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EXTENSION OF NLRA TO AGRICULTURAL EMPLOYEES

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HEARING

BEFORE THE

SPECIAL SUBCOMMITTEE ON LABOR

OF THE

COMMITTEE ON EDUCATION AND LABOR

HOUSE OF REPRESENTATIVES

NINETIETH CONGRESS

SECOND SESSION

TO HEAR MR. POAGE, CHAIRMAN OF THE HOUSE COMMITTEE
ON AGRICULTURE, REGARDING A RESOLUTION PASSED BY
THAT COMMITTEE ON FEBRUARY 8, 1968, REGARDING H.R. 4769

HEARING HELD IN WASHINGTON, D.C., FEBRUARY 21, 1968

Printed for the use of the Committee on Education and Labor

CARL D. PERKINS, *Chairman*

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WASHINGTON : 1968

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HEARING
BEFORE THE
COMMITTEE ON EDUCATION AND LABOR

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(11)



CONTENTS

	Page
Agricultural Labor Relations—Resolution-----	2
Thompson, Hon. Frank, Jr., chairman, Special Subcommittee on Labor, letter to Hon. W. R. Poage, a Representative in Congress from the State of Texas, dated February 8, 1968-----	1
Poage, Hon. W. R., chairman, Committee on Agriculture, letter to Chairman Thompson, dated February 10, 1968-----	2

CONTENTS

1	Introduction
2	Chapter I. The Labor Problem in the United States
3	Chapter II. The Labor Problem in the United Kingdom
4	Chapter III. The Labor Problem in Germany
5	Chapter IV. The Labor Problem in France
6	Chapter V. The Labor Problem in Italy
7	Chapter VI. The Labor Problem in Japan
8	Chapter VII. The Labor Problem in China
9	Chapter VIII. The Labor Problem in India
10	Chapter IX. The Labor Problem in the Soviet Union
11	Chapter X. The Labor Problem in the United States (continued)
12	Index

EXTENSION OF NLRA TO AGRICULTURAL EMPLOYEES

WEDNESDAY, FEBRUARY 21, 1968

HOUSE OF REPRESENTATIVES,
SPECIAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Washington, D.C.

The subcommittee met at 9:40 a.m., pursuant to call, in room 2175, Rayburn House Office Building, Hon. Frank Thompson, Jr. (chairman of the subcommittee) presiding.

Present: Representatives Thompson, O'Hara, Scheuer, Brademas, Ford, and Ashbrook.

Also present: Representative Poage.

Staff members present: Peter W. Tredick, counsel; Jeunesse Zeifman, clerk; Daniel H. Pollitt, special counsel; and Michael Bernstein, minority counsel.

Mr. THOMPSON. The subcommittee will be in order.

This is a meeting of the Special Subcommittee on Labor convened to hear our distinguished colleague, Representative Poage, of Texas, the chairman of the House Committee on Agriculture.

Mr. Chairman, would you care to be seated?

This hearing concerns a resolution passed by the Committee on Agriculture on February 8, 1968. The resolution states, and I quote the last paragraph:

"Therefore be it resolved that the House Committee on Agriculture, in the national interest as well as in the interest of agriculture, does hereby respectfully urge and request the House Committee on Education and Labor to delete from H.R. 4769 or similar legislation language applicable to agriculture."

Without objection, the full resolution will be entered in the record following my statement, as will my letter to my friend Mr. Poage, inviting him to testify this morning, and his very kind response to me accepting that invitation.

(Documents follow:)

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON EDUCATION AND LABOR,
SPECIAL SUBCOMMITTEE ON LABOR,
Washington, D.C., February 8, 1968.

Hon. W. R. POAGE,
Chairman, Committee on Agriculture,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In view of the great interest of the distinguished Committee on Agriculture in the bill H.R. 4769, the purpose of which is to make the provisions of the N.L.R.A. applicable to agriculture, you are invited to express your views and those of your Committee before a meeting of the Special Labor Subcommittee.

The Special Subcommittee on Labor had extensive hearings on Mr. O'Hara's bill, which has been pending since its introduction on February 2, 1967. We are

faced with a highly unusual situation in that no question of jurisdiction has been raised, especially in view of the fact that the Committee on Education and Labor, in Executive Session, has already commenced marking-up the bill, H.R. 4769. Notwithstanding this fact, and in view of the unique action taken by your distinguished Committee by the adoption of a Resolution on February 8, 1968, I shall ask the Chairman of the Committee on Education and Labor, The Honorable Carl D. Perkins, to defer the completion of the mark-up for at least a few days in order that you may have this opportunity to present your Committee's views.

I have scheduled a meeting of the Special Subcommittee on Labor at 9:30 a.m. on Wednesday, February 21st, in Room 2175. I am sure that this will provide ample opportunity for you and your staff to prepare your presentation. We look forward, Mr. Chairman, to the honor of a visit from you. I shall eagerly await your appearance.

Kind regards and best wishes,

Cordially yours,

FRANK THOMPSON, Jr.,
Chairman, Special Subcommittee on Labor.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., February 10, 1968.

HON. FRANK THOMPSON, Jr.,
*Chairman, Special Subcommittee on Labor,
Committee on Education and Labor,
Washington, D.C.*

DEAR FRANK: Your very gracious letter of the 8th was here when I returned from a speaking engagement in North Dakota last night. I very much appreciate the opportunity that you have extended to members of the Agriculture Committee to present our views in regard to the proposal to make agricultural labor subject to control of the National Labor Relations Board.

While I do not know which of the sponsors of the resolution that our committee passed will be in town at the time of the hearing (I have had no opportunity to talk to any of them this morning), I assure you that it is my hope that I may discuss this with your subcommittee and I am, therefore, seeking to arrange my schedule so that I can be there, although I had no personal part in the drafting of the resolution and claim no special knowledge on this subject. I do, however, think that it is of such far-reaching importance to agriculture as a whole that our members should try to arrange to cooperate with your kind invitation. I am, therefore, placing this date on my own calendar and will ask such members of the Farm Labor Subcommittee as may be available to accompany me.

Let me again assure you that I appreciate your courtesy, and with best wishes, I am,

Sincerely yours,

BOB POAGE,
Chairman.

AGRICULTURAL LABOR RELATIONS—RESOLUTION

Whereas, the House Committee on Education and Labor is presently considering H.R. 4769, a bill to amend the National Labor Relations Act, as amended, so as to make its provisions applicable to agriculture; and

Whereas, this bill would for the first time in the history of our nation subject farmers and ranchers to the type of legislation which created and now applies to the National Labor Relations Board; and

Whereas, unlike industrial employers, farmers are uniquely susceptible to strikes, labor disputes, and work lapses because of the perishability of their crops; and

Whereas, farmers would lose not only their annual income, but also much of their farm investment in the event of prolonged labor disputes; and

Whereas, realized net farm income in 1967 was over \$1.5 billion less than a year earlier and the 1967 parity ratio was 74, the lowest level in 34 years; and

Whereas, it has been the long time goal of the federal government to attain 100 percent of parity for agriculture and H.R. 4769 would make the attainment of such goal exceedingly more difficult; and

Whereas, farm employers are now caught in a vicious cost-price squeeze; and

Whereas, to bring farmers under such a program as set forth in H.R. 4769 would substantially advance farm production costs and further reduce farm income to a point far below the present parity level; and

Whereas, farmers and ranchers cannot afford to pay for the continual services of professional staffs that would be necessary for interpretation and consultation; and

Whereas, many farm workers would be disadvantaged by this bill because of accelerated substitution of machines for manual labor by agricultural employers; and

Whereas, the disemployment of these farm workers, most of whom have little other work opportunity, would augment the urban burden caused by the migration of rural people to the nation's cities;

Therefore be it Resolved that the House Committee on Agriculture, in the national interest as well as in the interest of agriculture, does hereby respectfully urge and request the House Committee on Education and Labor to delete from H.R. 4769 or similar legislation language applicable to agriculture.

Adopted this the 8th day of February, 1968.

Mr. THOMPSON. H.R. 4769 would extend to agricultural workers the same rights to organize and bargain collectively under law which are now enjoyed by other American working men and women. The Special Subcommittee on Labor, which has general legislative jurisdiction over the National Labor Relations Act, conducted 6 days of hearings on this bill, receiving testimony from labor representatives, from farmworkers, from administration experts, from academic experts, and from national farm groups. The bill was reported by the subcommittee favorably on December 12, 1967, and the full committee on Education and Labor began to mark up the bill in executive session on January 23, 1968. The bill is presently pending on the committee.

In my letter to Mr. Poage I stated that I would request the chairman of the Committee on Education and Labor, Mr. Perkins, to withhold further action on H.R. 4769 until we could have a hearing. He so agreed, and I assume that following this hearing today there will be a discussion as to the final disposition of that legislation.

Chairman Poage kindly consented to appear today in response to my invitation, and to present his committee's views on H.R. 4769.

You are very welcome, Mr. Chairman, and it is a great honor to have you here. You have a statement; you may proceed as you wish.

STATEMENT OF HON. W. R. POAGE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF TEXAS

Mr. POAGE. Thank you very much, Mr. Chairman. I do appreciate your kind invitation and I want to express to you and your committee my appreciation for this opportunity which you have extended me to talk with you about the extension of the jurisdiction of the National Labor Relations Board to the field of agricultural labor.

As I see it, this is the proper way for our committee to function. Indeed, unless we have some way for members of other committees which have some responsibility in the matter to talk with members of the committee which is at the moment considering a subject matter, I think we are going to spend too much of our time in fruitless jurisdictional disputes.

Actually, I must confess that I have been warned that I should not even meet with you. I have had those who have warned me that the members were but seeking an opportunity to get a helpless country boy before them and hold me up to ridicule.

