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EXTEND THE MEXICAN FARM LABOR PROGRAM

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HEARING BEFORE THE SUBCOMMITTEE ON EQUIPMENT, SUPPLIES, AND MANPOWER OF THE COMMITTEE ON AGRICULTURE HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH CONGRESS
FIRST SESSION

ON

H.R. 7185, H.R. 7191, and S. 1703

AUGUST 21, 1963

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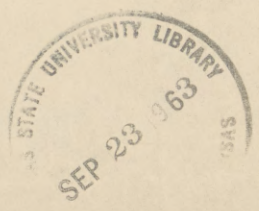
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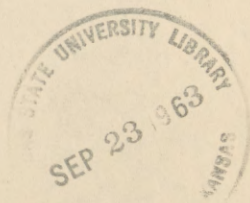
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EXTEND THE MEXICAN FARM LABOR PROGRAM

WEDNESDAY, AUGUST 21, 1963

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EQUIPMENT,
SUPPLIES, AND MANPOWER OF THE
COMMITTEE ON AGRICULTURE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 10:10 a.m., in room 100-A, George Washington Inn, Hon. E. C. Gathings (chairman of the subcommittee) presiding.

Present: Representatives Gathings, Abbitt, Purcell, Olson, Teague of California, Latta, Findley, and Hutchinson.

Also present: Representatives Hagen of California, Leggett, and McIntire.

Staff members present: Martha Hannah, staff; Hyde H. Murray, assistant clerk; and John J. Heimburger, counsel.

Mr. GATHINGS. The committee will come to order.

We are pleased to have the departmental people with us this morning. We have a new version of Public Law 78 extension before us. As a matter of fact, we have two of them: a 3-year phaseout program that was introduced by Mr. Teague and myself, and we also have the Senate bill.

I wondered, Mr. Cass, if you would come to the witness table. To begin with, it might be well to place in the record the report received from the Department of Labor under date of August 9 on the bills that have just been referred to, introduced by Mr. Teague and myself, for the record.

(The bills and the report referred to follow:)

[H.R. 7185, 88th Cong., 1st sess.]

A BILL To phase out the use of Mexican agricultural workers under title V of the Agricultural Act of 1949, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Agricultural Act of 1949, as amended, be amended to read as follows:

"Sec. 510. For the calendar years 1964, 1965, and 1966, the number of workers made available for employment under this title shall not exceed 50 per centum of the average number of workers made available in the three immediately preceding fiscal years, and in no event more than one hundred and fifty thousand in 1964, one hundred and twenty thousand in 1965, and ninety thousand in 1966, and no workers shall be made available hereunder after December 31, 1966."

MEXICAN FARM LABOR PROGRAM

[H.R. 7191, 88th Cong., 1st sess.]

A BILL To phase out the use of Mexican agricultural workers under title V of the Agricultural Act of 1949, as amended

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 510 of the Agricultural Act of 1949, as amended, is amended to read as follows:

"SEC. 510. For the calendar years 1964, 1965, and 1966, the number of workers made available for employment under this title shall not exceed 50 per centum of the average number of workers made available in the three immediately preceding fiscal years; and in no event more than one hundred and fifty thousand in 1964; one hundred and twenty thousand in 1965; ninety thousand in 1966; and no workers shall be made available hereunder after December 31, 1966."

[S. 1703, 88th Cong., 1st sess.]

AN ACT To amend title V of the Agricultural Act of 1949, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (3) of section 503 of the Agricultural Act of 1949, as amended, is amended by striking out "comparable to those offered to foreign workers" and inserting in lieu thereof "including workmen's compensation or occupational insurance coverage, housing, transportation, and work period guarantee comparable to that provided foreign workers".

SEC. 2. Section 510 of such Act is amended by striking out "December 31, 1963" and inserting in lieu thereof "December 31, 1964".

Passed the Senate August 15, 1963.

Attest:

FELTON M. JOHNSTON, *Secretary*.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, D.C., August 9, 1963.

HON. HAROLD D. COOLEY,
*Chairman, Committee on Agriculture,
House of Representatives,
Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further response to your request for our views on H.R. 7185, a bill to phase out the use of Mexican agricultural workers under title V of the Agricultural Act of 1949, as amended.

We oppose a 3-year extension of the Mexican farm labor program, even on a phasing out basis, as provided in H.R. 7185. My statement of March 27, before the Subcommittee on Equipment, Supplies, and Manpower of the Committee on Agriculture, presents the reasons for this view. As pointed out in the statement, growing problems in our domestic labor market and dramatic changes taking place in the utilization of agricultural workers precludes decisions regarding the need for continuation of the Mexican farm labor program beyond a very limited period.

We are mindful, nevertheless, of the needs of growers in many areas for an augmented labor force at peak periods to cultivate and harvest our crops. In meeting these needs, however, we think every effort should be made to extend available job opportunities to domestic workers. Accordingly, the Department has recommended legislation to extend the Mexican farm labor program for 1 year with an amendment requiring employers seeking to obtain Mexican workers to offer to domestic workers workmen's compensation or occupational insurance coverage, housing and transportation expenses equivalent to that furnished to Mexican workers. We think the program should be extended for 1 year if and only if this amendment as contained in the legislation transmitted to the Speaker of the House on March 26, is included.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Yours sincerely,

W. WILLARD WIRTZ, *Secretary of Labor*.

Mr. GATHINGS. We also have a letter from the Department of State under date of August the 13th to Chairman Cooley, attaching an Embassy of Mexico statement. Without objection this report from the State Department will go in the record.

(The report referred to follows:)

DEPARTMENT OF STATE,
Washington, August 13, 1963.

Hon. HAROLD D. COOLEY,
*Committee on Agriculture,
House of Representatives.*

DEAR MR. CHAIRMAN: Thank you for your letter of June 26 asking for the recommendations of the Department of State on H.R. 7185 and H.R. 7191, which would phase out the use of Mexican agricultural workers under title V of the Agricultural Act of 1949 (Public Law 78, as amended). I regret that consultations with other interested agencies have caused a delay in my reply.

The Department of State must limit its comments to the foreign relations aspect of the Mexican migrant labor program. The Department of Labor, which is primarily responsible for formulating the position of the executive branch on this program, has recommended a 1-year extension of Public Law 78 with an amendment to section 503(3) to provide protection for the employment opportunities of domestic agricultural workers. As a representative of the Department of State testified before the Subcommittee on Equipment, Supplies, and Manpower on March 27, 1963, this Department supports the recommendation of the Secretary of Labor.

The Government of Mexico has insisted, and the Department believes quite properly, that the recruitment of Mexican farm labor be regulated by agreements between the two Governments which determine the conditions of recruitment, transportation, remuneration, duration of employment, settlement of claims, and other related conditions of work for Mexican laborers. Public Law 78, as amended, and the executive agreements with Mexico, have proven to be a successful method of providing the desired controls and safeguards. As long as in the opinion of the Department of Labor, other interested Departments, and the Congress, it is desirable to recruit Mexican workers for agricultural employment in the United States, it is the view of the Department of State that, in the interests of good relations with Mexico and our international responsibilities, such recruitment should continue to be carried on under the provisions of Public Law 78 and the complementary intergovernmental agreement with Mexico. This view is also shared by the Government of Mexico, as evidenced by a recent note from the Mexican Ambassador, a translation of which is attached for your information.

The desirability of a phaseout of the program over a 3-year period, as would be provided by the two bills enclosed with your letter, would depend on domestic considerations which are outside the responsibility of this Department. The Department of State must therefore defer to the judgment of the Department of Labor that the program should be extended for 1 year if, and only if, certain provisions to protect domestic employment opportunities, as recommended by the Secretary of Labor are added.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours, -

FREDERICK G. DUTTON,
Assistant Secretary.

EMBASSY OF MEXICO

The Ambassador of Mexico presents his compliments to His Excellency the Secretary of State and has the honor to inform him of the position of the Government of Mexico with respect to the decision taken by the House of Representatives of the Congress of the United States on May 29 last, rejecting the bill that would have authorized the executive branch of the United States to extend the international migrant labor agreement that expires on December 31 of this year.

The Government of Mexico considers that there would be no call for any observation whatever concerning the aforesaid action, had the need for Mexican labor that has existed for a number of years among the farmers in various parts of the United States disappeared, or if systems other than those used so far were available to meet that need. It is not to be expected that the termi-

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nation of an international agreement governing and regulating the rendering of service by Mexican workers in the United States will put an end to that type of seasonal migration. The aforesaid agreement is not the cause of that migration; it is the effect or result of the migratory phenomenon. Therefore, the absence of an agreement would not end the problem but rather would give rise to a de facto situation: the illegal introduction of Mexican workers into the United States, which would be extremely prejudicial to the illegal workers and, as experience has shown, would also unfavorably affect American workers, which is precisely what the legislators of the United States are trying to prevent.

The Governments of Mexico and the United States have for many years been faced with the problem of the illegal entry of Mexican workers into U.S. territory in search of work. The maximum number of arrests made by the Immigration Service of the United States reached 803,618 in 1953, a year in which only 201,380 workers were contracted. Since that time the efforts of the two Governments to eliminate illegal entries, at the same time leaving the door open under the legal procedures of the international migrant labor agreement of 1951, produced the desired results, the number of arrests having been reduced to 31,106 in 1959, during which year 437,643 workers were contracted.

Despite the fact that in 1960 the number of contracted workers began to decrease markedly, the number of illegal workers did not increase, the conclusion being that the Mexican workers have understood and accepted the fact that if they cannot obtain work by contract, it is because they would not obtain it either by entering the United States illegally. Here are some pertinent data:

Year	Contracts signed	Deportation
1960.....	315,846	28,492
1961.....	291,420	31,350
1962.....	194,978	19,283

In the last 3 years there has been a considerable increase in the number of Mexican farmworkers who have applied for and obtained residence visas to come to the United States, through letters issued by farmers and growers in the United States who have offered them employment. It is estimated that no less than 32,000 farmworkers obtained their documents in 1961 and possibly some 40,000 in 1962. The statistics on the contracting during the last 5 years show that there were barely 50,000 jobs for the workers during the 12 months of the year, open at various times during the year and in various States, so that in order to be able to work without interruption during the entire year, it would be necessary for the workers to move from one place to another. Since it is impossible to achieve precision and coordination even with the means available to the two Governments, it is concluded that the aforesaid increased number of resident farmworkers do not have permanent work but in fact continue in their status as seasonal workers, working for an employer for 6 or 8 weeks and then returning to Mexico in the hope of being called upon to work for another short period—an operation that is repeated two or three times a year. As may easily be seen, this situation will create problems for both Mexico and the United States, since during the jobless seasons the worker with a residence visa will burden the economy on one of the two countries, with the same consequences of accepting ill-paid work, obtaining official assistance, etc.

There is good reason to believe that the absence of an international agreement governing temporary employment of farmworkers will lead to an increase in the types of migration pointed out above.

Finally, it should be considered that on various occasions when at international meetings on migrant worker problems representatives of the Government of the United States have indicated their purpose of decreasing the contracting until the elimination point is reached, the Mexican representatives have requested that an attempt be made to make the decrease gradually, in order to give Mexico an opportunity to reabsorb the workers who have habitually been working in the United States and thus to stave off the sudden crisis that would come from an increase in national employment. The stoppage of the contacts at the start of 1964 would leave approximately 200,000 persons out of work.

It is not considered that the contracting of Mexican workers under the international agreement has produced unfavorable effects on American workers.

Quite the contrary. The benefits granted the contracted braceros, in the matter of insurance covering occupational accidents and illness, the extremely careful regulations on lodgings and transportation, and the constant inspection of food have provided a pattern that can be followed for domestic workers who lack such protection. And with regard to the wage increase obtained for Mexican workers on various occasions, chiefly in the year 1962, what was obtained through the effort of the Mexican Government and the cooperation of the Department of Labor of the United States, to such an extent that in some localities the wages are higher than those paid to domestic workers, represents the reason why this type of work is now looked upon as acceptable by the American workers.

It was precisely the presence of the "wetbacks" in the fields of the United States that created a situation undesirable from every standpoint, since those persons have not even the most elementary kind of protection and were the victims of exploitation respect of wages, because they were forced to accept whatever pay was offered to them, and domestic workers were unable to compete and found themselves compelled to move to other areas. The lack of an agreement to facilitate contracting as long as there is a shortage of farm labor, which the Mexican workers have been covering, would tend to bring about a return to that situation. And although Mexico would make efforts to prevent it, as was indicated by the Secretary of Foreign Affairs of Mexico at a press conference on June 5, the willingness of American employers to give work to the wetbacks explains why in many cases the Mexican workers violate the law of the United States, and it is very important for the Government of this country to solve this problem.

