a rapid tax amortization of the building costs of farm labor housing. Under the bill, construction and improvement costs could be amortized for tax purposes over a period of five years instead of depreciated over the entire useful life of the housing facility, usually a minimum of twenty years.<sup>110</sup> In order to qualify for this special tax treatment the owner of the housing would have to certify three things. First, he must guarantee that the facilities constructed would provide safe and sanitary housing for migrant workers. Secondly, if the housing is not to be furnished rent free, the owner must agree that rentals will be in line with the migrant's ability to pay. Finally, the applicant must certify that during the five-year amortization period, the housing will be made primarily available to domestic farm workers and will be maintained and operated in accordance with applicable standards of sanitation and safety.<sup>111</sup>

Although the above tax incentive would most likely increase the availability of adequate on-the-job housing, some ardent spokesmen for migrant interests strongly oppose it and all other governmental support of employer-owned housing for migrants.<sup>112</sup> Opponents of employer-owned housing argue that this arrangement places severe restrictions on the employment opportunities of migrants.<sup>113</sup> When the migratory worker is housed in a camp wholly owned by his employer, he is confronted with the constant threat of termination of employment and consequent eviction if he engages in activities disfavored by his employer.<sup>114</sup> Disapproved conduct may be nothing more than occasional off-duty chores for another employer in the area. The migrant's freedom to seek more favorable employment in the community or to organize for collective bargaining purposes is meaningless when his family's shelter depends on the owner-employer's approval of his conduct.<sup>115</sup>

One possible solution to this problem seems to lie in a greater participation by local and state governments in the construction and operation of migrant labor camps.<sup>116</sup> When the local community or a nonprofit association is responsible for the construction and operation of migrant housing facilities, the individual growers must relinquish much control over the lives of their workers.<sup>117</sup> Only when housing is sufficiently divorced from the employment relationship will the migrant

<sup>108</sup> For the full story, complete with pictures, of this laudable agri-housing project see 9 THE COMMUNICATOR, OFFICIAL PUBLICATION OF THE TEXAS EMPLOYMENT COMMISSION FOR ITS EMPLOYEES, Feb. 1968, at 6.

<sup>109</sup> S. 2260, 88th Cong., 1st Sess. (1963); see 109 CONG. REC. 20,165 (1963) (remarks of Senator Williams upon introduction of the bill). This measure was again offered by Senator Williams as an amendment to the Revenue Act of 1964, 110 CONG. REC. 2368 (1964).

<sup>110</sup> SENATE SUBCOMM. ON MIGRATORY LABOR, *supra* note 11, at 19-20; 109 CONG. REC. 20,165 (1963).

<sup>111</sup> *Id.*

<sup>112</sup> See *Rural Poverty Hearings—Washington* 75-76, 421-22 (statement submitted by Barbara Moffet, American Friends Service Comm.).

<sup>113</sup> Witness Moffet noted that in California it was reported that "people who live in grower-owned housing may reduce their potential annual employment by as much as 1/3 because they cannot readily work for other employers." *Id.* at 422.

<sup>114</sup> The following is characteristic of housing agreements between an employer and farmworker: "It is understood that the right given herein to occupy said premises is a license only. . . . Employer may cancel this license at any time . . . by making oral or written demand. . . . and on such demand the right of the licensee to occupy said premises shall cease. . . ." Lorenz, *supra* note 75, at 424 n.35.

<sup>115</sup> For a thorough discussion of an employer's right to evict an employee from employer-owner housing after termination of employment see Annot., 39 A.L.R. 1145 (1925); Annot., 35 A.L.R. 576 (1925). See also Annot., 48 A.L.R.2d 995 (1956). When housing is wholly owned by the employer, the migrant's living conditions are established by his employer on a take-it-or-leave-it basis. See Livingston, *Migrant Workers and Trade Unions*, 67 AM. FED., Feb. 1960, at 8.

<sup>116</sup> See *Tied Cottages, Exploding a Myth*, 198 ECONOMIST 648 (1961).

<sup>117</sup> VIRGINIA POLYTECHNIC INSTITUTE, *supra* note 43, at 31; *Hearings on S. 981, supra* note 5, at 27 (remarks of Louis D. Malotky, Director of the Rural Housing Loan Division in the Farmer's Home Administration).

be truly free to pursue the most attractive employment opportunities in the area. Local governmental participation in labor-camp management, however, is difficult to achieve when the dominant economic interests in the area are agricultural employers interested in attracting a "captive" labor force. To lessen the migrant's dependence on employer-owned housing, present governmental support for these arrangements would have to be significantly altered. New and existing programs would have to focus on stimulating greater participation by local governmental units and nonprofit associations in the construction of on-the-job housing. A reallocation of available resources toward reaching this end would help eliminate the disadvantages of housing wholly owned by a single employer.<sup>118</sup>

#### IV. CONCLUSIONS

Current attempts to improve migrant housing, particularly on-the-job housing, might be further advanced by placing additional emphasis on the following areas.

In order to achieve lasting improvement, existing assistance measures must be more effectively coordinated.<sup>119</sup> An array of improvement programs for migrant labor housing are presently available from numerous state and federal sources, perhaps from too many sources.<sup>120</sup> Several governmental agencies presently administer the various available programs. Needless overlapping and delay are bound to occur. *Individual* efforts of local communities, nonprofit corporations, and private employers are indeed admirable, but these efforts can at best achieve only piecemeal solutions. A greater measure of coordination, uniformity, and concentration of efforts is needed.<sup>121</sup> The focus of these coordinated efforts should be on the local level to facilitate direct response to local needs.<sup>122</sup> The solution lies in formulating a serviceable plan of action employing an appropriate combination of federal, state, local, and private resources.<sup>123</sup>

Greater attention also should be given to employing modern technology to develop inexpensive housing to satisfy the needs of migrants.<sup>124</sup> Current technological developments should make it possible to adapt various types of prefabricated and portable dwellings to the particular needs of migrants on the job. One California professor of environmental design has fashioned an inexpensive portable village<sup>125</sup> composed of individual collapsible dwellings that can easily be transported to an area of urgent need.<sup>126</sup> This type of temporary structure would be particularly useful in areas where harvest seasons are short and housing is needed for only a few weeks. Another recent technological development in the construction of low-cost housing involves the stacking of burlap bags filled with a dry concrete mixture. The bags are then bonded together with steel rods and soaked with water.<sup>127</sup> Construction time is short, and the finished structure is both sturdy and inexpensive.<sup>128</sup> Greater use of these and similar technological developments would bring the migrant out of "shacktown" and into the 1960's.

Finally, there exists an urgent need to give the migrant a greater political voice in developing programs beneficial to him. As noted earlier, there is presently very little "political mileage" in asserting the interests of migrants.<sup>129</sup> Senator Harrison Williams has suggested that otherwise-qualified migrants should be given the opportunity to vote in presidential and congressional elections despite their mobility and absence from the community much of the year.<sup>130</sup> His proposal would involve an amendment to federal voting rights legislation forbidding a state from denying the right to vote in national elections because of state residence requirements if the voter is otherwise qualified and has resided in the state

<sup>118</sup> For an excellent illustration of migrant housing owned and operated by a community organization see text accompanying note 108 *supra*.

<sup>119</sup> See Shriver, *supra* note 17, at 401-02.

<sup>120</sup> SENATE SUBCOMM. ON MIGRATORY LABOR, *supra* note 11, at 18.

<sup>121</sup> *Hearings on S. 981, supra* note 5, at 41 (statement of John F. Henning). See generally SENATE SUBCOMM. ON MIGRATORY LABOR, *supra* note 11, at 16-19.

<sup>122</sup> This is the primary function of local Community Action Programs today. Shriver, *supra* note 17, at 401-02. *But cf. id.* at 407.

<sup>123</sup> See VICE PRESIDENT'S HANDBOOK 22; LORENZ, *supra* note 75, at 428.

<sup>124</sup> See *Rural Poverty Hearings—Washington* 22S (statement of Robert Weaver, Secretary of Dep't of Housing and Urban Development).

<sup>125</sup> Each dwelling costs only \$240. S. ALLEN, *supra* note 7, at 102.

<sup>126</sup> *Id.* at 101-102.

<sup>127</sup> HOUSE AND HOME, Jan. 1968, at 80-81.

<sup>128</sup> Production costs are estimated at only \$5.50 a square foot. *Id.*

<sup>129</sup> Authorities cited note 6 *supra* and accompanying text.

<sup>130</sup> *Rural Poverty Hearings—Memphis* 210 (statement of J. S. Brown, President, Texas AFL-CIO). See also SENATE SUBCOMM. ON MIGRATORY LABOR, *supra* note 11, at 62-63.



for thirty days.<sup>131</sup> This plan, if successful, would significantly augment the migrant's political influence on Congress. In addition to this measure, the powerful voice of rural agricultural opponents to migrant legislation will be weakened if any redistricting in states on the basis of population.<sup>132</sup> A withering of their political power can only increase the migrant's chances for improvement.

Today, however, the migratory worker does not have the power to influence legislation. Until an informed and perhaps aroused American public acts to improve the living conditions of migrants, they will remain hopeless wanderers professing, "The road [is our] home; the ground is our table."<sup>133</sup>

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EXHIBIT F

U.S. COMMISSION ON CIVIL RIGHTS

STAFF REPORT—ADMINISTRATION OF JUSTICE

"... Right now, the man we are speaking of in Northern New Mexico does not see the legal process or court process . . . as holding any promise to him whatsoever. As a consequence, he is probably quite reluctant to even think that the government might offer protection as well as punishment."<sup>1</sup>

This characterization of the relationship of Mexican Americans to the administration of justice in northern New Mexico, made by a participant in a closed meeting last spring of the New Mexico Advisory Committee to the Commission on Civil Rights, appears to be applicable to many areas in the Southwest.

The alienation felt by Mexican Americans from the legal system has consequences beyond the realm of individual feelings. In northern New Mexico, for example, the descendants of Spanish settlers feel that they have been unjustly deprived of their lands through a legal system which is foreign to their tradition and which they do not understand. Many have indicated they support the *Alianza Federale de Mercedes*, an organization which says it is dedicated to redress the grievances with respect to their lands by legal means if possible, but by extra legal means if necessary. There has been disorder, fear and repression in that area (see *infra*). The witness before the Advisory Committee thought that all this could have been prevented:

"I think if we could begin to demonstrate in this Nation that justice is a possibility, and that the law and justice is for [Mexican Americans'] benefit, that an awful lot could be accomplished that would cost the government millions of dollars . . ."<sup>2</sup>

The Commission has received many complaints that Mexican Americans in the Southwest do not receive equal justice under law. The Commission has undertaken a study of this subject. In connection with that study, which is not yet completed, and in preparation for the Commission's San Antonio hearing, the Commission staff has conducted investigations in five Southwestern states: Arizona, California, Colorado, New Mexico and Texas. During the spring of 1968, the New Mexico Advisory Committee to the Commission held two closed meetings to investigate problems in the administration of justice affecting Mexican Americans. The California Advisory Committee held a similar meeting in the summer of 1968. Under contract with the Commission, the California Rural Legal Assistance, Inc. examined the composition of grand juries in 22 California counties to determine whether Mexican Americans were being discriminated against in the selection of grand jury members.<sup>3</sup> The Commission also distributed a questionnaire concerning employment practices, training programs, complaint review procedures and community relations problems to 800 law enforcement agencies in the five states. To date, more than 200 law enforcement agencies have responded to the questionnaire and their answers are being analyzed. Commission staff members have interviewed several hundred persons

<sup>131</sup> SENATE SUBCOMM. ON MIGRATORY LABOR, *supra* note 11, at 62.

<sup>132</sup> See Kovarsky, *supra* note 6, at 328.

<sup>133</sup> A California farm worker, quoted in S. ALEN, *supra* note 7, at 66.

<sup>1</sup> Transcript of closed meeting held by the New Mexico Advisory Committee to the Commission on Civil Rights on May 4, 1968 (hereinafter *New Mexico T.*, May 4, 1968) at 243.

<sup>2</sup> *Id.* at 243-44.

<sup>3</sup> The 22 counties surveyed included the 20 California counties with the highest Spanish-surname population and the 2 counties with the highest Indian population.

knowledgeable about problems in this area, including leaders of Mexican American communities, judges, jury commissioners, probation officers, law enforcement officers, lawyers, and individuals who have no dealings with the courts or law enforcement officers.

During the course of these investigations and meetings, the Commission staff has received many reports alleging discriminatory treatment against Mexican-Americans. Although the reports varied, certain types of complaints recurred. This staff report is intended to summarize and illustrate the complaints and allegations received to date by the Commission. A full report of the Commission's study will be completed and released in about six months.

1. *Police harassment.*—The most common complaint was that of harassment by the police. Such alleged harassment includes discourtesy, frequent stopping and questioning of Mexican Americans on the street, illegal searches and seizures and outright brutality.<sup>4</sup> Accusations of this kind were made in most of the cities and towns visited by Commission staff.

The most shocking stories of police brutality were told by residents of small towns where, according to many Mexican Americans, such occurrences are common.

A lifelong resident of a California town whose population is about 20 percent Mexican American told the California Advisory Committee of being beaten by the local police in 1963.<sup>5</sup> According to the complainant, he was in a bar when three police officers told him to come outside to talk to them. At that time, there were many migrant farm workers in town and he thought that he was mistaken for one of them. He told the policemen that "they were barking up the wrong tree." When he refused to leave the bar, the policemen, according to him, said he was "just another smart Mexican," threw him on the floor, kicked him and handcuffed him. The witness claimed that he made no move to resist the arrest. He reported that the officers threw him in a car and, when he could not get in because of the narrowness of the door, slugged him and kicked him inside. By this time, he told the Committee, a great crowd had gathered because he was well-known in town, he had never been in jail, and people were amazed that he had been arrested. He gave this description of the incident to the Commission.

"In the process of trying to get me in they kicked me and kicked me and kicked me and I would get up and I said why are you doing this to me . . . they would say, 'Get in there you damn Mexican!'"<sup>6</sup>

According to the complainant, the officers subsequently took him to jail and charged him with drunkenness. He was acquitted on this charge and, with great difficulty, found a lawyer who was willing to bring a civil action against the police officers. One of the police officers was found not liable and a recovery was obtained against another. The judgment, however, did not end the practices complained of, the complainant stated, and he and his brothers reportedly have been subject to constant harassment at the hands of the police department because of his suit.<sup>7</sup> According to the complainant no disciplinary action was taken by the police department against the officer against whom the judgment was rendered and since that time he has been promoted to the position of lieutenant.

Currently a Texas Highway Patrolman is being prosecuted by the Department of Justice on charges of assaulting a Mexican American man, in violation of 18 U.S.C. 242, a Federal criminal statute prohibiting the infliction under color of law of summary punishment on the basis of race, color or alienage. The information filed by the U.S. Attorney in the U.S. District Court for the Western District of Texas, San Antonio Division, charges "that on or about January 7, 1968, . . . in the Western District of Texas, [the] defendant . . . patrolman of

<sup>4</sup> Unless otherwise indicated, all the complaints and allegations discussed in this report are based on staff interviews and on transcripts of closed meetings of State Advisory Committees to the Commission.

<sup>5</sup> Transcript of closed meeting held by California Advisory Committee to the Commission on Civil Rights on August 17, 1968, (hereinafter California T.) pp. 264-301.

<sup>6</sup> California T. at 268.

<sup>7</sup> The September 1968 issue of "Law in Action," a publication of the OEO Legal Services Program, discussed a recent suit filed against the city and county law enforcement agencies in the area where this incident occurred. The complaint alleged that a Mexican American resident was beaten by the police in retaliation for his successful challenge of a traffic charge. The plaintiff claims that he was beaten on the ground, squirted with chemicals in the face and then arrested, booked and imprisoned, no charge, allegedly, was pressed against him. ("Law in Action," Vol. 3, No. 5, September 1968).

the Texas State Highway Patrol, acting under color of the laws of Texas, did willfully beat, strike, and assault . . . , an inhabitant of Texas, with the intent and purpose of inflicting summary punishment upon him, and thereby did willfully deprive [him] . . . of a right secured and protected by the Constitution and laws of the United States, to wit, the right not to be deprived of his liberty without due process of law."

Similar incidents were reported in larger cities. A lawyer with the Legal Aid Society in a Colorado city charged that police officers in his community abuse Mexican Americans. As an example the lawyer cited the experience of an elderly Mexican American who sought police assistance one evening after the steering wheel of his automobile became inoperative. Reportedly the policemen pulled up alongside the Mexican American's vehicle and ordered him to leave his car and approach the police car. When he explained what had happened, the officers allegedly told him that there was nothing wrong with his car and that he was just drunk. He denied being drunk. During the discussion, according to the complainant, the officer lighted a cigarette and the man asked if he could have one. The officer, allegedly replied: "There are no cigarettes for you, Mexican." When he became offended and tried to walk away, he was arrested and jailed. At the police station, according to the lawyer, the man was verbally insulted, put into the "drunk tank" and beaten by a Deputy Sheriff who broke his jaw.

In a Texas city a middle age Mexican American man who has often been arrested for drunkenness and loitering told Commission staff members that he spent several months in a Veterans Hospital as a result of being beaten and kicked by local police officers. This reported incident began when just after he had bought a bottle of liquor, a police officer approached him as he was walking down the street and demanded the bottle. When he refused to surrender the bottle, the arresting officer called for assistance and, reportedly five police cars appeared. The complainant said that he was knocked to the ground, kicked and beaten and detained in jail for five days without medical assistance although he repeatedly sought medical attention. When he was finally taken before a judge, he alleged, the charges were dismissed and he was taken to a hospital immediately.

There have been several incidents reported to the Commission involving the use of deadly force, force that resulted in the death of the individual, by police officers against Mexican American suspects. These incidents, unlike the alleged incidents previously described, have involved some resistance to arrest by the victim. The use of deadly force in these circumstances, however, has been severely criticised by the Mexican Americans since they do not believe that such force would have been used against Anglos.

One such incident reportedly occurred in a small town in Southern California. According to one of the leaders of the local Mexican American community, three young men were going home late one night when they were stopped, questioned and searched by a police officer. The officer reportedly did not give them any reason for his actions but told them that he was going to take them to jail because they had no identification. At that point one of the young men, aged 18, started to run. Another police car stopped and an officer jumped out and killed the youth with his service revolver. The officer was prosecuted on a charge of involuntary manslaughter, but the case was dismissed after the prosecution presented its case.<sup>8</sup>

*2. Harassment of young people.*—According to persons interviewed, two groups of Mexican Americans—juveniles and narcotic addicts—are particularly subject to harassment by the police.

A Mexican American resident of a California city, who is active in the community, described an incident involving the excessive use of force by Sheriff's officers against a 16-year-old boy. She told the California Advisory Committee to the Commission:

"I heard of these cases, but I had never actually seen one. This one, I was on the scene immediately after it took place. The blood wasn't even dry on the street in front of his own home. Because of a very childish disagreement with his sister, his sister had called the police, and the boy being very resentful of the fact that she had called him—called the police—resisted in that he demanded to know why they were going to take her word over his, and he was 16. He is a

<sup>8</sup> California T. pp. 302-310.

very, very, slim, tall youngster. He is not a belligerent—he is not a tough guy—he is very passive, but in this one instance he did resist and he was hostile.

"Nevertheless, he was taken, he was handcuffed, and he was dragged by his feet from the driveway into the police car, and it was blood from his face that was left on the street. I went immediately to the emergency hospital which is very near the home and I saw the boy. I think any human being would have done exactly what I did. I demanded to know why they had to treat that boy in that fashion, and of course, I was ignored at that particular moment, but I followed up on it.

"Immediately afterwards, I went to the Sheriff's department and demanded to speak to the two arresting officers, and after an hour and a half I was allowed to see them. Their excuse was that the boy had resisted arrest, he had assaulted an officer, and I demanded to know in exactly what manner he had assaulted these two very large, very confident, very well trained young officers. One said that [the young man] had kicked him on the shoulder while he was driving."<sup>9</sup>

It became apparent to her, she said, that in fact the officers had no charge to bring against the boy, who was released the next day. She stated that no charges were brought against him as a result of the arrest.

A lawyer in a city in New Mexico told the New Mexico Advisory Committee that he saw from his office window a policeman and a man in civilian clothes chasing a young boy whom they caught in a parking lot. He said that the man in civilian clothes "dragged the kid down and the cop jumped on his back and started riding piggy-back on him and started to push his head against the pavement."<sup>10</sup> The lawyer was so aroused by what seemed to him to be the use of excessive force that he ran down to investigate. His complaint to the police department did not bring any results. The victim, a 16-year-old Mexican American accused of shoplifting, had tried to run away from the officers. He later claimed that his head was banged against the pavement seven times. His family did not want to pursue the matter and the police argued that the lawyer could not have seen what happened from his fifth floor office window.

Mexican American juveniles complained repeatedly that law enforcement officials frequently stop, question and frisk them, regardless of whether they have grounds to suspect them of having committed any offense.<sup>11</sup> Young people in one Texas city, for example, claim that they are stopped and questioned frequently by police officers, particularly at night. According to one young man, unless a young Mexican American can prove that he has a job, he may be arrested and charged with vagrancy or drunkenness. According to a resident of the city who has worked with young people in Mexican American neighborhoods, teenagers are stopped daily on their way home from school.

A Mexican American resident of a city in New Mexico told a Commission staff member that his 18-year-old son was stopped for no apparent reason by some city police officers. According to the father's account, the officers ordered the young man out of the car and proceeded to search him and his companions, search the car and check their arms for needle marks. When the young man asked the officers why he was stopped, they told him that there was a defective plastic cover on his license plate. He was released, however, without being cited for a traffic violation. According to the young man's father, his son does not have a juvenile record or any history of involvement with the police.

Many allegations relating to discriminatory treatment of juveniles were made. One of the most common complaints was that Anglo juvenile offenders are released to the custody of their parents and no charges are brought, while Mexican American youths are charged with offenses, held in custody and sent to a reformatory.

A counselor for the State Employment Office in New Mexico gave the following account of the situation in her town:

<sup>9</sup> California T. p. 133-135.

<sup>10</sup> New Mexico T., May 4, 1968, at 41.

<sup>11</sup> In *Terry v. Ohio*, 392 U.S. 1, 14 decided last term, the Supreme Court recognized that frequent stopping of citizens by law enforcement officers creates a serious problem in police-community relations. In a footnote, the court noted that "while the frequency with which frisking forms a part of field interrogation practice varies tremendously with the locale, the objective of the interrogation, and the particular officer—it cannot help but be a severely exacerbating factor in police-community tensions. This is particularly true in situations where the stop and frisk of youths or minority groups is motivated by the officers' perceived need to maintain the power image of the beat officer, an aim sometimes accomplished by humiliating anyone who attempts to undermine police control of the streets."

"I know that when we were brought up, there were young people in [town] who were friends of ours and the boys would get into minor skirmishes, breaking up signs or something like this. They would be taken to the police department, picked up, but they would be released to the custody of their parents. As far as we know, no charges were ever made against these people.

"This is why, I think, I was very shocked when I became involved in working with these young [Mexican American] people, especially with my young friends, and found that charges were made against them, such as stealing cantaloupes out of a farmer's field, curfew violations, being truant from school and things like this. These would all be on record and they all have quite extensive juvenile records.

"Among the Anglo people I work with, these just aren't done. I don't think the Anglo children are this much better. I think this just happens, and this is the way it is."<sup>12</sup>

The former Chief of Police of a city in New Mexico told the New Mexico Advisory Committee that local officials had proposed to treat two trouble-making young gangs in his community—one Mexican American and one Anglo—in a widely divergent manner.

The community had become concerned by acts of vandalism believed to be the work of the Mexican American youngsters. The police were asked to investigate and found that both gangs were involved; they competed to see which gang could be the most destructive. At first the Police Chief had difficulty persuading the community that there even was an Anglo gang in addition to the Mexican American gang. Then, according to the former Chief, local public officials called a meeting of the parents and the children and proposed that since most of the Mexican American boys had arrest records, charges should be filed against them, while the Anglo boys would receive discipline in the schools by being forbidden to play basketball for three weeks or other such measures. Since all the boys had committed the same offenses, the Chief of Police insisted that all or none should be charged. As a result, no charges were brought against any of the young men.<sup>13</sup>

3. *Harassment of narcotic addicts in Mexican American communities.*—Members of the Commission staff heard numerous charges of harassment by the police of narcotic addicts in Mexican American neighborhoods in several Southwestern cities.<sup>14</sup>

In April 1958, a Mexican American resident of a city in New Mexico who had a record of narcotics arrests, arrived late for an interview with a Commission staff member. He stated that he was stopped by a sheriff's officer who began to search his car. He asked the officer if he had a search warrant, whereupon the officer took his pistol from his holster, pointed it at the man's head and said: "This is all the warrant I need."

A former narcotic addict in the same city, who reported being stopped frequently by the police for "investigation," told a Commission staff member that an officer who once stopped him asked for permission to search the back seat and trunk of his car. When he refused, the officer grabbed his car keys and proceeded to search the trunk of the car without permission. In some other Southwestern cities, individuals interviewed claimed that it was useless to protest a search without a warrant. Protests, Commission staff members were told, often result in arrests on minor charges.

A Federal probation officer in New Mexico speaking before the State Advisory Committee drew a depressing picture of the inability of narcotic addicts to escape from a cycle of unemployment, criminality, and addiction. In his opinion, continuous harassment by the police contributed to perpetuation of the cycle:

"This is an everyday occurrence to be stopped and booked. It occurs to me that it is a continued cycle which I will describe to you. The individual on my caseload is an addict, he is not employed, thus, perhaps we think he is stealing to provide his habit and we want information. To continue the cycle, the police will pull him over, ask him. . . . This would involve the calling of a wrecker

<sup>12</sup> Transcript of closed meeting of New Mexico Advisory Committee to the Commission on Civil Rights, on April 20, 1968 (hereinafter New Mexico T., April 20, 1968) at 108.

<sup>13</sup> New Mexico T., May 4, 1968 at 131-4.

<sup>14</sup> A Federal probation officer in a city in New Mexico said that most of the addicts under his supervision are Mexican-American. In a city in Colorado Commission staff found that 70 percent of persons arrested in 1967 for drug offenses under State law were either Negroes or Mexican-Americans.

for his car, and then it would always cost him \$10.00, \$15.00, or \$20.00 to redeem the car. They would book him for a matter of a day or two or three, and he would have to post a bond. Meantime, he has to borrow money from another addict or a relative, borrow enough for the bond and the car, not being employed. That night he goes out and steals . . . a couple of colored TV sets or something to sell so he can pay off the bondsman and the car. This happens, in a matter of a month, two or three times to this addict, and frequently they don't go to court, they forfeit bond instead of going to court. Of course, they don't feel they are getting a fair shake, and it occurs to me that it is a continued cycle. They can't keep up so they continually steal and they are pressured to steal even more by the way they are treated by the police."<sup>15</sup>

A Federal probation officer in a Texas city told a Commission staff member about similar problems in his city. He said that many of the people under his supervision (mostly Mexican Americans) are constantly harassed by the police using vagrancy charges as a means of investigation. Often, he said, this causes the individual arrested to lose his job, which may have been difficult to get in the first place.

4. *Police harassment interfering with attempts at community organization.*—Some of the most serious allegations of police harassment originated from events surrounding attempts by Mexican Americans to organize themselves in order to assert their collective power. In northern New Mexico, a proposed meeting set for June 1967 by the Alianza Federale de Mercedes was preceded by threats of prosecution for unlawful assembly by law enforcement officials.<sup>16</sup>

As the members of the Alianza continued with the plans for their meeting despite the warnings of law enforcement officials, some of them were arrested on a variety of minor charges. Subsequently, a group of Mexican Americans attempted a citizen's arrest of the district attorney for Rio Arriba County at the courthouse in Tierra Amarilla. The attempted arrest resulted in the outbreak of violence. Two law enforcement officers were wounded and several people were reportedly held hostage.

Following this incident, it is alleged, Mexican Americans were arrested without warrants, homes were broken into and searched without warrants, persons were held incommunicado and an atmosphere of fear prevailed. Soon after the shooting in Tierra Amarilla, armed sheriff's deputies and national guardsmen surrounded the picnic grounds in Canjilon where the Alianza meeting was to be conducted and reportedly kept men, women and children in what was described officially as "protective custody" for more than 24 hours, without adequate shelter or drinking water. According to reports, there was no indication that any of these people were involved in the shooting or even knew about it.

Attempts by the United Farm Workers Organizing Committee (AFL-CIO, UFWOC) to organize farm workers in Starr County in Texas in 1966 and 1967, led to harassment of the union organizers by the Texas Rangers, according to a report of the Texas Advisory Committee to the Commission. The Committee reported that members of the UFWOC and other citizens active in the organizing campaign were subject to physical and verbal abuse by Texas Rangers and Starr County law enforcement officials.<sup>17</sup>

<sup>15</sup> New Mexico T., May 4, 1968 at pp. 144-45.

<sup>16</sup> The background and events of the Alianza meeting of June 5, 1967, are the subject of a report of a subcommittee of the New Mexico Advisory Committee, July 10, 1967 and affidavits attached. See also *The New Mexican Land War* by Clark Knowlton, in THE NATION, June 17, 1968; and *Tierra Amarillo Shootout* by Ruben Dario Salaz, (1967).

<sup>17</sup> *The Administration of Justice in Starr County, Texas*, a report prepared by the Texas Advisory Committee to the Commission on Civil Rights, June 1967. The Committee found that:

"On May 25 and 26, a Subcommittee of the Texas Advisory Committee held closed meetings in Rio Grande City. At these sessions, the Committee received information including sworn statements submitted by members of the United Farm Workers Organizing Committee, AFL-CIO (UFWOC) and other citizens. On the basis of this information, the committee concluded that members of UFWOC and other citizens active in the organizing campaign have been denied their legal rights in Starr County. These denials included:

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 farm workers by Rangers to cross picket lines;
6. Intimidation by law enforcement officers of farm workers taking part in representation elections;

The Texas Advisory Committee noted that the majority of the workers and members of the Farm Workers Organizing Committee are Mexican Americans, who view the Texas Rangers as a symbol of oppression. The presence of the Rangers in Starr County, according to the Committee, served to aggravate tensions and raised questions as to the impartiality of law enforcement efforts.<sup>15</sup>

5. *Complaint review procedures.*—Almost all of the law enforcement agency questionnaires returned to the Commission indicate that the only body to which complaints can be addressed is the law enforcement agency itself. In the overwhelming majority of cases, complainants are not informed of the results of the investigation of their complaints.

The fact that complaints have to be filed with the very organization of which the accused is a member was cited as a factor discouraging complaints by the Director of the American Civil Liberties Union Police Malpractice Center in a predominantly Mexican American area in a California city. He stated: "In the beginning, [when the Center was established] we tried filing at the local station; then we found it very unsatisfactory because we found that at the local station (they were) usually very hostile or defensive with the clients."<sup>16</sup> Many persons interviewed stated that they saw no advantage in making complaints of police mistreatment to the police. In Denver, Colorado the Mayor, after rejecting a proposal for a civilian review board, set up a "Mayor's Committee" to investigate complaints against the police. In the fall of 1967, a number of people, including some individuals associated with the Mayor's Committee, agreed that the Committee had been weak and ineffectual. Commission staff members found that many of the people in the Mexican American community did not know about the Committee and its function, and those that did know about it had little faith in its ability to bring about change.

The New Mexico State Advisory Committee heard reports that civil rights complaints made to local FBI offices were investigated inadequately or in some cases were not investigated at all. In Texas, the FBI was accused of not properly investigating a case of alleged police brutality. A reinvestigation by Justice Department attorneys resulted in the filing of charges against the officer under a Federal civil rights statute.

6. *Police retaliation against complainants.*—Commission staff also heard charges of police retaliation against Mexican Americans who had complained about police harassment. In a city in New Mexico, a narcotics addict who had made a complaint against an officer reportedly was beaten by the officer about a month later in the elevator of the Police Department building. The officer allegedly remarked "so you want to complain about me to the lieutenant?" and added "You should be glad I didn't blow your head off." According to the complainant, he was charged and convicted of drunkenness but his sentence was suspended when his lawyer gave the judge a medical report on the injuries inflicted in connection with the arrest.

A resident of the Mexican American community in a California city alleged that the Sheriff's Department broke up an event at a neighborhood "Coffee House" which was organized to encourage young Mexican Americans to sign up for college. He said that a number of the participants were lined up and searched and several were given citations for selling coffee without a license.

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.<sup>17</sup>

<sup>15</sup> *Id.* p. 3. A young lawyer who worked in Starr County for the UFWOC described the relationship between the Rangers and Mexican Americans as follows: "The Rangers have little respect for the Chicano, and are intensely disliked by Mexican Americans throughout Southwest Texas; the dislike—and fear—is due as much to the Rangers' contemporary actions as to their past history. The traditional fear is so great that the mere presence of Rangers at a political or labor rally is usually enough to chill open and verbal opposition to the status quo." He also commented that: "With few exceptions, all State law enforcement officers act and dress—boots, stetsons, "western" clothes, revolvers in toled, western style holsters and belts—so as to be as intimidating as possible." *Civil Liberties Problems of Mexican Americans in the Southwest* by Doran Willians, a paper prepared for 1968 American Civil Liberties Union Biennial Conference, p. 9.

<sup>16</sup> California T. at 70. A VISTA volunteer in a city in New Mexico, who had been stopped and searched by a policeman while he was driving through a "country club area" with a Negro child in his car reported a similar experience. He felt that the policeman had had no grounds to stop him and went to lodge a complaint to the police department. According to this young man, the desk sergeant who handled his complaint defended the action of the officer who stopped the volunteer's car and said that he really did not have a valid complaint. The young man got the impression that his complaint would receive no further attention.

The Department reportedly did this in retaliation for assistance which the youths had given to a local organization which had picketed the Sheriff's station about an incident of allegedly brutality. In Texas, a victim of police brutality reportedly was re-arrested on an old charge after he complained to the FBI about the local deputy sheriff.

7. *Jury selection.*—A common complaint made to Commission staff members was the lack of representation of Mexican Americans on grand and petit juries. Only in a few localities were Mexican Americans considered to be well represented and even then only on petit juries. In some areas, it was alleged that the same Mexican Americans appear on the jury lists again and again.

A systematic study of jury discrimination was only undertaken in California and there it was limited to grand jury representation. As in California, grand jurors often exercise the dual function of indicting persons for crimes and investigating and evaluating the administration of local government. Exclusion of persons of a particular ethnic group or class from such grand juries thus bears important consequences even beyond impairing the fair and impartial administration of criminal justice.<sup>20</sup> A study by California Rural Legal Assistance, Inc. of the 20 counties with the highest percentage of Spanish surname population showed underrepresentation of Spanish surname people on the grand juries of every county studied, and in 17 counties, the disparities were particularly marked.<sup>21</sup>

On 206 of the 224 grand juries studied in the 20 counties over a 12-year time period, the Spanish surname percentage of grand jurors fell markedly below the Spanish surname percentage of the eligible populations.<sup>22</sup> In Los Angeles County with almost 500,000 Spanish surname residents only four had served as grand jurors during the 12 years studied; <sup>23</sup> while Orange County, California's fifth largest, could claim in 12 years but one Spanish surname person on its grand jury lists.<sup>24</sup> In the opinion of the report's authors constitutionally prohibited discrimination against a group can be presumed where only one-third (3:1) of those eligible for grand jury service actually serve.<sup>25</sup> The actual disparities in Colusa, Orange, Fresno, Kern, Madera and San Joaquin Counties were 16.1:1, 5.8:1, 11.5:1, 9.7:1 and 6.8:1 respectively.<sup>26</sup>

In July 1967, the Texas Advisory Committee to the Commission was told of discrimination in the selection of jurors in two Texas counties:

"There is jury discrimination in the petit jury, the grand jury, and the commissioners in Nueces and Kleberg Counties. [In the Molina precinct] . . . they had over 1,000 [Latin American] poll tax holders and we don't know how many property owners, because they are both entitled to serve, but not one single one ever had been called."<sup>27</sup>

Several persons in Texas alleged that the procedure for selecting grand jurors discriminates against Mexican Americans. Jury lists are made up by Jury Commissioners.<sup>28</sup> The Commissioners are selected by the District Court Judges. It is

<sup>20</sup> The California Penal Code §§ 919 (b) and (c), 925, 928, 933-5 (West's Ann. Pen. Code, 1967, Cum. Supp.).

<sup>21</sup> California Rural Legal Assistance Report, pp. 20-44 (hereinafter California Report).

<sup>22</sup> *Id.* at 39. The California State Legislature Assembly Interim Committee on Governmental Efficiency and Economy held hearings on the California Grand Jury System in September 1967 in which many witnesses, including former grand jurors, complained that California grand juries do not represent a cross section of the population.

<sup>23</sup> *Id.* at pp. 41-42.

<sup>24</sup> *Id.* at 42.

<sup>25</sup> *Id.* at 37-38.

<sup>26</sup> *Id.* Table VII, Ratio and Percentage of Exclusion Arranged in Order of Ratios. In these counties, 85 to 95 percent of the eligible Spanish surname population had been excluded from jury service.

<sup>27</sup> *The Civil Rights Status of Spanish Speaking Americans in Kleberg, Nueces and San Patricio Counties, Texas*, a report by the Texas Advisory Committee to the U.S. Commission on Civil Rights, July 1967, p. 2.

<sup>28</sup> The procedures for selecting grand juries in Texas are established by Articles 18.01 through 19.08 of the Texas Code of Criminal Procedure, 1965. Article 19.08 sets forth the qualifications for a grand juror. ". . . (1) He must be a citizen of the State, and of the county in which he is to serve and be qualified under the Constitution and laws to vote in said county, provided that his failure to pay a poll tax or register to vote in said county, provided that his failure to pay a poll tax or register to vote shall not be held to disqualify him in this instance; (2) he must be a free-holder within the State or a householder within the county or the wife of such a householder; (3) he must be of sound mind and good moral character; (4) he must be able to read and write; (5) he must not have been convicted of any felony; (6) he must not be under indictment or other legal accusation for theft or of any other felony." In *Hernandez v. Texas*, 347 U.S. 475 (1954) the Supreme Court held that this method of selecting grand jurors is fair on its face, but a prima facie presumption that it was not applied consistently with constitutional standards for jury selection was raised where the county population was 14 percent Spanish surname and no Mexican American had served on a jury for 25 years. This presumption was not rebutted by the statement of Jury Commissioners that they did not discriminate in the selection of jurors.



alleged that under this system most jury commissioners are Anglos and the jurors picked are mostly Anglo, with the same few Mexican Americans serving year after year. The Texas statute which establishes this procedure was recently challenged in *Rodriguez v. Brown*, C. A. 68-2-6-SA, (W. D. Texas 1968), and *U.S. v. Hunt*, 265 F. Supp. 178 (W. D. Texas 1967).<sup>29</sup>

It is apparent from these cases that one of the problems in the selection of grand jurors arises from the fact that they are selected from among persons known to the jury commissioners pursuant to a "keyman" system. Jury commissioners are required to acquaint themselves with all sections of the community.<sup>30</sup> Although, according to the opinion in the *Hunt* case,<sup>31</sup> the jury commissioners in San Antonio have made conscientious and systematic efforts to acquaint themselves with the Mexican American community in order to obtain a large number of names of potential Mexican American grand jurors, allegations of discrimination persist. The keyman system has inherent deficiencies in reaching all sections of the population for jury duty. The Federal Jury Selection and Service Act of 1968 provides for a random selection of jurors chosen from voter lists to implement Congress' declared policy "that all citizens shall have the opportunity to be considered for service on grand juries" and that every litigant have the "right to grand and petit juries selected at random from a fair cross section of the community."<sup>32</sup>

8. *Bail bonds.*—There were numerous allegations that the system of bail bonds weigh unequally against Mexican Americans who constitute a disproportionate share of poor defendants. For example, in a city in Colorado, before the institution of a system of release on personal recognizance, a person who had committed certain traffic offenses had to pay \$25 to obtain a bond to get out of jail. Consequently, many Mexican Americans used to stay in jail until their trial date because they lacked the cash money to retain a bail bondsman.

Commission staff members learned that a Mexican American resident of a small town in New Mexico, for example, spent four days in jail after an automobile accident which did not involve personal injuries because he could not raise the \$175 bail which was set for him. This man had hit a calf late at night with his car and was charged with drunken and reckless driving. Although he was a lifelong resident of the town, the Justice of the Peace refused to release him on his own recognizance for four days.

Some Mexican Americans alleged that bonds were set discriminatorily high for them in some cases. Recently, several Mexican Americans involved in a public school protest demonstration were arrested in California. They were arrested late Friday afternoon and charged with a conspiracy to commit a misdemeanor. Bail was set at approximately \$12,500 each. These persons, who were school teachers and leaders of the Mexican American community, were unable to raise money for bond immediately and were forced to spend the weekend in jail, until they could receive a court hearing to seek reduction of their bond. On Monday, their bail was reduced and eventually they were released on a bond of approximately \$250 each.<sup>33</sup>

9. *Language problems.*—In 1963, the California Advisory Committee to the United States Commission on Civil Rights cited the problem of language differences and the effect it had on Spanish speaking people in their contacts with the police and the courts. The Committee said:

<sup>29</sup> In the *Hunt* case, a criminal prosecution, one of the defendant's claims was that a jury panel which was 11 percent Spanish surname grossly underrepresented Bexar County's 36 percent Spanish surname population. However, the court found that only 14.5 to 17.5 percent of that population was eligible to serve as grand jurors under the Texas statute (above). On the basis of *Swain v. Alabama*, 380 U.S. 202, the District Court held that the disparity shown in *Hunt* did not constitute such a disparity as to indicate discrimination. In the opinion of the court, the youth of the Spanish surname population (a large percent of which is under 21) and the small percentage of Spanish surname persons who completed six years of schooling (assumed to be evidence of ability to read and write English) account for the low percentage of Mexican Americans considered eligible to serve.

In *Rodriguez*, a civil suit by Mexican Americans against the judges and jury commissioners in Bexar County, the plaintiffs asked that a three judge court be convened to consider their claim of unconstitutional discrimination in the selection of grand jurors. The court denied the plaintiffs' motions but gave them an opportunity to submit further evidence in support of their claim. In its denial of plaintiffs' motion, the court relied heavily on finding in *Hunt* that no more than 17.5 percent of the Spanish surname population was eligible to serve. The defendants in *Rodriguez* showed that 28 percent of 13 grand jury commissions were Spanish surname persons and 16 percent of 13 grand juries were Spanish surname.

<sup>30</sup> See, for example, *Rabinowitz v. U.S.*, 366 F. 2d 34 (5th Cir. 1966).

<sup>31</sup> 265 F. Supp. 194-195.

<sup>32</sup> Jury Selection and Service Act of 1968, 62 Stat. 951, 28 U.S.C. 1861 *et seq.*

<sup>33</sup> California T., pp. 247-250.

"It appeared to the Committee, however, that while the Spanish speaking groups do not feel that their problems are exacerbated as the Negro's, their problems are complicated by the additional fact that many speak mainly Spanish. Often, apparently, Spanish speaking persons literally do not understand what is happening to them in contacts with the police, district attorneys, and some courts.

\* \* \* \* \*

"This language difficulty seems a real one to the Committee. It also appears that many law enforcement officials are not cognizant of it."<sup>34</sup>

Difficulties for Mexican Americans arising from lack of fluency in English were cited by many of the persons interviewed by Commission staff, including judges, lawyers and probation officers, as barriers to equal justice. In most cases, Mexican Americans dealing with law enforcement officials know enough English to communicate, but it often is questionable whether they understand their legal rights, such as their right to remain silent, especially when these rights are explained to them in English rather than in Spanish.

A Mexican American who has difficulty with English may experience other problems in his contacts with law enforcement officers. If he does not understand the officer's questions or commands a routine contact can escalate into an unnecessary arrest and detention. A 1967 report concerned with Mexican American and law enforcement relations in Los Angeles, cited an incident between a Spanish speaking Nicaraguan and a police officer which illustrates this problem as well as suggests the racist attitudes held by some law enforcement officers:

"In April 1966, a Spanish speaking adult male and his friends were fixing a flat tire on the Hollywood freeway. A police officer stopped and asked what they were doing. The driver of the car fixing his tire with a cigarette in his mouth, looked at the police officer and did not answer as he could not speak English. The officer became very angry and demanded that he remove the cigarette from his mouth, stand up and show him some respect! The driver of the car smiled and continued to work on his tire. The officer became more angry, put him over the car and began beating him and calling him a 'dirty Mexican'."<sup>35</sup>

In some cases, injustices occur and law enforcement suffers because of the language barrier. In one case, a Commission staff member was told, a youth who was trying to quell a riot was arrested because the police, who did not understand Spanish, thought that he was trying to incite one.<sup>36</sup>

A probation officer in Arizona reported an incident in his State illustrating that language disability not only can produce misunderstanding, confusion, and inappropriate reactions by the police but injustice in the courts as well. He related that in 1966, an intoxicated Mexican American struck his daughter for being tardy in obeying an order. His wife called the police and told them that her husband had assaulted their daughter. Apparently believing that the wife had reported that her husband had sexually assaulted his daughter, the police arrived with drawn guns. The father was taken before a magistrate and charged with sexually molesting his daughter. Understanding little English and thinking he was being charged only with drunkenness, the husband made no objection to the charge. There was no interpreter present to explain the charge or help him to reply properly. He was then placed in the county jail for two months awaiting trial because he could not afford the high bond that had been set. Eventually, the probation officer, who had a heavy caseload, was able to interview the defendant and converse with him in Spanish. Upon learning the facts the probation officer explained the situation to the magistrate, who dismissed the case.

10. *Attitudes toward the administration of justice.*—Many Mexican Americans are fearful and hostile towards the police and distrustful of the courts. People reportedly subject to harassment by the police in a city in New Mexico told a Commission staff member that they were afraid to leave their homes for fear of being arrested. Mexican American youths in a California city reportedly were afraid to hold a dance in a settlement house for fear of having the police break up the dance and arrest them. A number of people throughout the Southwest said that they were unwilling to complain about police abuse for fear of retaliation.

<sup>34</sup> California Advisory Committee to the U.S. Commission on Civil Rights, *Police-Minority Group Relations in Los Angeles and the San Francisco Bay Area*, p. 37 (August 1963).

<sup>35</sup> A. Morales, *Historical and Attitudinal Factors Related to Current Mexican American—Law Enforcement Concerns in Los Angeles*, p. 7 (April 22, 1967).

<sup>36</sup> Out of 146 respondent law enforcement agencies, only 6 said that they provided Spanish courses for their Anglo officers. USCCR Questionnaire, answers to Question IV D. For the employment figures on Mexican American officers, who are presumably bilingual, see *Infra*.

tion. Commission investigators also heard that many Mexican American defendants have a tendency to plead guilty or forfeit bond even though they believe that they are innocent.

Among younger Mexican Americans particularly, there is evidence of outright hostility towards law enforcement officials as well as fear. Lately, there have been some sporadic attacks on policemen in the Southwest. Although several cities have established police-community relations units, these are believed by Mexican Americans to be public relations units only, designed to "sell" the police department and to obtain information for it rather than to promote understanding for the community in the department.