Mr. THOMPSON. Mr. Chairman, I would like to say at this point that I don't regard you in any way as a country boy and I don't think that any member of this committee regards you as a country boy. You have been in the Congress a great many years; you have

traveled over the world a great many times and you are anything but a country boy.

Mr. POAGE. Just one thing, Mr. Chairman. I don't want to take exception to your kind remarks, but I hope you won't publish that in the 11th District of Texas, because I am a country boy and I want to remain such. [Laughter.]

Mr. BRADEMAS. Mr. Chairman, if the chairman will yield, I just want to say as a representative of an area of Indiana which has substantial farming areas and in light of a recent redistricting decision in my State, I am delighted to be known as a country boy.

Mr. THOMPSON. Would you country boys like to proceed?

Mr. SCHEUER. I would like to say some of us may look and act like an urbanite. I for one spent much of my youth on a farm. I could milk a cow now; if you were to hold a bucket, I could send the milk right into it without getting the milk on your eyeglasses.

Mr. POAGE. I want to assure you I don't believe there is any disposition here. If I believed that, I wouldn't have come, Mr. Chairman. I don't believe there is any disposition here to do anything other than to consider the problems that confront us both, and the warmth of your welcome here certainly reassures me and leads me to believe that I was correct when I accepted your chairman's invitation.

I realize that some such fears may have influenced some of our members to use the medium of a resolution rather than to ask for a direct hearing, but I am sure that most members had understood that your hearings were completed when we first learned of the proposal. Anyway, I don't believe that your membership is any different from the membership of our own committee. We are all Members of the Congress. We all have a responsibility to both labor and agriculture and I know that we all want to see that they are both treated fairly—and above all, that the American people are treated fairly by both labor and by farmers.

Of course, this Congress can only function under the committee system and I think it is one of the great contributions that our legislative branch has made in political science in the last 200 years. All too often we are confronted with problems which clearly involve the subject matter of two or even more committees. In the case of agricultural labor, the very name clearly indicates that both of our committees have a proper and a legitimate interest in the subject matter, but it is equally clear that only one committee can at any one time effectively exercise that jurisdiction.

Some committee chairmen seem to believe that under no circumstances should they ever "surrender" jurisdiction. Now I don't believe in ever abandoning "interest" or "concern" in anything that involves agriculture—that is the reason I am with you today—but I think it is quite foolish to insist that only one group of Congressmen can pass an honest or intelligent judgment on a matter involving the interests of two or even more groups.

It seems to me, so long as the major responsibility is not absolutely clear cut, to be far better to let the group which has done the most work to proceed. If I correctly understand the situation, that is what we are doing here this morning. Your group has gone into this matter of the Labor Relations Board's control of farm labor in much more detail than has the Agriculture Committee.

I therefore accept this as an appropriate forum, and I come here with no quarrel with anyone. I only want a very few moments of your time to point out that there are those who honestly fear the proposed legislation.

Indeed, had it not been for the gracious invitation of your presiding officer, Congressman Thompson, I would have contented myself, and members of my committee would have contented themselves, with a mere record statement of our view, but I am grateful, Mr. Thompson, for the opportunity to say in person what our committee resolution has already said, and I want to make it clear that neither the resolution, which was adopted I believe by a vote of 22 to 2, nor my presence here today is in any wise intended either as criticism or dictation of the members of a different committee.

Most of our members have a different background than that of your members, although some of you have pointed out that you have had different background experiences. Most of them have had different experiences. It is but natural that they might have a different viewpoint, as indeed they have in this case. We only want to make sure that you consider that viewpoint, along with all other views which may be expressed, before you take action which certainly as directly involves the well-being of our farmer constituents as it does your labor constituents.

Briefly, we fear this proposal, not so much for what it will do tomorrow or even next year, but we are deeply disturbed with the "foot-in-the-door" technique which has been so obvious in our governmental affairs for a number of years.

We see very little, if any, present need for the injection of a third party into any agricultural labor relations. Of course, your report may develop far more problems than those of which we are aware. But even so, we would be very reluctant to turn them over to a board with no agricultural experience or orientation.

We have long been disturbed with the complete detachment of such boards from agricultural reality. I recall some years ago members of our committee were hearing testimony on one of the recurrent agricultural labor problems in California, the very kind which I take it you will want to reach with this bill.

A well-organized group, altruistically motivated and intelligently led by organized labor, by religious groups and by generally well-educated people, complained rather vehemently that that particular summer the pay offered to workers for picking eggplants was substantially less than it had been the year before.

They cogently pointed out that the cost of living had not declined. They did not, however, seem to feel that it was worthwhile to consider the further fact that the price of eggplants in the market was hardly one-half of what it had been the year earlier, and that the growers were not getting enough out of the crop to actually pay for harvesting, even at the reduced rates. From the owners' economic standpoint their only reason for picking the eggplants at all was to keep their workers in the neighborhood in the hope that they would have some more profitable crops to harvest in the future.

We fear, Mr. Chairman, that any nonagricultural board may well ask producers to base wages solely on the needs of the workers without consideration of the ability of the farmers to pay.

Mr. Chairman, during the past 20 years the cost of everything the farmer uses in production has advanced just as has the cost of what you and your constituents buy. A tractor which sold for \$1,800 now costs between \$6,000—maybe \$8,000. A ton of fertilizer, a barrel of insecticide all cost more per unit, but a bushel of corn sells for less than one-half of what it brought in 1948. A bushel of wheat today brings the farmer—after including the value of Government payments—only \$1.87. Twenty years ago with no Government payments at all, a bushel of wheat brought \$2.28.

Admittedly, these are extreme cases but they represent some of our largest crops. When we take all farm production, we find that the price per unit is down 10 percent, what it was 20 years ago. During the same time the unit or hourly wage of all industrial workers has gone up 133 percent and the same unit wage of farmworkers has gone up 50 percent.

I know of no substantial segment of our economy other than farmers which has accepted any such reduction in returns for its labor or its products. Do any of you?

Now I know you will quickly say, "But we only propose to apply this rule to the large farms. Those large farms are evil. You and your committee should be joining us in punishing them because they are large, if for no other reason."

Gentlemen, I for one am not going to condemn either farmers, factories, labor unions, or governments just because they are large. If I did, I would have to attack my own Government. If any of these institutions, agricultural or nonagricultural, are bad, they should be restrained, but they should be judged on their actions, not their size.

But I do recognize that the large farms have more in common with modern industry than do the less efficient small farms. Undoubtedly the large farms, like large unions, are more capable of keeping the multitude of records which would absolutely destroy the small farmer. They are more able to employ the battery of lawyers so necessary to live in such an environment as is envisioned by this proposed legislation.

I don't know that all this justifies the complications involved in the new procedure, but even if we take a callous attitude toward large farming operations, how do we reconcile our action with the interests of the "small farmer" for whom every true rural politician's heart is expected to bleed. Don't we know that by and large the small farmer is today paying the lowest farm wages—he has to, to stay in business—and the fact that he can't pay higher wages keeps him "small." It is a very vicious cycle.

Farmers of all kinds, big and little, like to pay as high wages as they can. As a boy I picked cotton. In those days cotton often sold for about 10 cents. It is only a little more than twice that now. When cotton brought a dime, we got a dollar a hundred for picking.

If cotton went up to 12.5 cents, as it once in a while did, we got a dollar and a quarter; and when it went down, our wage went down in exact proportion. Nobody picks cotton now because it costs too much. Machines still keep the percentage of the value of the crop allocated to harvesting at about the old figure, but the point is that if we are willing to pay enough for farm products, farmers will always pay right good wages. Of course, farm wages are low because farm incomes are low, but there is no source from which these wages can be paid by either a big or a little farmer except from income.

But let us assume that the big man can care for himself, and let us assume that you have in this bill exempted all small farmers. Now, he understands that you probably are relying upon the same kind of situation that we have at the present time whereby the Department makes determinations as to how low it is going to go, rather than writing it into the bill. Maybe you have some considerable discussion within your own committee about what figure you will fix.

But let us assume that you have exempted all small farmers, how long will they remain exempt? Undoubtedly you will tell us that you are sincere men and that you will never allow any perversion of your expressed purpose, and I would unhesitatingly accept your assurance as to your purpose and as to your intentions. But if I have learned any one thing since I have been in the Congress, it is that no one of us can rely on our continued membership. Therefore, while I readily accept the assurance of any member of this committee as to his own actions, I recognize that no one of you nor all of you collectively can give any assurance as to future committee actions or future actions by this Congress.

I think, and the members of my committee think, that the history of legislation rather clearly indicates that regardless of the provisions of this bill, that upon its passage complete control of every detail of the employer and employee relationship upon every farm in the United States will be certain to pass to a Federal board—a board which may not be unfriendly, but which will certainly be unfamiliar with problems of the farmer.

You say, and I recognize your sincerity, that you are not going so far. Gentlemen, some of you doubtless read an editorial in last Friday's Washington Post, and that newspaper is not entirely a mouthpiece for the forces of reaction. True, the Post was speaking of other legislation before another committee of this Congress, but I feel its comments rather clearly reflect my fears. The editorial said in part: "But 'temporary controls' tend to grow tighter and exceptions to rules become fewer. So in the end those who follow the paths of expediency will regret that they did not stand firm on the rock of principle."

My friends, I am imposing too long on your gracious hospitality. I have taken advantage of your generous hospitality. Again I thank your chairman and the members who have borne with me, and may I also suggest from time to time it will be inevitable that our committee will consider matters in which you will have a proper interest. Our viewpoints may differ, but let me assure you that so long as I remain as chairman of the Agriculture Committee, you will be very welcome to meet with us and to express your viewpoints.