The virtual extinction of discrimination against and segregation of persons of Mexican nationality in areas of the United States where such practices once existed can decisively be attributed to the contracting of Mexican workers under international agreements. The need for labor which only the Mexican could supply but which was not authorized for localities where special schools were maintained for Mexicans, or where they were segregated in restaurants, theaters, etc., and discriminated against in respect of wages, etc., led the authorities concerned to put an end to that situation.

There is no doubt that this has been a firm foundation for the good relations between the peoples of the two countries.

In this connection, it is appropriate to note that in September 1954, the President of Mexico stated in his annual message to the Congress that efforts were being made to solve the difficult problem caused by the exodus of Mexican farmworkers, "acting in full and friendly cooperation with the Government of the United States in this task, in order that those who go to work may do so under the protection of existing agreements." And if indeed the contracting should come to an end, it is hoped, as the Secretary of Foreign Affairs said during the press conference mentioned above, that the two Governments will act vigorously and determinedly to prevent the illegal traffic of workers, which benefits neither Mexico nor the United States and is a constant point of discussion between the two Governments and the communities where the braceros who enter illegally work.

(Initialed.)

WASHINGTON, D.C., June 21, 1963.

Mr. GATHINGS. Mr. Cass, before we go into the Senate proposal, would you like to comment on the 3-year phaseout bill that we have before us?

STATEMENT OF MILLARD CASS, DEPUTY UNDER SECRETARY, DEPARTMENT OF LABOR, ACCOMPANIED BY JACK HOWARD, SPECIAL ASSISTANT TO THE UNDER SECRETARY, DEPARTMENT OF LABOR; JACK DONNACHIE, DEPUTY DIRECTOR, FARM LABOR SERVICE, DEPARTMENT OF LABOR; AND ALBERT D. MISLER, DEPUTY ASSOCIATE SOLICITOR, DEPARTMENT OF LABOR

Mr. Cass. I think the Secretary's statement on that, sir, covers the position of the Department of Labor from the committee's standpoint.

Mr. GATHINGS. It was short.

Mr. Cass. Yes.

Mr. GATHINGS. It was a one-page report.

Mr. LEGGETT. Could I ask the chairman what that report was?

Mr. GATHINGS. It was the same conclusions as on the 2-year extension bills.

Mr. CASS. Mr. Chairman, while these are being passed out, would it be helpful if I introduced my colleagues?

I am accompanied by Mr. Jack Howard, assistant to the Under Secretary. Next to him is Mr. Albert D. Misler, Deputy Associate Solicitor, and next to him, Mr. Jack Donnachie, Deputy Director of the Farm Labor Service, and we will try to render whatever assistance we can to the committee in its deliberations this morning.

Mr. GATHINGS. Is it the feeling of the Department of Labor, Mr. Cass, that this program is vital to American agriculture?

Mr. CASS. Well, the Secretary, in his testimony, recognized that there were problems in meeting the employment needs of American farmers, but he emphasized that the first effort must be through the supply of domestic agricultural labor, and only when and if, domestic agricultural labor was not available, would he recommend that the foreign labor be imported, and when he appeared before this committee, sir, on March 27, he emphasized that he would propose an extension of the statute for 1 year only with amendments which would make the conditions offered to domestic agricultural workers more comparable to those offered to the Mexican workers.

Mr. GATHINGS. Yes, I recall that testimony very vividly, but a certification of need for supplemental labor due to inadequate supply of domestic labor is to be made by the Department.

Mr. CASS. And at that time, you will recall also, sir, he emphasized that he would not propose anything beyond a 1-year extension even with this amendment and these improvements to insure greater comparability, because he pointed out that that itself requires us to look forward 20 months into the future to foresee our needs, and he couldn't foresee needs beyond that period.

Mr. GATHINGS. How many men will be thrown off the payroll as a result of the elimination of Public Law 78?

Mr. CASS. About 300.

Mr. GATHINGS. About 300 men?

Mr. CASS. Yes.

Mr. GATHINGS. Where will they go?

Mr. CASS. Well, some of them would be absorbed in other programs of the Department of Labor and others would not be retained in our Department.

Mr. GATHINGS. How long will it take should this program end on the 31st day of December when you would start leveling off the labor supply to meet the contracting needs of the farmers and ranchmen? That is to say, now, would it be October 1, November 1, September 15, September 30?

Mr. CASS. I thought October 15, we would start.

Mr. DONNACHIE. It is our plan to terminate initial contracting October 15.

Mr. GATHINGS. So if you have some late crops coming in throughout the part of the country where vegetables and citrus are harvested, it would be desirable for the growers to make other plans beyond October 15, for supplemental labor supply, is that right?

Mr. DONNACHIE. Yes, the minimum contracting period, Mr. Chairman, as you understand, is 6 weeks. So the contracts have to terminate December 31.

So we can't initially contract any workers after October 15.

Mr. GATHINGS. And the hourglass is ticking away.

Mr. DONNACHIE. That is correct, sir.

Mr. GATHINGS. That is the reason that we wanted to call this meeting today, soon after the Senate had acted on its proposal. By a very close vote, they did agree to an amendment which was largely the one that you speak of, Mr. Cass.

Mr. CASS. Yes, sir.

Mr. TEAGUE. Would the chairman yield at this point?

Mr. GATHINGS. Gladly, Mr. Teague.

Mr. TEAGUE. If I understand it correctly, the Senate amendment went beyond what the Secretary had recommended in that it added a section pertaining to guaranteed days of work, is that correct?

Mr. CASS. That is correct, sir. That is the only respect in which it did. In other respects, it followed the Secretary's recommendations.

Mr. TEAGUE. Later on, Mr. Chairman, I hope we will discuss with Mr. Cass and these other people whether or not they consider that to be practical or whether it is a pretty difficult thing to work from an administrative standpoint.

Mr. GATHINGS. Yes.

Mr. TEAGUE. Perhaps, he would like to do it now. I don't want to interfere with your questioning.

Mr. GATHINGS. That is all right. If you wish to ask Mr. Cass some questions along that line at this time, why not do so?

Mr. TEAGUE. Would you like to comment on that, Mr. Cass, or have one of your colleagues?

Mr. CASS. I would be glad to comment generally. If you wish more detail, we will go into that for you, Mr. Congressman.

The Department has had considerable experience with this type of provision in the Mexican program, and we think that it would be administratively workable and feasible in the domestic program in that what you would be doing is offering domestic workers a work period guarantee comparable to that provided foreign workers.

Mr. HAGEN of California. Would you yield at that point?

Mr. GATHINGS. Yes.

Mr. HAGEN of California. What assurance would be added that the domestics would stay on the job after the employer had made whatever expenditure? Isn't this more or less a unilateral contract in the case of domestic workers?

Mr. MISLER. I want to say, under the Mexican program, if a worker does not complete his contract, leaves without good cause, he does not get his work period guarantee for the period.

Mr. HAGEN of California. He has to go back to Mexico. They ship him right back to the border and they more or less screen him in advance.

Now, there is no screening really on these domestic workers.

Mr. MISLER. What I was directing my comment to was——

Mr. HAGEN of California. Technically, they are the same.

Mr. MISLER. Yes. If he doesn't finish—he does not receive the benefits of the work guarantee. If he didn't, he wouldn't get his money.

Mr. HAGEN of California. I understand that, but you in the Labor Department ought to take a realistic view of this farm labor force. Very often these guys come in from Skid Row, which is a bad expression, perhaps, but you can document thousands of cases almost. They will bring a crew of 100, and a week later, there are 10 of them left. How are you going to get around this in this work guarantee thing? It is not so onerous in case they went, say, from Stockton to Manteca, or Tracy, or some place like that. But, say, the worker came from Mississippi. The farmer had invested so much in his transportation, and maybe he had to build a house for him.

How do you handle that? Looking at it realistically from the farmer's point of view—

Mr. CASS. We have had considerable experience in processing domestic workers who have, under our annual worker plan, have a whole series of jobs laid out for them where they work first in one area and then move to another, and our experience has been very salutary. We have found that we are able to satisfy the needs of the farmers and the domestic workers and they have turned out to be very responsible.

I don't question, Mr. Congressman, that there will be individual workers who will not live up to contracts, but you have that in every walk of life.

Mr. HAGEN of California. How much screening do you do in this program you have?

Mr. CASS. This annual worker plan?

Mr. HAGEN of California. Yes.

Mr. CASS. I think it is fairly well screened.

Mr. HAGEN of California. Do you contemplate doing the same thing with vast numbers of people?

Mr. CASS. There are vast numbers in the annual worker plan, and I think we could still do this, yes, sir.

Mr. HAGEN of California. And you would screen for the farmer. I mean, you would try to get reliable workers for him.

Mr. CASS. Yes, sir.

Mr. HAGEN of California. What would you do to the ones who applied that you didn't think were reliable?

Mr. CASS. We don't send them now, sir, to any employer. If we don't think they are reliable, we don't send them now, be it for agricultural or nonagricultural work.

Mr. HAGEN of California. They have had employment drives in California. I remember some around the Salinas area. They practically had riots up there.

Mr. CASS. Mr. Congressman, the purpose of this is merely to—

Mr. HAGEN of California. These are sent out by the State department of employment in California, which is not an amateur institution.

Mr. OLSON. Will you yield?

If these people were gathered up and put in jail, how did they get the crop in on that short notice?

Mr. HAGEN of California. In response to the request of the Labor Department, the farmers had to accept a group of people who had been sent out from I don't know where from the city, and they had

to take them. This is the law. But they had a very unsatisfactory experience with them, and you can document this in hundreds of cases. They are in the record of the hearings.

Maybe a crew of 100 would show up and in a week, there were 10 of them left.

Mr. OLSON. What did they do to fill? Did the Labor Department backstop you and see that that crop got picked? If there were 90 people gone, there must have been 90 replacements.

Mr. HAGEN of California. So the farmer has to take 90 more, so he winds up with 10 more. This is not economic.

Mr. LEGGETT. If the gentlemen will yield, we have got kids, women, and white-collar workers, and all kinds of people out there in California in an emergency to get the crops in, the same thing you do up in Minnesota. If you have to get things done, you do it.

Mr. OLSON. I have got a report over in my office from a daily paper where the employment service in Willmar, Minn., has about 60 crews comprised of local people out picking cucumbers, thinning the beets, detasseling corn, and it is working wonderfully.

If you do this in an emergency, I suggest let's reverse this thing and use the reverse argument. If this cannot be done with American workers in your area, then I think maybe we are getting down to a point that should be discussed. It can be done with Mexican workers, and this therefore is a big crux in the argument around here.

What kind of compulsion do you have over these workers coming in? Now you had better answer this one. If you are building a case this high that you can't do to American workers what you can do to Mexican workers, then, fellows, you are in trouble on that argument.

Mr. LEGGETT. I take exception to that. We are not doing anything to Mexican workers. In our district, we are paying them \$1.50 to \$1.80 an hour and they can quit any time they want and certainly this is not oppression. They are happy people and the Secretary of Agriculture personally interviewed some of them last year in my district, and I am sure that he can report on behalf of the administration that these are well-satisfied people.

Mr. GATHINGS. We will talk among ourselves in executive session when the Departments complete their statements. We want to talk to this witness now. Will you continue?

Mr. Hagen has the witness.

Mr. HAGEN of California. I was just wondering how realistically you are looking at this problem of domestic recruitment. Now, if you go through a rigorous screening process with these referees, such as is done in the bracero program, and, of course, the bracero is in a little different position. He has come all the way from Mexico and it is a bigger opportunity for him than it is for any domestic worker, then you might be able to make something work.

But if you are going to confront the farmers with a typical sampling of people available for farmwork and have them pay their costs of transportation and guarantee them a period of work, I don't think they want that kind of a program because it would ruin the conditions for the people that didn't use braceros, among other things.

Mr. CASS. Mr. Congressman, the answer, I think, to this is this. These conditions come into existence only as a prerequisite to having the Government of the United States bring in foreigners for work

which it is our feeling that domestic employees would perform if they were given the same inducements and same working conditions as foreign workers obtain.

What we are really saying, sir, is that with high unemployment in the United States, both in rural areas and in urban areas, to bring in unskilled workers from another country before you have exhausted every opportunity for equal treatment, not superior but equal treatment to your domestic labor force, we do not think is a wise policy for our Government vis-a-vis its own people, and this is why we have taken this position.

Mr. LATTA. Will the gentleman yield?

Mr. GATHINGS. Will you yield to Mr. Latta?

Mr. HAGEN of California. It's Mr. Teague's time.

Mr. TEAGUE. I yield back any time for the time being.