In one California city, Mexican Americans accused the police-community relations unit of the police department of being an agency designed to infiltrate the Mexican American community. Several persons alleged that the information which led to the arrests of the leaders of a school protest demonstration was obtained by the police-community relations unit of that city.<sup>37</sup>

Police-community relations units are not yet very common in the Southwest. Out of 232 agencies responding to the Commission's questionnaire, 35 reported that they have such units. Another 32 reported plans to establish one. The units now established employ 151 men, of whom 25 are Mexican Americans.<sup>38</sup>

11. *Employment of Mexican Americans in law enforcement agencies.*—The Commission also inquired into the practices of police departments in employing Spanish surname persons. The Texas law enforcement agencies responding to the Commission questionnaire showed a rough correlation between a substantial Mexican American population (over 40 percent) and the employment of more than a token number of Mexican Americans in the local police force. According to a preliminary assessment of the answers to the questionnaire, where the Mexican American population is less than 40 percent, there are generally very few or no Mexican Americans employed by law enforcement agencies. Approximately 7.4 percent of the total uniformed personnel in 232 agencies in the Southwest responding to the questionnaire thus far are Mexican Americans. In 1960, about 12 to 14 percent of the Southwest's population was Mexican American. The Texas Rangers, an elite 135 year old statewide law enforcement agency under the Texas Department of Public Safety, currently employs 62 men. None of these 62 men is a Mexican American and few Mexican Americans have ever served on the Rangers.

Employment of Mexican Americans in a law enforcement agency does not guarantee just treatment of citizens. Several complaints charging use of excessive force were made against Spanish surname law enforcement officers. Some persons interviewed stated that Mexican American policemen tend to be more brutal towards Mexican Americans to gain acceptance by their Anglo fellow officers and to be "one of them."

Few Mexican Americans are in policy-making positions in law enforcement agencies. Out of 171 agencies responding to employment questions on the Commission's questionnaire only 10 are headed by a Mexican American and 8 of these are in towns of less than 10,000 in population.<sup>39</sup>

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#### EXHIBIT G

[From the National Catholic Reporter, Feb. 19, 1969]

#### CRITIC OF TEXAS RANGER LOSES CHURCH AGENCY JOB

PHARR, TEX.—The Rev. Edgar Krueger has been fired by the Texas Council of Churches as an organizer among migrant workers of the Rio Grande valley, with whom he has worked for 18 months.

Harold Kilpatrick, executive director of the Texas Council of Churches, said of the firing: "We felt we had to change our methods of operation in the valley ministry . . ."

<sup>37</sup> The acting commander of a police-community relations unit told the California State Advisory Committee that he was required to keep the police chief fully informed of every meeting that he attended, including the names of persons who voiced complaints against the police, California T. p. 240. However, the police-community relations unit did not seem to be able to effectuate any changes in the policies of the department, even if they were having a clearly detrimental effect on community relations. Id., p. 240-251.

<sup>38</sup> USCCR Questionnaire, answers to Question VB.

<sup>39</sup> Id. Attachment A.

"We feel it is time to quit fighting city hall, the courthouse, the school board and organizing against 'the establishment.' It's time to develop communications with these people and work with them."

Mr. Krueger, a United Church of Christ minister, and his wife have concentrated on organizing self-help projects in 23 rural communities. He has also worked with VISTA volunteers in setting up a dozen other groups in four counties. Some 16,000 persons are involved in the community organizations.

The minister and his wife were in the news in May 1967 when they were arrested by Texas Rangers during a demonstration. The Texas Council of Churches filed suit in their behalf, charging the Rangers with brutality and violation of civil rights.

Now, however, the council has decided to drop the suit, following a compromise agreement with officials who reportedly gave assurances that the Rangers will respect civil rights.

An official decision to withdraw the legal action can not be made until late February when directors of the council, currently a Protestant unit, will meet. On Feb. 24, the Texas council will officially join with the 10 Roman Catholic dioceses and an Orthodox church to form the Texas Conference of Churches.

Texas Catholic bishops had publicly endorsed the suit saying that a full-scale trial was in the public interest.

Mr. Krueger declined to sign the agreement on the grounds that it exonerated the lawmen. However, Kilpatrick said in Austin that the Krueger firing had nothing to do with his refusal to sign the agreement. (Mr. Krueger disagrees.)

Kilpatrick said the council's shift away from confrontation in no way lessens its commitment to the thousands of poor in the Rio Grande valley.

Mr. Krueger attributed his ouster to a basic difference of opinion between him and the Texas Council of Churches on "the mission of the church and the nature of our ministry in the valley."

The minister acknowledged that the work had triggered confrontations between residents and local governments, but he maintained that this was not necessarily bad. "When you work with poor people and encourage them to speak for themselves, a confrontation is almost bound to occur," he said. "Hostilities have emerged because of the effectiveness of our work. People who enjoy illicit power see the powerless speaking for themselves, and they feel threatened."

Mr. Krueger said of a reported file of letters from growers opposing his views: "It's not hard to understand why they dislike me, especially (when) I gave information they did not want to hear to state and congressional committees and to the U.S. Civil Rights commission."

The clergyman said growers objected to his pointing out that the average hourly wage for farm workers in the state is 98 cents. "Nor do the growers want me to mention the farm workers' irregularity of employment, or their poor housing and health problems and other conditions which indicate that the farm worker is the low man on the totem pole."

The firing of the clergyman has been widely protested by Mexican-American groups. The Southwest Council of La Raza (The Race) in Phoenix, Ariz., has asked Dr. R. H. Edwin Espy, general secretary of the National Council of Churches, to investigate the matter as an example of anti-Mexican-American activity.

Mr. and Mrs. Krueger said they will stay in the valley. They said they may work in the fields to support themselves since they feel their work is not completed.

[From the Washington Post, Feb. 15, 1969]

#### CLERICS SQUABBLE OVER ROLE OF POOR IN WELFARE PROJECT

(By George W. Cornell)

NEW YORK, February 14.—The churches hired him to work with the poor. Soon he was taking their side in protests against the prevailing system. The churches fired him. Demonstrations flared. An inquiry began. He kept at his cause.

It's a common pattern, in many areas, as the predominant religious institutions seek to rechannel their energies to serve the long-neglected, often alienated underdogs of society.

This week, the conflict emerged in the Rio Grande Valley and involved the Texas Council of Churches, on the eve of its reconstitution as a more fully inclusive body of interdenominational cooperation.

"It's a problem that is confronting the church everywhere and its role in social change," said Dr. Harold Kilpatrick, of Austin, Tex., executive secretary of the statewide organization.

At issue basically, there as elsewhere, was the extent to which supporting organizations should control activities among the needy to improve their lot.

The friction came to a head in action to dismiss the Rev. Edgar A. Krueger, 38, as director of the council's Valley Ministry among the Mexican-American poor along the Rio Grande.

Claiming he was insubordinate and refused to work through established churches and civic institutions in the Valley area, Dr. Kilpatrick said, "We need to enlist these groups in the effort rather than fight them."

On the other hand Mr. Krueger maintained that it would compromise the program to subject it to dominant community structures. He blamed his ouster on his rejection of the "paternalistic patterns which tend to keep people in servitude.

"We have tried to build leadership among the poor so they can speak and act for themselves," he said in a telephone interview from his residence in Pharr, Tex. "Certainly their voice needs to be heard a lot more throughout the entire community and also the Nation."

A national interdenominational group, the Council on Spanish-American Work, dispatched a fact-finding committee to Texas to check into the dismissal. Demonstrations and rallies protesting it erupted among several Mexican-American groups.

Focus of the special ministry is a river delta region of four counties, Hidalgo, Starr, Cameron and Willacy, where "colonias"—shantytowns of families of farm and other day laborers—lay outside about 200 communities.

The "colonias" lack sewage systems, running water and other ordinary facilities. Mr. Krueger estimates about 90,000 Mexican-Americans live in such impoverished environments in a region with a population close to 400,000.

Mr. Krueger's dismissal was made effective Feb. 24, the date set for dissolving the Texas Council before its reconstitution the next day as the Texas Conference of Churches, embracing 10 Roman Catholic dioceses, the Greek orthodox diocese, and 27 Protestant denominations.

[From Tempo]

## FUTURE OF TEXAS TEAM MINISTRY HELD IN BALANCE

SPECIAL REPORT BY KAY LONGCOPE

A United Church of Christ minister who has spent nearly two years organizing Mexican-Americans in Texas' Rio Grande Valley has been dismissed from the staff of the Texas Council of Churches.

The action was taken against the Rev. Edgar A. Krueger, director of the Council's Valley Team Ministry, because "he made a lot of trouble," explained Dr. Harold Kilpatrick, executive secretary of the statewide cooperative body.

"No one accused Ed of not diligently doing his job with the disadvantaged," Dr. Kilpatrick said. "But he didn't relate to the staff or to the churches of the Valley. We saw after two years that we just couldn't get him to do it and that we'd have to change our methods, not our goal."

The goal of the Valley Team Ministry, which began in March 1967, the Council executive said, is "to help the disadvantaged and work with them for improving their conditions—housing, education, jobs; you name it, they need it."

Krueger, 38, was hired at the inception of the Valley ministry to work with farmworkers, then conducting a prolonged strike against the growers. When the campaign of the United Farm Workers Organizing Committee lost its steam a year or so ago, he turned to organizing activities which have resulted in the formation of 23 indigenously-based community groups scattered throughout the Valley.

In addition, he has helped VISTA minority mobilization workers organize about 12 other groups in four counties of the lower Rio Grande Valley. Some 16,000 persons are now involved in the 35 community organizations working to obtain better roads, running water, jobs, educational and political reforms in their communities.

"I've been criticized for working so much with the poor and the powerless," said Mr. Krueger, who was reached for comment at his home in Pharr, Texas.

"The pressures have built up because we rejected paternalistic patterns which tend to keep people in servitude. We have tried to build leadership among the poor so that they can speak and act for themselves.

Dr. Kilpatrick, in a telephone interview, admitted that pressures had built up.

"Ed and the VISTA volunteers just went too far out in planning things," he said. "They made a lot of trouble" in conducting protests at city council and school board meetings.

"We're tired of fighting city hall, courthouses, school boards and things that look like the establishment," Dr. Kilpatrick said. "We want to make use of those people. Ed was unwilling to change his strategy so all we could do was let him go."

The Rev. Ned Garcia, who worked alongside Krueger in the Valley Team Ministry, has asked to stay on, Dr. Kilpatrick said, adding:

"We've told him to assure the colonias (rural communities) that the Council is ready to serve them and that we hope to do more, not less. There is a potential army (in Council-related Valley churches) ready to carry out a big campaign. If we are to get anywhere we have to enlist their help and that of the power structure."

Krueger's dismissal became effective on February 24, the date set for dissolution of the Texas Council of Churches when it merged the next day with the Texas Catholic Conference and the Eastern Orthodox diocese.

At the same time the council announced Krueger's dismissal, it also made public its intent to drop a suit filed against the Texas Rangers. Council officials also said they were cancelling sponsorship of a controversial VISTA "minority mobilization" program in Hidalgo County because they had no control over activities of VISTA workers.

The suit against the Rangers was filed in the summer of 1967 on behalf of Krueger and his wife, who were arrested during union demonstrations. The Rangers were charged with false arrest and violating the civil rights of the Kruegers, who were not participating in the demonstrations.

Council officials, including TCC president United Methodist Bishop Kenneth Pope of Dallas, reached a compromise agreement with the state's Department of Public Safety to settle the case out of court. Krueger was asked to sign the statement, but refused to do so, claiming that it "exonerates the Rangers from any blame" and "prejudges the filing of future suits against the Rangers."

After the council announced its intent to cancel sponsorship of the VISTA program, officials of the OEO southwestern regional office met with Dr. Kilpatrick. An agreement was reached in which the council was given full authority over program, personnel and policy of the indigenous VISTA project.

[From S. A. Light, Feb. 16, 1969]

#### REVEREND KRUEGER'S FIRING CAUSES SCHISM

(By United Press International)

Two years ago in the melon fields of Starr County, one of the bitterest farm labor battles in the history of the Southwest erupted between Mexican-American union organizers and Anglo growers, backed by the famed Texas Rangers who made little secret of their feelings about demonstrators.

In the middle of the melee stood a blue-eyed "gringo" with ordination from the United Church of Christ, an enthusiastic Mexican-American following, and a stubborn toughness that belied his soft voice and gentle manner.

He was the Rev. Edgar Krueger, migrant minister for the Texas Council of Churches—an organization that made it clear it would back him in picket line or courtroom in the battle for Mexican-American civil rights and alleviation of poverty among the migrant farm workers he still calls "my people."

Last week, the TCC fired Krueger.

It also threatened to sever all ties with the Office of Economic Opportunity's "VISTA" program unless three militant Hidalgo County officers were removed, and announced it was withdrawing from the civil suit brought by Krueger against the Texas Rangers.

Krueger's action alleged the Texas Rangers enforced "unconstitutional" state labor laws with brutality and "blatant discrimination," acting as little more than "strike-busters" for Starr County growers.

When the suit was filed, it had the TCC's unqualified endorsement—but then, at that time, so did Krueger.

One central question remained after last week's action—what happened to spin the TCC 180 degrees in its orientation, shifting its philosophy from one of militant liberalism to what the council itself described as a new policy of "conciliation rather than confrontation?"

Krueger, whose discharge was under investigation by the National Council of Churches this week, blamed a shift in leadership, and inability of the new leaders to communicate with the Mexican-Americans they were pledged to help.

A recent incident in Edinburg, involving a demonstration against Krueger's firing, has been seized gleefully by Krueger's followers as "proof" of that allegation.

Shortly after Krueger's discharge was announced, Harold Kilpatrick, executive director of the TCC, came to Edinburg to explain the situation to local council members.

#### CHANT OPPOSITION

A small band of Krueger's supporters, led by a young activist named Reynaldo de la Cruz, turned out to wave picket signs and chant their opposition.

De la Cruz, a vocal militant who frequently leads demonstrations against the Texas Employment Commission, had recently been elected president of "Colonias del Valle"—a confederation of the scattered villages in which most of the Valley's migrant poor live. He entered the church and engaged in a bit of mutually angry dialogue with Kilpatrick.

Shortly thereafter, Kilpatrick, apparently not connecting the name with the face that confronted him in Edinburg, sent De la Cruz a warm letter of congratulation on his election to the presidency of the colonias. The letter cited the need for "responsible leadership," and expressed a desire to meet him.

However honest the error, it quickly went into the militant Mexican-American word arsenal in support of the contention that the poor must "take over the establishment," because the establishment can never know them or understand their problems.

Krueger also said he believed a forthcoming merger between the TCC and 10 individual Catholic dioceses in Texas might have had something to do with the radical change of course.

"The TCC will be out of existence on Feb. 24, when it becomes the Texas Conference of Churches," he said. "I believe some people feel with the marriage of the two groups coming up, there should not be controversy at this time. Personally, I feel some basic problems need discussion before this marriage occurs."

#### REASON FOR FIRING

Krueger charged he was fired because he refused to "rewrite history and say nothing bad happened." with regard to the compromise agreement ordered for the Rangers by the TCC.

TCC officials denied the motive, but they were vague on the subject of exactly why Krueger was fired.

Methodist Bishop Kenneth Pope, who took over the presidency of the TCC in March last year, said it was for "the benefit of the Mexican-American people in the Valley."

Kilpatrick would say on that it was felt by the TCC that Krueger "wasn't the man for the job."

The TCC's former president, the Rev. Canon Gerald McAllister of San Antonio, agreed with that statement in part, but he said it was two jobs—not just one—for which Krueger was "not the man."

"We had hoped to go into the Valley with a twofold mission," McAllister said. "The first was Ed Krueger's, with the people. The second man was to be available to minister through the churches to the rest of the community. Unfortunately, we were unsuccessful in finding that person, so the ministry was only half of what was intended from the beginning."

McAllister said Krueger's militant "viva la raza" approach to his ministry "polarized" viewpoints in the Valley, giving rise to "growing resentment" and pressure for a change.

"We never were able to open up the kind of communication with the rest of the Valley community we had hoped for," he said.

He said the council now will find itself "on trial" by Mexican-Americans, many of whom still vehemently support Krueger.

"When someone you considered to be a close friend acts in a way to make you question the friendship, it's painful," he said.

McAllister confirmed that at the height of the Starr County farm union trouble, a concerted campaign was launched in area Methodist churches to bring the council to heel by withholding funds, but he described the campaign as "a dud."

He added that whatever present policy of "conciliation" the TCC now will follow, he did not foresee that "confrontation" ever would be entirely dropped in the battle for civil rights.

"Both are necessary," he said.

"You need each of these tools."

Krueger, who speaks fluent Spanish, and has a Mexican-American wife and four adopted Mexican-American children, still favors the tool of confrontation—whether it be confrontation with Texas Rangers or circumstances.

He was preparing this week to move from his home in Pharr to a tiny house in one of the "colonias"—the shantytowns which thousands of migrant farm workers in the Valley call home.

"We're used to such quarters," said his wife, Tina. "We lived in mud huts for three years as missionaries in Honduras. Our people will take care of us. Material goods don't matter."

Krueger indicated that the job, at this point, doesn't matter much either.

He could conceivably be reinstated, if the National Council of Churches decides he was unjustly fired.

Asked if he would take the job back, he said, "I would want to think about it."

"I would want a stronger base than has been indicated in the past," he said. "I would want a more single-minded approach to the problems."

McAllister summed up the single-mindedness that has cast crusader Krueger in such stark blacks and whites in the Valley community.

"Ed's temperament is such that he's a difficult guy to work with," he said, "He's not an organization man. He's strickly a people-to-people sort of guy."

[From S. A. Express, Feb. 25, 1969]

#### COUNCIL OF CHURCHES DIES AMID PROTEST

(By Sylvia Springer)

AUSTIN—The often controversial Texas Council of Churches (TCC) died here Monday but voiced its hope for future church unity.

About 70 placard carrying protestors from the lower Rio Grande Valley surrounded the Commodore Perry Hotel just before noon where the TCC was preparing to end 16-years of existence with a "Hail and Farewell Luncheon".

The group, members of the Colonias del Valle, staged a silent protest over three recent council sections:

The firing of Rev. Edgar Krueger from his job as head of the council's Valley Service Center.

The dropping by the council of its suit against the Texas Rangers.

The cancellation of the council's VISTA sponsorship in the valley which has since been re-instated.

While Bishop W. Kennedy Pope, council president, was inside the hotel telling luncheon guests to "learn from each other in the light of our differences." the demonstrators, which included Mrs. Edgar Krueger, stood in a line against the wall. Rev. Krueger was not present and was reported to be in Pennsylvania attending a convention.

More than 300 church leaders from all over the state have converged on Austin, to witness the death of the council and the birth, Tuesday, of the Texas Conference of Churches.

The conferece will include for the first time the 10 Roman Catholic dioceses in Texas along with 14 other denominations.

The 16-year old council brought its life to an end by demonstrating an amazing show of openness when they agreed to hear the demands of the protestors.

Reynaldo De La Cruz, president of the Colonias and spokesman for the demonstrators, was invited by the council to be their luncheon guest and then to speak to the entire group at the council's final business session in the First Southern Presbyterian Church.

Commenting at the luncheon, Bishop Pope said he welcomed the demonstrators and termed their protest a part of the American spirit of freedom of expression. "They (Mexican-Americans) are the heart of all our movements. I think



they will find in the future we will put them at the center of our work," Bishop Pope said.

Later when De La Cruz addressed the council Bishop Pope urged that the council allow him to speak and when he was through the Bishop said, "You may not be educated, but you know how to communicate a cause . . . your voice has been heard."

The demonstrators handed out two leaflets, one called "Lets Be Realistic" which spoke of the problems of Mexican-Americans and the other was a general statement of purpose.

De La Cruz said the group planned to stay overnight in Austin Monday to demonstrate at the constituting session of the Texas Conference of Churches, Tuesday.

The last day in the council's life was spent amid an air of happiness despite the presence of the pickets.

Bishop Pope said the persons present were experiencing the "birth of another living body," in the conference and declared "We sing no dirge. We are experiencing here our death, but we may also experience our resurrection, he declared. We are approaching ecumenism at its crest."

The Bishop then turned to the three subjects of the protests demonstration.

In an obvious reference to Rev. Krueger, Bishop Pope said "Changes in the Valley staff leadership," had occurred because of a "breach of staff relationship with the administration."

He said that were it "not for the breach, changes would not have been needed." He called for greater involvement by Valley people themselves in working to solve their poverty problems.

He labeled the cancellation of the council's sponsorship of VISTA in the Valley "a misunderstanding now clear," and then turned to the council's cancellation of its suit against the Texas Rangers.

Bishop Pope attributed the dropping of the suit to his personal conversations in the past year with persons involved with the suit (apparently Texas Rangers) and said he had "complete confidence that in the future we can trust each other in our relationships to the fullest."

He said that other parties involved in the suit were "free to do as they wish," as to whether or not to continue in the suit. He praised those who had filed the suit as "sincere people".

The Bishop said that the council "Is delighted to separate ourselves from this legal involvement".

He added that the council was attempting to leave a "clean slate" for the new conference and called on the delegates to have a "sense of excitement" as they approached the new body.

[From S. A. Express, Feb. 25, 1969]

#### MARLIN CENTER—POOL OPEN TO MEXICAN AMERICANS

(By James McCrory)

Mexican-Americans can go swimming this summer, and after, in the Falconer Community Center swimming pool in Marlin, under terms of an agreed judgment entered in Waco by U.S. District Judge Jack Roberts.

The judgment decrees that the policy, practice, and-or custom of the officers and directors of Falconer Community Center and their agents in refusing to allow three Mexican-American youngsters "and their class" to enter the swimming pool denies them the full citizenship rights guaranteed by the U.S. Constitution.

It also holds the policy, practice, and-or custom of denying admission of Mexican-Americans to the pool because of ethnic origin or race is illegal.

The community center officials are permanently enjoined, under the order, from discriminating by reason of race, color, or ethnic origin in admittance to the center or the pool.

The Mexican-American Legal Defense Fund brought the suit, representing the parents of three Mexican-American minors denied use of the pool despite the fact they were willing to pay all fees and charges, and abide by all rules and regulations applying uniformly to all who would use the recreational facilities.

The suit alleged the facilities are operated for the use of the general public, and are not operated as a private club for use of members only.

"All persons, with the exception of Mexican-Americans or persons of Mexican descent and Negroes, are admitted and permitted to use the facilities on payment of a required charge," the suit reported.

Plaintiffs also pointed out the center was financed by public subscription and that swimming lessons are given to the general public, excepting Mexican-Americans and Negroes.

As a result of the barring, the plaintiffs asserted, plaintiffs have been forced to swim in a nearby river or drive 30 miles to a pool in Waco.

Also included in the court order is the operation of the center concession, which serves food moved in interstate commerce and to interstate travelers. The suit asserted the center has been exempted from city, county, and state ad valorem taxes.

Pete Tijerina, executive director of the Mexican-American Legal Defense Fund, reports the agreed judgment entered in the Marlin case represented the third for the fund. The other two were in the school and Selective Service areas.

[From S. A. Express, Feb. 25, 1969]

#### AWARE OF CRISIS—STRONGER MINISTRY IN VALLEY PLEDGED

AUSTIN (AP)—The new Texas Conference of Churches, trying to regain the confidence of the Mexican-Americans, adopted a resolution Tuesday to strengthen the ministry in the Lower Rio Grande Valley.

"The loss of confidence by Mexican-Americans has raised a question concerning our ministry in the Valley," the Rev. William McElvaney told members at the conference's first business meeting. "We are all aware of the fact that there is a crisis there."

About 40 demonstrators had gathered outside the church Tuesday morning while the formal constituting assembly was held.

Pickets, mostly Mexican-Americans, said they represented supporters of Volunteers in Service to America and the South Texas Association of Community Organizations.

The demonstrators apparently protested the firing of the Rev. Edgar Krueger by the Texas Council of Churches. He was the representative of the Protestant Council in the Valley until his recent dismissal.

The Rev. Mr. Krueger was arrested during a farm labor strike in 1967. He is one of the plaintiffs in a pending suit against the Texas Rangers, alleging that the officers manhandled the minister and his wife and violated their civil rights.

At the constituting assembly for the historic merger of denominations of the Protest, Roman Catholic and Greek Orthodox faiths, church leaders heard Dr. Arthur S. Flemming, president of the National Council of Churches.

Flemming stressed that the ecumenical movement must come at the top of denominations' priorities if it is to succeed.

"We do a pretty good job of studying and acting and speaking at the national level," he said, "But we do a pretty poor job of translating this study and action down to the local level where the real action can take place."

Installed as officers of the new organization were Dallas Methodist Bishop W. Kenneth Pope, president and the Roman Catholic bishop of the Houston-Galveston Diocese, the Most Rev. John L. Morkovsky, president-designate.

Roy J. Cates, a Fort Worth layman of the Christian Church, was named executive director.

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#### EXHIBIT II

[From the Monitor, Nov. 20, 1968]

#### E-E OFFICIALS ANSWER CHARGES

EDCOUCH—Rebellious students at Edcouch-Elsa had their say—but school administrators got in the final word.

The students, who began a boycott of the school last week after the school board failed to call a special meeting to hear a list of their demands, had their charges aired by their attorney Bob Sanchez of McAllen at Monday night's board meeting.

Following Sanchez' presentation, school administrators, acting with precision, deftly rejected many of the allegations and admitted to some of the others, promising to try and correct any shortcomings.

In a nutshell here are the demands presented by the student committee and answers made by Supt. A. W. Bell, assistant superintendent Martin Pena, high school principal M. L. Pipkin and other school officials:

—That more townspeople or senior students be hired as bus drivers. Pena pointed out that for the past three years five townspeople have been used to make special bus runs—at the same salary given teachers—and that as additional runs are added more will be hired.

—That a general face-lifting and renovation of the school be ordered. A list of repairs and additions to facilities of district for 1967-68 and 1968-69 were read and more improvements were promised as funds are available.

—That special attention be given to migrant students, many of whom, the students charged, were not given tests before leaving school. Pena admitted a small number—around five per cent—did not receive advance tests last year as they were supposed to, but noted the special migrant program is in its second year and administrators are “only human and err.” He said the program is in its second years and “mistakes will still be made, but we will do the best we can.” He said the program is a benefit to migrant secondary students as it enables them to finish high school in four years instead of the previous five.

—That a strict system be set up for issuing passes. Administrators said such a system was initiated at the start of school this year because of the problem of unauthorized students being in the halls last year.

—That blatant discrimination against Mexican-American students be stopped. Bell said the charge was “too broad” to be answered, but declared that if discrimination exists, he knows nothing of it and wants to be informed of specific cases.

—That more effective counseling be provided. Pena admitted that the school need an additional counselor. “I would hire one right now if I could find a qualified person,” he said. Officials promised to remedy this situation as soon as possible.

—That all college prep courses be signalled out for students by the time they enter high school. It was pointed out students are given counseling and that all college prep courses are so designated in the student handbook given out prior to the start of school each year.

—That courses be introduced to show the part in the history of this region played by Mexicans and Mexican-Americans. Pena said the state selects textbooks, and Edcouch-Elsa, like other public schools must take what the state has to offer. He added, “A textbook such as you want has not been written. When one is and if the state offers it, we will use it.”

—That Spanish be allowed on school premises without humiliating or unjust penalties. Bell said there has been no rule against speaking Spanish on campus for the past six years. “We encourage students to speak English. They are already fluent in Spanish, and can become fluent in English only through practice. There is no penalty for speaking Spanish on campus,” Bell said.

—That cafeteria prices be lowered or better food offered. Board President Billie Cellum answered this demand. “Try it yourself,” he invited. “I have two children; one thinks its great and the other thinks it awful. I imagine it depends on individual taste.” He noted prices are 30 and 35 cents.

—That in cast of tardy or absent students, they be allowed to re-enter class and no points taken off until his excuse is verified and that students not be kept out of class until parents call. This charge was rejected, and officials said no students are denied entry into class until excuses are checked.

—That no teachers use profanity or abusive language in the presence of students or that no teacher or administrator lay a hand on a student. Bell promised to investigate any complaints in this area by students, but refused to bring up charges against specific school personnel until they could be proven.

—That excessive and unfair penalties and punishments stop being given for minor infractions. The students cited cases of paddling for students not suiting up for gym because their suits had been stolen and suspension of two students for failing to stand at pep rally and for failure to keep appointment with teacher. Again school officials promised to investigate charges by students and take action if any are justified. It was noted by school officials that two students were suspended for failure to show up for an appointment with a teacher after they had been “disrespectful” during the playing of the National Anthem during a pep rally.

—That no threats, intimidations or penalties be made for belonging to any organization outside of school. Bell said school policy does not prohibit such membership as long as it is not disruptive to carrying on classes.

—That no disciplinary action be taken against boycotting students and that all be reinstated and that mention of such action be omitted from school records. Bell pointed out school board policy had been announced on walkouts previously and that all students and parents had been informed of the policy. At this point he said suspensions of students would remain in effect until individual meetings with the school board and parents and their attorneys were held.

"It's a matter of whether the school board or the students are going to run the school," Bell added.

No one in the crowd challenged the answers to the student complaints.

[From the Monitor, Nov. 20, 1968]

#### E-E TRUSTEES WORK OVERTIME

EDCOUCH—The Edcouch-Elsa school board was to resume interviews at 1:30 p.m. today with Mexican-American students involved in a five-day-old class boycott, and their parents.

About half of the 162 students now under suspension for the walkout have asked for a hearing before the board, seeking to return to classes.

A non-stop session of trustees heard a stream of parents and students between 1:30 p.m. Tuesday and 4 a.m. today at the superintendent's office.

Supt. A. W. Bell said the board will announce its decision on expelling the students after meeting with all of those who ask for reinstatement. Each case is being considered on its own merits.

He said each hearing was averaging about 20 minutes. The exact number already appearing before the board was not available. Bell said interviews were scheduled today through about 9 p.m., and others possibly would be added.

It was understood all students involved in the walkout were still out of school today, but that any not expelled probably would be permitted to return to classes Thursday.

School officials declined to comment on when any of the students might be reinstated.

Bell said the board originally had anticipated each hearing would take only about 10 minutes.

There was no student demonstration at the high school campus today for the third day in a row.

The board vowed to hear all comers, giving each as much time as necessary, and staying as late as any of the parents desired. Trustees stipulated that both students and their parents take part in the conferences.

Sitting in on the hearings with trustees were the superintendent, High School Principal M. L. Pipkin and Assistant Principals Bill Thompson, Eliazar Villanueva and Juan Gorostiza.

Board members are president Billie Cellum, Israel Montoya, Gilbert Gonzalez, Mrs. Eddie Thomas, H. D. (Bud) Skinner and Calvin Smith. All were present.

The parents and students had been told they could bring along their attorneys. But none appeared Tuesday with lawyers.

Bob Sanchez, McAllen lawyer who represented the striking students at a Monday night board meeting, said Tuesday morning two staff members from the Mexican-American Legal defense and Educational Fund office in San Antonio would provide legal aid at the hearings.

He identified the two as Alan Exelrod and Michael Mendelson. They did not appear at the hearing site, however.

It was reported Sanchez and the San Antonio lawyers were considering a petition to the U.S. District Court at Brownsville in the next day or two in a move to get the students readmitted to classes.

Sanchez had argued before the board Tuesday night that all of the students suspended be permitted to reenter classes while the board hearings were being conducted. He estimated the hearings might take as long as three weeks, and charged the students should be "presumed innocent until proven guilty" of taking part in the campus demonstrations and walkout.

The school board has a recently adopted policy calling for permanent expulsion of students participating in demonstrations.

At the board's Monday night meeting, action was taken to extend temporarily the original three-day suspensions until the board could hear each student's case individually.

Parents wanting their children reinstated were asked to contact the superintendent's office for an appointment.

Some of the student leaders of the revolt said the board hearings were not satisfactory to them. None of the leaders appeared as the hearings began Tuesday afternoon.

There were no demonstrations on the high school campus Tuesday for the second day in a row.

The group involved in the walkout has drafted 15 demands and two recommendations for the board. They charge, in general "blatant discrimination as the cause of the student revolt."

Their demands include such things as better and cheaper food in the school cafeteria, textbooks giving emphasis to Mexican and Mexican-American contributions to the Southwest, permission to speak Spanish on the campus and more counseling.

They also demanded that no disciplinary action be taken against anyone involved in the now five-day-old walkout and that any mention of it be eliminated from school records.

[From the Valley Morning Star, Nov. 21, 1968]

#### E-E BOARD STILL LISTENING TO STUDENT BOYCOTTEES

EDCOUCH.—The Edcouch-Elsa school board continued marathon hearings for the second night in a row Wednesday in an effort to interview Mexican-American students participating in a class boycott and their parents.

Purpose of the interviews is to determine individually if the students will be permitted to return to school or be expelled for the semester.

At 10 p.m., the talks were continuing in the office of Supt. A. W. Bell.

The Wednesday session began at 1:30 p.m.

More interviews are scheduled today, also beginning at 1:30 p.m.

The students walked out of school a week ago, blaming their action on failure of trustees to call a special meeting to hear a list of 15 demands they drafted concerning policy and conditions in the district.

About 160 junior and senior high boys and girls have been suspended temporarily awaiting action of the board on whether they are to be expelled permanently.

The board launched the series of hearings at 1:30 p.m. Tuesday and continued the initial session until 4 a.m.

Bell said the board's action in each case will not be disclosed until the hearings are concluded.

The students involved and their parents have been invited to make interview appointments if they wish to be considered for a return to classes. No deadline for the interviews has been announced.

There have been no campus demonstrations this week.

The first two days of the walkout, last Thursday and Friday, were characterized by noisy campus demonstrations.

On Thursday, a bomb hoax resulted in classes being dismissed an hour early. Six demonstrators were arrested Friday on charges of loitering on the campus after being kicked out of school.

[From the Valley Morning Star, Nov. 21, 1968]

#### WESLACO P-TA PLANS PUBLIC MEETING ON STUDENT DRUG ABUSE

WESLACO.—The McAllen school board has set definite policies on drug abuse among students "and we are going to stick with them, even if we have to go to the Supreme Court," the high school principal told Weslaco P-TA members Wednesday evening.

Principal Harold Harrington outlined in detail the drug abuse situation, which erupted four weeks ago in McAllen, and listed measures being taken to bring it under control.

At the conclusion of the program, which also featured remarks by Sheriff-Elect Claudio Castaneda of Mission, P-TA President Bill Cain appointed a committee to arrange a public meeting in Weslaco.

Kenneth Sherry, a former school board president, was named chairman.

Serving with him will be Mrs. Ralph Panzer and Dr. Lenore Warden, members of the P-TA Executive Committee, high school Principal J. C. Wood and school trustee Bobby Lackey.

Cain said he appointed what he termed a "select group" to do the planning and set a date.

#### SPEND WHATEVER NEEDED

Cain authorized the committee to obtain assistance from law enforcement agencies, the Hogg Foundation and "anyone else" in setting up the program. He also told the committee to spend whatever necessary.

"We don't have any money, but we'll get it," he stated.

Harrington warned the group: "We can have no better enforcement than we demand. We live under a hypocrisy. When someone gets charged too many are inclined to say 'God bless him, he made a mistake.' If a law is broken, they have to know a penalty is to be paid."

The McAllen principal said he was a little hesitant to accept the invitation to talk to the Weslaco group, and emphasized he was "not there to take a position, but to tell you what we have and what we have done about it."

In answer to a question, he said the McAllen school board's policy calls for students indicted on drug charges to be expelled.

A Weslaco student, indicted for selling marijuana, was returned to classes recently by school board action following a three-day suspension.

Cain and other members of the P-TA executive committee attended a school board meeting last week at which the policy was adopted and spoke out for stronger measures.

Attending the P-TA meeting Wednesday at the invitation of Cain were Board President Jim Cook, Supt. Buck Henson and principals in the Weslaco system.

#### NEED TO TAKE ACTION

"We may not have a serious problem in the Weslaco schools," Cain said at the outset. "We certainly hope we don't. But we need to take action to forestall it."

Harrington recommended school officials contact federal and state narcotics agents and other law enforcement representatives to learn the truth about the drug problem.

"They are hesitant to come to you," he reported, "but they will have valuable information for you if you want it." He said part of the reluctance is due to continuing investigations.

No. 1 in solving the situation, Harrington said, is "to say you've got a problem, recognize it and pinpoint it, then make a plan of attack and then decide what you are going to do not to have it again."

He said McAllen is not through with its problem, although it has gone down to "a creeping walk." He said dangerous drugs will be available in the area until arrests are made.

#### AGENCIES WORKING

"Believe me, law enforcement agencies are working," he said. "It's all over the Valley . . . there is not a fence between us and you. Not any of our children are immune."

Harrington also touched briefly on another problem, which he said was becoming serious throughout the Valley.

"We're faced with tremendous student unrest," he said.

The McAllen principal said since the McAllen situation was made public, he has been in contact with various other areas having the same problem. Twelve students were arrested at Kingsville High School Monday, he reported. Austin and Corpus Christi were listed as other nearby cities with drug abuse rampant.

"It's becoming a money-making thing for our youngsters," he advised. "They may be selling to some of yours."

[From the Sun, Nov. 28, 1968]

#### OFFICIALS ORDERED TO READMIT 99 BOYCOTTING STUDENTS AT ELSA

Word that an injunction was granted by Dist. Judge Reynaldo Garza of Brownsville ordering Edcouch-Elsa school officials to readmit 99 high school pupils to classes, was received by San Antonio leaders who had been working to get the students back in school.

The injunction was requested by the parents of five of the 99 pupils who were expelled after 150 students boycotted classes at the Lower Rio Grande Valley high school, charging they were being discriminated on by school officials.

Attorney Bob Sanchez represented the students and parents and state senator Jim Bates of Edinburg represented the school district.

Judge Garza ruled that the school summarily suspended the 99 students from classes without giving them a hearing as required by law. Officials had claimed that students were expelled for violating the school policy against boycotts and demonstrations on the campus.

Xavier Ramirez, one of the student leaders, presented school board members a list of 15 demands and recommendations and the board met Nov. 18 (four days after the suspension) but took no action on the demands.

The 99 students returned to classes Tuesday.

[From S. A. Express, Dec. 19, 1968]

#### OUSTED STUDENTS TO RE-ENTER SCHOOL

**BROWNSVILLE.**—Edcouch-Elsa school officials Wednesday agreed to allow Mexican-American high school pupils who held a boycott and demonstrations to return to classes.

The agreement came after several hours of testimony in a civil suit filed in U.S. District Court by the parents of five pupils who were expelled from classes Nov. 14.

The demonstrations and boycott came after students said the school board had failed to listen to a list of demands drawn up by them.

School officials, represented by State Sen. Jim Bates of Edinburg, agreed to readmit the pupils when school resumes Jan. 6, agreed to wipe the reasons for their expulsions from their school records and agreed to pay "nominal damages."

U.S. Dist. Judge Reynaldo Garza, who presided at the trial, said a school board ruling prohibiting demonstrations and boycotts was unconstitutional. A defense lawyer said the school board's restrictions were unconstitutional because they involved the legal principle of "prior restraint."

Bates asked for a recess after Edcouch-Elsa High School Principal M. L. Pipkin was questioned by Judge Garza.

Garza asked Pipkin what criteria the school used in the "selective enforcement" of the rule against demonstrations. Pipkin had testified that only 62 of 192 pupils who took part in the demonstration were expelled for an entire semester.

Pipkin said they took into consideration the pupil's attitude toward the school and how the pupil felt he had been treated by the school.

"In other words, if they kowtowed to you and said you were a nice principal, they got back in?" Judge Garza asked.

There was a long period of silence from the witness stand.

"As far as a written criteria—there was none," Pipkin answered.

It was at this point that Bates asked for a 15-minute recess.

[From the Alamo Messenger, Dec. 6, 1968]

#### EDCOUCH-ELSA STUDENTS PROTEST SCHOOL BIAS

**ELSA.**—It was a cold Thursday, Nov. 14 morning as the north wind swept across the grounds at Edcouch-Elsa High School.

Students huddled close to the brick building to keep warm. Some waited eagerly for the bells to ring, signalling the beginning of classes. At least, it would give them a chance to go inside and escape the chill.

But others, namely militant Mexican-Americans, appeared tense.

Since mid-October, a large group of Mexican-American students had been holding informal meetings, protesting what they called discrimination at the Edcouch-Elsa junior and high schools. They sought and received organization assistance from the militant Mexican-American Youth Organization, affiliated with "La Raza Unida"—a group urging the unification of all Mexican-Americans for social and economic reform.

Rumors of school boycotts and demonstrations had persisted. School district officials, in an effort to head off any protest movement, called a special meeting and issued a broad policy declaring students involved in campus demonstrations or walk-outs, or attempting to organize fellow students on campus to create unrest at school would be expelled for the remainder of the fall semester.

The rule had caused considerable resentment among the activists whose numbers had been steadily increasing since mid-October. Although they claimed more than 150 followers, they said their cause included many sympathizers among the 1,230 high school pupils—85 percent of whom are Mexican-Americans.

In the latest move in the simmering crisis, the militants had formed a student committee and had drawn up a list of 15 grievances which they termed "demands." They had planned to submit them at a regular school board meeting which had been scheduled the previous week.

The student had called for an "immediate stop to blatant discrimination" against the Mexican-Americans at the school. They had also asked that they be permitted to speak Spanish on the campus "without being subjected to humiliating or unjust penalties."

Other pleas concerned suggested improvements in the quality of education, both in the physical plant as well as the academic curriculum.

"We want to be proud of our school," the students had said, but at the same time they added, "We demand justice."

Attempting to pursue proper channels, the students had decided to make an appearance at the Nov. 11 school board meeting. But the board cancelled the session without giving a reason. Undaunted, the following day the committee had presented the demands to Supt. A. W. Bell of the Edcouch-Elsa Independent School District. But he had indicated only the school board could rule on such requests.

To the militants' leadership—which included Xavier Ramirez and Eddie Gonzalez, both 17-year-old seniors, and Mirtala Villarreal—it was a classical example of justice delayed, justice denied. Another protest meeting had been held the night of Nov. 13. Enthusiasm had run high and some students had called for direct action.

The mood was unusually strained that cold morning of Nov. 14 as the bells rang for what some Edcouch-Edna administrators, teachers and students thought would be just another school day.

But it turned out to be anything but that.

During the first period, about 8:30 a.m., approximately 150 Mexican-Americans walked out of their classrooms, marched out of the building and gathered in front of the school. Protest placards appeared calling for an end to discrimination in the school and for improvements in the quality of education. Some signs calling for "Boycott Classes" and "Brown Power" were more provocative.

School officials were facing what they had hoped to avoid—a large-scale demonstration.

High School Principal M. L. Pipkin addressed the group over a loudspeaker. "The only thing I can tell you right now is to go back to class. If you do not wish to go to class you may walk out." He also warned them about the school board policy aimed at severely disciplining demonstrators.

The students responded by cheering and waving their protest placards. At one point they sang the familiar "We Shall Overcome."

Pipkin had seen and heard enough. At 10:30 a.m., he summarily suspended all 150 demonstrators for three days, pending action by the school board to determine if the expulsions would be made permanent for the remainder of the fall term.

The incident—unprecedented in the Rio Grande Valley which has an overwhelming Mexican-American population—focused nationwide attention on the problems at the public high school which serves Edcouch and Elsa, two small farming centers located in northern Hidalgo County. The towns lie less than 10 miles apart and the junior and high schools are situated halfway between the communities.

Since the walkout, the controversy has been marked by:

The school board considering the students' grievances and generally dismissing most of the complaints, but promising to study them and work for improvements.

#### EXPULSION

The school board affirming the expulsions, pending conferences between the school administrators and the pupils seeking re-instatement and their parents.

The holding of several conferences, resulting in the re-admittance of many students and the permanent expulsion of 31.

Federal Judge Reynaldo Garza of Brownsville ordering the school officials to re-admit 99 students, who had not yet held conferences with the administrators.



Judge Garza ruled the school had suspended the 99 from classes without giving them a hearing as required by law. The judge's order came after a hearing on a request for an injunction filed by the parents of five pupils. The students have returned to classes pending conferences to be conducted by the administrators.

Judge Garza has indicated he will probably hold a full-scale hearing on the injunction in about three weeks in the federal court in Brownsville. The parents are seeking to prevent the administrators from permanently expelling their children from school through methods which they charge deprive the youths of their constitutional rights. They have cited the antidemonstration policy and the suspensions without hearings.

The suit was filed by attorneys of the Mexican-American Legal Defense Fund which has its offices in San Antonio. The students sought the support of MALDF following the mass expulsions on Nov. 14.

The students involved in the protest are not school leaders. They aren't on the honor roll and they seldom participate in extra-curricular activities.

In addition to Xavier Ramirez and Mirtala Villarreal, other heads of the movement are Antemio Salinas, Raul Arispe and Jose Chavez. Many followers include children of migrant farmers who have protested that the school has not implemented programs providing for their needs.

Pipkin said the protestors are generally from the average and lower academic sections. "Some are trouble makers, some are not." However, he maintains that they have no clandestine following. The principal said students who did not participate in the walkout are "violently opposed" to demonstrations.

Another teacher was more harsh in his criticism, describing the activists as "potential dropouts."

But attorneys for the Legal Defense Fund pointed out that the students' academic and character records, although both good, are not primarily at stake here.

The real issue is the alleged discrimination and Anglo superiority complex which the militants claim pervades all aspects of school life at Edcouch-Elsa.

"We are tired of being pushed around," said a Mexican-American girl who has joined the crusade. She complained of teacher favoritism toward Anglos. Mexican-Americans who challenge the system, she said, are punished in various ways and made to feel inferior.

At the heart of the controversy is the alleged rule prohibiting students from speaking Spanish on the school grounds. Although Supt. Bell claimed at a recent board meeting that the district dropped such a requirement six years ago, some Mexican-Americans claimed they are still punished for speaking their mother tongue.

As mentioned previously, the students' demand to speak Spanish without being subjected to penalties, and the "immediate end to blatant discrimination" on campus figured prominently in their list of demands.

Other demands are aimed directly at the school board's anti-demonstration policy.

The student committee requested:

That no disciplinary action be taken against any student or teacher that has taken part in this movement, and that all suspended students and teachers be re-instated to their previous post or office and that any mention of such action be omitted from school records. Also all intimidation must be stopped. (No teachers have been involved on the side of the protest movement.)

That no threats, intimidation or penalties be made against any student by teachers or administrators for membership in meetings of any club or organization outside the school.

But not all the grievances are negative. The students have asked that the curriculum be improved to make the Mexican-American more aware of his culture; to prepare him for college; to care for the special needs of the migrant children.

These pleas are as follows:

That courses be introduced as a regular part of the curriculum to show the contributions of Mexicans and Mexican-Americans to this state and region. For instance, factual accounts of the history of the Southwest and Texas, and courses in Mexican history and culture. Also, that qualified, certified teachers be hired to teach these courses.

That all college preparatory courses be signalled out for students by the time they enter high school.

That more effective counselling be given from understanding counselors that are able to relate to the students. Present student-counselor ratio is too great; we need more counselors. Likewise, more assemblies on career opportunities, availability of scholarships, grants, loans, college entrance requirements, etc.

## OVERDUE

Atty. Robert Sanchez of McAllen, who represented the expelled students at the Nov. 18 special board meeting called to consider the crisis, said of the 15 demands, "They are not only due, but over-due."

He said the students desired to return to school and were hopeful that the grievances could be worked out in some form of compromise. "We were willing to meet you halfway," the lawyers told the board members.

Sanchez said the class boycott resulted after the board declined to hold a hearing to consider the grievances.

The six board members—including two Mexican-Americans—listened to Sanchez's plea, then answered the students' demands one by one. The grievances were generally dismissed. They acknowledged that improvements can be made, and that the board is working toward that end.

But Supt. Bell was less compromising than the school board. He implied the issue was law and order.

"What it boils down to is simply this: Who shall control and operate the school system? Shall the board or shall the students?"

Principal Pipkin had assumed a hard-line approach toward the militants immediately following the walkout. "We will not yield," he declared, saying his faculty—including 22 Mexican-Americans out of 53 teachers—"is more unified than ever before. They will not permit me to yield."

The battle has shifted to federal district court in Brownsville where the MALDF is seeking injunctive relief for the expelled students in an effort to prevent the school officials from expelling them without due process or by applying the anti-demonstration policy which the attorneys claim is an infringement on the students' civil rights.

One of the factors which prompted the filing of the suit was the procedure the school officials adopted in considering the re-admittance of the students. If the pupils were repentant, they were re-instated; if they did not regret their actions, the expulsion became permanent.

