

MIGRATORY LABOR LEGISLATION

GOVERNMENT

Storage



HEARINGS
BEFORE THE
COMMITTEE ON MIGRATORY LABOR
OF THE
COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE
NINETIETH CONGRESS
FIRST SESSION
ON
MIGRATORY LABOR LEGISLATION

S. 8

A BILL TO AMEND THE NATIONAL LABOR RELATIONS ACT, AS AMENDED, SO AS TO MAKE ITS PROVISIONS APPLICABLE TO AGRICULTURE

S. 195

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A COUNCIL TO BE KNOWN AS THE "NATIONAL ADVISORY COUNCIL ON MIGRATORY LABOR"

S. 197

A BILL TO AMEND THE FAIR LABOR STANDARDS ACT OF 1938 TO EXTEND THE CHILD LABOR PROVISIONS THEREOF TO CERTAIN CHILDREN EMPLOYED IN AGRICULTURE, AND FOR OTHER PURPOSES

S. 198

A BILL TO AMEND THE ACT OF JUNE 6, 1933, AS AMENDED, TO AUTHORIZE THE SECRETARY OF LABOR TO DEVELOP AND MAINTAIN IMPROVED, VOLUNTARY METHODS OF RECRUITING, TRAINING, TRANSPORTING, AND DISTRIBUTING AGRICULTURAL WORKERS, AND FOR OTHER PURPOSES

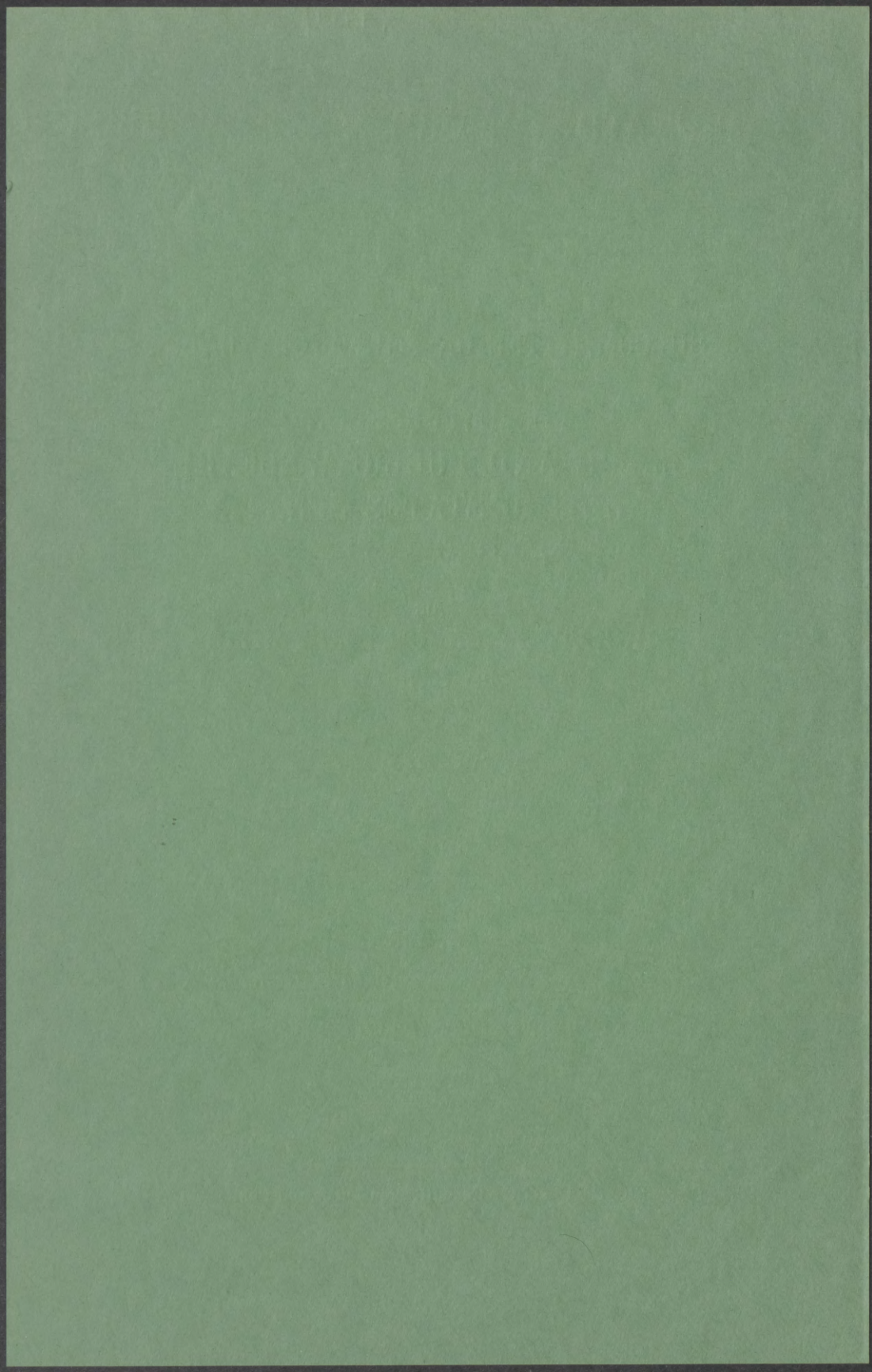
Part 3

SEPTEMBER 8, 1967, ROCHESTER, N.Y.

Printed for the use of the Committee on Labor and Public Welfare

Handwritten notes: 1043, M8/5, P13, L11/2, 90X47, m58/5/p1.3

Handwritten notes: Y4, L11/2, M58/5, PT. 3



MIGRATORY LABOR LEGISLATION

HEARINGS
BEFORE THE
SUBCOMMITTEE ON MIGRATORY LABOR
OF THE
COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE
NINETIETH CONGRESS
FIRST SESSION
ON
MIGRATORY LABOR LEGISLATION

S. 8

A BILL TO AMEND THE NATIONAL LABOR RELATIONS ACT, AS AMENDED, SO AS TO MAKE ITS PROVISIONS APPLICABLE TO AGRICULTURE

S. 195

A BILL TO PROVIDE FOR THE ESTABLISHMENT OF A COUNCIL TO BE KNOWN AS THE "NATIONAL ADVISORY COUNCIL ON MIGRATORY LABOR"

S. 197

A BILL TO AMEND THE FAIR LABOR STANDARDS ACT OF 1938 TO EXTEND THE CHILD LABOR PROVISIONS THEREOF TO CERTAIN CHILDREN EMPLOYED IN AGRICULTURE, AND FOR OTHER PURPOSES

S. 198

A BILL TO AMEND THE ACT OF JUNE 6, 1933, AS AMENDED, TO AUTHORIZE THE SECRETARY OF LABOR TO DEVELOP AND MAINTAIN IMPROVED, VOLUNTARY METHODS OF RECRUITING, TRAINING, TRANSPORTING, AND DISTRIBUTING AGRICULTURAL WORKERS, AND FOR OTHER PURPOSES

Part 3

SEPTEMBER 8, 1967, ROCHESTER, N.Y.

Printed for the use of the Committee on Labor and Public Welfare

U.S. GOVERNMENT PRINTING OFFICE

COMMITTEE ON LABOR AND PUBLIC WELFARE

LISTER HILL, Alabama, *Chairman*

WAYNE MORSE, Oregon
RALPH YARBOROUGH, Texas
JOSEPH S. CLARK, Pennsylvania
JENNINGS RANDOLPH, West Virginia
HARRISON A. WILLIAMS, Jr., New Jersey
CLAIBORNE PELL, Rhode Island
EDWARD M. KENNEDY, Massachusetts
GAYLORD NELSON, Wisconsin
ROBERT F. KENNEDY, New York

JACOB K. JAVITS, New York
WINSTON L. PROUTY, Vermont
PETER H. DOMINICK, Colorado
GEORGE MURPHY, California
PAUL J. FANNIN, Arizona
ROBERT P. GRIFFIN, Michigan

STEWART E. MCCLURE, *Chief Clerk*

JOHN S. FORSYTHE, *General Counsel*

EUGENE MITTELMAN, *Minority Counsel*

SUBCOMMITTEE ON MIGRATORY LABOR

HARRISON A. WILLIAMS, Jr., New Jersey, *Chairman*

EDWARD M. KENNEDY, Massachusetts
GAYLORD NELSON, Wisconsin
ROBERT F. KENNEDY, New York

GEORGE MURPHY, California
PAUL J. FANNIN, Arizona

FREDERICK R. BLACKWELL, *Counsel*

(11)

FORMAT OF HEARINGS ON MIGRATORY LABOR LEGISLATION

The Subcommittee on Migratory Labor conducted public hearings during the first session of the 90th Congress on the bills S. 8, S. 195, S. 197, and S. 198. These hearings are contained in four parts:

Part 1: Washington, D.C., May 17; July 11, 12, and 13; August 2

Part 2: Texas: Rio Grande City, Tex., June 29; Edinburg, Tex.,
June 30

Part 3: Rochester, N.Y., September 8

Part 4: Appendix

Parts 1, 2, and 3 contain a common table of contents encompassing the testimony and statements in the first three parts. Appendix material is not listed in the common table of contents, but will appear in a part 4 appendix table of contents.

CONTENTS

PART 1

	Page
S. 8.....	5
S. 195.....	9
S. 197.....	15
S. 198.....	17
Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey, opening statement.....	1

CHRONOLOGICAL LIST OF WITNESSES

MAY 17, 1967

Wirtz, Hon. W. Willard, Secretary of Labor; accompanied by Frank A. Potter, Director, Office of Farm Labor.....	32
---	----

JULY 11, 1967

Meany, George, president, AFL-CIO; accompanied by Andrew Biemiller, legislative director, AFL-CIO.....	55
Houghton, Dr. Ronald W., professor of industrial relations, Wayne State University, Detroit, Mich.....	77

JULY 12, 1967

Panel of witnesses composed of Mrs. C. J. Schroeder of Rock Valley, Iowa, appearing on behalf of the National Council of Catholic Women, National Council of Jewish Women, National Council of Negro Women, Church Women United, and National Board, YWCA; Rev. John McCarthy of San Antonio, representing Bishops' Committee for Spanish Speaking National Catholic Rural Life Conference, Social Action Department of U.S. Catholic Conference; Rev. Luther E. Tyson, director, Department of Economic Life, General Board of Christian Social Concerns, the Methodist Church, appearing on behalf of the General Board of the National Council of Churches; and Rabbi Richard G. Hirsch, representing Religious Action Center, Union of American Hebrew Congregations.....	97
McCarthy, Rev. John, priest of the diocese of Galveston-Houston, and director, National Bishops' Committee for the Spanish Speaking.....	110
Tyson, Rev. Luther E., director, Department of Economic Life of the General Board of Christian Social Concerns of the Methodist Church....	119
Hirsch, Rabbi Richard G., director, Religious Action Center, Union of American Hebrew Congregations.....	124
O'Connell, Richard T., secretary, National Council of Farmer Cooperatives.....	129
Carstenson, Dr. Blue, assistant legislative director, National Farmers Union; accompanied by Henry McHenry, Arkansas Farmers Union....	139

JULY 13, 1967

Triggs, Matt, assistant legislative director, American Farm Bureau Federation.....	143
Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey.....	155

Reuther, Walter, president, United Auto Workers, and president, Industrial Union Department, AFL-CIO; presented by Jack T. Conway, executive director, Industrial Union Department, AFL-CIO; accompanied by Frank Wallick, legislative representative, UAW, AFL-CIO; and Leonard Lesser, general counsel, Industrial Union Department, AFL-CIO	Page 162
Fields, Ogden W., executive secretary, National Labor Relations Board	175
Cruziger, Charles M., president, Vegetable Growers Association of America	192
Mayer, Arnold, legislative representative, Amalgamated Meat Cutters & Butcher Workmen, AFL-CIO	205
Napuk, Kerry, research director, United Packinghouse, Food & Allied Workers, AFL-CIO	211
Burrows, Fred W., executive vice president, International Apple Association, Inc.	217

AUGUST 2, 1967

Tower, Hon. John G., a U.S. Senator from the State of Texas	235
Atlas, Morris, counsel, La Casita Farms, McAllen, Tex., accompanied by Gary Gurwitz, attorney, McAllen, Tex.; Mike Frost, member, Hidalgo County Farm Bureau and Texas Farm Bureau Federation; and Ray Rochester, general manager, La Casita Farms	236

STATEMENTS

Agricultural Producers Labor Committee, by J. J. Miller, executive vice president, prepared statement, with attachments	289
Atlas, Morris, counsel, La Casita Farms, McAllen, Tex.; accompanied by Gary Gurwitz, attorney, McAllen, Tex.; Mike Frost, member, Hidalgo County Farm Bureau and Texas Farm Bureau Federation; and Ray Rochester, general manager, La Casita Farms	236
Burrows, Fred W., executive vice president, International Apple Association, Inc.	217
Prepared statement	221
Carstenson, Dr. Blue, assistant legislative director, National Farmers Union; accompanied by Henry McHenry, Arkansas Farmers Union	139
Central Conference of American Rabbis, prepared statement	127
Cole, Dr. Robert, child psychiatrist, and research psychiatrist, university health services, Howard University, prepared statement	141
Cruziger, Charles M., president, Vegetable Growers Association of America	192
Diocese of La Crosse, Commission on Social Action, Subcommittee on Human Relations, and Committee on Migrants, La Crosse, Wis., prepared statement	312
Falk, Ernest, manager, Northwest Horticultural Council, Yakima, Wash., prepared statement	300
Fields, Ogden W., executive secretary, National Labor Relations Board	175
Prepared statement, with appendix A	175
Houghton, Dr. Ronald W., professor of Industrial Relations, Wayne State University, Detroit, Mich.	77
Hirsch, Rabbi Richard G., director, Religious Action Center, Union of America Hebrew Congregations	124
Prepared statement, with attachment	124
Mayer, Arnold, legislative representative, Amalgamated Meat Cutters & Butcher Workmen, AFL-CIO	205
Prepared statement	205
McCarthy, Rev. John, priest of the diocese of Galveston-Houston, and director, National Bishops' Committee for the Spanish Speaking	110
Prepared statement	116
Meany, George, president, AFL-CIO; accompanied by Andrew Biemiller, legislative director, AFL-CIO	55
Moore, Carlos, legislative director, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America, prepared statement	48
Moreschi, Joseph V., general president, Laborers' International Union of North America, Washington, D.C., prepared statement	301
Napuk, Kerry, research director, United Packinghouse, Food & Allied Workers, AFL-CIO	211

VII

National Consumers League, Washington, D.C., Sarah H. Newman, general secretary, prepared statement.....	Page 302
National Council of Agricultural Employers, by John Heiney, executive vice president, prepared statement.....	303
O'Connell, Richard T., secretary, National Council of Farmer Cooperatives.....	129
Prepared statement.....	138
Panel of witnesses composed of Mrs. C. J. Schroeder of Rock Valley, Iowa, appearing on behalf of the National Council of Catholic Women, National Council of Jewish Women, National Council of Negro Women, Church Women United, and National Board, YWCA; Rev. John McCarthy of San Antonio, Representing Bishops' Committee for Spanish Speaking National Catholic Rural Life Conference, Social Action Department of U.S. Catholic Conference; Rev. Luther E. Tyson, director, Department of Economic Life, General Board of Christian Social Concerns, the Methodist Church, appearing on behalf of the General Board of the National Council of Churches; and Rabbi Richard G. Hirsch, representing Religious Action Center, Union of American Hebrew Congregations.....	97
Potter, Frank A., director, Office of Farm Labor Service, prepared statement.....	33
Reuther, Walter, president United Auto Workers, and president, Industrial Union Department, AFL-CIO; presented by Jack T. Conway, executive director, Industrial Union Department, AFL-CIO; accompanied by Frank Wallick, legislative representative, UAW, AFL-CIO; and Leonard Lesser, general counsel, Industrial Union Department, AFL-CIO.....	162
Prepared statement.....	162
Schroeder, Mrs. C. J., Rock Valley, Iowa, appearing on behalf of Church Women United, National Council of Catholic Women, National Council of Jewish Women, National Council of Negro Women, and YWCA, prepared statement.....	98
Stochaj, Dr. John M., associate professor, industrial relations, Newark College of Engineering, and chairman, Migratory Labor Committee of the Consumer League of New Jersey, prepared statement, with attachment.....	306
The Catholic Poverty Commission of Dayton, Dayton, Ohio, prepared statement.....	298
Thomas, Vernon, director, Agricultural Local No. 1242, United Packinghouse, Food & Allied Workers, AFL-CIO, prepared statement.....	211
Tower, Hon. John G., a U.S. Senator from the State of Texas.....	235
Triggs, Matt, assistant legislative director, American Farm Bureau Federation.....	143
Tyson, Rev. Luther E., director, Department of Economic Life of the General Board of Christian Social concerns of the Methodist Church.....	119
Prepared statement.....	122
United Fresh Fruit & Vegetable Association, Washington, D.C., Bernard J. Imming, secretary, prepared statement.....	310
Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey:	
Opening statement, May 17, 1967.....	1
July 13, 1967.....	155
Wirtz, Hon. W. Willard, Secretary of Labor; accompanied by Frank A. Potter, director, Office of Farm Labor.....	32
Prepared statement.....	32

ADDITIONAL INFORMATION

Articles, publications, etc., entitled:	
"Border Action—U.S. Firms Open Plants Across Mexican Line to Save on Labor Costs," from the Wall Street Journal, May 25, 1967.....	294
"Farm Commodity and Related Programs," Agricultural Handbook No. 345, excerpts from.....	232
"How Should Farmers Deal with Workers?" from Business Farming, May 1967.....	306
"News From U.S. Department of Labor," with attachments.....	54
"One Firm Goes to Mexico To Sort Grocery Coupons," from the Wall Street Journal, May 25, 1967.....	298

VIII

Chronology of communications concerning testifying in public hearings, Subcommittee on Migratory Labor and A. Y. Allee, captain, Company D, Texas Rangers, with attachments 1-5-----	Page 157
Communications to:	
Farrell, Raymond F., Commissioner, Immigration and Naturalization, U.S. Department of Justice, from:	
Goodwin, Robert C., Administrator, Bureau of Employment Security, July 10, 1967, with attachment-----	55
Lesser, Leonard, general counsel, Industrial Union Department, AFL-CIO, May 26, 1967-----	170
La Casita Farms, Rio Grande City, Tex., from Robert C. Goodwin, Administrator, Bureau of Employment Security, July 10, 1967-----	257
Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey, from:	
Austin, Dorothy M., executive secretary, Consumer's League of Ohio, Cleveland, Ohio, July 10, 1967-----	322
Burrows, Fred W., executive vice president, International Apple Association, Inc., Washington, D.C.:	
July 20, 1967-----	230
July 31, 1967, with attachments-----	230
Butz, Harold E., associate secretary, Iowa Council of Churches, Des Moines, Iowa, August 10, 1967, with attachment-----	316
Cartenson, Blue A., assistant legislative director, National Farmers Union, Washington, D.C., July 12, 1967-----	140
Carter, E. Russell, National Council of the Churches of Christ, New York, N.Y., August 2, 1967, with attachment-----	317
Coates, Barbara J., interim director, Migrant Ministry, Oregon Council of Churches, Portland, Oreg., August 10, 1967-----	319
"Concerned Citizens," First Methodist Church, Renton, Wash., January 2, 1968-----	330
Corey, Fred P., executive vice president, National Apple Institute, Washington, D.C., July 10, 1967-----	327
Fratlicelli, Ben, director, the Florida Christian Migrant Ministry, Orlando, Fla., August 8, 1967, with attachment-----	314
Hartmire, Wayne C., Jr., director, California Migrant Ministry, Los Angeles, Calif., August 18, 1967-----	311
Jensen, Everett J., general secretary, Washington Northern Idaho Council of Churches, Seattle, Wash., August 9, 1967-----	320
Jones, Robert E., director, Washington Office, Department of Social Responsibility, Unitarian Universalist Association, Washington, D.C., July 17, 1967-----	320
Lance, Loice, migrant farmworker, Dover, Fla.:	
October 29, 1967-----	322
December 6, 1967-----	324
Lederer, Robert F., executive vice president, American Association of Nurserymen, Inc., Washington, D.C., July 24, 1967-----	321
Mealey, Margaret, executive director, National Council of Catholic Women, Washington, D.C., July 7, 1967-----	316
Norton, E. M., secretary, National Milk Producers Federation, Washington, D.C., June 27, 1967-----	329
Pendell, W. D., director, Ohio Migrant Ministry, Columbus, Ohio, August 10, 1967, with attachment-----	318
Perlik, Charles A., Jr., secretary-treasurer, American Newspaper Guild, Washington, D.C., August 4, 1967, with attachment-----	321
Sickels, Harvey, secretary and legislative representative, National Farmers Organization, Corning, Iowa, October 16, 1967-----	329
Smith, Fay H., associate secretary, Illinois Council of Churches, Springfield, Ill., August 9, 1967, with attachments-----	314
Speltz, Gregory, chairman, La Crosse Diocese Commission on Social Action, La Crosse, Wis., June 30, 1967, with attachment-----	312
Triggs, Matt, assistant legislative director, American Farm Bureau Federation, Washington, D.C., August 4, 1967-----	153
Condition of Farmworkers and Small Farmers in 1966—Report to the board of directors of National Sharecroppers Fund, by Fay Bennett, executive secretary-----	330