Mr. GATHINGS. You still have the floor.

Mr. TEAGUE. I yield to Mr. Latta.

Mr. LATTA. I am sorry to be late, Mr. Chairman, but I assume that you are testifying in support of the amendment that was inserted in the Senate. As I came in you were saying something about it being administratively feasible, is that right?

Mr. CASS. Yes.

Mr. LATTA. Could we agree on this point? That Federal laws should be administered uniformly throughout the 50 States?

Mr. CASS. If the law is intended by the Congress to apply uniformly, yes, sir. But if the Congress intends that the law is to deal with the conditions which exist in the States, and they do vary from State to State, then we would have to follow the congressional intent of the variations.

Mr. LATTA. Would it be administratively feasible to administer this act when workmen's compensation laws are passed and administered by the several States, meaning 50—we have 50 different acts to contend with?

Mr. CASS. Yes, sir; I think this would. We do now under the Mexican program permit the employer to follow his own State practice, workmen's compensation, or occupational insurance, whatever is the practice in his own State, and all this requires is that the employer offer to the employee either workmen's compensation or occupational insurance consistent with the practice in his State, and I think this would be feasible.

Mr. LATTA. Do you think we would be on sound ground here in the Congress to pass legislation which would say in State A, if this worker is killed, his family shall be paid \$10,000, and in State B, if he is killed, his family shall be paid, say, \$3,000?

Mr. CASS. Yes, sir; because all you are doing—this is what is happening now to all these workers in your States and all you are saying is that before you are permitted to bring in Mexican workers, you shall first have to offer to your domestic workers what is offered to other domestic workers in your State for comparable employment, and I think this would be feasible, sir, and I think it would be equitable.

Today, the U.S. Employment Service, at the request of employers, will recruit factory workers in one State who move to another State to take employment in that second State and they will have the work-

men's compensation provisions of the State to which they go controlling them while working in that State in nonagricultural employment, and I do not think it would be inequitable to have the same procedures and same requirements in agricultural employment.

Mr. HAGEN of California. Would the gentleman yield again?

Mr. LATTI. Yes.

Mr. HAGEN of California. Are you prepared to change any of the regulations governing unemployment insurance to maybe help the situation? Now in my area, for example, we have women who work in canneries long enough to be eligible for unemployment insurance. They are equally qualified to pick peaches or something like that, and the work is no harder. But they are not obliged to go out and pick peaches. It is not comparable employment. It really is comparable, but under the rules and regulations of unemployment insurance, it isn't comparable.

So we have a vast pool of unemployed in some of these rural areas who are not really in the farm labor market.

Mr. CASS. These are the State laws now.

Mr. MISLER. Eligibility for unemployment insurance is determined exclusively under State law. There is no Federal regulation that governs eligibility for unemployment insurance.

Mr. CASS. In other words, if the State of California wished to say this was comparable employment and they could not draw unemployment insurance unless they took it, this would be up to the States, not up to us.

Mr. HAGEN of California. But this brings up a problem. These people who are opposed to this program point to the vast numbers of unemployed. But you are not going to get an unemployed carpenter to come out of Los Angeles to pick peaches. If he forfeits his unemployment insurance he won't come and he doesn't have to under the rules of the State of California, nor does the housewife who has been working in a cannery have to take such a job.

Mr. CASS. No, sir.

Mr. HAGEN of California. So you don't have this vast availability of these unemployed really.

Mr. CASS. Well, we have been, I believe, quite realistic in recognizing that not all of your unemployed workers in your urban areas, as you mentioned, the carpenter or the factory worker, will be either interested in or qualified to take the farmwork.

On the other hand, there is very high unemployment today in rural areas, and it consists of persons who have been displaced from the farms in very large measure, and we do feel that those workers, given the same incentives which bring people all the way from the interior of Mexico to the Northern United States, sometimes would be willing to go a few hundred miles to work in their own or a neighboring State in the type of work to which they were accustomed in the past.

Mr. LEGGETT. Will the gentleman yield?

Mr. GATHINGS. Who are you yielding to?

Mr. HAGEN of California. I yield back.

Mr. GATHINGS. Mr. Latta?

Mr. LATTI. I would like to pursue this workmen's compensation question just a bit further.

In Ohio, an employer need not have workmen's compensation unless has has three or more employees. In other States, it probably is 5 or more, or maybe 10 or more. Assuming in Ohio we wanted to use bracero labor and the farmer wanted to but he only wanted two employees, the workmen's compensation law says three or more employees require workmen's compensation coverage. Under this proposal would he have to offer it to two employees? The way this bill is presently written, would the Federal Government be saying to the employer in Ohio who wanted two braceros, that you have to offer to domestic workers, contrary to what the Ohio Workmen's Compensation Act says, workmen's compensation benefits before you are eligible for two braceros.

Mr. CASS. No, sir; but it would say—

Mr. LATTA. Wait a minute, how do you say no, sir?

Mr. CASS. Workmen's compensation or occupational insurance. In other words, it will say to the employer in Ohio, who wishes two braceros, you must offer to the domestic workers exactly what you are offering to the braceros.

Mr. LATTA. We don't offer anything to two employees or one employee in Ohio.

Mr. CASS. If you get a bracero, you offer it to the bracero, sir.

Mr. LATTA. Wait a minute. I am not talking about the bracero. I am an employer. I am a farmer. We want two employees. Under Ohio law, we don't have to offer them occupational insurance or workmen's compensation.

Mr. CASS. That is right.

Mr. LATTA. But the way this bill is drafted, if we wanted to hire two braceros, we have to first offer, either workmen's compensation or occupational insurance to any available domestics; is that right or wrong?

Mr. CASS. That is correct, and the explanation and justification is, this is exactly what you have to do to the two braceros if you don't take the two domestic workers.

Mr. LATTA. That is not quite right. You are saying that you have to offer the same thing to the bracero that you offer to the domestic worker and vice versa but in Ohio, we don't have to offer any workmen's compensation or occupational insurance when employing two employees.

Mr. CASS. I understand that.

Mr. LATTA. But if we want to hire two braceros the way this bill is drafted, we first must offer to the domestic workers the occupational insurance or workmen's compensation.

Mr. CASS. That is correct, sir. By the same token—

Mr. LATTA. Notwithstanding what the Ohio law says?

Mr. CASS. This supplements.

Mr. LATTA. Isn't that an encroachment on States rights?

Mr. CASS. I don't think so, sir. It doesn't require you to violate any State law.

Mr. LATTA. How can you say that?

Mr. CASS. What you are doing is, if you don't get any domestic workers today, today under Public Law 78 if an Ohio employer wants two braceros, he has to have occupational insurance for the two braceros. All we are saying is by whatever way he did that without

violating the rights of the State of Ohio, he is entitled to give the residents of that State the same protection that he gives the Mexicans.

Mr. LATTI. But that protection is more than the Ohio law now provides for domestic workers.

Mr. CASS. Yes, sir.

Mr. LATTI. Which puts an additional burden on the farmer.

Mr. MISLER. No. It does not.

Mr. CASS. No; it does not—

Mr. LATTI. Regular order, Mr. Chairman.

Mr. CASS. It doesn't place any burden because it requires him only to expend the same amount of money to do the exact same thing he would have to do to get the braceros.

Now what we are saying is that you have found a way without violating the State law of Ohio to offer certain things to braceros today under existing law to get them.

Now if this statute were enacted, then you would have to offer to domestic workers in Ohio exactly and no more than you offer to the braceros.

So it wouldn't cost you any more, it wouldn't be any more in conflict with State law, and I would say, sir, that to find a way to supplement the State law to take care of the needs of Mexicans, one ought to be willing to find a way to supplement the State law to take care of the needs of Americans.

Mr. LATTI. But you are putting that additional burden on the farmer, notwithstanding the fact that Ohio law says three or more, you must have workmen's compensation.

Can we agree on that?

Mr. CASS. It is an additional burden, yes, sir, but it is not additional to what he now has if he wishes braceros—in cost. The cost is the same, sir, to the farmer.

Mr. LATTI. In picking tomatoes or in blocking beets, I am familiar with this and I know, the farmer knows that he is going to get more work out of a Mexican than he is one of the domestics.

So he is going to have to offer to this domestic who can't do the job the same rights he is going to be offering to the bracero who can do the job, and I just don't think that is proper.

Mr. LEGGETT. Mr. Chairman.

Mr. GATHINGS. Wait just a minute.

Did you have a comment?

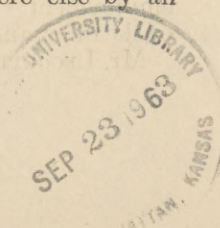
Mr. CASS. I would be glad to if you wished me to respond to it. I didn't understand it was a question. He expressed his opinion with respect to this.

Mr. LATTI. If you have a contrary opinion or if you are familiar with beet blocking and picking tomatoes in northwestern Ohio.

Mr. CASS. I am not aware of the specific area about which you speak but I do know that all over the United States domestic Americans are satisfactorily performing farmwork.

Mr. LATTI. Blocking beets?

Mr. CASS. Oh, yes. My understanding is that there is no type of work performed by a bracero anywhere in the United States that is not performed satisfactorily either there or somewhere else by an American citizen. This is my understanding.



Mr. LATTI. Americans of Mexican descent, like we use in northwestern Ohio. We have Texas-Mexicans who come up and do our work.

Mr. MISLER. There are no braceros in Ohio.

Mr. LATTI. That is right. We are agreed on that. I said we have Texas-Mexicans in Ohio.

You don't get any people who are residents of northwestern Ohio to do this type of work?

Mr. CASS. I haven't been there, sir.

Mr. GATHINGS. Mr. Teague, will you yield to Mr. Leggett?

Mr. TEAGUE. I will yield back.

Mr. GATHINGS. Mr. Leggett.

Mr. LEGGETT. Mr. Chairman. Mr. Cass, perhaps in line with what you have just stated, in California today we have perhaps three-fourths domestics and one-fourth braceros. I think those are roughly the statistics.

Now if you have three-fourths domestics working on a particular farm for a number of years, assume they have been happy, commuted to the farm from the city, they don't have housing, they don't have a transportation allowance, the particular farmer who wants to supplement his labor force and get one-fourth additional braceros, under this amendment he would have to offer what to whom to qualify to get braceros?

Mr. CASS. He would have to offer to the domestics conditions comparable but he wouldn't have to, for example, offer housing to domestics who have been commuting from the city or from the outlying rural areas, let's say; he wouldn't have to offer them housing which he doesn't now offer them. He would only have to offer housing to those who would have to leave their places of residence and travel as the Mexican does to his area in order to take the employment.

Mr. LATTI. On what page do you find that language?

Mr. LEGGETT. For instance, if they could commute from northern California, from San Francisco to the Central Valley, and suppose they have been doing that for a long period of time, there would be nothing that the farmer would have to offer to those people in the nature of housing, daily transportation, or work guarantee periods under this amendment; is that your interpretation?

Mr. CASS. Oh, no, sir. I was addressing myself to the housing. He would have to be prepared to offer work guarantee periods is my understanding of the bill which passed the Senate, comparable to those now required for the Mexicans.

Mr. LEGGETT. The work guarantee period is part of a contract, isn't it?

Mr. CASS. That is correct.

Mr. LEGGETT. Now how can you have a work guarantee period not part of a contract if you have got your existing noncontract arrangement with domestics? Are you envisaging for every domestic that a farmer hires he also must have a contract?

Mr. CASS. Well, he really does for every domestic he hires. If you place an order with the U.S. Employment Service, that is an offer of employment. And when they send you a worker that is an acceptance of the offer, and I think legally, sir, you have a contract.

Mr. LEGGETT. For 1 day?

Mr. TEAGUE. One hour.

Mr. LEGGETT. Or for 1 hour?

Mr. GATHINGS. Mr. McIntire, do you have a question?

Mr. LEGGETT. I yield to Mr. McIntire.

Mr. McINTIRE. What would be the position of the Department in relation to foreign workers if the farmer recruited his own domestic help and did not use the Employment Security Office?

Mr. CASS. This doesn't say he has to recruit, this bill does not say he has to recruit through the Employment Service, the Federal-State system.

Mr. McINTIRE. But wouldn't the Department interpret the qualifications for the foreign worker on the work agreement with the domestic, whether recruited through the Employment Security Office or not?

Mr. CASS. Yes, if he wishes to have foreign workers, he would have to demonstrate that he had made the offers to domestic workers either through the Employment Service or personally. He could do it by newspaper ads or by his own methods.

Mr. McINTIRE. Personal solicitation?

Mr. CASS. Yes, sir.