I appreciate this opportunity, Mr. Chairman.

Mr. THOMPSON. Thank you very much, Chairman Poage, for a fine statement. The circumstances that bring together the distinguished members of our committees are rare; as a matter of fact, they are extremely rare. It would be useful at this point, I think, to make a comment or two.

Despite the unprecedented nature of this morning's meeting, I think it is very welcome. It affords us an opportunity to emphasize once again, if indeed the point needs emphasis, the interdependent nature of our economy. You know, the economists used to think, back in the 1920's, that there was no necessary relationship between the welfare of farmers and the welfare of people in nonagricultural sectors of the economy.

We now know otherwise. We now realize that we all rise and fall together, rich and poor, producer and consumer, businessman and labor, farmer and city dweller. But I'm happy to report that nobody is more aware of this basic economic interdependence than the Committee on Education and Labor is.

The members of this committee are not only aware of this interdependence. They have become accustomed to acting on the basis of their awareness; that is, they have come to see that the political leaders of the different economic sectors of the Nation must engage in political relations with a healthy sense of reciprocity if the Nation is to prosper.

And the members of this committee have set aside a very special place in their hearts for the American farmer.

Now, I don't presume to speak for the members of the minority side, but I do know that the American farmer has no better friends than my colleagues on the majority side of this committee and most of these majority members, I would hasten to point out, serve districts containing relatively few or no farmers.

In my case I happen to have a district of four counties, three of which are agricultural. The agriculture is very largely dairy farming and before I got this new district, I had two counties, one of which was almost exclusively in truck farming, producing tomatoes for the Campbell soup people and other garden vegetables.

I look with considerable pride, despite some criticism that I have had from my city dwellers, on my record of voting for a majority of all of the agricultural legislation.

So I do quite agree with your statement that there is a need for cooperation and there is an interdependence. There is a relationship in the economy between the consumer and the producer, in this case the farmer, and the city dweller.

Mr. O'Hara, you are the author of the bill in question. Would you like to discuss this matter with Chairman Poage?

Mr. O'HARA. Yes, Mr. Chairman, but to follow on your comments I would like to state for the record that I am very much aware of the necessities of agriculture in this country. In fact, I was trying to remember as I came to the hearing this morning when I had voted against one of Mr. Poage's bills. I seem to recall back in the early 1960's there was one bill where I felt very strongly that the producers of soft wheat, winter wheat, were not getting a fair break and I do recall voting against one of the Agriculture Committee's farm bills on that occasion. But I cannot recall any other instance. I think in that regard that I'm in the majority on this side of the committee.

We did some research on this question and I find, for instance, that on the feed grains bill in 1963 which passed the House by only 13 votes, the Democratic members of this committee supported the bill by a vote of 17 to 1. The body of northern Democrats, mostly from non-farm areas, supported the bill by 103 to 10. The wheat-cotton bill in 1964 which I recall caused quite a struggle, and I'm sure the chairman recalls that, too, passed the House by eight votes. The Democratic members of this committee supported it by a margin of 13 to 3, northern Democrats from nonfarm areas generally by a margin of 92 to 21.

The same with the tobacco bill, 13 to 3 for Democratic members of this committee; 99 to 28 for northern nonfarm Members of the House generally.

But, Mr. Chairman, I would like to get to the question before us, the resolution adopted by the Agriculture Committee, and I want to start off by making a public apology which I have already made privately to the chairman. When I learned of the Agriculture Committee's action from the AP ticker on the afternoon of the day that it occurred I was understandably, I think, but nevertheless unfor-giveably incensed and I made some rather intemperate comments about that action which I now regret I made. I would like to make that clear to those assembled here and have it published in the record. I have the highest regard for the chairman of the Committee on Agriculture, as evidenced, I believe, by the support I have given the proposals he has brought before the Congress. I think he is an eminent leader of the farm economy. I wish to make that clear.

Mr. Chairman, on this question of jurisdiction though, I think it is entirely certain that the Committee on Education and Labor has jurisdiction, a very clear-cut jurisdiction over H.R. 4769. The bill before us, as its title indicates, is a bill to amend the National Labor Relations Act.

Under the granted jurisdiction given the Committee on Education and Labor by the rules of the House, one of the areas of jurisdiction—in fact, the paramount area of jurisdiction of this committee—concerns amendments to the National Labor Relations Act.

So there is not any real question or any technical question of jurisdiction, although I certainly understand the interest of the Committee on Agriculture, because we are dealing specifically with agricultural employees. But I can't recall any other instance in the something over 9 years that I have been a Member of Congress where there has been a question of dual jurisdiction, except in the case of a highway bill which involves both the jurisdiction of the Committee on Public Works and the jurisdiction of the Committee on Ways and Means because of the highway trust fund. I cannot recall any instance in the over 9 years where any committee has adopted such a resolution, formally adopted a resolution concerning a matter within the jurisdiction of another committee.

Now, the chairman has been a Member of Congress for, I guess, over 30 years and I wondered if he could recall for me any precedent for the action of his committee.

Mr. POAGE. I don't recall any precedent at all. There was none presented to our committee, but it was the feeling of our committee that we were raising no question of your jurisdiction. There has been no question raised of jurisdiction because I think you are exactly right, that this committee properly has jurisdiction, but I think, as I said in my statement a moment ago, that the very name, "agricultural labor," would indicate that both this committee and the Agriculture Committee has a deep interest in the subject matter and should take notice of it.

And if I understand the committee system at all, it is that a certain group of Members of the Congress will specialize and work particularly in one field and will hear all that they can in support of or protest against any proposals relating to their subject matter.

Now, members of the Agriculture Committee are not, because of their membership on that committee, precluded from having an interest in matters that come before other committees.

Mr. THOMPSON. If the chairman would—

Mr. POAGE. We felt the easiest way to express our views was to do it by resolution rather than ask that each member come here and be heard.

Mr. THOMPSON. Will the gentleman yield? Two distinguished members of your committee submitted statements in opposition for the record.

Mr. POAGE. I understand that.

Mr. THOMPSON. Mr. Chairman, your letter to me indicated that you were not the author of this resolution.

Mr. POAGE. That is correct.

Mr. THOMPSON. Can you tell us who is?

Mr. POAGE. Mr. Abernethy is the author of the resolution.

Mr. THOMPSON. Mr. Abernethy. I thought there were two authors.

Mr. POAGE. I don't think there were. I don't recall but one author.

Mr. THOMPSON. Mr. Abernethy, incidentally, was one of the two of your committee members who submitted statements in opposition to this legislation.

Mr. O'Hara?

Mr. O'HARA. I was going to say, Mr. Chairman, that I think I agree with everything the chairman said right up to the last point, which is that the appropriate method of expressing one's concern is by a formal committee resolution. I always felt that the appropriate method was by individual expressions of concern either in the hearings or on the floor, informally to members of the committee. I felt that because I am a great believer in custom and precedent.

But with regard to the specifics of the bill, Mr. Chairman, I take the view—and this is the other point in which we are in disagreement—I take the view that in the long haul and perhaps even in the short run, that it would be of advantage to both agricultural producers and agricultural labor to have a system for determining the rights of each and the procedures available to them in asserting their rights set out by law and that that system be followed rather than the prevailing method of settling these disputes, which is really a reversion to the law of the jungle.

Mr. THOMPSON. If the gentleman will yield, isn't it my understanding, Mr. Chairman, that there is pending before your committee the Mondale bill sponsored by a number of House Members that would grant farmers the right of collective bargaining?

Mr. POAGE. If it is not already before us it unquestionably will be.

Mr. THOMPSON. And isn't the purpose of that bill the right to grant farmers the right of collective bargaining?

Mr. POAGE. It provides for collective bargaining if I understand between cooperatives with those who are buying their products. And certainly that gives the cooperative the right to bargain with these other institutions, and we find no fault with that.

Mr. THOMPSON. Now that would, in fact, give the farmer more protection in the marketplace, would it not?

Mr. POAGE. That's of course what the proponents of that bill think. Obviously they think it would. I don't want to suggest that I think it would, because I don't know. I am not prepared to pass upon that bill. It has been presented within the last few days and there have been no hearings or not even any discussion on it.

Mr. THOMPSON. We will be watching that with great interest.

Mr. O'HARA. Mr. Chairman, by putting agricultural employees under the Taft-Hartley Act, H.R. 4769 provides a regular method of

determining their rights to collective bargaining. I would like to ask the chairman with respect to each of the major provisions that would be applied to agriculture by this bill whether or not he disagrees or agrees with the methods adopted by the bill.

Mr. POAGE. May I suggest that I am not saying that I disagree with any particular provision. I am suggesting that we disagree, first, with the necessity of the legislation; second, with what we feel is the almost certainty that it will ultimately come down to a point where the man who simply employs his brother-in-law to help him a few days will be brought under the terms of the law and we think that that is a great mistake.

I believe that the author himself has proposed an amendment to the bill to limit it to farms which produce \$50,000 of production. Isn't that right? I may be wrongly informed.

Mr. O'HARA. That is in essence correct. I have suggested that that is probably the test, the jurisdictional test that would be applied by the National Labor Relations Board. While I don't favor writing jurisdictional tests into the law itself, I have indicated informally to members of the committee that if that would reassure them, I would be willing to see it done. But that is the jurisdictional standard that the National Labor Relations Board now applies to nonretail industries, and I think it quite evidently would be the probable standard for agriculture.

But, Mr. Chairman, you see all we are doing here, we are not affecting the right of agricultural employees to strike. They have that right already, as has been evidenced by the farm strikes that we witnessed in recent years. Indeed farm strikes have been a part of American agriculture for a hundred years, starting, I think, with a strike by cowboys in Texas a great many years ago.