IX

Exhibits A-E—Report and recommendations regarding the matter of the Di Giorgio Corp., Borrego Springs and Delano, Calif. Properties, the National Farmworkers Association, the Agricultural Workers Organizing Committee, and the International Brotherhood of Teamsters; by Dr. Ronald W. Haughton, professor of industrial relations, Wayne State University, Detroit, Mich.....	Page 82
Reports on the:	
Administration of justice in Starr County, Tex., by a subcommittee of the Texas Advisory Committee to the U.S. Commission on Civil Rights.....	58
Poverty and socioeconomic difficulties in the Rio Grande Valley area and some suggested church programs, by the Social Action Department of the Texas Catholic Conference to the Catholic Bishops of Texas.....	60
Strike situation in Starr County, Tex., by State Senators A. R. Schwartz, Galveston, Tex.; Don Kennard, Fort Worth, Tex.; and Oscar H. Mauzy, Dallas, Tex.....	56
Resolution on migratory workers passed by:	
Northern California Council, Union of American Hebrew Congregations, January 27, 1963, approved by Executive Committee of Union of American Hebrew Congregations National Board of Trustees, February 4, 1963.....	126
Union of American Hebrew Congregations at its 46th general assembly, November 1961.....	126
Selected charts and tables:	
Strawberries—U.S. imports of frozen strawberries from Mexico.....	291
Table 1—Output per man-hour (1958 dollars), from "Indexes of Output Per Man-Hour for the Private Economy".....	145
Table 2—Farm income—gross and net, from "Farm Income," USDA.....	145
Table 3—Indexes of farm costs—1957-59=100, from "Farm Cost Situation" and "Farm Labor," USDA.....	147
Table 4—Value of U.S. imports of fruits and vegetables from Mexico.....	149
U.S. Imports of fruits and vegetables from Mexico for fresh market, 1964, 1965, and 1966 calendar years.....	291
1967 wage and piece-rate schedules for Puerto Rican contract agricultural workers, as negotiated and agreed upon February 13, 1967.....	309

PART 2

Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey, opening statement.....	337
--	-----

CHRONOLOGICAL LIST OF WITNESSES

JUNE 29, 1967

RIO GRANDE CITY, TEX.

Yarborough, Hon. Ralph, a U.S. Senator from the State of Texas.....	337
Padilla, Gilbert, director, Texas United Farm Workers Organizing Committee of the AFL-CIO.....	342
Arredondo, Domingo, strike chairman, Rio Grande City Local, United Farm Workers Organizing Committee, AFL-CIO.....	361
Guerra, Arnulfo, attorney, Roma, Tex.....	365
Diaz, Balchemar, farmworker, Rio Grande City, Tex.....	372
McKeithan, James D., attorney, Mission, Tex.....	376
Medrano, F. F., national staff member, United Auto Workers, AFL-CIO.....	404
Krueger, Reverend and Mrs. Edgar, representative, Texas National Council of Churches.....	408
Bernal, Joe, a State senator of the Texas Legislature.....	419
Ramirez, Felix, photographer, Mission, Tex.....	452
Casso, Dr. Ramiro, general practitioner, McAllen, Tex.....	459
Moreno, Alejandro, Jr., student, University of Texas.....	461

	Page
Ramirez, Mario E., M.D., general practitioner, Roma, Tex.....	466
Nye, Randall, county attorney, Starr County, Tex.....	467
Lloyd, Beverly, district attorney, Starr County, Tex.....	472
Schwarz, Marvin, president, Texas Citrus & Vegetable Growers & Shippers, Harlingen, Tex.....	484
Stites, Mrs. Marjorie, educator, Rio Grande Valley, Tex.....	504
Frost, Mike, chairman of the Legislative Committee, Texas Citrus & Vegetable Growers & Shippers, and secretary-treasurer, Texas Farm Bureau, McAllen, Tex.....	514
Andrade, Erasmo, State chairman, Valley Workers Assistance Committee...	520
Pena, Raul, chief deputy sheriff, Starr County, Tex.....	526

JUNE 30, 1967

EDINBURG, TEX.

Killian, Rev. William, representing Archbishop Robert E. Lucey, San Antonio, Tex.....	539
Bair, Dwayne, president, Hidalgo County Farm Bureau, Edinburg, Tex....	556
Sanchez, Robert P., attorney, McAllen, Tex., testifying in behalf of and as chairman, Committee on Migratory Labor, American GI Forum.....	568
Atlas, Morris, attorney, McAllen, Tex., representing La Casita Farms, Rio Grande City, Tex.....	571
Warner, Herb, representing Social Action Department, Texas Catholic Conference.....	594
Munoz, Henry, Jr., director, Department of Equal Opportunity, Texas AFL-CIO; also appearing on behalf of H.S. (Hank) Brown, president, Texas AFL-CIO.....	612
Navarro, Rev. James.....	625
Villarreal, Henry, vice president, Texas AFL-CIO, District 14.....	627
Garcia, Franklin, international organizer and representative for Amalga- mated Meat Cutters & Butcher Workers of North America, AFL-CIO...	629
O'Con, Roland G., executive vice president, Valley Industrial Council, Inc., Harlingen, Tex.....	635
Valley Industrial Council, Inc., Harlingen, Tex., by Roland G. O'Con, executive vice president.....	639
Garcia, Nehemias, Presbyterian minister, Harlingen, Tex.....	642
Gonzales, Rev. Antonio, national chaplain, League of United Latin- American Citizens.....	645

STATEMENTS

Adair, Douglass G., III, prepared statement.....	382
Andrade, Erasmo, State chairman, Valley Workers Assistance Committee...	520
Arredondo, Domingo, strike chairman, Rio Grande City Local United Farm Workers Organizing Committee, AFL-CIO.....	361
Atlas, Morris, attorney, McAllen, Tex., representing La Casita Farms, Rio Grande City, Tex.....	571
Bair, Dwayne, president, Hidalgo County Farm Bureau, Edinburg, Tex.....	556
Bernal, Joe, a State senator of the Texas Legislature.....	419
Birch, Bill, general manager, Starr Farms, Starr County, Tex., prepared statement.....	566
Brown, H. S. (Hank), president, Texas AFL-CIO, prepared statement...	622
Casso, Dr. Ramiro, general practitioner, McAllen, Tex.....	459
Diaz, Baldemar, farmworker, Rio Grande City, Tex.....	372
Frost, Mike, chairman of the Legislative Committee, Texas Citrus & Vegetable Growers & Shippers, and secretary-treasurer, Texas Farm Bureau, McAllen, Tex.....	514
Prepared statement.....	517
Garcia, Franklin, international organizer and representative for Amalga- mated Meat Cutters & Butcher Workers of North America, AFL-CIO...	629
Garcia, Nehemias, Presbyterian minister, Harlingen, Tex.....	642
Garza, J. P., Pharr, Tex., prepared statement.....	700
Gonzales, Rev. Antonio, national chaplain, League of United Latin American Citizens.....	645

	Page
Guerra, Arnulfo, attorney, Roma, Tex.....	365
Killian, Rev. William, representing Archbishop Robert E. Lucey, San Antonio, Tex.....	539
Krueger, Rev. and Mrs. Edgar, representative, Texas National Council of Churches.....	408
Lloyd, Beverly, district attorney, Starr County, Tex.....	472
Lucey, Most Rev. Robert E., archbishop of San Antonio, Tex., prepared statement.....	540
Lucio, Demetrio, student, Pan American College, Edinburg, Tex., prepared statement.....	455
McKeithan, James D., attorney, Mission, Tex.....	376
Medrano, F. F., national staff member, United Auto Workers, AFL-CIO.....	404
Moreno, Alejandro, Jr., student, University of Texas.....	461
Munoz, Henry, Jr., director, Department of Equal Opportunity, Texas AFL-CIO; also appearing on behalf of H. S. (Hank) Brown, president, Texas AFL-CIO.....	612
Navarro, Rev. James.....	625
Nelson, Eugene, Rio Grande City, Tex., prepared statement re: Arrest June 1, 1966.....	378
My detention in the Starr County jail on or about June 8, 1966.....	379
Nye, Randall, county attorney, Starr County, Tex.....	467
O'Con, Roland G., executive vice president, Valley Industrial Council, Inc., Harlingen, Tex.....	635
Padilla, Gilbert, director, Texas United Farm Workers Organizing Committee of the AFL-CIO.....	342
Prepared statement.....	359
Pena, Paul, chief deputy sheriff, Starr County, Tex.....	526
Ramirez, Felix, photographer, Mission, Tex.....	452
Ramirez, Mario E., M.D., general practitioner, Roma, Tex.....	466
Sanchez, Robert P., attorney, McAllen, Tex., testifying in behalf of and as chairman, Committee on Migratory Labor, American GI Forum.....	568
Schwarz, Marvin, president, Texas Citrus & Vegetable Growers & Shippers, Harlingen, Tex.....	484
Stites, Mrs. Marjorie, educator, Rio Grande Valley, Tex.....	504
Texas Council of Churches, prepared statement.....	644
Valley Industrial Council, Inc., Harlingen, Tex., by Roland G. O'Con, executive vice president.....	639
Villarreal, Henry, vice president, Texas AFL-CIO, District 14.....	627
Warner, Herb, representing Social Action Department, Texas Catholic Conference.....	594
Yarborough, Hon. Ralph, a U.S. Senator from the State of Texas.....	337

ADDITIONAL INFORMATION

Affidavits of—	
Muir, John Hugh, Dallas, Tex.....	402
Vela, Filemon B., attorney at law, Brownsville, Tex.....	457
Arrests in Starr County, Tex., as of January 1968, status of.....	697
Articles, publications, etc., entitled:	
“Farm Workers Sign First Agreement,” from the Texas AFL-CIO News, May 19, 1967.....	624
“How It Is in Texas—a U.S. Farmworkers Organizer Talks Things Over,” by Larry Goodwyn, Texas Observer editor.....	449
“Nye Promises Trials When Situation Cools,” from the Valley Evening Monitor, McAllen, Tex., June 23, 1967.....	386
“The Farmworkers Arise,” from the Texas Observer, June–September 1966, a special reprint.....	660
“The Rangers and La Huelga,” from the Texas Observer, June 9–23, 1967.....	427
“Two Women Arrested,” from the Valley Evening Monitor, June 2, 1967.....	451
“Unionizing Farm Labor,” from the New York Times, June 7, 1967.....	377
“Two Thousand Turn Out for Laredo Labor Rally,” from the Texas AFL-CIO News, April 22, 1967.....	619

Communications to—	
Blackwell, Frederick R., counsel, Subcommittee on Migratory Labor, Committee on Labor and Public Welfare, U.S. Senate, Washington, D.C., from, Falk, Gustave, Southwest director, American Jewish Committee, Dallas, Tex., June 28, 1967-----	Page 653
Brown, Mr. Hank, president, Texas State Labor Federation (AFL-CIO), Austin, Tex., from Arturo, Jauregui, H., general secretary, Inter-American Regional Organization of Workers (of the ICFTU), Plaza de la Republica 30, May 31, 1967-----	614
Hill, King, & McKeithan, lawyers in the court of County Judge M. J. Rodriguez, Starr County, Tex., from J. S. Hinojosa, county clerk, Starr County, Tex., June 26, 1967, with attachment-----	387
Williams, Hon. Harrison A., Jr., a U.S. Senator from the State of New Jersey, from—	
Deines, Willis R., executive vice president, Texas Citrus & Vegetable Growers & Shippers, Harlingen, Tex., Aug. 11, 1967----	652
Mauzy, Oscar H., a State senator from the State of Texas, July 10, 1967, with attachment-----	650
Ornelas, Robert O., national president, and Judge Alfred J. Hernandez, immediate past national president, League of United Latin-American Citizens, June 30, 1967-----	655
Yarborough, Hon. Ralph, a U.S. Senator from the State of Texas, from Lloyd A. Ray, Rio Grande City, Tex., July 6, 1967-----	653
Department of Migrant Ministry, Texas Council of Churches, 1966 report--	693
Deputy and special deputy sheriffs of Starr County, Tex., list of-----	398
Documents submitted by James D. McKeithan, attorney, Mission, Tex., rearrests made during striking Mexican-American field hands in the Rio Grande Valley:	
Oath of sureties-----	381
Statement on arrest, and handling thereof, of William L. Chandler, Jr., at U.S. Highway 83 west of Rio Grande City, Starr County, Tex., October 14, 1966-----	381
951—Bail bond—Cases 4. (Rev. December 1945)-----	380
1313—Complaint—Disturbing the peace in a public place—Class 4.—(Rev. April 1947)-----	381
Farm Labor Relations in Lower Rio Grande Valley, report on, by Prof. Jorge Laia-Brand, director, Hispanic-American Institute, Austin, Tex.--	687
Memorandum from Alice C. Kinhead, economic analyst, Economics Division, Legislative Reference Service, Library of Congress, Washington, D.C., re background and facts of the Rio Grande Valley farmworkers strike, March 8, 1967-----	655
News release by Senator Harrison A. Williams, Jr., chairman, Subcommittee on Migratory Labor, to potential witnesses in the Edinburg and Rio Grande City, Tex., area-----	696
Selected charts and tables:	
La Casita Farms, Inc.—Comparative labor rates for 1 week ended years 1967, 1966, 1965-----	588
Striking Mexican-American farm hands in the Rio Grande Valley, Tex., statistics of-----	396
Social Action Department of the Texas Catholic Conference to the Catholic Bishops of Texas, report of-----	603
Strike situation in Starr County, Tex., by State Senators A. R. Schwartz, Galveston; Don Kennard, Fort Worth; and Oscar H. Mauzy, Dallas, report on-----	650

XIII

PART 3

CHRONOLOGICAL LIST OF WITNESSES

SEPTEMBER 8, 1967

ROCHESTER, N.Y.

Radebaugh, Dr. John, director, migrant health project, University of Rochester-----	Page 703
Little, Mr., district attorney, Monroe County, N.Y.-----	710
Lazarus, Jack B., assistant district attorney, Monroe County, N.Y.-----	711
Hardwick, Arthur, Jr., project director, agricultural workers urbanization program, Action for a Better Community, Rochester, N.Y.-----	717
Van Arsdale, Harry, president, New York City Central Labor Council, accompanied by Michael Mann, regional director, region No. 2, AFL-CIO-----	722
Wood, Robert, city councilman, Rochester, N.Y.-----	726
Panel of farmworkers consisting of Robert Peterson, Lingo labor camp; Mrs. Lares Tresjan, Chautauqua County; Joseph Mims, McIntyre camp; Mr. Torres, Oswego County; William Fuller, Mart camp, Brockport; and Willie Joe Marshall, Mart camp, Brockport.-----	729
Sodoma, John, farmer, Brockport, N.Y.-----	739
Corbett, Raymond R., president, New York State AFL-CIO-----	747

STATEMENTS

Corbett, Raymond R., president, New York State AFL-CIO-----	747
Hardwick, Arthur, Jr., project director, agricultural workers urbanization program, Action for a Better Community, Rochester, N.Y.-----	717
Lazarus, Jack B., assistant district attorney, Monroe County, N.Y.-----	711
Little, Mr., district attorney, Monroe County, N.Y.-----	710
Panel of farmworkers consisting of Robert Peterson, Lingo labor camp; Mrs. Lares Tresjan, Chautauqua County; Joseph Mims, McIntyre camp; Mr. Torres, Oswego County; William Fuller, Mart camp, Brockport; and Willie Joe Marshall, Mart camp, Brockport.-----	729
Radebaugh, Dr. John, director, migrant health project, University of Rochester-----	703
Sodoma, John, farmer, Brockport, N.Y.-----	739
Van Arsdale, Harry, president, New York City Central Labor council, accompanied by Michael Mann, regional director, region No. 2, AFL-CIO-----	722
Weeks, Maudie H., executive director, BEAM, Cayuga County Community Council, Auburn, N.Y., prepared statement-----	752
Wood, Robert, city councilman, Rochester, N.Y.-----	726

ADDITIONAL INFORMATION

Articles, publications, etc., entitled:	
"Chapter I State Sanitary Code—Part 15, Farm Labor Camps,"-----	757
"Study To Ignore Migrant Housing," from the New York Times, November 21, 1967-----	754

MEMORANDUM FOR THE RECORD

DATE: 11/15/54

TO: SAC, NEW YORK

RE: [Illegible]

[Illegible text block containing several lines of typed information, possibly a summary or report details.]

DISCUSSION

[Illegible text block containing the main body of the memorandum, likely detailing the findings or actions taken.]

ADMINISTRATIVE INFORMATION

[Illegible text block containing administrative details, dates, and possibly a signature or initials.]

MIGRATORY LABOR LEGISLATION

FRIDAY, SEPTEMBER 8, 1967

U.S. SENATE,
SUBCOMMITTEE ON MIGRATORY LABOR OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Rochester, N.Y.

The subcommittee met at 10:30 a.m., pursuant to call, in the City Council Chambers, City Hall, Rochester, N.Y., Senator Robert F. Kennedy presiding pro tempore.

Present: Senator Kennedy of New York (presiding pro tempore) and Senator Javits of New York.

Also present: Assemblyman Salvatore J. Grieco of New York.

Committee staff members present: Frederick R. Blackwell, subcommittee counsel, Gene Mittelman, minority staff counsel, and Peter Edelman, legislative counsel to Senator Kennedy.

Senator KENNEDY of New York. The hearing will come to order.

I am pleased to open this morning's hearing of the U.S. Senate Subcommittee on Migratory Labor. I am acting as chairman of the subcommittee for purposes of this hearing, and I am delighted to have Senator Jacob Javits here with me as well.

Our hearing this morning will cover four bills which are pending before this subcommittee. The first, and most important, in my judgment, is S. 8, which would give farmworkers the same right to organize and seek union representation as other workers have under the National Labor Relations Act.

Second is S. 195, which would create a National Advisory Council on Migratory Labor.

Third is S. 197, which would regulate child labor on farms.

And last is S. 198, which would authorize new recruitment procedures to help assure farmers a sufficient supply of qualified workers.

We will hear today from witnesses representing many points of view about farm labor problems. Our witnesses include a doctor who has been active on migrant health efforts; a lawyer who has investigated migrant living and working conditions; a former legislator who has remained deeply interested in migratory problems as a private citizen; a city councilman; a number of farmworkers; some farmers, and some labor leaders.

I am particularly pleased that the subcommittee chairman, Senator Harrison Williams of New Jersey, agreed to have these hearings in New York. We think of ourselves as a highly urban, highly industrialized State. But agriculture is also vital to our economy, and our farmers use migratory labor extensively. In fact, New York State was the third largest user of migratory labor among the States in 1966. And within our State the Rochester area is one of the major employers of migratory labor.

Farm labor conditions here in New York are representative of those around the country. The average hourly wage in our State in October 1966, was \$1.34, which was 16 cents an hour above the national average, but still only 16th among the States. And our investigation so far indicates that the migrant, here in New York, faces the same problem of housing his family and educating his children that he has elsewhere in the country.

So I am especially pleased to have the subcommittee here today. Senator Williams has held hearings in California, Texas, and Florida. I think it is time we had a similar hearing here in New York. I think what all of us want to do is to provide the way whereby farmworkers can enter the mainstream of our economy. It is not satisfactory in 1967 when anyone earns \$1,800 all year long from his work. Yet that is what the migrant farmworker earns from the combination of his farmwork and whatever nonfarmwork he is able to pick up. The subcommittee's hearings in the past have offered much guidance about remedies for this grave situation. I trust that today's hearing will add to our store of knowledge.