Mr. McINTIRE. And it will be the purpose of the Department to make a condition of foreign workers the right of the Department to lay down the contractual relationship between the domestic and the employer whether or not the Employment Security Offices are used?

Mr. CASS. No, sir, I wouldn't say it in that way.

Mr. McINTIRE. How would you say it?

Mr. CASS. I don't want to be technical.

Mr. McINTIRE. How would you say it?

Mr. CASS. I would say that the Department would have to satisfy itself that the employer had offered to domestic workers the conditions specified in the legislation prior to their taking action to supply him with Mexican workers.

Mr. McINTIRE. While a man is soliciting local help, he is also in need of knowing where his foreign workers are coming from and having them for his crew at a convenient time. You have said exactly the same thing that I did. And you confirm my observation, if I interpret correctly, that whether or not as a farmer I am soliciting domestic help through the Employment Security Office, the Department of Labor will inject itself into the conditions of work so far as the domestic is concerned, including the contract, doing this before it will confirm any part of my crew coming from foreign sources.

Mr. CASS. This is not in principle, sir, different from the existing situation under Public Law 78 today. It is only different in the details of those conditions that must be offered.

For example, today you must have a certification that there is not domestic labor available. You must have filed an order with the Employment Service in order to get them. There are certain conditions you must meet today. This just sets additional conditions. You must have complied with the adverse wage effect determination, and so forth.

Mr. McINTIRE. That is right.

Mr. CASS. This just increases the comparability between what you must offer domestics and what you do offer Mexicans from what the situation is today. It does not change the principle at all. It merely extends the comparability.

Mr. McINTIRE. But you agree with me that this does expand this particular area. You agree that the Department can deny the foreign worker admission if a mutual agreement as between the domestic and the employer—the conditions of this agreement which are verbal and not written and which are the hour-to-hour and day-to-day details—does not, as a verbal agreement, meet their conditions. Then you can foreclose the foreign worker's entrance, even if you have certified that there is a scarcity of help in the area.

Mr. CASS. I don't think it stops right there, sir. For example, suppose—and I can be corrected if I am technically wrong by my associates here—suppose you have recruited 100 domestic workers under conditions that do not meet the standards you must meet when you recruit Mexican workers, and then you find you need 50 more workers. I do not think that this bill itself requires you to go back and offer the 100 now working for you different terms or conditions from what you have already offered them.

However, I think it does say that when you need 50 additional, if you don't offer them comparable working conditions, as set forth in this bill, to those you would have to offer Mexicans, then you do not get Mexicans.

If you do offer the additional unspecified work force that you do not yet have, you do offer and hold out terms and conditions comparable to those you would have to offer to get Mexicans, and this does not draw in the additional 50 workers, they would then supply you with 50 Mexicans. But it doesn't by itself change any terms or conditions. You work these out bilaterally between the workers who do work for you and the farmer.

Mr. LEGGETT. The net effect of this then would be that you would have domestics on your farm doing precisely the same work, one working for one wage and one working for another wage?

Mr. CASS. Yes, sir, you might.

Mr. LEGGETT. You would say this is exactly what we have in the bracero program, but you also have different obligations and you have different recruitment efforts?

Mr. CASS. Yes, sir, but I think it is less inequitable, if I may use that term, to have two sets if you wish, of domestic workers working at different working conditions than it is to have higher standards for the foreigners than you offer to the Americans.

Mr. LEGGETT. Let me ask you this: When you file your certification, the farmer that has got say 150 domestics and he wants 50 Mexican workers in northern California, he files his request for a certification for 50 braceros and he allegedly makes some offer of employment to domestics to the department of employment, such that he can get bracero laborers.

They will make that offer in the nature of a minimum offer of employment to satisfy the requirements of the Department of Labor with respect to this legislation.

What offer would that be, if you understand me? What offer of housing, what offer, how much? How much transportation, how much of these other factors, how much of a work guarantee would you offer to these domestics?

Mr. CASS. The same as you would offer to the Mexicans, comparable, and what you would have to do—all this says to the farmer is you don't

increase your costs. You just have to be willing to offer Americans what you offer to Mexicans.

Mr. TEAGUE. Would you yield right there?

Mr. LEGGETT. I want to pursue that.

Mr. TEAGUE. I want to, too. I want to help you.

Mr. LEGGETT. You come back with the same cliché, offer the same as you offer the Mexicans.

I am asking you how much do you offer him in dollars and cents? You haven't got the braceros, so you don't know how much you are going to give to the braceros. You don't know what the transportation is. You don't know what the housing is because you don't know whether or not you are going to be entitled to braceros.

Mr. CASS. You do know how much you would have to offer the Mexicans. You know exactly how much you would have to offer the Mexicans. You know exactly what their transportation would be. You know exactly what standards you would have to meet.

Mr. LEGGETT. This is transportation of whom from where to where? For instance, if you are in the Central Valley of California, and you are recruiting in nearby Sacramento, do you tender to that man the commuter fare? Do you tender to that man housing because he might not want to commute across the river? What do you offer him under this legislation?

Mr. CASS. You would have to offer housing to the Mexicans so it is no additional burden to offer it to the domestic.

Mr. LEGGETT. Is this the Departmental conclusion as to the import of this legislation, or have you thought about this?

Mr. CASS. We have thought a great deal about all of this. We haven't drafted up any regulations with respect to it.

Mr. LEGGETT. I understand you could fabricate a whole flock of regulations under this general statute, but I am wondering if you could interpret this statute to come up with any conclusions as to really what you would offer if you are not really empowered with the power to develop regulations?

Mr. CASS. I think you could. I don't think we would have any problem. As a matter of fact, on the offer of housing, for example, the Secretary in testifying before this committee, pointed out that it would be barracks type housing.

He was not saying that you had to go out and build family type housing for domestics.

Mr. HAGEN of California. Would you yield at that point?

In other words, if he had been offering braceros single men's barracks that is all he would have to offer for the domestic?

Mr. CASS. That is what the Secretary said. He said that or the equivalent.

Mr. HAGEN of California. What would be the equivalent?

Mr. CASS. Well, here is what the Secretary said when he testified before this committee:

The administration proposal would not require any different housing for domestic workers. Where it is impractical to house them in barracks type housing equivalent allowances could be offered.

Mr. TEAGUE. Would you yield?

Mr. GATHINGS. Go ahead.

Mr. TEAGUE. On the same point, Mr. Cass, housing first, you are saying then, correct me if I am wrong, that farmers are not going to be required to house the family of the farm labor they employ, only provide housing for single men, single domestics.

Mr. CASS. That or equivalent allowances.

Mr. HAGEN of California. Would you yield at that point?

Mr. TEAGUE. Yes.

Mr. HAGEN of California. He has got the housing. In addition, you are going to say if he hires domestics you have got to pay him a cash payment.

Mr. GATHINGS. That is it.

Mr. HAGEN of California. So he has already made his investment in the housing but he can't use it. He has got to translate the value of that room into cash, so he is making a double payment in effect.

Mr. CASS. That possibility is opened by this language, sir. This is my understanding. I don't think this would be quite as onerous as it sounds but that is my speculation. I take it yours is the contrary, but that possibility is open, sir.

Mr. GATHINGS. Will the gentleman yield there?

Now you have a situation where in the city of Memphis, Tenn. we recruit an awful lot of labor to go over three States. Now that labor is paid the transportation to take the job on the farm.

But now they do not spend the night at the farm. They do not sleep overnight there at all. They get on this bus and go on back to Memphis, and then they get a new crew the next day and they come back out some 30 or 40 miles from the city of Memphis.

How much additional now for housing under this language here would the farmer have to pay that worker for housing alone?

Mr. CASS. I wouldn't anticipate he would have to pay housing at all. Housing was not the type of thing that he would have to provide normally, so he would just not do it.

Now if, however, he wanted braceros, he would have to provide housing for the braceros.

Mr. GATHINGS. But he wants braceros. We are talking about a man who needs braceros to harvest his strawberries. He wants braceros. That is the purpose of 78, braceros and braceros alone. That is really what we are dealing with. We are not dealing with the domestic worker.

Mr. CASS. Yes, sir.

Mr. GATHINGS. That is thrown in by the Senate. We want to ask you just how much for that housing this man would have to pay who is engaged also in the need in his farming operation to get additional workers from Mexico.

Mr. CASS. He would have to pay exactly what he would have to pay for the Mexican. He either has to build it as he does for the Mexican or provide the equivalent—

Mr. GATHINGS. But they are not sleeping there on the farm. How much? How are you going to arrive at a figure?

Mr. CASS. I am sorry, sir, I may have misunderstood you. If you are saying does he have to give a housing allowance—

Mr. GATHINGS. Yes.

Mr. CASS (continuing). To a domestic worker who is commuting on a day haul proposition.

Mr. GATHINGS. Yes. That is right, everyone wants the answer to that question.

Mr. CASS. I would say no, he does not have to give housing to a worker who does not need housing.

Mr. GATHINGS. Even though he needs additional supplemental labor to harvest the crop?

Mr. CASS. That is correct.

Mr. GATHINGS. Mr. Latta.

Mr. LATTI. Where does it provide that exception in the bill? I didn't read that in there.

Mr. CASS. It says he must offer comparable to what he would offer the Mexican.

Mr. LATTI. And the Secretary's testimony was the equivalent in allowances for the same if he didn't provide them.

Where does it provide an exception in this Senate version?

Mr. CASS. The person who doesn't need housing need not be offered housing, sir. I am interpreting what I understand to be commonsense into this. You would have to offer housing to those who would need housing.

If, for example, in the case the chairman put to me you were to bring people from Mississippi to the environs of Memphis, and by the same token you would have to provide housing for the Mexicans. Therefore, under this bill you would have to provide housing.

But if you are recruiting people from the environs who are on a day haul proposition, and you do not now provide them housing, you wouldn't have to offer housing to people who could commute.

You would have to offer housing to people who could not commute just as you offer housing to Mexicans who do not commute.

Mr. LATTI. It doesn't read that way. I would just like to read this into the record.

Section 503: No worker recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that * * * 3, reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work and including workmen's compensation or occupational insurance, housing, transportation, and work period guarantee comparable to that provided foreign workers.

That is what the law says. Do you disagree with that? You don't disagree with what I read, do you?

Mr. CASS. No, sir; but I do not think—

Mr. LATTI. How do you explain your answer then to the question propounded by the chairman in view of what this proposal says?

Mr. CASS. Well, sir; I think this: Of course, the Congress passes the laws and it is up to us to interpret them reasonably and sensibly, and I do not think, and the Congress can correct me if I am wrong, they haven't passed this finally, I do not think this language was intended to require that you offer a man who lives 10 miles away in his own home housing on your farm in order to get him to work just because if you got a man from 2,000 miles away you would have to offer him housing.

Mr. LATTI. That is a different interpretation.

Mr. CASS. To me that is sensible.

Mr. LATTI. What I read is pretty clear though. I don't think reasonable minds can disagree as to what it says.

Mr. CASS. On the other hand, Congressman——

Mr. LATTI. So if you are for what you say you are for now, probably there ought to be an amendment put in, wouldn't you think, to spell it out?

Mr. CASS. I would assume that you would agree with me that this was a sensible interpretation of the requirement to place upon a farmer, wouldn't you, sir?

Mr. LATTI. There isn't any other interpretation that you can put on it when it is spelled out just as clear as the nose on your face as to what they are saying.

But I would say it is probably a sensible approach to the problem.

Mr. CASS. This is the approach we would take.

Mr. GATHINGS. Mr. Hagen.

Mr. HAGEN of California. On this housing question, actually the Mexicans are not getting free housing. They have to pay for this housing, isn't that correct?

Mr. CASS. No, sir, this is free housing.

Mr. HAGEN of California. They have to pay for their meals, I know that.

Mr. CASS. Yes, sir. They pay for their meals but the housing is free.

Mr. HAGEN of California. The housing is free?

Mr. CASS. Yes, sir.

Mr. GATHINGS. Go ahead, Mr. Teague.

Mr. TEAGUE. On this same point, getting back to transportation for a moment, I believe there are some braceros used in such northern States as Michigan and Wisconsin.

This is correct, isn't it?

Mr. CASS. Michigan does. I think Wisconsin does, also.

Mr. TEAGUE. Now those braceros are transported at the farmer's expense from Mexico. That is correct, isn't it?

Mr. CASS. Yes. There is an averaging out.

Mr. TEAGUE. All right. Now would this amendment, if it became law, mean in your opinion that farmers would have to attempt to get domestics from places as far, equally as far away as Mexico? Would they have to go to Texas or New Orleans to recruit and pay comparable transportation costs?

Mr. CASS. Up to the cost, I would think, they would have to be prepared to pay as much to move domestics as they would have to pay to move braceros.