Supporters of the students blame the school board and administrators for the underlying reasons that have led to the crisis here. They charge the board and the school officials are unaware of the specific educational needs of the Mexican-American students because of their culture. It has been contended that the school officials believe that the Mexican-Americans must adapt to the curriculum designed primarily for Anglo pupils.

However the feelings of many Mexican-Americans here can best be summed up by State Sen. Joe Bernal of San Antonio who addressed a rally supporting the students in Edcouch three days prior to the walkout.

"These students are saying what we didn't say when we were young or students," Sen. Bernal told the crowd. "They are asking for dignity and respect."

And Luis Chavez, a parent of one of the leaders of the student movement, said about the youths' demands:

"I can tell you these students don't speak of anything wrong. We parents lack understanding and sometimes lack interest but we need to lend them moral support. We need unity between students and parents."

Senator MONDALE. Reverend Krueger, we thank you very much for presenting a fine statement. We are most grateful.

Our subcommittee will recess until 9:30 tomorrow morning, at which point we will continue our hearings with the investigation of activities in New Bern, N.C., where there has been a recent effort to organize blueberry pickers.

We stand in recess.

(Whereupon, at 1:30 p.m. the committee was recessed, to be reconvened at 9:30 a.m., Thursday, July 17, 1969.)

# MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

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THURSDAY, JULY 17, 1969

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

The subcommittee met at 9:30 a.m., pursuant to recess, in room 4232, New Senate Office Building, Senator Walter F. Mondale (chairman of the subcommittee) presiding.

Present: Senator Mondale.

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

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

This morning the subcommittee continues its investigation of community and union organization efforts by exploring the existence of a dispute in North Carolina affecting blueberry pickers. The activities of a community action agency, the efforts of the workers to organize, the viewpoint of the grower affected, and the activities and viewpoint of the law enforcement officials involved will all be sought. This is a part of the efforts of this subcommittee to better understand the true conditions of migratory and seasonal farmworkers in this country, and the union and community organization efforts of those workers.

Our first witness is Mr. James L. Godwin, executive director of Coastal Progress, Inc., of New Bern, N.C.

Mr. Godwin, I have your statement. You may proceed as you wish.

## STATEMENT OF JAMES L. GODWIN, EXECUTIVE DIRECTOR, COASTAL PROGRESS, INC., NEW BERN, N.C.

Mr. GODWIN. Thank you, Mr. Chairman.

I am James L. Godwin, executive director of Coastal Progress, Inc., of New Bern, N.C. I am grateful for the opportunity presented this morning to direct your attention again to the plight and powerlessness of America's rural poor and, specifically, to the background causes of the continuing strike by the Eastern Farm Workers Association against the Jason Morris Farms, Inc.

The problems we will highlight here today are those of 14 million rural poor. The problems are immense and our solutions only beginnings; but we must begin. I am accompanied today by members of

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my staff, interested members of our community and, most important, by representatives of the Eastern Farm Workers Association.

With your permission, Mr. Chairman, I will set the stage for the testimony to follow.

Coastal Progress, Inc., is a local antipoverty program striving to meet the needs of the poor—black and white—in Jones, Craven, and Pamlico Counties. Currently funded with approximately \$1.5 million annually of title I and II EOA funds, Coastal Progress began in 1964 with funds provided by the North Carolina Fund.

Today it is involved in a broad range of programs including: manpower, child care, health, housing, community organization, credit union, and senior opportunities.

Blessed with an outstanding staff of dedicated men and women, Coastal Progress, Inc. is making substantial progress. But, Mr. Chairman, we have miles and miles to go before we can sleep with a clear social and moral conscience.

Approximately 4,500 seasonal farm laborers in the three counties represent an estimated 2,100 households. A survey of 223 heads of households participating in the recent blueberry strike reveals that:

	Number	Percent
Head of household (female).....	202	89.6
Head of household (male).....	21	10.4
On welfare.....	79	35.4
Surplus food.....	89	39.9
Social security.....	5	2.2

Number of occupants per household, 7.

Only one out of 10 households had incomes in excess of \$2,000 per year.

Two-thirds of the households had incomes under \$1,500 per year.

Senator MONDALE. In other words, you took a cross section of 223 families involved in the blueberry strike?

Mr. GODWIN. Right, sir.

Senator MONDALE. Was this a scientific cross section or a random selection.

Mr. GODWIN. The forms provided for us came from a professional organization that has had experience with this kind of thing.

Senator MONDALE. So this survey would reflect essentially the makeup and characteristics of the families involved?

Mr. GODWIN. Right, Senator. Eighty-nine percent for instance would be very good sampling.

Senator MONDALE. The average size of households is seven?

Mr. GODWIN. Right, sir.

Senator MONDALE. And only one out of 10 households had incomes in excess of \$2,000 and two-thirds had incomes of less than \$1,500 per year: is that correct?

Mr. GODWIN. Right, sir.

Senator MONDALE. Were they all black?

Mr. GODWIN. Yes.

Of course, Mr. Chairman, these kind of statistics don't say enough to you. Would you listen then to some of the true conditions affecting the lives of those citizens over which they have no control.

As a nation and as a three-county community, we do not face any crisis as dangerous to our survival as the crisis of conscience surrounding race and poverty. In our study today, the powerlessness of the black rural poor of the South, the two problems, racism and poverty, are inseparably intertwined. Irrational, unreasoning, and all-consuming racial hatred stifles the opportunities for and overlooks the economic benefits of economic opportunity.

Senator MONDALE. You speak of unreasoning social hatred. Would you say this is the fundamental, underlying problem and tension that you describe? What do you think could be done to reduce this tension?

Mr. GODWIN. Yes; the lack of this hatred brings about lack of concern by local people about the lives of their fellow man. So, yes, sir; that is a major problem.

Now realizing this, we receive some grant moneys to go to the auspices of our local human relations group. These moneys were used in part to conduct a highly significant series of Sensitivity Training Sessions. We brought in some professional human behaviorists, we have had two of these laboratories which we took cross section of black and white communities and also a cross-economic line, put them together, and found amazing results that once people come to really understand each other, under these conditions, they are then willing to really do substantial problem solving together.

Senator MONDALE. It is the separation that causes the problem?

Mr. GODWIN. Oh, yes; there is a terrible communication gap between the races.

Senator MONDALE. Did you get all kinds of groups in the communities to participate in this experiment?

Mr. GODWIN. Well, we had one very serious problem. We think the shortest fuse of all burning in our community for real confrontation exists between the black people and our police, city, and county.

In each case we were not able to get the police to participate. In the last one particularly, every effort was made to have the city police in New Bern become involved in this last conference. They completely refused to make an appearance.

This is very disturbing, Senator, in light of the fact that both sides are rather heavily armed today. There was a shootout recently 2 weeks ago at a county close by, between Klan and Negro people.

Senator MONDALE. Your group serves three counties?

Mr. GODWIN. Right.

Senator MONDALE. What is the combined population of the three counties?

Mr. GODWIN. 85,000 approximately.

Senator MONDALE. What is the economy, basically agricultural?

Mr. GODWIN. Yes, sir.

Senator MONDALE. What is the size of the largest city?

Mr. GODWIN. In its environs, New Bern, 18,000.

Senator MONDALE. What is the percentage of black to white in the three counties?

Mr. GODWIN. Craven County has approximately 30 percent black, Jones County and Pamlico County, about 45.

Senator MONDALE. How many black county commissioners are there?

Mr. GODWIN. There are no black county commissioners. Well, there is one little community in Pamlico county that has one black alderman, Bayborough.

Senator MONDALE. How many black mayors are there?

Mr. GODWIN. No black mayors.

Senator MONDALE. How many black members of the school board?

Mr. GODWIN. The city of New Bern has two black members appointed. There are no other black school board members. They are not elected, they are appointed.

Senator MONDALE. How many deputies are black in the county sheriffs offices?

Mr. GODWIN. There are no black deputies.

Senator MONDALE. None at all?

Mr. GODWIN. No, sir. The city of New Bern has two black policemen out of a force of approximately 28 persons.

Senator MONDALE. What is the percentage of blacks in New Bern?

Mr. GODWIN. About the same, about 30 percent, about the same as the county.

Senator MONDALE. Do you still have segregated school systems there?

Mr. GODWIN. Yes, sir, we still have some.

Senator MONDALE. Are there any integrated school systems?

Mr. GODWIN. Yes, we have token integration in some of the schools now, and fairly substantial integration in county schools in Craven County.

Senator MONDALE. You may proceed.

Mr. GODWIN. In facing the problems, Senator, that we are all familiar that small rural communities face all over America are struggling to build and, in most cases, just to sustain their economic base. Yet, Mr. Chairman, they are continuing to overlook a high-impact source of income in their own midst.

Refusal to come to grips with the racial issue in our midst has a stagnating effect on our economy.

The economists tell us that one new dollar introduced into an economic area has the effect of seven. If the 1,000 black blueberry pickers in Craven County were to receive the minimum wage—an increase of 55 cents per hour—for an 8-week season, the impact of that \$35,000 would be \$245,000.

An awareness of the economic impact of racial inequality should make the racial-social issue one of high impact. I firmly believe that an enlightened economic self-interest will lead to equality and opportunity in America.

People may urge racial equality out of moral or religious concern, but America has passed beyond that token, public symbolic gesture. We must now attain true economic opportunity for all parts of our society. We must impress upon the business leaders of America—at all levels—that equality makes good, hard financial sense.

The testimony that we will hear today will vividly highlight the fantastic and disheartening number of problems facing the rural poor. Other witnesses will describe better than I what the poor black man in rural North Carolina suffers through; they can do that, Mr. Chairman, because they are living that existence right now.

It is our experience that the needs of the rural poor are those of the poor everywhere. There are ill and starving people in the midst of our great cities. What makes the rural poor unique, Mr. Chairman, is the extreme isolation in which they suffer.

Far from rich, they are poor; far from professional care, their life is precarious; far from each other, they are alone, unable to help or be helped.

The three counties we are involved in are typical of the problems of the rural South. The conditions of Jones, Pamlico, and Craven Counties are no different than that of hundreds of other counties across America.

The fall of the small farm with its independent owner has increased the powerlessness of the rural people. In Craven County of 43,056 people living in the open country, only 7,187 live on farms. Eighty-six percent of the blacks are thus forced to look to some kind of labor to sustain themselves.

Yet, Mr. Chairman, the median, the median family income of these poor black people was \$856 in 1967. Yet when looking around them, they cannot find employment. In 1967, Pamlico County could not provide employment for 55 percent of its household heads. (Forty-one percent had to commute outside the county to find work; another 14 percent were unemployed.)

Is it any wonder that one-half of all high school graduates have left that county within a year of their graduation?

This continued migration is placing the increasingly heavy burden of the very young and the very old, on an unusually restricted number of employable people. The burden of these old is substantially increased because nowhere in the three counties is there a convalescent center or retirement home designed to care for the elderly. Many live alone in homes obsolete when they were born and, now, unfit for human existence in their old age.

The young suffer, too, from poor housing. The infant death rate is high, the chance of life-inhibiting injury greater and of spirit draining, continuing illness and parasites later among the poor black rural young than any other group except the shamefully treated American Indian.

Two-thirds of the elementary children in Jones County are judged in need of dental care. Two-thirds do not receive ample breakfasts before school. Yet in this same county, only 359 out of 1,420 eligible families are receiving allotments of surplus food. That 1,420 families represents 60 percent, Mr. Chairman, of the families in Jones County.

These children are born into the worst possible sanitary conditions. For the past 3 years Coastal Progress has, in cooperation with the Craven County Board of Health, funded a program to provide that most basic of sanitary devices—the outdoor privy—to homesites that did not even have that.

We have distributed more than 1,500 privies, Mr. Chairman, and there still remains better than 500 homesites where people are living where the only sanitation device is a pail and the bushes. This is in America in 1969.

Dental care is nonexistent in two of our three counties. There is one doctor each in Jones and Pamlico Counties.

I do not believe, however, that the blame can lie generally with the counties. By and large the men and women employed by the counties are dedicated to doing the best they can.

With no industry, a rising rate of absentee landownership, and an out-migration of employable men, the counties simply do not have the resources in men and money to conquer the problems with which they are faced.

The counties need your help, gentlemen, if they are to adequately fulfill their function.

Throughout the problems I have mentioned—I could go on naming all day—there runs a common theme, Mr. Chairman, that we want to bring to your attention today. Our experience in North Carolina has convinced us that one of the most crying needs of the rural poor today is transportation. Distance and the isolation it brings is perhaps the greatest obstacle faced by the rural poor.

The rural poor share all the lacks of the urban poor—food, money, education, et cetera—but in addition they are forced to contemplate their lot alone, forced to stand without even the power of unity in the face of their fate. They are truly powerless.

Senator MONDALE. I have heard about the problem of transportation in rural America for the poor from various communities. I think it happens in urban America, too, in a different way, but transportation is a very serious problem.

I think we ought to explore this part of the problem in our hearings to see if special grants can't be made available for this kind of effort.

You have had some experiments going on with the use of OEO money to help some with the transportation problem?

Mr. GODWIN. We are considered to have the best rural program in the country by OEO.

Senator MONDALE. Do you have some transportation?

Mr. GODWIN. This is my point, Senator, that because of the 13 vans in which we can move people about, we feel like we have had some success.

Senator MONDALE. Do you have full-time drivers who are driving these vans, also?

Mr. GODWIN. The drivers are also the community center managers. These particular vehicles serve each center.

Senator MONDALE. What kind of vehicles are they?

Mr. GODWIN. These are called nine-passenger vans. We purchased five of them originally and leased eight others this year.

Senator MONDALE. Are they something like a Volkswagen bus?

Mr. GODWIN. That is the idea, yes. You put a million and a half dollars in the program and if you can't get folks into it, \$1.5 million is not of much consequence.

Senator MONDALE. Do you help distribute foods in these vans?

Mr. GODWIN. Yes, sir.

Senator MONDALE. Do each of the counties have only one distribution point?

Mr. GODWIN. One single distribution point, right. Oftentimes, Senator, they are inadequate. They are the types of structures that county can't use for any other purpose and they are terribly limited for space and the amount of food cannot substantially serve.



If a young mother comes the latter part of the month, and the dried milk is gone she has to wait to the next month to get the milk.

Public transportation is virtually nonexistent in the rural areas. There is no bus connection at all to Trenton, the seat of Jones County and site of the county's only doctor's office, the only lawyers, courts and the single commodity food warehouse.

This is coupled with the prevailing practice among the poor of charging almost usurious rates to transport neighbors and relatives. A lady in Jones County has been paying \$10 each month to come 20 miles to pick up her commodity food, another \$3 to go to church.

Leaving aside the economic implications, the lack of transportation is drying up the rural institutions and their ability to cope with the local problems. People must be able to get together freely to mobilize their community to united action.

In the city slums thousands can be mobilized in minutes by running door to door; in the country the doors are miles apart. Help and sustenance is just as far away as the nearest friend.

Trace with me the shattering effects of the lack of transportation in the following vital concerns of community life:

Health authorities contend that lack of transportation is one of their biggest obstacles. Jones County is immunizing about 75 percent of those eligible, yet two-thirds of those reached cannot provide their own transportation. Lack of transportation coupled with ignorance means a delay of days in seeing a doctor, many times more than 25 miles away, with the natural result of higher mortality and crippling rates.

In each decision, to see the doctor must be weighed the high cost of getting there. Distance and the struggle to overcome it means a lack of preventative medicine and checkups. Health care and emergency facilities are not readily available; the cost of getting there is high.

The forced increase in emergency house calls is a highly inefficient use of a doctor's time when his practice is responsible for the health of 11,500. But it is better than the situation in Vanceboro, Craven County, where 5,000 people are served by a doctor who refuses to make house calls.

The lack of dentists within reasonable distance is the essential reason for the sordid condition of the rural poor's teeth. Four out of every five poor children need extensive dental care.

The effectiveness of the community food program is hampered by a lack of transportation. The people who need it most—those in abject poverty—are the most unlikely to be able to get to the county seat to get it.

It is not a rare experience to find people traveling 25 miles to get their food, paying up to \$10 for the ride; it is not rare to find recipients who are left out because they cannot get to the warehouse on the proper day. In other words, Mr. Chairman, it is not rare to see people unable to take advantage of a program they know to be good.

Education suffers. Educators are constantly striving for parental involvement, yet our schools cannot maintain adequate PTA organizations because the people have no way to attend. The opportunities and new horizons of extracurricular activities are restricted to those able to sustain the burden of transportation. The young people who most need the opportunity are frozen out of it.

Without adequate and dependable transportation the range of employment is not available to the unemployed and underemployed.

The uncertainty of poor transportation leads to increased absenteeism.

Senator MONDALE. What does an older person do, who is feeble, living alone, living in a shack, to deal with food problems and health problems? Other than your vans, they are in bad shape, aren't they? They probably don't have telephones.

Mr. GODWIN. Many of the deaths in Jones County are attributable to malnutrition.

Senator MONDALE. Do they have workers to find these people, and see if they are hungry, and get food to them?

Mr. GODWIN. We have a small program in Jones County. Craven came under the emergency food program. We have been able to bring some relief to the senior citizens in Jones County with old worn out vehicles which we operate for that purpose.

A major area of concern is the added burden placed upon the rural poor in attempting to maintain a source of transportation. Every dollar spent on obtaining transportation further reduces the funds available to meet the pressing needs of the family. Whether it is spent on buying transportation or on maintaining it, it is money that the rural poor alone must spend.

A man must get to the polls before he can vote. The practice of repeated elections multiplies the cost of voting. The costs to volunteer organizations in terms of voters per mile driven makes the expense almost prohibitive. In the end our Nation is the loser.

In the matriarchal society it is the women who are most hopelessly tied to their house. Where cars are available they seem to be used to get the men, first to work, and second out of the house.

Mr. Chairman, the suffering and problems of America's rural poor are astounding; but it is trifling compared to the harvest of shame our great Nation will reap if we do not commit ourselves to answering these crying needs.

We are a nation with dedication and perseverance. Our prayers today go with the three astronauts whose mission typifies the best in American commitment. The same resources, the same fine minds and the same resolve must be used to answer the plight of our fellow man.

As we stand with an eye on the moon and beyond, we cannot, we must not ignore those million poor Americans clutching at our knees, striving for the kind of humanity we sometimes think all Americans enjoy. They don't Mr. Chairman. We must help them find the answers and help them fulfill their dreams.

I do not have the answers but my experience on the firing line, wrestling with the problems of turning a nation's promise into reality without the potential available resources of a great country has convinced me of this—that these things are needed:

We must provide the effective, personal bargaining power that comes from having the pride and resources of an adequate cash income. A wealthy American oilman once said: "I don't have to be loved; I'm rich." Nothing talks like money.

To break out of the powerlessness of rural isolation, we must find a way of providing transportation, not only to work, but also, until

they can afford otherwise, to the social and community affairs that provides the strength of unity. Out of unity comes common purpose and resolve. Meaningful social change is the result.

We must provide the rural people, rich and poor alike, with the fruits of the best professional and creative minds in our midst. Only the best our Nation can muster can close the gap that is already widening between the rural and urban sectors of our Nation.

Forty years ago, Mr. Chairman, our Nation made a conscious and massive commitment to the principle that our rural people should share alike the bounty of the modern age. The rural electrification program did much to open up and modernize America's heartland. Prior to that, rural free delivery of the mail, the Homestead and Land Grants Acts served notice that serfdom was not to be tolerated in America.

In later years this same commitment expressed itself in the Tennessee Valley Authority, Government production of fertilizer, soil bank provision, Federal land banks and mortgage protection, and commodity price protection. America has never forgotten her rural landowning farmers.

But, Senator, there is another rural America: That of some of the most forgotten citizens in our land. My point is driven home graphically by the June 26 issue of the Raleigh, N.C., News and Observer—here in an article decrying that \$5,000 was given to help sustain the lives of 1,000 black seasonal farm laborers. Ironically juxtaposed to it, in the next column is a routine story reporting that \$500,000 in agricultural subsidies is to be allocated to North Carolina's farmers because of rain damage.

In Jones County 359 of the 1,420 eligible families are receiving commodity food.

In Craven County the average rural black income is barely \$1,000.

In Pamlico County, 56 percent of all employed men must commute out of the county to find work.

That \$500,000, Mr. Chairman, would have been a great way to begin our offensive against the oppression of poverty.

The greatest single force for social change, for acceptance, equality, and pride is an adequate income and the opportunity to spend it. Somehow we must find a way to accomplish economic adequacy for all. Greater and better trained minds than mine must wrestle with the mechanics of the order—perhaps an adaptation of an incentive compensation of change.

But I do know that those of us in rural America can plainly see that something must be done and soon.

Ending discrimination takes time, finding jobs takes time, employment training takes time, education takes time, but time is running out. Our Nation accepts great challenges. Great leaders and great presidents have committed us to the eradication of poverty and its suffering. We must not give up on that commitment.

We must buy the time and buy the action necessary to bring the dawn of a new day. As new jobs, created by the new demands created by cash in the hands of 14 million Americans, jobs filled by trained and educated poor begin to provide a steady income and aid money can be withdrawn.

Senator MONDALE. The Vice President says we should go to Mars soon.

Mr. GODWIN. I hope he takes some of those who share the same opinion with him. Senator. [Laughter.]

Just as we have used the space program and then the Vietnam war to prime our economic pump, we must now turn to the plight of the poor, and, in hard economic terms, provide the investment to sustain our expanding economy, by channeling funds through the ghetto dwellers and rural poor of America.

We hope the day will come when all those Americans living in the rural areas of our Nation will have the transportation resources they need to insure them a full life. But that day is not here. As with our financial concern, we must provide the stop-gap means necessary until our citizens can stand alone.

I would like to point out this other area of rural America there have been programs pointed out for the poor in West Virginia and I believe that the Office of Economic Opportunity has done some other experimentation.

I think as you mentioned earlier, I think HUD or someone else is doing some experiments. I don't think we need to prove the problem any longer, Senator. We get kind of weary down where we are, every time a problem arises it is so convenient for those in power to say, "Let us study it."

We have studied the poor and their problems to death. We know this thing exists. Who do we need to prove to any longer? So the money we spend for studies could well be put in the hands of the poor at this moment in our history.

We need so badly, Mr. Chairman, to consider that another problem in rural America is lack of professional and technical skilled people it possesses.

Since you are an attorney, Mr. Chairman, I do not need to point out the desperate need in rural America for adequate legal representation.

Senator MONDALE. Do you have legal services program as part of your efforts?

Mr. GODWIN. No, sir; Senator.

Senator MONDALE. Are you applying for legal services?

Mr. GODWIN. We have not done so to date. A few years ago Coastal Progress reached an agreement with the local bar association. They agreed to provide volunteer counsel for poor people. While this has not been entirely satisfactory, we have not moved to change this current situation.

Senator MONDALE. Is the North Carolina bar assisting or aiding your efforts?

Mr. GODWIN. To my knowledge the State bar association has not offered any resistance. They are now cooperating with various programs throughout the State to provide adequate legal advice for our State's poor. I think that this is an exciting beginning.

Senator MONDALE. OEO legal services programs for the rural poor have been very useful where it has been found, and where it is a program of integrity that is serving the poor. But it has been slow in getting going because of the kinds of resistance that you mention.

I regret that some of it has come from local bar associations. The American Bar Association, I am pleased to report, unlike AMA, has

been very active in trying to support OEO legal services and trying to encourage young lawyers to be active in the kinds of effort you are talking about, and standing behind them against the pressures from our own professionals to impose restrictions on the kind of lawsuits they can bring.

Mr. GODWIN. Again this is one of those things we seem to have institutionalized, Senator, in the sense that we so readily accept rich man justice, poor man justice, white man justice, black man justice without recognizing the terrible cost in the sense that 80 percent of all of the cases in our areas are just poor folks' cases and oftentimes without any representation whatsoever or certainly inadequate representation.

Senator MONDALE. You make the point in your testimony about the impact on a dollar introduced in the community. I think the U.S. Chamber of Commerce says that every new job in a community has directly produced an additional three-quarters of a job in a community in the services field.

In other words, when you get new industry you need more clerks in stores, and other kinds of services, and the result is that for every job, there is an additional job also produced. The strategy in rural America for a long time has been one which I think is starting to contribute, or has contributed, to the thing you are talking about.

Instead of fighting for a larger share of the Nation's economic pie, by way of including the price of decent pay for labor in the product, as has been done in industry and most other sectors of the economy all along, too often they have tried to get their profit margin by underpaying labor.

The result has been that maybe their product is a little less expensive, but their community suffers, because instead of having as you do in Detroit, autoworkers making \$3 or \$4 an hour, you have people making less than \$1,000 a year, or unemployed, and the community is therefore unable to sustain services.

You can't have doctors because no one can pay them. You can't have the range of services that professional men insist upon because there is not enough money in the community to sustain that kind of effort.

Mr. GODWIN. The nonurban areas simply cannot pay the high price for first-rate minds and training—and they suffer a proportionate penalty in higher death rates, improperly set bones, rotten teeth, longer jail sentences, a higher conviction rate, and less spiritual inspiration to boot.

While not commenting on the fine professional people we are lucky to have in our area, the truth is that, with rare exception the rural communities get the dregs and misfires of our professions. And the counties feel lucky to get that.

Jones County is served by one doctor, no dentists, pharmacists, and only four attorneys and no optometrists. Pamlico County has one doctor and two lawyers and nothing else. Combined, the two counties have over 30,000 people. The far reaches of L-shaped Craven County are no better.

Now that the end appears in sight in Southeast Asia and the first troops are on their way home it is time, Mr. Chairman to again examine our Nation's manpower resources. We have a great reserve of

highly trained and socially-conscious young men and women emerging from the professional schools of our Nation.

I want to urge again that an alternative to direct military service be service to America's poor. By committing 2 years of their lives to the challenges of poverty, we will be applying our quickest and best talents to some of our hardest problems.

Good lawyers can speed cases and reduce the man-years lost by rotting in prisons; dentists reach the mouths of children never before seen by one; young doctors trained in the latest methods can increase chances of life; imaginative engineering and innovative architecture can change the quality and spirit of life at little additional cost; teachers can open new horizons.

Not only can the poor be helped but they and their children can be inspired. The other side of the coin is that the experience of living with and working on the problems of the poor will leave a byproduct of social conscience and concern for the brotherhood of man in the lives of the professional leaders of our Nation.

Mr. Chairman, the resources are available, the challenges too great, and the chance and penalty of failure too ignominious and the idea too spendid to allow the Peace Corps, VISTA, and other programs to die as obsolete.

Let us give them a new breath of life and new encouragement. One of our greatest resources—the skills of our professions, young and old—must be used to insure the quality of life for all Americans.

Senator MONDALE. Thank you, Mr. Godwin, not only for an excellent statement, but for your impressive commitment to this issue.

Your prepared statement is superb, and since I interrupted your presentation with questions, I will order it printed in full at this point.

(The prepared statement of Mr. Godwin follows:)

PREPARED STATEMENT OF JAMES L. GODWIN, EXECUTIVE DIRECTOR, COASTAL PROGRESS, INC., NEW BERN, N.C.

I am James L. Godwin, Executive Director of Coastal Progress, Inc. of New Bern, North Carolina. I am grateful for the opportunity presented this morning to direct your attention again to the plight and powerlessness of America's rural poor and, specifically, to the background causes of the continuing strike by the Eastern Farm Workers Association against the Jason Morris Farms, Inc.

The problems we will highlight here today are those of 14 million rural poor. The problems are immense and our solutions only beginnings; but we must begin. I am accompanied today by members of my staff, interested members of our community and, most important, by representatives of the Eastern Farm Workers Association.

With your permission, Mr. Chairman, I will set the stage for the testimony to follow.

Coastal Progress, Inc. is a local Anti-Poverty program striving to meet the needs of the poor—black and white—in Jones, Craven and Pamlico Counties. Currently funded with approximately \$1.5 million dollars annually of Title I and II EOA funds, Coastal Progress began in 1964 with funds provided by the North Carolina Fund. Today it is involved in a broad range of programs including: Manpower, Child Care, Health, Housing, Community Organization, Credit Union and Senior Opportunities.

Blessed with an outstanding staff of dedicated men and women, Coastal Progress, Inc. is making substantial progress. But, Mr. Chairman, we have miles and miles to go before we can sleep with a clear social and moral conscience.

Approximately 4500 seasonal farm laborers in the three counties represent an estimated 2100 households. A survey of 223 heads of households participating in the recent blueberry strike reveals that:

TABLE 1

Head of household				On welfare		Surplus food		Social security	
Female		Male		Number	Percent	Number	Percent	Number	Percent
Number	Percent	Number	Percent						
202	89.6	21	10.4	79	35.4	89	39.9	5	2.2

Note: Number of occupants per household, 7. Only 1 out of 10 households had incomes in excess of \$2,000 per year. Two-thirds of the households had incomes under \$1,500 per year.

Gentlemen, if those statistics don't say enough, please listen to a true description of some of the conditions effecting the lives of those citizens over which they have no control.

As a nation and as a three-county community, we do not face any crisis as dangerous to our survival as the crisis of conscience surrounding Race and Poverty. In our study today, the powerlessness of the black rural poor of the South, the two problems, racism and poverty, are inseparably intertwined. Irrational, unreasoning and all-consuming racial hatred stifles the opportunities for and overlooks the economic benefits of economic opportunity.

Small, rural communities all over America are struggling to build and, in most cases, just to sustain their economic base. Yet, Mr. Chairman, they are continuing to overlook a high-impact source of income in their own midst. Refusal to face Social Change makes us blind to its economic impact. Refusal to come to grips with the racial issue in our midst has a stagnating effect on our economy.

The economists tell us that one new dollar introduced into an economic area has the effect of seven. If the 1,000 black blueberry pickers in Craven County were to receive the minimum wage—an increase of 55 cents per hour—for an 8-week season, the impact of that \$35,000 would be \$245,000. An awareness of the economic impact of racial inequality should make the racial-social issue one of high impact. I firmly believe that an *enlightened economic self-interest* will lead to equality and opportunity in America.

People may urge racial equality out of moral or religious concern, but America has passed beyond that token, public symbolic gesture. We must now attain true economic opportunity for all parts of our society. We must impress upon the business leaders of America—at all levels—that equality makes good, hard financial sense.

The testimony that we will hear today will vividly highlight the fantastic and disheartening number of problems facing the rural poor. Other witnesses will describe better than I what the poor black man in rural North Carolina suffers through; they can do that, Mr. Chairman, because they are living that **existence right now.**

**It is our experience** that the needs of the rural poor are those of the poor everywhere. There are ill and starving people in the midst of our great cities. What makes the rural poor unique, Mr. Chairman, is the extreme isolation in which they suffer. Far from rich, they are poor; far from professional care, their life is precarious; far from each other, they are alone, unable to help or be helped.

The three counties we are involved in are typical of the problems of the rural South. The conditions of Jones, Pamlico and Craven Counties are no different than that of hundreds of other counties across America.

The fall of the small farm with its independent owner has increased the powerlessness of the rural people. In Craven County of 4,056 people living in the open country, only 7,187 live on farms. 86% of the blacks are thus forced to look to some kind of labor to sustain themselves. Yet, Mr. Chairman, the median, the *median* family income of these poor black people was \$856 in 1967. Yet when looking around them, they cannot find employment. In 1967, Pamlico County could not provide employment for 55% of its household heads. (41% had to commute outside the county to find work; another 14% were unemployed.) Is it any wonder that one-half of all high school graduates have left that county within a year of their graduation?

This continued migration is placing the increasingly heavy burden of the very young and the very old on an unusually restricted number of employable

people. The burden of the old is substantially increased because nowhere in the three counties is there a convalescent center or retirement home designed to care for the elderly. Many live alone in homes obsolete when they were born and, now, unfit for human existence in their old age.

The young suffer, too, from poor housing. The infant death rate is high, the chance of life-inhibiting injury greater and of spirit-draining, continuing illness and parasites later among the poor black rural young than any other group except the shamefully-treated American Indian. Two-thirds of the elementary children in Jones County are judged in need of dental care. Two-thirds do not receive ample breakfasts before school. Yet in this same county, only 359 out of 1,420 eligible families are receiving allotments of Surplus Food. That 1,420 families represent 60%, Mr. Chairman, of the families in Jones County.

These children are born into the worst possible sanitary conditions. For the past three years Coastal Progress has, in cooperation with the Craven County Board of Health, funded a program to provide that most basic of sanitary devices—the outdoor privy—to home sites that did not even have that. We have distributed more than 1,500 privies, Mr. Chairman, and there still remains better than 500 home sites where people are living where the only sanitation device is a pail and the bushes. This is in America in 1969.

Dental care is non-existent in two of our three counties. There is one doctor each in Jones and Pamlico Counties.

I do not believe, however, that the blame can lie generally with the counties. By and large the men and women employed by the counties are dedicated to doing the best they can. With no industry, a rising rate of absentee land ownership, and an out-migration of employable men, the counties simply do not have the resources in men and money to conquer the problems with which they are faced. The counties need your help, gentlemen, if they are to adequately fulfill their function.

Throughout the problems I have mentioned—I could go on naming all day—there runs a common theme, Mr. Chairman, that we want to bring to your attention today. Our experience in North Carolina has convinced us that one of the most crying needs of the rural poor today is *transportation*. *Distance and the isolation it brings is perhaps the greatest obstacle faced by the rural poor*. The rural poor share all the lacks of the urban poor—food, money, education, etc.—but in addition they are forced to contemplate their lot alone, forced to stand without even the power of unity in the face of their fate. They are truly powerless.

Public transportation is virtually non-existent in the rural areas. There is no bus connection at all to Trenton, the seat of Jones County and site of the county's only doctor's office, the only lawyers, courts and the single commodity food warehouse. This is coupled with the prevailing practice among the poor of charging almost usurious rates to transport neighbors and relatives. A lady in Jones County has been paying \$10 each month to come 20 miles to pick up her Commodity Food, another \$3 to go to church.

Leaving aside the economic implications, the lack of transportation is drying up the rural institutions and their ability to cope with the local problems. People must be able to get together freely to mobilize their community to united action. In the city slums thousands can be mobilized in minutes by running door-to-door; in the country the doors are miles apart. Help and sustenance is just as far away as the nearest friend.

Trace with me the shattering effects of the lack of transportation in the following vital concerns of community life:

Health authorities contend that lack of transportation is one of their biggest obstacles. Jones County is immunizing about 75% of those eligible yet  $\frac{2}{3}$  of those reached cannot provide their own transportation. Lack of transportation coupled with ignorance means a delay of days in seeing a doctor, many times more than 25 miles away, with the natural result of higher mortality and crippling rates. In each decision, to see the doctor must be weighed the high cost of getting there. Distance and the struggle to overcome it means a lack of preventative medicine and check-ups. Health care and emergency facilities are not readily available; the cost of getting there is high. The forced increase in emergency house calls is a highly inefficient use of a doctor's time when his practice is responsible for the health of 11,500. But it is better than the situation in Vanceboro, Craven County, where 5000 people are served by a doctor who refuses to make house calls.



The lack of dentists within reasonable distance is the essential reason for the sordid condition of the rural poor's teeth. Four out of every five poor children need extensive dental care.

The effectiveness of the Commodity Food program is hampered by a lack of transportation. The people who need it most—those in abject poverty—are the most unlikely to be able to get to the county seat to get it. It is not a rare experience to find people travelling 25 miles to get their food, paying up to \$10 for the ride; it is not rare to find recipients who are left out because they cannot get to the warehouse on the proper day. In other words, Mr. Chairman, it is not rare to see people unable to take advantage of a program they know to be good.

Education suffers. Educators are constantly striving for parental involvement, yet our schools cannot maintain adequate P.T.A. organizations because the people have no way to attend. The opportunities and new horizons of extracurricular activities are restricted to those able to sustain the burden of transportation. The young people who most need the opportunity are frozen out of it.

Without adequate and dependable transportation the range of employment is not available to the unemployed and under-employed.

The uncertainty of poor transportation leads to increased absenteeism.

An important area of concern is the added burden placed upon the rural poor in attempting to maintain a source of transportation. Every dollar spent on obtaining transportation further reduces the funds available to meet the pressing needs of the family. Whether it is spent on buying transportation or on maintaining it, it is money that the rural poor alone must spend.

A man must get to the polls before he can vote. The practice of repeated elections multiplies the cost of voting. The costs to volunteer organizations in terms of voters per mile driven makes the expense almost prohibitive. In the end our nation is the loser.

In a matriarchal society it is the women who are most hopelessly tied to their house. Where cars are available they seem to be used to get the men, first, to work and, second, out of the house.

Mr. Chairman, the suffering and problems of America's rural poor are astounding; but it is trifling compared to the harvest of shame our great nation will reap if we do not commit ourselves to answering these crying needs. We are a nation with dedication and perseverance. Our prayers today go with the three astronauts whose mission typifies the best in American commitment. The same resources, the same fine minds and the same resolve must be used to answer the plight of our fellow man. As we stand with an eye on the moon and beyond we cannot, we must not ignore those million poor Americans clutching at our knees, striving for the kind of humanity we sometimes think all Americans enjoy. They don't, Mr. Chairman. We *must* help them find the answers and help them fulfill their dreams.

I do not have the answers but my experiences on the firing line, wrestling with the problem of turning a nation's promise into reality without the potential available resources of a great country has convinced me of this—that these things are needed:

We must provide the effective, personal bargaining power that comes from having the pride and resources of an adequate cash income. H. L. Hunt once said: "I don't have to be loved, I'm rich." Nothing talks like money.

To break out of the powerlessness of rural isolation, we must find a way of providing transportation, not only to work, but also, until they can afford otherwise, to the social and community affairs that provides the strength of unity. Out of unity comes common purpose and resolve. Meaningful social change is the result.

We must provide the rural people, rich and poor alike, with the fruits of the best professional and creative minds in our midst. Only the best our nation can muster can close the gap that is already widening between the rural and urban sectors of our nation.

Forty years ago, Mr. Chairman; our nation made a conscious and massive commitment to the principles that our rural people should share alike the bounty of the modern age. The Rural Electrification program did much to open up and modernize America's heartland. Prior to that, Rural Free Delivery of the mail, the Homestead and Land Grants Acts served notice that serfdom was not to be tolerated in America.

In later years this same commitment expressed itself in the Tennessee Valley Authority, government production of fertilizer, Soil Bank provision, Federal Land Banks and mortgage protection and Commodity Price Protection. America has never forgotten her rural, land-owning farmers.

But, Senators, there is another rural America: that of some of the most forgotten citizens in our land. My point is driven home graphically by the June 26th issue of the Raleigh, N.C. *News and Observer*: here is an article decrying that \$5,000 was given to help sustain the lives of 1,000 black seasonal farm laborers. Ironically, juxtaposed to it, in the next column is a routine story reporting that \$500,000 in agricultural subsidies is to be allocated to North Carolina's farmers because of rain damage.

In Jones County only 359 of the 1420 eligible families are receiving commodity food.

In Craven County the average rural black income is barely \$1,000.

In Pamlico County 56% of all employed men must commute out of the county to find work.

That \$500,000, Mr. Chairman, would have been a great way to begin our offensive against the oppression of poverty.

The greatest single force for social change, for acceptance, equality and pride is an adequate income and the opportunity to spend it. Somehow we must find a way to accomplish economic adequacy for all. Greater and better trained minds than mine must wrestle with the mechanics of the order—perhaps an adaptation of an incentive compensation of change. But I do know that those of us in rural America can plainly see that something must be done and soon. Ending discrimination takes time, finding jobs takes time, employment training takes time, education takes time, *but time is running out*. Our nation accepts great challenges. Great leaders and great presidents have committed us to the eradication of poverty and its suffering. We must not give up that commitment. We must buy the time and buy the action necessary to bring the dawn of a new day. As new jobs, created by the new demands created by C.A.S.H. in the hands of 14 million Americans, jobs filled by trained and educated poor begin to provide a steady income and aid money can be withdrawn. Just as we have used the Space Program and then the Vietnam War to prime our economic pump, we must now turn to the Plight of the Poor, and, in hard economic terms, provide the investment to sustain our expanding economy, by channelling funds through the ghetto-dwellers and rural poor of America.

We hope the day will come when all those Americans living in the rural areas of our nation will have the transportation resources they need to insure them a full life. But that day is not here. As with our financial concern, we must provide the stop-gap means necessary until our citizens can stand alone.

Coastal Progress came to realize soon after its inception that transportation was the vital key to any mix of services and opportunities it wanted to undertake. It does no good to tell a man about a meeting if he cannot get to it; it does no good to organize self-help classes if the women are unable to attend. To make the best use of the time and dollars available to us it is imperative that adequate and reliable transportation be made readily available to the rural poor.

Coastal Progress is currently operating a fleet of vans that service our outlying community centers. The vans, operated by the center managers, are available to members of the community with a legitimate need for transportation. These vans have opened whole new worlds to the rural poor. With a way to get to meetings they come, with a way to travel they join self-help projects. They are becoming involved again in the lives of their neighbors. The unity and skills provided by exposure in the community center program is kindling a sense of power in people who never before believed that they could do something about their own problems.

An exciting experiment being tried in several rural areas of the nation is the establishment of transportation cooperatives. Groups of rural poor, tired of their isolation, are uniting to purchase and operate community transportation facilities.

The rural poor are already paying for untimely and inadequate transportation. We regularly document cases of the poor and welfare recipients spending in the neighborhood of \$15 monthly. By pooling this resource among enough people and by being supported government-supplemented financing, there can be cooperative transportation systems.

We urge, Mr. Chairman, the funding of programs to make possible adequate transportation opportunities for Rural Americans. Until public, private and

cooperative transportation is readily and cheaply available we submit that Community Action Programs must be provided with the funds and encouraged to answer the poor's crying need for transportation. With transportation, unity, common resolve change and betterment will come.

Another problem for rural America is the lack of professional and technical skills it possesses. The non-urban areas simply cannot pay the high price for first-rate minds and training—and they suffer a proportionate penalty in higher death rates, improperly set bones, rotten teeth, longer jail sentences, a higher conviction rate and less spiritual inspiration to boot.

While not commenting on the fine professional people we are lucky to have in our area, the truth is that, with rare exception, the rural communities get the dredges and misfits of our professions. And the counties feel lucky to get that.

Jones County is served by one doctor, no dentists, pharmacists, and only four attorneys and no optometrists. Pamlico County has one doctor and two lawyers and nothing else. Combined, the two countries have over 30,000 people. The far reaches of L-shaped Craven County are not better.

Now that the end appears in sight in Southeast Asia and the first troops are on their way home it is time, Mr. Chairman, to again examine our nation's Manpower resources. We have a great reserve of highly trained and socially-conscious men and women emerging from the professional schools of our nation.

I want to urge again that an alternative to direct military service be service to America's poor. By committing two years of their lives to the challenges of poverty, we will be applying our quickest and best talents to some of our hardest problems.

Good lawyers can speed cases and reduce the man-years lost rotting in prisons, dentists reach the mouths of children never before seen by one; young doctors trained in the latest methods can increase chances of life; imaginative engineering and innovative architecture can change the quality and spirit of life a little additional cost, teachers can open new horizons.

Not only can the poor be helped but they and their children can be inspired. The other side of the coin is that the experience of living with and working on the problems of the poor will leave a byproduct of social conscience and concern for the brotherhood of man in the lives of the professional leaders of our nation.

Mr. Chairman, the resources are available, the challenges too great and the chance and penalty of failure too ignominious and the idea too splendid to allow the Peace Corps, VISTA and the other programs to die as obsolete. Let us give them a new breath of life and new encouragement. One of our greatest resources—the skills of our professions, young and old—must be used to insure the quality of life for all Americans.

Senator MONDALE. I think I read in one of the North Carolina papers—I was doing some reading last night on this blueberry situation—that you came out of the insurance industry; is that right?

Mr. GODWIN. That is right.

Senator MONDALE. Could you give us your further background?

Mr. GODWIN. My father was a Craven County resident. I grew up in one of the impetuous counties in South Carolina, Jasper County, which has been in the national headlines. I went to school at the University of North Carolina.

I went in the Marine Corps and went back and finished school, and had 10 highly productive years in the insurance industry.

Senator MONDALE. Were you in the sales force?

Mr. GODWIN. Yes, I was sales vice president of one of our major companies.

Senator MONDALE. In North Carolina?

Mr. GODWIN. Franklin Life, Springfield, Ill.

Senator MONDALE. Then you decided you wanted to get back into some social work?

Mr. GODWIN. Yes. Yes. I came to the conclusion that as far as my personal commitment was concerned, I was not serving in a very

useful career, and I became interested in the Coastal Progress effort. And of course, Mr. Chairman, it could well have led us into this involvement in the blueberry strike. My own personal commitment is to the poor, whom we are there to serve.

Senator MONDALE. Can you give us a little background on the strike, what happened, what are the working conditions, what was the role of your organization, the role of the grower, the law enforcement officers, and so on?

Mr. GODWIN. There is a background statement here and I will summarize it for you.

Senator MONDALE. You have a statement that you prepared?

Mr. GODWIN. Yes, sir. This was prepared by a young man, Ernest E. Ratliff.

Senator MONDALE. Let us include that in the record as though read. (The prepared statement of Mr. Ratliff follows:)

PREPARED STATEMENT OF ERNEST E. RATLIFF, A NORTH CAROLINA COLLEGE STUDENT

Jason Morris operates a 100 acre blueberry farm near Bridgeton in Craven County. He has another blueberry farm in Jones County.

During a harvesting season which spans most of June and July, Morris collects the crops for market in an operation utilizing three basic procedures and four disparate labor groups:

I. Picking—the gathering of the berries is done by an all black labor force gathered from the surrounding towns and counties. Principally, they come from the rural areas of Jones, Craven, Lenoir and Pimlico counties, and from the city of New Bern. All labor is local. Pickers are brought to the farms in buses and various smaller vehicles. The buses are operated by "row bosses" (discussed below). The bus drivers charge their riders. Additionally, Morris is reported to pay them to bring workers to the farm. The smaller vehicles are operated by pickers who cooperate in getting to the farm. Pickers are of all ages and both sexes. There are many more females than males and the percentage of children is estimated as high as 50%. There are no age limits and any child who can do "acceptable" work is used, without regard to age. Thus children of elementary and even pre-school age may pick. (However, some of the children in the fields are simply accompanying their mothers who have no place to leave them. This class of children do not work on their own but may contribute to the mother's effort.)

Normally, workers arrive in time to start work at 6:00 a.m. Initially, each picker goes to a control point (combination grading area, supply point and pay station) and pays a Morris representative \$.25 for a "flat." A flat is a berry container rack having space for 12 pint containers. At this time, they also receive 3 loose pint containers. The picker goes to the field and picks enough berries to fill the 12 pint flat. The three loose pints are filled and placed on top of the flat. From whatever point he is at the field when this process is completed, he walks to the pay station. There the flat is checked for fullness, ripeness and absence of leaves. If the standards are met (containers heaping full, no unripe berries, no leaves) the picker is given \$1.00. He then pays the representative \$.25 for another flat and goes back to picking. This cycle is repeated over and over until 5:30 p.m. when picking is halted.

This process takes the fastest picker one hour. Average pickers require one hour and fifteen minutes. Slow pickers take one and one half hours. If one happens to be at the far end of the field when his flat is finished the trip to the pay station can take as long as 15 minutes. There may be a further wait in line at the station. Under this procedure the average worker nets only about \$5.00 per day. One picker and her eight children (picking as a unit) managed only eight dollars on a typical day. In order to increase time in the fields, no lunch period is given and such time as one does take necessarily cuts down on his production and income. Thus workers are expected to carry their lunches on their persons all day or until they are eaten. To walk to any place where they might be deposited within the 100 acres requires too much time and is strictly discouraged. Leaving the fields to get lunch is out of the question. Many pickers also burden themselves with water as there is little available in the fields and considerable distance between pumps.

