MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

HEARINGS

BEFORE THE

SUBCOMMITTEE ON MIGRATORY LABOR

OF THE

COMMITTEE ON LABOR AND PUBLIC WELFARE

UNITED STATES SENATE

NINETY-FIRST CONGRESS

FIRST AND SECOND SESSIONS

ON

WHO IS RESPONSIBLE?

JULY 21, 1970

PART 8-B

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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:

Subject matter	*Hearing dates*
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–A: Farmworker Legal Problems	Aug. 7, 1969.
Part 4–B: Farmworker Legal Problems	Aug. 8, 1969.
Part 5–A: Border Commuter Labor Problem	May 21, 1969.
Part 5–B: Border Commuter Labor Problem	May 22, 1969.
Part 6–A: Pesticides and the Farmworker	Aug. 1, 1969.
Part 6–B: Pesticides and the Farmworker	Sept. 29, 1969.
Part 6–C: Pesticides and the Farmworker	Sept. 30, 1969.
Part 7–A: Manpower and Economic Problems	April 14, 1970.
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MIGRANT AND SEASONAL FARMWORKER POWERLESSNESS

(Who Is Responsible?)

TUESDAY, JULY 21, 1970

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 318, Old Senate Office Building, Senator Walter F. Mondale (chairman of the subcommittee) presiding.

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

Committee staff members present: Boren Chertkov, counsel.

Senator MONDALE. The subcommittee will come to order.

Today, we begin the 2d of the 3 days of hearings in which we are making inquiry into the misery and powerlessness of migratory farmworkers, and who might be responsible.

Yesterday, we heard a team of doctors, with emphasis on conditions of farmworker health, nutrition, and housing.

This morning, we will attempt to determine why Federal programs do not reach this population, who is blocking the progress and perpetuating the misery at the local level. We will also hear from a witness representing the Project for Corporate Responsibility. All of this is designed to seek answers to the incredible plight and misery which has continued over the decades, despite all efforts to the contrary.

I would like to add at this point that Congresswoman Shirley Chisholm has requested an opportunity to testify before the subcommittee. I am honored that she has an interest in our study, and it stands as a tribute to her concern for all oppressed people. In a most eloquent statement she pinpoints the responsibility of all Senators and all Congressmen to the migrant, noting that they are otherwise politically powerless and without representation.

Because of schedule complications, Mrs. Chisholm cannot be with us. But, without objection, I would like to order her statement printed in the record, as though read.

(The prepared statement of Congresswoman Chisholm follows:)

PREPARED STATEMENT OF HON. SHIRLEY CHISHOLM, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

Mr. CHAIRMAN. I would like to take this opportunity to commend you, Senator Mondale, as well as the other members of this subcom-

mittee for the laudable efforts you have made in focusing public attention upon the problems of migrant farmworkers. That intolerable conditions persist is not due to a lack of effort on your part. Rather, it is due partially to a lack of more legislators who are as knowledgeable and concerned as this small group here today.

I speak to you not as a migrant worker or even as one who has a great deal of expertise in the area of migrant problems. I speak rather, as one who is concerned and as one who is committed to the struggle of oppressed people everywhere to gain a fair share in the benefits of American society. I come, too, because I feel a personal responsibility to those who have no representation in our Government. All Members of Congress, regardless of their geographic location within the country, have a moral obligation to represent migrant workers. I say this because the very definition of migrancy excludes migrants from many of our traditional political processes. The high degree of mobility necessitated by the seasonal nature of harvesting usually makes voting impossible. Migrants therefore, because they cannot vote and because they are obligated to travel, are not really in anyone's district. They are not really in anyone's State. They are found in all our districts and in all our States and we must be cognizant of this if migrant workers are to receive the adequate representation they deserve.

I am not needed, as a resident from Brooklyn, to describe the inhuman conditions under which migrant workers are forced to live. I have seen the testimony previously presented before this subcommittee and know that I could add little in terms of description. You have heard all of this information for years; you know the problems. You have heard the transparent excuses from avaricious businessmen who perpetuate human suffering by continuing their brutal exploitation of workers. You have heard the solutions which have been offered. You have heard all of these things and you have expressed genuine concern. For that I commend you. But this concern, no matter how genuine, doesn't feed hungry people, nor does it adequately clothe them. Concern doesn't send children from the fields into the classrooms for help in restoring human dignity. The concern exists but the problems persist. What is needed, it seems, is not more testimony; nor more excuses from growers. What is needed rather, is a positive program of action which insures a decent life for those who are forced to work as migrants. I believe, in conjunction with the United Farm Workers, that the key to that insurance is unionization. My testimony, therefore, focuses on the need for organizational efforts within the farm-labor community and the barriers that this unionization faces.