On the other hand, for example, in California you wouldn't have to recruit in Georgia to bring them all the way to California, because it would cost you more than it does to bring braceros from Mexico to California.

Mr. TEAGUE. But you are saying that the farmers in Michigan and Wisconsin are going to have to go 1,500 or 2,000 miles away to attempt to recruit domestics and offer them transportation costs all the way from New Orleans all the way up to Green Bay, Wis.

Mr. CASS. This would be up to a comparability, and the comparability, it doesn't average out quite like that.

Mr. TEAGUE. Why not?

Mr. CASS. Jack, do you want to explain?

Mr. DONNACHIE. I think the comparability would be one of cost and we relate it to what it costs him to get a bracero. We would work under what we would anticipate interpreting this to mean. As we understand it now, he would have to pay an amount equivalent to what it costs him to get a bracero.

Now if it costs more than that from New Orleans up he wouldn't be expected to spend more. He would be expected to spend up to the amount he paid to get a bracero.

Mr. TEAGUE. Yes, that is what I understand. He is going to have to spend a large sum of money to pay the comparable transportation costs of the domestic to get him from 1,500 to 2,000 miles away, and when he gets him there he is going to have no assurance whatsoever he is going to work more than an hour. Isn't this true?

Mr. LEGGETT. There would be no contract. If the gentleman would yield, at the present time as I understand it, the way you get braceros you file an application with the local department of employment and then you get a certification back that they either can provide the men or they don't get the braceros or they can't provide the men and they get the braceros.

Under your philosophy here you have to exhaust the recruitment efforts within the area framework of the amount of money that you are paying in transportation expenses, you would then envisage that you would have to file applications or that States would have to set up new procedures or that the Department of Labor would then set up new recruitment procedures to then exhaust the employment manpower pool in maybe a thousand or so different departments of employment throughout the entire United States within the radii of your transportation amount before you could be certified for braceros; isn't that correct?

Mr. DONNACHIE. First, this isn't new. We do this now. Before we will approve the certification or approve the importation of foreign workers, we ask them to recruit in other areas other than the home area.

All this does is set a dollar amount in my opinion which the employer will be expected to spend toward the transportation of the individual domestic worker.

At the present time there are many areas where more money is paid for domestic workers to get them to and from the job than is paid to get the bracero to the job.

In the Northwest, for example, their recruitment out of Texas, their payment for transportation today, what they pay the workers for transportation today to get them to the job would be greater than they would be obliged to pay under this legislation.

Mr. LEGGETT. Suppose there are masses of unemployed in southern California that might have an interest in just taking a little vacation in northern California. Since this would be publicized in the newspapers, of course the department of employment, doing their fair job of publicizing the opening for jobs, might have this in the newspaper that anybody who wants to get to northern California and get a check for transportation or transportation in kind merely could turn into the department of employment in Los Angeles or San Diego, pick up your check and you would be transported up to work for Farmer Brown in northern California.

Now he is under no obligation whatsoever when he accepts that check to do anything with it other than perhaps travel to northern California.

He will then come up to northern California, look at the job, decide he doesn't want it.

The farmer is out the money and there is exactly nothing under this bill to allow the farmer to recoup the amount of money he has expended.

Isn't that true?

Mr. DONNACHIE. We can argue that the citizen worker, the domestic worker is a free worker. He is not bound or tied to the job.

We have in our normal operations, we have had occasions, I had one just last week, where a man in Colorado recruited a sheepherder from New Mexico. He was advanced \$20 and didn't show up on the job. We got the return of the \$20 for him.

Mr. LEGGETT. This is under the annual worker plan?

Mr. DONNACHIE. That is correct, under regular recruitment.

Mr. LEGGETT. How many men have you provided under the annual worker plan in California?

Mr. DONNACHIE. Not very many in California.

Mr. LEGGETT. Do you have statistics as to how many?

Mr. DONNACHIE. No; I don't have them readily available, but California is a recent participant in the annual worker plan. The annual worker plan primarily started on the east coast and into the Great Lakes States is primarily the direction of the annual worker plan.

We are hopeful that the annual worker plan can be expanded in California.

And I want to say that the workers under the annual worker plan are good workers. We have many States that don't require any Mexicans at all, because they are satisfied with the domestic workers that they get under the annual worker plan.

Mr. LEGGETT. Isn't the net effect though of this amendment to provide contract benefits to a mass of people, maybe 100,000 people who have no contractual obligations? Isn't that the inherent fallacy in this amendment? And for that reason, isn't that the reason that it is just inherently defective?

Mr. MISLER. Could I just add this one thing? This hasn't been said here before, but it is not unusual for Mexicans to come in here and not do 1 day's or 1 hour's work and go back, and that farmer has to bear the expense of bringing him up here.

As a matter of fact, several years ago in Pecos, Tex., some 1,500 workers or thereabouts came up from Mexico, worked an extremely short period of time, and some of them did not work at all. They looked at the crop, they didn't like it, and back they went to Mexico. We had a large exodus back to Mexico. It isn't unusual for Mexicans to do the same thing.

Mr. LEGGETT. Well, in my district corresponding with that we had a recruitment effort in El Paso, Tex., of domestics and we spent \$13,000 to bring 150 guys up to northern California and none of them finished the season.

In fact, none of them finished 30 days' worth of work. We want to provide jobs, but it is a question of getting something workable that will do the job.

I think that Mexicans, maybe they are raised different than we are, I don't know, but I think that they assume some moral obligation when they come under the bracero program. They are screened and so forth.

Now under this program there is no provision for screening these men in any way, shape, or form, and there is no provision for excluding the people that just want to take a vacation.

Mr. DONNACHIE. Please, this I would like to comment on. We make every effort to screen qualified, reliable workers.

Mr. MISLER. This is under any interstate recruitment or any recruitment plan. The exception that is always pointed to are the winos and the bums, speaking of such places as Fresno where we had a recruitment from skid row.

Now you are talking primarily when you get into this group of workers about day haul workers. We are not talking about workers that we pay transportation to and we move any distances. These are people that are shaped up and you don't have an opportunity to select or go through this group and select.

However, they are making a concentrated effort in California to weed out those.

Now that they find to be unreliable even in the day haul. But where we move people from one area to another, they are very well screened. They are screened to the best of our ability as to their qualifications and their reliability to stay on the job.

Mr. CASS. Mr. Chairman, I think if I may add to that, I really think we ought to make quite explicit in the record what is implicit in everything we have said, and that is all the virtues of industry and reliability and honesty are not south of the border.

American workers are just as reliable and we think far more reliable than those we bring from Mexico, and I think everything that has been pointed out that could happen in America with American workers does happen with—

Mr. GATHINGS. Mr. Misler just said some of these Mexicans come over here and they just want the ride. I have never heard that in my country. I have never heard that before. They are good workers and they do a splendid job.

Mr. Leggett put in the record some very fine figures with regard to the reliability of domestic workers. He just referred to it a moment ago.

Here are some figures that went into the Senate debate. In an El Paso farm recruiting agency of 213 domestic workers recruited in El Paso and transported to Woodland, Tex., I don't have in mind just how far Woodland would be, of 213, 178 were actually assigned to growers and the rest disappeared upon arrival.

To break it down further to specific crops involved, melons, 92 were assigned, two completed the harvest or 2 percent. Peaches, 16 assigned, none completed the harvest. Tomatoes, 79 assigned, none completed the harvest.

Now Mr. Leggett put in the record some information as follows: Some interesting figures relating to 1,798 domestic workers recruited from the city of Sacramento out of a total of 1,798, 133 failed to report for work, 938 worked less than 3 days, 561 less than 7 days, 134 worked 14 days or less, 31 less than a month, and only 1 of the 1,798 worked more than a month.

Now if you were engaged in the cantaloupe business, what kind of a situation would you find yourself in to harvest your cantaloupes?

Mr. CASS. Mr. Chairman, I can only comment without contradicting a word you have said, sir, I don't think bad cases make good law.

We have approximately 8 million agricultural placements in the United States per year through the U.S. Employment Service, don't we, Jack?

Mr. DONNACHIE. Yes; 9 million.

Mr. CASS. And I am sure that—

Mr. GATHINGS. In agricultural work?

Mr. CASS. Yes, sir, in agricultural work alone.

Mr. GATHINGS. Nine million.

Mr. CASS. And there are many of these individuals you can point out who do not turn out to do the right thing.

But out of a recruitment effort as massive as that, I think that these do not demonstrate that American workers aren't by and large reliable and I am sure you would agree they are, sir.

Mr. GATHINGS. What percentage of the 9 million stayed for the harvest?

Mr. CASS. The overwhelming percentage. I wouldn't know how many.

Mr. GATHINGS. Let's get the figures in the record.

Now what percentage of the 9 million that were recruited through the U.S. Employment Service stayed for the harvest?

Mr. DONNACHIE. A good many of these 9 million we should point out are the day-haul workers that go out just for a day. They just go to do a day's work.

Mr. GATHINGS. That is right.

Mr. CASS. Talking about the annual worker plan or the interstate recruitment—

Mr. GATHINGS. Yes.

Mr. CASS. The vast majority of the workers that we recruit under those do stay and complete the harvest. We have records on the crews. If a crew proves to be unreliable, we don't recruit them the next year, if they don't live up to their obligations.

We have found that the domestic workers that operate in the organized group, the Texas Mexicans and the workers from the South-eastern United States who move North, have demonstrated themselves to be very reliable.

Mr. GATHINGS. We hope they continue to be reliable if we are going to have to depend on them.

Mr. Hagen?

Mr. HAGEN of California. The statement is sometimes made about farmers in California that they prefer the bracero even over the local laborer. I am not talking about Texas laborers but even over the local laborers, that there are numbers of unemployed in these rural areas that can't get a job because the bracero is on the job.

Do you subscribe to that charge?

Mr. CASS. I don't know what the California people prefer, but I do know that the California farmers are using domestic Americans, both from California and elsewhere, very successfully and in large numbers.

Mr. HAGEN of California. Labor organizations, for example, they make the charge that because of the bracero program there are large numbers of unemployed willing workers in these local areas who don't get jobs because the farmers prefer the braceros.

Now do you think there is any validity in that charge?

Mr. CASS. We feel that if great inducements were given as this bill would give to the domestic labor force, that the domestic labor force would respond and qualified workers who would meet the farmer's needs would be available, and then I don't think under those circumstances that preferences would enter into it.

I think the California farmers would be happy to have qualified workers from whatever source.

Mr. GATHINGS. Will the gentleman yield at that point?

Mr. HAGEN of California. Yes.

Mr. GATHINGS. You say, Mr. Cass, that if you pay them enough you will get them. Is that your attitude? Is that your presentation here today that if you pay the domestic workers enough money you will get them to do the work?

Mr. CASS. I didn't limit it to the payment, sir. It is the working conditions.

Mr. GATHINGS. Working conditions, all right. If you give them a good hoe and it is sharp and a good pick sack, and other working conditions, he will work if you pay him enough, is that it?

If you pay him enough and give him the same working conditions consisting of what working conditions?

Mr. CASS. Consisting of the entire gamut of working conditions you offer to Mexicans who come up here. We treat them fairly well. We house them.

Mr. GATHINGS. They get them kitchen utensils and housing, that is right.

Mr. CASS. And we give them decent wages in most instances and everything is worked on a better basis than we are willing to do for domestics, and I say to you, sir, after all we are not dealing with millions of people. We are dealing with a dwindling supply.

Mr. GATHINGS. Yes, sir.

That is the argument I have been hearing for many years. They come in here and say, "If you will just pay them you will get them." Now is that the philosophy you are bringing us today?

Mr. CASS. I am going a little beyond that but I say giving them what you give Mexicans—

Mr. GATHINGS. Giving the same things you will get them, is that right?

Mr. CASS. Yes, sir.

Mr. GATHINGS. Let me read you a letter:

WALLACE FRUIT & VEGETABLE CO.,
Edinburg, Tex., June 2, 1963.

HON. JOE KILGORE,
House of Representatives,
Washington, D.C.

DEAR JOE: I would like to take this opportunity to give you a summary of our recent all-out drive to recruit and employ local citizen labor for the harvesting of our cantaloup crop.

As you know during the past few years and especially this current year, there have been threats and indications that we would one day be completely without the bracero labor in our section of the country.

This is down in the valley where they can come over with a very short order and harvest the cantaloups and come across.

Certain factions took this position, that there was ample citizen labor to perform any duty that the bracero had performed in the past, or was at present performing. With this information in mind we decided to make an all-out effort to employ citizen labor for the harvesting of our cantaloup crop, which includes some 500 acres.