We had a very interesting tour this morning of migratory farm camps, and I think both Senator Javits and I were distressed at the conditions in those camps, which are as bad as any I have seen in any part of the United States. I would hope that State authorities and the local authorities, local officials, would immediately take action to deal with this most distressing problem. The conditions under which some of our fellow citizens are living are disgraceful, to say the least. I think we at the Federal level have a responsibility. There is a responsibility of the State level, and there is a responsibility at the local level. If all of us meet that obligation, then there can be some improvement made. I think tomorrow is too late. Something needs to be done today.

Senator JAVITS. Senator Kennedy, first I want to say I am glad to be here at the invitation of this subcommittee. I am not a member of the subcommittee, but I am a ranking member of the whole committee. This is our State, and I took the liberty of joining the subcommittee today.

We have seen some very distressing conditions this morning. We visited two camps; they were abominable, in my judgment. I think it is too early to assess fault, but I think it is not at all too early to call for correction. We have a very advanced and progressive State, and there is some way in which the law, in my judgment, is not being obeyed. It is our job to find out why. The decency of housing, and conditions under which human beings who work in our State live, are our concern; whether they are residents or citizens in our State or not is not material to the point. One thing about New York, about Governor Rockefeller, we want to know the facts, and we are not ashamed to face them. So I am here to join with Senator Kennedy in ascertaining the situation. We will do everything we can on the Federal level, and I have no doubt whatever the State will also cooperate, and I hope very much that we have frank expressions and opinions by the community and local authorities as to what they think about this situation. So far as I am concerned, no effort should be made to make something look good that is not. These camps are certainly very bad. I think it is our duty to find out what it is all about, and to do our utmost to correct it.

I want to say, further, the deep interest and concern I have, and I know that Senator Kennedy has, to see that our State is a model for the whole Nation, as far as the conditions under which people live and work here are concerned. What we saw this morning is very far from that fact. I consider it my duty to find out why and what is to be done about it.

Senator KENNEDY of New York. Senator Javits, in connection with what you have just mentioned, I have here "Farm Labor Camps," chapter I of the State sanitary code, and under section (g) it states: "A tent, vehicle, or building shall be maintained in a clean, sanitary condition at all times." Obviously that regulation or law was not being adhered to in the camps that we saw this morning.

I call the first witness.

STATEMENT OF DR. JOHN RADEBAUGH, DIRECTOR OF THE MIGRANT HEALTH PROJECT, UNIVERSITY OF ROCHESTER

Dr. RADEBAUGH. May I preface these remarks by saying I am a physician who has been working approximately 4 years with seasonal farmworkers. My remarks are my own opinions and not of anyone else's.

When society condones a system which automatically places millions of citizens in a poverty range of income, there are reasons to question this system. When citizens who migrate north and south, ebbing and flowing with the seasons and the crops, are accepted by no community, there is reason to question the system. When large numbers of seasonal farmworkers are inadequately educated, there is reason to search for the causes. When children are taken from one school system before the completion of the school year to start in another entirely different school system, repeating this process year after year, there is reason to question this effect upon the child's education. When a laborer and his family are owned by an employer so that an employer will place "No Trespassing" signs about his housing, then there is reason to question the authority of the employer. When seasonal farmworkers are paid on a cash basis and given no chance to bank their pay, but often must spend it in a camp store, there is need to question this system.

We are at this meeting to question some practices in relation to the seasonal farmworker and to look for solutions for some of his difficulties. During the past 4 years, a number of us have had the opportunity to know the seasonal farmworker well, to understand the living and working conditions, and to see the effect of these conditions upon his health, both mental and physical. We have seen the effect of crowded living conditions and its effect on mental health to the point of several attempted suicides. We have seen the death of a man who had died of tuberculosis while actively working in a camp, yet this man had not had the benefit of a medical examination. And this occurred just last year. We have seen the high cost of alcoholism so prevalent among the seasonal farmworkers. Its disruption of families, production of violence, and its effect on the working abilities of the seasonal workers are well known to most farmers. The cause of this is laid upon the worker himself with no thought to the fact that he is an alien to the community, cannot leave the camp except on rare occasions, and has little constructive recreational possibilities. Re-

cently, we have had the pleasure of seeing a man who drank heavily in the camp setting stop his drinking when he had received a steady job at higher wages outside of the migrant camp. A return of pride and dignity had erased his previous dependence upon alcohol. We have seen recurrent skin infections, workers who have had inadequate facilities for shower or washing. Dentists, working with the project, have observed almost complete lack of dental care in many workers and children, conditions not observed as frequently in other poverty groups. We have seen the loss of school and summer educational opportunities for children because they must work with the rest of the family to provide a living income. Opportunities available to help them compete educationally have been defeated from the very start because of the families' economic needs. We have observed the lack of medical referral agencies in many farmworkers.

The effect of this lack of an opportunity for further training or education upon each generation is devastating. The early dropouts from school, loss of employment when crops become mechanized, loss of income during slack periods, or rainy days, complete helplessness when a worker becomes incapacitated from injury without the aid of compensation or insurance programs, are all examples of the waste of the present migrant labor system. This is not a waste of machinery which lies idle and rusts, but the waste of human beings and lives and aspirations.

Given the problem, what is the answer?

Is the answer the enlistment of additional agencies to attempt to improve the plight of the seasonal farmworker? For example, traditionally the State and local health departments have been responsible for housing and sanitation conditions on the migrant camps. One year ago a respected health department allowed the existence of a camp which had a water supply contaminated throughout the season. In addition, there was no heat; and sanitary facilities were so primitive that they were unusable. Similar examples are found in a number of counties in New York State. The fact that there are regulations protecting the seasonal farmworker and his environment does not automatically insure enforcement of these regulations. On the contrary, it is a rare health department which places the welfare of the seasonal farmworker high on its priority list.

Does the answer lie with the State labor department or the farm employment bureaus? Here again the commonplace practice of deducting wages from the farm laborer to be returned at the end of the season is allowed freely. Supervision of his crew boss and his pay practices is loosely respected by the labor departments. On one farm in Monroe County the seasonal farmworkers were paid \$1.25 per hour by the farmer. However, the crew boss deducted 25 cents per hour per person from each worker. This system, though resented by the workers, was condoned by labor authorities.

Is the answer with the help of poverty agencies with funds for additional training and education? The majority of poverty agencies are planned for urban programs. The seasonal farmworker for the most part is not included; and often he is included only in sporadic programs. Headstart programs and day care programs have been of some help to the children but are not universally available. Work education programs for adults have not been evident in New York State, and reading programs and basic educational programs for adults have been started

in only a few counties in New York State. Thus, here again is not the answer.

Is the answer in some untried nationwide program to coordinate activities in the several temporary residences of the seasonal worker? Such a program, planned with health, educational, and social services which could migrate with the seasonal worker, has been considered; but its cost and practicality presents its effectiveness. Again, it is another example of an outside agency attempting to provide the needs of the seasonal farmworker.

Who can provide some of these basic necessities that are available to most other citizens? Only the seasonal worker himself. He must have the opportunity to meet to discuss freely his condition without intimidation by the owner or the crew boss. He must have the opportunity to enlist outside help for organization. There have been opportunities in the past, but usually the seasonal worker finds that he is voiceless in his own affairs. To organize, to give the worker the opportunity to bargain with the employer, and to bargain with sufficient numbers to have power, is a basic right of laboring citizens in most occupations in this country. This opportunity has been a dominant elevating factor in living conditions, housing, and education among many of these workers. Such an opportunity is not allowed the seasonal worker, for he is still owned by the farmer and those who would help him are often considered trespassers. For example, in Monroe County, one of the large food processing plants will not allow a delegated Commonwealth of Puerto Rico representative to visit its workers and consider contract negotiations for the Commonwealth of Puerto Rico. Thus, a basic right for Puerto Rican workers is overlooked on the private property of this large food processor. In California and in Texas, efforts at organization are gained at great sacrifice on the part of the seasonal farmworkers and a considerable cost to society itself where the possibility of collective bargaining is not yet available.

The basic problem with the seasonal farmworker is his lack of an opportunity to speak for his own rights. Society, in the case of the seasonal farmworker, has a double standard, one for its local citizens and one for the seasonal farmworkers. Because of their scattered environment, their varied cultures, and their frequent movement, they have no opportunity to exercise the rights which have been gained by workers in other industries.

These rights will not come from outside organizations. They will come only through the work, discussion, and voting among the workers themselves. As Senator Wagner described when the original National Labor Relations Act was formulated:

Democracy cannot work unless it is honored in the factory as well as in the polling booth and then cannot be truly free in body and in spirit unless their freedom extends into the places where they earn their daily bread.

This act by allowing peaceful organization will have a far greater effect than mere participation of the seasonal farmworker. Dignity and self respect may return to field work. Adequate compensation through the efforts of the seasonal worker himself will be possible. Better programs for education, medical care, social services, and housing will be possible through the demands of the seasonal worker. Finally, the dignity and self respect which comes to a man who plots his future and has a voice in the well-being of his family, freed from the bounds of indentured service, will be the finest reward of all.

As the first step in the emancipation of the seasonal worker, the inclusion of the farmworker in the National Labor Relations Act will allow long-denied rights to him.

Such an opportunity may result from the efforts of an enlightened Congress to grant the seasonal worker freedoms of other citizens. Thank you.

Senator KENNEDY of New York. Thank you, Doctor.

Senator JAVITS. Dr. Radebaugh, first let me say that I regard what you said with the greatest sympathy, and I have great sympathy for the legislation. I would like, however, to ask you about the use of the word "indentured of" insofar as the workers are concerned. Now, I gather that that relates to the practical conditions which surround their employment rather than to what we would speak of classically as an indentured servant bound by law for a certain period of time.

Dr. RADEBAUGH. Often he is in debt to a crew boss.

Senator JAVITS. Will you describe that to us, because I think sometimes when you use a word and the word itself is invalid, and those hearing might misunderstand the concept involved, I think it strengthens your own case. Would you mind defining that?

Dr. RADEBAUGH. Well, in essence, the system in this area is the crew boss is the one who hires people and brings them to this area and returns them to Florida or the South where they belong; and often when people arrive here they are in debt to him, and if they are not working to buy food or obtain renting for housing, they have to borrow from him, so they are in debt to him for part of the season when they are not working. Some of their pay which they get has to go to him originally, and thus, in this way they are indentured in a way to the crew boss himself. And many of the people we have seen have been in debt throughout much of the season because of these slack periods and because of these debts that they had accumulated during the slack period.

Senator JAVITS. As a fact, however, the most he can do with respect to that debt is to collect it from wages they earn. But suppose they earn nothing, he could sue them.

Dr. RADEBAUGH. He could.

Senator JAVITS. He couldn't put them in jail, or keep him confined, or sic dogs on him if they couldn't pay.

Dr. RADEBAUGH. What usually happens is when they are working again this is taken out of the pay.

Senator JAVITS. Let us get the facts here. The facts are these are Americans who could walk away if they chose, but it is pretty tough because a job is a livelihood and they have got sort of a vine to cling to, isn't that the real answer?

Dr. RADEBAUGH. I think it is more than that.

Senator JAVITS. Please tell us. That is what I am anxious to hear.

Dr. RADEBAUGH. The people, many of them are skilled pickers, but they are not skilled in other occupations, and to try to get a reasonable type of job elsewhere is difficult. They are rural people, and isolated, and it is difficult to leave the camp because of transportation. I don't think it is quite so easy to leave and try to find another occupation.

Senator JAVITS. So it is practical rather than legal, that is the thing I am trying to get at.

Dr. RADEBAUGH. Yes.

Senator JAVITS. It is practical, not legal. I don't quarrel with you; I want to make sure we understand you. It is practical and not legal.

Have you given up hope that the authorities or the law will deal with the situation, and therefore, do you feel that the only thing that now can be done is collective bargaining through unions, et cetera, to give the worker a better opportunity acting collectively.

Dr. RADEBAUGH. No; I think the law is a help, but I don't think there is any group of people interested in these people to that extent that they will bring them up to the situation that the average worker has. I don't think the Health Department or the Labor Department have the real interest of the seasonal worker in mind.

Senator JAVITS. Well, Doctor, let me lead you a little bit. If the answer is, that is, if the reason is not law, but practicality, isn't it a fact also that the solution has to be practicality rather than law, isn't that your best argument?

Dr. RADEBAUGH. I think law can help; but I agree with you, I think the solution has to come from the people themselves, but they have to be allowed to meet together to do this.

Senator JAVITS. Now, I notice in the sanitary code which Senator Kennedy read, Senator Kennedy read a provision, "A tent, vehicle or building shall be maintained in a clean, sanitary condition at all times." And now, without being a doctor or an expert, I can certify that those camps we saw this morning where well over a hundred people live, are not in clean, sanitary condition at all times, no question about that. Now, how do you explain, sir—I know you have had rather important experience—the existence of that condition in a State like our own?

We are supposed to be one of the most progressive States in the Union, great health departments and everything else.

Dr. RADEBAUGH. I think part of it is the people responsible, that is, the sanitation and health officer in these areas have no higher authorities and there is no one to keep them doing this. The greatest pressure they have is the growers and food processors, but they have very little pressure from other areas. Now, in this community the same situations existed and the health department, many of us felt, was rather lax last year; however, with the help of pressures possibly the health department this year is doing a fine job, and they are able to enforce the regulations, and in enforcing these regulations the people are living in better housing conditions than they have been previously.

Senator JAVITS. Doctor, you spoke of this "community," meaning what?

Dr. RADEBAUGH. Monroe County.

Senator JAVITS. As distinguished from Wayne County?

Dr. RADEBAUGH. Right. Where we were this morning.

Senator JAVITS. Doctor, forgive me for having observed you, but you did look over the children in at least the first of these camps at which we stopped, and I must say it was unbelievably shocking, at least to me, the physical condition—running noses and sores—the general conditions we saw. Now, is this the fault of neglectful parents or some other reason? What is it, what is it that you see?

Dr. RADEBAUGH. These people are isolated; there is very little medical care in the areas where they are located. It is difficult to get to medical care, and I don't think in general there is a great effort on the part of the community to bring them medical care, so it is difficult.

Without transportation it is difficult to get to a doctor or to get the proper care.

Senator JAVITS. Now, you wish us to believe, Dr. Radebaugh, that this particular county is a rather bad case in point, Wayne County?

Dr. RADEBAUGH. No. I think Wayne County is typical of many counties in New York State. I don't think it is any worse than many counties.

Senator JAVITS. Have you complained about this or sought any action from the State health department, because this sanitary code I have been reading is a State law?

Dr. RADEBAUGH. Yes, we have. We did it specifically with relation to Monroe County; we have not with relation to other counties except asking Health Council and Advisory Council to look into the sanitation code and to see about its application in advising the health department.

Senator JAVITS. But you have not zeroed in on the men in Wayne County?

Dr. RADEBAUGH. They are aware of it.

Senator JAVITS. And you have asked them to correct it?

Dr. RADEBAUGH. Yes.

Senator JAVITS. I will assure you that I will do what I can in that respect, and I must say it is appalling. I was wondering what results you have had yourself.

Dr. RADEBAUGH. Our efforts have been specifically with Monroe County. The health department here, I think, has done an exemplary job this year. But we have also been in contact with the State health department about other conditions, but not more than in an advisory capacity.

Senator JAVITS. Now, do you consider the State law adequate or inadequate?

Dr. RADEBAUGH. Inadequate.

Senator JAVITS. Inadequate.

Dr. RADEBAUGH. And rather ambiguous.

Senator JAVITS. In what respects do you find it inadequate?

Dr. RADEBAUGH. Well, it states there should be adequate sanitary facilities, but it does not define what.

Senator JAVITS. No regulations under it?

Dr. RADEBAUGH. They aren't specific enough to be interpreted enough liberally, or they are strictly depending on the whim of the health officer.

Senator JAVITS. I have no idea whether a Federal law would be constitutional; I believe it would; I am confident it would be constitutional. Do you think there is some vacuum in the Federal law—after all, Senator Kennedy and I can't do anything about the State except protest—but what about the Federal law, do you recommend any Federal law?

Dr. RADEBAUGH. I think there should be a Federal law that has more jurisdiction over the farmworker since he travels such distances and the problems are similar in many areas, and I think the Federal law relating to sanitation, for example, could have some effect on the State laws such as Federal minimum wage laws, for example, would have some effect also.

Senator JAVITS. So, for example, we could call for standards to be met by the States, and if the State does not meet them, the Federal Government would insist that they be met, or if the State does meet them, they would be free of the Federal law; is that right?

Dr. RADEBAUGH. Yes.

Senator KENNEDY of New York. Is there anything that you think the U.S. Public Health Service can do or should be doing?

Dr. RADEBAUGH. Well, I think the U.S. Public Health Service and the Migrant Health Branch has inadequate funding to really zero in on the problem of the seasonal farmworker. The funding amounts to about \$4 million for 2 million seasonal farmworkers, so all they can have is sporadic help. For instance, in this State there are only four programs under the migrant funding.

Senator KENNEDY of New York. Have they been active in any of the areas—

Dr. RADEBAUGH. In Monroe County, yes; not in Wayne County or the adjacent counties.

Senator KENNEDY of New York. I don't want to make it any more difficult for you personally or difficult for the institution that you represent, but just following up what Senator Javits inquired about, why is it where these conditions are so obvious and so many people are aware of them, why is it the county or State has not done more about it? As you say, the law is there, and if the State wants to enforce the law it certainly can. But they certainly could do something about the kind of conditions we saw today. Why is it the State has not?

Dr. RADEBAUGH. I think again this is not a priority of the State health department interests. They have pressures for a number of things, but not a great deal of pressure with regard to the seasonal farmworker, so I think people tend to get very lax, and if there is no one that will stand looking over their shoulders, then enforcement of sanitary regulations will not be done. The farmers, or the growers, or the processors would prefer to have things as they are. Why, the pressures are usually in their direction.

Senator KENNEDY of New York. I have just read over the laws in connection with these conditions.

Dr. RADEBAUGH. And you have seen flagrant violations.

Senator KENNEDY of New York. There is not just one violation, but just looking it over very rapidly there must be eight instances that I could find specifically where they were violating the law in these two camps that we visited today.

Dr. RADEBAUGH. That's right.

Senator KENNEDY of New York. I mean just on the face of the both of those camps we visited today there were eight different violations of the law.

Dr. RADEBAUGH. They should be condemned and the people moved elsewhere.

Senator KENNEDY of New York. Now, that second camp has been in existence for 10 years. Nothing has been done about that?

Dr. RADEBAUGH. This is not uncommon in this State. It has been evident in many other counties.

Senator KENNEDY of New York. What about the county officials themselves, why haven't they done something about it?

Dr. RADEBAUGH. This county, for example, there was a great deal of pressure that not much be done, and there had been pressure from people who were aroused or concerned, citizens, the grand jury, a few others, before there was a great deal of action, and I think it basically has a relation to people who tend to benefit from improvements and the people who tend to have to pay or pay the cost of

these improvements. In this case, in most counties, the growers are such a powerful—or are so powerful that it is difficult I think to enforce some of these regulations.

Senator KENNEDY of New York. Do you think that the—not talking just about the camps we saw today, but from experience throughout the State generally—do you think the child labor bill we are considering would have any bearing on the State of New York?

Dr. RADEBAUGH. Yes, it will.

Senator KENNEDY of New York. Are the children that are working here—

Dr. RADEBAUGH. In this county in one of the day-care centers the children will be present for a few days, and the older child will be out working in the field and they would be back, so their attendance would be rather sporadic. This isn't universal, but this is what happened in one of the day-care centers here.

Senator KENNEDY of New York. Do you think that legislation would have an impact?

Dr. RADEBAUGH. Yes; but again, that would have to be enforced.

Senator KENNEDY of New York. Do you think permitting migrant workers to organize themselves, to organize a labor organization, or become members of a labor organization, do you think that would be the key to progress for the future?

Dr. RADEBAUGH. I do. I think the one who is going to have the most interest in the seasonal farmworkers is the farmworker himself, and the only way he can do that is to be allowed to meet and meet with people who can work with him and try to improve his own conditions. I think these outside agencies we have already seen have too many ways of not doing the job.

Senator KENNEDY of New York. Well, the statements made by Senator Javits are the feelings that all of us have that something must be done to try to improve the conditions not only of the camps we saw, but also of the other camps that are similar to that.