THE NEED TO UNIONIZE

One of the most graphic ways of illustrating the need for unionization is to examine the differential between the average wages earned in industry and the average wages earned by farmworkers who have yet to unionize. Frequently, those in industry earn twice as much per hour, in addition to fringe benefits, for doing work which takes little skill and is less physically exhausting. Furthermore, the differential is increasing. In 1948, the average California farmworker earned 62 percent of the hourly wage of his counterpart in manufacturing. In 1965, the average farmworker's earnings had slipped to 46 percent of the wages earned by the average worker in manufacturing.

Collaborating evidence for the need to unionize can be clearly seen by comparing wages and working conditions before the formation of UFWOC with the conditions resulting from the recently signed union contracts. The statistics sometimes vary, but they all tell the same story. Before union contracts, workers earned about $1.33 per hour. The California union contracts call for $1.80 per hour plus 20 cents per box of grapes. Before UFWOC there was no provision for elderly migrants who are without pensions. The new union contracts provide an economic development fund to help care for these people. Before the union there were no paid vacations, no acceptable grievance procedures, no standards for safe and tolerable working conditions, no guarantees of decent health facilities, few safety requirements, and no help in covering prohibitive medical expenses. Many of the union contracts provide all of these minimal services.

Statistics show that overall farm production is increasing while the number of farmworkers is decreasing. In 1968, for example, agricultural production more than doubled the 1950 output, yet only about half as many workers were used to produce it. This is due primarily to increased mechanization. Some have pointed to these statistics and used them as a justification for discouraging unionization within the farm industry. "Why should you waste your time forming unions? There won't be any jobs left pretty soon. Machines will be doing it better and faster. You should spend your time learning a new trade." Yet precisely the opposite is true. An increased reliance on automation makes unionization both easier and more essential. Easier, because mechanization tends to structure the labor market thus facilitating organizational activity and more essential because those workers displaced deserve a share in the jobs created by automation, a share which can only be gained by a strong union. Someone will have to run the machines which replace handworkers. The union is necessary to insure that those who have spent their lives in farm labor will be given first choice at the new, high-paying mechanized jobs. The union must be present to prevent inexperienced Anglos from taking all of the good jobs from the Chicanos and blacks who have worked their entire lives in the fields. The union is also necessary as a means of retraining those workers who are displaced and who are unable to find farm-related work.

The UFWOC contracts recently signed with the California growers provide that the employers contribute 2 cents per box of grapes to an economic development fund which would be partially used to retrain workers displaced by automation. Without unionization those cut off by automation would be left to fend for themselves in a world which is completely alien to their previous way of life. Hopefully then, unionization will protect the worker as the farm industry becomes increasingly dependent on machines. If the union exists and is successful in placing its workers in the high-paying jobs created by automation, then those that will be displaced will be the wives and children of those receiving the new jobs. It is these people who should be displaced because they will no longer be economically dependent on family stoop labor.

A less conspicuous, yet perhaps equally important, reason for unionization is that the struggle to organize is a process by which migrant workers benefit—not only from the resultant union but from the pro-

cess of organization. The struggle, in itself, is beneficial in two ways. First, it tends to focus attention upon the problems of migrant workers. Second, and more importantly, the fight of oppressed people to liberate themselves from the bonds of economic exploitation increases one's self-respect and affirms one's humanity. You cannot be set free. You must set yourself free. Unionization can play an important role in that necessary struggle.

Unionization can further be seen as the best solution to the problems of farmworkers if one examines the alternative courses of action. One response would be to do nothing and hence depend upon the good nature of the growers. Farmworkers know too much about the good-natured growers to do this. Another way of attacking migrant problems would be to depend solely on legislative initiative from Congress. Historically speaking however, this would be unwise, all too often farmworkers have watched helplessly as their chance for a decent life was compromised away in the name of "idealistic pragmatism," Thus unionization is the only alternative which is both viable and effective and which includes the workers themselves as the most important resource in the struggle.

Realizing then, that unionization is essential if migrant workers are to share equitably in the benefits of American society, one must then examine the barriers which exist to organizational activity. They are by no means obstacles which are easily overcome; however, neither are they insurmountable.

BARRIERS TO UNIONIZATION

The growers

Perhaps the most obvious barrier to unionization is the steadfast obstinancy of the growers themselves. They have constantly refused to meet with workers to discuss even the most reasonable and mutually beneficial agreements. Those that have met have done so reluctantly and primarily because the economic sanctions employed eventually became effective enough to damage their all-important margin of profit. Not having had previous experience with unions, the growers are fearful and thus unable to see the benefits unionization has for them. Specifically, they have failed to take note of recently signed union contracts which prohibit consumer boycotts, lockouts, and strikes during the harvest season. These are the things to which the growers are now so susceptible and it is these things which tend to hurt the farming industry. If unionization is necessary and if the growers refuse to voluntarily cooperate, then economic sanctions will be employed even though they may have a short-term crippling effect on the economy of farming. The workers will do what is necessary to insure themselves a just wage and decent living conditions. It is up to the growers to decide whether or not they will cooperate and thus help their own industry.