Early in April we started to work on this. We contacted Mr. Bob Sanchez, the attorney in McAllen, with the aim of working out a fair labor contract for the local citizen labor. Mr. Sanchez had stated at various labor hearings that he could recruit all the citizen labor that was needed in this country for harvesting, if they were paid a fair wage.

This is the same story we also heard, Mr. Cass.

Therefore, the first step in our program was to determine the fair wage. We agreed that the fair wage would be 75 cents per hour, with an additional guarantee of 25 cents per hour, for every hour worked, provided the worker would stay until the cantaloup harvesting was completed. All we asked of the worker that he put up his integrity and responsibility. To sum it up, actually we guaranteed the worker \$1 per hour if he would stay until the crop was harvested. I had Mr. Bob Sanchez draw up the contract himself, and made sure the worker was fully protected. I do not need to tell you, Joe, for you know this is the highest wage per hour ever offered to a field harvester.

Look what this man did to try to get his cantaloups to market. We had cantaloups last night for supper. I don't know whether we are going to have them much longer.

We therefore entered into an all-out advertising campaign, in which we had well over 200 spots in Spanish over the radio. We also printed and distributed 10,000 posters in Spanish. In addition to this the man-hours we spent talking, explaining, persuading were too numerous to be counted. We knew the people were badly in need of work, and we did not see how we could miss. But miss, we did. The facts herewith speak for themselves and cannot longer be ignored.

Herewith are the facts, as backed up by our actual records:

Local citizens reporting for work in cantaloup fields

Date	Local citizen number working	Football team reporting	Date	Local citizen number working	Football team reporting
May 15.....	34	-----	May 18.....	15	-----
May 16.....	41	-----	May 19.....	1	-----
May 17.....	30	-----			

Now that ought to be left out because that is Sunday. You ought not to put that in there at all.

Date	Local citizen, number working	Football team reporting	Date	Local citizen, number working	Football team reporting
May 20.....	34	-----	May 26.....	1	42
May 21.....	35	-----	May 27.....	18	63
May 22.....	34	-----	May 28.....	15	50
May 23.....	20	-----	May 29.....	15	53
May 24.....	17	-----	May 30.....	17	52
May 25.....	14	45			

You will please notice that on May 25 members of the school football team went to work in the cantaloup fields. We made an appeal to the school to see how many of the boys wanted to work, and the coach responded by sending out some of the football boys. The football team has worked out well, and we are pleased with what these boys have done.

Needless to say, Joe, we are bitterly disappointed and very discouraged over the result of our labor drive. Mr. Bob Sanchez is also disappointed.

Bob Sanchez represented the various groups of workers in that particular county or area.

It was hard for us to believe that the labor would not work and respond to this opportunity. But they did not, and would not.

It is now evident and conclusive, based on actual facts, that we cannot grow or harvest these cantaloups without bracero labor.

That is the reason I asked you that question a while ago, what are we going to do in the future if these restrictions are continuously imposed upon like this man was who has given something to eat on our table. This fellow ought to be considered. He has 500 acres of cantaloup. He is one of the type that is feeding America.

Now let's see here.

This not only holds true for cantaloups, but for any other hand harvested crop.

Like our strawberries. We always had a terrible time with strawberries. This last year here you did provide us with some extra help from Mexico on those strawberries and they didn't lose the crop this year. They lost it last year.

The seriousness of this situation is enormous in many directions. If our bracero labor should disappear, not only would we have to curtail the planting of hand harvested crops, but our citrus industry would be endangered. This is definitely a hand harvested crop.

For your additional information I am enclosing a copy of a letter I received from the executive secretary of the National Council for the Spanish Speaking. It is with true regret that I shall have to appraise him of the true situation, that the people will not work.

Joe, I regret having to place the facts before you. I had hoped against hope that our plan would work. But now that we are faced with the fact that it did not work, we are going to have to gather new ideas and new plans for the immediate future, or our agricultural industry will greatly be set back for lack of labor. We do not want to see this happen, as we feel our section of the country cannot afford any more setbacks.

We hope that you will give this much thought, and your counsel and guidance will be greatly appreciated.

With best regards, I remain,

Yours very truly,

WILL WALLACE,
Wallace Fruit & Vegetable Co.

He attaches a letter from the National Council for the Spanish Speaking. It is a little dim but here is the letter. It is very short:

About 2 weeks ago during a very brief visit to McAllen I discussed the contract you had prepared for the citizen workers and just now I received copies of the contract from Mr. Sanchez. I do want to commend you for initiating this contract and I hope it may be the start of a trend in Texas.

I hope that sufficient interest and desire will be generated among the local people in the valley to make use of this opportunity which is being provided for them. I've read a lot of contracts from other States using our domestic farmworkers but yours is by far the best I have ever seen in relation to the worker himself.

And it was signed, "Father John A. Wagner."

Then they include this which was prepared in great quantity in Spanish.

Mr. TEAGUE. Would the chairman yield for something else on that point having to do with two small farmers, not a 500-acre man but two small farmers quite possibly in Mr. Leggett's area? I have an account here concerning the experiences of two men in near Modesta, Calif., berry growers, one of whom had 7 acres and one 10 acres, both signed up with union contractors affiliated with AWOC, Agricultural Workers Organizing Committee, AFL-CIO, to supply workers to pick their berries.

The article goes on to describe the very extensive advertising which was entered into, and as Mr. Leggett and you gentlemen know, in that area the wage is probably \$1.50 or more, the average wage.

Is that correct, Mr. Leggett?

Mr. LEGGETT. That is correct.

Mr. TEAGUE. Around \$1.50.

And I believe you gentlemen will concede that our California State laws are such that housing and working conditions, generally speaking, are good.

Nevertheless, these labor contractors were not able to supply any workers at all for these farmers and had to rely upon braceros. The contractors themselves had to bring braceros in in order to harvest the crop of these two small berry growers in northern California. They did not get any workers in spite of buses provided, transportation available, radio advertising, newspaper advertising.

According to this article, no workers at all responded, no domestic workers.

Mr. GATHINGS. Mr. Latta.

Mr. LATTA. I would like to inquire as to whether or not there have been many cases reported to the Department of Labor of domestics seeking these stoop labor jobs held by braceros.

Mr. CASS. I do not have specific information on it.

My understanding is that from time to time braceros are actually removed because domestic labor shows up.

Mr. LATTA. I mean are there many cases?

Are we just talking about something here that there really is not any need for?

I do not think we have had any testimony at all as to the need for this. If they are not showing up and demanding these jobs, it would seem the braceros ought to continue to do the work.

Mr. CASS. For them to show up and demand the job somebody else has is one test. But I think a better test is the ability to recruit domestics when the conditions are comparable, and our feeling based upon our own experience in recruitment is that when the conditions are good, you generally can recruit domestic workers.

Mr. LATTA. This is pure supposition, though. I am talking about what the experience has been.

Do you have these people showing up, these domestics now requesting this stoop labor?

Mr. GATHINGS. Do you have any detail on that?

Mr. DONNACHIE. I think we can say there has been a decrease in the utilization of the braceros. The numbers are down from 450,000 to around 200,000, and I think a significant contributor to this reduction in number was improved conditions of employment that were offered to the domestic workers which made the work more attractive.

When the wages were increased as a result of the adverse effect decisions, the floor under the piece rate, all these factors contributed to the availability of more domestics and a reduction in the number of braceros used.

Mr. LATTI. You would not want to leave the committee with just that statement to make us believe that this is all because of domestic workers?

Quite a bit of this is due to mechanization.

Mr. GATHINGS. We recognize that mechanization is a significant factor as well.

Mr. GATHINGS. Since you mention that point, I would like to ask Mr. Cass if he would give us the number of compliance officers on the force year by year for 2 or 3 years past. Do you have that information before you or does someone have that?

Mr. CASS. I do not have it with me. I can supply it to you.

Mr. GATHINGS. If you would for the calendar year 1960, 1961, 1962, the compliance force, how many were added as a result of the two amendments that were placed on the legislation by the Senate in 1961, that is to say, the two amendments on seasonality and the machine driven or power driven equipment amendment.

(The information referred to follows:)

In 1960 the field compliance staff (Foreign Labor Service Representatives) numbered 74. In 1961 the staff was increased to 93, and this level prevailed throughout most of 1962. However, in the latter part of 1962 (i.e., in fiscal year 1963), increased appropriations for compliance activities stepped the number of compliance positions up to 107, an increase of 14, besides providing for supporting positions and nonpersonal costs. The additional positions were for the purpose of strengthening the compliance staff so as to cope more effectively with the 1961 amendments to Public Law 78. These concerned the use of Mexican labor in power-driven machinery work and limitations on the seasonal employment of Mexican labor.

Following are the compliance allocations for the period involved; these cover all phases and activities of the compliance program:

1960-----	\$873, 000	1962-----	\$1, 149, 000
1961-----	1, 168, 700	1963-----	1, 387, 250

Mr. McINTIRE. Mr. Chairman, could I ask one question of Mr. Cass?

Mr. GATHINGS. Mr. McIntire.

Mr. McINTIRE. Am I correct in assuming that it is the policy of the Department to apply the conditions of work which are set down in Public Law 78 as conditions of work on all important seasonal labor, whether or not these foreign workers who are braceros; in short, that the conditions of work developed under the bracero program are intended to be gradually developed as those conditions to be applicable to the importation of labor from other foreign countries?

Mr. CASS. No, there is not exact comparability; no, sir.

Mr. McINTIRE. My question was, is it the policy of the Department to transfer the conditions of work developed in the bracero program over to conditions of work on the importation of labor from other countries?

Mr. CASS. No, sir. We do not have the authority.

If you are talking about importation under 414, Public Law 414, this is in the control of the Attorney General and we can just carry out our responsibilities delegated by him to make certain findings and submit information.

Mr. McINTIRE. Yes, but the conditions of work laid down in Public Law 78 are in fact being transferred as a condition of work for the employment of workers from other foreign countries; is this not the case?

Mr. CASS. The specific question, you asked do we have a policy on extending into importation under Public Law 414 the conditions required for importation under Public Law 78 and the answer is "No," sir.

Mr. McINTIRE. Sir, it appears to me that is just what you are doing. And I am interested in this legislation not because in my area there are any braceros, but because my region does not want to see the provisions of Public Law 78 being transferred over as conditions of work under the importation of labor which does not apply to Public Law 78 at all but which instead comes under the establishment of a labor deficit area and which also come in under immigration visas.

Am I not correct on that?

Mr. CASS. No, sir; that is not my understanding.

We are carrying out our responsibilities under Public Law 414 independent of our responsibilities under Public Law 78 because, under Public Law 414, the only authority we have is to provide certain information to the Attorney General. We administer Public Law 78. He administers Public Law 414.

Mr. McINTIRE. It seems more than a coincidence that the amendments of Public Law 78 as related to using foreign workers on powered equipment have very quickly become part of the condition of work in areas where the law does not specifically apply to braceros importation.

Would you comment on that?

Mr. GATHINGS. Do we have an immigration official here?

Would you comment on that?

Mr. SHRODE. I think the Department of Labor ought to comment on this from the standpoint of certification.

Mr. GATHINGS. Would you give your name?

Mr. SHRODE. My name is Irving Shrode, Assistant Commissioner, Travel Control.

Mr. McINTIRE. Mr. Chairman, what I am searching for here is whether or not it is the intent of the Department to transfer these regulations administratively over into the conditions of work as related to the importation of labor from foreign countries into areas to which Public Law 78 has no practical application.

Mr. DONNACHIE. If I may, I think this proposal belongs to the Department of Labor rather than to Mr. Shrode.

Congressman McIntire, I think is referring to, we require exceptions to be granted to tractor drivers in the Maine potato harvest.

Mr. McINTIRE. That is correct; harvesting equipment.

Mr. DONNACHIE. This is correct, but generally we do not apply everything. The contracts are different. The contract becomes a part of their condition of their entry under the BWI program and it is a different contract from the Mexican contract. It is not at all the same.

Mr. McINTIRE. But the general direction is that very statement that I have made, is it not true?

Mr. DONNACHIE. I think that we do generally try to treat all importations of foreign workers equally, treat them all alike, but I would not want to say that we apply everything that applies to Public Law 78 to the other areas. This is not correct.

Mr. McINTIRE. I was searching for a policy statement, and I would appreciate it being answered as to what is the framework of policy.

Am I correct in saying that the framework of policy is to take some of the regulations which originate in Public Law 78 and transfer these over into the programs of importation of labor from other countries other than Mexico?

Mr. DONNACHIE. Not as a matter of policy. I do not think there has been any policy in the Department in that respect.

Mr. McINTIRE. Then this direction which is happening—I am sure you have got to admit it happens—is an inadvertence and not a policy?