I thank you very much for your testimony, and I congratulate you not just for the help you have been to this subcommittee, but for the interest and the patience you have shown about this issue, for your commitment to changing the tragic fact that people who should lead better lives still are suffering. You have done a marvelous job, and we all owe you a great debt of gratitude. Thank you.

Do we have Mr. Little here?

STATEMENT OF MR. LITTLE, MONROE COUNTY DISTRICT ATTORNEY

Mr. LITTLE. Yes, Senator.

I would like to make a statement, not testify.

Senator Kennedy, Senator Javits, and gentlemen: I would like to give credit to the Monroe Human Relations Commission who in April of this year brought to my attention certain pictures, which unfortunately under the law I can't release to you, and I assigned Mr. Lazarus to make an investigation, and we took over 400 photographs of the conditions then, and we also subpoenaed all the records, which has not been touched upon, of the licensing State procedures. Now, these camps cannot operate without a license, and there is where the breakdown and routine comes in because there is an in-

adequate inspection and report before the license is issued. Now, we have the licenses for the last several years. Since we started this special grand jury investigation in March, and I may say the health authorities have stepped up their alertness a little bit because of that pressure. And I believe that my chief trial assistant, Mr. Lazarus, who is subject to the rules against divulging evidence we have picked up because the grand jury is still in session, but at the end of it we will make a report on stated facts with recommendations into whether or not there has been laxity or neglect by the responsible officials and what could be done on the State level and Monroe County level to correct the conditions which you yourself have seen. With your permission I would like to turn it over to the person who is on the job, my assistant in that case. And again, I want to state that this brought about the close cooperation we have received by the Monroe County Human Relations Commission whose cooperation and help with us in every way has aided us. Thank you.

Senator KENNEDY of New York. Thank you very much.
Mr. Lazarus.

STATEMENT OF JACK B. LAZARUS, MONROE COUNTY DISTRICT ATTORNEY'S OFFICE

Mr. LAZARUS. Mr. Chairman and gentlemen, many of you at this time are probably asking yourself what is an assistant district attorney doing testifying at this hearing concerning migrant labor. Indeed, I myself would have asked myself the same question prior to March or April of this year.

Back at that time I first became aware of the migrant situation in Monroe County when the Monroe County Human Relations Commission approach Mr. Little, the district attorney of Monroe County, presenting certain facts and information before him and requesting a grand jury investigation.

Prior to the Monroe County district attorney's office going ahead with this investigation I personally with another assistant visited the many migrant labor camps located here in Monroe County. At that time I believe there were 23. Indeed, when I first was assigned the assignment of handling this investigation I did not know that there were that many migrant camps in the county. That I think was one of the basic problems—one of the basic problems of migrant labor. By their location they are not the city ghetto that you drive through every day and see. Their location is in rural areas. Many people are unaware of their existence here in the county and everywhere throughout this county. Because of that they stand alone. Very seldom do people become concerned with their plight or their problems.

Indeed, on my first visit to many of these camps I was shocked at the deplorable living conditions. Also, even though these camps were not in operation at the time it became very apparent that many of them lacked the basic sanitary facility, bathing facility, and were indeed of such condition that no human being could actually live and expect to remain healthy.

However, this condition did not exist on all the migrant labor camps. In some instances right here in the county the farmer had provided quarters that were far and above that required by the State sanitary code. And in talking to the farmers I could find from his attitude he

needed no regulations, no laws to regulate his use of migrant labor. He treated them as humans, equals.

Based upon the investigation made by me and the report to Mr. Little in April of 1967, a special grand jury was impanelled, and this group undertook an investigation of the migrant labor camps in Monroe County.

While this grand jury has not completed their investigation, they are about to reconvene later this month. I made myself aware and I am sure they did of the migrant labor situation, and while I am not at liberty to divulge any testimony that has been presented before this Grand Jury, or any findings that they may have found, I myself have become acquainted with the situation, and I feel that I will and I am at liberty to give my own views and opinion upon this problem.

First of all, is migrant labor needed in Monroe County? The mere existence of these migrant labor camps in the county is proof that the local supply of farm labor is insufficient to reap the harvest and to keep the agricultural community striving. While it is true that the demand for migrant labor is decreasing because of urbanization and also because of technological advances which can, many times, automate the harvesting of many crops, the need still exists. And while the need is decreasing, so is the supply of migrant laborers because many of these laborers could go into industry, and in industrial areas, make better wages, have better living conditions than those now existing on the farms.

However, many of these farm laborers, migrant laborers, would prefer working on the farm and living in the rural community to living in the city, many times in the ghetto, and working in industry. If only their wages could be improved and their living conditions be improved.

We must, however, remember that this is a two-sided coin. The farmer, too, has problems; he must market his crops in a competitive market. Let us consider for a minute, the farmer is the only industry that I know of that is required to provide housing for his labor. I have fears that if too many demands are placed upon the farmer either in the field of housing, that must be provided, or the wages or other benefits that must be paid to migrant labor, he will be very tempted to sell his acreage to the growing urbanization for subdivisions, giving up his farming or changing his crops to that type that can be harvested by machine and not men, creating indeed in the area a shortage of certain crops that must be hand picked. As a result of this the entire community may suffer from the dwindling supply of certain fruits and vegetables. John Q. Public would be paying additional costs over the counter at his local grocery store. The question then arises that perhaps we taxpayers should assist the farmer in providing better housing for the laborers in the form of Government loans, or funds, or tax abatements. This would assist the farmer in his plight in complying with the State and county sanitary code. And indeed, this would assist the migrant laborer in his biggest complaint, that of adequate sanitary housing.

As I have previously stated, if the housing conditions for the migrant were improved and his pay improved, many of them would remain in the rural area doing the farmwork and not need to go to the city and industry.

So, let us look at the second point of this problem, that of adequate pay. Pay to sustain themselves and their families. Indeed, the farm laborer has long been forgotten in the field of minimum wage—just recently a Federal minimum wage law having been passed—in the field of workmen's compensation, and also in the field of unemployment insurance benefits. Any legislation in this field should be done on a Federal level so that the farmers of one area are not placed at an economical disadvantage to the farmers of another area.

Many migrant laborers work hard and long throughout the entire harvest season only to find that at the end of the season they have very little to show in the form of money for their efforts. This exists primarily in cases where the so-called crew boss comes into play. He recruits the labor from Florida, Carolina, Georgia, and brings them up to Monroe County. Many times these workers that come have no other means of transportation and the so-called crew boss buses them. The laborer is often dependent upon the crew boss and therefore is prone to exploitation by him. The crew boss normally runs the commissary on the migrant camp. And while laws require the posting of prices of food, many times higher prices are charged of the workers. Up to 60 cents for a quart of milk, or 60 cents for a loaf of bread. Many times the crew bosses, when recruiting the labor, make certain promises as to housing conditions and wages paid, only for the migrant laborer to find that when he gets to the migrant camp the conditions are deplorable and the wages much lower than he was promised. And the migrant worker is then left there with no means to fight for his rights and no means to leave if he so desires.

In many instances the crew boss will sell alcohol and beer at exorbitant prices, promote gambling illegally, and indeed even bring prostitution into a migrant camp. Many times the migrant laborer may find that at the end of a week when it comes time to receive his pay that the entire pay or a good share of it is owed to the crew boss. Standing alone and being dependent upon the crew boss, and many times afraid of him, the migrant cannot argue for his rights. Many times he must take the crew boss' word as to how many crops were picked by him, even though his recollection is different. The farmer meanwhile, where a crew boss is on one of the larger camps, seems to show indifference, he doesn't care as long as his crop gets harvested. He has contracted with the crew boss for this. He doesn't pay the laborers, the crew boss does. In fact, many of the laborers indeed don't even get to see the farmer.

On the migrant camps where the farmer deals directly with the laborer in the payment of the wages, many of these abuses do not occur. Consideration should be given to either abolishing the so-called contractor or crew boss, or increasing the regulation in controlling his activity.

The productivity of the migrant worker seems to improve when there is this direct association between the farmer and the migrant laborer without the middleman involved. When there is the direct relationship between the farmer and the migrant worker, the farmer realizes his profit from the harvest that is being reaped. When there is the relationship between the laborer and the crew boss and not the farmer and the crew boss, the crew boss many times realizes much greater profits not from the migrant laborers contract with the farmer, but his exploitation of the migrant laborers themselves.

Moral pressure upon or legal regulation of the crew boss is almost nonexistent at the present time. And because the migrant laborers as a group are not organized and cannot collectively bargain with the crew boss or the farmers, this exploitation will and must find necessity and continue.

Indeed, the Commonwealth of Puerto Rico have recognized this need of collective bargaining for the migrant worker. They have outlawed direct recruitment in Puerto Rico outside of a government agency established for that purpose. This agency acts as the collective-bargaining agent for the migrant workers. They do the actual recruitment and have written contracts signed by the farmers. They also examine the housing conditions in which the laborers will be placed. And in these contracts they provide for things such as workmen's compensation, minimum pay, disability insurance. And often the migrant labor recruited through this program in Puerto Rico is well aware before he leaves the Commonwealth that he will have adequate sanitary housing, adequate pay, and it is guaranteed to him.

There are many, many more problems facing the farmers and the migrant workers that I have dwelled into and time will not permit me to now. But I am aware that this committee through testimony received from others are well aware of these other problems. While I am certain that it is most difficult to legislate humanity in man, consideration must be given to legislate against the inhumanity of man in the field of migrant laborers. Thank you.

Senator KENNEDY of New York. Thank you very much.

Senator JAVITS. Mr. Lazarus, first of all, thank you very much for your testimony. May I ask you this, since there is nothing in the Canon of Ethics which prevents you from telling us the criminal statutes under which the grand jury investigation was held. Now, what are the crimes that may have been committed?

Mr. LAZARUS. Senator, I think the grand jury first became involved under 253-A of the Code of Criminal Procedure; that is, the State has set up the right of grand juries to make presentments dealing with the official misconduct, malfeasance of officials, of many public officers. You can look at the sanitary code, and anyone seeing these camps can see these laws are not being enforced. One of the questions they looked into was, was there any malfeasance by any public officer. Likewise, the overcharging in the commissary is a criminal charge. And the owner of a migrant camp, can carry in the penal law for failing to comply with the directions of the health officer, which was a criminal charge, so that on the basis of criminal law this would come into fact.

Senator JAVITS. I notice that you feel that the Puerto Rican labor camps are much better than the others; is that correct?

Mr. LAZARUS. Those are recruited through the Commonwealth of Puerto Rico system. As I say, Puerto Rico has outlawed direct recruitment in Puerto Rico except through this agency. However, there are Puerto Ricans who come up here on their own to camps, and, of course, they don't have the same protection afforded to them that the Commonwealth has provided. But in general, I would say yes.

Senator JAVITS. The main thrust of your statement is that the crew boss or crew chief, or whatever he is called, is the key to this problem. Now, we have passed a law requiring registration and certain standards from him. Do I gather that you saw that this law is ineffective or not being enforced; what is wrong with it?

Mr. LAZARUS. I think it is very ineffective. Usually the main thing the crew boss—all he has to do is sign his application of where he is taking the people, and he is fingerprinted to see whether he has any criminal record, and that's about it. I do feel very strongly that the crew boss is a very strong key to this problem. I am very much interested in the bill dealing with the recruitment through the Department of Labor for this farm labor. The crew boss only is necessary because the farmer needs some form of recruitment; he can't himself go down to these States and recruit the labor. If more labor was recruited through Senate bill 198 and through that system, it is getting to the same degree as the Commonwealth of Puerto Rico, and it is a step, I think, in the right direction.

Senator JAVITS. Do you think the handling of the crew boss is a matter for the Federal Establishment or the State; which one, or both?

Mr. LAZARUS. It's probably both. But let's be frank with ourselves. The same crew boss will recruit the laborers in Florida, work them in Carolina, work them in Georgia, and bring them to New York State when the harvest is ready. If you're going to regulate them, you should regulate them in all the States. He is transporting these workers from State to State.

Senator JAVITS. Do you think that more intensive regulation of the crew boss is the answer, or do you still feel the only real answer is collective bargaining?

Mr. LAZARUS. I feel when you talk of collective bargaining, I think that through the recruitment the bargaining can be done if the agency has done it. As it is now, the migrant laborer has no means of collective bargaining with the crew boss. He is normally so dependent on him and in fear of him, he is afraid to say anything. So if the crew boss says: "If you don't like it, get out;" where is he going? He has no transportation, no money, there's no mentioning of bargaining. However, under the provisions where at the time before the laborer comes up here, if a written contract is entered into through the recruitment office looking out for the migrant worker's rights, then there would be no real need for the collective bargaining once he got here.

Senator JAVITS. Do you have any specific recommendations for us as to how to change the Federal law requiring the registration of crew leaders?

Mr. LAZARUS. My personal observation would be to set up a system where the crew leader was not permitted to do the recruitment. I think it is important to have someone there to keep the housing conditions up to snuff. The farmer has problems with the migrant worker who will destroy equipment he has put there for him, and you need people there to take care of this. There is supposed to be a responsible person on the grounds at all times to see that it is kept in a sanitary condition, but that would be a foreman. But as I say, get the crew leader out of the recruitment, get the crew leader out of paying the wages. Make that a direct relationship between the laborers and the farmers.

Senator JAVITS. I noticed with some interest, as you began your statement, that you said that probably some things have to be yielded to the need for providing certain types of crops. You don't seriously mean we should tolerate inhumanity such as that we have seen just because we want celery or some other particular crop?

Mr. LAZARUS. No, I don't. What I was driving at, for instance, one thing that can't be harvested by machine is tomatoes. Now, a lot of harvesters refused to sign contracts with the canneries this year because they weren't sure if the camp was going to be permitted to open, and if that happened they would switch to some other crop. Well, you see, if the camp would not be able to open up, the community would suffer. I am not saying inhumanity should exist under any condition, but I think this is one of the other problems that should be looked into. It is not as open and shut by saying, "Let's take care of one thing without looking at problems in another condition."

Senator KENNEDY of New York. Do you think the situation—the conditions have improved since you began your investigation?

Mr. LAZARUS. Oh, very much so. I was very pleased to hear Dr. Radebaugh say the efforts of the Monroe County Health Department, for example, have improved this year. I would venture a guess that bringing this to the public's attention, like you are doing here today, and with the knowledge of the grand jury looking into it, even if they didn't hand up a written report, and the mere citing and investigating is enough to stir activity in a field that has been so inactive for a number of years.

Senator KENNEDY of New York. This kind of activity, grand jury activity, would be helpful in some other areas such as Wayne County?

Mr. LAZARUS. Very much so.

Senator KENNEDY of New York. Do you think the legislation that we are considering, which was enumerated at the beginning of the hearing, do you think that legislation would be helpful in improving the conditions of the migrant laborer?

Mr. LAZARUS. Yes. As I say, I am most impressed, as I say, with the Senate bill 198 dealing with the recruitment, because I think that is one of your basic problems. If these things such as housing and pay were discussed before the migrant comes into the area, and there is a written contract with the agency investigating this, I think that would help. I might say the question of child labor on the migrant camps, from the camps I have seen, I would say they are no place for children to be. The Puerto Ricans do not send any children or women. They just recruit and send the men to these camps.

Mr. Little did mention to me, and I thought I would bring it to your attention, that so far as I know Monroe County is the only county not only in the State, but throughout the entire country, that has conducted a grand jury investigation into this field of migrant labor.

Senator KENNEDY of New York. Well, I congratulate you and the district attorney for what he has done, because I think it is very helpful. You should follow it up more. It will make a major difference. As there appears to be many violations of the State law, why is it that the State law has not been enforced so far as the migrant worker is concerned?

Mr. LAZARUS. Again, Senator, I think it is a case of spreading one too thin. The health department, of course, has a certain number of personnel, and priorities must be given. The migrant laborer, as I stated, is in the rural community, and many times, by the general public, is forgotten. They don't see them, they don't drive by them. However, the public starts hearing of water pollution, air pollution, city rat control, and I could go on to a hundred other things that the

health department is constantly being pressured for activity on, so because of that I think the health department in the various counties must because of the shortage of personnel assign priorities, and I just think that this is one thing that was, until the grand jury investigation came about, one that was given a very low priority.

Senator KENNEDY of New York. Once you called attention to the problem in Monroe County and the conditions were so bad just a little beyond Monroe County, why wasn't something done about it?

Mr. LAZARUS. That was our hope. Our jurisdiction is only in Monroe County. We have no right to go and examine conditions actually into any other adjoining counties. Our hope was possibly other counties would take the lead from Monroe. We wanted to be in the lead in this problem, and we figured that if we were doing something, other counties would follow suit.

Senator KENNEDY of New York. Would you say the conditions in the Puerto Rican camps are much better than the conditions in other camps?

Mr. LAZARUS. In general, yes.

Senator KENNEDY of New York. Thank you very much. As I say, your testimony has been very helpful to the committee, and I congratulate you also for the work and effort and leadership that you have given.

Mr. Arthur Hardwick, will you identify yourself? Do you have a prepared statement?

Mr. HARDWICK. Yes, I do have one.

Senator KENNEDY of New York. Do you want that read into the record, that statement, or put it in the record and just——

Mr. HARDWICK. I beg your pardon?

Senator KENNEDY of New York. We can put the whole statement in the record and you can talk extemporaneously.

Mr. HARDWICK. I can do that if you desire.

Senator KENNEDY of New York. Which would you like to do?

Mr. HARDWICK. Either way. I think I would like to read my statement, if it is all right.

Senator KENNEDY of New York. Fine.

STATEMENT OF ARTHUR HARDWICK, PROGRAM DIRECTOR FOR MIGRANT LABOR, ACTION FOR A BETTER COMMUNITY (ABC)

Mr. HARDWICK. My name is Arthur Hardwick, Jr. I reside in Buffalo, N.Y. I am presently in the employ of Action for a Better Community at 244 Plymouth Avenue South, Rochester, N.Y., in the capacity of Project Director of the Agricultural Workers Urbanization program.

At this time I would like it to be known that my statements today are not to be considered the policy or voice of the agency by whom I am employed.

Mr. Chairman, Honorable Senators, ladies and gentlemen, let me begin by quoting from the constitution of our own New York State, article 1, section 17:

Labor of human-beings is not a commodity, nor an article of commerce, and shall never be considered or construed.

In 1965 I was appointed to the New York State Legislative Committee on Migrant Labor whose chairman at that time was Hon. Harvey Leifset, who is currently chairman of the powerful assembly ways and means committee.

On a tour into Suffolk County, having arrived one day prior to my appointed time, I made a tour of some of the camps in the vicinity of Riverhead. I dressed in migrant garb, holding myself out as a walkin seeking employment. At some of the potato graders I found that so-called "crew leaders" were taking out union dues for local 202 of the Teamsters Union, and no one had ever attended a union meeting. In fact, there had been no such union recognized or in existence. It was further determined that social security was being deducted from paychecks of workers who were not registered under social security, and those who were registered never submitted their registration number, nor were they asked for it.

Subsequently, at a hearing in the Suffolk County Hall in Riverhead, a minister from the same ethnic background, Reverend Maddox, testified under cross-examination by me, that there were no migrant problems in Suffolk County, and that the laborers were very much satisfied. Under further cross-examination, the Reverend Maddox admitted that his only source of livelihood was that of selling and maintaining a device only to farmers. This device, incidentally, if I might digress, is an answering device to telephones. When there is no one there, it is a device to answer the telephone and take a message. I did ask him how many of these devices he had sold to migrants, and he told me that up until this time he had not sold any. And it was proven that this man was sent there in the interest of the grower and not that of the migrants. That he never had a church in the area and he could not identify a migrant in the particular place. He said there were none there. And I asked him, "Why not?" He wanted to say and make a statement that they were afraid, perhaps; and this is very likely. But later in the hearing I brought in three migrants that did testify. This was the first time since the inception of the Joint Legislative Committee on Migrant Labor in 1952 that a migrant had testified in the State of New York.

My devotion in this field of endeavor awarded me the chairmanship of the Joint Legislative Committee on Migrant Labor in 1966. During this time it was not unusual to hold a bona fide tour with a full committee and go to as many or more than 20 camps in 1 day. In 1966 the Joint Legislative Committee on Migrant Labor had more activity than it has ever had since its inception. My ability to visit so many camps in my opinion is based on the fact that I was able to go into camps unnoticed and speaking the jargon of southern dialect that so many migrants use, I was accepted as one of them. I was able to find many violations and inequities prior to a visit by the full committee.