Should a "row boss" decide that a picker is not stripping a row clean enough or otherwise not performing satisfactorily, the worker is required to leave the fields. This means that he must get completely off the Morris property. This may involve walking across all of the 100 acres and waiting on the highway right of way. No stop on the Morris property is permitted. If the picker does not control a vehicle he waits by the side of the road until his ride leaves at the end of the day. This is also true for those who voluntarily stop picking during the day.

The work is normally conducted under a broiling sun by up to 1,000 pickers. However, there are no medical or even first aid facilities available. No aid is given to those who fail in the hot sun. They are evicted and deposited by the side of the road to await their transportation.

No sanitary or toilet facilities are available. Female workers must perform bodily functions in such privacy as blueberry bushes will provide. Because of the size of the fields and the presence of other workers, this is practically none. Male "row bosses" seem to be always near.

The bulk of the picking force seems to be shifting rural labor. They will harvest tobacco after the blueberry season and move on to tobacco warehouses after that. A variety of pick up jobs sustain them during winter. Summer earnings are very important.

No records seem to be kept on the payments made by Morris and no federal or state deductions are made.

II. Grading and Sorting—this procedure, apparently, consist of only a visual inspection and the placement of berries in proper receptacles. No skills are required. Only whites have these jobs. The pay rate is undetermined. At the beginning of this season, an experienced black worker asked for one of these jobs. She was directed to the fields. No one can remember a black in one of these jobs.

III. Transport—this is the removal of berries from the grading station to storage and collecting points. Trucks are used for this. All drivers are white. Their pay is undetermined. The routes, apparently, go through the fields and drivers are said to engage in the sport of driving close to workers so as to frighten them with the vehicles. The drivers are hired by Morris.

The fourth group involved in harvesting are the "row bosses." These men have the job of speeding production and insuring discipline. It is said that they are armed but no one has ever seen a weapon drawn or any force used. They operate by means of oral prodding, continuous presence and the threat of eviction. Many of them drive buses bringing pickers to work. Bus ownership was not determined but they are paid to serve workers as well as to push them. Both blacks and whites were used. The main complaint against them seems to be that they have nothing to allow for female privacy with regard to toilet needs.

After harvesting, berries are sold to various buyers. A prime buyer was described to me as "American Food Service Corp." based in Baltimore. At least one pie company also buys. This buyer supplies his own containers and when a whole day's picking is denoted to him the pay is \$1.00 per container. This seems to be no more than once or twice a season.

At the outset of this season workers sought through negotiation a raise to \$1.00 per flat. After refusal they began a strike which is only partially effective. The estimate of those still working runs as high as 150. A mechanical picker is also operating. Support has come from the local anti-poverty group and strikers have organized an Eastern Farm Workers' Association, which they plan to incorporate. Initially, local law enforcement agencies attempted to deter picketing but it is now apparent that word has come from higher up to tread softly. Picketing is now proceeding undisturbed but under constant surveillance by sheriff's deputies and highway patrolmen.

The strikers wish to persevere.

Senator MONDALE. All right, proceed.

Mr. GODWIN. The first contact that we at Coastal Progress Co-operative had with this affair was a group of 40 or 50 farmworkers—many of whom had been part of our various community organizations around the three-county area—got together out in the fields, and they came to New Bern to our center.

They met with a group of our community organizers whom they were already friendly with or working closely together with. They said they had some complaints to make about the conditions in which they were working at Jason Morris Farms.

Our workers listened to these complaints, and they listened to them say that 75 cents a flat, I believe, had been paid for 6 or 7 years, which was not enough money for the picking of berries.

Senator MONDALE. It was the same rate they had had for 7 years?

Mr. GODWIN. We were told 7 years.

Senator MONDALE. What would be the average that a strong worker could make in a day at that rate?

Mr. GODWIN. It was indicated to us by our efforts that they ran \$6 to \$9 a day. A good picker made \$9 a day. One of the ladies I personally interviewed was a strong young woman who had been picking 12 years. She said it cost her \$1.50 a day to get to the field.

Senator MONDALE. How many hours would that be?

Mr. GODWIN. She went in at 6 in the morning and came out at 3 in the afternoon.

Another problem other than the amount of money that they earned during the course of a working day out there was their concern about sanitation conditions. Apparently there were maybe one or two outdoor privies out there. Most of them indicated that they used the bushes for sanitation.

Senator MONDALE. Did they have field toilets at all?

Mr. GODWIN. Not to our knowledge, Senator. Some of the later testimony should present that.

They had a problem of getting lunches and they had a problem getting drinking water.

They had problems with abusive language, according to what they told our workers.

Our workers then suggested what alternatives they had. One of them was to organize themselves and threaten to strike, and negotiate. They were told that they could organize themselves, strike, and then negotiate, or they could do nothing at all.

They voted, apparently, to have a meeting the next morning in a local ball park, and this meeting occurred. Our deputy director, Mr. Thomas Wallace, spoke at that meeting.

According to Mr. Wallace, he spoke about their problems in relationship to the way Cesar Chavez spoke to problems out in California as to the grape strike.

At that meeting the farmworkers elected a cochairman to represent them, and then they found themselves an attorney and negotiated with the farmowner. Our role in this, Mr. Chairman, was that we used organization principles and suggested alternatives to poor people.

Then when they decided what they wanted to do, we wish to make the record abundantly clear, we supported their activities. This was my personal decision. It was not OEO, it was not the board of directors of Coastal Progress, Inc. It was my personal decision that our staff should support these poor people in this effort. That is our involvement.

Senator MONDALE. Now, some stories seem to indicate that there were workers who did not show up in the fields and failed to do so, not because they were members of a union or sympathetic to the efforts of the farmworker leadership, but because they were intimi-

dated by somebody, and were afraid to go into the fields. Would you comment on that?

Mr. GODWIN. If you read the stories there—I read the same stories that indicated that there was no strike and that there would not have been any disturbance except for antipoverty workers' activities that threatened persons.

There has been an investigation made of these charges. I have not been informed as yet of any of our employees who were actually involved, because this is the first question I asked, because this was a completely unprofessional approach to what they were supposed to be doing, and we asked for evidence of any intimidation or threats made to persons by Coastal Progress employees.

To this date I have not had that kind of evidence presented to me. I am aware of the allegations; yes, sir.

Senator MONDALE. What happened the first day of the strike? How many workers stayed out?

Mr. GODWIN. I would have to rely on the headline which you have in front of you; 965 was the figure used by the local paper.

Senator MONDALE. Was that most of the workers in the field, then?

Mr. GODWIN. That first day, I believe, that is correct. There were approximately a thousand total. That was the figure that we worked with as the approximate number out there.

Senator MONDALE. And what was the response of the local law enforcement officials, what happened then?

Mr. GODWIN. I did not actually see their presence, because I did not go out there. I was told that there were a large number of deputy vehicles and deputy personnel there.

I know one day a lady came in my office hysterical and she said, "Mr. Godwin, someone is going to get killed out there because the sheriff has parked his cars to block our strike line that we want to walk on."

My reaction to that was to immediately contact some responsible persons at State level and plead for some intervention by someone to get the cars moved so that the persons could walk, because it was the very kind of eyeball to eyeball confrontation, Senator, that is threatened today in New Bern and in Craven County and other counties.

It was the kind of thing that I felt that someone could get killed over. Perhaps the entire story from this point can be better told by the people here this morning from New Bern.

Senator MONDALE. I understand that we have witnesses here representing the workers, and the owner of the farm is here. It might be better to hear this from them.

Mr. GODWIN. Very definitely so.

Senator MONDALE. Thank you very much again, Mr. Godwin, for your excellent contribution to this subcommittee's investigation, and for your dedication in serving the rural poor and helping them help themselves.

Mr. GODWIN. Thank you very much for the opportunity.

Senator MONDALE. Our next witness is Mr. Jason Morris of Jason Morris Farms, Inc. He is here as a witness.

**STATEMENT OF JASON MORRIS, JASON MORRIS FARMS, INC.,  
BRIDGETON, N.C.**

SENATOR MONDALE. We are glad you are here, Mr. Morris, and we would be most appreciative, since I understand you do not have a prepared statement, if you would describe the strike and the facts surrounding it to the committee.

MR. MORRIS. Well, the strike started June 13, on Friday. Prior to Friday, we were operating at peak efficiency with no problem, and had never had any problem in the past.

These people came in from the poverty office and asked people not to work. Later, I understand they made some physical threats. Actually, the people got scared, and 95 percent of them went home.

SENATOR MONDALE. How many employees did you have at that time?

MR. MORRIS. Roughly a thousand. This was all local people within our four-county area. And it was all done by piecework. They have to work on piecework basis. We cannot afford hourly basis. It is utterly impossible to have a crop by paying hourly wages. There is not any record for any such thing.

To get back to the story of what happened, Friday we had this problem and everybody was threatening violence and what have you.

Saturday was an offday. We very seldom pick Saturdays. Some Saturdays we do, but this particular time we did not.

Monday we had rain and we did not pick at all. Tuesday; 85 percent of the pickers or 90 percent returned to the field and everything looked like it was going according to form.

But we saw some people riding down the road hauling in and out, and we knew we had a problem on Friday before, but nobody seemed to be bothering anybody. About 10:30 when the boys came to the field, they said there were people going around through the field telling people if they did not leave the field by 12 o'clock, they would blow up the field. Of course, that scared everybody out.

Of course, just before it scared everybody out, my brother found these people distributing this information. We asked them to leave the field. Then they were arrested by the sheriff's department. That was when Mr. Bryan and Mr. Wallace were arrested for carrying a gun. I don't know exactly what happened. I was in 100 yards, or so, of it, but not right at the scene.

So that scared everybody off on Tuesday. Then Thursday and Friday the people started coming back. We got back about 350 people per day.

Of course, they were running people out of the field. I resorted back to the mechanical picker, which I had not used at all this season until the strike hit.

Mr. Godwin talked about the poverty people in the county. If he did as much for the people in that county as I have done, we would not have as much of a problem as we have.

I have a mechanical harvester that had not been used until we had this problem. I cannot afford to pay any more than I have been paying.

I paid the maximum. I lost 2 years in a row. I have gone in the red in the farming operation. I don't think that Mr. Godwin has gone in the red. He has not taken his salary and given to anybody.



Senator MONDALE. Do you have several farms that produce blueberries in your area?

Mr. MORRIS. We have two farms that produce blueberries, one in Jones County and one in Craven County.

Senator MONDALE. You have a hundred acres of blueberries?

Mr. MORRIS. In Craven County, and about 60 acres in Jones County, that me and my brother manage together.

Senator MONDALE. How long does it take to harvest blueberries?

Mr. MORRIS. It is about a 6-week season. We started June 2 this year and finished harvesting, I believe it was about the 10th or 11th of July.

Senator MONDALE. Do you have a rather constant number of employees, or does it vary during the harvest season?

Mr. MORRIS. When we first started, we used a small crew and we have about a 14- or 20-day peak season when berries are really ripe and we harvest.

Senator MONDALE. You pay them on some kind of piece-rate basis?

Mr. MORRIS. By the pint.

Senator MONDALE. How much a pint?

Mr. MORRIS. There is a 12-pint flat or crate. We give them 75 cents a crate.

Senator MONDALE. They pick the berries, put them in the flat, and they get 12 pints for a flat. What do they do with them?

Mr. MORRIS. They bring them to the end of the rows where we have check stations.

Senator MONDALE. How far do they have to bring the flat?

Mr. MORRIS. They vary from, right close to it, 50 yards or so. If you are on the other side of the field, it might be 200 yards.

Senator MONDALE. Then they put it down at the end of the field, do they?

Mr. MORRIS. We have a man there who checks them. Some of them mishandle them so bad you cannot ship them to California, or New York, or Colorado.

Senator MONDALE. In other words, 75 cents is paid for 12 pints of shipable berries?

Mr. MORRIS. Right.

Senator MONDALE. Some of them will be rejected as not shipable?

Mr. MORRIS. Yes.

Senator MONDALE. How long will it take the average worker to pick and bring to the point and have approved a flat of blueberries?

Mr. MORRIS. That is a hard answer to give because we have people from 5 years old to 80 years old working in my field. I work anybody who comes and wants to pick blueberries. Everyone who wants to work, I am glad to have them.

Senator MONDALE. Five-year-old youngsters?

Mr. MORRIS. Well, he will eat more than he picks, but I will still give him the opportunity to work. Not one man out of a thousand will do what I do.

Senator MONDALE. You don't have minimum age laws?

Mr. MORRIS. No, we don't say they have got to be 16.

Senator MONDALE. How long does it take the average worker to pick?

Mr. MORRIS. I will relate a couple of cases. We have a 10-year-old boy who for a season averages \$7.50 per day, enough for about an 8- or 9-hour workday. We have got one lady with four children who on her best day was making \$45 a day. She was picking 60 crates of berries per day with four children less than 15 years old.

So if some of them are old, deformed, and don't have but one hand, and want to pick berries, I don't tell them they can't pick and work.

Senator MONDALE. I appreciate there would be a difference but I am trying to get at the average.

Mr. MORRIS. I would say anybody in a peak season can pick a crate of berries in 30 minutes. If he can't pick a crate of berries in 30 minutes—you yourself, who have never picked a blueberry, can go to my field and pick two crates an hour and not work hard.

Senator MONDALE. What is the temperature in the fields now?

Mr. MORRIS. Now we have 95° weather in North Carolina at the present time.

Senator MONDALE. Has that rate stayed the same for some years, 75 cents a flat?

Mr. MORRIS. We have been paying 75 cents for about 20 years.

Senator MONDALE. What about the price of berries that you sell, is it the same?

Mr. MORRIS. They have been going on a slight decline for 20 years. They are now as they were in 1932 during the Hoover depression.

Senator MONDALE. When the workers went on strike, did they try to negotiate with you?

Mr. MORRIS. The first day we had a strike, we had nobody come to us for a pay increase, none whatsoever. They did not come to us until Sunday after the first trouble we had on strike.

Senator MONDALE. Then they came to you. Who came to you?

Mr. MORRIS. Reginald Frazier, an attorney in North Carolina, came to me and told me he wanted to negotiate a price increase. I told him it was impossible to give a price increase. I was losing money as it was. If I gave them any more money, I would lose that much more. You can't operate in the red so much.

Senator MONDALE. Are you losing money now?

Mr. MORRIS. I am losing money now, today.

Senator MONDALE. How many years have you lost money?

Mr. MORRIS. Two years in a row.

Senator MONDALE. He came to see you and you said there was nothing to talk about?

Mr. MORRIS. I sat down and talked with him as long as he wanted to stay there. I told him if I could give them the raise, I would give them a raise. That is the first year I have not been the top of the pay scale in blueberries in North Carolina.

Senator MONDALE. Someone mentioned that there were no field toilets. Did you have toilets in the field for the women?

Mr. MORRIS. We have a few. The field is surrounded by woods, and we cannot afford them. In fact, I can't afford one. I use whatever I can use.

Senator MONDALE. Would it be that expensive to build a couple of wooden field toilets?

Mr. MORRIS. I would be glad to build them. I will build some more. But as fast as you build them, they tore them down.

I don't get no Federal assistance, no Federal guarantees.

He was talking a while ago about guaranteed money on account of the rain. I don't have any guarantees at all. A lot of people who get guarantees on rain are the tobacco farmers. I am a blueberry farmer. A blueberry farmer has no guarantee at all.

Senator MONDALE. Have you ever explored whether your operation is subject to Federal minimum wage laws? Have you investigated to determine whether your operation is subject to the Federal minimum wage laws?

Mr. MORRIS. Yes, sir; I have.

Senator MONDALE. What did you determine?

Mr. MORRIS. They told me that as long as we picked berries by piecework, we did not have to pay minimum wage on seasonal help. But regular wages, we do pay minimum wages.

Senator MONDALE. The committee staff says that piece rate is supposed to average out to the minimum wage. In other words, there is not an exception to the minimum wage which says that if you call it piece rate rather than hourly rate, you are not within it. It is the opinion of the staff here, at least, that your operation might be within the minimum wage law.

Possibly you should explore it again.

Mr. MORRIS. I am \$1.50 an hour above the minimum wage scale.

Senator MONDALE. Is it your position that you are affected by the minimum wage or not?

Mr. MORRIS. How is that?

Senator MONDALE. The first question is, are you within the minimum wage law or not?

Mr. MORRIS. I am. I pay minimum wage on all regular help.

Senator MONDALE. You are not arguing that?

Mr. MORRIS. No.

Senator MONDALE. You have a picking labor force; that is, people who go into the field and pick the berries. That is one job. Does this consist of entirely black labor force? Do you have any white people?

Mr. MORRIS. We have some white, a real small percentage. It is open to anybody who wants to pick.

Senator MONDALE. It is almost exclusively black in the picking force?

Mr. MORRIS. It has always been about 95 percent colored.

Senator MONDALE. Then you have people who drive buses and other vehicles, who work for you?

Mr. MORRIS. These people own their own transportation. These bus drivers are not owned by me.

Senator MONDALE. Do you have any vehicles that are operated on the farm which are owned and being driven by your employees?

Mr. MORRIS. Yes, sir; I do have pickup trucks that we haul berries from the field with.

Senator MONDALE. Are there any black employees who are driving those trucks?

Mr. MORRIS. I have black as well as white, black and white. I don't discriminate with them one bit in the world.

Senator MONDALE. What other kinds of employees do you have on your farm in addition to the pickers and the truckdrivers?

Mr. MORRIS. We have a packing crew, where they pack the berries in crates for market.

Senator MONDALE. Is that a mixed crew?

Mr. MORRIS. That is also mixed. We have very few that are colored because very few of them want to work. They make more money in the field. That is piecework also.

Senator MONDALE. What is the pay rate there?

Mr. MORRIS. 10 cents a crate for packing.

Senator MONDALE. You must have foremen and field bosses or row bosses. How many of those do you have?

Mr. MORRIS. Five or six.

Senator MONDALE. Are they all black?

Mr. MORRIS. All black, all except one.

There is no profanity allowed by my field bosses. I won't allow them to "cuss" and none of them drink. They are all good colored people, very good. I have never known one to "cuss" at anybody. If I caught one doing it, I would send him out of the field.

You don't work a thousand people a day by slavedriving. They don't haul them in the field. The people come on their own.

Senator MONDALE. Would you tell me what your version of the strike is.

Mr. MORRIS. I still contend if we had not had outside agitation we would not have had the strike. These people have put the people out of work. If they had let the people alone, they would have made some money this summer.

Senator MONDALE. You don't believe there is a genuine interest on the part of persons working in the field for improved wages, and so on?

Mr. MORRIS. I still contend that 95 percent of the people picking berries for me, I won't say they were satisfied with what they were making, but they were willing to work for what they were making. I am trying to make a living. I am not sitting down drawing a big Federal income and going around sticking my nose in other people's business like some people in this room are doing.

Senator MONDALE. What was your impression of the activities of the sheriff's office in this dispute?

Mr. MORRIS. They were there to see that people who wanted to go, could go to work without physical harm. We had several that wanted to work and were scared to work because people told them if they went to work, they would whip them. We had a bomb scare in the field.

Senator MONDALE. When was that?

Mr. MORRIS. That happened on Tuesday after the Friday—first-day trouble. There was no bomb in the field, just people walking through the field saying they were going to bomb the field if they didn't leave the field.

Senator MONDALE. What people did that, was that employees in the field saying that?

Mr. MORRIS. I don't know who they were. People came to me and told me it was happening in my field.

Senator MONDALE. Employees came and told you that?

Mr. MORRIS. Yes, sir. And pickers, the people who were working for me.

Senator MONDALE. Thank you very much, Mr. Morris, for testifying. Did you have any other comments that you would like to make on the testimony?

Mr. MORRIS. If you think I will be needed any longer, I will stay; but if you don't I have to go back to my work. I had to drive all night long to get here and I need to get back. If you need me, I will be glad to stay. If I am not needed, I want to leave.

Senator MONDALE. We are not planning to bring you back to testify. If you want to stay and testify later, you may.

Mr. MORRIS. If I am needed, I will be glad to stay. But if I am not needed and just sitting around listening to testimony, I have too much work in the field that needs to be done today.

Senator MONDALE. You can decide what you would like to do.

Our next witness is Mrs. Emma Jean Keys, who I understand was an employee in the field, and Mrs. Lena Smith, who is cochairman of the Eastern Farm Workers Association.

**STATEMENTS OF MRS. EMMA JEAN KEYS FROM TRENTON, N.C., AND MRS. LENA SMITH, COCHAIRMAN, EASTERN FARM WORKERS ASSOCIATION, NEW BERN, N.C.**

Senator MONDALE. Will you tell us a little bit about yourself.

Mrs. KEYS. I am from Trenton, N.C. I have been in Trenton for the past 4 years. That is my husband's home. I have a son.

Senator MONDALE. One child?

Mrs. KEYS. Yes.

Senator MONDALE. Would you tell us a little bit about yourself, Mrs. Smith.

Mrs. SMITH. I am from New Bern. I have a family of eight children, and myself makes nine.

Senator MONDALE. I understand you don't have prepared statements. Who would like to begin? Just tell us your version of the strike and what happened and the reasons for it and any of the other facts that you think ought to be established here.

Mrs. SMITH. Do you want both of us to talk at one time?

Senator MONDALE. Anything you want to do is fine with us, just so we get the facts as you see them.

You may proceed, if you like.

Mrs. SMITH. I had been working on the Morris Farm since the second year after they started this farm over at Bridgeton. I never worked at Swansboro. But I am a second-year worker on that farm.

Senator MONDALE. How many years have you worked on the farm?

Mrs. SMITH. I don't know how many years he has had this farm in operation, but I believe it has been there about 20 years, and I started to work about 2 years after this farm began. He knows how many years I have been working there, but I began 2 years afterward. When I first started working there, he wasn't there as the manager of the farm; it was his father.

I worked under his father until he got disabled, and could not take care of the farm. After he got disabled to take care of the farm, then he turned it over to his boys. At least, they took it over. I don't know who turned it over, but they took it over anyway, so I went to work under him.

But at the time that I was working under the old man, myself and one of his fieldworkers had a little argument and I left. So the old man sent after me for the next day and I took my children and went back. So from then on I went on working for him until he got disabled to take care of his field. Then the boys came in and I went to work for them.

Senator MONDALE. Did your children work in the field with you?

Mrs. SMITH. Yes. These were my own children that I am talking about now. The one that is mine. Then after some years after the Morris sons began on this farm, then my grandchildren got old enough to work, and I took them on the farm with me, and they worked up until this year.

Morris was just talking about the strike of the community workers. He is wrong, entirely wrong. I came here to tell the truth and that is what I want to tell.

We have been working at this strike some years because when I first started I wasn't getting but 40 cents a flat. Just like we have to do these later years, that is what we first began having to do, put 15 pints on one flat. That made us put about a crate and a half on one flat.

At the time I began to work, I was working for 40 cents a flat. They went up to 50, from 50 to 60 and from 60 to 75, and they have been paying 75 cents a flat, I don't know how long, but it has been for some years.

I will say it has been about 6 years, to the best of my knowledge that they have been paying 75 cents.

So it looked to me like he wasn't going to ever pay any more. So we got to talking it over in the field, and I went to homes and different places, and we asked—did we think that Morris was paying the right price? So we said, no. So we have been trying to get together ever since he has been paying this 75 cents.

Senator MONDALE. He testified that no one had asked him for improved pay.

Mrs. SMITH. He is wrong. I don't know about this one, because I never talked to this man about it, because he was never out in the field, or rarely. Once in a while he might leave the packinghouse and go down in the field and talk with his brother.

But his brother, Ted, is the one that operated the field. So he is the one that we all asked for more money.

Senator MONDALE. You did ask him for improved pay?

Mrs. SMITH. Yes; because he was the manager of the field. We didn't know anyone else to ask but him because the other one was taking care of the packinghouse, and the little one, Ted, was taking care of the fieldworkers. So he is the one that we asked for higher wages.

He says to us—when I say “us” that means more than one asked him in my presence—he said, “I am not able to pay any more. I am paying the second highest price of wages; 75 cents is all I have ever paid, 75 cents is all I am going to pay.”

That was this year that we asked again. Of course, we had asked several times back during the years we were working. So this year past we went to him and asked again, so he said the same thing.

We said, "We cannot make anything at this price, no more berries that we can pick in the run of a day." Everything is going up; our rent is going up, and we just cannot make the money to take care of our homes at this price.

But this is all of the kind of work that we have to do. Naturally, we were going to try to stick there because that is all of the work that we had to do. So it looked like to me everybody began to get on the right side of this strike.

So we got together and we talked it over. So I am the one who asked the question, "Let's have a meeting and see if we can't get together on this price and this strike." So the workers wanted to know what is there for us to do?

I said, "Let's go and ask different people," which we had already asked some and they didn't know what to tell us but to go to the employment office. We went to the employment office and they said they didn't have anything to do with Morris prices.

So then we got together and we decided we would have a meeting. So I said, "Before we have a meeting, suppose we consult with the community workers." I knew a little something about them, if we wanted advice we could go to them and get advice.

Senator MONDALE. Up until this point, the conversations that you are talking about took place among the workers in the field, there were no outside poverty workers or agitators or anything like that?

Mrs. SMITH. No; there were no agitators at all. So we went to them and we asked them for advice. They gave us the advice on what to do, and they didn't give us violence advice.

After that, we went to Sheriff Berry and asked him about it.

Senator MONDALE. You went to see the sheriff?

Mrs. SMITH. Yes; we went to see the sheriff.

Senator MONDALE. What did you tell him?

Mrs. SMITH. We asked him about it and he said it was OK, and he told us how he wanted the picket line, he told us how not to violate the law and everything.

He said, "What is wrong?" He called Mr. Morris and consulted him about the strike. He said that Morris told him that someone went to him and told him that somebody had been in the field and "gun-pointed" him and this man ran out in the field and went on home. I don't know where he went, but he didn't go right straight to the sheriff.

But the next day he went to the sheriff there and told him someone had "gunpointed" him out in the field. Sheriff Berry said he didn't know anything about it, only what the man told him. He said the man was named Flowers, who said he was pointed out in the field.

I asked Sheriff Berry how could five people, as Morris said "gun-point" 965 people out in the whole field? One man could not get to all of those people, not even with an army gun, or with machineguns. How could he do that?

Senator MONDALE. Did you see anybody with a gun in the field?

Mrs. SMITH. No; I did not see anyone in the field with a gun, but as many as there were in the field. I could not say whether they did or they did not. But I didn't hear any discrimination about anything.

Senator MONDALE. The owner said that there was a bomb threat, that people were afraid of a bomb.

Mrs. SMITH. I heard nobody say that. I heard nobody say that but Sheriff Berry. That is the only one I ever heard say anything about it, until I heard Morris say it this morning.

Senator MONDALE. You don't think that there were any violent threats that you know of that encouraged people who would rather be working not to work that day?

Mrs. SMITH. No; I haven't heard anything about that. In fact, I don't even believe it, to tell you the truth about it.

Senator MONDALE. Why didn't the workers show up that day, then? There were 900-some people who did not show up; is that right? They walked off the job?

Mrs. SMITH. The ones who were in here with the strike, some of them went back because they thought, you know how it is, when you say let's do something, and then don't do it; so some of them did not believe they were going to get on strike. So they went back in the field and when they saw that we meant business, they went out of the field.

That is why they came out. There weren't any guns or any threats. But when you go in and spread the news, naturally it is going to spread all over the field.

Somebody went in there and saw what we were doing and when they came out to the field and found out, they said if that is what happens, not getting any money, we are coming out of this field. A few stayed in there.

I am telling what I heard others say. His buses and his people were still continuing to work on that farm. But the others who were willing to cooperate with us did not work on the farm. That is why they went out of the field.

He said in the paper, I read it in the paper, that he had 1,000 "head" of workers that were satisfied at his price. But he is telling something wrong, gentlemen. There is nobody that is satisfied on that price except the Uncle Toms. They were satisfied, because they continued to stay right on, and Morris did not have over 100 "head" then.

Senator MONDALE. You have been working for that farmer for some years?

Mrs. SMITH. Yes; I have.

Senator MONDALE. How much have you personally been able to make in a day?

Mrs. SMITH. I made from \$5 to \$6 and some cents.

Senator MONDALE. Would that be fairly average, would you say?

Mrs. SMITH. No; that would be when I was on the end next to the shed. He has a shed in the field, to take the berries up to it. That would be when I was on the end, and when the people wasn't crowded with their crates to go and cash them in. When people were crowding to cash their crates in, it took me some time to get pay for my flats, it took me some time to go back to the field, and I still didn't average \$5 to \$6 on a day.

When I made that much was when I got out there 6 o'clock in the morning and picked until it got hot. When it got hot out there, we couldn't make much time. Then later in the afternoon, we would go to work at 3 o'clock and knock off at 5:30.

In the middle of the day you can't do much on picking berries, because it is too hot. You have all of the high berries and you are tired



and hot and sweaty, and you can't make much time. I don't care who says so, they cannot make all of that much money.

Senator MONDALE. A good day for you is between \$5 and \$6.

Mrs. SMITH. That is right.

Senator MONDALE. Would that be average, do you think, is that what the average person would make in the field?

Mrs. SMITH. I don't know what all that many people would make, but I ain't heard anybody say they made \$10 and \$11 and \$12.

Senator MONDALE. You don't believe anybody made that?

Mrs. SMITH. I don't believe so. I don't believe with that many people in the field, as he said—I don't know how many he had in the field. I know he had babies and everything else in the field. He didn't make them go, but he let anybody pick who was big enough to know a ripe berry from a green one.

We could have no leaves, no sticks and no things—that is the way we had to turn our berries in. These people up at the shed were topping the berries and knocking all of the berries we had on the top of the pints off and putting them in other pints to amount up to another flat, and putting that plastic over them. That is what they were doing.

He had no colored workers up there.

Senator MONDALE. Where is this?

Mrs. SMITH. That is up to the packing house.

Senator MONDALE. Didn't Mr. MORRIS testify that his work force was integrated? Maybe we are talking about different places. There is a place where they pack them. There is also a grading and sorting shed; is that right?

Mrs. KEYS. It is called a packinghouse. I call it a packinghouse.

Senator MONDALE. Is there another house?

Mrs. KEYS. He has two. He has a shed in the field, that is where we carry the berries to get the price for them. Then the truck takes them from there and carries them up to the highway where he has got a building that we call a packinghouse, where he loads them.

Senator MONDALE. At the packinghouse, are there any black workers there?

Mrs. KEYS. No.

Senator MONDALE. Is that because you cannot make enough money there?

Mrs. KEYS. No; we have asked him for a job up there. Even me, myself. He says he is sorry, he couldn't hire me up there. "You can make more money out here in the field than you can make up here. They are working by piece like you are out there, and you can make more money in the field than what they are making up there." That is what he told me.

I don't know but one colored woman he hired up there and that is a woman who works year around with them. Her name is Lilly Farmville. I have not seen her up there this year at the packinghouse.

Senator MONDALE. What about the people who drive the trucks, and so on?

Mrs. SMITH. No, sir; every one of them is white, and they try to run over you when you are at the end of the row. They try to run over it and they throw the dirt in your faces with the truck.

Senator MONDALE. You heard the farmer testify this morning that they had many blacks driving the trucks.

Mrs. SMITH. He is not telling the truth.

Senator MONDALE. What about the so-called bosses; are there black row bosses?

Mrs. SMITH. Yes, all Negroes. There are row bosses, the cars, the trucks is all colored, but as I say, as I was told, those two white buses belong to Morris. They bring trucks for the helper to go to his field and do his work. That is what I heard. I don't know whether that is true or not.

In fact, one of the drivers said that was Morris' buses. And Morris did tell us one time, this little one told us, there were two of them colored fieldworkers was contracting his berries and if we wanted more money, go talk to them. That was Mr. Butler. There were two white bosses. One was named Mr. Butler. And Mr. Butler told us that the two buses were Mr. Morris'.

So during the last week that we were out there on the picket line, this same little Morris fellow, Ted, took these tacks do you see these, every one of us out there on the picketline saw this happen. Where these cars were parked on the highway, he took these tacks and went all under the people's cars, and he threw them under the people's tires.

(Witness is referring to some large tacks.)

He threw the tacks all under the people's cars, so when they drove out, they could puncture their tires. Two ladies got their tires full of these tacks. We made up money for her to get a tire to go on her car after we got to New Bern.

But we did not say anything to him. He got in his red truck and rode down the highway and parked it, and came back with a bag like that and threw them all under the cars so they would puncture their tires.

That is why we picked them up and we carried them in to New Bern and gave them—I don't know who we gave them to, but we left them at New Bern. We left some out there for evidence and we brought some to New Bern for evidence.

Senator MONDALE. Mrs. Smith, we will take these tacks and place them in the subcommittees permanent files.

Mrs. SMITH. Morris didn't mention social security.

Senator MONDALE. No.

Mrs. SMITH. He did not take out any social security. He didn't tell us he had us insured when one of the boys hit him with a truck. We told him how the boy was driving the truck and how many got hit, and how many had to jump in the ditch, and he did not say a word about it, only smiled.

Senator MONDALE. There is no social security deducted from your pay checks?

Mrs. SMITH. No, he did not take out any.

Senator MONDALE. You are not covered by social security?

Mrs. SMITH. I don't know but I know he did not take out any.

Mrs. KEYS. He said that as fast as he could build a toilet shed, they were being torn out. Well, he has not built any toilets at all. There are no field toilets. There are no bathrooms and you can build a bathroom, because me and my husband have built one real cheap.

Senator MONDALE. You heard him testify that there were field toilets.

Mrs. KEYS. Yes.

Senator MONDALE. You say there are not?

Mrs. KEYS. There are no field bathrooms.

Senator MONDALE. And you worked in his field?

Mrs. KEYS. I worked in his field for 4 years, and the water out there is not fit to drink. It tastes like rotten egg.

Senator MONDALE. Where do you go for water?

Mrs. KEYS. The water is just that we have a drum, and he has a spigot on the outside of the packinghouse and this water looks like it comes out of the ditch. If you run it off, it will get a clear color. If you just go there and turn the faucet on and drink it, it will be a reddish-looking color, an orange-looking, and it really makes you sick when you are hot and drink this water, because I have drunk it and been sick as a result.

Senator MONDALE. Do they have any first-aid help out there—nurses—to help people when they get sick in the hot weather?

Mrs. KEYS. No.

Senator MONDALE. Could you give us your version of the strike, Mrs. Keys, how it got started?

Mrs. KEYS. The strike got started because he wasn't paying but 75 cents and he had field workers, these foremen, which he said did not use profane language, and that is not true. His fieldworker would say, "Get off the crate, don't sit on the bush," and it would not be in a very nice tone. They would treat you like you were a dog.

His older brother, Ted, has told me to get up off his crates and not in a very nice way, and I told him it was hot and I wanted to sit down. He said, "Sit on the ground, that is big enough to hold you."

Senator MONDALE. Were you in on some of the first meetings when the workers discussed the possibility of striking?

Mrs. KEYS. No, I did not go to a meeting until he asked me out of the field.

Senator MONDALE. He asked you out of the field?

Mrs. KEYS. Yes, and he did not give me any reason. He asked me out and I left the field.

Senator MONDALE. The owner asked you to quit?

Mrs. KEYS. He just told me to get out of his field.

Senator MONDALE. When was that?

Mrs. KEYS. I believe Tuesday, the 17th of June.

Senator MONDALE. Did you ask him why?

Mrs. KEYS. Yes, I did, but he gave me no reason.

Senator MONDALE. He just told you to leave?

Mrs. KEYS. He said to leave his property.

Senator MONDALE. Why do you suppose he did that, do you have any notion?

Mrs. KEYS. No, I don't, because I have been there for the past 4 years and he never asked me to leave.

Senator MONDALE. How much could you make a day?

Mrs. KEYS. It all depends. If I get there about 6 and pick until 12, I will average about \$3 or \$4.

Senator MONDALE. \$3 or \$4? Then you go back in the afternoon?

Mrs. KEYS. Then if I go back in the afternoon and I am about two city blocks from the place where we sold the crates, if it is not too

heavy, or if I have help to carry the crate because it is heavy, then you could average about \$3 or \$4 in the afternoon.

SENATOR MONDALE. So you might make \$6 or \$7 a day?

Mrs. KEYS. Yes.

SENATOR MONDALE. What do you do for lunch? Do you bring your own lunch?

Mrs. KEYS. You could bring your own lunch if you could put it in a paper bag, because they did not want you to have any containers in the field, and if you carried containers they would search you when you came out.

SENATOR MONDALE. Why is that?

Mrs. KEYS. To make sure you did not carry any berries out of the field.

SENATOR MONDALE. And steal any berries?

Mrs. KEYS. Yes, to make sure that you did not steal any berries.

SENATOR MONDALE. So you would have to bring your lunch in a paper sack; is that right?

Mrs. KEYS. Yes.

SENATOR MONDALE. Could you buy lunch from the farmer?

Mrs. KEYS. Yes, you could buy a snack from his workers. But if you would buy it and didn't reach for it in a hurry, they would drop it on the ground and they would not say a word. I have put in a complaint about the girl dropping the sandwich on the ground and he would laugh and say, "There is nothing I can do about that."

SENATOR MONDALE. In other words, if you don't grab the sandwich fast, it goes on the ground.

Mrs. KEYS. Right.

SENATOR MONDALE. What about this issue of where there is discrimination in certain jobs on the farm? Could you comment on that same point, whether there is evidence that certain kinds of jobs are for whites only?

Mrs. KEYS. Yes, there are certain types of jobs for whites only, because I also asked to work in the shelter and he said, "It is not integrated, we don't have any colored people working there."

SENATOR MONDALE. What about the truckdriver jobs and so on; are there blacks working there?

Mrs. KEYS. No, there were no black people driving his trucks. They were all white boys and, as Mrs. Smith said, they would come down the row like the earth had been judged by the Lord and they were trying to get away. And if you did not get out of the way, you would either be killed or you would eat a mouthful of dust. And his brother, Ted, has done this several times himself, and also the gentleman who testified, he has come through there just like the earth was on fire, and they don't slow down for anyone and they will not look.

SENATOR MONDALE. Are you aware of, or did you see any threats or intimidations which would explain the workers' leaving the field, or would you describe the reasons that the people, even though they were making so little, decided to leave the fields?

Mrs. KEYS. There were no threats made that I seen, or that I heard of. What was the other part of your question?

SENATOR MONDALE. In other words, would you agree with Mrs. Smith, that the people left the field because they had to make more money?

Mrs. KEYS. Yes.

Senator MONDALE. And there were no threats that drove you out of the field—as a matter of fact, in your case, you were fired and the reason was not given?

Mrs. SMITH. She was fired to start with before the strike ever came along.

Senator MONDALE. What about the firing policy? Was that a rather unusual thing, to be fired like that, or did that happen in other cases?

Mrs. KEYS. No, I never heard of him firing anyone the whole 4 years that I worked there. This was just something that he did to me.

Mrs. SMITH. Perhaps she might be like me, she can't think of everything because so many things happened out there. But he did run people off of the field. He would put grown people out, he would put children out that was stranded. When you carry a lady on a job and she would get fired, she has no way to get home, and if he had sent them out of the field before the others completed their hours, you might say, they had to get off of his premises and get home the best way they could—children and grownups.

When he sent one out of his field, he would not let them stop on his premises. They had to get somewhere else. A filling station wasn't going to let a crowd of people stand around there. You couldn't stand out in the hot sun on the highway.

Senator MONDALE. When the strike was called, and people left the field, what steps, if any, did the farmers or others take to try to get you to come back to work? In other words, the workers left the field, and then a week or so later most of them came back. Am I correct in that?

Mrs. SMITH. I will tell you why some of them come back. Some of them never went back because they said they did not like the way they were treated. But some of them went back because they needed that little bit of money.

Senator MONDALE. They could not last out a long period because they had to have the money. Were there any attempts made by the farmers or by law enforcement officials to in other ways encourage you to hurry back, that you know of?

Mrs. SMITH. No.

Senator MONDALE. Is there anything else that you think the committee ought to know about this matter?

Mrs. KEYS. On the day that he asked us off the field, we asked the sheriff what was we charged with. He said he would think of something when he got us downtown. We stayed down there a couple of hours and the solicitor came in and talked to us. He told us to go back and pick Morris' berries.

On the third day there was a warrant issued for my arrest as agitator, and a couple of more charges were added on. These charges were not true.

Senator MONDALE. In other words, when you were taken into the sheriff's office, they encouraged you to go back to work. You did not go back to work. The next thing you knew, you were charged with being an agitator, violating the law.

Mrs. SMITH, were you charged, too?

Mrs. SMITH. No, I was not charged.

Mrs. KEYS. There is one more thing also. After the sheriff gave us something like permission to picket, to walk on the road and stay off of Morris' property, he had us facing the traffic, meeting the traffic at first, and as we were going to get in place, a log truck came by and it run right on the edge of the road, right off the highway, right on the edge, and I had to jump in the ditch to keep from being hit.

They took us and moved us on the far side of the road, going with the traffic, and he told us we had to stand still. I will say there were about 30 or 50 people in the picket line, and here come the same log truck, and this log truck run right off along us people and we had to jump in the ditch and on Morris' property to keep from being killed.

This log truck did not give a signal, it did not give us any warning at all, and the sheriff and his men stood on the other side and laughed. He was approached about this and he said that man can stop and get a soda whenever he wants and this is a busy highway over there. I believe it is 70.

And he just comes and runs right into us. And he said, "I am the sheriff, I make the laws here and I enforce the laws."

But he enforced the law for Jason Morris and not for the black people, because we were manhandled by the sheriff, we were pushed by the sheriff's men, we were cursed at by the deputy sheriff. I was, and he pushed me back from the highway. I told him he didn't have to push me and he didn't have to curse me because I was no dog.

One of the gentlemen went across the road in front of us. There were two groups and that gentleman sitting right there, and the sheriff and also a man came out of the berry farm, whether he was a law officer I don't know, but as this gentleman was going across the road and across Morris' driveway, the sheriff grabs him. This other man comes out of Morris' berry farm and asked the sheriff, "Do you want to get him back across the road?" And when he said that, he pulled out a shiny object out of his pocket.

We were standing on the far side of the road, so we could see what was happening, because that man who came out had his back to us, and I was standing at the head of the line. I said, "Ladies, are we going to stand here and see that man mobbed by the knife?"

We went over there and that is when the deputy grabbed us. I said, "Don't you know I am not going to let you mob my husband?" When we got there, the sheriff and his men surrounded us so we could not get to this man. He told us, "Get back across the road." He said, "I mean get across there now."

Then for the rest of that day he had his deputies patrolling the road all day long, and whenever we went out there, it was really the white man's law and the black people had to take it and swallow it, even if it was bitter. We had no protection at all.

Mrs. SMITH. That particular time Sheriff Berry said, "If it had not been for these damn clowns, the local community workers, none of this damn stuff would have been started." That is what Sheriff Berry said at that time.

He was very nasty. He was a little bit nastier than the patrolmen were. The patrolmen came out there and really gave us the understanding how to do the picketing. Sheriff Berry was trying to get us into trouble. But the patrolmen came out there and gave us the clear understanding how to run this picket line.

If we had listened at Sheriff Berry, every one of us would have been in jail, because that is what he was trying to do, stick every one of us in jail.

Senator MONDALE. Thank you very much. I wish we had more time. The Senate is going into executive session at 12 o'clock, so we have to move along rapidly.

Thank you very much for coming to Washington to give your testimony. We will print your statement, Mrs. Smith, in the record at this point.

(The prepared statement of Mrs. Smith follows :)

**PREPARED STATEMENT OF MRS. LENA SMITH, COCHAIRMAN, EASTERN FARM WORKERS ASSOCIATION, NEW BERN, N.C.**

I am Mrs. Lena Smith. My address is 837 Pavie Avenue, New Bern, North Carolina. I am Co-chairman of the Eastern Farm Workers Association, an association created by the blueberry pickers of Craven, Jones and Pamlico Counties in order to work together to better their conditions. I have picked blueberries for Jason Morris ever since he began having blueberries, more than fifteen years ago. My children and grandchildren have all worked there since they were five (5) years old.

I am currently drawing Aid for Families with Dependent Children, funds to support the eight (8) grandchildren now living with me in the black ghetto section of New Bern.

Senator MONDALE. The next witness is Mr. Ken Rice, law student from Duke University, who I understand has been most helpful in arranging these hearings and in working with all the elements of the New Bern community to develop all the important facts. We are deeply appreciative of your efforts Mr. Rice. I regret that because of the shortage of time we will not be able to hear your views about this important controversy. However, I understand that you do want to read a statement of the witness, Tom Wallace, who could not attend, and that you have some important materials for the hearing record.

**STATEMENT OF KEN RICE, LAW STUDENT, DUKE UNIVERSITY,  
READING STATEMENT OF THOMAS B. WALLACE, DEPUTY  
DIRECTOR OF COASTAL PROGRESS, INC.**

Mr. RICE. Thank you, Mr. Chairman, for providing this opportunity to the citizens of New Bern.

I have read Mr. Parker's testimony, and he is going to comment on the same facts that Mr. Wallace, who could not come at the last moment, covers in his statement.

Mr. Wallace asked that, in his absence, that this be read into the record.

I now read a prepared statement of Mr. Thomas B. Wallace, New Bern, N.C.

Mr. Chairman, I am Thomas B. Wallace of New Bern, N.C. I am here today as deputy director of Coastal Progress, Inc.

As a black man I am here to make the committee aware of the fact that there is still no justice for the poor of my race in rural eastern North Carolina. Despite great progress in other areas of the country and tokenism in the South, it is impossible and will be impossible to get justice until there are black sheriffs, judges, and prosecutors to make meaningful the token jury integration.

To speak out and advocate social and political changes requires a confidence that one's person, property, and loved ones be protected from intimidation and fear. Our society is sick when in 1969, black women in Craven County, N.C., refuse to attest to affidavits documenting the despair of their life and that of their fellow blueberry workers.

They do not believe that Craven County's all-white sheriff's department will protect them from night riders and the courts from economic reprisal.

Historically the power of the law and the courts has been the salvation of those oppressed and powerless. Poor people must know that their day in court will vindicate them. This last source of power is denied the black people of rural North Carolina. Without recourse to justice and equal, honorable treatment by law-enforcement officers, the powerlessness of the rural poor is complete; their disillusionment with the establishment is complete.

One month ago today, Mr. Chairman, I learned again how black people are treated by the sheriff of Craven County.

In the normal course of my duties, I accompanied Mr. John Bryan, our director of community organization, to Vanceboro, N.C., to inspect a newly constructed community center there. Our return trip took us past the vicinity of the Jason Morris farm on the main highway, U.S. 17.

Completely unaware of the current situation at the farm, we noticed four black people walking along the shoulder, followed by two white men. Upon being flagged, Mr. Bryan stopped the car; the black people asked for a ride in our direction.

The white men began waving and shouting. Immediately, five sheriff's cars surrounded us, ordered us out of the car with abusive and derogatory language. After a discussion, during which the sheriff personally slammed me against the car, I was then placed in the car.

Thereupon the sheriff discovered Mr. Bryan's open, broken shotgun in plain view within the car. We were then arrested, told it was for carrying a concealed weapon and taken to the county jail. We arrived there at about 11 a.m. My repeated requests to be allowed to call a lawyer were denied, as were requests by my friends to see me.

Late in the afternoon a warrant was issued for us under the charge of "going about armed with the intent to terrorize." Black attorneys then arranged bail in the amount of \$5,000.

Two weeks later a white judge convicted me as charged. What this means, Mr. Chairman, is that while white men carry high-powered rifles in their trucks, black men must remain unarmed and intimidated, unable to claim their second amendment right to bear arms.

What I related, Mr. Chairman, strikes the heart of our topic today. Without the confidence that justice can be had, the black man is without even that power which is guaranteed to each American citizen.

A nation dedicated to morality and goodness must protect the powerless. Without that hope, I see no reason why a poor black man should feel an allegiance to the present order.