Mr. MISLER. No, no.

Mr. McINTIRE. I did not think so either. I think it is a policy direction.

Mr. CASS. I think the only policy, sir, and this might explain the concurrence of two events which perhaps do not have the relationship, interrelationship which you think they may, is that there is a policy on the part of the Department of Labor to provide as much protection as possible for the domestic workers before any foreign workers are imported. And whatever directions these may take that are reasonably within the context of the statutes enacted by the Congress, it is not unlikely that the same things which may hurt domestic labor in one area might hurt domestic labor in another.

This, I think, is the explanation for the coincidence.

Mr. McINTIRE. I think you gentlemen have answered my point and confirmed my ideas on it.

Mr. GATHINGS. Mr. Olson.

Mr. OLSON. May I ask has this had any adverse effect, this mechanical amendment that was applied to Public Law 78?

Has this worked any hardship?

Mr. CASS. Not as far as we know.

Mr. OLSON. In other words, it did not hurt anything so we are not discussing that.

Now, in relationship to the amount of workers that you recruit in this Nation, I am very concerned that we are going to the point where we are building a case that we cannot do this job with domestic workers. Now we recruit 9 million domestic workers and we have a couple hundred thousand braceros, which number has gone down.

The point was made that mechanization has replaced some of them. I refer again to the fact that so-called stoop labor is being done in Minnesota by Minnesotans. The article I referred to earlier listed the crews and the policies and how this program was working.

Now I submit that we have a thousand commercial cucumber farms in Minnesota and we do not have any braceros picking cucumbers. In Michigan they use braceros to pick cucumbers.

In Minnesota actually this reflects itself in an hourly wage rate picking cucumbers at 20 cents an hour less than any other agricultural employment you can get in the State.

I think we do have some adverse effect because of the bracero program period, and we have all the illustrations of all these workers walking off the job and still in some way the crop gets picked.

The Labor Department must be awfully efficient in providing within 12 hours' notice crews to come in and harvest these crops; is that right?

Mr. LEGGETT. Mr. Chairman, on that point, as a matter of law I would assume that the Labor Department would have to take exception to what the Congressman from Minnesota has alluded to, that the bracero program has had an adverse effect on domestic labor.

Your certifications I think all certify that there has been no adverse effect; is that not true?

Mr. HOWARD. The purpose of the amendments proposed is to correct the adverse effects we have detected in the past years.

Mr. GATHINGS. Will you talk a little louder?

Mr. HOWARD. The purpose of the amendments proposed by the administration is to correct what we detect as a current adverse effect currently in the program.

Mr. LEGGETT. Mr. Howard, are you stating then that last year when you certified braceros for entry into the United States that there was no adverse effect, that in fact there was an adverse effect that you were not telling us about?

Mr. CASS. Let me comment on that.

The very existence of the program itself, in the words of the President of the United States when he signed the last extension of the program in 1961—

Mr. GATHINGS. Who wrote those words? Did you write them?

Mr. CASS. No, sir.

Mr. GATHINGS. Mr. Misler, did you write them?

Mr. MISLER. I had nothing to do with it.

Mr. CASS. I did not, sir, but I say these were signed by the President of the United States, whoever wrote them, and I assume he writes whatever he signs or it is up to him to say if he does not.

Anyway, he said that the operation of the law—

clearly established that it adversely affected the wages, working conditions and employment opportunities of our own agricultural workers.

The President then went on to state:

The Secretary of Labor on the basis of studies that have been made of the Mexican labor program proposed amendments * * * designed to provide needed safeguards for our workers and to prescribe more specific standards. While the enactment includes some of these safeguards, a number of the more significant ones have been omitted.

The President recognized, therefore, the very existence of the statute.

Mr. GATHINGS. And probably he didn't have the information from Arkansas where we pay more in the section where we use the Mexican laborers than in the other parts of the State where they do not.

Mr. Latta.

Mr. LATTA. Assuming that Public Law 78 is permitted to die, what would be the adverse effect or what would be the effect of having these million wetbacks stream across the border again that were streaming across the border before this program started?

Would you like to comment on that?

Mr. CASS. I think that having a million wetbacks cross the border would be a very unfortunate situation from the standpoint of the United States and from the standpoint of our domestic labor force and our entire economy.

I think it is also a very bad situation from the standpoint of law and order, since they would be entering the United States illegally.

Mr. LATTA. Are you disputing the fact that there would be some entry?

Mr. CASS. I just was going to add, sir, whether there would be wetbacks crossing I am not in a position to say. Perhaps the Immigration Service would want to say whether they are in a position to avoid such an influx of persons, but it is clearly illegal for them to enter.

Mr. LATTA. About all we can do on a question like this is to look to history; is that not true?

Mr. CASS. General Swing, as I recall when he was Commissioner—

Mr. LATTA. The figures would speak for themselves.

Mr. CASS. My recollection is that when General Swing was Commissioner, he did crack down on this and quite successfully and the number of wetbacks crossing into the United States was dramatically reduced, but the Immigration Service would have to answer that.

Mr. GATHINGS. Is a State Department representative here?

We would like to ask you a few questions, if you will.

Are there any further questions now?

Mr. Olson has the witness.

Mr. HELMBURGER. Mr. Cass, I am the committee counsel. I would just like to clear up a few things that are not quite clear to me on this.

Sometime during this meeting there was a discussion of whether or not you apply Public Law 78 uniformly or on an area and individual basis, and I was not quite sure of your reply. How do you construe Public Law 78, that its terms are to be applied uniformly throughout the country or on an area or individual basis?

Mr. CASS. What I was trying to indicate was that the uniform application of a statute has a divergent impact upon different areas depending upon their own situation.

For example, adverse effects rates differ by area and these reflect the conditions in the locality, and even with a uniform application of the statute, the end result is a disparity in the standards established under the law.

This is the only point I was trying to make.

Mr. HELMBURGER. So that these words which are added to the statute by the Senate amendment would mean different things in terms of dollars and cents in different parts of the country?

Mr. CASS. That is correct, sir.

Mr. HELMBURGER. Now, what do you construe the words "working conditions" in the present statute to include?

Mr. CASS. We have set wages—

Mr. HELMBURGER. May I read this to you?

Reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers.

Now, what do these three phrases together mean?

Mr. MISLER, do you want to answer that?

Mr. MISLER. Yes.

When the words "working conditions" were added last year, the report specifically said, the conference report said this is not to be construed as extending the requirement of affording to domestic workers all the terms and conditions of employment which are offered to Mexicans.

If you read the conference report, it further said we are talking exclusively about conditions in the field, such as the physical conditions in the field. So we have so construed that language.

Mr. HEIMBURGER. So that these words together, "wages, standard hours of work, and working conditions" do not include workmen's compensation?

Mr. MISLER. No; they do not.

Mr. CASS. As a matter of fact—

Mr. HEIMBURGER. They do not include housing?

Mr. MISLER. No; they do not include housing.

Mr. HEIMBURGER. They do not include transportation?

Mr. MISLER. No; they do not.

Mr. HEIMBURGER. Or any work period guarantee?

Mr. MISLER. That is right.

Mr. HEIMBURGER. So your construction is that under this language you have no authority to impose any requirements with respect to any of these things which are specifically mentioned in the Senate amendment?

Mr. CASS. That is correct.

Mr. MISLER. That is exactly right.

Mr. CASS. Under those words as interpreted by the conference report, which limited the words from what might have been their normal meaning to you and me.

Mr. HEIMBURGER. That is correct.

What I want is your present construction of the words—

Mr. MISLER. That is correct.

Mr. HEIMBURGER. Not how we had written the conference report.

Mr. HAGEN of California. Can I interrupt at that point?

Of course this amendment as it stands you have the prospect, assuming there is a need for braceros under some set of conditions, for a constant escalation in what has to be paid them.

Now, should there not be a proviso in this amendment if we would approve of the Senate amendment, that these additional increments on the domestic wage payments, so to speak, or domestic working conditions, fringe benefits shall not be considered in determining the prevailing wage for the purposes of employment of bracero labor?

Mr. DONNACHIE. We have never considered these things as part of the wage.

Mr. HAGEN of California. I see.

Mr. DONNACHIE. We have on numerous occasions, you know people have tried to say that they raised the wage so much an hour, this to allow for housing. This we would not permit. But when there was an identifiable charge for housing or an identifiable charge for transportation to the worker, these were never included in determining the prevailing wage.

Mr. HAGEN of California. In determining what you pay. I see.

Mr. GATHINGS. Any further questions?

Mr. HEIMBURGER. I would like to ask one or two more questions, Mr. Chairman, if I may. I want to try to pin down what housing comparable to that provided foreign workers means.

Now, my understanding from what you have said this morning is that housing is provided to Mexican workers without cost. Now if, then, there is the specific obligation to offer to foreign workers housing comparable to that provided Mexican workers, and the domestic workers do not need housing, they come from the locality, must there not be some additional compensation then in the form of wages to make up for this? Otherwise, the requirement here is not being met at all.

Mr. CASS. I would not think so, sir.

Mr. HEIMBURGER. You mean if a worker gets \$5 a day plus housing, that you can discharge your obligation by offering another worker \$5 a day without housing?

Mr. CASS. I would not think that the employer would have to offer housing or an allowance in lieu of housing to a domestic worker who commuted from the locality and did not need housing as a prerequisite condition, and this is all it is, of getting Mexicans.

Mr. HEIMBURGER. That is correct. I am glad you added that because I think sometimes we lose sight of the fact, in talking about this language, that these are not requirements of what the employer must do, but requirements of what he must show that he has done or is willing to do in order to obtain Mexican workers.

Mr. CASS. That is right.

Mr. HEIMBURGER. This is your construction of the language?

Mr. CASS. Yes, sir; that is my construction.

Mr. HEIMBURGER. Now just one more point on this.

On this transportation thing, this bothers me. Your interpretation of this, consistent with your whole interpretation of the act, is that it is a general statute which must be applied uniformly, but which, when applied uniformly, results in different conditions in different areas of the country. This is understandable.

So the requirement here, that before an employer can obtain Mexican workers he must offer domestic workers transportation comparable to that provided foreign workers means, I gather from your testimony, that a farmer in southern Texas who is within 30 miles of one of the border stations where these Mexicans come across, and who has to provide merely transportation from that station to his farm, becomes qualified for Mexican workers then if he offers domestic workers no more transportation than that.

Let me finish this and tell me if my comparison is correct.

A sugarbeet farmer in Michigan who uses some of these Mexican laborers or who wants to use some of them cannot qualify to obtain Mexican workers unless he offers domestic workers the transportation equivalent that he would have to pay to get Mexicans from the Mexican border to Michigan; is that correct?

Mr. CASS. That is correct, except for this thing. We have not drawn up any regulations on it. There is some cost which the Texas farmer is paying for transporting the Mexican from the interior of Mexico to the station at the border. Part of the fee is a transportation charge. So I do not want to say if it only costs 50 cents for 30 miles——

Mr. HELMBURGER. I did not mean to say that either.

Mr. CASS. But the disparity to which you refer would exist as it exists now.

Mr. HEIMBURGER. So that the farmer in southern Texas then can qualify to obtain Mexican workers by offering, say a \$15 transportation fee for domestic workers, whereas a farmer in a more remote part of the country would have to offer say, just to make it very reasonable, a \$25 transportation fee; is that correct?

Mr. CASS. Unless there were some indication that it would be better from the standpoint of carrying out the statutory intent if we were to average these as we do with some others. There is always a possibility of that.

Mr. HEIMBURGER. Now there is just one more point, Mr. Chairman, that I would like to try to clear up too.

In discussing the difference between a contract which may be entered into between a Mexican worker and a contract which might be entered into with a domestic worker, there has been reference to "reliability" and "integrity" and that sort of thing, when actually there is a real legal difference in their status, is there not? If the Mexican fails to complete his contract, he becomes a fugitive from the gentleman sitting over here from the Bureau of Immigration. He is illegally in the United States.

If a domestic worker fails to fulfill his contract, he is not a fugitive from anybody. He is legally in the country, and in the county where he is, and he can walk right down the road and get another job from the next employer or he can take a week off and go fishing, and there is nothing illegal in his action.

That is a very practical difference, is it not?

Mr. CASS. There is that practical difference, but I would like to add a footnote if I may, and say that there is still, however, the fact that a person, no matter who he is, who acquires money under false pretenses is running afoul of legal requirements, and in some cases of course we have gone after the worker and gotten the money back from the worker. But there is the difference you point out.

Mr. HEIMBURGER. Excuse me, I was not implying that the domestic had taken any money under false pretenses, had even accepted transportation under false pretenses, but merely that his decision to stay on the job or not to stay on the job is completely voluntary.