New York State is one of the few States that has workmen's compensation for agricultural workers. I take no pride in authorship of this legislation inasmuch as workers are only covered by growers who have paid out in wages only \$1,200 or more for a period of 12 months during the preceding calendar year. The legislative intent was \$500, but having met with stiff opposition in the senate, which consisted of a strong "farm block," I had to amend the bill to its present form.

The actual working and living conditions of migrant farm workers have been a shameful blot upon the United States.

Nowhere in our society in this era have laborers and their families been subjected to similar acts of exploitation and degradation as these workers. For example, the Negroes and Puerto Ricans who journey to our camps each spring from the South, and the laborers imported directly from Puerto Rico have a special claim to public protection because they are politically disfranchised and are not organized through trade unions.

In recent decades, we have spent billions of dollars from public funds to subsidize the purchase of farm machinery, to control the use of soil, and to maintain stable markets for farm products. The one factor in agricultural production that has been ignored in this distribution of public largess is the farm worker.

Why not have the recognition of a fundamental national responsibility for the well-being of this most exploited and weakest section of our working population?

It is recognizable that the problem of migratory labor is interstate and national in scope and solution. It is further recognizable that even well-meaning growers hesitate to jeopardize their competitive position by providing benefits that will increase the prices of their products.

Historically, farm laborers were never included under the National Labor Relations Act, and it is my opinion that this was done so that the family farm concept would not be disrupted. Today we have the farm factory. I fear that many poverty programs have overlooked this particular situation. If I might digress for a moment just once more, and I would like to ask what a hypocritical people we must seem to be to the world when under our current laws a group of office girls who have the full protection of the law if they have acted in concerted effort for restroom facilities, but a group of migrant workers who act to improve sanitary conditions for themselves, for their wives, for their children, would be turned out of the camp with no protection at all.

The grower will not accept organized labor. This is true particularly in the South where employers resist collective bargaining, for the right to bargain collectively has been considered a basic civil right for over 30 years. Agricultural workers for the most part migrate. This is also true for the construction worker. However, in regular industry a 30-day waiting period is required for collective bargaining as opposed to a 7-day waiting period for construction workers because of the short duration of a job and where a prehire contract is employed.

It is my consensus that a national child labor law should be applied in the case of all agricultural workers because a segment of our economy is dictating to society, and society is permitting this small segment to exploit other individuals.

The Federal minimum wages of \$1 per hour for agricultural workers is ambiguous and meaningless inasmuch as a grower has a choice of paying a dollar per hour or prevailing rates which could fall far below the minimum wage. It is my opinion that a person forced to work for less than the minimum is nothing more than a slave.

The living conditions of many of the agricultural workers who have left the migratory stream to reside in urban communities throughout this Nation are in many cases abominable. These conditions can be generally categorized in two groups; namely, housing and other living conditions.

Secondly, economic deprivation is their way of life because of the little actual income they receive.

It is my consensus that appropriate action must be taken to pass new legislation and appropriate changes be made in an astringent Federal sanitary code; enforcements and standards should be administered from the Federal level inasmuch as the agricultural worker for the most part is interstate. Without this kind of enforcement there is to be found varying degrees of standards as well as enforcements.

I feel that the agricultural worker should be brought under the National Labor Relations Act with full rights to collective bargaining as is accorded other workers.

Federal funds should be available for the development of housing for migrant workers and their families, where growers and State agencies fail to do so. Thank you.

Senator KENNEDY of New York. Thank you very much. It was very helpful. You have taken a great interest in this problem, and I think the fact that you focused attention on the conditions under which the people live is very helpful to the subcommittee.

What is the prevailing wage for migrant workers? Is there a prevailing wage?

Mr. HARDWICK. The prevailing wage is determined by the amount that is paid in a given area, and this could vary.

Senator KENNEDY of New York. What have you seen it varying from in this State?

Mr. HARDWICK. Do you mean from one county to another?

Senator KENNEDY of New York. Well, what is the low that you have seen, and what is the high that is being paid?

Mr. HARDWICK. The lowest I have been offered is 57 cents an hour. It was computed that way, and this was in Erie County, a strawberry camp. That was last summer; that was the lowest.

Senator KENNEDY of New York. What is it now; do you have any idea?

Mr. HARDWICK. I would say approximately what I find is around \$1.25, \$1.30, thereabouts. But this is meaningless, because these people have to pay rent out of that. You must realize that many of the camps charge rent, and the rent is based per head; each person is charged a certain amount of rent. It is not on a family basis.

Senator KENNEDY of New York. Do you think the medical facilities are adequate or satisfactory for these people and their children?

Mr. HARDWICK. I don't think that anything is adequate today so far as migrant workers.

Senator KENNEDY of New York. What is your explanation as to why the State and county officials and local officials have not done more to enforce the law?

Mr. HARDWICK. I feel that part 15 of the State sanitary code is ambiguous and meaningless, and it does not specify what is needed.

Senator KENNEDY of New York. It could be enforced, however, could it not?

Mr. HARDWICK. It could be enforced. Even with the kind of language that is in part 15, it could be enforced.

Senator KENNEDY of New York. But without any question you could close down those camps. There are apparent violations of law even under the present language of the statute in six or eight different areas?

Mr. HARDWICK. This is true. For example, I would like to point out a situation to you that occurred in Monroe County last December on a visit I had here.

Senator KENNEDY of New York. Before you do that, could you tell me why, even if the law is not as adequate or satisfactory as you would like to see it, why hasn't the law been enforced?

Mr. HARDWICK. First of all, one of the reasons is that here in the State of New York the Waters bill even took away the inferred right of the industrial commissioner to inspect the camps of migratory workers leaving the work to the county authorities who on the whole make a mockery of establishing and enforcing the kind of sanitary conditions and housing that the majority of people in our country take for granted. Now, this was done by Assemblyman Waters and signed by the State of New York, and today the industrial commissioner has no right to inspect the camp.

Senator KENNEDY of New York. The law says, for instance:

Effective screening against mosquitoes and house flies shall be required for all windows and exterior openings of living quarters.

Well, one of those homes we went in today, there was a child 4 months old that was just literally covered up with flies. Why aren't these kind of laws—I am not talking about laws that have been repealed—but give me a simple answer as to why these laws have not been enforced.

Mr. HARDWICK. The farmer feels that it is adequate. The migrant has no voice. He is a voiceless, voteless minority like a voice crying in the wilderness, and nobody to do anything for him. He is not represented in the legislative halls.

Senator KENNEDY of New York. Well, what you are saying is he does not have enough political power to have the law enforced?

Mr. HARDWICK. This is true. You will find that the county health officer is concerned with the grower, not with the migrant.

There are so many deviations in the law that would cause the health officer to perhaps lose his job, although it might be civil service, and in some instances—not all, mind you—but in some instances there isn't enough integrity prevailing that he would enforce what smattering of law there is in part 15.

Senator KENNEDY of New York. Does the Governor's advisory committee on migrant labor perform its function effectively?

Mr. HARDWICK. I think the Governor's advisory committee, this is my opinion, is made up primarily of growers, its chairman, Mr. Marcus Bugman, from Sodus Fruit Farm, and many other growers, in my opinion, do not identify with the problem that is facing the migrant laborer; and I daresay, in most instances they do not visit these camps, but they send down a crew leader.

Senator KENNEDY of New York. Tell me this, has it performed a useful function, has it been useful?

Mr. HARDWICK. So far as migrants are concerned, I would say no; to establish list prices on the market, possibly so.

Senator KENNEDY of New York. Do any of the members of that committee own any of these camps themselves?

Mr. HARDWICK. There is a very unique situation that one of the members of the Governor's advisory committee has; Mr. Pixley. Mr. Pixley is a grower; that is, he is chairman of a co-op, I should say,

and Mr. Pixley in fact is part of the ownership of a labor camp that operates under the name of Frank Weathers; Frank Weathers' labor camp is located in Elba, N.Y., and Mr. Weathers, incidentally, was a migrant, today he is a crew boss, and he owns the camp, but the co-op owns a mortgage on this particular camp. So there is a lot of dissuasion so far as inspection is concerned as to why make this man do this when he is not able to.

Senator KENNEDY of New York. Thank you, Mr. Hardwick. Your testimony has been very helpful.

Senator JAVITS. I had only one question, Mr. Hardwick. I notice that you are associated with the community action agency here. Now, I just wondered, suppose one of the migrants just walked off the job, he can't take it, and he came to you people. Can you do anything for him, because the theory espoused here is for practical purposes that he has no place to move, and he is a prisoner of the crew chief?

Mr. HARDWICK. Senator Javits, you have your welfare agencies where Federal funds are involved, and I feel that the city of Rochester is more than able, the County of Monroe is more than able to take care of a situation such as this.

It would be the humane responsibility of the County of Monroe to take charge of such a change.

Senator JAVITS. We will ask the councilman. Thank you very much.

Senator KENNEDY of New York. Thank you very much.

Mr. Harry Van Arsdale. I am going to take them out of the regular order. Mr. Van Arsdale, do you have a written statement? First, will you identify yourself?

STATEMENT OF HARRY VAN ARSDALE, PRESIDENT, NEW YORK CITY CENTRAL LABOR COUNCIL, ACCOMPANIED BY MICHAEL MANN, REGIONAL DIRECTOR, REGION NO. 2, AFL-CIO

Mr. VAN ARSDALE. No, I don't have a prepared statement. My name is Harry Van Arsdale, Jr. I am president of the New York City Central Labor Council in New York City.

We are vitally interested in this situation, the way in which our fellow Americans are being treated on farms, both in this State and throughout the Nation. One of our affiliated unions about 8 years ago established a committee of its members to visit the farms and familiarize us and make reports back of what conditions they found to exist. These were members that went out on their own times and in their own cars and paid for their own gas and traveled within a radius of a hundred miles of New York City. Our Central Labor Council has taken an active interest of the struggle of the farmworkers in California and in Texas, and we have made representatives available to them, and we have raised money by applying to the various affiliated unions to make available funds with which we could help these farmworkers. And I believe that every American city is guilty and responsible for the treatment farmworkers have been receiving throughout this country, and I plead guilty for my share of the responsibility. To maintain that we have a war on poverty in this Nation and allow the conditions that exist to continue makes the war on poverty appear very dubious to us in the New York City Central Labor Council. As we see this, it is a case of human values versus property rights and financial considerations. And I would like to appeal to you, Senator

Kennedy, and Senator Javits, to try to have the other 98 U.S. Senators to understand how serious this situation is, and that things will not be done about it if our responsible elected officials do not follow through.

It is not sufficient to focus attention on these conditions. I think there were presidential studies more than 10 years ago, and they are all a matter of record. We must have correction of these kinds of conditions. Now, we have some understanding of what the worker is up against. Our affiliated unions organized employees, men and women, in the nursing homes, and I might say honestly these conditions only exist where the overwhelming number of workers are Negroes or Spanish speaking workers. So if you can't separate the problem from the fact that there is an indifference toward members, American citizens and the members of minority groups. In the nursing homes we found women working for as little as \$80 or \$90 a month, they had no protection of any laws. We undertook the health workers of men and women in the hospitals. We found high school graduates, girls from the Carolinas, who came north and were working in the hospital where the Ford Foundation is being built at 42d Street, and they were getting \$34 a week working 46 hours, and paying 75 cents for their lunch. We undertook to improve the conditions for thousands of workers in a chain restaurant in New York City; again, the majority of the workers being Negroes and Puerto Ricans.

It might interest you gentlemen to know that when we undertook the health workers in the back of the racetrack, we found out that they are agricultural workers. The worker employed in the back of the racetrack where everybody makes a better than average living is identified as an agricultural worker because he cares for and feeds animals. And this is another illustration of how workers without representation and without spokesmen on their behalf are jockeyed around and taken advantage of in spite of all our well intentions. Now, I think that it is very important that the grower and the farmer is responsible for or contributing to the degradation of fine, hard-working people, and I propose you consider the legislation which would organize the confiscation of the property of people who would be guilty of such inhuman actions.

Now, we in this country; it has been stated we pay the farmers and the farm corporations now to grow food, but we don't provide for the worker. I would like to suggest very strongly that the grower is absolutely and completely responsible for the crew boss. This is only the crew boss who comes into the picture only for him, the farmer to hide behind the curtain, only for him to shift the responsibility. The grower is probably a respectable churchgoing individual in the community, and he knows how ashamed he would be if he could be held directly responsible, so he explains to his neighbors that he gives out a contract to a crew boss, and that it is the crew boss that treats the employees so shamefully.

Now, I would like to suggest that you consider making these workers and other similarly situated workers throughout this Nation the direct responsibility of the Labor Department, that wherever workers anywhere do not have a union or do not have representatives, that the Labor Department should be their representative; the Labor Department should be held responsible for conditions such as this; the Labor Department in the Government, in the State, and in the city, because—I don't know—it is going to take a great amount of

doing. Now, in defense of what the labor movement is attempting to do an action has been taken by the State AFL-CIO to make money available and to cooperate with the AFL-CIO organizing staff, and we have been notified that a campaign is to begin. But under these conditions any experienced representative worker would know that you are swimming against the tide, that you have got obstacles to overcome that would probably take years to get these workers their rights through the normal channels; and when this effort does take place as it is taking place on the west coast and in Texas, it is going to need a great deal of help. The unions aren't strong enough, the unions aren't influential enough, the unions don't have finances enough to be able to help these workers except as an ally to our Government that is supposed to represent all of our people.

Now, why do these things exist? You two men know better than any of us why they exist. They spend billions of dollars to finance the farm corporations, they have tremendous lobbies in Washington and in the State, they use part of the finances that is our tax money to prevent legislation from being passed to help our citizens. And so that you have a full realization how serious this is, just this year in the New York State Legislature they voted down proposed legislation that would make it illegal for a youth less than 14 years of age to work in the field. Now, that was our New York State Assembly; this is not a crew boss; this is not a farmer for selfish reasons doing this. This is the members of the New York State Assembly. While the State AFL-CIO legislative meeting was in session, they voted down that proposal that was submitted by Assemblywoman Chissom that was moved because of these conditions. I appeal to you on behalf of our 1,200,000 members to try to rally your fellow Senators to realize that this condition must be corrected because I am fearful that if the responsible people don't correct it somewhere along the line there are going to be people who are going to undertake to correct it. These farmworkers seem to be so beaten, they seem to be so downtrodden, they seem to be so defeated spiritually, that they may not be the ones, but there will be allies that would be justified to going to any extreme to correct this condition here and throughout this Nation. Thank you.

Senator KENNEDY of New York. Thank you very much, Mr. Arsdale.

Senator JAVITS. Thank you, Mr. Van Arsdale, for a very eloquent statement. One does not have to necessarily subscribe to every remedy you propose that we seek to adopt to feel the sense of outrage that you feel, and which I share, and I deeply feel we both do. I think it would be important for the record to have some indication of how important and prestigious is your council, and could you give us for the record the total membership, trade union membership which is represented in the New York City Central Labor Council?

Mr. VAN ARSDALE. There are 1,200,000 men and women that are members of the affiliated unions; they are affiliated with the New York City Central Labor Council.

Senator JAVITS. Thank you very much, and I can assure you, Mr. Van Arsdale, and I know Senator Kennedy feels as I do, we will try to swing our colleagues in the U.S. Senate to do what we all think is right.

You quite rightfully point out that the substratum of law which is the responsibility of all of us in the State, and the legislature. I can assure you we will do the utmost within our power.

Senator KENNEDY of New York. Did the AFL-CIO in the State of New York make a concerted drive to organize the farmworkers, the migrant workers?

Mr. VAN ARSDALE. Well, they took an action at their last convention represented by Ray Corbett, and they voted to make money available, and they are going to work with the National AFL-CIO organizing department to bring about organization. But you must recognize that the AFL-CIO has limited funds. The only money they can get is from the pockets of workers; workers are under considerable financial strains, and can't always make money available that is needed. They have spent tremendous sums in California trying to help the farmworkers.

And I want to say to the credit of one of our U.S. Senators, we were told here in the east by Caesar Chavez who is dedicating his life to this improvement, that one of our Senators made available a considerable sum of money to help those farmworkers.

Senator KENNEDY of New York. Do you anticipate for the future, Mr. Van Arsdale, that the drive here in the State of New York will be successful amongst the farmworkers, the migrant workers?

Mr. VAN ARSDALE. Well, we wanted to take in a number of drives. The people with experience advised us these drives were impossible. We have had some success. And I know a number of men who will throw themselves into this with everything they have, men that are officials and men that are rank and file members, and I have reason to believe that if they get the help they will need from the various agencies of our Government, they will have some success, and I say it will not be bad for the farmer and it will not be bad for the grower, and improvement for the workers will also be an improvement for these men because I am sure none of them are happy, none of them could possibly when they are alone—be proud of things that we saw today, and they exist all over this country.

Senator KENNEDY of New York. With the legislation that we are considering, do you think that that will materially improve the lives of the migrant farmworkers and permit them to more easily organize amongst themselves if they so desire?

Mr. VAN ARSDALE. I think the legislation that you are studying would be helpful; but you do know some of my views of the National Labor Relations Board, and I don't want to take your time up with that here.

Senator JAVITS. Mr. Chairman, may the record show, though, he is not sitting with them, but Mr. Van Arsdale is accompanied by Mr. Michael Mann.

Senator KENNEDY of New York. I would like to introduce him. He came with us today. Of course, he is taking a tremendous interest in this area, also he is taking an interest in all of those who are unorganized. We are proud to have Mr. Michael Mann with us here today.

Thank you very much.

Mr. VAN ARSDALE. Thank you very much. I would like to stay for the entire hearing, but I am due back in New York for an appointment with George Meade.

Senator KENNEDY of New York. Our next speaker is Mr. Robert F. Wood, city councilman from Rochester.

STATEMENT OF ROBERT WOOD, CITY COUNCILMAN, ROCHESTER

Mr. Wood. Thank you very much. I want to welcome you to our chambers.

Senator Kennedy, Senator Javits, and distinguished members of this Subcommittee on Migratory Labor, it is certainly my privilege to address this subcommittee today and express some of my views regarding the manifold problems of seasonal agricultural employees who number nearly 1 million people in the United States. In my youth, I lived in rural Steuben County where seasonal agricultural employees made their annual visit to harvest potatoes and other crops. I can vividly recall the several problems which faced the people in the labor camps and the surrounding towns and villages when harvest time arrived. As a former assistant district attorney in Monroe County, I was personally involved with cases which related to criminal acts in so-called migrant camps in this county. I come here today as a Rochester city councilman, many of whose constituency work outside the city on a day-to-day basis, although they reside within the inner city, in planting and harvesting crops and working in processing plants. The plight of seasonal employees must be the concern of our entire community, and I applaud this subcommittee for its efforts in helping to seek solutions to the many problems which have existed for years and which still exist today.

Migrant farm laborers compose one of the economically poorest groups in the United States today. They are unprotected by laws that cover every other industry and labor force in the United States. These workers, both Negroes and Puerto Ricans, have a unique claim to public protection because of their inability to control their own destinies, both politically and economically. They do not, and most time cannot, vote, and are not organized into trade unions. Frequently, they find themselves, by virtue of lack of education and their transient status, at the mercy of others who take advantage of them for personal financial gain.

Although substantial progress has been achieved in Monroe County and Suffolk County in New York State insofar as living conditions are concerned in the camps where these farm laborers must live, there are still camps where suitable bathing facilities are nonexistent, a warm place to sleep is not provided, and health and safety conditions are not maintained in a manner in keeping with human dignity. Approximately 45 percent of the farm laborers who come here to work bring their wives and children. All too often the children receive little or no attention and merely wander about the camps without supervision, recreation, or education while their parents are working in the fields.

There are instances where unscrupulous crew bosses exploit laborers by charging excessive prices for food and other commodities in camp commissaries when the laborers cannot leave the camps because of a lack of transportation. The problems, however, are, I believe, interstate and national in scope. Local and State governments should look to the Federal Government for direction and assistance in coping with these several programs. It is only through Federal controls that we will achieve uniformity in our laws and the application of them. It is only through Federal legislation, applied and enforced uniformly throughout every State, that we can prevent unfair competition between and among farmers brought about by the existence of strict regulations in one State, and possible nonexistence of similar laws in another.