Senator MONDALE. Thank you, Mr. Rice, for reading that statement.

I note that you have submitted some other documents that I order printed in the record, in full, at this point. Again, I want to express my appreciation for your important effort.

(The documents referred to follow :)



[From the Sun-Journal, New Bern, N.C., June 13, 1969]

### 965 AREA WORKERS "SCARED" OFF JOBS

Threats of physical violence reportedly kept approximately 965 blueberry workers from their job in Bridgeton today and Jason Morris, owner of Jason Morris Farms, Inc., has blamed Negro "government workers" for the threats.

"Yesterday, I had 1,000 happy people working for me," Morris told a Sun-Journal newsmen, "and today there are 35 pickers at work. And to think—it's all on account of this damned bunch of clowns trying to run somebody else's business."

Morris said yesterday "four or five" Negroes drove up to his farms and threatened blueberry pickers with physical violence if they showed up for work today.

He said one of the persons making the threats was a "large Negro woman" but said he did not know the woman's name.

Craven County Sheriff Charlie Berry reported at least one instance in which one of the blueberry pickers was "chased out of the field with a pistol."

"I don't know what it's all about," Berry commented, "but whoever is responsible is not going to get away with pointing guns at people."

(Berry said he was not called yesterday afternoon when the trouble broke out, but was first notified of the trouble when the Negro man came into his office to report being chased out of the field at gun point.

According to Berry, the worker said four or five people had been responsible for the trouble and had "scared all of the workers to death."

"I just wish they had called me," Berry lamented.

Morris, who employs local labor each year to harvest his crop, said the group that started the trouble had attempted to force his workers to strike for more pay, but dismissed the possibility the workers were dissatisfied with their wages.

"I'm paying the second highest wages in the state right now," he said, "so it couldn't be a strike for pay."

He added he had not been contacted by any of his workers with demands for increased wages and added, "I don't think I will be."

"These people are just scared to work," he said. "Most of them want to work and need the work, but they're just scared," he added.

Morris said he had automatic blueberry picking machines which he planned to put into the fields today. "I'm not slowing down my operation one bit," Morris told newsmen. "I've always used local labor," he said, "but I have the machines and I can use them—I have to!"

Morris said blueberry workers were paid approximately \$25,000 per week on his farm. He added the crop is about two-thirds in.

"I'm willing to pay anyone who is willing to work," Morris said, "but I'm going to get my crop in with or without the labor."

Jim Godwin, executive director of Coastal Progress, Inc., the local anti-poverty agency, replied that he didn't have "any idea at all if Government workers were involved."

"First of all," he said, "I don't know anything about it (the work stoppage). All I know is what you just told me," he told an interviewer.

Morris had indicated he believed the troublemakers to be "poverty workers" from New Bern.

Godwin stated, however, he would investigate the incident immediately to determine if anyone employed by any program under his jurisdiction was responsible.

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[From the News & Observer, Raleigh, N.C., June 14, 1969]

### 965 BLUEBERRY PICKERS STRIKE NEAR NEW BERN

NEW BERN.—Jason Morris said 965 of 1,000 blueberry pickers failed to show up for work on his 100 acre farm at Bridgeton Friday.

Morris said "outside agitators" were urging the workers to strike for an increase in pay from 75 cents to \$1.25 for 12 pints of berries picked. Morris said the "outside agitators" would not let his people work.

"Nobody's been to see me about a raise," he said. "I pay as high as anybody in the state and that's the best I can do until the price of berries goes up. I can't afford to raise wages when prices, go down."

While insisting it was not a strike, Morris admitted some of his workers picketed the farm.

Morris blamed "federal government people" for his difficulty. He said some people who worked for an antipoverty project were urging his pickers not to work.

He said a car load of Negroes came to his place at 6 a.m. Friday. He said he heard later they had threatened anyone who went to work.

John Bryan, director of the Community Organization Component, denied that any threats had been made.

"That's what they always say when somebody tries to do something," he added. "Our job is to educate, not intimidate."

Morris said his pickers are 90 percent local Negroes, not migrant workers.

Craven County Sheriff Charley Berry said one of the pickers claimed he was chased out of a field with a pistol.

Craven County Deputy Sheriff B. G. Edwards said no charges were made in pistol incident.

But Mrs. Lena Smith, 57, a Negro picker, denied any knowledge of intimidation. She said the workers had asked the federal Community Organization Component for assistance in pressing their demands.

#### DEMANDS

The workers are asking for \$1.25 per crate picked, rather than 75 cents per crate they now receive, Mrs. Smith said. She listed the other demands as better toilet facilities and jobs for Negroes in the packing shed.

Sheriff Berry said some workers told him "four or five persons were responsible and scared all the workers to death."

Morris said he plans to use automatic pickers to offset the effects of work stoppage.

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[From the Sun-Journal, New Bern, N.C., June 14, 1969]

#### BLUEBERRY PICKERS DENY FARM OWNER'S CHARGES

A spokesman for a group of blueberry pickers in Bridgeton has denied charges they were "scared" away from their jobs at a farm near here yesterday as a strike by 960 workers entered its second day.

Mrs. Lena Smith, 57, who said she has worked for Jason Morris Farms, Inc., for "about 15 years," commented she and the other workers are on strike for higher wages and better jobs for Negro employes.

Jason Morris, owner of the farm, had charged that "outsiders," who he claimed were government antipoverty workers, threatened Negro workers who did not want to strike with physical violence at his farm on Thursday afternoon.

Mrs. Smith, however, says she saw no evidence of violence when the five persons charged by Morris with threatening workers were at the farm.

She added the pickers want \$1.25 per crate picked rather than the 75 cents they now earn and bathroom facilities. They also want more jobs for Negroes in the packing shed, she said. "That is why we're not working for him (Morris)," she added.

Mrs. Smith called the charge that the five people had scared 960 workers off their jobs "ridiculous".

"Who's going to believe that five people can scare 960 people out of anywhere?" she asked reporters.

Mrs. Smith said she and her seven children have worked for the Morris farm operation for some time and the eight of them manage to earn only about \$35 to \$40 per week.

"He even charges us 25 cents for the buckets we pick his berries in," she told newsmen.

Mrs. Smith's denial of charges of threats of violence was supported by antipoverty workers at Coastal Progress, Inc., yesterday.

James Bryan, who heads the Community Organization Component, said his staff members had worked with the blueberry workers in an advisory capacity only.

"Our job is to educate, not to intimidate," he commented.

Bryan explained that the COC's involvement in the problem began when about 100 of Morris' workers approached his staff members with requests for assistance in problems they were experiencing at work.

"There is a tendency among oppressed people to become frustrated," Bryan said, adding: "this is when violence comes into play" if no other alternative is offered.

He said the COC staff offered the suggestion of the strike as an alternative to violence and a sensible, "non-violent means to obtain their goals."

Reports of the threats to workers were also received by Craven County Sheriff Charlie Berry.

Berry said one worker, Ed Flowers of near Cove City, told him he was "chased from the field at gunpoint" by one of five people who were reported at the farm on Thursday afternoon.

Flowers, however, is evidently unwilling to discuss the incident with newsmen.

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[From the Sun-Journal, New Bern, N.C., June 17, 1969]

#### BERRY DECLINES COMMENT

Craven County Sheriff Charlie Berry declined today to comment on statements attributed to him by Good Neighbor Council co-Chairman Jim Gavin on Monday to the effect that he "wasn't concerned" about the Negro community's problems because they didn't support him as Sheriff.

Berry, describing Gavin as a "troublemaker" and a "meddler," said: "I ain't studying nothing he says. I know what the community wants and it doesn't make any difference what he says."

Berry and Gavin reportedly engaged in a verbal exchange Monday when Gavin went to Jason Morris Farms, Inc., in Bridgeton to determine what the Good Neighbor Council could do to ease tensions between the growers and approximately 400 Negro strikers.

Gavin, commenting on what he called a "confrontation" with the Sheriff, said Berry told him "in so many words that he thought I was a troublemaker."

Gavin repeated the statement he made to newsmen yesterday in which he quoted Berry as saying he "wasn't concerned" about the problems of the Negro community.

He said Berry also told him if "people like you would stay out of this (the strike), things would straighten themselves out."

He said Berry then suggested that he leave and that he did so. "Not because I was afraid," Gavin explained, "but because I realized that if I did stay tempers might really flare."

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[From the Sun-Journal, New Bern, N.C., June 17, 1969]

#### 450-500 WORKERS BACK IN BLUEBERRY FIELD TODAY

Jason Morris, owner of Jason Morris Farms, Inc., of Bridgeton, said today about 450 to 500 blueberry pickers were back in his fields today and added: "operations are just about back to normal."

The Morris farms, which normally employs about 1,000 pickers, was struck Friday and Saturday by blueberry workers demanding increased wages.

A spokesman for the strikers, Mrs. Lena Smith of New Bern, said she and the other strikers were asking \$1.25 per flat of blueberries picked, rather than the 75 cents they now receive.

She said strikers also wanted bathroom facilities in the work area and protested the fact that Morris charged them 25 cents for buckets used by the pickers while working.

Morris, however, says he cannot raise the workers' pay. "I'd like to," he said, "but I just can't." Earlier, Morris had told Sun-Journal reporters that he was already paying "the second highest wages" in the state for blueberry pickers.

Meanwhile, Negro attorney Reginald Frazier, who says he has agreed to represent the strikers, says he expects to negotiate with Morris this afternoon for higher wages for the workers.

He said he is attempting to get the workers' pay in line with the state's minimum of \$1.25 per hour for their work.

"It takes the average picker one hour to pick a flat of blueberries," Frazier said, "so, actually, they are working for 75 cents an hour."

Frazier said he had negotiated previously with Morris, but described the conference as "uneventful."

He added Morris had told him of his willingness to raise pay if it were possible, but that under the circumstances, he could not.

Frazier said he had advised the striking workers of the rights to "demonstrate, and picket" if they choose and also of the right to collective bargaining for higher wages.

He explained that he also told the workers they could express their grievances in any way they wanted as "long as it is lawful."

He said he told them they did not have the right to block driveways "or in any other manner to interfere with Morris' operation.

"I've done my best to keep this peaceful and to keep them out of jail," Frazier said. He added there had been several "hostile confrontations," however, including one reported yesterday between Craven County Sheriff Charlie Berry and Good Neighbor Council Co-Chairman James Gavin.

Frazier said he was hopeful that his talks with Morris this afternoon would be fruitful, but added that he realizes Morris "doesn't have much room to negotiate . . . unless he is willing to take a loss."

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[From the News-Observer, Raleigh, N.C., June 18, 1969]

#### NEW BERN OEO WORKERS CHARGED

NEW BERN.—Seven persons, including two anti-poverty officials, were arrested at the Jason Morris blueberry farm at Bridgeton Tuesday as they attempted to converse with blueberry pickers.

Nearly 1,000 workers went on strike at the farm last week demanding higher wages and better jobs for Negro employes.

#### ARRESTED

Among those arrested were John Franklin Bryant III of New Bern, executive director of the Community Organization Component and Thomas Bernard Wallace of New Bern, assistant director of the same agency. Both were charged with carrying a sawed-off .12 gauge shotgun in violation of the Dangerous Firearms Act. Magistrate H. Paul Stevens set bond for each at \$5,000.

Charged with inciting a breach of peace were Francois Cartier, Carolyn Hickman, Carolyn Styron and Estelle Clark, all of New Bern. Their bonds were set at \$100 each. Miss Clark and Miss Styron are COC workers and Carolyn Hickman is a VISTA worker.

Leland Hall of New Bern was charged by Deputy Sheriff Wilson Parker with resisting arrest and delaying an officer. His bond was set at \$200.

Jason Morris, the farm owner, said between 450 and 500 persons had reported for work Tuesday morning. He told officers that antipoverty workers had frightened blueberry pickers off their jobs.

Sheriff Charlie Berry of Craven County said he was told by Ed Flowers, one of the workers, that he was forced out of the field at pistol point.

[From the Sun-Journal, New Bern, N.C., June 18, 1969]

#### SIX ARE CHARGED

Six of the 14 persons picked up by Craven County Sheriff's Deputies yesterday have been charged with crimes ranging from violations of the Dangerous Weapons Act to disorderly conduct.

Five of those charged with crimes were Federal anti-poverty workers.

According to Sheriff's Deputies, the six were arrested after they attempted to talk to blueberry workers at Jason Morris Farms, Inc., of Bridgeton, the scene of a four-day strike by pickers.

The deputy said, however, that those arrested were not actually on farm property, but were picked up as they attempted to talk with workers from the shoulder of the highway.

A search of the car of one of the workers, John Franklin Bryant, III, 26, of New Bern, resulted in discovery of a sawed-off shotgun. Officers said the shotgun was "broken down" and was found under the seat in Bryant's car.

A passenger in the car, Thomas Wallace, 26, was charged with Bryant with "possession" of the weapon.

Bryant heads the Community Organization Component of Coastal Progress, Inc., and Wallace is his assistant.

Two other members of Bryant's staff were charged with "disorderly conduct." They were Estelle Clark, and Carolyn Styron.

A fifth anti-poverty worker arrested yesterday was Carolyn Hickman, who is employed as VISTA volunteer by Shaw University in Raleigh.

The other person charged was Francois Cartier, who told officers she was "unemployed."

Bonds were set at \$5,000 each for Bryant and Wallace and at \$100 each for the others arrested.

An attorney for the group charged the arrests were "retaliatory" against Coastal Progress, Inc., and termed the entire incident "over-reaction."

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[From the Jones County Times, June 19, 1969]

#### HARVESTERS BUSY IN BLUEBERRY FIELDS ON MORRIS BROTHERS FARM

Blueberry season is here once again. How can you tell? Just go out and look on the Jason Morris Farms located near Maysville, in the Black Swamp area of Jones County.

There one will find about 45 acres in blueberries. Another 25 acres are young trees and will not produce until about two years.

"Labor has not been a problem" says Delma Morris on the farms. What we do is actually sell our workers a crate that will hold about 12 pints for 25 cents. They then take the crate and pick the blueberries and then return to us and we then give the worker \$1.00.

The short season on Blueberries is about four weeks. This year the crop is not a bumper, according to Morris, but a medium to poor crop. We also have about 300 workers that pick the berries for us. Plus we invited other people to come out and pick their own for 15 cents per pound.

Blueberries are not new to the Jones County area since they had their beginning back in 1949 when a farmer by the name of Morris began to grow them on his farm. The idea didn't really develop until his sons Delma, James, Jason and Fenner became interested in the cultivation of the blueberry.

Morris estimated that between 12-14 thousand crates of blueberries are shipped and packed at the farms per year. The blueberries are sold through the American Food Association.

When setting out blueberries Morris said, "A good peedy, sandy loom soil is best. We set the small bushed out with a tobacco transplanter. Cultivation is a necessity each year because each small and mature bush must be fertilized and sprayed. Another job the grower must do is to prune the individual bushes each year during the winter season.

The crates of blueberries are loaded on a truck in the field and from there they are hauled to a central packing house. Here, the crates are unloaded and are made ready for grading and packing.

Through the middle of the packing house is a long table. In the center of the table and above the table there are rollers fixed so the crates of blueberries can be pushed from one end to the other.

The berries enter on the lower set of rollers and crates are stopped in front of each packer. The packer then lifts out the pint cartons from the crates, takes a piece of clear plastic covering and with a special square shaped device the packers push the plastic down over the pint container and slip a rubber band around the container. The containers are then placed into a cardboard crate that also holds 12 pints.

During the spring months the blueberry bush is hurt by the frequent frost. To combat this problem the fields have a built-in irrigation system. When cold weather and frost does come, according to Morris the system is turned on and the bush is sprayed with the warm irrigation water. It keeps it warm enough so the frost will not get it. "Before," further commented Morris, "We had a choice between using smoke pots and the irrigation system, but we selected the irrigation system, due to the fact that we could use it during the cold months as well as the dry spell that occurs."

The bushes are usually productive for a 10-year period according to Morris, so this means that the bushes do not have to be replanted each year.

Anyone desiring to pick fresh blueberries, the Morris Brothers invite you out to their farms to pick your own.

[From the News & Observer, Raleigh, N.C., June 19, 1969]

REP. JONES ASKS PROBE IN NORTH CAROLINA BLUEBERRY STRIKE

(By Roy Hardee, staff writer)

BRIDGETON—A full-scale investigation has been requested on charges that government employes have attempted to incite violence and to intimidate blueberry workers here.

First District Rep. Walter B. Jones said Wednesday afternoon he asked federal authorities for the investigation.

Jones said the investigation was prompted by reports from Craven County which indicated that government workers employed by Coastal Progress, Inc., an antipoverty organization, and VISTA workers were attempting to incite violence and intimidate workers in the Bridgeton community.

PROPRIETY

"I do not question the right of employes to strike. However, I do question the propriety of government employes who are paid by taxpayers' dollars appearing personally on the scene, intimidating land-owners, making threats of violence against employes who are willing to work, and violating trespass laws," Jones said.

He said he had requested that the investigation single out those responsible for the unwarranted and unauthorized acts and that appropriate disciplinary action be taken by the proper agency if the allegations are true.

The farm of Jason Morris of Bridgeton has been plagued with labor problems since last Friday when first reports were circulated that workers were receiving threats aimed at making them stay away from work at the fields.

More than 1,000 persons, all local labor, are employed during the normal four-week blueberry crop harvest on the 100-acre farm. During the peak weeks the farm has a normal payroll of around \$25,000 weekly. The workers receive 75 cents for each flat of berries picked.

Wednesday around 150 workers were in the fields and production was reported at a normal pace. Morris said he was now using a mechanical picker which can replace at least 400 hand pickers.

Tuesday seven persons, six of them government employes, were arrested as they attempted to disrupt operations at the Morris farm.

Jim Godwin, executive director of Coastal Progress, said his organization "would be most happy to be a part of the investigation and I have instructed my staff to cooperate 100 per cent. Whatever determination is made will be guided by that in our disciplinary action against the accused employes," Godwin said.

[From the Sun-Journal, New Bern, N.C., June 19, 1969]

GODWIN WILLING TO AWAIT COURT'S DECISION IN ARRESTS OF SIX WORKERS

Jim Godwin, executive director Coastal Progress, Inc., said today he is willing to await the decision of the courts before determining whether disciplinary action will be taken against six anti-poverty workers charged with intimidating blueberry workers in Bridgeton.

"My assessment of the situation does not indicate the need for any disciplinary action at present," Godwin told the Sun-Journal. He added the persons involved are "accused of committing crimes," but said they have not yet been given an opportunity to present their case.

Godwin described two of the workers, John Franklin Bryant, III, 26, and Thomas Wallace, 26, as "valuable employes and important members of this organization."

He said that unless directed by higher authority to take immediate action, "I am willing to await the decision of the courts."

He said also that he had been informed an investigation team from the Office of Economic Opportunity would conduct their probe into the incident within a few days.

Godwin's statements came on the heels of a call for an investigation by First District Congressman Walter B. Jones after reports of the arrests reached his office in Washington.

"I do not question the right of employes to strike," Jones said, "but I do question the propriety of government employes, who are paid by taxpayers' dollars, appearing personally on the scene intimidating land owners and making threats of violence against employes who are willing to work."

The reports of intimidation arose following a strike by blueberry pickers on the farm of Jason Morris last Friday.

The strikers had asked that they be given \$1.25 per flat of blueberries picked, rather than the 75 cents they now receive.

As the strike appeared to be ending Monday, the six antipoverty workers were arrested near the farm as they attempted to talk with blueberry pickers.

Two of the group, Wallace and Bryant, were charged with possession of a sawed-off shotgun which officers said they found under the seat of Bryant's car. They added the weapon was unloaded and broken down. The others arrested were charged with disorderly conduct.

Today, Morris reported that approximately 200 workers had returned to the job.

He added that with a picking machine he has in operation, he should be able to finish the blueberry picking operation on schedule with the labor now available.

A hearing has been set for the anti-poverty workers in Craven County District Court on July 2.

All of the workers are free under bond.

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[From the Kinston Daily Free Press, Kinston, N.C., June 20, 1969]

#### PROBE OF CRAVEN OEO IS DEMANDED

WASHINGTON.—The White House has been asked to investigate charges that government anti-poverty workers are attempting to incite violence and intimidate blueberry pickers in Bridgeton, N.C.

North Carolina First District Rep. Walter B. Jones requested the investigation Wednesday, saying he was prompted by reports that employes of Coastal Progress, Inc., an anti-poverty organization, and VISTA workers were attempting to incite violence and intimidate the workers at Bridgeton.

Jones said "I do not question the right of employes to strike; however, I do question the propriety of government employes who are paid by taxpayers dollars appearing personally on the scene intimidating landowners, making threats of violence against employes who are willing to work and violating trespassing laws."

Reports first circulated last Friday that workers at the Jason Morris blueberry farm in Bridgeton had received threats aimed at making them stay away from work in the fields.

Wednesday, seven persons, including six anti-poverty workers, were arrested as they attempted to talk to blueberry pickers at the farm.

**United Klans  
Of  
America, Inc.**

**KNIGHTS OF THE**

**Ku Klux Klan**

**PRESENTS A PROGRAM**

**SUN., OCT. 20th - 3:00 p.m.**

**VANCEBORO, N.C.**

**Between Highway 17 and Highway 17A  
on Old Brick Road**

**J. ROBERT JONES and OTHER SPEAKERS**

**WHITE PUBLIC ONLY**



[From the North Carolina Anvil, June 21, 1969]

## IN KLAN COUNTRY—LAW AND MEDIA OPPRESS THE POOR

NEW BERN.—The young black man, sitting in a run-down storefront community action center, talks about what he has seen out in a blueberry field: "It's a form of slavery, and some people don't want it to end." He is talking about a strike by farm workers, black, oppressed and reared in poverty, and about the white people who seem determined to keep them there. They include the local news media and the sheriff of the county.

There is strong evidence to suggest that Charlie Berry, the Sheriff of Craven County, has used his influence to prevent a settlement in a strike by black farm workers against the Morris Blueberry Farm in Bridgeton near New Bern. There is also a great amount of evidence that Sheriff Berry has used the police power of his office to harass local anti-poverty workers and many in fact have deprived them of a constitutional rights of free association and free speech.

Thirty miles east of Raleigh on U.S. 70, on the outskirts of Smithfield, a huge sign with a hooded white figure welcomes you to Ku Klux Klan Country ("Fight Communism and Integration, Join the Klan"). And historic New Bern, 80 miles deeper into Klan Country, is the scene right now of a Klansman's nightmare, where oppressed blacks are proving they are growing tired of being treated as simple happy "colored people."

The problem surfaced just two weeks ago at the Jason Morris Blueberry Farm, three miles across the Neuse River on U.S. 17 near Bridgeton. It began with a group of workers coming to members of Coastal Progress, Inc., the local anti-poverty agency, with some problems. The workers said that conditions had been getting worse this season at the Morris farm, that they were being badly treated, talked to with pronounced disrespect, made to wait out on the highway for rides home when they finished work. One woman had recently quit at the farm when a field boss refused to look the other way while she relieved herself (toilet facilities are non-existent in the field). And of course there was the question of making some more money.

The Morris family owns several blueberry farms in Jones and Craven counties. This particular farm, with 100 acres in blueberries, employs some 900 to 1,000 black workers during the short picking season. (The workers said, "They didn't know how short the season was, but they were going to find out this time.") The workers come mostly from Craven, Lenoir, Jones, and Pamlico counties and include many women, children and old men. Pickers are paid \$.75 for each flat that they pick, a flat containing 12 pints (at a current retail price of \$.34 per pint, or \$4.08 per flat, in both Raleigh and New Bern grocery stores) requiring about an hour of labor by a fast and experienced picker.

Mrs. Estella Clark, personnel director of the anti-poverty agency, said when the workers came to her for advice, anti-poverty workers met with the pickers at a New Bern ball park. "We simply advised them of their rights in dealing with the situation and the alternatives that were open to them. We did not advise them or encourage them in any way to strike. We left that decision entirely up to the workers themselves." This would be in keeping with basic tenets of community organization, where the organizer does not promote or instigate a course of action. The theory being the poor will support their own decisions more faithfully than those of any third party.

It was at this meeting on the night of June 12 that the workers decided not to go to work at the Morris farm Friday or Saturday, and with the exception of about 50 pickers, they stayed away from their jobs both days.

On Monday, according to the anti-poverty workers, the sheriff began to play a role in the strike with an announcement that the strike was over and that everyone had returned to the Morris farm for business as usual. Mrs. Clark says that about 300 blacks who heard the announcement on the radio assumed that the strike had been settled and went out to the farm Tuesday or Wednesday, but that few went back to work after they found wages had not been increased and the strike was still going on.

After this attempt to break the strike, the anti-poverty workers say, a series of seven arrests took place: all of them by the sheriff's department and most aimed at the black strikers, black workers who had just walked off their jobs, and anti-poverty personnel.

Charges were made that anti-poverty workers had attempted to intimidate non-striking workers and force them from the fields. The charges were made by Sheriff Berry and carried without rebuttal by most daily papers in the state.

On Tuesday, Tom Wallace, deputy director of Coastal Progress, and Johnny Bryant, director of community organization for the agency, were on their way back from Vanceboro, where they had been checking on the construction of a community center. The route they took was U.S. 17, which Bryant says is the fastest route between Vanceboro and New Bern. Bryant reports that when the two stopped about a half-mile from Morris' farm to pick up some berry pickers who had left work and were hitching a ride, they were stopped by four cars of sheriff's deputies and the sheriff himself. When the deputies saw a breeched shotgun, unloaded, lying on the seat of the car, they arrested and handcuffed Bryant and Wallace and searched the car for other weapons, finding only some shotgun shells loaded with birdshot. Bryant and Wallace admit that the barrel of the shotgun had been shortened somewhat, but stress that it had a 20-inch barrel and a 12-inch stock, longer than the 18-inches required by federal law and generally defined as "sawed-off."

According to their attorney, Reginald Frazier of New Bern, the two were charged with the felony of "terrorizing with a weapon" and inciting people to disorder. Frazier characterized these as common law, rather than statute, charges: "faked and clearly unconstitutional under present law."

The anti-poverty workers point to the commonplace of whites carrying rifles in their cars and trucks, in many cases prominently displayed in a gun rack on the rear window of a pickup. This practice, they say, is intended to intimidate the local blacks, as are the KKK signs in the area. Gun control apparently applies only to the blacks.

Wallace and Bryant were released on \$5,000 bond each. Five more arrests were made Tuesday, including that of Mrs. Clark. Most arrests were made about a quarter mile from the Morris farm. Mrs. Clark says that she also picked up some people walking away from the Morris farm when a deputy came up and ordered her to go to New Bern, but did not tell her she was under arrest or being charged with anything. Frazier said she was taken to the jail, charged with striking terror into people, moved from one "filthy" cell to another, and finally released on \$100 bail.

The only white man who has backed the arrested anti-poverty workers so far has been Jim Godwin, executive director of Coastal Progress. Godwin, Bryant says, "has backed us all the way, said that we were within our rights, and that any complaints should be handled through the judicial process."

Godwin may emerge as a minority of one in New Bern. The blacks say they do not expect anything close to fair coverage from the New Bern Sun-Journal and radio stations in the area are launching scurrilous and overtly racist attacks in an effort to discredit the anti-poverty agency and fire-up local residents which could result in harm to the anti-poverty workers. "Communitistic program" and "satisfied colored people" were the key terms in one local radio station's editorial Wednesday evening.

The role and attitude of Sheriff Berry throughout the strike was described more clearly by James Gavin, the black co-chairman of the New Bern Good Neighbor Council. Gavin says that he went out to the Morris farm Monday morning, June 16, to see if he could mediate the dispute or be of any assistance in preventing further trouble. He says that while near the farm, Sheriff Berry "came up to me and gave me a tongue-lashing, accusing Gavin and all the anti-poverty workers of being "meddlers and trouble-makers."

"He went on and on and I finally told him, 'you wouldn't talk to me like this if I were white.' That made him madder and he said that he didn't owe colored people anything because they didn't vote for him. Then he blamed me for last April's disorders and when I told him I stayed home that night, he said, 'you get other people to do your dirt.'"

"The sad part about it is," Gavin said, "I know his feeling about race relations: He's in another century. He called me a nigger to my face once. And he said the county would not hire a single Negro deputy as long as he's sheriff."

"This man doesn't know anything about the needs of blacks in the county, and he doesn't know that you can't just keep pushing them around. The sheriff proved that he doesn't care anything about the black community when he arrested Tommy and Johnny on false charges."

Gavin and the anti-poverty workers believe that a settlement could have been reached with the Morrises early in the strike, but that Sheriff Berry urged Morris not to give in to any pressure from blacks. Bryant, one of the arrested anti-poverty workers, says that there have been reports of 150 whites out trying

to pick the berries before they spoil, but "that's not nearly enough people and besides you gotta have rhythm to pick blueberries." *Attorney Frazier said he also feels that the Morrises are willing to negotiate.* With a reporter in his office, Frazier called Ted Morris, one of the brothers who run the farm, Wednesday night and had no problem in setting up a Thursday morning meeting to talk about improving working conditions and wages. And the strikers would very likely settle for a raise from \$.75 to \$.85 per flat, if accompanied by improved working conditions.

In the meantime, there are the charges against the anti-poverty workers, charges which will be fought by Frazier and by John Harmon, another black attorney in New Bern, with help from Julius Chambers of Charlotte and Richard Powell of Greenville.

But the damage is already done. The races have been further polarized. Morris stands to lose a large part of his crop, and *Rep. Walter Jones has asked for an investigation of Coastal Opportunities Inc.* The poor in Craven County saw higher wages as a way out of poverty, and the reaction from the local whites has been entirely negative.

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[From the Sun-Journal, New Bern, N.C., June 25, 1969]

#### EDWARDS DENIES CHARGES

Craven County Deputy Sheriff Bruce Edwards denied charges that officers from the Sheriff's Department tried to stop picketers from marching at the Jason Morris Blueberry Farm in Bridgeton yesterday by blocking them with police cars.

Edwards stated that the cars were used to keep picketers on one side of the highway to prevent them from crossing the road and endangering their own lives and stopping traffic.

He said that a State Highway Patrolman talked with the heads of the group of about 50 persons and told them if they continued to cross the highway that they would be arrested.

Edwards added that other than this and some "loud talking," the picketers were otherwise peaceful.

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[From the News & Observer, Raleigh, N.C., June 25, 1969]

#### STRIKING MIGRANTS GET AID

BRIDGETON.—James Godwin, executive director of Coastal Progress, Inc., at New Bern, said Tuesday that his agency has received a \$5,000 check from Washington to be used for emergency food and medical services for seasonal workers as the outgrowth of the strike at the Jason Morris blueberry farm.

Pickets appeared at the farm Tuesday, but members of the Craven County Sheriff's Department and State Highway Patrol said there was no trouble and no arrests.

Godwin said the \$5,000 check was received from the Migrant Service Center Project in Washington. Godwin said the check was endorsed over to the newly-formed Eastern Farm Workers Association and deposited in the bank.

#### FOUR COUNTIES

The association is comprised of farm workers in Pamlico, Jones, Craven and Lenoir counties. Godwin said Mrs. Delores Wright, one of his bookkeepers, has volunteered to keep records for the association, which will be responsible for disbursement of funds. He also said that Mrs. Janie Watts, a resources coordinator for Coastal Progress, is providing technical assistance to the association.

First District Rep. Walter B. Jones last week requested a federal investigation resulting from the alleged involvement in the strike of government employes affiliated with anti-poverty agencies.

The trial of seven persons, all government employes, arrested by sheriff's officers at the farm in a series of charges last week, is scheduled July 2 in District Court in New Bern. Those arrested included employes of Coastal Progress, Inc., VISTA, and a member of the Neighborhood Youth Corps.

The Morris farm, a 100-acre blueberry operation, at peak season employs between 1,000 and 1,500 pickers, each paid based on individual production.

## MECHANICAL PICKER

During the past weeks while only a small number of pickers have reported for work, a mechanical picker has been used to offset the labor decline. It can harvest as much as 400 handpickers.

Picket signs Tuesday called for an increase in wages from the \$.75 per flat of berries picked. Around 300 persons were reported working in the fields Tuesday and the pickets apparently had very little effect on labor production.

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[From the Kinston Daily Free Press, Kinston, N.C., June 26, 1969]

## BLUEBERRY STRIKE GETS FEDERAL AID

BRIDGETON.—A federal anti-poverty agency executive director in New Bern said Wednesday he had transferred a \$5,000 check from Washington to the newly-formed Eastern Farm Workers Association to help striking workers at a blueberry farm here.

James Godwin said he was "acting under a mandate to give assistance to poor people. As long as I sit where I sit, I will try to administer mandates as I see them."

He heads Coastal Progress, Inc., whose employes have been criticized by First District Rep. Walter Jones for becoming involved with the strike.

Godwin said that the request for the federal grant did not come from Coastal Progress, Inc., but apparently came out of activities of the farm workers association, headed by the Rev. Henry Lee Darden.

Co-chairman of the association, Mrs. Lena Smith, said the money will be used to help the striking pickers at the Jason Morris blueberry farm buy food and clothing and pay rents.

The workers are asking for a 50-cent increase to \$1.25 per flat for berries picked. Mrs. Smith said that it takes the fastest picker one hour to fill a flat.

The strikers are also asking for Negroes to be given jobs driving trucks and working in the sheds. None of the Negroes employed at the farm hold these jobs now.

Also, Mrs. Smith said, the pickers are protesting the lack of toilet facilities for female workers in the fields and the inadequate supply of drinking water. She said toward the end of day, workers have to drink irrigation water.

About 200 to 300 workers remain in the fields of the 100-acre blueberry farm which employs between 1,000 and 1,500 handpickers at peak season.

However, the effect of the strike has been lessened by use of a mechanical picker which is capable of doing the work of 400 handpickers.

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[From the News and Observer, Raleigh, N.C., June 26, 1969]

## ANTIPOVERTY DIRECTOR DEFENDS STRIKERS' AID

BRIDGETON.—A federal antipoverty agency executive director in New Bern said Wednesday that he was "acting under a mandate to give assistance to poor people" when he transferred a \$5,000 check from Washington to the newly-formed Eastern Farm Workers Association.

The association is comprised of farm workers in Pamlico, Lenoir, Jones and Craven counties. The group is supporting handpickers who are striking the Jason Morris blueberry farm.

James Godwin, executive director of Coastal Progress, Inc., said "As long as I sit here, I will try to administer mandates as I see them. We will continue to support poor people whatever their problems."

Godwin said that the federal gift was not a Coastal Progress project. He said the request for money apparently came out of activities of the Farm Workers Association.

First District Rep. Walter B. Jones last week requested a federal investigation of alleged involvement in the strike of government employes affiliated with anti-poverty agencies.

The Rev. Henry Lee Darden is head of the association which was formed June 11.

Mrs. Lena Smith, co-chairman of the association, said that the money will be used to help the workers buy food and clothing and pay rents.

The workers are asking for a 50 cents per flat increase in wages. They are being paid 75 cents per flat of berries picked. Mrs. Smith said that the fastest picker can fill only one flat per hour.

The strikers are also asking for Negroes to be given jobs driving trucks and working in the sheds. These jobs are now held by whites. The pickers are all Negroes.

Mrs. Smith said there were no field toilet facilities for the female workers. Also, she said, the supply of drinking water in the field is inadequate and toward the end of the day, workers have to drink irrigation water.

The strike is continuing with very little apparent effect on production. A mechanical picker, capable of doing the work of 400 handpickers, has been in use since the decline of workers in the fields.

About 200 to 300 workers remain in the fields of the 100-acre blueberry farm which employs between 1,000 and 1,500 handpickers at peak season.

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[From the News and Observer, Raleigh, N.C., July 3, 1969]

#### POVERTY OFFICIALS CONVICTED

NEW BERN.—Two officials of Coastal Progress, Inc., a local antipoverty organization, were convicted in district court here Wednesday on charges of having a sawed-off shotgun in their possession during a strike at a blueberry farm in Bridgeton last month.

John F. Bryant III, director of the community action program of Coastal Progress, Inc., and Thomas B. Wallace, deputy director of Coastal Progress, were found guilty by Judge J. W. H. Roberts of Greenville.

Roberts sentenced Bryant to 12 months in prison but continued prayer for judgment until July 14 in the case against Wallace.

Bryant entered notice of appeal and was released under \$2,000 appearance bond. Wallace posted bond of \$500.

Five other related cases docketed for trial Wednesday involving employes of Coastal Progress and VISTA, both agencies of the Office of Economic Opportunity, were continued until July 29 at the request of defense attorneys.

All arrests were made following a reported disturbance of blueberry workers at the Jason Morris farm at Bridgeton on June 17.

Coastal Progress, Inc., operates in Craven, Jones and Pamlico counties.

#### SHOTGUN FOUND

Deputy Sheriffs Bruce Edwards and T. W. Parker said they found a sawed-off 12 gauge shotgun in the front of the car between two bucket seats. The car is owned by Bryant. Officers said three unfired shells were found with the weapon.

District Prosecutor Eli Bloom of Greenville called Jim Godwin, executive director of Coastal Progress to the stand and asked if he had prior knowledge of his employes carrying weapons in their cars.

Godwin testified that he "had observed the gun in (Bryant's car) on numerous occasions over a period of about a year. "It was always broken down, he said. "He has the right to bear arms."

"I am surprised that Mr. Godwin had not inquired as to why the weapon was being carried," Bloom told the court.

Defense attorneys John Harmon and Reginald Frazier contended that the shotgun did not violate any laws. But, Bloom said that both men had been in the area of the blueberry farm on prior occasions and knew that the section was "a troubled one."

More than 900 blueberry pickers walked out of the fields or failed to show up for work June 13 at the Morris farms. A mechanical picker, capable of doing the work of 400 hand pickers, was placed in operation. Morris said production at the 100-acre farm has not been hampered by the strike.

First District Rep. Walter B. Jones has called for an investigation to determine why government employes were apparently involved in the strike. The request made directly to the White House, is underway but no report has been made public on the findings.

[From the Sun-Journal, New Bern, N.C., July 3, 1969]

## 2 ANTI-POVERTY WORKERS CONVICTED!

Two officials of Coastal Progress, Inc., here were convicted in Craven County, District Court on charges of having a sawed-off shotgun in their possession during a strike at the Jason Morris blueberry farm in Bridgeton last month.

John F. Bryant, III, director of the Community Organization Component of Coastal Progress and Thomas B. Wallace, the deputy director, were found guilty of the charges by Judge J. W. H. Roberts of Greenville.

Judge Roberts sentenced Bryant to one year in prison and continued prayer for judgment for Wallace until July 14. Five related cases, also docketed for trial Wednesday, were continued until July 29.

The two men were believed to have been attempting to encourage workers on the Morris farm to strike when officers stopped their car, found the weapon and arrested them.

Wallace however, testified that neither he nor Bryant knew of any "disturbance" at the farm on the day of the arrests. He added that he and Bryant were returning from a trip to Vanceboro when four Negro women "flagged down" their car near the blueberry farm shortly before the arrests were made.

The Jason Morris farm, where normally nearly 1,000 workers are hired each year to pick blueberries, had been the scene of a strike by about half of the workers for almost a week when the incident occurred.

Early in the trial yesterday, defense attorney, Reginald Frazier was denied in a motion to quash charges against the men which he claimed "failed to particularize criminal offenses under the common law statutes."

He added that due to the "uncertainty and vagueness" of the charges, he and Attorney John H. Harmon, who represented Bryant, were unable to properly prepare a defense.

Judge Roberts denied the motion after hearing testimony from Magistrate J. Paul Stevens and the arresting officer, Craven County Deputy Sheriff Bruce Edwards.

Three other witnesses testified—all of them for the defendant.

Willie Riddick of Shaw University in Raleigh, testified as a character witness for the men and cited Wallace's "outstanding work" with various anti-poverty agencies in North Carolina.

Another witness Ernestine Keyes of Trenton, one of the four women who Wallace said flagged down Bryant's car, testified that she did not know either of the two men and that, at the time, she was unaware of the strike at the farm.

She also stated, however, that the reason she and the other women were walking along the highway was that Fenner Morris, an employee at the farm, had chased them from the field. She added she did not know why.

James Godwin, executive director of the anti-poverty agency, testified as to the character of both men and commented that they were "superior" in their jobs with the organization.

He also testified that he had seen the shotgun in Bryant's car on "several occasions" over a period of about a year, but added he saw "nothing unusual about it."

Bryant filed notice of appeal and bond for him was set at \$2,000. Appearance bond for Wallace was set at \$500. Both of the men are Negroes.

[From the News & Observer, Raleigh, N.C., July 5, 1969]

## INCITEMENT TO RIOT

District Judge George Bason expressed his sympathy this week for a Clayton man whom he sentenced to prison on charges stemming from an incident here two months ago. Many citizens may share that sympathy. The defendant, Woodrow R. Beard, is 52, head of a family, very respected in his home community. His conviction and one-year prison term (from which he has appealed) mean hardships for more than one person.

In sharing that sympathy, however, the public should share as well Judge Bason's insistence that lawlessness not be excused by color or community stature. Beard's good reputation was firmly established at his trial by numerous character witnesses. And so was his bad conduct, by people who saw the events of May 8 on Fayetteville Street.

The facts established in testimony were these: Negro demonstrators were peacefully marching along Fayetteville Street when Beard rode by in his car.

Beard pulled out a pistol and fired "over the heads of the demonstrators" (as a policeman testified). Then one of the Negroes climbed onto his car and Beard fired a blast at him. The fact that no riot occurred was quite properly attributed by the judge to a "miracle."

Some will see a year in prison as a stiff sentence for a man whose actions injured nobody and damaged no property. But in convicting and sentencing this defendant, Judge Bason refused to pretend that a white citizen carrying and firing a pistol is no more an incentive to riot than a Negro lawfully and peaceably exercising his rights to demonstrate. Beard's conduct in tense times was "reckless, wanton, irresponsible," the judge reminded the community. He could have added that if a riot had followed Beard's appearance, too many people would have remembered the demonstrators and forgotten all about the white man who pulled a pistol on them.

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[From the Kinston Daily Free Press, Kinston, N.C., July 3, 1969]

#### POVERTY WORKER SENTENCED

NEW BERN.—John F. Bryant III, an official of Coastal Progress, Inc., an anti-poverty organization here, was sentenced to one year in prison Wednesday on charges of possessing a shotgun during a strike last month at a Bridgeton blueberry farm.

A second official, Thomas B. Wallace, was convicted of identical charges and was to be sentenced later.

They are arrested following a disturbance at the Jason Morris farm June 17. More than 900 blueberry pickers walked off their jobs and authorities said they found a sawed-off 12-gauge shotgun in a poverty worker's car.

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[From the Sun-Journal, New Bern, N.C., July 11, 1969]

#### "BERRY" HEARING

A Senate Subcommittee hearing on Migratory Labor pertaining to recent labor problems at a Craven County blueberry farm has been set for July 17 in Washington, D.C., according to Senator Walter F. Mondale of Minnesota, chairman of the Subcommittee on Migratory Labor.

The hearing will be held in order "to provide a forum for discussion by all persons involved in the New Bern situation," Mondale added.

The Senator, in a letter to Jim Godwin, executive director of Coastal Progress, Inc., New Bern, stated that "as chairman of the Senate Subcommittee on Migratory Labor, it was with a great deal of personal interest that I read several newspaper accounts of recent events in New Bern and Craven County, N.C., concerning blueberry pickers.

"The Subcommittee is presently in the process of investigating migrant and seasonal farmworker problem in the United States, and we have already had two sets of hearings.

"I extend an invitation to you to appear on Thursday morning, July 17, in Room 4232 of the New Senate office building, Washington, D.C., so that you can testify on the facts as you personally see them as to the over all situation in Craven County."

The letter to Godwin was dated July 7.

Also invited to attend the hearing were Sheriff Charlie B. Berry of Craven County, James Gavin, co-chairman of the local Good Neighbor Council; the Morris brothers at the Jason Morris Farms Inc., Bridgeton; and some of the blueberry workers, as well as politicians, said Godwin.

Godwin has accepted the invitation to attend the hearing.

When the Morris brothers were contacted to see if they planned to attend, one commented they were "undecided at this time."

Sheriff Berry was reportedly out of town and it was not known if he will attend the hearing.

"Object of the hearing as I understand it," said Godwin, "is to discuss the lack of power of the poor. This is in reference to migrant and seasonal workers," he added.

He said the hearing was deal with the "effects and conditions" that surround the lives of these seasonal workers.

[From the News & Observer, Raleigh, N.C., July 13, 1969]

## BERRY STRIKE LEAVES SEEDS OF BITTERNESS

(By Jack Childs)

NEW BERN.—Black versus white. Police versus poverty workers. Haves versus have-nots. Labor versus management.

All of these elements, each supercharged with the potential for sudden violence and lasting bitterness, are wrapped in one package that has bedeviled and bewitched this history such, perfcially placid corner of North Carolina this summer.

It is not a neat package—nor a pretty one.

Next Thursday, a subcommittee of the United States Senate will attempt to open the package and examine its contents. The main order of business that day for the Senate Subcommittee on Migratory and Seasonal Labor, chaired by Sen. Walter F. Mondale, D-Minnesota, is to look into the dispute between Jason Morris Blueberry Farms, Inc., and the hundreds of black seasonal workers who pick the Morris'es' blueberries.

The conflict between the pickers and the Morris brothers who run the vast blueberry farms at Bridgeton, just across the Neuse River from New Bern, is an echo of the celebrated California labor dispute between the grape growers and the Mexican-American grape workers.

If only the Morris farm and the seasonal workers who struck it last month are considered, the battle of Bridgeton might be regarded as small pickings, certainly in comparison with the long-standing feud between Cesar Chavez and his foes, the grape growers, in California.

But broadening the local labor dispute's implications is a set of issues and events that has raised serious questions about the roles performed by a three-county poverty organization and by law enforcement officials working in Craven County—particularly the sheriff's department.

Sheriff C. B. Berry and his deputies have arrested seven persons, most of them officials or employes of Coastal Progress, Inc., a seasoned anti-poverty outfit which serves Craven, Pamlico, and Jones counties, on charges stemming from the blueberry workers' strike. Two young black men, both Coastal Progress officials, were charged under an old English common law that pre-dates the Revolutionary War.

The poverty people and strike leaders contend that the arrests and other activities of the sheriff's department during those tense June days added up to flagrant violations of a host of basic civil rights.

Sheriff Berry, on the other hand, believes there was no strike; that the Coastal Progress workers threatened and intimidated blueberry pickers in leaving the fields. One of the farm co-operators, Fenner Morris, doesn't shrink from the word "strike," but he, too, levels all the blame at the poverty workers.

Coastal Progress was one of the early rural projects of the federal Office of Economic Opportunity. It was one of 11 "community action programs of the North Carolina Fund," a statewide anti-poverty organization which was in operation a year before the federal agency began to function.

James L. (Jim) Godwin, 43, whose father grew up in Craven County came to Coastal Progress as its executive director in 1966. A strapping white man, Godwin looks like an ex-Marine, World War II vintage or an ex-Carolina football player of the Charles Justice area. He is both.

Godwin had a long and apparently thriving career in the life insurance field (he was vice president of the Franklin Life Insurance Co.), when he came to the conclusion that he was not pursuing "a very purposeful career."

In Havelock, where he started his own insurance agency, he became involved in a Manpower Development program, "got fascinated in being involved in trying to solve some of our domestic problems," and ultimately took the Coastal Progress job.

### GOOD REPUTATION

Godwin and other officials of the agency speak proudly of its reputation in OEO circles as one of the most highly effective in the community action field. Until recently, it had avoided serious controversy.

Godwin talked of the evolution of the blueberry workers' strike.

"Through community organization, we attempt to give these poor people a sense of belonging and having some control over their lives that the middle class



take for granted. Our role is to teach them how to try to make the system work for them as well as middle-class Americans.