The nature of migrancy

The most highly publicized obstacle to unionization is the nature of migrant farmwork itself. It is seasonal and thus creates a high degree of mobility. The workers seldom are in one place long enough to facilitate organization. This constant mobility coupled with a short job tenure tend to destroy the community of interest which draws workers

toward unionization. There is, furthermore, an oversupply of labor in migrant farmwork which decreases the chances for successful strikes and makes organizational activity more difficult. Potential scab labor abounds. Often the growers use techniques reminescent of Steinbeck's "Grapes of Wrath" in order to encourage an oversupply of labor. The annual worker plan, which is financed by the Farm Labor and Rural Manpower Service and has as its ostensible purpose increased efficiency in matching capable workers with available jobs, is used frequently by growers as a means to overrecruit.

The absence and abuse of litigation

A third major barrier to successful unionization is the absence of even minimal legislation to protect and encourage farm unions. You are all aware, I know, of the exclusion of farm labor from the provisions of the National Labor Relations Act and of similar exclusions throughout the history of the labor movement in America. There is currently no legally sanctioned right to organize or principal of majority rule for the selection of employee bargaining representatives. Similarly, there are no uniform prohibitions against unfair labor practices. This lack of legislative safeguards has prevented the establishment of a tradition of collective bargaining and reasoned negotiations—a tradition which has been very beneficial to other unionized industries, of those few laws that do exist, most are either poorly and inequitably enforced or for some reason are not applicable to migrant farmworkers. Examples of this are too numerous to mention. The enforcement of immigration standards and child labor regulations can only be called shoddy at best, similarly, the few and pitifully inadequate minimum wage laws that do exist mean little when the government looks the other way while blatant violations occur. Other legislation has subtly excluded farmworkers. Social security for instance, is rarely available to migrants because the nature of their work makes it difficult to determine employer-employee relationships, and because of the corruption which is associated with the deduction of social security taxes by some employers and crew leaders. Furthermore, in most States, residency requirements usually eliminate migrants from the food stamp program, welfare assistance, and existing health services, leaving workers to care for themselves out of their meager earnings.

The Workers

A decidedly less difficult barrier to overcome, yet in some instances a very real one, is the workers themselves. In many cases the workers' only experience with unions has been the exploitative grower-controlled unions or those set up by avaricious labor contractors. These experiences have left a deep-seated cynicism toward organizational activities. In some situations there have also been certain cultural blocks to successful unionization. Occasionally the concept of La Raza has been perceived by Chicano workers as antithetical to unionization. In other cases however, La Raza has been a positive force and advantageous to union organizers. There are also thousands of "casual workers" among the farm labor population—those who work on farms on a part-time basis. Often they are not as interested in union activity because their standard of living is not solely dependent upon farm-labor working conditions. The effects of this occasional cynicism and apathy are minimal. They become even less important

because of the tremendous efforts of the UFWOC who have shown workers that their union is different, that the growers can be beaten, and that their greatest resource is the workers themselves.

Racism

Not the least of the barriers faced in the struggle to unionize is the institutional and individual racism which pervades American society at all levels. To overlook people's aversion to, and hatred of, differences in others is to overlook one of the most important dynamics operating in any social situation—it is to overlook the racist cancer which continuously erodes the principles upon which this country was founded, the fact that the eastern migrant stream is predominantly black is no accident. The fact the migrants of the western stream are almost exclusively Chicano is no accident either. Both are manifestations of institutional racism. Blacks and Chicanos are disproportionately represented among migrant workers primarily because American society is fundamentally racist—because migrancy is the worst kind of work and hence the only kind available to many people of color.

People who are forced to travel as migrants are seen in the communities in which they work as "different"—the commonly accepted euphemism for dirty, diseased, immoral, and generally unwanted. As harvest time approaches, farmers and other members of the "community" anxiously await the arrival of their migrants, as harvest closes, they await, with equal anxiety, their departure. Psychologists, and sociologists, most notably Gunnar Myrdal and Kenneth Clark, have written detailed studies about the effects of this kind of discrimination on the people who are its victims. Certainly this psychological impact is one more barrier to successful unionization of migrant workers.

Caesar Chavez has spoken about another kind of racism—a subtle form but one that greatly hinders the development of farm unions. He has perceived that somehow the growers are surprised that their workers are not happy. Somehow the corporate farmers don't like the idea of negotiating with "dumb Mexicans." What they are finding out is that their facist stereotypes are false, that Chicanos are not lazy and dumb and satisfied, but rather, intelligent and militant about obtaining a just share of the benefits of American society. What these growers have found out and what all of America needs to find out is that social revolution is not coming—it is here.