At any rate, what we are saying is that there should be a better way of deciding the question of whether the workers want a union; not by the trial of strength in which the union puts up a picket line, goes out on strike and tries to force the farm employer to sign an agreement by making life difficult for him. This is not a good method of settling a dispute.

We think that when a union attempts to organize farmworkers, there should be some way of determining whether those farmworkers want to belong to the union.

Now, I don't think the gentleman from Texas would quarrel with that method of doing business.

Mr. POAGE. We are not offering any quarrel.

Mr. O'HARA. Basically what we are saying is that when a question of representation is raised with respect to a farm employer, when the employees, on a showing by the union of sufficient interest with 30 percent of the members of workers having signed cards, or when the employer doubts that a majority of the members want to join a union, either employees or employer can say to the NLRB, "We want a secret ballot election to determine whether or not these workers really want to belong to that union."

That is in effect the prime purpose of the bill, to have that issue decided not by strike, not by a trial of strength, but by a secret ballot vote, and at the request of either the union or of the farm employer. And I think the gentleman would agree with that approach at least, that it is a better way of doing business than the way it has been going. Wouldn't you?

Mr. POAGE. I would agree that that's a beautiful theory, but I would suggest that from my own observation, and I am not trying to suggest what the observations of you gentlemen who have helped with more of this in the industrial field than I have, but my own observation has been that it doesn't work in practice as it is proposed in theory, and we have not seen in either the industrial or the agricultural field the actual working of the real good theory that the gentleman is suggesting.

Now, I don't want to criticize anybody for trying to get perfection. I hope we can get perfection, but I don't expect to get it in my lifetime and yours.

Mr. THOMPSON. You know, Mr. Chairman, this collective bargaining process has existed in Hawaii for a great many years with tremendous success. The growers in California who have union contracts are highly enthusiastic about the idea. It also works in Puerto Rico, and we think it would work in the United States.

Mr. O'HARA. Mr. Chairman, I recognize the hour is growing late and other members are here obviously seeking an opportunity to ask questions. I would like to yield, but before I do, Mr. Chairman, I would like to state that if there is time remaining upon the conclusion of other members, then I would like at that time to pursue the subject with the chairman.

Mr. THOMPSON. Mr. Brademas?

Mr. BRADEMAS. Thank you, Mr. Chairman.

I want to add my own to the several expressions of high regard to Congressman Poage, who is one of the top leaders not only in Congress, but in our country in the field of agriculture. I want to make a comment in line with the expressions of concern that the chairman of the Agriculture Committee has already heard from members of this committee in respect of the resolution that your committee has sent over.

We were, I think, somewhat astonished by the tone of that resolution because, as has already been indicated, some of the best friends of the legislation of Chairman Poage in the field of agriculture sit before him on this committee. Indeed, I note that in the 90th Congress so far we have not yet considered any major commodity legislation and so far as I now know, there are no plans that we should do so in the remaining months of this Congress. In any event, I am given to understand by people wiser than I in these matters that the explanation for this apparent lack of legislative activity lies in the provisions of the Food and Agricultural Act of 1965, which was aimed at supplying commodity arrangements for a number of products—wheat, cotton, wool, dairy products, feed grains, and rice for 4 years rather than the usual 2 years. I assume that the reason that was a 4-year rather than a 2-year bill was that persons as skillful and as knowledgeable as the gentleman from Texas, Chairman Poage, looked at those Democratic majorities back in 1965 and decided to make hay while the sun was shining.

In fact, that bill passed the House by a vote of 221 to 172, and the Democratic members of the House Committee on Education and Labor voted for it by 13 to 5. Northern Democratic nonfarm Congressmen voted for that bill by a vote of 99 to 36—again supplying the margin of victory.

Mr. THOMPSON. If the gentleman will yield there. The gentleman from Mississippi, the author of this resolution, voted for a recommittal against passage and against the conference report on that bill.

Mr. BRADEMAs. I think one of the points I am trying to get across, Mr. Chairman, is that it would be fair to conclude that there probably wouldn't be any programs at all if it were not for the support of Democratic Congressmen from nonagricultural areas.

I think what is of concern to a number of us on this committee who do not represent completely rural areas is that there is recognition on the part of at least the Democrats on this committee of the interdependent nature of our economy and the reciprocal nature of the support which is given by members of this committee to legislation coming out of the gentleman's committee is, I think, most relevant in view of the general tone of the resolution which the gentleman from Texas is speaking to this morning.

For instance, I represent a district where we have a number of dairy farmers, but there is no necessary connection between their requirements and those of, say, ricegrowers. Other members of this committee can make similar comments. Nonetheless, there does appear to be significant support from northern Democratic Congressmen for legislation to benefit agriculture in the southern part of the United States.

So I hope I have made my point clear. I don't have any profound questions to propound to the gentleman, but only to express the feeling that there is apparently little awareness on the part of many members of the gentleman's committee of where the votes come from to pass the bills that come out of the gentleman's committee. Otherwise, I think on second thought the members of the gentleman's committee would have said, "Now, wait a minute, why attack our friends?"

Thank you, Mr. Chairman.

Mr. THOMPSON. Thank you, Mr. Brademas.

Mr. Scheuer?

Mr. SCHEUER. Mr. Chairman, I, too, wish to welcome you here today and I recognize you as being one of our distinguished leaders on the Hill and one who by his words and by his votes has been sympathetic to legislation that comes out of this committee and other urban-oriented committees.

Having said that about you personally, Mr. Chairman, I wish to express my sense of disappointment and dismay perhaps that the records of your colleagues on that committee haven't represented the sensitivity, the openmindedness that yours has, and that their record on urban legislation has been a far less interested one and a far less nationally oriented one than the voting records of the members of this committee on legislation coming out of your committee. And I would like to give you a few factual examples of that.

Just last year, in the closing weeks of the Congress, we had a rollcall vote on a motion to trim the antipoverty legislation by \$460 million. Now that vote passed by 221 to 190. The Republicans on your committee voted for that cut by 15 to 0, which perhaps was understandable. But I was disappointed to learn that the Democrats on your committee voted for the cut by 14 to 6.

Later on, when we voted on the conference version of the bill, which was approved by a vote of 247 to 149, the members of your committee were still opposed to it by 23 to 11 and a majority of both the Democrats and the Republicans opposed it.

Last year we had a minority motion, a Republican motion to kill the rent supplement program. It was defeated on the floor by 184 to 198, a rather close vote.

I was disheartened to realize that the Agriculture Committee Democrats supported the motion to kill the rent supplement program; a majority of them supported that motion, and the entire Agriculture Committee voted overwhelmingly to support the motion by a vote of 23 to 7.

Then on the vote on the model cities program, the total membership of your committee voted 24 to 10 to kill the model cities program in its entirety and the Democrats only voted by a majority of one, by a vote of 10 to 9, to support the program.

So I think that leaves all of us with a feeling of some dismay and some feeling that we have been let down in the broad gage point of view which we try to take on all national legislation, including legislation coming out of your committee, let down by our distinguished and beloved colleagues on the Agriculture Committee.

Be that as it may, I would like to ask you a question or two about the substance of your thoughts.

Do you understand, first of all, that this legislation would not set up any Federal body that would regulate wages or even establish minimum wages, that it would only create the mechanism by which labor could, in effect, have a voice?

Mr. POAGE. That is correct.

Mr. SCHEUER. It is also my information that the overwhelming items that have been the subject of dispute and contention have not been really wage items, but have been conditions of work, the availability of cold water, the availability of outdoor privies, not indoor privies but outdoor privies—the availability of minimally, even sub-minimally adequate sanitation facilities. Is that your understanding?

Mr. POAGE. Frankly, I wouldn't want to say that is my understanding. However, you may be correct in the facts.

Mr. SCHEUER. Certainly, I think it is fair to say that the testimony—

Mr. POAGE. To my understanding it is not, but it is not my contention that I am better informed than you, but it is not my understanding.

Mr. SCHEUER. The overwhelming bulk of the testimony before this committee emphasized the conditions of work, the dignity of the workingman rather than the wages and hours. And I must say that finds its counterpart in our cities, too.

I was astonished and almost a little amused in connection with our sanitation strike that one of the real grievances of the workers was that sanitation workers did not have prestige, to use that word, and that people considered them garbage collectors.

Let me ask you one other question. You have raised the question of ability to pay. Now, in a sense that's irrelevant because in no other aspect of collective-bargaining law or even establishment of regulatory legislation on the minimum wages and hours and the like, which this is not, have we ever considered ability to pay.

But if there were a compelling equitable case here, it would certainly be one of the things I would like to know about and in some way it would have its impact in the legislative machinery.

Do you have any information on the profitability over the last 20 years, the profitability, the balance sheet and the operating statements, of the 6 percent of American farms that employ about 85 or 86 percent of farm labor in the fruits-and-vegetables area, the so-called stoop-labor area, and cotton?

You mention in your testimony that over 20 years prices went down 10 percent, whereas agricultural wages went up 50 percent and industrial wages, I think you mentioned, went up 100——

Mr. POAGE. 133 percent.

Mr. SCHEUER. 133. It's quite obvious that the cost of living in that 20 years went up 50 percent, so, in effect, the agricultural workers did not keep up with the cost of living, and some of their wages remained static in that period.

You mentioned that farm prices in some instances went down in that period, but you didn't mention what the impact of automation and technological advance had on profitability. Can you tell us anything about how the 6 percent of farms that employed the 85 percent of farm labor, including virtually all of the labor that would be covered by this legislation, how they made out from the point of view of profit? The large industrial farms?

Mr. POAGE. I don't think that you can make the calculation as to the number of farms that are now in operation and determine what the profitability has been.