"The results have been the development of local leadership. Things happened in the various communities.

"Through our activities with these 900 to 1,000 people (involved in the blueberry farm strike) in a lot of different communities, because they had similar problems and complaints, they became a community themselves.

#### DISCUSS OPTIONS

"They came to our workers, with whom they already and clearly associated and identified with, for assistance. Our role was to talk about the options open to them.

"The options: Do nothing; organize themselves, elect leadership, threaten to strike and then negotiate; or organize, elect, negotiate and then strike if the negotiations fail."

Meetings followed in the early days of June, about two weeks into the blueberry picking season. The Rev. Henry Darden of Trenton in Jones County was elected chairman of the workers group, soon to be organized as the Eastern Farm Workers Association. Mrs. Lean Smith of New Bern was named co-chairman.

At the same meeting, Thomas B. Wallace, a 26-year-old black man who is deputy director of Coastal Progress, spoke to an estimated 250 to 300 persons assembled in a New Bern ballpark. He told them the plight of migrant and seasonal workers is becoming a major national issue. He cited the activities of Cesar Chavez.

"We recommended to them (the workers) that they contact professional union people or a local attorney," Godwin said. The decision was to obtain the services of Reginald L. Frazier, a local black lawyer.

The workers set their goals: a raise in pay from 75 cents to \$1.25 per flat (a 12-pint crate) of blueberries picked; "more sanitary" toilet and drinking water facilities on the farm; better treatment by white supervisory personnel.

They also complained that "white workers got the shed jobs" while blacks were given only field jobs by the Morris brothers, Jason and Fenner. (There are five brothers in all who are equal owners in the corporation).

Frazier and the workers' association leaders met with Jason Morris on a Sunday night. He refused to agree to any pay increase.

"I tried to negotiate with Mr. Morris," said Frazier in an interview, "I lowered the pay increase demands. I urged him to give them something, a moral victory, and avoid this damn strike. He said the blueberry picking season was about over and he didn't have very much to lose."

Fenner Morris said he talked with Frazier, too. "He (the lawyer) had no right to come over here, but I treated him like anybody else. It was like fighting a brick wall. He finally said he'd settle for any kind of raise, even a nickel raise. But we are operating on the closest margin now. Last year, we just averaged a nickel profit per 12-pint crate."

The Rev. Mr. Darden, who has a Pentecostal Holiness pastorate—and eight children—moves from crop to crop like most of the area seasonal farm workers to supplement his family's income.

"I decided we needed to do something one day while standing there at the shelter on the Morris farm," he told a reporter. "Two old ladies were sitting on a crate resting when one of the white men told them to get off and go to work or leave the farm.

"I considered then talking with my people, coming together to try to take action to do something about it. I talked to attorney Frazier and went to see the Coastal Progress people. They told me any information I needed, they'd help me get it."

#### CITES CONDITIONS

Darden said there are no toilets among the 100-acre blueberry spread; only a ditch. The workers, he said, have to drink the water "they spray the crop with. We have to drink from a pump; they have no cups or nothing."

Asked about these complaints, Fenner Morris told a reporter, "Lena Smith kept throwing out anything she could think of. We have two wells in this field. They're tested every year by state officials. The water is not the same we used to irrigate with; I drink it myself.

"They wanted us to put in bathroom facilities. They can go fly a kite. If we had them, most would go in the woods anyway.

"I heard of a fellow in Florida who spent \$7,000 to put in running water and toilets. He had to spend another \$7,000 the next year to repair the damage that had been done."

#### DISCUSSES TREATMENT

As for how the workers are treated, Fenner Morris said: "I treat one no worse than the other. You have to talk rough now and then. I bend over so far backwards my back's touching the ground."

So the strike began. At its peak, some 900 of the 1,000 workers left the fields. Finally, several women, most of them working with Coastal Progress, Inc., were arrested and charged with disorderly conduct for allegedly intimidating the workers into leaving the fields.

As some of these women left the fields on June 17, Coastal Progress deputy director Wallace and John F. Bryant, III, 25, director of the community action program of the anti-poverty organization, drove up. The women hailed them, they pulled to a stop and four sheriff's cars appeared.

Bryant and Wallace were driving to New Bern from Vanceboro, where they had been checking on the progress of a community center being constructed by poor people. The sheriff and the Morrisses contend their arrival was by prearrangement; that they knew the women were going to be arrested and they had come to haul them away.

#### PAIR ARRESTED

Between the front bucket seats of the car was a shotgun owned by Bryant. After seeing the gun, the officers placed the two men under arrest and lodged them in the county jail here.

The poverty officials said they were placed in jail at approximately 11:30 a.m. and were finally released under bond at 6:30 p.m. They were not permitted to make a telephone call, they said.

The Coastal Progress leaders believe that they were held so long without being able to make contact with anyone because the sheriff's officers were unable to come up with a charge. Bryant's shotgun was not concealed, it was "broken open" as required by law, and—although described as "sawed off" by deputies—it was two inches longer than the 18-inch minimum permitted under federal gun control laws, Frazier said.

#### HEARS OF JAILING

Godwin said a reporter from the local newspaper heard around 4 p.m. that Bryant and Wallace had been jailed. "If he hadn't heard about it," said the Coastal Progress director, "I wonder how long they would have stayed there."

Finally, they were charged under the common law statute with "carrying a shotgun . . . for the unlawful purposes of terrorizing the people within the county."

Sheriff Berry told a reporter: "They were put in jail about the middle of the day and the warrants were served that afternoon. They were out on bond that night. Nobody said anything to me about any phone calls. I tell my deputies all the time to let anybody make a phone call."

The poverty officials and attorney Frazier, constantly complain that while Bryant and Wallace were arrested for carrying a shotgun, white individuals they call "Klan types" ride around the country in full view all the time in pickup trucks with high-powered rifles on display on gun racks.

#### "DEER HUNTERS"

"Those people are deer hunters," said the sheriff, who has held the post for 23 years. "These boys ain't no hunters; they've probably never been hunting in their lives."

The charge against Wallace and Bryant "was the most ridiculous I've ever read," said Frazier. "They used a law that goes back to King Edward III. It has been used only twice in this state since the Revolutionary War, once in 1843 and again in 1958.

Declared the sheriff:

"An old law? Maybe that's true. It's still the law as much as the ones passed yesterday or the day before. We charged them with what the solicitor (Eli Blum of Greenville) told us to charge them with. He was here holding court that day and looked up the laws and told us what to charge them with."

Wallace and Bryant were tried on July 2 before District Court Judge J. W. H. Roberts of Greenville. They were found guilty. Bryant was sentenced to 12 months in prison, but Roberts continued prayer for judgment in the Wallace case until next Monday.

## POST BOND

Bryant entered notice of appeal and was released under \$2,000 appearance bond. Wallace posted bond of \$500.

"They tried Coastal Progress, not these boys," said Frazier. "I'm not worried at all about winning the case. If I lose these cases, they might as well close all the lawbooks up. Then we will have a police state.

"Blum did a brilliant job prosecuting the case, but the real issue—the right to bear arms—was twisted out of focus."

Says Wallace: "We were convicted of carrying a gun. They made no attempt to prove the charges in the warrant."

## "TOO MANY RIGHTS"

Lodged in the minds of Frazier, Godwin, Wallace and Bryant was Blum's twice-repeated remarks to the judge: "That's the trouble in our country today—people have too many rights."

The solicitor said this on one occasion. Godwin related, "after he had asked me why didn't I do something about John Bryant having a shotgun in the car. My response was that to my knowledge, a person has the right to bear arms."

Godwin told a reporter: "I had seen John's shotgun for several months. I didn't bother asking why he carried it for the same reason they don't ask Klan types in Eastern North Carolina why they carry guns on racks in the back of pickup trucks. I assumed he carried it for the purpose of self-defense."

Asked by a reporter why he carried the weapon, Bryant replied: "The Constitution says I've got a right to carry it."

The poverty workers are convinced that Sheriff Berry was out to "get" them, one way or another. While Frazier said he does not consider Berry a racist, "they (the officers) don't like the poverty program; they don't consider it a legitimate thing," he said.

Berry's opinion of Coastal Progress: "It's the biggest disgrace of anything that ever happened. They created all the trouble at the Morris farm. There was no strike out there. They're just troublemakers drawing big salaries.

"But I was not looking to arrest them, no sir. I don't run my office in such a way. Those boys wouldn't have been arrested if I hadn't seen the gun."

Fenner Morris said his farm's troubles were instigated by Mrs. Estella Clark. He said she was the first of several Coastal Progress-associated women who came to the field and tried to intimidate the workers to leave, telling them "people" were going to harm them if they didn't and finally, that someone was going to explode a bomb in the fields.

## PICKETS' NUMBERS

The pickets, said Morris, never numbered more than 50, and those picketing were the "worst pickers."

The poverty workers said strike leaders say that Berry first made the pickets march on the opposite side of U.S. 17 from the Morris farm, then blocked their paths with his car and defied them to walk past it under threat of arrest. Berry contends the pickets were circling back and forth across the busy road, endangering their lives.

In addition, the poverty people say, the highway patrol put up "no parking" signs on both sides of the highway, which they further regarded as harassment of the pickets and people who stopped to give them lifts. The whole picture in their mind was one of the law enforcement agencies working to assure the Morris' "right" to have their crops harvested to the detriment of the strikers' rights to peaceably picket.

## MAJOR CONCERN

Berry contends his major concern throughout was to see that the blueberry pickers who wanted to work were able to do so—even to providing their buses and trucks with escorts to and from the farm each day.

Morris says the crop loss from the strike was a "small percentage," thanks largely to a \$35,000 mechanical picker which, he says, does the work of 300 to 400 persons. "I left it in the barn until they struck on me," he said. "I expect I'll be using it more in the future. I don't expect many of them (the workers) to come back next year."

Finally, there was the incident of the nails. Darden and Godwin have collected some 200 nails with broad, flat bases which they say were placed under the tires of pickets' cars one morning.

#### PANEL TO GET DETAILS

Details as to who allegedly placed the nails there will be presented to Mondale's Senate subcommittee, it was learned.

Meanwhile, Frazer said he is preparing a suit to be entered in federal court in an effort to establish that some of the blueberry pickers worked enough hours (500) in a single season to qualify for the minimum wage of \$1.36 and recovery of triple damages under the federal wage laws. "I have the names of some 30 to 40 people who qualify," he said.

This is "piece" work and not subject to the law, contends the Morrises. "Let 'em bring the suit," said Fenner Morris. "If we have to give 'em the minimum wage, we'll have to close the doors."

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[From the News & Observer, Raleigh, N.C., July 13, 1969]

#### POVERTY WAR HEATS UP

(By Jack Childs)

At what point does an antipoverty worker become a meddler in affairs outside his province? Where does he draw the line in his responsibilities to the people he is assigned to assist?

In case after case, incident after incident, these are becoming central questions which threaten the effectiveness and, perhaps, the very existence of poverty programs across North Carolina.

Poverty workers have been accused of fomenting student unrest on college and high school campuses, of "leading" and masterminding labor disputes involving black workers at universities and within municipal governments. Now similar accusations are being leveled in the wake of the state's first modern-day strike of seasonal farm workers.

Last week, a U.S. Senate committee chairman ordered an investigation into the use of Ford Foundation and antipoverty funds in alleged Black Panther agitation leading to a riot last May on the campus of A&T University in Greensboro.

Greensboro police officials, appearing before the Senate investigating committee headed by Sen. John L. McClellan, D-Ark., pointed a finger at two field representatives of the Foundation for Community Development, a Durham-based anti-poverty group.

FCD field representatives Reginald Vincent Durante and Franklin Durante Williams were linked to the A&T violence by Greensboro Police Chief Paul Calhoun. For one thing he said, they were leaders in a student eruption at Dudley High School which preceded the explosion at the university.

The FCD, which employs the ultra-controversial Howard Fuller as training director, as been a target frequently. Fuller and some of his coworkers have been accused of stirring up student unrest from Belmont Abbey to Duke; a strike of black cafeteria workers at UNC in Chapel Hill; a walkout of municipal employees in Fayetteville and numerous other incidents.

The FCD is a spin-off of the North Carolina Fund, a now defunct statewide anti-poverty organization which preceded by a year the federal Office of Economic Opportunity program.

Like FCD, Coastal Progress, Inc., which functions in Craven, Pamlico and Jones counties had its roots in the same seed organization. It was one of the first rural poverty efforts set up under the N.C. Fund.

For most of its existence, Coastal Progress has avoided the spotlight-glaring controversy which has dogged the trail of the FCD.

But now, like the FCD, the Eastern North Carolina organization finds itself being accused by local people of stepping outside the bounds of its responsibilities and promoting conflict—a strike of seasonal workers at a large blueberry farm.

This coming week, the Craven situation will be aired before another unit of the U.S. Senate, the subcommittee on migratory and seasonal labor chaired by Sen. Walter F. Mondale, D-Minnesota.

## WORKERS ARRESTED

Several of the Coastal Progress workers have been arrested by Craven authorities. People like veteran Craven Sheriff Charles Berry are convinced that there was no strike; that the blueberry pickers were routed from the fields under threats and harassment from "that (anti-poverty) crowd in New Bern."

Like Nathan Garrett, executive director of the FCD, James L. Godwin, executive director of Coastal Progress, now finds himself defending his employes.

Like Garrett, Godwin says the poverty fighters in his organization have been falsely accused, officially and unofficially. Their role, he said, merely was to "advise."

## ON THE SCENE

In explaining how FCD employes seem to pop up at the scenes of campus strife or municipal labor disputes, Garrett said they are involved in "community action" programs with the poor people, teaching them how to make the "system" work for them.

Uneducated, naive, these people find themselves wanting higher wages, or fairer treatment for their children in school, or a black studies program in the university. So, says Garrett, they naturally turn to the poverty workers for advice in how to go about seeking fulfillment of their goals.

In each situation, he said, "we don't try to assume a position of leadership. It sometimes develops that our people get spotted and are catapulted as the 'leaders.'" Never, he says, do FCD workers advocate a violent course of action.

## OPTION TO STRIKE

Jim Godwin's explanation of the Coastal Progress workers' role in the blueberry pickers strike was much the same. The blueberry pickers came to the poverty workers seeking help. They were told the options available to them, including the option to strike for higher wages, better toilet and drinking water conditions, etc.

Godwin says his investigation produced no evidence the accused Coastal Progress employes violated any laws.

"I certainly do not mind admitting the extent of our involvement had some questionable characteristics, but given the same set of circumstances again, we would have no alternative but to respond to these poor people," said Godwin. "Large sums of money, time and energy would have been wasted if we turned our back on them when they called on us for guidance and assistance."

Godwin, likewise, is convinced that no OEO rules have been violated by his people. But the entire question of the workers' strike, he concedes, is a "gray area" lacking clearcut definition in the poverty agency's handbook.

The actions of anti-poverty workers is one question: their right to be involved in any manner in such matters as labor disputes involving the previously unrepresented poor is another.

It is time, more and more people are beginning to say, that somebody washes away the "gray."

MR. RICE. Mr. Chairman I also have some other documents that I would like to submit for the record. These include a transcribed statement with attachments taken earlier this month from Mrs. Burley, who will also testify later this morning, and a similarly transcribed statement from Mrs. Brown, also a witness this morning. Also, there is a statement from Annie Mae Moore of New Bern concerning the transportation problem. I also would like to submit for the record an affidavit concerning the tacks found near pickers' cars, and the fears that witnesses expressed about retaliation if the incidents were reported.

Senator MONDALE: The materials that you have presented will be printed in the record at this point.

(The materials referred to follow:)

## TRANSCRIBED STATEMENT OF MRS. DELORES BURLEY, BAYBORO, N.C.

Name: Delores Burley.

Address: Route 1, Box 17, Bayboro.

Age: 38.

Children: 6.

Others in Family: 2.

Education: 11th grade.

How about your children? They all, ah, one graduated, one got high as the 12th, but didn't complete, one is in the 12th, a boy, girls in 9th, 8th, 7th.

Why didn't your one daughter complete? She got married.

How many years have you worked in the fields? Since I was 5 years old.

How about your children? Yes. How young when you started? . . . 4-5.

What crops? Potatoes, tobacco and cotton. Irish . . . white potatoes, sweet potatoes, tobacco and cotton.

Are you on welfare now? Yes I am. What kind of pay? Dependent children? Yes. Any other? No. How much do you get? \$186 a month.

Have you ever asked for more welfare money? Yes. What happened? They said my budget was as high as they could go. Who sets that budget? I don't know, but I talked to my case worker and talked with welfare director here in Pamlico County and those were the answers that they give me.

Have you ever been cut off from welfare? No.

Have you ever been threatened with being cut off? Yes. By my case worker. What was the reason? I had been trying to work to help strengthen my income. When was that? Last summer and the summer before that (static). I tried to work and they told me I either had to quit work or get cut off.

And you found that you can't make enough money working to match the welfare amount? That's right. That's right. Has your payment ever been reduced? Yes. What was the reason for this? When, ah, Anne, my oldest daughter came to the age of 18, came of age at 18 and they told us something—and the first day of June my check was cut. How much? I was getting \$186 at that time and they cut it, they cut it back down to, ah, \$161.

How did it get back to \$186? They said they were giving me a raise before the year was out. Has your case worker ever told you that you can get extra welfare money for school expenses? For book fees and things like that? No. They said they pay a certain amount of the book fees, but the rest you have to pay when you goes to pay your book fees. Up until this past year, I've been having to pay the book fees. But this past year, they want to integrate the schools and I didn't have any to pay.

Have you ever been told that you can have a fair period by your welfare dept? No. I heard it. But I was at a convention in Raleigh. Have you ever asked for a fair period? No. Cause I didn't know about it until after I heard it in this convention.

Tell me about your experiences when you were charged with fraud. How did this come about? I, I actually don't know. Because I had been to the Welfare Dept. I told them that I have doing volunteer work and, ah, that whole fall and summer I did. In fact, I've been doing volunteer work for the last past 2 years. And I told my case worker not to come to the house anymore to look for me, to come at the center because that's where I would be at. And she claimed . . . that she had been here after that and couldn't ever find me home, so they started to investigate and which I found out later . . . that she had lied. She had got the information from other . . . some other source and they not knowing what I was doing because I had spoke the words to a lady and I know exactly where it came from. And she had given them the information that I was working down town. But the day that she sent for me to come to the Welfare Dept., she did not ask me if I was getting a salary, which I could have told her I was not getting a salary.

How were you paid? I was given, ah, \$32 a week for volunteer service to pay for transportation and for baby sitting which I did not have a child at the time and that was explained at the time I was taken on to the job that I didn't have children small enough for babysitting, but that was in the budget.

So this money was not really a salary, but was just a matter of paying your expenses? That what it was, every dime of it, and, uh, when the sheriff came and served the warrant, I was just flabbergasted.

How long a period was it between the time the welfare workers talked with you and the time the sheriff came? They talked with me in October and the

sherriff came by in '69, February? No I went to court in Feb.—21st. Well it was in—right after Christmas when, somewhere in Jan. when the Sheriff served the warrant.

And what happened at the trial? Well the . . . lawyer Harmon, he tried to explain everything. Mr. Wallace, he got on the stand and he explained everything, that for this program they don't pay a salary, it was everything to be volunteer and said they couldn't pay a salary because I they didn't have the money in budget to pay a salary with. And, uh, Mr. Wallace he got up and tried to explain it to them. The judge overruled everything. And when he, ah, got through, he asked me if I would go on the stand of which I was glad to because I knew I wasn't getting a salary. And I didn't have anything to hide, so I just went on up there and explained everything to them. They couldn't see—the judge, he couldn't see where \$32 a week was paying anybody for gas. But if you get out here in Pamlico County, there's no highways in here, the ones that is here are straight or where the white folks live. When the poor black live where I was working at, they are all muddy dirt roads and it takes gas. I didn't try to get up there and lie . . . and when I got through, he said well he said, 3 years under probation . . . \$512.49 . . . and then he went on and on so that where its at.

How are you paying back that \$512? \$15 a month out of my welfare check which is \$186.

Who do you pay that to? Ah, Home Security in, ah, Tennessee.

Ah, how long (static), \$1,520.

And how much did the home cost you to start with? Over \$4,000. I don't know the exact figures.

What other bills do you have? How much does food cost you a month? From a hundred and fifty to a hundred and seventy dollars.

Is this including commodity foods? No.

You get those in addition? Those in addition.

How about utilities? Well, I have to buy those . . . and sometimes I get those right along with my groceries.

How about lights? Lights is out. They're on a different. They run from \$17 to \$19 a month. And I don't have no running water, no bathroom utilities. I have a refrigerator and a television.

How many rooms in house? 6 . . . 3 bedrooms. I only have one wall socket in each. And there's three in each one, but only one of em works. I've been told by the company to have someone come in and check the lights—But due to a lack of finance, I haven't been able to.

Tell me about your medical bills? I was in the Dr.'s office last Monday and it was \$310 to the Dr. there in New Bern, not including the two doctors in Craven County Hospital. How much do you owe them? Both of 'em together is \$240.

How about your operations? As far as I know, the welfare paid some but—and I own Dr. Bell, \$120 for radiology treatment. I own Dr. Petrof, \$125—\$120, for putting me to sleep. But Dr. Barnwell he was my surgeon. He's a family Dr. and he says that he didn't charge for the operation . . . I still owe him \$388.

In the winter time when the kids are in school and not working, does your welfare check increase? No, it stays the same. That's why I went back to them last fall and asked them if they wasn't some possible way I could get a raise because having to buy wood and coal . . . to keep the house warm . . . that's a headache and a ton of coal is \$21 and a ton of coal in a house like this will not last you a month.

Do you vote, Delores? Yes.

Where do you have to go to vote? Out to the courthouse here in Bayboro.

That's about what—six miles? 4½.

Can you get to the polls easily? Yes.

How do you get to the polls? Walk or thumb.

Do you think that black candidates can get elected here? . . . It's a fight. Have any ever been elected? There's none.

Does anyone try to tell you how to vote? Not me. But there have been some that have been told. By who? By the white folks . . . one lawyer here in Pamlico County, he's very good at that.

Do you have a family doctor? Yes.

Where? In New Bern.

Is there a Dr. here in Pamlico County? Yes.

How come you don't go to him? About 6 years ago my son was riding his bicycle, riding by talking with another friend . . . She knocks him off the

bicycle . . . I takes him rather when I got the word I was to bury my grandfather and got word the child was hit by the car, they had him out at Dr.'s office. I rushed out there, he's laid in there in the emergency room two hours. Dr. Hudson stopped and noticed the lady's finger who had cut her finger cutting a piece of meat.

White lady? White lady. And when he finally did come back in to notice him, the child had swollen up which I got very angry. And he said he would not need to be admitted in the hospital. I went and brought him back home and before 6:00 that Saturday evening, he had swollen up so he couldn't even see. So my brother-in-law rushed him to Craven County Hospital and rushed him in emergency and the nurse went to find out who the Dr. that had tended him and I told her. She called back here in Pamlico Co. and Dr. Hudson said he did not need to be admitted. But they admitted him anyway—he staying in the hospital 15 days. That was 6 years ago. And today he can't be on the teams, baseball teams, basketball teams or no kinds of activities because that leg will give.

Can you get to a Dr. quickly if you need one? Not Dr. Hudson.

But as far as transportation? Craven County to my family Dr. and have to pay somebody as much as \$10 to get there.

When you do go places, do you usually have to pay somebody to take you? Every time.

How much does this usually cost? Well if I get somebody in my family, it usually \$3-\$5. If I get somebody in outside the family it's from \$5 to \$10 dollars.

But can you usually find someone to take you at that price? I get my sister. She has a car and I might as well give it to her anything. She have a big family and that helps her. How many people depend on you for living during the year? My family. 6. So is my husband—he's handicapped and is dependent upon me too.

Does he receive Social Security? Yes, he receives Social Security. It's not S.S., its disability. If he doesn't have any medication to get, it's available for the family.



Form AOC-A2  
7/67

Use Ball Point Pen Only

CLERK OF SUPERIOR COURT — RECEIPT

No. 756454

Received From Pamlico County Date 3-31-69  
Alice D. Bursley  
 Cash  Check  M.O.  Amount \$ 15.00  
State vs. Alice D. Bursley  
 For: Cash

Case No. 69cc67Form AOC-A2  
7/67

Use Ball Point Pen Only

CLERK OF SUPERIOR COURT — RECEIPT

No. 756633

Received From Pamlico County Date 4-2-69  
Robert Bursley  
 Cash  Check  M.O.  Amount \$ 15.00  
State vs. Alice D. Bursley  
 For: payment on restitution

Case No. 69cc67

PAYEE

Received By Marilyn H. EdwardsForm AOC-A2  
7/67

Use Ball Point Pen Only

CLERK OF SUPERIOR COURT — RECEIPT

No. 756484

Received From Pamlico County Date 3-3-69  
Alice D. Bursley  
 Cash  Check  M.O.  Amount \$ 15.00  
State vs. Alice D. Bursley  
 For: payment on restitution

Case No. 69cc67

PAYEE

Received By Mary H. Potter

BAYBORO, N.C., April 16, 1969.

Mrs. KAY RINELLA,  
*Duke Legal Aid Clinic,*  
*Duke Law School,*  
*Durham, N.C.*

DEAR MRS. RINELLA: In response to your request of Saturday, April 12, 1969, this is the reply:

1. In March, May and September 1967, respectively, I was hospitalized with the following doctors in attendance: Drs. Bell, Barnwell and Petrov at the Craven County Hospital—March and May, and Memorial Hospital—Chapel Hill, North Carolina, September with a bill amounting to \$605.00: Dr. Bell \$120.00; Dr. Barnwell \$365.00; Dr. Petrov \$120.00. I asked of aid from the Pamlico County Welfare Department since I was a welfare recipient receiving a \$186.00 monthly allowance for four children and myself, but was bluntly told that my son-in-law was a service man; therefore, I needed no help from them—have him help me.

2. After having recuperated, not fully, I went to work with Coastal Progress, Inc., first as a volunteer aid and afterwards as a salaried one. My gross wages received were \$512.49, which I had planned to apply toward my medical bill.

3. In October, 1968, I was called in by the Pamlico County Welfare Department and told (not informed) that since I was being paid by Coastal Progress as a salaried person and had to that point received \$512.49 in wages that, that amount had to be repaid to the Pamlico County Welfare Department.

4. I neither heard from nor saw anyone from the Department from October 1968 to February 4, 1969 at which time the Pamlico County Deputy Sheriff came to my house with a warrant for my appearance in District Court on February 21, 1969 for Fraud, charges being brought by the Pamlico County Welfare Department.

5. I appeared in District Court on February 21, 1969 and these are the results: Sentenced to two years in the State Department of Correction (Women's Division) for fraud suspended on the following conditions:

(a) Pay court costs

(b) Not change place of residency for said period

(c) Make restitution to welfare department in the amount of \$512.49 to be paid at and upon direction of my probation officer Mrs. Harriett S. Early.

There are other instances that I could cite but I feel enclosures will explain what I mean.

I shall appreciate your services and any consideration shown.

Respectfully yours,

(Mrs.) ALICE D. BURLEY.

STATE OF NORTH CAROLINA  
COUNTY OF Pamlico  
STATE OF NORTH CAROLINA

IN THE -- District -- COURT  
Docket No. 69-Dr-67

VS

PROBATION JUDGMENT  
(FEMALE)

Alice Dolores Burley  
Defendant

1. THIS CAUSE coming on to be heard and being heard at the February 21, 1969  
Term of Court in the aforesaid County before the undersigned Judge in the City of Rayboro  
North Carolina, and the above named defendant (was duly convicted of) ~~the crime of~~ Fraud

2. NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED, That the said defendant be and she is hereby,  
sentenced by this Court to (two (2) years) suitable quarters for women  
prisoners provided by, and under the supervision of the State Department of Correction of North Carolina) for a period  
of two (2) years to take effect at a time and as further ordered by the court.

IT APPEARING, HOWEVER, to satisfaction of the court that the character of said defendant and the circumstances of the  
case indicate that probation will probably result in the reformation of the defendant and that she is eligible for probation under  
the North Carolina Statutes.

IT IS FURTHER ORDERED ADJUDGED, AND DECREED, That the Execution of the aforesaid sentence of  
two (2) years be, and the same is hereby, suspended, and that the said defendant is hereby  
placed on probation for a period of 3 years under the supervision of the North Carolina Probation Commission and its  
officers, subject to the provision of the laws of this State and the rules and orders of said commission and its officers with  
leave that the execution might be prayed at any time during the period of probation to take effect at a time and as further  
ordered by the Court.

3. That as a condition of probation the aforesaid defendant shall:

- (a) Avoid injurious or vicious habits; (b) Avoid persons or places of disreputable or harmful character;
- (c) Report to the Probation Officer as directed; (d) Permit the Probation Officer to visit at his home or elsewhere;
- (e) Work faithfully at suitable, gainful employment as far as possible and save his earnings above his reasonable necessary expenses;
- (f) Remain within a specified area;
- (g) Pay a fine in one or several sums as directed by the Court; (h) Make reparation or restitution to the aggrieved party for the damage or loss caused by his offense in an amount to be determined by the Court;
- (i) Support his dependents; (j) Waive extradition to the State of North Carolina from any jurisdiction in or outside the United States;
- (k) Violate no penal law of any state or the Federal Government and be of general good behavior;
- (l) Deposit with the Clerk of Court a bond for his appearance at such time or times as the Court may direct. In the event the probationer is unable to provide the bond otherwise, the court may require the bond to be paid in cash from his earnings in such installments and at such intervals as the Court may direct.
- (m) Deposit with the Clerk of Court from his earnings a savings account in such installments and at such intervals as the Court may direct, and the Clerk shall thereupon deposit such funds in the savings account in an institution whose accounts are insured by an agency of the Federal Government and the principal plus interest earned shall be paid to the probationer upon his discharge or earlier upon order of the court;
- (n) With the defendant's consent and with a statement of the availability of jail accommodations, he may be required to report to the sheriff of the county or to the chief of police of any municipality or other law enforcement officer and submit himself to be incarcerated in the county or municipal jail or other designated place of confinement during weekends or at such other times or intervals as the court may direct. The court may, with the consent of the defendant, require the surrender of his earnings less standard payroll deductions required by law, to the county board of public welfare or other responsible agency. After deducting from the earnings the amount determined to be the cost of the defendant's keep while incarcerated, the balance shall be applied as may be needed for the support and maintenance of the defendant's dependents, and any sum remaining shall be released to the defendant upon the expiration of his suspension or at other times as the court may direct. Upon revocation of probation or suspension of sentence, the court shall certify in the judgment of revocation the time or number of days the probationer was incarcerated and such time shall be deducted from the term of the sentence suspended, and so stipulated in the commitment. Provided that in no event shall the number of days of incarceration prior to revocation exceed the length of the original suspended sentence.

Conditions:

- 1. That the defendant pay the cost of court. 2. That she not change her place of residence without the written consent of the probation officer. 3. That she make restitution to the Pamlico County Department of Welfare the amount of \$512.49 to be paid at the direction of the probation officer.

4. That the Sheriff or other law enforcement officer, who has the custody of the defendant, is hereby ordered to deliver the said defendant to the Probation Officer, of this district, or if the defendant is under bond, then such bond shall remain in full force and effect until said defendant reports to the Probation Officer as directed.

IT IS FURTHER ORDERED, That this Order be filed by the Clerk of this Court in his office and that he forthwith forward a copy of the same to the Probation Officer in this district.

This 21st day of February 1969  
S/ J. W. H. Roberts  
Judge Presiding.

If you violate any of the conditions of your probation or orders of your probation officer you will be subject to arrest upon order of the Court, or by the probation officer. As any time within the period of your probation, the Court may, if it see fit, impose the judgement and sentence it might have imposed in the first instance.

You will be required to follow the probation officer's instruction and advice. The Probation Law gives him authority to instruct and advise you regarding your recreational and social activities.

YOU WILL REPORT AS FOLLOWS: Once each month in writing on blanks to be furnished you. Each blank is to be filled in completely and truthfully and mailed to your probation officer to the address stamped on the report form on the first day of each month. You will report to your probation officer in person when directed to do so.

This the 24th day of February 1969  
(Signed) Alice D. Burley  
Probationer  
Marjette S. Eavis  
Marjette S. Eavis  
Probation Officer

Route 1, Rayboro, N. C. P. O. Box 333, Aulander, N. C.

Address

Address

This is proposed weekly shopping list given me by welfare department for four dependent children and myself :

Large box of cornflakes.....	\$0. 33
Large can applesauce.....	. 35
1 dozen eggs.....	. 53
1 pound bacon.....	. 49
10 pounds potatoes.....	. 59
2 chickens.....	1. 50
5 cans string beans.....	1. 00
6 pounds cabbage.....	. 30
2 bags carrots.....	. 25
3 pounds hamburger.....	1. 59
Tea bags.....	. 65
Coffee.....	. 89
2 pounds sugar.....	. 29
2 cans turnip greens.....	. 27
Spaghetti.....	. 29
1 large bread.....	. 35
<b>Total</b> .....	<b>9. 67</b>
<b>Tax</b> .....	<b>. 29</b>
<b>Total</b> .....	<b>9. 96</b>

## THIS IS MENU

	Breakfast	Lunch	Supper
Sunday.....	Dry cereal, milk Butter biscuit Applesauce Milk or coffee	Meat loaf Mashed potatoes Peas Plain cake with whipped top- ping Tea or coffee	Cheese sandwich or peanut butter Milk
Monday.....	Tomato juice Hot cereal Bread with cheese Milk		Boiled potatoes, cabbage Sliced luncheon meat Baked corn bread Rice pudding, tea
Tuesday.....	Scramble egg, grits Applesauce Biscuits Milk		Fried chicken, rice String beans Biscuit Custard bread pudding Tea
Wednesday.....	Tomato juice Hot cereal, raisins Toasted biscuits with cheese Milk		Dried beans, canned cabbage Baked corn bread Oatmeal cookies Tea
Thursday.....	Fried egg, grits Biscuit, prunes Milk		Pork with gravy Mashed potatoes Canned turnip greens Bread pudding Tea
Friday.....	Tomato juice Hot cereal, raisins Biscuits, butter Milk		Spaghetti with meat Cabbage wedge Biscuit, oatmeal Tea
Saturday.....	Pancakes, syrup Bacon Milk or coffee	Bean soup Baked corn bread Quick coffee cake Milk, tea	Luncheon meat and sandwich Carrot sticks Milk, cookies

## TRANSCRIBED STATEMENT OF MRS. ERNESTINE BROWN, TRENTON, N.C.

Name: Earnestine Brown.

Address: P.O. Box 14, Trenton, N.C.

Age: 36.

Children: 8.

Any Others—No.

Educational Level—Completed 10th grade.

Why did you stop at that time? I just got tired of going.

How many years have you worked in the fields? About 4 yrs.

This is the blueberry field? Yes.

Have you worked in any others? Nothing but tobacco and strawberries.

How are you paid in blueberry picking? Per crate—75c a crate.

Have you ever asked for more money than that? Well—No.

Why not? I don't know why we didn't.

Think you would have gotten it if you had? No—I really don't.

Why Not? Well, they indicated as much when others asked.

You're not on welfare at this time are you? No have never been.

Tell me what the fields are like in the blueberries? Well the fields are very large—and of course up until last year, they were very clean under foot. The past few years they haven't been quite as real—otherwise everything is just like any other crop.

What time do you go to work in the morning? Well it depended on whatever time our transportation picked us up. We didn't have any certain time.

About what time do you usually get there? Usually we were there around 7:30 a.m. or 8.

How long did it take to get there? Around half an hour.

What time did you usually quit work everyday? About 4:30 or 5 in the afternoon.

What did you do with your smaller children? Well I leave them with my mother—left them by my mothers.

Did you take any of the children with you to the fields? Yes.

How old were they? I had one that was 15, one was 14, and one 10—eleven rather, one 10, and sometimes I took one that was 7.

How young were the other children when they started working? Well the others they were about 8 or 9 because I didn't pick until about 4 years ago.

Are the children paid separately in the field? No. they're paid the same.

Did they pick on their own containers or did they help you? Most of them picked their own—their own containers—the larger ones and the little ones would help me.

When were you paid? At the end of each crate—each time we filled a crate.

What were the sanitary conditions like in the field. There wasn't any. There wasn't any on the whole farm. I saw no outdoor toilet.

So what did you have to do then? Well any place you could find privacy maybe if you could go in another field there wasn't anybody working in.

Did you ever have any problem getting privacy. Well, no—nobody, I didn't.

Good. Is there water for you to drink in the field? No, there wasn't any water. I didn't ever—you couldn't ever find any water too much. I always carried my water.

Did you ever buy soda pop? Sure, How much did that cost? 15c per can.

Is that the small size can? Yes—just the regular 10 oz. or 12 oz. cans. Whatever it is.

What you usually pay 10c for? Well—Most places it was that.

What about the field bosses—Are they black or white? Black.

Men or women? Men—Black men? Um-hum.

Do you know of any of the pickers who've become field bosses? Or supervisors in the field? No, I don't.

How are the bosses paid—Do you know? I really don't.

How many of them are there? Let's see—4—about 8. I think there were about 8 of them.

Do you think you or some of your friends could become bosses? I don't think so.

Why not? Because we were a different—the bosses were altogether a different type people than the people that I know.

What kind of people were they? Well—They're usually the type of person you'd call a yes man—You know what I mean? Somebody that'd just take it—in other words they don't have anything all for themselves.

How did you go to the fields? A friend of mine that owned a truck that took us.

How much did it cost? 50c per day. Per Person? Yes.

Was that both ways? Yes, both ways. So if 4 of you went it'd cost \$2.00? Yes.

And you said your friend who owned the truck? Yes.

Was there any other way that you could get there? At the farm that we went to I don't think that, no—that's coming through this area there wasn't.

How far from home is it to the field? About 23 or 24 miles.

Are all the pickers black? I would think so. There was a few whites, but I think they picked more or less for themselves, you know?

How many were women? You mean in the field or. Yes, of the pickers? Oh the majority of them I would say. He estimated that he had a thousand pickers, oh, I would say 900 of these were women.

How about men? That's it. There wasn't but a very few men—they're mostly women and children and they were from all ages—all ages. From two—he's four now (indicating child) from 4 on up they were all ages.

What do you do when the season's over? Well usually just like I'm doing right now—wait and put in some tobacco—if not I'm just home.

Do any of your kids stay out of school to work in the fields? No.

Do you think things are getting better for you and your family than they were a few years ago? Do you mean—when? . . . working? in . . . in . . . In working conditions and your living style? No, I don't think so.

Why do you think this is so? Because I mean we haven't been able—erah—to elevate our—erah—means of living any.

Do you think you can do anything about that to make it better? Well, I wish I knew what. I'll say that right now.

How about you, Mr. ———? Do you think that as neighbors, you can improve the conditions under which you work and live? Oh, you mean as neighbors? Yeah, working with—(lady). Things of that sort? Yeah working together.

Have you ever been injured by any of the chemical that the farmers put on the tobacco and berries and things? I really don't know. I had a rash in fact, I have a rash now that started last year when I was working at the tobacco factory. I mean the Dr. said he was not sure that's what it came from, but we all felt like that's what it was. But it may not be.

Did other people get it too? Well, I really don't know.

What do you do when there are no crops? Just stay home.

Do you vote? Some. Where do you vote? Here in Trenton.

Have you ever had any problems with trying to register or trying to vote? No.

How long have you been voting? Hummm—maybe 12 years.

Do you think black candidates can get elected in this area? No. Why not? Oh, I think it's because there's no much unfairness in the whole deal. I really don't think they can. What kind of unfairness? Just the feeling of the people—of the whites in this area.

Have all of your friends been able to vote and register pretty freely?—as far as I know I don't know of anybody that had any trouble.

Can you get transportation to go to the polls if you need it? Sure, we had a lot of help on that line.

Who gives you that help? Well—erah. I haven't needed any, but the elderly people in the neighborhood that have needed it. Various ones would go and pick them up. Sometimes the community workers would help.

Does anyone try to tell you how to vote? People you work for or leaders in your community?—Not me, Nobody's tried to influence me. We've had a lot of advertisement due to mail.

Do you have a specific doctor that you go to most of the time? Yes. Who is that? Dr. Thompson right here lately. But when I was having children I would go to Kinston to Dr. Cecil Woodleaf.

Are you satisfied in Dr. Thompson's work? . . . I, I can say that he helped me with this rash, but only other than that I don't like anything about him.

Why is that? Well, he doesn't seem to have the interest of the patient in mind.

Do you think that he treats black and white people the same? No. I really don't. Why? Because—erah—there (static) and, and regardless of when you make an appointment, you'll probably have to sit five hours and I've known him to go and lock the doors and just won't let you in.

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SWORN STATEMENT OF ANNIE MAE MOORE

NEW BERN, N.C.

I and my sister Carrie we have been paying a cab \$1.25, \$1.50 to go to work on the Morris Farm and the same price to come back. This was the only transportation there was available for us.

ANNIE MAE MOORE.

Witnessed by Ernest E. Ratliff, June 10, 1969.

Witnessed by Kenneth B. Rice, July 10, 1969.

STATE OF NORTH CAROLINA,  
County of Craven, ss:

## AFFIDAVIT

I, Ernest E. Ratliff and Kenneth B. Rice, being first duly sworn, depose and say:

Pursuant to preparing testimony for the United States Senate Subcommittee on Migrant Labor I personally interviewed two black women employed by Jason Morris Farms, Inc., Bridgeton, North Carolina as blueberry pickers concerning intimidation by Fenner "Tack" Morris during the picker's strike. They freely and willingly admitted that they had personally observed Farmer Morris throw large tacks from a truck into the area around the picker's parked cars. Resulting from this one woman had three flat tires.

They refused to be identified by name or to sign an affidavit for presentation to the above committee because:

(1) they say they are afraid of economic reprisal i.e. that the Morris brothers will refuse to hire them again.

(2) they are afraid of Fenner Morris personally, saying that they know him to have a mean and ugly disposition;

(3) they live in isolated rural homes without protection from white night riders;

(4) they do not believe that there is police legal or judicial protection for black people in Craven County.

ERNEST E. RATLIFF.  
KENNETH B. RICE.

Sworn and subscribed before me this 9th day of July, 1969.

LINDA FAYE BRYANT,  
Notary Public.

My Commission expires: July 15, 1970.

Senator MONDALE. The next witness is T. W. Parker, deputy sheriff, Craven County, New Bern, N.C.

**STATEMENT OF T. W. PARKER, DEPUTY SHERIFF, CRAVEN  
COUNTY, NEW BERN, N.C.**

Senator MONDALE. Mr. Parker, you were the deputy sheriff of Craven County, New Bern, N.C.?

Mr. PARKER. Yes, sir.

Senator MONDALE. Will you please proceed. I don't wish to move you along ahead of that time which you feel you must have to present your case. But, that part of your statement which you think could go in the record as though read, could be made a part of the record as your statement, so you can spend the time on what points you think are most important.

I think you have been here all of this morning, and you have heard some of the testimony, which I regard to be serious criticism for your office, and I would assume you would want to respond to that.

Mr. PARKER. To save time, I will read this.

Senator MONDALE. Very well.

Mr. PARKER. I am T. W. Parker, deputy sheriff of New Bern, N.C. On Friday, June 13, I was in the sheriff's office at 10:30 a.m. Ed Flowers came running into the office and wanted to see Sheriff Berry. Sheriff Berry and myself were in the office at that time.

Ed Flowers stated that he had been run out of the Morris blueberry field at Bridgeton at gunpoint. Ed Flowers said a man held a gun to his head and told him if he did not stop picking berries, he was going to kill him. He had in his hand at that time five .38 live bullets, four long ones and one short one.

I asked him who was the colored man that pointed the gun at him. He did not tell me his name, but stated if he ever saw him again, he was going to kill him.

Sheriff Berry, Ernest Tubb, and myself, left the sheriff's office immediately and went to Morris brothers blueberry farm in Bridgeton, N.C. When we arrived on the scene we talked with Mr. Morris. Mr. Morris stated he had had some trouble and most of the pickers had left the field. Before this happened there was approximately 900 to 1,000 people picking berries.

We did not have any more trouble that day but we got the word there were some people that were going back to the berry field Monday morning to cause more trouble and stop people from picking berries.

Sheriff Berry and myself and several other deputies were at the berry field early, June 16, about 6 a.m. No one came to the berry field that we knew of to interfere with berrypickers. Between 300 and 400 people came back to the Morris berry field Monday to pick berries.

We identified several cars on Highway 17 near the berry field and they were recognized as employees of the Coastal Progress, Inc., an OEO-financed project. We did not have any trouble of a serious nature Monday.

On June 17, 1969, 6 a.m., Sheriff Berry and myself and several other deputies were parked at the patrol station on Highway 17 with Coastal Progress workers there again. But most of them got out of their cars.

Approximately 300 to 400 people had gone back to work this day. When the people all got into the field to work, Sheriff Berry and myself and other deputies left to perform our regular duties.

About 11:35 a.m., June 17, 1969, the sheriff's office received a call from Mr. Morris at the blueberry farm that they were having some more trouble and needed help. We got in our cars and immediately proceeded back to the Morris blueberry farm.

When we arrived at the Morris blueberry farm, we received information from several pickers that there were people moving about the field telling the pickers that if they did not leave and stop picking berries at 12 noon, that they would be blown up. As I approached the north gate on the farm, I saw a grey Oldsmobile parked on the left side of the road.

The car was headed in the direction of New Bern and we were going in the other direction. I pulled my patrol car in front of the Oldsmobile and stopped. There were two people in the Oldsmobile. They were attempting to pick up poor Negro people who had just left the Morris blueberry farm. The part owner of the farm was coming out of the road from the blueberry farm and motioned for us to stop the car.

I proceeded to the driver side of the Oldsmobile. I asked the driver of the car for driver license and to identify himself. He gave me his driver license and identified himself as John Franklin Bryant III, address, 926 West View, Bridgeton, N.C.

After he identified himself, I asked him what he was doing in that section of the county. He said these poor people have flagged him down and he had stopped to give them a ride. The other passenger in the car was identified as Thomas Bernard Wallace, colored male, age 26, Route 3, Box 41A, New Bern, N.C.



John Franklin Bryant got out of his car on driver side and stood by the side of the car. Thomas Bernard Wallace got out of the car on his side and came around back of the car on the side of the car where John Franklin Bryant and myself were. Sheriff Berry asked them what they were doing in that section of the county and they did not give an answer. They were told to get back in the car and leave and not to come over to that area while they were having trouble with the blueberry pickers.

As they were getting in the car, Deputy Sheriff Edwards and myself saw a sawed-off shotgun lying on the front floor of the car. We stopped John Franklin Bryant and Thomas Bernard Wallace. The sheriff took the gun out of the car and three live shells that were lying on the floor by the gun. We placed both subjects, Bryant and Wallace, under arrest and brought them to the county jail and booked them up and proceeded to draw warrants against them.

We contacted Mr. Eli Broom, solicitor, advised him what had happened and asked him if he would come and help us draw warrants, which he did.

Both men were charged with the same, as follows:

State of North Carolina, County of Craven, State of North Carolina versus Thomas Bernard Wallace, age 26, Negro male, Route 3, Box 41A, New Bern, N.C. Undersigned by G. Edwards, being duly sworn, says that in the county named above on the 17th day of June, the defendant named above did unlawfully arm himself with a dangerous weapon, to wit: shotgun, for unlawful purpose of terrorizing persons within the county while so armed with said weapon.

The defendant went about public street and highway and other public places of the county in a manner to cause terror to the people of said county contrary to the common law of the State of North Carolina and against the peace and dignity of the said State.

Soon after we arrived back at the sheriff's office, we received another call from said Berry farm to hurry back, that a large crowd had gathered in front of the berry farm. When we arrived at Morris berry farm, Francois Cartier, Carolyn Hickman, Carolyn Styron, and Estelle Clark, all Negroes and also salaried employees of the local poverty program, were arrested on a disorderly conduct charge and for resisting arrest.