Just as the housing crisis plagues our urban centers, it also is of prime concern in our agricultural areas, particularly in those areas where seasonal employees are necessary to the economy. An adequate supply of agricultural labor is essential to our country's health and welfare, and we need to do whatever is necessary to attract people to this employment, rather than discourage them. Warm homes, hot water showers, adequate and safe cooking conditions, recreational facilities, improved health standards all will contribute to our maintaining an agricultural labor force which is so desperately needed. However, the solution to the housing question is not simple. Many times it is too costly for the farmer, who might need seasonal employees for 2 to 4 weeks out of a year, to personally finance housing which may not be occupied after the crops are harvested. There is a need for Federal financial assistance to construct public housing for these employees in those areas where housing is needed most.

There is also a need for a Federal minimum wage law comparable to that extended to other workers in the United States. This law must be uniformly applied in order to prevent unfair competition between the several States in an industry where the margin of profit is small. The present Federal minimum wage of \$1 covers only about 25 percent of the farms in New York State. Whereas, about 75 percent of the farmers do not have a legal obligation to pay even \$1 per hour. Such legislation places an unfair burden on the farmer who must comply with the \$1.

The problems of recruitment, transportation, and development of seasonal employees should be federally regulated in order to best serve and protect the laborers involved as well as the farmers. All too often, laborers are recruited in the South and brought to the farms on false promises of job security and financial reward. The methods of transportation utilized are many times dangerous to the people being transported, as well as other users of our highways. There have been circumstances where there is a shortage of laborers in one part of the country or State while other areas have a surplus labor force on hand.

Along this line, I support Senate bill No. 198 in hope that it is enacted into law in the near future. Only by giving to the Secretary of Labor the authority set forth in that bill can we hope to meet and cope with these problems. Employers should be able to apply to a central agency for workers, and in turn, those desiring to work should be afforded an opportunity to make application for employment to an agency which knows and understands the problems. Physical examinations should be given to insure that the workers are physically capable of doing the work and the spread of communicable diseases must be curbed. Workers need food, housing, and other necessities during transportation and while they were between jobs. Emergency medical care is often needed and must be available.

In keeping with my feelings on the problems involved here, I also support the creation of the National Advisory Council on Migratory Labor as proposed in Senate bill No. 195. I sincerely feel that only by the creation of this Council can we hope to meet these problems head on and arrive at solutions which are fair and in the best interests of all concerned. Existing laws must be examined and amended or repealed where necessary. There needs to be improved coordination of Federal, State, county, and local policies and programs relating to migratory agricultural labor.

I believe this National Advisory Council on Migratory Labor should investigate the working and living conditions of migrant workers and recommend corrective legislation where necessary. Particularly I feel our main concern here is the housing question, and in it I feel there is—I think that regional housing programs should be provided, subsidized totally or in part by the Federal Government, so we can attract more people to this type of occupation, and there in turn provide the necessary services we feel are important, such as medical aid, recreation, and education.

Again, I want to thank you for inviting me to testify here today, and I sincerely hope that through your dedication and that of the many interested citizens, public officials, farmers, and others who have been or will appear before you today, solutions to these problems will be reached. I am certain that they will.

Senator KENNEDY of New York. Thank you very much, Mr. Wood, for joining us here. Your testimony has been very helpful to the committee.

Do you support the idea of putting the migrant farmer under the National Labor Relations Act?

Mr. WOOD. Yes; I do.

Senator KENNEDY of New York. You mentioned some of these other bills specifically, but I was not clear from your testimony whether you think that would be helpful.

Mr. WOOD. Yes; I am not sure the entire solution lies there, but I think it would help.

Senator KENNEDY of New York. Is there anything that you think needs to be done at the State level or the local level around the State; we were in a county that you don't represent, but we were in Wayne County where it was obvious that the law is not being enforced; are there any suggestions that you have that insure the enforcement of the law, or do you have any explanation as to why the law is not being enforced?

Mr. WOOD. Well, of course, I feel that possibly rather than having a county-by-county investigation by various grand juries, that perhaps an agency of statewide jurisdiction should investigate all the counties, a State criminal commission or something of that kind.

Senator KENNEDY of New York. Yes; I see.

Mr. WOOD. Naturally, the squeaky wheel gets the oil, and I think that is exactly what is happening in Monroe County. I feel this would help.

Senator KENNEDY of New York. Why do you think the law has not been enforced up to now?

Mr. WOOD. It is difficult to explain. I think that here within the city of Rochester we have had several laws relating to building codes and housing codes, for example, that for years perhaps went strictly unenforced, and today we are trying now to step up the enforcement procedures. I think society becomes lax about problems that it is not literally aware of. I think the awareness that it has now, I think is bringing the attention, focusing upon this situation.

Senator KENNEDY of New York. I understand you are in favor of all of the legislation?

Mr. WOOD. I am in favor of the one that you quoted to me; yes.

Senator JAVITS. Mr. Wood, first let me express my gratification at your testimony as a city councilman who did not have to appear here. I am delighted that you did. I congratulate you on your courage.

I notice that you omitted S. 8, which dealt with making the National Labor Relations Board Authority available to organizing efforts for farmworkers. Do you wish to express any opinion on that?

Mr. WOOD. Well, as I just told Senator Kennedy, I am in favor of this legislation. I did not omit it intentionally, nor did I mention the one on child labor. I think that is helpful, too.

Senator JAVITS. You do feel that collective bargaining techniques, although not being the entire answer, could help?

Mr. WOOD. Yes, I think it could help. These people perhaps could not afford expensive union dues. But I do think some kind of a national organization to help them is certainly needed, and I am not referring to a governmental organization.

Senator JAVITS. Based on your experience, what do you think we ought to do with this crew leader legislation?

Mr. WOOD. As I indicated, when I was in the district attorney's office I came in contact with some crew leaders, and they do rule with an iron fist, and many of these people are intimidated by them. I think where there has been the contact and the interest on the part of the actual farmer in his laborers that there has been an improved situation. I think many times the crew boss does insulate the farmer from the workers; and I think in many instances farmers are unaware. I think different procedures of recruitment are needed, and it has to be on a national scope because as Mr. Lazarus from the district attorney's office pointed out, these crew bosses do recruit in Georgia and make the trip north traveling throughout various States.

Senator JAVITS. You would want tighter regulations for a crew leader?

Mr. WOOD. Yes.

Senator JAVITS. Possibly removing him from the recruitment process?

Mr. WOOD. Yes, sir.

Senator JAVITS. Thank you.

Senator KENNEDY of New York. Thank you.

Mr. WOOD. Thank you very much.

Senator KENNEDY of New York. We now have a panel of farmworkers—Mr. William Fuller, Mr. Torres, Mr. Willie Joe Marshall, Mrs. Lares Tresjan, Mr. Robert Peterson, Joseph Mims—

Mrs. TRESJAN. Excuse me, I will sort of start off talking.

Senator KENNEDY of New York. Mrs. Tresjan, let's wait until everybody identifies himself. Have we got everybody here now? Let's start with you. Will you start, Mrs. Tresjan?

STATEMENT OF PANEL OF FARMWORKERS CONSISTING OF ROBERT PETERSON, LINGO LABOR CAMP; MRS. LARES TRESJAN, CHAUTAUQUA COUNTY; JOSEPH MIMS, McINTYRE CAMP; MR. TORRES, OSWEGO COUNTY; WILLIAM FULLER, MART CAMP, BROCKPORT; WILLIE JOE MARSHALL, MART CAMP, BROCKPORT

Mrs. TRESJAN. Yes. My name is Lares Tresjan from Chautauqua County.

Senator KENNEDY of New York. We will start with the gentleman on the left, and we will go right down the line. Will you identify yourself, and where you are from?

MR. PETERSON. My name is Robert Peterson, and I am from Lingo labor camp.

Senator KENNEDY of New York. Just a moment, please. Will somebody put the microphone on?

As I understand it, your name is Robert Peterson, you are from Lingo labor camp?

MR. PETERSON. Yes.

MRS. TRESJAN. My name is Lares Tresjan from Chautauqua County. I am a farmworker.

MR. TORRES. I am Mr. Torres from the Phoenix camp, Oswego.

MR. MAINSTER. I am Steven Mainster from the Basic Education for Adult Migrants. I am going to translate for Mr. Torres if he needs some help.

MR. FULLER. I am William Fuller from Mart camp, and contact through the basic education project.

MR. MARSHALL. My name is Willie Joe Marshall. I work at Mart's labor camp in Brockport.

MR. ROBERSON. My name is Clyde Roberson. Well, I was a worker at McIntyre's camp.

MR. MIMS. My name is Joseph Mims. I am a migrant worker at McIntyre's camp.

Senator KENNEDY of New York. We will start with Mrs. Tresjan.

As I understand it, each one of you is going to take 2 minutes.

MRS. TRESJAN. Well, we will try hard, but some of us are going to talk very fast.

I don't think this microphone is working; it is off.

I am Mrs. Lares Tresjan from Chautauqua County. I brought some of Chautauqua County along with me. These are from the camps. They were pulled out in the last couple of days and weeks. This is called bent copper tubing. It's used to conduct gas leaks from the cooking stoves. This is a thing that is on top of a hot water heater operated by gas, and there should be a chimney on top of it to draw off the fumes. In the Dean camp on Route 5 near Barcelona there was no chimney pipe for removing the fumes. These objects are parts of radiant heaters currently being used in the camps, and they are deadly if you breathe in the fumes. The fumes are not traveled out. We find these, and some of the workers bring them around all the time. And finally, this is a piece of wall. It is a wall from one of the camps that was visited by Mr. Hardwick last October, and was condemned by Mr. Hardwick, and the camp has slyly been reopened, and there are men living there; and the walls, as you can see, this is a newspaper mat, and the date on the newspaper is 1958. I talk very fast.

Senator KENNEDY of New York. That is all right, You are doing very well.

MRS. TRESJAN. In Chautauqua County, agriculture has devoured the farmworkers and laid waste our lives. It has stripped us of our rights as human beings, consigned us to hellish poverty, turned our existence into one never-ending workday, weighed us down with criminal tiredness, and reduced us, who are breathing, thinking, and feeling human beings, to the condition of work implements. We are housed as though we were hoes and wagons and tractor parts. Our cultural and spiritual needs are brushed aside as cynically as our need for decent shelter, clean drinking water, and 20th century plumbing.

Chautauqua County is famed as part of the great Concord Grape Belt. From 15,000 acres under cultivation in this and neighboring counties in 1960, great acreage has increased to 20,000 in 1966, this is an increase of 25 percent. An incredible amount of care and toil, our care and toil, goes into the cultivation of the vines. Infinite painstaking work, our work, goes into the preparation of the soil that is to bare tomatoes or string beans. The ground is worked patiently, tenderly, it is worried over, it is turned, spaded, and hoed, it is braced with minerals, it is weeded, loosened, dusted with chemicals, sometimes irrigated, a fantastic amount of careful, skilled labor, our skilled labor, goes into the preparation of the ground and the tending of its crops. By contrast, the lives of the men and women who work the land are left to wilderness. No amount of care or worry is lavished on us. No one calls on modern science to protect us against disease or overexhaustion. No one takes the trouble to investigate our need for nutrients, or moisture, or warmth, or to find out if we are growing straight or crooked. We have been denied the means to cultivate ourselves. We are like the needle that clothes everyone and is itself naked. We are treated as accessories to the tomatoes and grapes, we are used and trampled. In Chautauqua County the pebbles and clods of earth are cherished, and the human fieldworker is left to wither, or else he is thrown to blazes.

I think that many of you here know something about the terrible fire in Chautauqua County in a tractor shed where three men were housed last September, and two of the men were burned to death. There was not a drop of water in that tractor shed, and it measured 15 by 24 feet. There has been within the last month another—a final tragic accident connected with that original fire last September. The one survivor of that fire who balanced between life and death for 46 days in Dunkirk Hospital, was killed in a crash. He was coming from Florida, as many of the farmworkers do, they come directly from somewhere; Fort Myers in Florida, for instance, up to New York State, Forestville, Chautauqua County, and the man driving fell asleep because the people had not stopped to rest, and the man had been driving for 46 hours, the man fell asleep at the wheel. So the third man lost his life. This was a man we loved very much. And the people I want to speak about, these are people that we love very much; these are human beings who should not be burned to death, they should not be housed in places where there is leaking gas, and where the water heaters don't have exhaust pipes. Every time we think we are getting ready to talk about wages and hours so far as farmwork is concerned, there is a fire or some gas leaks are discovered, or some new emergency hazard condition is discovered, and we get distracted, and wages and hours begin to seem to us like a secondary concern, almost in the way of a luxury, because what our first concern is life and death, protecting the lives of the men and women who work on the farms and who are people that we love very much.

I will race through a couple of points here, and I will let you go on to the next speaker.

There is what we call criminal tiredness which is what happens to a man or woman who works, and works and works with no time off. In Chautauqua County the workweek—the prevailing workweek is a 7-day week. In Chautauqua County you will find camps of men working 15 hours a day, 14 hours a day, and some as many as 17

hours a day. The prevailing wage is \$1.25 an hour, but you will also find camps of \$1 an hour, you will even find a charge if you have children workers; they are about 18 years old, who are being paid \$1 an hour with a quarter an hour for every hour they work being held back by the farmer. He is supposed to give this money to them in a lump sum when they complete the season, if they can last out the season. A tractor driver currently gets either a dollar and a quarter an hour or a dollar thirty an hour, or in one case a dollar fifty an hour. A tractor does the work of 1,000 men. A tractor driver in industry and construction gets \$5 and \$6 an hour. In the wintertime there is what you call pulling brush, the grapevines, they are pruned, you might say, and the dried vines from last year have to be pulled away, often in weather—in temperatures of something like 8 degrees above zero.

This work is paid piecework, and it is paid at a penny and a half a vine. Workers were denied home relief during the winter because it came to the attention of welfare authorities that the farmer, whom it happened they owed back rent to, had such work available at a penny and a half a vine. If there's somebody who knows mathematics, somebody may be able to think of the expression that's used when you have a relation between two amounts where the smaller one gets the larger, or the larger one gets the smaller; that is what happens with wages and hours in Chautauqua County, because the smaller you can make the wages, whether it is by the piecework or hour, the longer the work day gets, and this is so simple and beautiful a trick that it doesn't get commented on, but this is actually the picture all over the county, and so far as some of us are concerned, all over the State. And we feel that the piecework rates and the hourly wage is purposely set as devilishly low as it can be in order that the worker will feel himself privileged, and even himself interested in working as long a workday as he knows how to stand up.

Senator KENNEDY of New York. Mrs. Tresjan, we really have so many witnesses and a limited amount of time. We can go along and come back to you. You do have a very eloquent statement.

Mrs. TRESJAN. I would like to wind up by inviting the subcommittee to come to Chautauqua County; you will find many marvels there. We would most like to invite you to come and to look at some of the camps there. We would also like to let it be known that there was a letter sent and it came to me from a number of workers at a camp where there was 81 workers and was crying to God for somebody to come and look at that camp; and to this date this camp has not been visited; and the men in the letter say they are living like animals and they hope the Government, the press, and the union people will come and look at that camp.

Senator KENNEDY of New York. I would hope the State representatives would come down and look at that camp. And also Senator Javits will give his report.

Senator JAVITS. All right, fine.

Senator KENNEDY of New York. Although we are not able to go ourselves at the moment, we will ask the State representatives to go there and visit the camp and make the tour. You will also?

Assemblyman GRIECO. Yes.

Senator KENNEDY of New York. Assemblyman Grieco indicated he will make a tour.

Assemblyman GRIECO. Yes. Give us the address.

Senator KENNEDY of New York. Mr. Peterson.

Mr. PETERSON. Mr. Senator, I would like to speak on behalf of BEAM, the organization that I came in about 3 months ago when first came to New York. They came out and told me that there are many things that could be done for the migrant worker, so I done them, and I went to school, and I am trying to learn hard. They say that you need more education for the job that is applied to a man. So in order that I get someplace, me, that I am tired of living the way I am living for the past 6 years since I came out of school, so I decided to go back and get the education that I could get me a job, that my family won't have to live in these conditions that you seen at the camp this morning when you were there. I won't tell you the condition of the camp I'm living in. You already know. You have seen it.

I thank the BEAM organization for letting me to come in and speak to you today. That is all I have to say.

Senator KENNEDY of New York. Thank you very much. Mr. Mims, McIntyre Camp.

Mr. MIMS. I would like to read an affidavit acquired by myself and the aid of the BEAM staff members:

I, Joseph Mims, residing at 49 Riley Street, Apartment Number 2, in the City of Buffalo, County of Erie and State of New York, being duly sworn, do depose and say that: I am employed at R. J. Dickson Steam Plant at Lackawanna, South Buffalo, New York. I resided at the McIntyre Labor Camp, Maple Street Road, R.D. Lyons, New York, from August 13th to August 24th, 1967. The living conditions at said camp were as follows: (1) There were no washing facilities at all. There was a shower, but it didn't work. (2) There was about an inch of dirt on the floor. (3) The mattresses for sleeping were filthy. (4) Some rooms have human waste in them. (5) There were rats and roaches in the sleeping facilities. (6) There were two outhouses, one for the use of twenty-five men and one for the use of five women. These were unlighted and filthy. I had to pay about \$36.15 a week for room and board. There were additional charges for transportation, items on credit, and all other such things. The owner of said camp sells liquor, without a license, at \$2.75 a half pint, or \$3 if sold on credit. He also sells beer and wine. I worked two shifts, seven a.m. until midnight at \$1.50 per hour, time and a half over fifty hours, generally six and sometimes seven days a week. I started two shifts to make enough money for expenses and thereafter I was required to work two shifts to keep the job.

Now, from what I seen of this camp the migratory workers there are only working and the money that they are making is being paid, the majority of it, to that manager of that camp. Now, upon leaving H. C. Hemingway, where I worked, I left a forwarding address for my check in the hole, my first week's work to be sent. I left the address to be sent to Buffalo. The address that I had given was incorrect. When I entered Buffalo I immediately found out that my address was incorrect, so I went to the main post office in hopes to get this check. But I was more or less to say a day late. This check was returned to Mr. H. C. Hemingway. Upon the following Friday I came back down to this H. C. Hemingway, this is in Lyons, N. Y., to receive my check.

Senator KENNEDY of New York. I think all of that estimation is enclosed in your statement here, and rather than go through all of the details of that, we will put the whole statement in the record so you won't have to describe it in detail.

Mr. PETERSON. There is something other than that that I would like to say. I was aided by BEAM's staff members, and of my own free will, to come here and make this statement in front of you people

so that you may know just exactly the problems of the migrant workers in the State of New York.

Senator KENNEDY of New York. When you said you had to work two shifts, why was it necessary to work two shifts?

Mr. PETERSON. For one thing, working one shift at the rate of pay that we were receiving, which was \$1.40 per hour, according to the living conditions of this camp you would be working for nothing.

Senator KENNEDY of New York. How much did you pay in rent?

Mr. PETERSON. \$36.15 for room and board; \$1.40 per meal, three meals a day; \$6.75 for room and board—for room—correction.

Senator KENNEDY of New York. \$6.75 for what?

Mr. PETERSON. \$6.75 for room, \$1.40 per meal, three meals per day, 7 days per week, totaling to \$36.15.

Senator KENNEDY of New York. So you paid room and board of \$36.15?

Mr. PETERSON. Yes; room and board, \$36.15.

Senator KENNEDY of New York. And then what was your salary?

Mr. PETERSON. Well, if you figure that I was working at the rate of \$1.40 per hour from the hours of 7 to 12, which was approximately 16 to 17 hours, which I had to work in order to make arrangements to pay the type of expenses that they had in this camp.

Senator KENNEDY of New York. Why was it necessary, did you have to buy your meals at the camp?

Mr. PETERSON. At the time that I went to this camp there was no alternative. Immediately looking at the way in which this camp was set up, if it wasn't for the fact that I was broke I would have left there. When I immediately received money enough to make any route to a bigger and better job, I was on my way.

Senator KENNEDY of New York. Why did you get charged a dollar—how much for a meal, \$1.40?

Mr. PETERSON. A dollar and 40 cents per meal.

Senator KENNEDY of New York. For every meal that you had there?

Mr. PETERSON. For every meal that I have had there.

Senator KENNEDY of New York. That was just automatic, \$1.40?

Mr. PETERSON. That was automatic.

Senator KENNEDY of New York. Did you eat well?

Mr. PETERSON. Well, it wasn't a \$1.40 meal.

Senator KENNEDY of New York. Thank you very much.

Mr. PETERSON. You're welcome.

Senator KENNEDY of New York. Mr. Torres.