Mr. CASS. Correct.

Mr. HEIMBURGER. And there is no practical or legal punishment if he does not do so.

Mr. CASS. That is correct.

Mr. HEIMBURGER. Thank you.

Mr. TEAGUE. Very quickly and briefly, I would like to relate a situation to Mr. Cass and for the record.

There is a large ranch in my congressional district owned by the California Institute of Technology, not owned by any hard-hearted, big, rough, mean farmer, owned by the California Institute of Technology. They have approximately 200 houses, good houses. I am acquainted with them. They are completely up to the standards of California law and they must be adequate. They are engaged in lemon, orange, grapefruit, macademia nut production as well as raising black angus cattle. As a result, they offer almost all-year-round work.

The wages are in accordance with California averages and are in the neighborhood of \$1.30 an hour. Cal Tech is not able to keep even half of those houses filled with domestic workers. They have advised me they would be completely out of business unless they had braceros.

Mr. GATHINGS. Mr. Cass, to follow up what the counsel, Mr. Heimburger, asked, we have a situation where here is a farmer that does require supplemental labor from Mexico, and he is in the First Congressional District of eastern Arkansas, that is the finest valley this side of the Nile. He is in this situation. He pays \$15 to a worker to contract him. He pays \$42.60, which is nonreimbursable, to get that worker from the border up to the farm, and then he gives him hot lunches en route and carries him back, delivers him back to the border. But now he finds out there are some workers down in Potts Camp, Miss., a distance of 125 miles from his farm, who are unemployed and they had been people that had a farm background and they needed the work, and he wants to hire them.

How much more in wages would he have to pay the Potts Camp people that he recruited? You speak of some portion of the \$15 and the whole of \$42.60 which is the nonreimbursable, to every last one of the Mexican workers. It has to come out of his pocket.

How much more now under this Senate language would he have to pay in wages?

Of course he is going to provide housing while they are there on the job. But in wages the question is, on transportation and other emoluments, how much more would he have to pay these workers?

Mr. CASS. My understanding is, he has to pay the wages now. What he would have to do is to pay the same wages.

Mr. GATHINGS. He pays \$42.60 to get the Mexicans up to the farm and back.

As Mr. Heimburger brought out, there is a different scale in keeping with the amount of cost incurred.

Mr. CASS. He would not have to pay any more than he has to pay now to the Mexicans.

Mr. HAGEN of California. He would only have to pay what it costs to transport them from Potts Camp or whatever it is?

Mr. CASS. If it costs less he would not have to pay them more.

In other words, if it costs him \$42.60 to get a Mexican, and for \$15 he can transport these people from Mississippi, the \$15 transportation is all he would have to pay.

Mr. GATHINGS. It would be \$15?

Mr. CASS. Yes, sir. I am glad you mentioned this because I think this is going to save money to some farmers too.

Mr. HEIMBURGER. But Mr. Cass, remember we are not talking about what he will have to pay to the domestics. We are talking about what he must show he has offered to pay. So how you can figure he can get by without showing he has offered to pay \$42.60 worth of transportation from any place in the country whether it is Pittsburgh, Potts Camp, or any other place, I do not understand.

Mr. CASS. No; I am not saying that, but I am responding directly to the chairman's question. He has offered to pay up to \$42.60, but if he finds he can get them at \$12.50, he pockets the rest of the money.

Mr. HEIMBURGER. That is lucky, but that is still—

Mr. CASS. We hope this will happen more often because Mexico is a long distance away from a lot of these places.

Mr. GATHINGS. But he can bargain with the Potts Camp workers and can pay them more, but he could not pay more than the \$42.60 plus that part of the \$15 that went for transportation to bring them from the interior of Mexico to the border.

Mr. CASS. He would not even have to offer that much, sir, in order to get Mexicans. All he has to do is show he is willing to pay as much and offering to pay as much as it costs him to get Mexicans, to get domestics. If he is able in fact to get domestics for less than it is now costing him to get Mexicans, he just pockets the difference, and he has still complied with the statute. There is no problem.

Mr. GATHINGS. Any further questions of Mr. Cass?

Thank you so much.

Now I would like to ask Mr. Sayre to come around, please.

Mr. Sayre, some \$35 million a year is sent back into Mexico as a result of this Public Law 78 program, or thereabouts.

**STATEMENT OF ROBERT M. SAYRE, ACTING DIRECTOR, OFFICE OF
CARIBBEAN AND MEXICAN AFFAIRS, DEPARTMENT OF STATE**

Mr. SAYRE. That is the estimate of the Bank of Mexico, that is right.

Mr. GATHINGS. Some 200,000 workers have been coming up as of 1962, according to the figures.

Mr. SAYRE. I believe that is the correct figure, yes.

Mr. GATHINGS. What effect on the economy of Mexico would there be if these 200,000 workers did not work on America's farms?

Mr. SAYRE. These 200,000 that would not be able to find work in the United States, some of them may be able to find work in Mexico. Their wages will not be as high as they are able to get in the United States.

It would be difficult to predict the exact effect. It would also affect their families. These are presumed to be mostly heads of families.

We roughly estimate that it would affect possibly a million people in Mexico who depend directly or indirectly on this income, and would also mean that Mexico would not get this \$35 million in remittances that they got in 1962. Whether they would lose all of this amount, whether they would anticipate in 1963, for example, the \$35 million, I do not know.

Mr. GATHINGS. How many provinces would be affected over what area in Mexico by these 200,000 that would not come if the program was eliminated?

Mr. SAYRE. I believe that the Mexican Government has recruited braceros to send to the United States from every State in Mexico—in some years they recruit more from one area than they do from another, depending upon the employment situation in Mexico.

I do not think we could pin it down right now to any one specific State in Mexico where it would have an impact.

Mr. GATHINGS. That is the first time that has been in the record so far as I know.

Mr. SAYRE. It would have a general impact, I think.

Mr. GATHINGS. I just wondered what is the unemployment there? Do they have a serious unemployment situation in Mexico at this time?

Mr. SAYRE. In terms of what we would consider a serious unemployment situation in the United States of about 5 percent, I would say Mexico has a serious unemployment situation because the unemployment rate in Mexico is higher than 5 percent.

Mr. GATHINGS. There has been an awful lot of articles emanating from Mexico City in recent weeks after the House had failed to pass the 2-year extension, which indicates that the people of Mexico are a little bit alarmed at the action of the House.

Have you seen any of those articles?

Mr. SAYRE. I believe you have the note from the Ambassador of Mexico which the Department of State furnished.

Mr. GATHINGS. Yes.

Mr. SAYRE. And I think that this reflects the view of the Government of Mexico. It does reflect the view of the Government of Mexico, and I must assume from the articles that I have read that it would reflect the general opinion in Mexico.

Mr. GATHINGS. Yes.

Any questions of Mr. Sayre?

Mr. TEAGUE. Just one, Mr. Chairman.

Mr. GATHINGS. Mr. Teague.

Mr. TEAGUE. Am I correct in my recollection that we have a favorable balance of trade with Mexico?

Mr. SAYRE. Well, we have a favorable balance of trade with Mexico, but overall the balance of payments between the United States and Mexico in 1962 I believe was about even, but on trade we sell to Mexico approximately twice as much as we buy from Mexico.

Mr. GATHINGS. Mr. Leggett.

Mr. LEGGETT. What is your information on the average Mexican earnings of agricultural workers?

Mr. SAYRE. We would have to provide that because it depends—you mean Mexican workers who come to the United States?

Mr. LEGGETT. No, Mexican workers that work in Mexico.

Mr. SAYRE. We would have to provide that for the record because the average wage in Mexico varies according to the State. It is set by the State board and it may even be set by a local board.

Mr. LEGGETT. My information, for instance, in Sonora is that the wage is in the order of 35 cents a day.

Do you have information that derogates from that?

Mr. SAYRE. I would not want to try and give you the exact figure. We can provide that for the record.

(The information referred to above follows:)

The most recent information available on minimum wages is from the Mexican Department of Labor for 1962 and 1963. The Mexican system is based on wage rates established by municipalities. This system is now being revised, and the new plan is to be implemented as of January 1964. Current information indicates that the national average for minimum wages is approximately 11 pesos (12 Mexican pesos=\$1). The lowest minimum wages rate reported are in the State of Nueva Leon (7.54 Mexican pesos per day) and the State of Puebla (7.76 Mexican pesos per day) and the highest rate is in Baja California (27 Mexican pesos per day). The minimum wage rate in the Federal District is 17.25 Mexican pesos per day.

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Mr. GATHINGS. Thank you, Mr. Sayre.

Any further questions?

Mr. LEGGETT. Just one further question.

What is the level of foreign aid of the United States to Mexico at the present time under all of the programs compositely?

Mr. SAYRE. The assistance to Mexico in foreign aid is all loans. It is mostly provided by the Export-Import Bank, and it runs generally between \$200 and \$300 million a year to Mexico.

Mr. LEGGETT. And as I recall, the cost of this bracero program is in the order of \$2 million; is that correct?

Mr. DONNACHIE. The cost?

Mr. LEGGETT. The cost of enforcement of the bracero program.

Mr. DONNACHIE. No, it is not nearly that high. The compliance cost, if I remember correctly, is about \$1.3 million and some thousand as the appropriated cost.

Now, there are other costs you realize are paid out of the revolving fund.

Mr. LEGGETT. I assume we are spending this \$200 to \$300 million to create jobs in Mexico; is that true?

Mr. SAYRE. Let me say this: We are not spending the money. We loan it to Mexico to finance the export of U.S. commodities. The Mexicans repay it with interest, usually about 5 or 6 percent, so that we are not spending the money if I understand what the word "spending" means.

But it is true that the loans which we provide to Mexico are designed for development purposes in Mexico and are intended to create jobs in Mexico; that is right.

Mr. OLSON. Mr. Chairman.

Mr. GATHINGS. Yes, sir.

Mr. OLSON. Does the Department of State support the Labor Department's version of this legislation?

Mr. SAYRE. The Department of State supports the administration bill; that is right.

Mr. GATHINGS. That was the testimony I believe was given at various times.

Mr. TEAGUE. It would be unusual if they did not; would it not?

Mr. GATHINGS. Mr. Murray.

Mr. MURRAY. Thank you, Mr. Chairman. I have one question out of curiosity.

Several years ago when this subcommittee and the full committee considered bracero legislation, we had testimony from the CIA and State Department regarding the operations of the Mexican Communist Party and the Castroites in Mexico and their basic attitude toward the bracero program.

I wonder if you have any knowledge now how the Mexican Communist Party and the Castro elements in the Republic of Mexico are treating this program and what their attitude is toward this program in Mexico?

Mr. SAYRE. I must confess I have been on the Mexican desk for 2 years and I have not seen any Communist propaganda nor am I aware of any Communist policies on the bracero program.

Mr. TEAGUE. May I ask the question then?

Do you believe there is any validity in the argument which is sometimes put forth that by enabling these Mexican workers most of whom are from impoverished regions and so-called under-privileged classes to come to this country and earn rather substantial sums and take them back to Mexico and establish small businesses or small farms; does this have a tendency to destroy the Communist movements in Mexico, not to destroy but to tone down to some extent Communist propaganda in Mexico and to undermine their efforts to recruit into communism these people from this bracero class?

Mr. SAYRE. Let me go at it this way: The depressed areas in Mexico are the rural areas.

Approximately 20 million Mexicans live in these rural areas. The average income in these areas, per capita income, is about \$100.

These are the areas in which the Communist activity in Mexico is greatest, and our feeling is that in our aid program to Mexico that anything that we can do to promote the economic development of these areas and raise this per capita income helps to diminish the influence the Communist Party may have in that area.

Mr. TEAGUE. Which is exactly what the bracero program does.

Mr. GATHINGS. Thank you so much. We appreciate your appearance.

May we have a word from Mr. Beck from the Office of the Rural Areas Development of the Department of Agriculture?

We will be glad to hear from you, Mr. Beck.

**STATEMENT OF PHILIP G. BECK, ASSISTANT TO THE DIRECTOR,
OFFICE OF RURAL AREAS, DEPARTMENT OF AGRICULTURE**

Mr. BECK. I am here to answer any questions which you or other members of the committee may have, sir. I have no prepared testimony.

Mr. GATHINGS. We appreciate your coming, but I do not believe that there are any questions to ask of Mr. Beck.

We certainly do thank you.

Mr. BECK. Thank you, sir.

Mr. GATHINGS. We will go into executive session.

It was mighty good of you to come.

(Whereupon, at 12:15 p.m., the committee proceeded to executive session.)

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