During the last 20 years there have been more than half of the farms of the United States go out of business. More than half of the farmers of the United States have moved to town within the last 20 years.

Mr. SCHEUER. That's true, but those farms are not being covered by this legislation.

Mr. POAGE. Certainly, and those farms were not profitable obviously, or at least most of them were not profitable. There are other personal reasons why people move, of course, but by and large those people simply couldn't make a living on the farm.

Mr. SCHEUER. Mr. Chairman, those are exactly the small family farms that are not covered by this legislation. We are covering the large industrial farms which, as you quite properly say, have lawyers, accountants, tax specialists, who go public from time to time, who sell their shares to high tax bracket investors in New York City for tax benefits and other benefits.

Those are the kinds of farms we are talking about—the 6 percent of the farms that are highly sophisticated that employ all kinds of specialists as you rightly noted, who employ 85 percent of the farm labor.

Can you give us any indication today or can you submit for the record any indication as to the profitability over the last two decades of these farms?

Mr. POAGE. I think that your statement makes it very clear as to what the basic difference of opinion between your members and our members is. You assume that this legislation is always going to remain just as it is. Certainly speaking for myself, and I will not try to say that I speak for the full committee, I am convinced that the Washington Post is exactly correct when they say that when you pass legislation with exemptions that the legislation always tends to be changed and the exemptions tend to be eliminated and I had hoped that I had been able to make it clear that it is our view that the passage of this

bill, no matter what exemptions you might put in it is dangerous, and I don't understand you have any exemptions in it at the present time, isn't that true?

Mr. THOMPSON. That is correct.

Mr. POAGE. I don't understand that you are exempting any of these small farms. I understand that under the terms of the bill as it is now written that it applies to the man who employs one man for 1 week during the year just as well as it applies to the largest farm in California. But we fear that no matter—

Mr. SCHEUER. Mr. Chairman, might I interrupt you to explain that we don't normally apply exemptions in any bill. These are handled by the executive branch. They would undoubtedly do that in this case.

Do you know of any other piece of legislation that established collective bargaining or minimum wages and hours, which this does not, where experience justified your fears that somebody's brother-in-law might be hired on a temporary basis and they might be covered?

Where did this happen in the vast coverage of such legislation?

Mr. THOMPSON. If the gentleman will yield, the history of the jurisdictional amounts ought to be reassuring to Chairman Poage and the members of his committee. They have not changed in many, many years. Retail enterprises are \$500,000 gross volume of business; office buildings, gross revenue of \$100,000; public utilities, \$250,000 gross volume; transit systems, \$250,000; radio, television, telegraph, telephone, \$100,000 gross; newspaper enterprises, \$200,000; private hospitals, \$250,000; private nursing homes, \$100,000.

It is absolutely inconceivable that the Board would assume jurisdiction over the small family farm with an income of approximately \$6,000 or so a year. However, if this legislation is reported, we will take great care in the report to reassure the small family farmer.

Mr. POAGE. Mr. Chairman, I must respectfully suggest that I accept your statement that it "is absolutely inconceivable" to you, but it is very conceivable to some of the rest of us and is a very real danger in the opinion of some of the rest of us.

Now, we have a perfect right to have differences of opinion, but when we are told that it is "inconceivable." It is conceivable to us and we do conceive it, and we do fear it, and that is what we tried to express to your committee is that we do have this fear.

You say that our fear is unfounded and maybe it is, and it is perfectly proper for you to tell us our fears are unfounded, but to tell us we don't have any such fear—we do.

Mr. SCHEUER. May I just read one sentence from the hearings on this bill, page 184 of hearings on H.R. 4769. We are talking about the income of California agriculture, one sentence:

As the gross continues to soar to record heights, the net income for the farm is also rising, since the number of farms continue to drop as it has over the past decade. The net income, which is the amount the growers realize after deducting cost of production, taxes and other operating costs, was actually up 14 percent in 1966 over the 1960 to '64 period.

Now, that indicates that actually the plight of the small, marginal, if not submarginal, family farm in the city actually enhanced the economic soundness and the profitability of the remaining large industrial farms in California.

Now, if this is not a correct statement, I think all of us would be very grateful, since none of us are highly sophisticated agricultural economists. If your committee would give us information on the profitability, the profit experience in the last two decades of the large industrial farms; as I say, the 6 percent of the American farms that produced the overwhelming proportion of the farm product in the fruits and vegetables and cotton area and which employ 85 percent of the labor which would be covered.

Could your committee staff specialists give us this information?

Mr. POAGE. I don't know whether we can give you anything different than what you have. Where did your figures come from? Whose are they?

Mr. SCHEUER. Mr. Chairman, I will find that out in a minute.

As a very junior Congressman, sir, I would like to ask just one more question—

Mr. POAGE. May I answer your question a little further, if I may.

Mr. SCHEUER. Certainly.

Mr. POAGE. I think we must all recognize, and I think we do all recognize, that corporate agriculture, large agriculture, just as large distribution of retail goods is more profitable than the small units, I think there is no question about that. I think that is a fact of life in agriculture. I think it is a fact of life in manufacturing; I think it is a fact of life in retailing; and I think we have seen the same trend in all phases of our economy, including the organization of labor unions.

Certainly some of the larger farmers are making more money than smaller farmers who produce the same amount in toto and I think that is exactly what I was trying to point out in my statement, that the small farmers are the ones that are paying the lowest wages, because they have to. The small farmers are the ones that are going to be hurt by this kind of legislation.

As a matter of fact, I assume it is true in agriculture the same as I assumed it is true in industry, that you will find that the larger operations very oftentimes want all of the restrictions that they can place on the employment of labor and to make it as expensive as possible and drive out their less efficient competition.

Why certainly it is to the advantage of the largest operator to drive out the little people who cannot meet his scale. Certainly you are going to, as we see it, with any legislation of this kind, make the big bigger and the small smaller.

Mr. SCHEUER. Except that the small here have an infinitesimal impact on the employment of farm labor. The 95 or 96 percent of the farms that are small only employ 15 percent or less of all the farm labor so that it will have a terrific impact.

Mr. POAGE. To the farm that only employs one man, that one man is just as important to that farmer as those thousand men who are employed by the big operation in California and Hawaii, and that one is just as important, and if you take that one man off of that farm you have broken the farmer.

We think that the point that is so often overlooked is that the small man has the same percentage stake that the larger one has and oftentimes more, because he cannot transfer his labor requirements. He cannot convert them into machinery as the larger man can and does.

Mr. THOMPSON. Mr. Chairman, the odd thing about this is that the representatives of the small farmers are in favor of this legislation.

Mr. POAGE. This question of who is the representative of whom has always intrigued me and I don't know who is the representative of whom.

I think you will find that everybody who comes up here professes to represent the small farmer. Certainly, that is true in our committee. We have 35 members and I think 36 of them would claim to represent the "small" farmer. I think that is just a fact of life.

You are not going to get anybody who comes up here who says he is opposed to the small farmer. That is like saying you are opposed to God, home, and mother.

Mr. SCHEUER. Incidentally, the statement I read was a statement made by Walter Reuther, as reported in the Los Angeles Times.

I am chagrined at your apparent lack of confidence not only in the so-called representatives of the farmers, both large and small, but in this institution of the Congress because your main objection to this legislation is not that it may not be right here and now, but you are concerned about what future Congresses may do to it.

I view my role in Congress, if I may quote Shakespeare, "perhaps 'tis a small thing, but mine own." We do the best we can with the limited information we have, with all the time pressures, and I have learned in the 3 years I have been here that men like you and others of my colleagues are enormously professional, knowledgeable, devoted to the public interest and have a real capacity and insight to meet the needs of our times and I have learned from you that I am part of a stream of history here with a noble past, a great present and an exciting future, and as I perform my insignificant contribution to the work of the Congress, I do so in full knowledge that the work I do and the work that this Congress does will be handed on to future generations of Congressmen just as devoted as we are, just as knowledgeable, just as concerned with the problems of their times, and I have no fear that I can have assurance in the actions of members of this committee and our own actions.

I must not deny myself the right to work on current legislation because I cannot have any assurance as to future committee action, and I quote your words, and I have learned this confidence and I have learned this love of this great institution from men like you who have been an inspiration to me.

Do you have any less confidence than I have as to the integrity of this body as an institution and as to the devotion of future members and their knowledge and their professionalism and their self-same concern with the public wheels that you have brought to the work of this Congress and the other distinguished Congresses.

Mr. POAGE. I don't think it involves their devotion, integrity—

Mr. SCHEUER. Their practicality, their knowledge.

Mr. POAGE. I think it is clear, however, that speaking as we try to do in our committee, again for the small farmer, for the 6 percent of the people who are now farming, the 6 million farm families, I should say, which is about 6 percent of our population, that we recognize that they have had less and less representation in this Congress, they have much less today than they had when I came into the Congress.

Mr. SCHEUER. Most of them have gone to cities where they are very well represented.

Mr. POAGE. Beg your pardon.

Mr. SCHEUER. A good many of them have continued over the past few centuries to migrate to cities where they are well represented, and where they are well represented today where they remain on the farms by the members of this committee.

Mr. POAGE. There is always a question here. I say in my comments that it's right clear that people are going to have less and less knowledge of agriculture. It is a question of knowledge, not of motives. I think the next generation is going to be just as well informed as you and I, I am not questioning that; but I do think it is clear that there is going to be less and less knowledge of agriculture and the needs of agriculture and it is our viewpoint that it is unwise to seek to place those people in the next generations in the position where they will likely be inadvertently injured by the actions of perfectly able and honest men who have no immediate connection with and have had no past experience with agriculture.