Gentlemen, these cases have been continued until July 29, 1969.

Upon further investigation Emma Jean Keys, female, colored, 23, Post Office Box 341, Trenton, N.C., and Ernestine Brown, female, colored, age 35, Post Office Box 14, Trenton, N.C., were arrested on disorderly conduct charge and their cases have been continued until July 29, 1969.

Several days after the arrest was made, they started picketing with signs walking up and down the road. The leader of the pickets was Rev. Henly Darton, from Jones County.

A statement of his replies on record is attached. On July 2, 1969, in the district court at New Bern, N.C., John Franklin Bryant, III and Thomas Bernard Wallace were charged and convicted and found guilty.

Bryant was given 12 months road sentence. He gave notice of appeal in open court through his attorney and was placed under \$2,000 bond for his appearance in Craven County Superior Court, September 10, 1969. Thomas Bernard Wallace's case was continued with prayerful judgment until July 14, 1969, at which time he was in court with

his attorney and he was given a 6-months road sentence and he gave notice of appeal in open court, his bond was set for \$500 for his appearance in Superior Court, Craven County, September 6, 1969. At their trial, Mr. James Godwin, director of Coastal Progress, Inc., testified for the defendant, John Franklin Bryant III and stated under oath in open court that he had seen a sawed-off shotgun on the floor of John Franklin Bryant's car several times in the last several months.

When picketers came to their car, they would park them on C Street in Bridgeton, which is one block from the Morris blueberry farm, and walk one block to U.S. Highway 17 and walk up and down the shoulders of the highway. The largest number at any given time was 53. To this date there have been no reports made to the Craven County sheriff's department in any form stating that there was nails placed on the side of the road where the picketers' cars were parked.

The parking lot by the Morris blueberry shed house is not large enough for all pickers to park cars, so they made arrangements to park cars across Highway 17.

Gentlemen, the chief money crop of our section of Craven County is tobacco. Farmers are paid from \$15 to \$20 a day for primers to pull tobacco and cannot get help to house the tobacco. A lot of this difficulty is coming with this trouble we have had in Bridgeton from Coastal Progress workers.

Senator MONDALE. Do I understand from your testimony that all of the law violations, or alleged law violations, were committed by the workers, and you know of no examples of any law violations, or any alleged law violations, by the growers?

Mr. PARKER. No, sir, not to my knowledge.

Senator MONDALE. In other words, all of the fault that the sheriff can find is completely on the workers' side? You haven't seen anything but the blameless behavior on the part of the owner of the farm?

Mr. PARKER. No, sir, I have not.

Senator MONDALE. Had you heard this charge about the tacks?

Mr. PARKER. Only what I saw in one of the papers in North Carolina.

Senator MONDALE. What did you do about it?

Mr. PARKER. In last Sunday's paper, Mr. James Godwin—

Senator MONDALE. Did you investigate it?

Mr. PARKER. No, sir, I have not.

Senator MONDALE. You told a poverty worker that he was not to come over to that area again while they were having trouble with blueberry pickers. What authority do you have to tell a person where he can be, or not be?

Mr. PARKER. Mr. Chairman, things were getting in a critical situation around there and we didn't want these people to go back over there causing any more trouble. We were trying to get the pickers to go back in the field and pick berries.

Senator MONDALE. You were trying to do what?

Mr. PARKER. To get the pickers who wanted to go back in the field to pick berries. Those people were depending on what he was making over there. One colored man told me he had four children and he

was depending on the money those children made picking berries to buy clothes to go to school this winter.

Senator MONDALE. What was your authority for telling the poverty worker that he could not be in that area?

Mr. PARKER. We didn't want anybody in that area that is trying to cause trouble.

Senator MONDALE. How do you decide who is causing trouble? For example, the workers claim they can't make enough to earn a living so they call a strike. Would you say that the farmer is causing some trouble by not raising wages, or is it just the outsiders who cause trouble? How do you decide that?

Mr. PARKER. Tuesday morning is when this was happening, a little after 11 o'clock.

Senator MONDALE. Did you have a law that says people who are causing trouble can't be in certain parts of the county?

Mr. PARKER. We have a law here, what John Bryant and Wallace was charged with, about going around in troubled areas with guns in their cars.

Senator MONDALE. This was before you saw them. You told them they were not to come over to that area. What legal authority do you have for that advice?

Could you refer to a statute or something?

Mr. PARKER. No, sir, I can't refer to a statute. I am not a lawyer and I don't know that.

Senator MONDALE. Are there any black deputies in your sheriff's office?

Mr. PARKER. No, sir.

Senator MONDALE. What percentage of blacks are there in your county?

Mr. PARKER. Our county is about 65,000 population. I would say, I am not sure, approximately 15,000 or 16,000 colored people.

Senator MONDALE. You have heard the testimony about charging the sheriff's department with driving so close to the ditch that people had to jump into it to avoid being hurt. Do you have any reaction to that?

Mr. PARKER. I was not there and I did not see that.

Senator MONDALE. Have you heard these charges before?

Mr. PARKER. No, sir.

Senator MONDALE. One of the papers I read indicated that the sheriff, Mr. Berry, was quoted as saying that he is elected by white people and he is not concerned about the problems of black people. Could you respond to that charge?

Mr. PARKER. I would say that the sheriff did not say that.

Senator MONDALE. Do you think the sheriff's officers drove by those ditches the way it was described?

Mr. PARKER. I didn't understand you, sir.

Senator MONDALE. Do you think the sheriff's officers drove by those ditches and made people jump into them?

Mr. PARKER. No, sir.

Senator MONDALE. In determining the cause of this labor problem, the sheriff's office makes one conclusion. That is that it is created by the Coastal Progress workers. Can you think of any other things that

might be causing trouble in that county, or do you think it was just all outside agitators?

Mr. PARKER. We always have trouble like everybody else does. I think the majority of this has come out of Coastal Progress.

Senator MONDALE. We had testimony this morning that the workers met, and after repeatedly asking employers for increased pay and correction of other indignities, they finally decided that they had to strike to improve conditions, and that that decision was made before they ever talked to poverty workers.

Mr. PARKER. I can't answer that.

Senator MONDALE. Do you think you ought to—

Mr. PARKER. I haven't been in any conference with any of them and I have not heard it talked.

Senator MONDALE. Even though you have no such knowledge, you still stand by your criticism of them?

Mr. PARKER. I will stand by what I turn in here today.

Senator MONDALE. You are ignorant of the bases of the criticism, but you are standing by the opinion you have?

Mr. PARKER. I am going to stand by my statement that I turn in to you today.

Senator MONDALE. No changes?

Mr. PARKER. No, sir.

Senator MONDALE. Even though you have no basis for your criticism?

Mr. PARKER. The bases I feel were stated right in here. I have some pictures of the people that were walking on the highway, and so forth, if you would like to see them.

Senator MONDALE. We would like to see any evidence that you have for the record. I would be glad to look at those pictures, as will the other members of the committee. We will retain them in the permanent files of the subcommittee, and we will print your full statement for the record at this point.

(The prepared statement of Mr. Parker follows:)

PREPARED STATEMENT OF DEPUTY SHERIFF T. W. PARKER, CRAVEN COUNTY,  
NEW BERN, N.C.

I, T. W. Parker, Deputy Sheriff of Craven County, New Bern, North Carolina, on Friday, June 13, 1969, was in the Sheriff's Office about 10:30 a.m. Ed Flowers, a Negro citizen, came running into the office and wanted to see Sheriff Berry. Sheriff Berry and myself were in the office at that time. Ed Flowers stated that he had been run out of the Morris Blueberry Field in Bridgeton at gunpoint. Ed Flowers stated a Negro man held a gun to his head and told him if he did not stop picking berries he was going to kill him. He had in his hand at that time five .38 caliber live bullets—4 long ones and 1 short one. I asked him who was the colored man that pointed the gun at him. He did not tell me his name, but stated if he ever saw him again he was going to kill him. Sheriff Berry, Ernest Huff and myself left the Sheriff's office immediately and went to the Morris Brothers' Blueberry Farm in Bridgeton, North Carolina.

When we arrived on the scene, we talked with Mr. Morris. Mr. Morris stated that he had had some trouble and that most of the pickers had left the field. Before this happened there was approximately 900 to 1,000 people picking berries. We did not have any more trouble that day, but we got the word that there were some people that were going back to the berryfields Monday morning to cause more trouble and stop the people from picking berries.

Sheriff Berry and myself and several other deputies were at the berry field early Monday, June 16th (about 6 o'clock a.m.), no one came to the berry field that we know of to interfere with the berry pickers. Between 300 to 400 people came back to the Morris berry field Monday to pick berries.

We identified several cars parked on Highway 17 near the Morris berry field. We identified the cars and people, and they were recognized as employees of the Coastal Progress, Incorporated, an O.E.O. financed project. We did not have any trouble of a serious nature Monday. On Tuesday, June 17, 1969, at 6:00 a.m., Sheriff Berry, myself and several other deputies were parked there again, but most of them got out of their cars. Approximately 300 to 400 people had gone back to work this day. When the people all got into the field to work, Sheriff Berry, myself and the other deputies left to perform our regular duties.

About 11:35 a.m., June 17, 1969, the Sheriff's office received a call from Mr. Morris at the Blueberry Farm that they were having some more trouble and needed help. We got in our cars immediately and proceeded back to the Morris blueberry farm. When we arrived at the Morris blueberry farm, we received information from several pickers that there were people moving about in the field telling the pickers if they did not leave and stop picking berries at 12 o'clock noon they would be blown up—that there were bombs planted in the fields.

As I approached the North gate on the Morris Blueberry Farm, I saw a grey Oldsmobile car pull off the left side of the road. The car was headed in the direction of New Bern, and we were going in the other direction. I pulled my patrol car in front of the Oldsmobile and stopped. There were two people in the Oldsmobile, and they were attempting to pick up four Negro people that had just left the Morris blueberry farm. Mr. Fenner Morris, a part-owner of the Farm, was coming out of the road from the blueberry farm and motioned for us to stop the car. When I got out of my patrol car, I proceeded to the driver's side of the Oldsmobile and Sheriff Berry and Deputy Sheriff B. G. Edwards went to the other side of the car. I asked the driver of the car for his driver's license and to identify himself. He gave me his driver's license and identified himself as John Franklin Bryant III, address: 926 West Street, New Bern, North Carolina. After he identified himself, I asked him what he was doing in that section of the county, and he said these four people had flagged him down and he had stopped to give them a ride. The other passenger in the car was identified as Thomas Bernard Wallace, colored male, age 26, Route 3, Box 41-A New Bern, North Carolina.

John Franklin Bryant got out of the car on the driver's side and stood by the side of the car. Thomas Bernard Wallace got out of the car on his side and came around back of the car on the side of the car where John Franklin Bryant and myself were. Sheriff Berry asked them what they were doing in that section of the county, and they did not give an answer. They were told to get back in the car and leave and not to come over to that area while they were having trouble with the blueberry pickers. As they were getting in the car, Deputy Sheriff Edwards and myself saw a sawed-off shotgun lying on the front floor of the car. We stopped John Franklin Bryant and Thomas Bernard Wallace, Deputy Sheriff Edwards took the gun out of the car and three live shells that were lying on the floor by the gun. We placed both subjects *Bryant* and *Wallace* under arrest and brought them to the County Jail and locked them up, and proceeded to draw warrants against them. We contacted our District Court Solicitor, Mr. Eli Bloome, advised him of what had happened and what we did, and asked him if he would come and help us to draw the warrants, which he did. Both men (*Bryant* and *Wallace*) were charged with same, as follows:

"STATE OF NORTH CAROLINA,  
County of Craven, ss:

The State of North Carolina vs. *Thomas Bernard Wallace, age 26, Negro, Male*  
Route 3, Box 41-A, New Bern, North Carolina

The undersigned, *B. G. Edwards*, being duly sworn, complains and says that at and in the County named above on or about the *17th* day of *June*, 1969, the defendant named above did unlawfully, wilfully arm himself with a dangerous weapon, to wit: A sawed-off 12-gauge shotgun, for the unlawful purpose of terrorizing persons within the county while so armed with said weapon, the defendant went about on the public streets and highways and other public places of the County in a manner to cause terror to the people of said County, contrary to the common laws of the State of North Carolina and against the peace and dignity of the State."

Soon after we arrived back at the Sheriff's office, we received another call from the said berry farm to hurry back, that a large crowd had gathered on the road in front of the berry farm. When we arrived at the Morris berry farm, Carolyn Hickman, Frances Cartier, Carolyn Stein, and Estelle Clark—all Negroes and

also all salaried employees of the local poverty program or by VISTA, were arrested on a disorderly conduct charge, and Leander Hall, Negro, was arrested on a disorderly charge and for resisting arrest.

Gentlemen, these cases have been continued until July 29, 1969.

Upon further investigation, Emma Jean Keys, female, colored, age 22, P. O. Box 341, Trenton, North Carolina, and Ernestine Brown, female, colored, age 35, P.O. Box 14, Trenton, North Carolina, was arrested on a disorderly conduct charge, and their cases have been continued until July 29, 1969. Several days after the arrests were made, they started picketing with signs—walking up and down the road. The leader of the picketers was Rev. Henry Lee Darden, from Jones County. (A statement of his prison record is attached.)

On July 2, 1969, in the District Court at New Bern, North Carolina, John Franklin Bryant III and Thomas Bernard Wallace were tried and convicted as charged and found guilty. John Franklin Bryant III was given a 12-months road sentence. He gave notice of appeal in open court through his attorney, John Harmon, and was placed under a \$2,000 bond for his appearance in Craven County Superior Court, September term of 1969.

Thomas Bernard Wallace's case was continued with prayer for judgment until July 14, 1969, at which time he was in court with his attorney and he was given a six-months road sentence, and he gave notice of appeal in open court. His bond was set at \$500 for his appearance in Superior Court in Craven County, September, 1969.

At their trial, Mr. James Godwin, Director of Coastal Progress, Inc. testified for the defendant, John Franklin Bryant III, and stated under oath in open court that he had seen a sawed-off shotgun on the floor of John Franklin Bryant's car several times in the past twelve months.

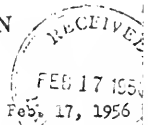
When the picketers came with their cars, they would park them on C Street in Bridgeton, which is one block from the Morris blueberry field, and walk one block to U. S. Highway 17 and walk up and down the shoulders of the highway. The largest number at any given time was 53.

To this date, there have been no reports made to the Craven County Sheriff's Department in any form stating that there was nails placed on the side of the road where the pickers' cars were parked.

The parking lot by the Morris blueberry shed house is not large enough for all of the pickers to park their cars, so they made arrangements to park their cars across Highway 17, directly in front of the said berry packing house on Mill Street.

Gentlemen, the chief money crop of our section of Craven County is tobacco. Farmers are paying from \$15 to \$20 a day for primers to pull tobacco and cannot get help to house their tobacco. A lot of this difficulty is coming from this trouble we have had in Bridgeton from Coastal Progress workers.

STATE HIGHWAY & PUBLIC WORKS COMMISSION  
 CONSOLIDATED RECORDS SECTION—PRISON DEPARTMENT  
 RALEIGH, N. C.



MEMORANDUM TO Parole Board  
 Re: Henry Leo Darden

FEB 17 1956  
 Feb. 17, 1956

The following is a transcript of the record, including the most recently reported data, as shown in the files the Consolidated Records Section, under number 61177 F. B. I. No. 75-371 C FPC

THIS RECORD IS FURNISHED FOR OFFICIAL USE ONLY

CONTRIBUTOR OF FINGERPRINTS	NAME & NUMBER	ARRESTED OR RECEIVED	CHARGE	DISPOSITION
SO Salisbury MD	Henry Lee Darden #SO-211	10-29-55	murder	holding for USM
FBI Balto Md	Henry Lee Darden #BA88-1503	10-29-55	unlawful flight to avoid pros murder	process dismissed 12-7-55 at Raleigh NC on chg of UFAP m
PD Greenville NC	Henry Lee Darden #9030	12-9 55	homicide	
NC Pr Dept Cons Rec Raleigh, NC	Henry Lee Darden #61177	2-3-56	murder 2d deg	30 yrs

(Following recess of the hearing, the following letter was sent to Senator Mondale:)

NEW BERN, N.C., July 17, 1969.

Senator WALTER F. MONDALE,  
*Chairman, Subcommittee on Migratory Labor,*  
*New Senate Office Building, Washington, D.C.*

DEAR SENATOR MONDALE: On Thursday, July 17, 1969, I, T. W. Parker, representing the Craven County, North Carolina, Sheriff's Department, was invited to testify before your Committee relating to the recent blueberry strike which adversely affected the owners of the Morris Blueberry Farm in Bridgeton, North Carolina. During the course of my testimony, you asked me a question which I did not understand and, consequently, did not answer. Later, I was informed that your question involved facts concerning the enforcement of the law by my Department with different standards being applied to the white and Negro citizens.

I would like to respond to that question at this time and would like for my response to be made a part of the printed record of that hearing.

My tenure of duty with the Department covers a period of five years during which time I have been actively engaged in the enforcement of both civil and criminal law. Craven County, North Carolina, consists of 25% black citizens; and at no time have I shown any partiality—neither am I aware of any mistreatment by my Department or discrimination against any citizens regardless of race, color or creed. To the contrary, the personnel of my Department, during the recent confrontation with the salaried employees of the Coastal Progress, Inc. and other citizens, worked around the clock to provide adequate protection for those citizens who sincerely desired to work but who were threatened with bodily harm by black militant agitators in a disorganized movement which resulted in great economic loss to both the Morris operation and to the black citizens of Craven County.

Sincerely,

T. W. PARKER.

Senator MONDALE. Our final witnesses this morning are Mr. James Gavin, Craven County, Mrs. Brown, and Mrs. Burley.

**STATEMENT OF JAMES F. GAVIN, COCHAIRMAN, CRAVEN COUNTY  
 GOOD NEIGHBOR COUNCIL, ACCOMPANIED BY MRS. ERNESTINE  
 BROWN AND MRS. DELORES BURLEY**

Senator MONDALE. I deeply regret, and I will say this for all of the witnesses, that our time restrictions are as they are this morning because of the executive session of the Senate. Do you have a prepared statement, Mr. Gavin?

Mr. GAVIN. Mr. Chairman, I do have a prepared statement and before we enter anything in the record, I would like to state that Mr. Parker, who is aspiring to become the sheriff of Craven County, should learn to pronounce the word Negro instead of "Nigger."

I have prepared a statement as coming from the Good Neighbor Council. As one of the cochairmen, I am here on endorsement of my committee.

There are a few excerpts that I would like to extract from my statement and discuss briefly, and to set the record straight, I would like to give you some background of the council.

We are a biracial human relations committee that has been established throughout the State of North Carolina, realizing that we do have racial problems, and realizing that there are other social and economic problems that human relations committees should get involved in.

Senator MONDALE. Are you a staff member for the council?



Mr. GAVIN. Our time is completely voluntary.

Senator MONDALE. You are a professional architect?

Mr. GAVIN. Yes, Mr. Chairman.

The council has no enforcement power. We act through consultation, persuasion, and moral influence to accomplish our objectives. We have several objectives, among them: to promote peaceful relations between races; to promote understanding, respect, and good will among all citizens; to provide channels of communication; to provide positive actions and programs; to provide equal opportunities for all citizens; to promote employment of qualified people without regard to race; to encourage youth becoming trained and qualified for employment, and to enlist assistance through the cooperation of all city, town, county, and all other segments of our population. This is the purpose of the council.

These are our objectives and in reading this, I would like to point to one particular one: To provide a channel of communication. Now this is how I got involved with the seasonal farmworkers struggle in Craven County.

I arrived at the field on Monday morning, as referred to in some of the other testimony, where I was confronted by the sheriff and his deputies. They waved me down and stopped me and asked me what was I doing in the area. This gets back to your original question to the deputy sheriff about what was I doing in the area, and whether I had business in the area.

Senator MONDALE. Did they give you any legal basis for objecting to your right to be in the area?

Mr. GAVIN. No, he said I had no damn business to be over there, that it was no concern of mine. I tried to explain to him why I was there. I was there only to provide a channel of communication between the opposing factions in the dispute.

He did not want to listen to me. He disregarded all of that. He discredited the council which I was representing. Watching him go through his act was sort of comical, and so I began to prod him a bit, and he lost his temper and said some things, saying that he was not concerned with problems concerning the Negroes, because we had been working to remove him from office, and we didn't put him there, and he was not concerned about the Negroes problems.

So this would lead me to think from other statements that he made on the local radio station Friday night which also prompted my action for being there, that with the sheriff's attitude being what it was, he would not be there to protect all interested parties.

He would only be there to protect his white constituents, which was the farmer. I have no argument with the Morrisises. Mr. Morris and his brother, I assume, are fine people. But I am concerned about all segments of our county. I give a lot of time to this human relations work and it just disturbed me to see the law enforcement officers, the people who are there to protect all of the citizens, take the attitude "that if anybody shows up at the Morris' farm, I am going to run them off."

He did not say that he would be there to protect everybody. He was just going to run off anybody that showed up there other than people that the Morrisises wanted.

Senator MONDALE. Mr. Godwin testified that he thought one of the key points of tension in that county is the hostility that exists between

the sheriff's office, and the community. In your position with the human rights committee, are you in a position to comment on that?

MR. GAVIN. I would like to go into some detail. There has always been some hostility between law enforcement officials and the black community.

About 80 percent of the people that they arrest and try to put in jail are black. So it seems to me that maybe we should have some black law enforcement officers. I didn't realize it until the sheriff brought it to my attention that Monday morning, but it goes back to last April during Martin Luther King's assassination when the country was in an uproar, and a lot of people were disturbed, not only around the country but right here in Washington.

Through the offices of Good Neighbor Council, we were able to quiet down some things and do some things in New Bern that the local police department was not able to do on a normal Friday and Saturday night when people kick up their heels.

Being able to do this, being the black people going in black areas controlling black people, we sort of put the police department to shame. The sheriff's department has been after the Good Neighbor Council for that, and the sheriff made it known to me that I was the troublemaker in Craven County, and that I was responsible for everything that happened during the Martin Luther King's assassination, and the whole bit.

This is the type of confrontation I had with him on Monday morning. So any black person that tries to do something is in conflict with the sheriff. If he tries to bring about some social change, or create some wave in the water around New Bern, he is in some conflict if he is not sanctioned by the sheriff.

SENATOR MONDALE. Maybe Mrs. Brown or Mrs. Burley would like to comment on the strike, or any of these other matters that we have been hearing about this morning.

MRS. BURLEY. I would, Mr. Chairman. I will go along with Mr. Gavin because last summer, I didn't have any kind of employment, welfare excepted. I try to work but due to sickness, I could not work. I had the opportunity of working in our centers, and bringing in older people that didn't have any source of income or no kind of work they could do.

So we are trying to do voluntary work, me and other mothers on welfare, and finally wound up that I was doing voluntary work for citizenship education.

And February 21 I was arrested, of this year, charged with drawing a salary, which I was getting \$32 a week for training, babysitting, getting people to and from their homes to the center, and trying to work with black people. And the judge ruled that I was getting a salary and charged me with \$512.49, which I have all of the proof of. So any time you get out and try to work with the black people, in any kind of work, law enforcement will not help you.

In the fields, which I worked all of my life, you don't get enough from welfare to help support you. You get the same amount from the welfare, with five children, that a mother would get for two. And you just cannot make it. We are not allowed.

SENATOR MONDALE. How many children do you have?

MRS. BURLEY. I have four now. I have six, but two are grown.

Senator MONDALE. How much do you get from welfare?

Mrs. BURLEY. \$186 a month and trying to buy a home out of that. And in 1967 I was operated on three times, and I am paying my doctor bill out of that, and \$15 out of that which I have to pay \$512, and I have to take that out of that. So if I try to work, which you have to do to help meet your ends, you still can't make it, because they are going to take enough out of that check regardless of what you do or how much you make, they are going to take more out of your check than you have earned.

And on the farm you aren't going to get a good salary because they aren't going to pay you any more wages. Thirty cents an hour for picking cotton. And if everybody is like me, they can't pick a hundred pounds so they only make \$3 a day because I have never picked a hundred pounds.

In the wintertime, when sweet potatoes are coming on, it is too cold to be out there.

Senator MONDALE. Mrs. Brown, would you like to comment?

Mrs. BROWN. Mr. Chairman, I would like to add a few things to what Mrs. Smith and Mrs. Keys have said. When the Morrises asked us to leave the field, I was in that group. One of the other ladies with us had to go off to herself. He asked her to walk ahead. He told her to take it to the road. We asked him to go on so she could. Finally he decided that maybe he should.

When we got out to the road, this is when the sheriff came up and arrested Wallace and Bryant. Of course, he put all of us in the car and said we were under arrest. We asked him what charge. He said he would think of something.

However, he didn't think of anything until about 3 weeks later because that is when we were arrested when he came back and said we would have to put up bond or go to jail. As for the water, it is full of chemicals or something. I always took my water in a thermos. I always took my lunch but this year I was approached by some little boy that he had working, and my thermos was taken from my son.

Senator MONDALE. Were you working on this farm at the time of the strike?

Mrs. BROWN. Yes, I was.

Senator MONDALE. Were you aware of threats of bombing and "gun-points" and so on?

Mrs. BROWN. No, I haven't been aware of anything of that nature.

Senator MONDALE. Do you know of anybody that did feel they were being threatened and for that reason left the field?

Mrs. BROWN. No, I haven't heard of anyone.

Senator MONDALE. Do you think there were any threats?

Mrs. BROWN. I really don't know, because it is a large field and it is a large group of people. Really you have to spend more time going over the field to allow you to talk with them. You go out there to try to get what you can, and it really takes that time because I wasn't a first-rate picker.

Senator MONDALE. What could you make a day?

Mrs. BROWN. About \$4 or \$5.

Senator MONDALE. Do you happen to know what the farmer gets per crate when he sells it?

Mr. GAVIN. I have done some research, I try to go into this thing objectively. I think the prices are \$2.80 to \$3.20.

Senator MONDALE. For which he pays 75 cents in labor.

Mr. GAVIN. He pays \$0.75 in labor for even pints. The point we are trying to make, Mr. Chairman, is that a flat holds 12 heaping pints if you want it to be accepted.

Senator MONDALE. In order to be accepted, you have to have a heap on it?

Mr. GAVIN. Yes, you have to have a little pyramid. When it gets to the packinghouse, they rake the heap off into an additional pint, so that means you could pick from 12 to 16 pints in your normal accepted flat. You were paid 6.25 cents per pint which amounts to 75 cents.

I have done some other research where the blueberry growers in Burgaw were paying 8 cents a pint, which means they were paying 96 cents a flat. I am not taking issue with the Morrises for or against the strikers. I am trying to present the facts.

This is the information that came to me through my research. The neighbors to Morris started off paying 85 cents. At the end of the season they were paying \$1 a flat after the strike went into progress. They went up to \$1. These blueberry fields are across the ditch from each other. Morris has 100 acres here and the Nelsons have maybe 50 acres.

Senator MONDALE. They went up to \$1 a flat?

Mr. GAVIN. They went up to \$1 a flat, I was informed by a reliable source. The Nelsons did not tell me personally but I was informed by a reliable source that in the very beginning the Nelsons contacted the Morrises and said "we are going to have to pay more money for pickers this year per flat. I am willing to pay 85 cents. How about you?"

The Morrises said flatly, according to my source, "I am not going to pay any more than 75 cents, that is all I can afford." The council's position on this has been if this was what the Morrises could afford, why was he not willing to sit down and discuss his cost, item by item, with the workers and show the leaders of the workers that he could not pay any more money.

I think because the lines of communication were broken here, I think this is where the trouble comes from, not from poverty workers, or outside agitators, but because the sheriff got into the act and said, "I am going to take the farmers' side on this issue because he is my constituent, he put me in office, and to hell with the black people of the community."

This is what I interpret from the sheriff's attitude. Either way, you get polarization. Even after the Morrises were willing to pay more money, with this type of support from law enforcement officers, I would back up a little bit and think about it.

Well, the law is on my side, I don't have to give an inch. I think the sheriff could have solved the problem. He could have grabbed both the Morrises and said "come, let's talk about this thing. We don't have to do all of this thing."

This is why the council is interested. This is why we have tried to get the sheriff's department into executive session. We tried to get the police department so they could see the other man's point of view.

Senator MONDALE. Have they agreed to a meeting?

Mr. GAVIN. We have extremely conservative people in our area. Everything that is different is Communist. If you don't do the things that you have been doing, you are a Communist. The poverty program in our area has been named as a bunch of Communists and outside agitators because they are trying to bring about social change.

Senator MONDALE. Would you agree with the sheriff's conclusion that a lot of difficulty has emanated from Coastal Progress workers?

Mr. GAVIN. I do not agree with him. I think the sheriff and his deputy should go up and find out what social progress is about. They should understand what the community organization is about. Mr. Bryant, who was arrested, his job was to bring about social change, organize the community to overcome the very things that oppressed them to start with. In this case, they are poor because of economic reasons. This is a problem they are trying to solve.

Senator MONDALE. As a matter of fact, that is what the statute requires them to do when he takes the job, that is part of his job.

Mr. GAVIN. Yes, sir. But nobody from the power structure goes up to find out, they would rather listen to hearsay rather than trying to find out what the man is supposed to be doing.

What has happened in Coastal Progress? What economic effects has Coastal Progress had? Coastal Progress brings \$1.5 million to our three-county area annually, and this money is distributed and controlled by the poor.

And you know, Mr. Chairman, as one economics professor once said, if you put the money in the hands of the poor people, the economy will flourish. I am considered middle class. I have a good civil service job in my area. I have the things that most people in the area wish they had. So if I make another dollar, I try to invest it, because I have these things.

But a guy who doesn't have a decent home, he is trying to get him a trailer or something. And as somebody stated here earlier, for every new dollar you bring to the community, you are talking about a 75-percent increase in new services and new goods that somebody is going to want. It is the low income in our area that is going to be buying these services and goods from the very people who are trying to oppress them.

Senator MONDALE. We regret that we have to call an end to this hearing. We are having the Senate-executive session on ABM and I must attend. We thank you very much. We thank all of the witnesses for coming.

Mr. GAVIN. Mrs. Burley has some information here she would like to enter into the record, Mr. Chairman. We thank you for your time and we thank the members of your staff for listening to our story.

Senator MONDALE. We will print your statements in full, Mr. Gavin and Mrs. Brown, at this point in the record.

(The statement of Mr. Gavin follows:)

PREPARED STATEMENT OF MR. JAMES F. GAVIN, CO-CHAIRMAN, CRAVEN COUNTY  
GOOD NEIGHBOR COUNCIL

Mr. Chairman, it gives me great pleasure to appear before this distinguished committee and bring with me the story of the *Craven County* Good Neighbor Council which I serve as Co-Chairman. The Good Neighbor Council is dedicated

to the proposition that by keeping channels of communication open and offering a respected mediating voice of reason, misunderstanding and strife can be averted and men agree in a atmosphere of respect and trust.

Good Neighbor Councils across the country and in New Bern in particular, proved their worth in April 1968 following the assassination of Dr. Martin Luther King. Acting on the suggestion of the Council, the Mayor and City Council of New Bern decided upon a course of action that minimized the violence and destruction and polarization of racial hatred. By working together, all elements of our community escaped unscathed.

The Good Neighbor Council has become aware of many of the problems that exist in the black communities and the feelings of the whites toward those communities.

Too many haves (or whites) think the black community are sources of cheap, unskilled and unorganized labor to be called upon when needed.

To others, the black communities are homes of lazy, easy going people who were meant to do the dirtiest of jobs or who are looking for a hand-out or want to be on welfare. But we know that this is untrue. These people want help. They will work and work hard for themselves and others if given a chance.

In other words Mr. Chairman, the low-income (or black in our case) have no power and because of this, no voice in the decision-making that effects their lives.

They are like an old chair. Too good to be thrown out, not good enough for the parlor, therefore, kept in the back room only to be called upon when extra guests arrive (or cheap and unorganized labor is needed).

Realizing these things, the Good Neighbor Council has established a Summer Youth Program.

Our Council has found that to be most effective it must take the initiative to get involved rather than waiting for a request for assistance. By moving before a crisis develops we can avoid a polarization of attitudes and emotions. One example of this is the fine job done by our Employment Committee. The Neighborhood Youth Corps Federal program is limited to findings jobs for youth in non-profit and government organizations. Recognizing that employment responsibility is a local one and that many local citizens wanted to be involved, the Committee established a Youth Employment Program able to place the youth in private industry, seasonal jobs and opportunities in the private sector of the economy. This Program has placed 150 youngsters in paying jobs for this summer. By doing this, the Good Neighbor Council is trying to give the "have-nots" of our community a way to improve their economic and social conditions. I believe that the Council is succeeding. Through this positive activity the Council became involved in the blueberry situation.

The Council is also working to end discrimination in hiring. Rather than waiting for individual cases to arise, the Council is striving to get local industry and management to recognize the needs of the underprivileged. In order to improve the general climate of employment, we have utilized a series of "sensitivity workshops" designed to education the "haves" of our society to the peculiar problems of the "have-nots".

The Good Neighbor Council is armed only with moral persuasive power. I am convinced that only the proper application of power can bring about lasting and meaningful social change. The power brokers of the establishment, whether black or white, only react when enough power is brought to bear upon them. People who have power understand power.

The political significance of the present situation lies deep in the heritage of our area. Not only has local politics been dominated by a single party, but that party has been dominated by a few white "haves" centered in the local secret orders. The past few years have been a crumbling of their power, with the election of new blood to the Board of County Commissioners and the local school board.

Two main evidences of this machine still remain. The voting districts are so drawn as to neutralize the candidates of the black and the poor.

The County Sheriff is a member of the old order. In the confrontation with the black blueberry workers he told me that "since he wasn't elected by the blacks that he did not owe them anything," and therefore he was not concerned with their problems. The Sheriff's comments were that he was elected by the

power structure and it seems his only response is to them. By North Carolina law, the Sheriff is not controlled by the County Commissioners. As a result, the old order remains. In 1966 when asked to hire black deputies, he replied that there were no funds available. In 1968, Mr. Chairman, funds were allocated to hire more deputies. When approached by the black community about hiring black deputies the Sheriff replied, "Never!". As a result the citizens of our county are faced with an all-white County law force, when over 80% of the cases involve black people. Add to this the fact that the county courts are also lily-white and I believe you will see why the black citizens do not believe they can get justice in Craven County.

The rural poor are uniquely without power today. In a time when Americans are moving more freely and living closer together, the rural family is finding its life more fragmented and isolated. The demise of the small farm and with it the small town, economy and institutions have forced them to look to the cities for the basic necessities and supplemental income while robbing them of the identity and support of their community. They look to the city without the means of getting there or the skills to sell in its market.

This isolation has led to a dangerous breakdown in communication. The power of the poor lies in their ability to unite in a common cause. Essential to unity is the ability to (1) communicate ideas and (2) to meet together for effective action.

America's rural poor, Mr. Chairman, do not have the resources or the physical ability to help themselves. Without telephones and without transportation, it is impossible for them to break their slide into a hopeless cycle of despair. Without adequate transportation, community life is impossible. Urban communities may be measured in terms of blocks; rural communities span miles in each direction. PTA's, churches, 4-H Clubs, and civic organizations depend on transportation to continue their existence. As they fail the community falters.

Experiments in our community show that when transportation can be made available to the poor, they are quick to organize and meet their needs. Twenty Community Centers have opened in our three-county area since a community action program made transportation available. Once the hopelessness of rural isolation is broken the power of unity can return. Once power returns, Social change will come about.

As much as we would like to believe in the power of common decency and common morality, it is clear to me that without a means of power there cannot be effective change.

---

PREPARED STATEMENT OF MRS. ERNESTINE BROWN

My name is Mrs. Ernestine Brown. I live at Trenton in Jones County, North Carolina. While my husband is employed my children and I work in the blueberry fields. They are 24 miles away and we must pay a neighbor every day to ride in his truck.

We worked in Mr. Morris' fields. There were about 1,000 workers there, about 900 of which were women, 50 men and the rest children without their parents. The bosses will not let you go out of the field and there are not toilet facilities in the fields. The only thing to do is to try to find privacy.

The only water in the field is irrigation water. Morris sells you soda instead. I carry water to the field.

The farmer pays you one dollar per crate but you have to pay him back twenty-five cents to get another empty crate. This makes seventy-five cents per crate which is five or ten cents per crate less than the other growers.

Senator MONDALE. The record will remain open for a week for any additional evidence or information that the people wish to submit.

Thank you very much.

The following documents were submitted for the record, and were printed pursuant to the instructions of the chairman:

STATE OF NORTH CAROLINA  
County of Craven

File # \_\_\_\_\_  
Film # \_\_\_\_\_

In The General Court of Justice  
District Court Division

The State of North Carolina Vs.  
Thomas Bernard Wallace

Defendant  
26 N. M.  
Age Race Sex Occupation  
RT. 3 Box 41 A. New Bern, N.C.  
Address  
B. G. Edwards

COMPLAINT FOR ARREST

The undersigned, B. G. Edwards, being duly sworn,  
17th June 19 69 complains and says that at and in the County named above and on or about the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ 69

the defendant named above did unlawfully, wilfully, and recklessly arm himself with a dangerous weapon to wit: a saw offed 12 gauge shotgun, for the unlawful purpose of terrorizing persons within the county while so armed with said weapon, the defendant went about on the public streets and Highways and other public places of the county in a manner to cause terror to the people of said county, contrary to the common laws of the State of North Carolina and against the peace and dignity of the state.

The offense charged here was committed against the peace and dignity of the State and in violation of law

(Fill in caption and section number of municipal ordinance and/or General Statutes if known.)

Sworn to and subscribed before me this  
17th day of June 19 69

B. G. Edwards DS  
Complainant

W. Paul Stearns  
Magistrate/Assistant Deputy Clerk of Superior Court

Shuff's Dept.  
Address of Rank and Department

WARRANT FOR ARREST

To any officer with power to execute an arrest warrant for the offense described above:

It appearing from the accusations recited in the above complaint, which is made a part of this warrant, that a criminal offense has been committed, you are commanded forthwith to arrest the defendant named above and bring him before District Court July 2nd, 1969 at 9:30 A. M.

to be dealt with according to law.

This the 17th day of June 19 69

W. Paul Stearns  
Magistrate/Assistant Deputy Clerk of Superior Court

OFFICER'S RETURN  
I certify that this summons was received on the 17 day of June 1969 and that it was executed on the 17 day of June 1969  
W. Paul Stearns  
Date of Execution

WITNESSES  
For State: B. G. EDWARDS  
T. M. Parker- Clayton Wright  
A. R. Boyd C. B. Berry  
Ted Morris  
For Defendant: \_\_\_\_\_

File Number \_\_\_\_\_  
THE STATE  
Thomas Bernard Wallace  
RT. 3 BOX 41A New Bern, N.C.  
WARRANT FOR  
Issued 17th day of June 19 69



STATE OF NORTH CAROLINA  
County of Craven

File # \_\_\_\_\_  
Film # \_\_\_\_\_

In The General Court of Justice  
District Court Division

The State of North Carolina Vs.  
Carolyn Hickman

25 N. Defendant  
Age Race Sex Occupation  
924 Cedar ST. New Bern, N.C.

COMPLAINT FOR ARREST

Address  
B. G. Edwards

being duly sworn.

The undersigned, B. G. Edwards, 17<sup>th</sup> June 1969, complains and says that at and in the County named above and on or about the

1969, the defendant named above did unlawfully, wilfully, and ~~XXXXXXXX~~ going about the community using such language and conduct as to incite a breach of the peace and so as to create a danger to the community and being a public nuisance.

The offense charged here was committed against the peace and dignity of the State and in violation of law EXX.

(Fill in caption and section number of municipal ordinance and/or General Statutes if known.)

Sworn to and subscribed before me this  
17th day of June 1967

B. G. Edwards OS  
Complainant

Magistrate/Assistant Deputy Clerk of Superior Court

Address or Rank and Department

WARRANT FOR ARREST

To any officer with power to execute an arrest warrant for the offense described above:

It appearing from the accusations recited in the above complaint, which is made a part of this warrant, that a criminal offense has been committed, you are recommended for arrest to arrest the defendant named above and bring him before District Court July 2nd, 1969 at 9:30 A. M.

to be dealt with according to law.  
This the 17th day of June 1969

B. G. Edwards  
Magistrate/Assistant Deputy Clerk of Superior Court

File Number

THE STATE

Carolyn Hickman

924 Cedar St. New Bern, N. C.

WARRANT FOR

Issued 17th day of June 1969

WITNESSES

For State: B. G. Edwards  
For Defendant: A. R. Boyd Clayton Wright

For Defendant:

OFFICER'S RETURN

I certify that this summons was received on the 17 day of June 1969 and that it was executed on the 17 day of June 1969

Shirley G. ...  
[Signature]

STATE OF NORTH CAROLINA  
County of Craven

File # \_\_\_\_\_  
Film # \_\_\_\_\_

In The General Court of Justice  
District Court Division

The State of North Carolina Vs.

Francios Cartier

Defendant

29 N. F.  
Age Race Sex Occupation  
818 Miller ST. City

COMPLAINT FOR ARREST

Address  
B. G. Edwards on information received

The undersigned, \_\_\_\_\_, being duly sworn,

complaints and says that at and in the County named above and on or about the 17th day of June 1969, the defendant named above did unlawfully, wilfully and feloniously XXXXXXXXXX assault Edward E. Daugerty with her hand. By pushing him.

The offense charged here was committed against the peace and dignity of the State and in violation of law  
G. S. 14-33 (b)

(Fill in caption and section number of municipal ordinance and/or General Statutes if known.)

Sworn to and subscribed before me this  
17th day of June, 1969

*[Signature]*  
Magistrate Assistant Deputy Clerk of Superior Court

*[Signature]*  
Complainant  
*[Signature]*  
Address or Rank and Department

WARRANT FOR ARREST

To any officer with power to execute an arrest warrant for the offense described above.  
It appearing from the accusations recited in the above complaint, which is made a part of this warrant, that a criminal offense has been committed, you are commanded forthwith to arrest the defendant named above and bring him before District Court ~~at~~ July 2nd, 1969 at 9:30 A. M.

to be dealt with according to law.  
This the 17th day of June, 1969

*[Signature]*  
Magistrate Assistant Deputy Clerk of Superior Court

File Number

THE STATE

Franciose Cartier

818 Miller ST. City

Assault WARRANT FOR

Issued 17th day of June 1969

WITNESSES  
B. G. Edwards  
Edward E. Daugerty

For Defendant:

OFFICER'S RETURN

I certify that this summons was received on the 17 day of June 1969 and that it was executed on the 17 day of June 1969

*[Signature]*  
Sheriff/Clerk of Court

STATE OF NORTH CAROLINA  
County of Craven

File # \_\_\_\_\_  
Film # \_\_\_\_\_

In The General Court of Justice  
District Court Division

The State of North Carolina Vs.  
Estelle Clark

41 N. Defendant

COMPLAINT FOR ARREST

Age 924 Race Cedar Sex ST. Occupation City

Address  
B. G. Edwards

The undersigned, \_\_\_\_\_, being duly sworn,

complains and says that at and in the County named above and on or about the 17th day of June 1969

going about the community using such language and conduct as to incite a breach of the peace and so as to create a danger to the community and being a public nuisance.

The offense charged here was committed against the peace and dignity of the State and in violation of law

(Fill in caption and section number of municipal ordinance and/or General Statutes if known.)

Sworn to and subscribed before me this 17th day of June, 1969

B. G. Edwards  
Complainant

Paul Skum

Magistrate/Assistant Deputy Clerk of Superior Court

Address or Rank and Department

WARRANT FOR ARREST

To any officer with power to execute an arrest warrant for the offense described above:

It appearing from the accusations recited in the above complaint, which is made a part of this warrant, that a criminal offense has been committed, you are commanded forthwith to arrest the defendant named above and bring him before District Court July 2nd, 1969 at 9:30 A. M.

to be dealt with according to law.

This the 17th day of June, 1969

Paul Skum

Magistrate/Assistant Deputy Clerk of Superior Court

File Number \_\_\_\_\_  
THE STATE  
Estelle Clark  
924 Cedar St. New Bern, N. C.

WARRANT FOR

Issued 17th day of June, 1969

WITNESSES

For State: B. G. Edwards  
T. W. Parker Ray Boyd  
C. B. Berry Ed Norton  
Clayton Wright

For Defendant: \_\_\_\_\_

OFFICER'S RETURN

I certify that this summons was received on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and that it was executed on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

Sheriff or Other Officer

STATE OF NORTH CAROLINA  
County of Craven

File # \_\_\_\_\_  
Film # \_\_\_\_\_

In The General Court of Justice  
District Court Division

The State of North Carolina Vs.  
**Franciose Cartier**

29 N. F. Defendant  
Age Race Sex Occupation

818 Miller ST. City

Address

The undersigned, **B. G. Edwards**

being duly sworn,  
17th day of

complain and says that at and in the County named above and on or about the  
**June 69**, 19 **XXXXXX**, the defendant named above did unlawfully, wilfully, and knowingly  
going about the community using such language and conduct as to incite  
a breach of the peace and so as to create a danger to the community and  
being a public nuisance .

The offense charged here was committed against the peace and dignity of the State and in violation of law

(Fill in caption and section number of municipal ordinance and/or General Statutes if known.)

Sworn to and subscribed before me this  
17th day of June 19 69

*B. G. Edwards*  
Complainant

*[Signature]*  
Magistrate/Assistant Deputy Clerk of Superior Court

Address or Rank and Department

WARRANT FOR ARREST

To any officer with power to execute an arrest warrant for the offense described above:

It appearing from the accusations recited in the above complaint, which is made a part of this warrant, that a criminal offense has been committed, you are commanded forthwith to arrest the defendant named above and bring him before District Court July 2nd, 1969 at 9:30 A. M.

to be dealt with according to law.

This the 17th day of June 19 69

*[Signature]*  
Magistrate/Assistant Deputy Clerk of Superior Court

File Number

THE STATE

Franciose Cartier vs

818 MILLER ST. CITY

WARRANT FOR

Issued 17th day of July 1969

WITNESSES

For State: B. G. Edwards  
T. W. Parker Ray Novl

C. B. Berry  
Ed Morton Clayton Wright

For Defendant:

OFFICER'S RETURN

I certify that this summons was re-  
ceived on the 12 day of June  
1969 and that it was executed on the  
15 day of July 1969

*[Signature]*  
Magistrate/Assistant Deputy Clerk of Superior Court

STATE OF NORTH CAROLINA

County of Craven

The State of North Carolina Vs. ~~Wm~~ Lelander Hall

Defendant  
N. M.

Age Race Sex Occupation  
New Bern, N.C.

Address  
T. W. Parker

File #

Film #

In The General Court of Justice  
District Court Division

COMPLAINT FOR ARREST

The undersigned,

being duly sworn  
17th day of

June 19 69, complains and says that at and in the County named above and on or about the

resist, delay, a public officer holding the office of Deputy Sheriff by striking at Deputy Sheriff T. W. Parker and refused to get into his car. At the time such officer was discharging a duty of his office, to wit: resisting arrest.

The offense charged here was committed against the peace and dignity of the State and in violation of law G. S. 14-223

(Fill in caption and section number of municipal ordinance and of General Statutes if known.)

Sworn to and subscribed before me this  
17th of June 19 69

*[Signature]*  
Magistrate/Assistant Deputy Clerk of Superior Court

*[Signature]*  
Complainant  
*[Signature]*  
Address or Rank and Department

WARRANT FOR ARREST

To any officer with power to execute an arrest warrant for the offense described above

It appearing from the accusations recited in the above complaint, which is made a part of this warrant, that a criminal offense has been committed, you are commanded forthwith to arrest the defendant named above and bring him before District Court July 2nd, 1969 at 9:30 A. M.

to be dealt with according to law.  
This the 17th day of June 19 69

*[Signature]*  
Magistrate/Assistant Deputy Clerk of Superior Court

File Number: THE STATE

Lelander Hall

New Bern, N. C.