Mr. MAINSTER. I am going to translate for Mr. Torres.

He wants to make a comment upon the condition of camps in the Oswego County area where there are approximately 75 migrant labor camps.

There are many camps—this is a camp where—this is an area where there are Puerto Ricans living in these camps. There are camps in which there is no water in the camp facility itself, but the migrants have to go outside of the housing conditions to get water, and there are places where there are no beds for all of the migrants housed, and they are sleeping on the floor on mattresses.

In this area all of the farmers are using the system of paying \$1.25 per hour wages. They pay \$1 and the other 25 cents per hour is put aside for them in what they call a bonus system. This bonus means

that if they leave before the final day of the camp when the crop is over, they forfeit the 25 cents. He says that in the camp he is referring to in Oswego where there are people sleeping on the floor on mattresses, that this has been passed by the New York State inspectors and has a camp license to operate. And in his opinion, in his experience a situation should not be passed like this, because he has lived and worked as a migrant in the area of Oswego and Syracuse for 14 years.

Senator JAVITS. Can you get an exact description of this camp and its location?

Mr. MAINSTER. He will enter into the record the name and address of this particular grower as 25 to 35 people living in his camp.

Senator KENNEDY of New York. Can you give us his name now?

Mr. MAINSTER. Yes. Sam Arciacona, R.D. 1, Phoenix, N.Y., Box 229.

He has also seen camps in this area which are better than the one that has been described here, and occasionally these camps are not passed for inspection. The comment is that in this area of Oswego County, there are approximately 75 camps, most of Puerto Rican workers, and these workers have no contracts. This is an area where there are no workers on contract from the Puerto Rican government.

The final comment that Mr. Torres wants to make is he did not prepare a statement, he is just giving his feelings about it rather than a written statement; that many times there are no medical facilities for the migrants in these camps that do not speak any English, and when the farmer has time and is willing to take them to the doctor, the medical expenses are deducted from their wages.

Senator KENNEDY of New York. What about the educational system for the children? Does he have any comment on that?

Mr. MAINSTER. In this area the migrants that come alone and leave their families in Puerto Rico except for perhaps 5 percent of the ones that come, and they put their children in the local school system. There are no child care centers available in this area from the war on poverty program. We do have an adult basic education program operating in Oswego, Cayuga, Wayne, and Ontario, and Yates Counties, that's called the BEAM program, which has been mentioned earlier, and in this area we are operating for adults.

Senator KENNEDY of New York. I thought that if they came from Puerto Rico under the special arrangements that we had with Puerto Rico, that an extra effort was made to inspect the camp which these migrant workers were sent. What has happened—

Mr. MAINSTER. The difference is that in this area there are no Puerto Ricans coming under contract with the Department of Labor. Of the 1,500—let's say out of the 1,000 Puerto Rican migrants in the five-county area we have here, half of them come through the agency from Puerto Rico and the others come on their own. In the entire county of Oswego there are no contracts. These are people who come on their own. The farmer sends money to them personally, and they come from Puerto Rico on their own. They have no control in this case.

Senator KENNEDY of New York. Thank you very much.

Mr. Fuller.

Mr. FULLER. Since you have heard the testimony here on just about every condition that exists in various camps over the State, I won't waste too much time, I hope, on the same thing.

Senator KENNEDY of New York. That is all right. Proceed as you wish.

Mr. FULLER. But one of the reasons I feel why this exists is because—I have been in the migrant stream for 20 years, I would say. On these various camps we aren't allowed to speak. I mean, the authorities that we do go to never give us any assistance. They refer us to somebody else or maybe call the employer—tell us to call the employer ourselves and ask what the situation is; and if he says the situation doesn't exist, we are left out. Now, if someone says—if I call a meeting on a camp or I wanted to get the people together and say, "Look, let's look at the situation; let's see if we can do something about it," then I'm considered a loudmouth; I talk too much, and I'm asked to leave the camp. This is one of the reasons why it exists. If people from the outside come into some of these camps there are various things that we have had programs tried to help, programs where people come in and offer to help in certain ways.

If the management feels that anything takes the worker out of the fields, he doesn't want it. It's like if you get recreation for adults or for children, or if they are able to work, then they don't want this recreation, they don't want anything in the camps or any outsiders. This is considered private property. I mean, we don't want you on this property. So if something can be done about these wherein you do have the right of assembly, anybody has the right, I think, to get together and talk about their conditions and try to improve them, or to accept outside help. I mean, regardless of where they live. I think they should be able to have this available to them. This is one of the big things, if legislation is passed, and in the recruiting in Florida—I don't know if you're familiar with recruiting tactics, but if you're just asked to come north, you're given different stories about the camps, that they have hot water, and showers and other facilities, and when you arrive you're at the mercy of the crew leader, and usually you're broke, and you don't have transportation to even get out, and so you're sort of in prison in there, and you get in debt to these crew leaders, and I mean if we don't have any rights, well—if you do have a complaint and you say it, he asks you to leave this property. And then if something else comes up, maybe you talk too much, he says, "Well, I would like you to leave the camp."

Now, you don't have a right, that you're paying rent and he deducts it, which is bigger than the wages, the rent is bigger, so he charges you special, and even if he does he can tell you to leave and threaten you with a jail sentence, and this is being done and has been done, and so you either go or you go to jail. In the recruiting if there is some agreement written where you would be told how much you will make, what your wages are, what type of work you'll be doing, when work starts, that would be good, because when we get here, we're here, and sometimes we're here 2 weeks before we can do any work, there's nothing available, so you just sit. What type of work, when to start, whether the housing or rent is free, or whether they charge you rent, then how much, all these things should be brought out, and the fact that determines the seasons, because if his work finishes maybe 2 weeks ahead of schedule he asks you to leave, and you have nothing to say to stay there regardless whether you can find work somewhere else or not. All these things are things that I would like to see be worked in an agreement and be made legal to be presented to people in Florida

and various other States before they recruit people to come here. This is one of my main interests because once they are here we have no rights. I mean so far as if we call welfare and says the people need some food, welfare calls management and says, "What's happening? Don't you people have food down there?" And he says, "Why, there's plenty of work. There's plenty of work to do. If they want to eat, let them work," so we have to accept these conditions. They don't deal directly with individuals. So these are the things that we are coming for from other States, when we get here we have some legal document whether it be in the form of contract or agreement, signed by the farmers that want the laborer, wants the use of the laborer and say what they agreed to do in respect to, you know, your working form. And that's about all I have got to say.

Senator KENNEDY of New York. That is very good.

I wonder if we can ask the staff to look and see if there is anything that can be done also at the State level.

Assemblyman GRIECO. I think something should be done at the State level. It seems to be a very worthwhile suggestion. It would eliminate a number of problems which I think probably exist.

Mr. FULLER. Housing is one of the other major problems. People would work better if the conditions would be a lot better, if housing was improved. Housing is real important.

Senator KENNEDY of New York. You don't get very much help, as I understand it, from public officials?

Mr. FULLER. None. None we ask for. What they choose to give us.

Senator KENNEDY of New York. How long have you been a migrant worker?

Mr. FULLER. About 20 years, sir. I came to New York State in 1950, and I have been coming back every year except for maybe 2 or 3 in between.

Senator KENNEDY of New York. How much money do you make over a period of a year?

Mr. FULLER. A year or just in the summer?

Senator KENNEDY of New York. Well, give me both. What do you make for the summer, and what do you make for the year?

Mr. FULLER. My summer wages are—I work exceptionally hard, I usually work every day, and I'll say a thousand dollars at the most, and that's my net take home. That's the most, or if it's a bad year, even less, and this means constant work. That means every day on the job and at a set wage. Because I have worked for farmers directly with their salary, a dollar an hour, and like 15 hours or 10 hours a day, \$60 a week, and like this. But in the field, in the harvesting, it comes much less than that for one individual.

Senator KENNEDY of New York. Thank you very much. That was very, very helpful. That was a very eloquent description of conditions existing.

Senator JAVITS. May the record show that there is a bill pending in New York State to amend the labor law with relation to requiring contracts for migrant workers.

Senator KENNEDY of New York. Mr. Marshall.

Mr. MARSHALL. Well, I'm not a migrant worker now. I'm employed in Penfield now. I was asked to come down here and explain the condition of the camp when I was living there; that was in, well, in 1965, and also 1966. The first one was 1964. And the conditions was

really bad out there. In the wintertime, well, we didn't have no inside running water or nothing. We had to go outside and get our water, and we had to come inside to heat ourselves on the stove, the cook's stove. And also my wife was pregnant, and the conditions for her was bad, because she had to go out in the snow and get water, and things like that, when I was living there. And I was only getting paid a dollar an hour. Well, how did we make ends meet on that money? We did somehow, but it was kind of tough, and we just mostly bought the things we needed and things we had to have. I couldn't do too much, because I was the only one working; my wife wasn't able to, and so the conditions were really bad.

Senator KENNEDY of New York. Is it difficult to get away once you are a migrant worker; is it difficult to get away from it to go to a different kind of business?

Mr. MARSHALL. Well, not really.

Senator KENNEDY of New York. Can you leave?

Mr. MARSHALL. Yes; you can leave.

Senator KENNEDY of New York. Why did you leave?

Mr. MARSHALL. Well, see, I had four kids. I had two kids born up here. And the camp there, the small room, a real small room, so if you got a family you got two rooms, one for you and your wife, and one for the kids; and one room for four kids, of course, they were small kids, but, you know; so me and my wife were sleeping in the one room, and we had to cook in the same room we were sleeping in. I worked 5 days a week, Monday morning to Saturday noon, and there was no transportation on the camp, and so when you get off and the man who pay you off, he didn't actually—you didn't have any way to get to town to do your shopping or nothing; he just pay you off, and that's all until Monday morning. And if you didn't come to work Monday morning he wanted to know the reason why you didn't come to work. And in case some people work maybe 5 days and he wants you to work five and a half, when it would be two or three people in the camp that didn't go to work, when you got off at 12 he wouldn't pay you, he would be angry because the people didn't come to work, and he would wait till 2 or 3 in the afternoon before we got paid, so.

Senator KENNEDY of New York. Thank you very much.

I might say that I think I speak on behalf of my colleague Senator Javits, and myself, we appreciate very much your testimony, all of you who testified before the committee, and also the cooperation that we received from some of the migrant workers as we toured these camps today, and that we want to make it clear that you come here in answer to our request, and the gentlemen and ladies with whom we talked today answered questions that we addressed to them, and therefore, they become under the protection of the committee, and any retribution against any of you, or against any of those who cooperated with the committee this morning will be considered in contempt of this committee, and therefore a contempt of the Senate of the United States. So I think we should make that clear.

Senator JAVITS. I feel exactly that way, and I hope that the people will feel free to report to us anything that they have suffered by virtue of anything they have said, or confided to us. I feel very strongly about that, Mr. Chairman, and I hope very much that the people understand us very clearly; if anybody tries to abuse you or take some revenge upon you for any cooperation with this subcommittee, you

just let us know by communicating with Senator Kennedy, or for any reason you wish to with me, and we will do our utmost to see that justice is done.

Senator KENNEDY of New York. I think I speak on behalf of Mr. Grieco, also. He would like any information of that kind sent to him at the State capital.

Assemblyman GRIECO. Yes, I would.

Senator KENNEDY of New York. Is Mr. John Sodoma present?

Mrs. TRESJAN. May I ask a question?

Senator KENNEDY of New York. Yes.

Mrs. TRESJAN. Will the Senate subcommittee use its influence in four very important areas, one is unemployment insurance for farmworkers; the next area, telephones in the camps, telephones to keep people from burning to blazes; two more things which are very, very important, pesticides and weed killers, which are so deadly. They are so deadly and serious that they have alarmed the United Nations. Does that have to be left in the hands of county health departments, or can there be some State or National interest shown in that, or do we have to cry out to the World Health Organization?

Assemblyman GRIECO. I want to say to you, young lady, this subcommittee has worked hand in hand with the AFL-CIO on the two pieces of legislation that you just mentioned, telephones and unemployment insurance, with Mr. Ray Corbett, president of the New York State AFL-CIO, and they are going to be reintroduced at the next session, and I am sure they will go through.

Senator KENNEDY of New York. I think they are primarily local matters, and maybe again we can ask Mr. Grieco to inform all of us as to what progress is made. We will be glad to do whatever we can, but I think those matters that you mentioned are primarily State matters. Mr. Sodoma.

STATEMENT OF JOHN SODOMA, FARMER, BROCKPORT, N.Y.

Mr. SODOMA. Senator Kennedy, Senator Javits, members of the subcommittee, I have a prepared statement I would like to present. I would also like to have the opportunity to spend a few minutes in talking in the area of the migrant situation as a whole. I directed my statement to the four bills as they were presented to me. I am quite amazed at the lack of farm representation we have at a meeting such as this today.

My name is John Sodoma; my brother Robert and I operate a 1,500-acre farm in Monroe County, N.Y. Our enterprise is mostly cash crops, plus apple and cherry orchards. We employ 15-year men; that is, men who are employed on a yearly basis. In addition, we have up to 100 men employed on a seasonal basis, depending on the year and the crops to be harvested.

As to Senate bill 8, in regard to the provisions in Senate bill 8, to amend the National Labor Relations Act, making the act applicable to agriculture, I would like to make the following comments:

Farmers are among the most vulnerable employers in the world. Strikes would no doubt be commonplace unless all demands of labor were met quickly. Industrial and commercial concerns may suffer a reduction in profits, but rarely are they disastrously affected. Not so with agriculture. The farm plant cannot be closed down. Crops

keep on growing and maturing, hens keep on laying eggs, and cows require milking. When a crop is being harvested is the time to expect a strike because more persons are employed at that time and because a farmer is in no position to stand a work stoppage. He is under terrific economic pressure to get his crops harvested. It would be difficult to resist any demand at harvesttime which would permit a work stoppage, no matter how unreasonable or how arbitrary the demand might be. Any union which is able to obtain control of farm labor supply would have farmers at its mercy.

For example, we grow 160 acres of tomatoes. If we were to have a work stoppage that would last for 2 weeks, the crop would be nearly a total loss. With the cost of growing an acre of tomatoes being approximately \$300, this would result in a loss of almost \$50,000. A loss such as this would bankrupt almost any tomato grower.

Another argument for this bill is that family-size farms would benefit. I think the opposite would happen. Farmers would be forced to further mechanize their operations. A good example would be the cherry industry in New York State. Five years ago we harvested all our cherries by hand. Because of labor cost and unavailability of help we started mechanical harvesting. It takes at least 60 tons of cherries to justify the cost of owning mechanical equipment. Legislation that would make farmers more vulnerable to strikes would hasten the mechanization of harvest, and force the small grower out of business. Farmers are already leaving agriculture at a rate exceeding 100,000 per year. Enactment of this bill would hasten this out-migration from agriculture.

Further, it is my understanding that most businesses follow the practice of employing an attorney or attorneys to provide counsel to the problems involved in their relationship with labor unions under the rules, procedures, and provisions of the National Labor Relations Act. This is a complex area of law, and only competent attorneys who follow the policies and interpretations of the National Labor Relations Board and the courts are able to give advice about these problems and relationships.

There are some farmers who would and could do likewise. But the majority of affected farmers cannot afford the costs of continuing legal consultation and would be overwhelmed by the legal problems associated with the administration of the act.

Now, the effect on workers. It is my opinion that radically increased costs of labor would result in less jobs and a smaller total income for the agricultural labor force in the area. It is a foregone conclusion that farmers will mechanize and employ people who have the capability to run mechanical harvesters. This would mean the workers with less ability would have to either move to another occupation or be faced with the necessity of adding to already burdened welfare roles.

Farm wages have increased in our area as fast or faster than any other industry, on our own accord. Granted, the base was low to start with, but prices received by farmers are rising much slower, if at all. We would like to pay wages competitive with industry provided that we receive prices for our crops that permit us to do it. There are many people in industry who would prefer to work on a farm, if they could receive a fair return for their labor. It is well known that farm income is at 74 percent of parity, one of the lowest levels in our history.

Besides this, significant increases in cost of production can result in movements of high labor crops out of the country. Mexico is a good example. Imports of fruits and vegetables have increased substantially since the midfifties. Farmers in this country who are faced with this kind of competition are forced to consider growing crops that require lower labor input. Many growers in Texas have switched from growing crops like tomatoes and strawberries to cabbage. We grow cabbage. This places another area of the country in direct competition with us, and has the end result of moving jobs out of the country.

My farm wages have been going up and will continue to go up. My point is that any program that would have an accelerating effect on this trend would have undesirable consequences to both workers and farmers.

Now, the impact on consumers. I believe there will be an impact on the consumer whether the unions raised wages or not, but the increase would likely be accelerated. Ordinarily, it is difficult for the farmer to pass on increased costs, but he would be faced with one of several choices; grow less acres of fruits and vegetables that would be hand-harvested to avoid the possible disaster of a strike; mechanize with the hope that technology will advance fast enough to do the job; or reflect higher labor costs in contracts for processed crops in order that the demands could be reflected on the supermarket shelf.

We hope that farmers will be able to shift to consumers all of the increased costs involved, but it is difficult to pass on increased costs. Consumer prices are not affected unless farmers are hurt badly enough by the increased costs to reduce production. This does happen. Termination of the bracero program hurt California growers of strawberries badly enough that they reduced the acreage of this crop. Prices of strawberries in produce markets have been higher the past couple of years.

On Senate bill 195, I would agree that a National Advisory Council is a good idea. I feel the committee should be made up differently than the bill provides. I would agree with the section I, providing for farmers on the council, provided the President made his selection from nominations provided by the farmers themselves.

Section II should provide for migrants or crew leaders.

Section III should be one person from a related agricultural industry, such as a processor or chemical company representative.

Section IV should be as stated.

On Senate bill 197, the only comment I would have on this bill would be in regard to the limitation of 25 miles from permanent residents for 12- to 14-year-olds. It seems to me that this would discriminate against a migrant child as he could not work where a local youngster could.

I feel that an entire overhaul of child labor laws is in order. At the time the law was first enacted it was certainly needed, but I am sure that with the amount of delinquency in the country we should take another look. We stress recreation for young people today. What greater satisfaction can there be than to have an entire family working together for goals that all can enjoy?

If more youngsters could work with their parents and see how hard a job earning a living can be, perhaps more children would reconsider before dropping out of school.

On Senate bill 198, this bill supplies a supplemental farm placement program to the present procedure. I do not feel that duplication is the

answer. We should replace or revise the present system to incorporate the necessary improvements.

My interpretation of this bill would be that it would tend to make the work force more mobile to maximize earnings. I question whether this should be the case. Migrants by the nature of their work have to make many moves now. My experience has been that most workers are so tired of moving that once they are located on a farm, they hate to move from one building to another. This seems to be one of their few opportunities to say, "This is mine."

Our goal should be to make better workers of these people so they can stay in one area for a longer period of time. Our Government is spending millions of dollars on all types of programs, but I do not see any of these programs answering the basic needs. If we had a program to educate and subsidize migrants and others to become better farm-workers, we could solve many of our problems. Many men who are farming today, including myself, were aided under a school program after World War II.

This country will suffer a food shortage only if we lack people with knowledge in the industry, or if an economic cost-price squeeze forces us to quit.

Senator KENNEDY of New York. Thank you very much for your very helpful speech.

Mr. SODOMA. I would like to take a couple of minutes and comment on the general migrant program. I have been involved with it for some 13 or 14 years, and that I have operated a labor camp in Monroe County, N. Y.

I don't think growers as a whole like the conditions as they are in New York State today, but the blame does not lie on the farmer; I am sure it lies upon the people that are governing our local government and our State government. The economics of it tells a story when I sell a box of cabbage for \$1.50, I have to put that into price the given amount of the cost of a labor camp. But when the fellow in the next county sells the same box of cabbage, that is only costing him 10 or 15 percent of what my labor camp is costing, he doesn't have to add anything in his price of cabbage, and this is profit to him. If we are going to have laws and standards, they have got to be on a national basis, we can't have it as close as a county line, or 3 or 4 miles from the county line, or as I am, a half a mile from the county line; but the man on the other side of the county line, he has the same standards, but the law is not enforced. This is what causes the greatest share of the problems we have in this country. The other thing is the lack of willingness to take a realistic look into the area of wages. We have heard of no wage higher today than \$1.40 by no one. There is no one working on our farm working for less than \$1.50 an hour. There are several men there who are earning wages well above industry in this area. We have had farmer migrants who have had enough gumption such as to take a job working on our mechanical machinery, and so forth, and so on, who are earning considerably more than what was stated here today.