Now, Mr. Brademas has gone now, but he pointed out he had been on a farm and many of us have. But I'm sure that this committee as the Agriculture Committee, in the next generation will be less conversant with agricultural problems, and we think we would be foolish to sit by and idly allow something to be established now that we think we can foresee is going to do a terrible injury to the very people that we are all talking about helping in the next generation.

Now, maybe we are unduly alarmed, but it was the view of our committee that we should express our feeling. Whether our feeling is correct, we don't claim any greater knowledge or patriotism than you gentlemen have, but we do have a feeling on the subject. We felt it was our duty to express our feeling. We have expressed it. We are not taking issue with you gentlemen or your feeling; we are not resenting your attitude at all. We understand your position. We hope you will understand ours; we hope that you will recognize that there is another viewpoint.

Mr. THOMPSON. Mr. Chairman, you have expressed it in a most articulate and splendid way and I for one am delighted you did not listen to whatever warnings you got about coming. I hope that your experience before us will reassure your colleagues so that in the future rather than the device of a resolution, they can come and we can have the benefit of their tremendous knowledge of their subject.

Mr. Ford?

Mr. ASHBROOK. Will the chairman yield?

Mr. THOMPSON. I yield to the gentleman from Ohio.

Mr. ASHBROOK. I concur with the very able chairman of the subcommittee. While I don't agree with the action taken by our committee, I nonetheless think this is an area where we had jurisdiction, we had the right to take the action and the proper place for discussing this is on the floor in debate and while we welcome the chairman I would certainly reiterate what the chairman, Mr. Thompson, said, and hope in the future that this will be brought to us in a more orderly fashion.

Mr. THOMPSON. You see, a logical extension of this would be for our committee to say to the Committee on Banking and Currency that all employees of banks, savings institutions and so on ought to

be under their jurisdiction with respect to their wages and working conditions.

Mr. POAGE. I think the chairman misunderstands me. I am not now, nor at any time have I contended that this committee did not have the proper jurisdiction of this bill. We raised no jurisdiction question.

Mr. THOMPSON. You stated that clearly. I don't take exception to anything you have said, despite the fact I don't agree with all of it, any more than you do mine. I have tremendous respect for you.

Mr. Ford?

Mr. FORD. Thank you, Mr. Chairman.

Mr. Chairman, I was distressed when I saw the remark by our good friend, Chairman Poage, regarding doubts of members of the Agriculture Committee that they could receive a hearing here. We have had occasion in recent months to experience quite a bit of very helpful cooperation for Mr. Poage in passing legislation that is not at all popular in the part of the country that he represents. This committee is certainly no less mindful of its obligations to people who stand up and are counted when it is important, Chairman Poage, than any others.

I hope we will never forget that. But I wonder if perhaps we should have a Kaffeeklatsch with your committee sometime and let them see that we don't have horns; 22 members of your committee voted for this resolution, which is about as strong as anything one might imagine coming out of one committee directed toward another.

It draws a number of very strong conclusions and shows a certain amount of misunderstanding on the part of the members of that committee with respect to this legislation and the true conditions that exist which this legislation is directed toward. In any event while this committee held extensive hearings on the legislation during the first half of this Congress, only two members of the Agriculture Committee, both Democrats, came to this committee with a statement. Only two members felt strongly enough about the legislation to express an opinion either for or against the legislation which frankly, Mr. Chairman, is not legislation at all if it excludes farmers, because it really makes an amendment to include agricultural workers.

If you take that provision out, there isn't a bill. We would be passing not even a title and I think a point of order might be raised against it.

The two statements that were inserted in the hearings by members of your committee indicate similarity to some of the statements made in the resolution adopted by the committee. I assume since Mr. Abernethy has been identified as the author and he was one of the two members, that that is the explanation for it.

I took a look at the statements here as we were listening to you during the early part of the morning. Some of these things we have covered pretty thoroughly and I have commended the exchange between the members of this committee and Mr. Matt Triggs, the representative of the Farm Bureau, who testified at great length and who pointed out to us that he was representing the small farmers. We went into the problems that he, as the spokesman for the largest organization in membership of farmers in the country, had. As a fairly new member of the committee I was most interested in his assertions and reassertions of the support his organization has given for the adoption of the Taft-Hartley Act. This is what we are talking about amending here—the Taft-Hartley Act, now called the National Labor Relations Act.

He expressed the opinion that industry in this country, particularly as he defined industry, was in need of the protections of the act. He agreed with us, for example, that the protection it offers against secondary boycotts would be not only desirable for industry, but also for farmers who are not now protected against secondary boycotts.

He thought that would be a desirable reason for passage, if we had to pass the act, but he somehow would have liked to have had that protection from secondary boycotts without anything else that went with it.

What we come down to is the question of your committee, which has great expertise in the problems of agriculture, saying to our committee, "We've looked this thing over and it looks like some of our farmers are not going to like it and we would rather you stop doing what you are doing."

Mr. Chairman, with the great respect I have for you, and I am sure I share that with other members of the committee, there is basis for resentment of that presumption on the part of the members of your committee or any other committee of the House.

I have great respect for the traditions of the House, and I have talked to some of the most senior Members of the House since I heard about this meeting this morning and find none among them who have any recollection of such action being taken with one committee directing another committee to do something, as distinguished from other members of a committee influencing us.

I certainly hope that will in no way affect the good relations that Mr. Brademas and others have alluded to by showing you the voting records.

I took the time to go back and check, too. I find that I not only voted with you on farm legislation in the 89th Congress, but I found when we polled people in the district I represent asking them which Federal expenditure programs they would like to see cut in preference to additional taxes, that out of about 11,000 people who answered that questionnaire, 5,225 of them thought we ought to cut out farm subsidies.

Part of the reason for that feeling I believe is that a good many persons in my area believe that legislation under your committee has not done very much for the small farmer that we are used to seeing in Michigan, and in fact works to his disadvantage.

You may recall that a gentleman from Michigan, during the consideration of that legislation, offered an amendment on the floor that no single farm or farmer should receive more than \$50,000 in any one year in the form of Government subsidy.

I voted with them on that, but I am frank to say we were almost hooted off the floor. From that moment on I have had certain doubts about this legislation being designed primarily for the small farmer, because \$50,000 is a lot of money in my State of Michigan for any one business or person.

So I have been worried about this whole idea of what's a small farm and what's a big farm. But since both the resolution and your statement speak of it, I wonder if you can tell us what you, when you are considering agricultural legislation, use as a benchmark.

How do you distinguish between a small farm and a big farm?

Mr. POAGE. I have always thought there is a great deal of misunderstanding, fuzzy thinking about "large" and "small" farms. I

don't think there is much significance to the terms "small" and "large" farms. I think that what most of us have in mind actually is the old idea of subsistence farming.

Now, most people who are as old as I am and who lived in rural areas in their childhood are familiar with some degree of subsistence farming, because we all practiced some of it. We killed our hogs and had our own meat and we even oftentimes grew our own wheat and ground it into flour.

We always kept cows and chickens and grew all sorts of vegetables. In other words, the farmer provided a great deal of his own food. That's a subsistence farmer, the man who grows what his family eats and sells very little and buys very little. Frankly, if he is a 100-percent subsistence farmer, he doesn't enter into the national economy at all. He is neither a purchaser nor a seller.

Of course, there are all degrees from 100 percent on up to none. We like to think in terms of that subsistence farmer and call him a "small" farmer, or rather, we generally think that all small farmers should be subsistence farmers.

I think it would be a terrible mistake if they were. I think the better division is the so-called family farm test and I think that we can rather properly define the family farm as being the farm in which members of the family do substantially all of the work of production and there again there are all degrees, because very few families do absolutely all the work of production and you probably don't have many who meet that test 100 percent but that is the basic test, as I see it, the small and the large farmer or the family farm and the commercial farm.

The commercial farm, I would define as one in which the great, the overwhelming portion of the work of production was done by hired labor. And I recognize that it's these commercial farms that you are seeking to control in this legislation or seeking to bring under control, because they do operate quite similarly to industry. But to draw a legislative line seems to me to be almost impossible and we fear that you are bringing this thing to where it is fast going to envelop what we call the family-farm operator.

Mr. THOMPSON. Would the gentleman yield?

Mr. FORD. Yes.

Mr. THOMPSON. Mr. Chairman, I have some statistics with relation to the number of farms. There are approximately 3.2 million farms in America, of which approximately one-half, or 1.6 million, are entirely family operated and don't hire anyone. Then—

Mr. FORD. Most of those do, Mr. Chairman. I know the statistics state they don't hire anyone. They don't hire anyone for a long period of time, but most all of them have somebody that helps them.

Mr. THOMPSON. 1.3 million of them use a maximum of three hired hands, and then only 67,000, or 2 percent of the total, employ as many as 300 man-hours.

So, if we are talking about jurisdiction, we might give consideration to using that criterion, the number of man-hours hired.

Mr. FORD. I think man-hours used on a farm is a very good method of setting a jurisdictional limit.

Mr. O'HARA. Will the gentleman yield to me on that point?

Mr. FORD. Yes.

Mr. O'HARA. The Department of Agriculture defines a family farm as one that uses less than $1\frac{1}{2}$ man-years of hired labor, which breaks out to 390 man-days, or approximately 100 man-days per quarter. That is the test the Department of Agriculture uses, for whatever that is worth.

Mr. FORD. Mr. Chairman, we had testimony from representatives of the National Labor Relations Board with regard to how they would go about establishing just the kind of definitions and exemptions that you are talking about. They pointed out that they couldn't sit down and write an arbitrary rule that would be successful in obtaining equity. It would have to be a process of study and experimentation, just as with other industries. I am very pleased that you agree with me that this definition is such that it does not lend itself to being drawn into this legislation as a basis for exception which would be rigid and not susceptible to change. I am pleased because I am one of the members of the committee who have been resisting efforts to write into this legislation a rigid exemption definition without a full explanation of the difference between the small farm and the big farm. For that matter, even a big farm in Michigan would be a pretty small farm in your State, Mr. Chairman. So we aren't even talking in the same terms. But we have found in the administration of the National Labor Relations Act that there is a similarity to the problems they have had to face with industry.