Violation G.S. 14-223

WARRANT FOR

Issued 17th day of June 19 69

For State: T. W. Parker

WITNESSES

For Defendant:

OFFICERS RETURN

I certify that this summons was received on the \_\_\_ day of \_\_\_ 19 \_\_\_ and that it was executed on the \_\_\_ day of \_\_\_ 19 \_\_\_

Sheriff or Other Officer

STATE OF NORTH CAROLINA

County of Craven

The State of North Carolina Vs.  
Carolyn Styron  
Defendant

27 N. F.  
Age Race Sex Occupation  
923 Fowlers Lane City  
Address

File # \_\_\_\_\_  
Film # \_\_\_\_\_

In The General Court of Justice  
District Court Division

COMPLAINT FOR ARREST

The undersigned, B. G. Edwards, being duly sworn,  
complains and says that at and to the County named above and on or about the 17th day of  
June 19 69, the defecand named above did unlawfully, wilfully, and feloniously  
going about the community using such language and conduct as to incite  
a breech of the peace and so as to create a danger to the community and  
being a public nuisance.

The offense charged here was committed against the peace and dignity of the State and in violation of law

(Fill in option and section number of municipal ordinance and/or General Statutes if known.)

Sworn to and subscribed before me this  
17th day of June 19 69

B. G. Edwards  
Complainant

H. R. [Signature]  
Magistrate/Assistant Deputy Clerk of Superior Court

Address or Rank and Department

WARRANT FOR ARREST

To any officer with power to execute an arrest warrant for the offense described above:

It appearing from the accusations recited in the above complaint, which is made a part of this warrant, that  
a criminal offense has been committed, you are commanded forthwith to arrest the defendant named above and bring  
him before District Court July 2nd, 1969 at 9:30 A. M.  
to be dealt with according to law.

This the 17th day of June 19 69

H. R. [Signature]  
Magistrate/Assistant Deputy Clerk of Superior Court

OFFICER'S RETURN  
I certify that this summons was re-  
ceived on the 17 day of June  
1969 and that it was executed on the  
17 day of June 1969  
[Signature]  
SHERIFF OF CRAVEN COUNTY  
by B. G. Edwards

For Defendant: Ray Boyd  
For State: B. G. Edwards  
WITNESSES  
F. N. Parker  
Clayton Wright ED Morton

File Number \_\_\_\_\_  
THE STATE  
Carolyn Styron  
923 Fowlers Lane, City  
WARRANT FOR  
Issued \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

RECORDED TESTIMONY OF STATE OF NORTH CAROLINA VS. THOMAS BERNARD WALLACE AND JOHN FRANKLIN BRYANT III, CHARGED WITH "GOING ABOUT ARMED"

NORTH CAROLINA  
Craven County

In The General Court of Justice  
District Court Division

STATE  
VS.  
Thomas Bernard Wallace

} 69 Cr 3703  
} GOING ABOUT ARMED

STATE  
VS.  
John Franklin Bryant, III

} 69 Cr 3696  
} GOING ABOUT ARMED

TRANSCRIPT OF EVIDENCE

Present: Hon. J. W. H. Roberts, Judge Presiding; Mr. John Harmon, Attorney for Defendant Bryant; Mr. Reginald Frazier, Attorney for Defendant Wallace; Hon. Eli Bloom, Prosecutor.

Date of Trial: Wednesday, July 2, 1969.

This cause coming on to be heard and being heard before the Honorable J. W. H. Roberts the following proceedings were had:

Mr. FRAZIER. I would like to move to quash the warrant on the grounds that the charges fail to particularize a criminal offense. [Argument] If we get past the motion to quash, I would respectfully request to examine the affiant in the warrant, who is Deputy Bruce Edwards, and submit the Magistrate to Voir Dire to test the probable cause for the issuance of these warrants.

Mr. HARMON. This is not a crime under the statutes of North Carolina, but it is a charge of the crime for Common Law, and I would move for the Defendant John Franklin Bryant that the warrant itself does not charge a crime, even under Common Law. It only charges the defendant armed himself with a dangerous weapon and went upon the highway, and it doesn't charge that he did anything.

Mr. BLOOM. [Argument.]

The COURT. Gentlemen, I am going to permit you to examine the Magistrate as to whether or not the warrant was sworn to. You may send for Mr. Stevens.

Mr. H. PAUL STEVENS, Magistrate, being first duly sworn, was examined and testified as follows:

VOIR DIRE EXAMINATION BY MR. FRAZIER

Mr. BLOOM. Just for the record, would Your Honor have put in the record that these men were called for the defendants. The State has not tendered them nor offered them.

The COURT. Yes, sir. They were called for the defendants, upon defendant's request for Voir Dire Examination. Mr. Stevens and Mr. Edwards were called, and the Court rules that they may be examined on Voir Dire as to the issuance of the warrant only. I will not go into the general evidence of the case.

Mr. HARMON. Do I understand the Court? We may question the sufficiency of evidence to issue the warrant?

The COURT. To a very slender point. The court rules on that. The question of probable cause is a question to be decided on by Magistrate issuing the warrant, based on the evidence, of course. But the amount of evidence, whether or not he had sufficient evidence will be a question for the Court to rule on.

Q. (Mr. Frazier.) Your name is H. Paul Stevens?

A. Yes, sir.

Q. And you are a duly constituted magistrate in and for the County of Craven, are you not?

A. I am.

Q. Now, Mr. Stevens, on or about the 17th day of June, did you have the occasion to see Deputy Bruce Edwards?

A. I did, sir.

Q. Where did you see him, sir?

A. In my office.

Q. And in what connection did you see him?

The COURT. You may ask him direct questions. "If he saw him in connection with the issuance of this warrant."

Q. Did you see him in connection with the issuance of the warrant charging Thomas Bernard Wallace. Did you see him in connection with the issuance of this warrant, sir? (Hands paper writing to Mr. Stevens.)

A. (Looks at paper writing.) I did.

Q. Now, is that your signature there?

A. It is.

Q. And this is the warrant that you issued on the 17th day of June?

A. Excuse me just a second.

Q. The warrant says . . .

A. . . Yes, sir. That was just a typographical error.

Q. The warrant says that Bruce Edwards did appear on the 17th day of July?

A. Yes, sir. June is what it is.

Q. But, in fact, it was the 17th day of June?

A. Yes. It was in June, not in July.

Q. Now, very briefly, Mr. Stevens, what did Officer Edwards do in your presence or say in your presence—if anything at all?

The COURT. No, sir. You may not ask him that.

Q. Did you ask him—Well, did he make an Affidavit before you relative to the charges in this warrant?

Mr. BLOOM. Objection. No Affidavit is necessary.

The COURT. You may ask him if he swore to the facts as set forth in that warrant.

Q. Did he make any statements—tell you what kind of warrant he wanted?

A. He swore to the facts—what he was going to give me in issuing the warrant and I issued a warrant and he signed it and I signed it and he swore to it again.

Q. What did he tell you he wanted to charge Thomas Wallace with?

A. Whatever that warrant says, that is it.

Q. And did he state from his own personal knowledge to the truth of the allegations in this warrant?

Mr. BLOOM. Objection.

The COURT. Objection Sustained.

Q. Did you examine the affiant, Bruce Edwards?

The COURT. As to the things alleged in the warrant?

A. I did.

Q. How did you examine him?

Mr. BLOOM. Objection.

The COURT. Sustained.

Mr. FRAZIER. No further questions.

The COURT. Now, there seems to be a typographical error as June instead of July.

Mr. BLOOM. We move to amend.

The COURT. The State moves to amend that to show June instead of July, and the motion is allowed.

Mr. FRAZIER. We Object.

The COURT. Overruled.

Mr. FRAZIER. Exception.

Deputy Sheriff Bruce Edwards, being first duly sworn, was examined and testified as follows:

VOIR DIRE EXAMINATION BY MR. FRAZIER

Q. Mr. Edwards, you are a member of the Sheriff's—You are a Deputy Sheriff of Craven County, are you not?

A. Yes, sir.

Q. And did you appear on June 17th to complain before Magistrate H. Paul Stevens as to the allegations in the warrant before the court?

A. I did.

Q. And what did you say, if anything at all, to Mr. Stevens?

The COURT. Objection Sustained. You may ask him what he said with reference to getting this warrant issued.

Q. What did you say or do with reference to getting this warrant issued?

A. I told him I wanted the warrant issued and charged with Dangerous Firearms Statute, under the Dangerous Firearms. And I had the form that Mr. Eli Bloom had given me to draw the warrant with.



Q. Now you say that Mr. Eli Bloom had given you a form?

A. He give me a form, and wrote it down under what charge he was supposed to be charged with, under the Dangerous Firearms Statute.

Q. So it was not your Affidavit?

A. No, sir. It was my Affidavit.

Q. It was Mr. Bloom's?

A. It was my Affidavit.

Q. But you did get the form from Mr. Bloom?

A. Mr. Bloom drew it; yes, sir.

Q. No further questions.

VOIR DIRE EXAMINATION BY MR. HARMON

Q. Now, you say you wanted to have it charged under the Fire Arms Act?

A. Dangerous Fire Arms.

Q. Under the National Fire Arms Act?

A. The Dangerous Fire Arms, the way Mr. Bloom had drawn this.

Q. What act is this?

A. I didn't say "Act." I said under the Dangerous Fire Arms Statute.

Q. Dangerous Fire Arms Statute?

A. Like Mr. Eli Bloom drew it out and I swore to the warrant the way he had it drawn out, as I told you.

Q. No questions.

The COURT. Did you swear to that warrant? Before Mr. Stevens?

A. Yes, sir.

The COURT. Did you swear that the facts therein were true to the best of your knowledge?

A. Yes, sir.

Mr. BLOOM. Every fact that was alleged in that warrant was witnessed by you personally, was it not?

A. That is right. Witnessed by me.

Mr. BLOOM. Did you so state that to Mr. Stevens?

A. Yes, sir.

Mr. HARMON. Mr. Bloom to the stand.

The COURT. No, sir. I will not permit that.

Mr. HARMON. Exception.

*Deputy Sheriff T. W. Parker*, being first duly sworn, was examined and testified as follows:

DIRECT EXMINATION BY MR. ELI BLOOM

Q. Now, of course, we all know. . .

The COURT. It is stipulated by counsel for both defendants that the cases may be tried together at the same time.

Q. (Mr. BLOOM.) For the record, state your name?

A. T. W. Parker, Deputy Sheriff of Craven County.

Q. Now, on or about the date of this warrant, or these warrants, I will ask you if you saw either or both of these defendants?

A. Yes, sir. I did.

Q. Where and under what circumstances?

A. They were in an automobile north of Bridgeton on Highway 17.

Q. Now, did you go in ordinary patrol, or were you called?

A. I was called.

Q. Now, if you will, in your own way, tell me what you saw either or both of them do?

A. I was driving my patrol area and I had a call over there to the huckleberry farm. And just as we were arriving at the huckleberry field Mr. Morris was running out of his drive way to the huckleberry field onto Highway 17 pointing at the car.

Mr. FRAZIER. Objection.

The COURT. Was that within the view of these defendants. Did they see Mr. Morris?

A. They could have if they had been looking out the rear view mirror.

The COURT. Sustained.

Q. As a result of what you saw Mr. Morris do what did you do?

A. The car that Bryant was driving and Wallace was a passenger in pulled on the off side of the highway on the shoulder and stopped to pick up some passengers. And I pulled off in front of it and parked directly in front of it on the

shoulder and I got out of my patrol car and walked up to the driver's side of the Oldsmobile which Bryant was driving and asked him for his driver's license and to identify himself.

Q. Now, Sheriff, prior to that time, to seeing either of them, do you know of your own knowledge whether there had been any difficulty at the blue berry farm?

A. They had.

Q. Now, you say you asked him for his driver's license and then what followed?

A. He taken his driver's license out and handed them to me and got out of his car.

Q. Was there anybody else in the car at that time?

A. Yes, sir.

Q. Who?

A. Wallace was in the car, and there was four people that had just come out of the blue berry field who proceeded to get in the car.

Q. And . . .

A. . . . And when he got out of his car Wallace got out on the off side and proceeded around the back of the car to come up where we were and by that time Mr. Edwards and some of the other deputies were there and Sheriff Berry had told them . . .

Mr. FRAZIER. Objection . . .

Q. . . . Who? Told who?

A. Told Wallace.

Mr. FRAZIER. Objection.

The COURT. Overruled.

A. Told Wallace and Bryant to get back in the car and leave and come on to New Bern, which they didn't want to do. Wallace wanted to argue and Bryant was telling him not to.

Mr. FRAZIER. Objection.

The COURT. Overruled.

A. And Bryant started over toward where Wallace was at and I grabbed him on the shoulder of his coat and told him not to go over there and they proceeded to get back in the car and as they did we saw this 12 gauge shot gun laying in the floor of the car in the front.

Q. Is this the shot gun that you found?

A. Yes, sir.

Q. Now, would you look at that shot gun and state whether or not it is a sawed-off shot gun?

A. It is a 12 gauge "Long Tom" with the barrel sawed off.

Q. Have you measured the length of it?

A. Yes, sir.

Q. What is it?

A. Exactly 20 inches. And laying on the floor board by the car was three 12-gauge shells.

Mr. BLOOM. I would like to introduce the weapon as State's Exhibit Number One.

The COURT. The weapon was introduced and marked as State's Exhibit Number One.

Mr. FRAZIER. Objection.

The COURT. Overruled.

Q. What are these, sir?

A. They are three 12-gauge shells.

Q. Where did you find them?

A. They were laying on the floor of the car, right by the gun.

Mr. BLOOM. I will introduce them as State's Exhibit Number Two.

The COURT. (Examines the shells after they were marked for identification.)

Q. Now, you said that the shot gun was visible?

A. Yes, sir.

Q. Now, after having found the shot gun, or seeing the shot gun, what else did you do?

A. Deputy Sheriff Edwards reached in the car to get the shot gun out and Wallace grabbed hold of it and didn't want him to have it.

Mr. FRAZIER. Objection.

The COURT. Sustained.

Q. Did you see that? Did Wallace grab hold of it?

A. Yes, sir. And Bryant told him to let him have it and not argue with him.

The COURT. One thing, those are unexpended, they are live shells?

A. Yes.

Mr. HARMON. No questions.

Mr. FRAZIER. No questions. But we reserve the right to recall him.

Mr. BLOOM. Come back on the stand for one other question, please.

Q. (Mr. Bloom) Mr. Parker, who owns the automobile?

A. Bryant.

The COURT. Was he driving?

A. Bryant was driving the car; yes, sir.

The COURT. Did he state it was his car or did he make any statement at all about it?

A. He didn't tell me; no, sir. I didn't ask them any questions. And they were placed under arrest and brought down to Craven County Jail.

The COURT. Where was the gun actually lying?

A. It was lying in front of the seat, front seat, on the floor—broken open.

Mr. HARMON. No questions.

Mr. FRAZIER. No questions.

Deputy Sheriff Bruce Edwards, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. ELI BLOOM

Q. Now, Sheriff Edwards, it is in evidence that you and Sheriff Parker, in response to a call proceeded to the vicinity of the berry farm?

A. Yes, sir.

Q. Which is owned and operated by Mr. Morris?

A. Yes, sir.

Q. Now, were you riding in the same car with the Sheriff?

A. No, sir. I was riding in my car and I was just behind Mr. Parker and the sheriff.

Q. Are you the Mr. Edwards who went to the automobile and attempted to recover the gun?

A. Yes, sir.

Q. Now, did you attempt to recover the gun?

A. Yes, sir.

Q. Now, tell me what happened then and refer to a man or both if necessary?

A. Well, the gun was down in the floor board just under Thomas Wallace's feet. I reached in after the gun and he taken a hold of the gun and he put a little pressure on it and didn't want to turn it a loose.

Mr. FRAZIER. Objection.

The COURT. Sustained.

Q. Did he turn it a loose?

A. Yes, sir. After Bryant advised him.

Q. Prior to that?

A. No, sir. He didn't turn it loose until John Franklin Bryant told him to turn it a loose.

Mr. HARMON. No questions.

Mr. FRAZIER. No questions.

Mr. Fenner E. Morris, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. ELI BLOOM

Q. Please state your full name?

A. Fenner Edward Morris.

Q. Now, Mr. Morris, what is your occupation, sir?

A. Farmer.

Q. And are you one of the owners or operators of the Morris Berry, you call it Morris Berry Farms?

A. Jason Morris Farms, Inc.

Q. Now, what items do you raise on your farm?

A. Blue Berries.

Mr. FRAZIER. Objection.

The COURT. Sustained. I will permit him to be asked what he raised on that portion of the farm adjacent to or in connection to where this arrest was made.

Q. Among portions of your farm do you raise blue berries?

A. Yes, sir.

Q. Now, what part of that farm is that—the blue berry farm—with respect to the highway. How far is it adjacent to the highway?

A. Yes, sir.

The COURT. Which highway?

A. 17 North.

Q. Now, Mr. Morris, on the day in question—Do you recall the day this happened?

A. Yes, sir.

Q. On the day in question was there any disturbance of any kind, was there any disturbance on your farm?

A. Yes, sir.

Mr. FRAZIER. Objection.

The COURT. Overruled.

Q. As a result of this disturbance did you contact the sheriff's department?

A. Yes, sir. I asked for assistance.

Q. Now, did you later see, are you the Mr. Morris that we are talking about that Mr. Parker said he saw coming out of the path?

A. Yes, sir.

Q. Did you see Sheriff Parker at that time?

A. Yes, sir.

Q. And did you see Sheriff Edwards?

A. Yes, sir.

Q. And did you see that automobile?

A. Yes, sir.

Q. Did you see the automobile driven by these young men?

A. Yes, sir.

Q. And that was on the same day?

A. Yes, sir.

Q. Now, you said there was a disturbance on your farm?

A. Yes, sir.

Q. Now, did you see any people who caused the disturbance getting into a vehicle operated by . . .

Mr. FRAZIER. Objection and Move to Strike . . .

Q. State whether you saw any of the people that were causing this disturbance?

Mr. FRAZIER. Objection and Move to Strike.

The COURT. Well, not causing disturbance, but involved in.

Q. Involved in any disturbance—getting into any automobile?

A. Yes, sir.

Q. Now, do you know how many of them?

A. Four.

Q. And the four that you saw got into whose automobile, or attempted to get into whose automobile?

A. Mr. Bryant, or which ever one owns the automobile.

The COURT. Let's see now. Was it one of these defendants?

A. Yes, sir.

The COURT. Do you know which one?

A. I am not sure which one owns . . .

The COURT. Well, were both of them in the car.

A. Yes.

Mr. HARMON. No questions.

Mr. FRAZIER. No questions. Subject to recall.

State rests.

Mr. HARMON. The defendants move for judgment as of nonsuit.

The COURT. Motion denied.

Mr. HARMON. I am not offering any evidence.

Mr. Thomas Bernard Wallace, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. REGINALD FRAZIER

Q. Now, your name is Thomas Bernald Wallace?

A. That is right.

Q. And you are the defendant in this cause?

A. Right.

Q. And Mr. Wallace, on or about the 17th day of June in the morning time, the A.M., what were you doing?

A. Well, Mr. Bryant and myself had been to Vanceboro checking the construction of the Community Center they are building there.

Q. What is the nature of your employment?

A. I am the Deputy Director of Coastal Progress, Inc.

Q. Now, in your capacity as Deputy Director of Coastal Progress do you have occasion to visit a work site in or near the City of Vanceboro, North Carolina?

A. Frequently.

Q. Now, state whether or not on the 17th day of June you had been to Vanceboro.

A. Yes, sir. We had been to Vanceboro.

Q. And state to the Court, if you will, what route did you take to go to Vanceboro and in leaving Vanceboro?

A. Highway 17 North.

Q. Now, does Highway 17 North run past the Jason Morris Berry Farm?

A. Yes, sir.

Q. And did you pass it when you were going to Vanceboro?

A. Yes, sir.

Q. And how long were you in Vanceboro?

A. About fifteen or twenty minutes.

Q. Now, how long have you known the co-defendant, John Franklin Bryant, III?

A. Four years.

Q. And I believe that he works with you in the project at Vanceboro?

A. Right.

Q. Now upon leaving Vanceboro, at or near the site of the Jason Morris farms did you observe women traveling along the shoulder of the highway?

A. Yes.

Q. Go ahead and in your own words, Mr. Wallace, describe to this Court, just what you did on the morning of the 17th?

A. As we were returning from Vanceboro we were getting closer to New Bern and we saw these four ladies—I think it was four ladies—walking down the highway and there two white guys following them. An so just as we were approaching them one of them turned around and flagged us down.

Q. You say one of them; do you mean one of the men or one of the women?

A. One of the ladies walking down the road. And John pulled across the road to give them a lift and as they got into the car the sheriff and his deputies pulled up and started to take the people out of the car.

Q. Did you know why the sheriff was doing that?

A. No; I didn't.

Q. Did you know that these women had been charged with the crime, or were suspected of having committed a crime?

A. No, I didn't know them at that time.

Q. Did you have anything to do with Mr. Bryant stopping the car to pick these women up?

A. No.

Q. Now, was there a broken shot gun in the front of Mr. Bryant's automobile?

A. Yes.

Q. Describe to his Honor just how this weapon was broken down, if you will?

A. Well, it is a car with bucket seats.

Q. The car has bucket seats with a hump down the middle?

A. Yes, sir.

Q. And would you describe just where this weapon was relative to the hump in the car and how it was broken down?

A. (Indicating) The car, as if I am sitting here, and the hump of the car is here. It's broken down on the hump like this and the barrell is down like this.

Q. Now, does that weapon have the safety on it, Mr. Wallace?

A. Yes, sir.

Q. And was it down—Of your own knowledge was the safety on it?

A. I don't know. I have never handled it.

Q. Would you say it was visible to anyone that would look in the car?

A. Yes.

Q. And he wasn't trying to hid it?

A. No.

Q. Wasn't trying to use it?

A. No.

Q. Now, state whether or not, Mr. Wallace, you had a weapon.

A. No.

Q. Do you own a shot gun?

A. No.

Q. And so to your knowledge that was the only shot gun in the car?

A. Yes, sir.

Q. And was the car in your possession, or was the car in the possession of the co-defendant, Mr. Bryant?

A. Mr. Bryant.

Q. And you were riding merely as a guest passenger?

A. As we—Let me finish telling what happened. As we stopped and he took the people out of the car, and the sheriff started to tell John he didn't want to catch him over there any more in that area and he didn't have any business over there, and I got around to explain to the sheriff that we hadn't been in it, that we had been to Vanceboro and were enroute to New Bern when these people flagged us down, and the sheriff pushed me away and told me to get back in the car. And he put me in the car and saw the gun on the hump of the car there.

Q. Now, you said there were two men chasing these women. Do you recognize those men. Would you recognize them if you saw them?

A. Just one of them.

Q. Look around the courtroom, Mr. Wallace, and see if you recognize one of the men?

A. This gentleman right here, on the front row. (Points)

Q. And you are pointing to Fenner E. Morris?

A. Yes.

Q. Now, do you know of your own knowledge why he was chasing the women?

A. No, I didn't. They were just walking behind them.

Q. Walking behind them?

A. Yes.

Q. So they weren't really chasing . . .

A. Yes, sir.

Q. They were just walking to make sure that they moved away from the blue berry farm?

Mr. BLOOM. Objection.

The COURT. Overruled.

Q. I ask you, Mr. Wallace, at any time on or about the 17th day of June of this year did you go about the County of Craven armed with a weapon with the intent to terrorize the citizens of this county?

A. No.

Q. I ask you Mr. Wallace, have you ever been convicted of any criminal offense in this court or any other court in the State of North Carolina?

A. No.

Q. Have you ever been convicted of any criminal offense at all?

A. No.

Q. Have you ever owned a weapon?

A. No.

Q. Do you know of anyone that would become frightened at your very presence?

A. No.

Q. Do you know of your own knowledge that someone was frightened as a result of your presence?

A. No.

CROSS-EXAMINATION BY ELI BLOOM

Q. Now, Mr. Wallace, would you please again tell me the name of the organization for which you work?

A. Coastal Progress, Inc.

Q. Now, is that a governmental agency?

A. It is a subsidiary of OEO, the Office of Economic Opportunity.

Q. And is a subsistence paid—if you work for them—by the U.S. Government?

Mr. FRAZIER. Objection.

The COURT. Overruled.

Mr. FRAZIER. Move to Strike.

The COURT. Overruled.

Q. What are the scope of your duties?

A. Well, I supervise the staff and projects under Coastal Progress—its personnel, programs, planning.

Q. Now, what programs did you have in the neighborhood of the berry farm?  
A. Didn't have any there.

Q. Now, I believe you did state that you could identify this man right here?  
(Indicates Fenner Morris)

A. Yes.

Q. And the reason you can identify him is it not is because you have seen him before?

A. No.

Q. Do you deny that you had been in the vicinity of the berry farm on two days previous?

A. Yes, sir.

Q. Never had been there?

A. No.

Q. Did you know about the disturbance or strikes?

A. What I read in the papers.

Q. Well, it was more than that?

A. What I read in the papers.

Q. Let me ask you this question. Hadn't you contacted some of the people who are striking here?

A. No.

Q. Not even in the scope of your employment?

A. No.

Q. You went to Vanceboro that day?

A. Yes.

Q. And, of course, from the way you demonstrated this shot gun, it was visible?

A. Yes.

Q. And it was laying right at the foot of your feet, right?

A. The barrel was.

Q. Well, the shot gun was—That is part of the shot gun?

A. Yes.

Q. Now, when you saw that shot gun, what did you think?

A. I had seen it before.

Q. Why did you think it was in the automobile?

A. I have seen it there before.

Q. I didn't ask you that. I asked you why did you think it was in the automobile?

A. I can't answer that question.

Q. It was his car, wasn't it?

A. Yes.

Q. And you were riding with him?

A. Yes, sir.

Q. Didn't you say, "Why have you got that shot gun in the car?"

A. No, because I have seen it in there before.

Q. But, weren't you curious to know on this particular day?

Mr. FRAZIER. Objection.

The COURT. Overruled.

Q. Now, you knew that the sawed-off shot gun was in the car?

A. Yes.

Q. Now, it is an unusual weapon, isn't it—a sawed-off shot gun?

A. It depends upon what you call an unusual weapon.

Q. Don't you know that is sawed off?

A. I have never looked at the gun.

Q. Well, looking at it now, is it a sawed-off shot gun?

A. I see it is.

Q. Now, what is your educational background?

A. I have a B.A. Degree in Sociology.

Q. So you have a B.A. Degree. Therefore, you know, do you not, that this is an unusual weapon?

A. I have never bothered the gun. That is what I keep trying to tell you.

Q. I merely am asking you if it . . .

Mr. FRAZIER. Objection.

The COURT. He can ask him, and the man can answer yes, no, or that he doesn't know; and he can pick any one he wants to.

Q. Now, will you answer my question?

Court reporter read the question: "Therefore, you know, do you not, that this is an unusual weapon?"

A. I do not know.

- Q. Now, also in this automobile at your foot were three shells, were there not?
- A. Yes.
- Q. Did you see the shells?
- A. Yes. They were in the ash tray and I took them out of the ash tray because I smoke.
- Q. Did you ask him anything about why he was carrying these?
- A. No, sir.
- Q. Weren't even interested?
- A. I had seen it in the car before.
- Q. Now the shot gun—no question about it—was in this position? [Indicates position of gun.]
- A. No question about it.
- Q. Which would be easy to slip the things into?
- A. I wouldn't know that. I have never attempted to.
- Q. All right, sir. Now, when Sheriff Edwards got around to take possession of that gun, why did you hold on?
- A. Because I knew—I knew it was legal. And I said, "Hold on. Wait."
- Q. You knew it was legal?
- A. Yes.
- Q. You still say that is a legal weapon?
- A. According to what I know.
- Q. Well, you see a moment ago you didn't know a thing in the world about a shot gun. You do know, too, don't you?
- A. Uh-Uh.
- Q. Just don't want to admit it?
- A. As far as I know it is legal.
- Q. And the reason you wouldn't turn it a loose was because the sheriff was in uniform, was he not? He had on a uniform, didn't he? (Asks the deputy sheriff to stand up.) Did he look like he looks now?
- A. I don't even remember which one it was.
- Q. These two were there? (Indicates Sheriff Parker and Sheriff Edwards)
- A. I think Sheriff Berry was there and he was not in uniform.
- Q. You know Sheriff Berry?
- A. Not before that.
- Q. Did you see either of these men in uniform?
- A. Yes, sir.
- Q. Was he in uniform—the man who reached in for the gun?
- A. I think it was Mr. Edwards.
- Q. Why didn't you just tell me that instead of beating around the bush? Now, why did you hold onto that weapon when he said, "Give me the gun?"
- A. He didn't ask. He stuck his hand in the car and started to take it out.
- Q. Why did you hold it?
- A. Just a natural thing. He didn't ask anything and grabbed it, and I just grabbed it, like that, and . . .
- Q. . . . and until he told you to turn it . . .
- A. When he said turn it a loose I did it right away.
- Q. And he said, "Let him have it." And then you turned it a loose?
- A. Yeah. Right.
- Q. Now, I believe New Bern is your headquarters?
- A. That is correct.
- Q. You knew absolutely nothing about a disturbance that . . .
- Mr. FRAZIER. Objection.
- The COURT. Overruled.
- Q. . . . a disturbance that they had at the berry farm?
- A. What I had read in the newspaper.
- Q. Had made no inquiry whatsoever?
- A. What I had heard as hearsay.
- Q. I ask you if you didn't meet with an organization and discuss it?
- A. No organization. I have met with a group of people who asked me to come and talk to them for twenty minutes.
- Q. So, you did know about it?
- A. I did not know what was going on. That was a week before.
- Q. Wasn't that discussion about the berry picking?
- A. No. We talked about Caesar Cheves and Grapes of California.
- Q. Well, now, the grapes in California case is a parallel case to this?
- A. I don't know. It could be.
- Q. Now, you talked about it. Didn't you hear what was said? Why are you trying to be so evasive to me?



Mr. FRAZIER. Objection.

The COURT. Just ask him the questions.

Q. You met for the purpose of discussing the grape pickers, didn't you?

A. No, sir.

Q. Isn't that the Caesar Chaves case?

A. We talked about problems they are having.

Q. And those problems were supposed to be the identical problems you had here?

A. Could have been.

Q. Sir?

A. Could have been. Yes.

Q. They were, weren't they?

A. I am not, you know . . .

Q. Then why did you tell me a moment ago that . . .

A. I said I didn't know anything about it. There was no disturbance when I talked to those people. That was a week before.

Q. Where is your home originally, sir?

A. Winston-Salem.

Q. At one time were you in the City of Durham?

A. Yes, sir; I was.

Q. In what capacity?

A. A college student.

Q. And what other capacity?

Mr. FRAZIER. Objection.

The COURT. Overruled.

A. I was a trainee with the North Carolina Fund.

Q. What kind of fund is that?

A. It is a non-profit private organization that does training or did training for the State of North Carolina for community action work.

Q. Did you resign?

Mr. FRAZIER. Objection.

The COURT. Sustained.

Q. I will ask you if you were not asked to resign?

A. No, sir.

Q. Did you resign?

A. No, sir.

Q. Well, how did you get away from there?

A. It terminated at the end of six months.

Q. Don't you know, sir, that you were fired?

A. It is a six months program. No, I have never been fired from a job.

Q. But you were asked to resign?

A. No, I have never been asked to resign from a job.

REDIRECT EXAMINATION BY MR. REGINALD FRAZIER

Q. Do you know what model of Oldsmobile that Mr. Bryant owns?

A. You mean year make?

Q. Yes.

A. The year? I think it is a '65.

Q. And you said it had bucket seats?

A. Yes.

Q. And it has an ash tray in it?

A. Yes, sir.

Q. And when you say it was broken down over the hump, you mean the part where the transmission runs down the middle of the automobile?

A. Right.

Q. Now, I ask his Honor—And these bucket seats and the hump is right in the middle there and it was broken down on one side and the stock on the other side. Is that not correct? (Illustrating position of shot gun.)

A. Right.

Q. You did not know these women, did you?

A. No, I didn't.

Q. They didn't know you?

A. No.

Q. You had knowledge that they were having a strike at the blue berry farm?

A. What I had read in the paper and what people had told me.

Q. But you didn't know anything about a disturbance?

A. No, I didn't. Nothing about it.

## RE-CROSS EXAMINATION BY MR. ELI BLOOM

Q. I ask you, sir, to look at this shot gun. (Hands gun to witness) And now, tell me what that says on the side of it?

A. Long Tom.

Q. Does that look like a Long Tom to you? Now?

A. I don't understand.

Q. Does this look like a Long Tom to you?

A. No.

Q. Now, would you take this shot gun, please, sir, in your own hands and open it for me?

A. (Witness opens the shot gun.)

Q. You do know how to handle it?

A. I know how to open it.

Q. You said you had never seen it before. How do you know how to open it?

A. I have seen guns before.

Q. Look at it again. See if it is in locked position. Try it. (Takes gun from witness.) No, let me. Now, when I lay this on this hump, it does not come open, does it?

A. It has to be opened. Right.

Q. It has to be opened?

A. Right.

Mr. Jim Godwin, being first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION BY MR. REGINALD FRAZIER

Q. Your name is Mr. Jim Godwin?

A. Yes.

Q. And Mr. Godwin, are you connected with the Craven Operation Progress?

A. For correction purposes, I am Executive Director of Coastal Progress, Inc.

Q. And I believe that Mr. Wallace works under your immediate supervision, is that not correct?

A. Yes, sir. He is the Deputy Director of Coastal Progress, Inc.

Q. Do you know Mr. John Bryant, III?

A. Yes. He is the Director of our Community Organization component of Coastal Progress, Inc.

Q. And how long have you known these gentlemen?

A. Approximately three years.

Q. And do you know of your own knowledge that John Bryant owns a grey Oldsmobile, the year 1965?

A. Yes.

Q. And have you had the occasion to see him drive that automobile to and from his place of employment?

A. Yes.

Q. Now, in passing this automobile going to your office, Mr. Godwin, state whether or not you have observed the shot gun that is in evidence in this case broken down over the hump of this young man's car, or automobile?

A. Yes, I have seen the shot gun in the car on numerous occasions in the past and for approximately maybe a year or more.

Q. You have never seen this defendant fire this weapon?

A. I have never seen the defendant touch the weapon.

Q. But you have always noticed to be broken down over the hump of this car?

A. Yes.

Q. And you have noticed it over the hump of that car for more than a year?

A. I would say approximately a year. At that time—I am not that certain of the time.

Q. And you never had to strain your eyes in order to see it?

A. Not in any way.

Q. Always clearly visible to you?

A. Yes.

Q. Now, you are, of course, familiar with the employment record of your employees, are you not?

A. Yes.

Q. Are you familiar with the record of Mr. Thomas Wallace?

A. Yes.

Q. Now, is there anything in the record to indicate to you that while Mr. Wallace was a trainee of the North Carolina Fund that he was anything other than an outstanding trainee?

A. Absolutely not.

## CROSS EXAMINATION BY MR. ELI BLOOM

Q. When did you look at his record?

A. His record is on file. It is a matter of information and is there in our office for observance at any time.

Q. I did not ask you that question, Mr. Godwin. You are intelligent enough to be head of this program. I asked you when did you look at it?

Mr. FRAZIER. Objection.

The COURT. Objection Overruled.

Q. You are an intelligent man, intelligent enough to head the program. I asked you a simple question. When did you see that record?

A. I would say approximately a year ago when the last competency report was put in that record in which I graded it. And since that time we have hired a personnel manager that puts them in the records.

Q. You are an employee of a U.S. Government Agency, are you not?

A. No, sir. I am an employee of a private non-profit organization.

Q. But your funds come from the U.S. Government?

A. Partially so.

Q. So you do receive funds from the U.S. Government?

A. Yes, sir. That is right.

Q. And your sympathies are with these people that were causing the disturbance?

Mr. FRAZIER. Objection.

The COURT. He can answer yes or no.

Q. Your sympathies are with these people . . .

Mr. FRAZIER. Objection.

The COURT. Sustained.

Q. Now, you testified that you saw that shot gun in that car?

A. Yes, sir.

Q. And whose car was it in?

A. Mr. Bryant's car.

Q. Well, then you didn't see it with Mr. Wallace?

A. You are saying that I would have to see Mr. Wallace and Mr. Bryant riding together?

Q. You told Mr. Frazier, or he asked you about Wallace and the shot gun. He hasn't mentioned Bryant. I am bringing up Bryant.

A. Ask me the question again.

Q. I ask you this question. In whose possession did you see the shot gun?

A. Mr. Bryant's possession.

Q. All right, sir. And for over a period of a year?

A. Right.

Q. Lying in the front seat, broken open?

A. Laying across the transmission hump between the two bucket seats in the automobile.

Q. And did you see any shots or pellets or whatever you call them?

A. No.

Q. So at this time you have never seen any shells?

A. No.

Q. Now, when you saw the shot gun, was it in the same shape it is in now?

A. No.

Q. Was it different ?

A. The shot gun was broken.

Q. Well, I mean—Let's break it then if you don't mind—Like this?

A. Right, sir.

Q. Exactly the same identical shape it is in now?

A. Yes.

Q. No difference?

A. Except it was in Mr. Bryant's car.

Q. I mean the gun alone.

A. Right.

Q. Did you ever ask Mr. Bryant, "Why are you carrying that shot gun around for?"

A. It didn't occur to me.

Q. Why didn't it?

A. He has every right to carry a gun. I see them all of the time in the back windows of pick-ups. I have a right to have one myself in my car.

Q. Now, you said the gun is in the same identical shape?

A. Right.

Q. I will ask you to look at it and see if that gun doesn't show signs of having been just sawed off?

A. I am not qualified to make that determination.

Q. Was the barrel the same?

A. Yes.

Q. And you saw your man riding around with a shot gun and you thought nothing about it?

A. Absolutely not. It is his right.

Q. That is the trouble with this country, its rights.

Mr. FRAZIER. Objection.

The COURT. Sustained.

Mr. FRAZIER. We have in evidence a shot gun, a 20 inch by 20 inch barrel. Will his Honor take judicial knowledge that it is lawful to possess a shot gun with a 20 inch barrel or do I have to call a gun expert, somebody who is knowledgeable in the Weapon's Act. You know it is not a violation unless the weapon is under 18 inches.

The COURT. The Court will be in the position of having to decide which one of you is right.

Willie L. Riddick, being duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. REGINALD FRAZIER

Q. Now, will you state your name, your full name for the benefit of the Court?

A. Willie L. Riddick, II.

Q. Now, Mr. Riddick, what is the nature of your employment?

A. Presently I work for Shaw University; Director of University Extension primarily involved with poor communities in thirty-three different states.

Q. You taught a course at one time at the University of North Carolina?

A. Last year I served as a faculty member of the University of North Carolina at Chapel Hill.

Q. Now, I believe that at one time you were the Deputy Director of the Coastal Progress, Inc.?

A. That is true.

Q. Now, while in that capacity state whether or not you met and got to know the defendant Thomas Bernard Wallace?

A. Yes. At the time I was Deputy Director of Coastal Progress, Inc. Mr. Wallace at the beginning was Educational Coordinator and then Director of Community Organization.

Q. And I ask you at that time were you acquainted with the work record and personnel file of the defendant Thomas Bernard Wallace?

A. At that time I handled all personnel for Coastal Progress, Inc. and at the time Mr. Wallace made the move from Educational Director to Director of Community Organizations I did have possession of his file.

Q. Now, while Mr. Wallace worked with you, did you have the opportunity to make an evaluation of the conduct and work habits of this defendant?

A. That was part of my job, sir.

Q. Now, what was that?

A. Mr. Wallace, since graduating from North Carolina College and working for the North Carolina Fund had a very superior work record.

Mr. BLOOM. No questions.

Anastine Keys, being first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION BY MR. REGINALD FRAZIER

Q. Now, Mrs. Keys, where do you live, Ma'am?

A. Trenton.

Q. And on or about the 17th day of June . . .

The COURT. Where did you say you live?

A. Trenton, North Carolina.

Q. That is in Johnston County. Now, on the 17th day of June where were you, Ma'am?

A. I was picking berries at Jason Morris's farm in Bridgeton.

Q. Now, on the 17th day of June, I ask you, did you know the defendant Thomas Bernard Wallace?

A. No, sir. I did not.

Q. Had you met him on any occasion prior to the 17th?

A. No, sir.

Q. Now, tell his Honor the first time you saw this defendant?

A. The first time I saw him was walking along the road. And we had to have a ride back to New Bern and this car came along with two mens in it and we didn't have no money to make a telephone call and so I waved my hand for them to stop. And they stopped. And I asked them could we catch them to New Bern. And he said "Yes." And we was getting in . . .

The COURT. Who were you talking to?

A. That gentleman right there.

The COURT. You mean the first one?

A. No, the second one. And he said, "Yes." And as we were getting into his car the police and his deputies pulled over off the road and blocked him in the front and a car wheeled past and blocked him in the back. And when the sheriffs stopped us, that man right there, he said . . .

Mr. FRAZIER. Let the record show that she pointed to Deputy Wilson Parker.

A. . . . And he said, "Get out of the car and let me see your driver's license," And so he got—the second gentleman—he got out and he was showing him his driver's license.

The COURT. Now, which one was that?

Mr. FRAZIER. Let the record show that she is pointing to John Bryant, III.

A. And he was out of the car and he handed him his driver's license. And he took them out of the wallet and he was talking so snappy. He said, "I don't want to see you in this here area no more, and if I do I am going to arrest you." And at that time Mr. Morris come up, this gentleman comes up, and the sheriff said, "Who is it that's doing something?" And he pointed to me and the other ladies that I was with. And so he said, "Well, everybody out of the car." And so we all got out of the car and that gentleman here, as we got out of it the sheriff told them to put their hands on the car and my husband got on that side—he put his hands on that side too.

The COURT. Your husband? Was he with you?

A. Yes, sir. And so after he did all that he told this other tall man, that man right there, he said lock them all up. And we asked what was we arrested for, and sheriff Berry, he said, "I will think of something when I get you down town." And when we got down town he didn't never think of nothing at all. But that man there was man handling this gentleman here when he walked around the car. And I said, "He don't have to manhandle him," and I put my arms around him and walked him back to the car.

The COURT. Put your arms around him?

A. That first man. Mr. Wallace.

Q. Now, you didn't hear Mr. Wallace use any vulgar and profane language did you?

A. No, sir.

Q. Now, you say that you were a blue berry picker?

A. Yes, sir.

Q. And, of course, there was a strike going on?

A. Yes, sir.

Q. And the solicitor has referred to this peaceful, constitutional strike as a "disturbance." Now, did you know of any disturbance going on the morning of the 17th at the Jason Morris farm?

A. No, sir.

Q. Do you know of your own knowledge that more than nine hundred people had stayed away from Jason Morris's farm because of this strike?

A. Yes, sir.

Q. And why were you leaving?

A. Because he asked—he had me put out of his field.

Q. When you say "he" to whom are you referring to?

A. That man right there. He asked me out of the field. We call him Taft.

The COURT. The defendant Morris?

A. Yes, sir.

Q. Taft Morris?

A. Uh-Huh.

Q. Now, why did he ask you to leave his field?

A. I don't know.

Q. You weren't afraid of this defendant were you when you saw him?

A. No, sir.

## CROSS EXAMINATION BY MR. ELI BLOOM

Q. Now, I believe there is a warrant out for you, too, isn't it?

A. Yes, sir.

Q. Now, you said there was a strike on and nine hundred people left?

A. Yes, sir.

Q. Do you know why they left?

A. Because they wanted more money.

Q. Did you want more money?

A. Yes, sir.

Q. Then why didn't you strike?

A. I did strike, sir. After he asked me out of his field, I joined the strikers.

Q. After he asked you out?

A. Yes, sir.

Q. Well, why didn't you get out before, if you thought you ought to have more money?

Mr. FRAZIER. Objection.

The COURT. Overruled.

Q. Why didn't you get out then if you thought you ought to join the strikers and thought you ought to have more money?

A. Because I didn't know they were striking for more money until after he asked me out of his field.

Q. Didn't you tell him that nine hundred people had stayed away?

A. That is right, I heard it on television.

Q. Didn't you miss nine hundred people?

A. Yes, sir. The place was quiet.

Q. You knew there was something wrong?

A. Yes, sir. But that was none of my business.

Q. I see you have made it a whole lot of your business, haven't you? You testified that the sheriff manhandled this man?

A. Yes, sir.

Q. He didn't say so, did he?

A. Who didn't.

Q. The man who was on the stand. He didn't say he was manhandled?

A. Sir, I did not say the man that was on the stand was manhandled. I said the second gentleman was. Because he grabbed him by his jacket and pushed him against the car.

Q. And you had to put your arms around him?

A. No, sir. Not that one. The first one.

Q. Well, which one did you assist?

A. I didn't assist him. I was talking to him.

Q. What were you talking to him about? Did you know him?

A. No, sir.

Q. Then what business of yours was it to butt in?

A. Because we stopped him to ask him to ride back to New Bern.

Q. You didn't know who it was. And the sheriff said, "Get out," or do something, didn't he?

A. Yes, sir.

Q. Do you recall the day that you were all brought into this office down in the sheriff's office?

A. Yes, sir.

Q. And do you recall seeing me that day?

A. Yes, sir.

Q. When I walked in I asked you if you knew anything. You said, "Not one thing in the world." Didn't you tell me that?

A. Oh, yes. I didn't know nothing about the strike.

Q. When have you learned about all this stuff—lately?

A. When I started going to meetings.

Q. Oh, you have been going to meetings?

Mr. FRAZIER. Objection.

The COURT. Overruled. There is very wide latitude permitted in cross examination. I would do the same thing to you.

A. Yes, sir.

Q. Don't you know—Mr. Morris was looking for help, wasn't he? Nine hundred were gone and the berries were ripe then. He needed help, didn't he?

A. Yes, sir.

Q. And yet you have no idea why he told you to get out of his field?

A. No.

Q. Didn't he tell you to get out because you were one of the people going around telling them if they didn't get out there was a bomb going off?

A. No, sir.

Q. You were not one of them?

A. No, sir.

Q. And you have no idea why he was telling you to get out?

A. That is right.

Q. You know absolutely nothing?

A. No, sir.

Defendant rests.

Mr. HARMON. The defendant renews his motion for nonsuit.

The COURT. Enter a verdict of guilty in both cases. Will you gentlemen accept a suspended sentence for your client?

Mr. HARMON. No, sir. Mine will not.

The COURT. Let each defendant be sentenced to a term of twelve months under the supervision of the Department of Correction.

Mr. HARMON. Give notice of appeal on behalf of Mr. Bryant.

The COURT. Appeal bond set at two thousand dollars.

Mr. FRAZIER. May I approach the bench?

The COURT. In the case of Thomas Bernard Wallace, strike out the judgment and let Prayer for Judgment be continued until the 14th of July. Let him give bond of five hundred dollars and come back the 14th.

#### NORTH CAROLINA, CRAVEN COUNTY

#### CERTIFICATION

I, Jean O. Allen, do hereby certify that said testimony was by me recorded by Stenograph and reduced to typewriting, and the foregoing transcript is a true record of the testimony given by the said witnesses;

And I do further certify that I am not of counsel, or in the employ of either of the parties of this action; that I am in no way related or connected with either of said parties or their counsel and that I am in no way interested in this action.

Witness my hand and seal, this the 10th day of July, 1969.

[SEAL]

JEAN O. ALLEN,  
*Court Reporter.*

(Whereupon, at 12:15 p.m., the hearing adjourned subject to the call of the Chair.)









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