I have in my district plants belonging to the Ford Motor Co. which deal with their employees in terms of hundreds of thousands at one time, and I also have many plants that employ five or six or 10 very highly skilled people who manufacture a great many things without which the automobile industry could not function. We have had no real difficulty over the years in finding a way to accommodate both under the regulations.

A reading of the history of both the Wagner Act and the Taft-Hartley Act would indicate that there has always been the kind of fear expressed in the resolution from your committee, "Whereas, unlike industrial employers, farmers are uniquely susceptible to strikes, labor disputes, and work lapses because of the perishability of their crops."

This uniqueness argument was used, as a matter of fact, at the time of the passage of the Wagner Act to exclude the building trades, but by the time of the adoption of the Taft-Hartley Act labor troubles affecting this and other segments of the industry led supporters of that legislation, including the National Farm Bureau, to feel that the building trades ought to be brought under the act and that this was a desirable place to control the kind of problems that had arisen.

And this uniqueness theory with respect to building trades had to do with seasonability and that is what we are talking about with crops. In most of the States north of the Mason-Dixon line, there are anywhere from 2 to 4 months in the year when construction cannot go on. We have been able to meet this challenge and work with it.

But again, not with any kind of rigid statutory exemption process, but by giving the Board an opportunity to work.

Having reached that point on the question of the Board, I come back to your statement which reads, "We see very little, if any, present need for the injection of a third party into agricultural labor relations."

But then you go on to say, "But even so, we would be very reluctant

to turn them over to a board with no agricultural experience or orientation."

I gather that the "even so" means that if we have to have it, not with the NLRB.

That raises the question, if not the National Labor Relations Board, who?

Mr. POAGE. We would think, of course, if you were going to have a Board, it should be a Board which is oriented more to agriculture than our existing National Labor Relations Board, which very properly is not associated with agriculture. Whether you can afford to establish a separate Board is something else. I could not pass a judgment on the advisability of creating another Board. I have supported the creation of many new Boards—too many, I often think.

There are those who are opposed to creating more and more Boards and try to suffer under existing ones rather than to try to create new ones.

Mr. FORD. Do you know of the proposal of some Members of the Congress for a labor court?

Mr. POAGE. Yes.

Mr. FORD. Would you trust a labor court that did not have a farmer sitting on the bench?

Mr. POAGE. No more than I would trust another Board. I don't think because you put robes on a man that you change his character.

Mr. FORD. I want to make this clear, Mr. Poage. I am sure you are speaking for the sense of the resolution and that you are here as a kind of representative so I don't want in any way to direct these questions toward your personal opinions on the matter.

Mr. THOMPSON. If the gentleman will yield, our friend Mr. Poage would have at least one friend on the National Labor Relations Board; Mr. Brown is from a farm in Texas.

Mr. POAGE. I know Mr. Brown, but I don't know that he has any special agricultural background—we are all for the small farmer, you know. You assume that everybody from a given State had the same views. I have a high regard for Mr. Brown. I have known him for some years. I always considered him a friend and I hope he considered me as such, but I don't think Mr. Brown has ever distinguished himself as a farmer in my State, and I have never heard him claim any such association.

Mr. FORD. Well, Mr. Poage, I am very much concerned that we have the confidence of the people in legislation that this Congress passes, and I am not at all satisfied when we see great issues dying without a proper airing and without the proper public understanding across the country. So I would be distressed with any legislation we passed that started off with substantial irritation from an important segment of our country such as agriculture, either management or labor, and thereby made it very difficult to accomplish the ends that we are after.

But when we talk about this concept of having a Board that is in agriculture, do you consider the employees in agriculture to be a part of agriculture when your committee is considering legislation?

Mr. POAGE. Certainly we do.

Mr. FORD. Would you consider that the employee then ought to be in before this committee asking that the composition of the Board handling this thing has representatives of agricultural employees on it?

Mr. POAGE. Representatives of both employees and employers.

Mr. FORD. Right, now isn't the most likely way to achieve this to have a board that doesn't attempt to have anyone who is a representative of either management or labor? Don't we really ask these people to take an oath under the Constitution to follow the law and exercise their judgment as good American citizens without regard to prejudices and preferences?

Mr. POAGE. I would have to say, as I said to Mr. O'Hara earlier, I think theoretically it is an excellent idea, but as a practical matter I know that our Government doesn't run that way and I know that people are not appointed that way. You are contemplating an appointive board, I suppose. I would assume, of course, that is the only way to handle it. And I know that boards are appointed for the purpose of appeasing or satisfying or pleasing certain groups, and I think we all know that.

Mr. FORD. Just one final point. The burden of the resolution as it is expressed in its resolving clause is that this committee, in the interest of agriculture as well as the national interest, delete all reference to agriculture from the legislation which it is considering.

Now, that goes back to this whole question that Mr. Thompson, our chairman, discussed with you, of the jurisdictional point being raised here.

How would you as chairman of the Agriculture Committee take to a resolution which I would be most pleased to introduce and haven't because other older and wiser heads have indicated to me that it would be in all ways a very bad thing to do, to have you turn the school lunch program over to us because we spend all of our time working on the problems of education?

Mr. POAGE. I think it is perfectly proper for you to suggest that you would like to have jurisdiction over the school lunch program and, as a matter of fact, I understand that your committee and another subcommittee of this committee has actually assumed jurisdiction over the school lunch program and is at present considering it.

Mr. FORD. I have been corrected very quickly. We have a semantics problem. We do have a part of the school lunch program. We have what has been traditionally called the "school lunch program," not the milk program, not the new program contemplated in your legislation, the Child Nutrition Act of 1966.

Mr. POAGE. Possibly we have not been as devoted to jurisdiction as we should have been in our committee. Possibly we should have complained more about other people taking jurisdiction where we had a technical and possibly a practical case.

That is an amendment to a bill from the Agriculture Committee just as this is an amendment to a bill from this committee, and I think under the rules of the House the origin of the program clearly establishes the jurisdiction of amendments. But we have not felt disposed to have any ill-feeling with our colleagues because they have taken jurisdiction over something where we thought we had jurisdiction, nor have we claimed any jurisdiction at all in connection with this bill.

I want to—again I know it is repetitious, Mr. Chairman—but it seems there is a misunderstanding that our committee is claiming some jurisdiction here. We are claiming no jurisdiction whatsoever, I would, as chairman of the committee, tell you right now that our committee claims no jurisdiction over this bill.

We claim an interest in the bill; we claim that it involves the subject matter over which we have a responsibility and we claim we have an interest in this bill and that we are concerned about the passage of the bill and that from the standpoint of the majority of our members, a rather overwhelming majority, that we felt that it was unwise to pass it.

Now, we know that there are arguments in favor of it. We know you would not have spent the time on it without arguments in favor of it. We know that there are reasons on the other side. We have seen very few pieces of legislation come before this House where there weren't two sides. We have felt that we had some responsibility to express a viewpoint that is contrary to some other peoples' viewpoint.

Mr. THOMPSON. Mr. Chairman, we recognize that the resolution adopted by your committee and your statement completely eliminate any question of a jurisdictional argument. But my feeling is, and I am constrained to state it:

I was most upset by the manner in which your committee expressed this view. I am not easily surprised and I am not terribly old-fashioned, but in my 14 years in the House such a resolution is unique.

I asked the Parliamentarian of the House if he recalled in his many years of experience similar action having been taken. He seemed to remember vaguely that there was similar action taken in one instance over, I believe, a stockyard act, but the resolutions adopted at that time related solely to jurisdiction, which in yours is absent. That would lead to the conclusion, barring some obscure case that the Parliamentarian didn't remember and I haven't been able to find, that this resolution is a first.

Mr. O'Hara?

Mr. FORD. Mr. Chairman, I have just one more point.

The real point, Mr. Poage, is that your committee has chosen to act collectively rather than to assert the very great influence that all of your members have individually on the opinions of members of this committee. We now find ourselves considering a resolution from a committee that has not proven to be very friendly to us in the area of labor legislation, and that has some effect on how much weight we give to the resolution.

For example, the last time that this committee reported out and the House passed an amendment to the Taft-Hartley Act, it was for the repeal of section 14(b) of that act. We took a look at how Agriculture Committee members, who are now telling us what to do with the present amendment to Taft-Hartley, voted and we found that on your committee the members voted 23 to 12 against repeal of 14(b), and the Democrats voted 12 to 12. In other words, half of the Democrats were with us and half against us. But almost 2 to 1 your committee, which now has passed a unanimous resolution, said that this committee was all wet and would not go along with it.

Now, in addition to that, this committee worked for many, many months and carried to the floor the very difficult job of updating and revising the Fair Labor Standards Act, the so-called 1966 minimum wage bill; and again the committee which is now telling us by resolution what to do with labor legislation, voted 25 to 6 to kill our bill, to recommit it. It also distresses me to see members of the majority voting to kill a bill, an action which I think most of us avoid except in the most extreme case, because we have to exercise a cer-

tain amount of confidence in the people who do exercise the responsibility of being the majority and carrying this legislation.

Frankly, Mr. Chairman, that's one of the things that for my part at least places great doubt on the amount of weight that should be given to this resolution and I weigh this without in any way taking away from the tremendous admiration I have for every individual on that committee. The fact just seems to be that we don't see eye to eye as to what's in the best interest of working people in this country.

So long as that is the case, we will have to stay divided on how we follow our legislative careers.

Mr. THOMPSON. Mr. O'Hara?

Mr. O'HARA. Mr. Chairman, if I could——

Mr. POAGE. May I comment?

Mr. O'HARA. Go ahead, I'm sorry.

Mr. POAGE. It seems to me that we have reached a point where I believe I am understanding the position of the committee better than I had and I feel that I understand that you find it rather distasteful that we passed a resolution.

Mr. THOMPSON. That's put very mildly, sir.

Mr. POAGE. Well, in view of that feeling I want to express apologies on the part of our committee for having used the resolution method. Frankly we thought we were doing nothing except to use the procedure of "collective bargaining" and we had supposed that this committee would welcome a collective expression of our views rather than using the individual expression of views, feeling that it would save the time of members of both committees.

Mr. THOMPSON. Have you unionized your committee? [Laughter.]

Mr. POAGE. Yes, we thought that it would be well in dealing with this committee to rather unionize our committee and present our views in that manner, but if we have used the wrong method, seriously we are sorry. We are going to continue to use it with those committees that don't have the same sensibilities which this committee has, because I think it is a good method, but we will certainly try to conform to your wishes as to form of communications in the future.

I think it is a good sound way, a much better way of presenting our views than for 35 of us to or at least 22 to come over here one at a time and, in all frankness, we invite you to use the resolution method before our committee, but we will not send you any more resolutions. We will attempt to come in individually and take a longer time, if that is the wish of our colleagues here and I take it that that is the wish.

And if the chairman will instruct me, I will follow that course.

Mr. THOMPSON. Oh, I wouldn't be so presumptuous, Mr. Chairman, as to instruct you——

Mr. POAGE. I mean if you will give us instructions as to your desires and wishes.

Mr. THOMPSON. We would have felt better without the resolution. I consider you not only a distinguished member of this body and one of its very senior ones and I consider you to be a friend. I wouldn't want to offend you in the slightest.

Mr. POAGE. You are not offending us at all. I know many of us find ourselves in the position of doing things that we didn't intend to have any hurtful relations or hurt anybody's feelings and if this committee would rather have us come in individually, we will cer-

tainly do it and I would carry back to our committee the feeling that you would rather that we would not use the resolution method in the future.

We thought we had hit upon a pretty good method of using mass communications and we felt we were simply using the method that had been pretty well established in labor relations, but we are perfectly willing not to do it in the future and to express our regrets for having done it in the past and we will not do it to this committee in the future.

Mr. THOMPSON. With respect to your last point, Mr. Chairman, I appreciate very much what you said and your attitude. We would have been perfectly satisfied to have 35 individual statements or witnesses or all of the members of your committee to accept our invitation to express their views on this legislation as two did.

We would much have preferred that over the resolution. It did come as a tremendous shock. I learned first of it when I was on the floor of the House and someone said, "Have you seen on the ticker in the lobby, on the wire service, the action by the Committee on Agriculture?"

I fortunately didn't express my initial reaction publicly.

Mr. O'HARA. Mr. Chairman, I wish to join with you in saying that I think it was the form of the action that aroused me rather than the fact that members of the Agriculture Committee disagreed with my position.

I expect many Members of Congress disagree with most of the positions I take, but I did feel that this resolution was highly unusual and I was offended by that action. But I wish to say to the chairman that I very much appreciate his cooperative and conciliatory attitude on that procedural question, and I think that we could avoid such difficulties in the future—

Mr. POAGE. We will try to do that.

Mr. O'HARA. I would like, if I just could for a moment, Mr. Chairman, to engage in a little collective bargaining with the chairman of the Committee on Agriculture.

It's true that some of us can always see the other fellow's deficiencies, but not our own. When I reread the hearings and when I read the chairman's statement that he presented to us today and when I read the resolution of the committee, I was very disappointed that in none of those expressions of opinion could I find a single expression of concern over the position in which the agricultural worker finds himself.

The fact that he is the lowest paid worker in American industry, that he lives under deplorable conditions in all too many cases and those, of course, are the things that get me interested in this problem, the things that told me to introduce this legislation and to fight for it.

I couldn't find any expression of concern in these statements, but then on more sober reflection I reread the hearings to check up on this. I couldn't find any significant expressions of concern on our part for the income plight of the American farmer either, so I guess it's something like the blindman inspecting the elephant. Each of us approached it from the point of view of our own responsibilities and we each found things that disturbed us very greatly, but difficult things.

I am sure the chairman of the Committee on Agriculture, because he is a very humane person and one who has the interest of all the

people at heart, would agree with me that farm workers find themselves by and large living under deplorable conditions and making a very low wage and really unable to support their families in decency.

Mr. POAGE. Certainly I agree we do and I am concerned with that, although as the gentleman has well pointed out, we all probably emphasize things where we feel we have the responsibility. We feel that by definition, our committee has primary responsibility for the farm, while your committee has primary responsibility for the labor, in the term "farm labor."

Mr. O'HARA. I would agree with the gentleman from Texas, the chairman of the committee, that the typical American farmer is not in such a good position either. I was hoping that perhaps we could find some way to resolve both of our difficulties and both of our problems.

We obviously don't want to bring collective bargaining into the intimate relationship between a small general farmer and his one or two hired men. That is not our purpose. We would deplore that, in fact, as much as the gentleman from Texas does. What we want to do is with respect to those farm employers that employ relatively large numbers of workers, even though over a relatively short season, is to give to those workers the same rights to engage in collective bargaining as their counterparts have elsewhere. We think that they can help themselves perhaps more than we could or should help them. I don't think the gentleman from Texas would disagree with the aims of this legislation with respect to those employers of rather large labor forces, would you?

Mr. POAGE. No, I see a close relationship between those with a large labor force and true industry as we have known it. Of course, oftentimes we get what has been, I think, aptly termed "factories in the field," and I recognize that when you reach that stage you have to use factory methods. We are not going to say that everything you are trying to do is wrong.

Mr. O'HARA. I'm happy to hear the gentleman say that. Even though on broad principles I have been opposed to writing jurisdictional standards into the National Labor Relations Act, I would like to see if we can find a way in this legislation to confine its impact as a matter of law to the situations in which relatively large numbers of people are employed on a farm. If we could give the chairman reasonable assurance that this bill was not simply a temporary expedient adopted to get the legislation through and that we did not later intend to come back and apply it to every farmer in America, would the chairman of the Committee on Agriculture be sympathetic with what we were trying to do and try to find a way to support the legislation?

Mr. POAGE. I would much rather find a way to be working with you folks than against you.

Mr. O'HARA. About this business of the "foot in the door," I'm sure that the chairman of the Committee on Agriculture sympathizes with us, that the "foot in the door" argument is awfully hard to answer. I know it has been used against you repeatedly in connection with the programs you have brought before the House with respect to acreage controls and the pricing system, and so forth. But you have done a wonderful job of refuting it and I have gone along with you in that. I want to assure you that we are not trying to get any foot in any door.

I do not know of anyone, and I have talked to representatives of organized labor, who take a very practical view, and they say:

"Look, can you imagine for a minute that we have got the time or the resources to go out and try to organize small farmers that only employ one or two or three people? We don't even bother with manufacturing that has such a small work force.

"We make no effort to organize these very small work forces in manufacturing. And certainly we are not going to do it in agriculture. The problems of doing it in agriculture are even greater than they would be in manufacturing."

I think as a practical matter I know of no one who is really talking about organizing these workers. They just don't consider it to be appropriate or a fruitful exercise.

Mr. THOMPSON. Mr. O'Hara, I think that it is entirely conceivable that we can work something out to reassure our colleagues who are rightfully concerned about the small farmer. The hundreds of dairy farmers in my district would be unhappy if they thought I were trying to organize them, and I have to reassure them as well—it is even more important that I reassure them than it is I reassure my colleagues from other States, because I don't run against them or they can't vote for me.

In the case of your committee, I am glad that they can't. [Laughter.]

I would like to thank you very much for your time, Mr. Chairman—

Mr. O'HARA. Could I just ask one more question, Mr. Chairman?

Mr. THOMPSON. Yes.

Mr. O'HARA. In regard to the jurisdictional standard, who would be covered, who would not, we have considered different alternatives. The one used by the NLRB has to do with dollar volume and I have pretty much come to the conclusion that is not very appropriate.

For instance, someone who has a cattle business might have a tremendous dollar volume, phenomenal dollar volume, because he buys cattle at a very considerable price, hangs onto them perhaps six weeks or eight weeks, and then sells again. His dollar volume might be tremendous. But he might employ very few men.

But other farmers might find themselves in a very different situation, so I have decided that a dollar volume test is probably not the best kind of test to use and I would like your comment on that.

Mr. POAGE. I would agree with the gentleman, the dollar volume is probably not the better test. Rather, I would agree with Chairman Thompson that probably the better test is something on the order of what we have in the minimum wage law at the present time, where the applicability is based upon the number of hours that are worked by individuals who are employed on the farm.

It seems to me that that gets to the question of whether they are a real factor in the labor market or not, whereas the dollar volume doesn't necessarily measure that at all.

Mr. O'HARA. I appreciate that comment and I want to state to you right now that I am going to work toward finding and getting into this bill an appropriate test of coverage based upon the amount of hired labor employed by the agricultural unit and if we could do that, I would hope that we could get the gentleman's support for legislation.

Mr. POAGE. I hope we can get together.

Mr. THOMPSON. Thank you very much again, Mr. Chairman.

Mr. POAGE. Thank you, Mr. Chairman, and let me thank the committee. I appreciate your kindness.

Mr. THOMPSON. The committee is adjourned.

(Whereupon, at 11:45 a.m. the subcommittee adjourned.)