We have had difficulties with migrant workers in the past; but when we had the television crews out in our fields, as we sat there and televised a worker working, earning \$7 an hour, no one has ever had the ability to say, "I have seen a man earning \$7 a working hour." You talk about \$1,200 what the migrant is working for. I guarantee

you that no migrant worker on our place is earning less than \$1,200 from this date to the end of the season. We are using averages; and averages are real poor. You have taken a tour today. I think that was unfair and unjust. I don't think you should have visited the camps with respect to the poorest. Why not visit the better ones? I think as a whole we shrug the migrant situation, we refuse to face up to the responsibility. I say that no one lives until he spends a weekend in a migrant camp such as ours and finds out whether the crew boss is as bad as he has been pictured here today. I have a standing offer with two groups of teachers asking them to move into a rented office trailer or camping trailer that I will pay for at my expense, so they can better find out what a migrant is, what a migrant looks like, what his conditions are. You investigate camps at the time of the year after they have been torn apart. Why not take a look at camps in May or June, before people moved in, when every wall is solid and there is two layers of plasterboard there, when you can walk through without having to knock anything out of your way.

We are not taking a realistic look; we are not taking a broad enough look. We talk about a migrant not having the guarantee of what he will earn. We have the State laws that say what a migrant will earn. We have to sign our name on the bottom of that paper. If they are recruited in Alabama or Georgia, the man has to sign the paper that he has seen it, and that he understands everything that is on it, but yet we don't hear of that. We only hear of a man who is brought up here and who doesn't get a fair break. I thank you for inviting me and letting me air my views.

Senator JAVITS. Mr. Sodoma, I don't think you should underestimate us any more than we underestimate you. We understand these conditions are standing on their own bottom; they may be general, they may not. You say they are not. We know there are much better conditions, and we know there are many men who are alert and active and make some money. One of them testified here today; he has been at it for 20 years. He looked like a pretty intelligent, clean-cut man. But you yourself admit that what we did see is unpardonable in our society, so it is our duty to see that, too.

We are grateful that you told us about other conditions, but I am sure you understand we know what exists. I agree with you thoroughly, we must have far more effective rules, and we must see that they are enforced. This is our default, but included within that is a great network not only of State and Federal officials like ourselves, but also local officials. You have heard the testimony if you were here this morning of the local district attorney who has been investigating these questions of law dereliction within his own county; and I hope very much that from leaders like yourself and other farmers who think as you do, an effort will be made to root out those who are taking advantage of human misery and exploiting it. I can assure you that I certainly am not blind to a generality of conditions which may be very different from the camps that we saw; but I also refuse to accept those camps as necessary, or appropriate, or lawful.

One question I would like to ask you, sir, is this, why shouldn't the worker have the same opportunity to act with his fellow workers that workers in other lines have, why should the worker in this line be distinguished from the worker in the cannery who also is dealing with the perishable commodity, also workers in chemicals or many other

branches which are perishable? You know what happens to the countless treasure in perishable commodities if there is a railroad strike. Yet that does not mean that we don't understand that man has a right to work or not work, as the Lord dictates to him. So why distinguish? Why deny to agricultural workers the right to cooperate with and consult with their fellows? Isn't that just one of the risks and perils of our society? We think there is a greater gain in letting men work together in a union than there is in restraining them because theoretically that will make crops come in more reliably; as a matter of fact, it won't, because if conditions become impossible you won't get farm labor at all.

Would you mind commenting on that?

MR. SODOMA. I would agree that maybe there is a place for unions in farms if there were certain safeguards to protect them. Most farms are not equipped with the finances as the corporate structure, and so on, and so forth, of the giants you refer to such as the railroads. They can withstand the losses as such. Many farmers specialize in one or two crops, an apple farm, or cherry farm, or cabbage farm, you name it, any specialist in this field. We know that the average farmers spend less than \$4,500 across the country. If there is a strike and there is no labor at harvesttime, there is no return on his investment of that \$4,500. They don't have the backlog to withstand a great loss. If you lose a cherry crop, that is only a matter of 10 days, the total income is lost. Not only the income is lost, but the cost of the spray materials and the paying of labor up to that date is lost also. If the giant corporation has a strike they can withstand stock losses, and so forth. I would agree that the unions might very well be the finest thing because we could then get prices up where I could compete against Xerox and IBM. This is the type of people I would like to have working for me rather than people with lower level education, and so forth.

So it is more difficult to run machines. We have machines that are just as valuable to us as any other industry has. You can't put a man on there that doesn't have general knowledge of what they are doing. If we have strikes only during certain months of the year and contracts negotiated during certain times of the year, I would know I am going to pay an additional 15 cents more for picking tomatoes than what I am paying now. But when I go to negotiate the contract with the processor in March or April, I have to live with that price. And if I find out in September that my labor costs have doubled, I still have to live with the price that I negotiated with the processor regardless of what I pay for labor.

We have a tomato field that backs up to a field worked by Puerto Ricans who came here on a contract. The Puerto Ricans are working for 20 percent less than what our workers work for, which is under what we call a free enterprise system, "Come to work for me and I will pay——"

Senator JAVITS. I don't want to protract our hearing because we are running short, but I would like to point out to you that I hope you will study the bill which is before us, S. 8. The bill does endeavor to deal precisely with the problem you mention through utilizing the technique which can be used with construction workers. In addition, I agree with you that once you make a deal you should be fully protected in enforcement and not be subjected to loss by some fakery or wildcat strike. In other words, there are points to be said for you, I

agree; but the fundamental point is that these conditions could be much improved if people are given the opportunity to act together through trade unions.

I am a slum child myself, and I understand what poverty is like. But I think in farming the people will find that the difficulty can be met. That is why I hope you will study this bill.

And secondly, the added dignity to the individual may make something of him, while the present conditions which are so debasing, make nothing of him as a human being.

Senator KENNEDY of New York. I want to also thank you for your testimony today. I think it is very helpful to the subcommittee.

You mentioned in exchange with Senator Javits earlier about some of the problems that a farmer would have if he dealt with an organized group of farmworkers, and particularly about perishable products. We have the testimony before the House Committee on Education and Labor of Ogden Fields, Executive Secretary of the National Labor Relations Board, and I would like to read an excerpt of it:

The Board has had a wealth of experience in exercising jurisdiction over seasonal and migratory industries. Over many years it has built up in these industries a substantial body of case law and procedural practices that have won the approval and support of the Circuit Courts of Appeal and the Supreme Court. And much of this experience was developed in industries directly and immediately related to agriculture, such as the packing, canning, and food-processing industries. Definition and content was given to the term 'agricultural laborer' by the Board and the Courts in a number of representation and unfair labor practice cases. The tests were practical, evolved from the character of the work performed as modified by custom.

The seasonal need for large numbers of temporary employees to handle highly perishable products is not unique to agriculture. Nor is the fact that some employees are migratory. These characteristics exist in fruit and vegetable packing, canning, and freezing, sugar-processing, cotton-ginning, production of alfalfa meal, fertilizer, potato-warehousing, nursery stock warehousing, et cetera.

And he lists about 15 groups of products where they have been actively involved in this. I agree it creates a problem. I just question whether it is an insurmountable problem and whether, based on the experience we have had over the past 30 years, and as suggested by Senator Javits, perhaps we can solve it and perhaps do the farm laborer some good without doing harm. I don't know whether you wanted to comment on that. I wanted to comment on your exchange with Senator Javits.

Mr. SODOMA. The only comment I would have to make, when you refer to processing plants, and so forth, and so on, the only person that has ever suffered in any of these strikes, the greatest amount of suffering has been done by the farmer whom the union did not affect. In any of these contracts that we write today, if there is a strike of the apple-processing company whom we contracted our apples with, if there is a strike there, they no longer take any apples into their processing plant. I have to let the apples stay on my farm and rot. I have suffered from apple-processing plants before. Now I have to suffer from both ends.

Senator KENNEDY of New York. You also mentioned the fact that the agricultural workers are being paid more in relation to industrial workers. You also mentioned that they have been growing faster; is that correct?

Mr. SODOMA. Yes.

Senator KENNEDY of New York. I have the annual report of the Subcommittee on Migratory Labor of the Committee on Labor and Public Welfare. It says:

The major reason for the low wages received by farm workers is the weakness of their bargaining position. The gap between agricultural and nonagricultural earnings has continually widened during the post-World War II period. Between 1947 and 1964, hourly wages in agriculture increased only 64 percent, while wages jumped 108 percent in retail trade, 107 percent in manufacturing, and 131 percent in contract construction. This differential has increased despite the fact that output per man hour in agriculture was 2.7 times as great in 1964 as in 1947, while in non-agriculture industries it was only 1.6 times as great. One American farm worker today feeds more than two and a half times the number of people he did twenty years ago.

Then it goes on.

Mr. SODOMA. I refer to wages on a local level rather than on a national level.

Senator KENNEDY of New York. Well, we are considering national legislation. And maybe Mr. Corbett will have something to say about that. But it would seem to me the way you are talking—many of these workers are earning \$1.25 and \$1.30 an hour; people in industry, of course, make considerably more than that.

Mr. SODOMA. But wages are not always determined by what the farmer wants to pay. It's what the farmer received for the commodity. Handpicked cherries, the worker received more per pound this year than the farmer did 2 years ago. Also what price you can sell the product for. If you sell a bushel of wheat for \$1.21, but the wages that you want to pay is more, you just can't do it with \$1.21 a bushel. If it was \$3.21, well, we'll show you real percentages in increases in wages. Take any of these farm commodities that are unrealistically low. The price of apples, the price that apples sold for in the last 4 or 5 years. I can understand a man not being able to build a labor camp. He can't hardly feed his own children and provide for his own home, let alone a labor camp.

Senator KENNEDY of New York. I just think that conditions that we saw today and which were described by these other witnesses are intolerable here in the State of New York and in the United States in 1967. Now, I am not going to argue that that exists in every labor camp, and it exists for all migrant workers in the State of New York, but it exists in enough places, and the problem is acute enough that really something needs to be done, and either it is going to be done by the farmer, or it is going to be done by the local officials, or it is going to have to be done at the Federal level. Obviously, it would be better if it was done at the local level. But what we are concerned with is that nothing is being done, and it is very acute and very serious.

Mr. SODOMA. I agree, it is serious. But also you share the responsibility to make it easier for the farmer to do something. You haven't done anything in the line of reducing taxes and letting the depreciation of buildings over the real useful life. You can take a migrant building, and in 10 years there is nothing left, but yet you depreciate it over 40 years. This is a permanent structure we are told; we are not allowed the investment credit on it, and so forth, on these buildings, so there has been no incentive, no help whatsoever.

Senator KENNEDY of New York. I would agree with you. I would think that the farmer just based on what he has contributed to the

United States has suffered tremendously. Much more needs to be done for the farmer. I don't argue with you on that. What he has produced, what he has given to this country, what he has contributed in many, many ways should be recognized by our society. I agree with that, and I think we have really done far too little to make it possible for the family-type farmer and the farmer here in the United States to make an adequate and satisfactory living.

Senator JAVITS. I agree. I recognize that and accept that. A farmer is a small businessman just like many small retailers, but let us remember that unionization in the retail trades even among people who employ as few as two employees has worked. So all I say is you are quite right in impressing us with our responsibility, and I accept it, and I hope you will be thoughtful about the matters that we have before us.

Senator KENNEDY of New York. May I say that in addition to everything else, we did suggest legislation just along the lines that you recommended for tax amortization of farm labor housing, and also we recognize the problem the farmers face.

Perhaps you would like this report; the legislation is spelled out on page 36 of our report.

Thank you very much.

Mr. Ray Corbett.

STATEMENT OF RAY CORBETT, PRESIDENT, NEW YORK STATE AFL-CIO

Mr. CORBETT. Mr. Chairman, my name is Raymond R. Corbett. I am the president of the New York State AFL-CIO. I am appearing here today as the spokesman for more than two and a half million workers in this State whose rights to collective bargaining and to protection against the hazards of want, unemployment, work injury, and disability are in general protected under Federal and State laws, and who want the same protections extended to the State's agricultural workers. I listened to Mr. Sodoma talk about a 2-week loss of crops. What I listened to—if they were to open what they call windows in those shacks, I am afraid the whole crop or any crop would be destroyed.

The Subcommittee on Migratory Labor, its chairman and its members deserve the warmest of congratulations for their deep congratulations for their deep concern, heartfelt dedication, and hard work to end the suffering and second-class citizenship which has so long been the lot of American farm labor.

Hearings before this subcommittee have become the rallying point for public conscience, and your reports have been and are being studied and discussed by all Americans who firmly believe that men, women, and children who produce the food and fiber which our Nation uses should not be relegated to the position of economic and social outcasts in American society.

I also salute our own Senator Mr. Robert F. Kennedy, who as a member of this subcommittee cosponsored or introduced a number of bills now under your consideration, aimed at making life a little better for the American farmworker, his family, and his children.

The viewpoint of the National AFL-CIO on this subject is well known to the members of the subcommittee. I shall therefore confine my remarks to the situation as it exists today in New York State.

Generally speaking, employment conditions of the farmworkers in our State, whose number is estimated at 33,000 for 1966, but differ in no degree from that in other States employing seasonal farmworkers.

The men, women, and children who work for wages on New York State farms have been excluded from the whole range of social reforms achieved in this State over two generations.

They suffer more than any other group from recurring periods of unemployment, but they are excluded from coverage under our unemployment insurance law.

Together with the farm operators and family workers they account for less than 2.5 percent of total employment, but suffer 18 percent of all occupational fatalities. And yet, an amendment to the workmen's compensation law put into effect on October 1, 1966, exempts from coverage farm laborers working for farm employers with less than \$1,200 annual payroll, thus depriving from protection of job injuries a substantial number of farmworkers.

Their wages, ranging from 90 cents to \$1.35 per hour, are the lowest of any group in the State's labor force, and yet they are excluded from coverage under the State minimum wage law. Even the Federal Fair Labor Standards Amendment of 1966 with its low wage rate schedule and limited coverage has little impact in the New York situation.

Their disability rate and sickness duration is one of the highest among population groups, but the disability benefits law which provides benefits to workers because of non-work-connected illness or accident, does not apply to them at all.

They are the poorest of the working poor; their working conditions are unspeakably bad, worse than the deplorable conditions which existed last century in the packinghouses, the coal mines, the textile mills. And yet, farmworkers who seek to improve their lot through the accepted pattern of organizing for the purpose of collective bargaining find that they are denied both the protection of law and access to the Federal as well as State government labor relations' machinery. Thus, not only are they denied the help of all the other laws enacted to benefit workers, but they are even denied the effective right to help themselves.

Agriculture is the third most dangerous of all our Nation's industries, exceeded only by mining and construction in the rate of death caused by on-the-job accidents. Yet our State labor law permits issuance of farmwork permits to young people 14 and 15 years of age for farmwork during vacation, before and after school hours, and on days when attendance at school is not required. Moreover, a law in effect since 1960 provides for work permits to youngsters 12 to 14 years of age employed in the hand harvesting of berries, fruits, and vegetables. Thus, what was condemned with indignation over a generation ago in the textile mills and garment sweatshops of this State is duplicated today in an even more oppressive form, agricultural child labor. There are the same long hours the same negligible pay, the same back-breaking work, the lack of educational opportunity despite nominal restrictions on working during school hours.

A combination of factors, including loose enforcement, particularly as to migrants, plus such practices as "crop vacations." They close the schools for harvesting crops. This results in a very substantial impairment of farmworker education. As a consequence, over half of the children of migratory workers are behind their proper school grade

levels. Large numbers are 2 years or more behind. Dropout rates are shockingly high. Thus, this lack of educational opportunities is tending to repeat the cycle whereby the children of most of the farmworkers are trapped in a life of poverty the same as their parents.

After the migratory workers arrive at a farm they often find substandard housing for themselves and their families, which is apt to be overcrowded and lacking in adequate plumbing, refrigeration, cooking, and sanitary facilities. These workers are faced with inadequate water supplies, poor toilet and privy facilities, and inadequate sewage disposal.

Often their housing is merely tar-paper shacks and constitutes one of the most dangerous deathtraps. Last year's fire in a 14- by 25-foot wooden shack in Brocton, N.Y., which took the lives of two migrant workers and seriously injured a third worker sharply brought to the attention of all people the shocking conditions in which these workers live and the insufficiency of State laws and regulations applied to housing used by farmworkers.

The New York State AFL-CIO has long sought to aid farmworkers in our State. One way has been through their inclusion in legislation safeguarding other workers, and for this purpose we have endorsed and pressed very hard for passage in our legislature 12 bills which would extend first-class citizenship to farm labor. Unfortunately, faced with an executive branch of the State government either unwilling or unable to further its own limited objectives and faced with a split legislature and formidable opposition of the farm lobby, none of these bills became law. Now, one of them was workmen's compensation, the other is coverage of disability benefits, a child labor prohibition, one was as the young lady testified, we suggested through a bill that a telephone be required at these labor camps, so if in the event someone was injured they could possibly get to a phone and call for help, require health officers for migrants, help others to receive pay during breakdown periods, written contracts required for farmworkers, a statement of wages and deductions from their pay which a great many of them never receive, and, of course, authority to the powers that would be to close any camp for an unsafe or unsanitary condition. Now, these were the bills that were proposed by the New York State AFL-CIO and introduced into the legislature by those very favorable legislators who could see some of the problems.

Now, we have renewed the fight for the extension of first-class citizenship to farm labor on the floor of the State constitutional convention. Our amendment to the labor bill of rights which would give the right to bargain collectively to all employees including farmworkers became a victim of political expedience and was voted down.

Most recently, I have introduced in the convention a resolution which reads as follows:

Whereas, extensive hearings before Congressional and Legislative Committees have given ample evidence of degrading and inhuman treatment to which most of our farm workers have long been subjected; and whereas, these farm workers have been denied most of the protections of social legislation secured by other workers; and whereas, farm workers suffer from unemployment more than most workers, and yet their incomes have no protection under Unemployment Insurance; agriculture is the third most hazardous industry, but farm workers often lack Workmen's Compensation; and whereas, children of farm workers are not protected to the same extent as other children under the Labor Law; and whereas farm workers are deprived of the benefits of collective bargaining rights and pro-

cedures of the Labor Relations Laws with the result that their employers are not compelled to deal with unions seeking recognition and are free to use all the weapons of jungle warfare including eviction, dismissal, or even terror; now, therefore, be it resolved, that the Governor and the Legislature of the State of New York be, and they are hereby memorialized to enact such legislation as may be necessary to secure the full protection of farm workers under the law, especially their inclusion under the State Labor Relations Act and the State laws providing for Unemployment Insurance, Workmen's Compensation, minimum wages, disability benefits and other health, safety and education laws designed to improve the welfare of the workers in this state.

The fate of this resolution is not known yet. At the present time it is very hard for me to predict whether the convention will act favorably on this resolution. Even less foreseeable is the reaction of the legislature to the resolution if and when it is adopted by the constitutional convention.

Our past experience with the State government does not leave us too optimistic. In the last 25 years this State government in general has been incapable of meeting modern needs and more often than not shirked its responsibility in meeting the social, economic, and political needs of the people. No wonder that people are getting used to bypassing the State government and turning to Washington for solutions to one problem after another: Housing, mass transportation, public works, health, education, poverty prevention, medicare, air pollution.

Now, the problem of farm labor is on the list of top priority issues waiting for Congressional action, and it is only natural that we look to this subcommittee and through you to the Congress of the United States for quick remedial action.

I do not need to advise you as to the kind of legislative proposals to be submitted to the Congress. You have examined this problem in depth and have contributed a great public service by bringing many of the facts to light in this tragic situation. The bills before you, enumerated in your 1967 report, dealing with a whole range of problems facing the farmworker, from voluntary farm employment service through Advisory Council on Migratory Labor, workmen's compensation, unemployment insurance, social security, residence requirement in public welfare, they are all vitally important and necessary.

But the designation as the most important and most necessary piece of farm labor legislation must go to the bill S. 8 which would extend to farmworkers the benefits of collective bargaining rights and procedures of the National Labor Relations Act. This bill carries with it no appropriations. It is not special legislation, on the contrary, it is a bill to do away with special legislation.

It offers one simple proposition: That farmworkers have the same right as all other workers to organize and bargain collectively. It is a simple proposition, but it touches the very heart of probably the greatest social injustice existing in our Nation. If adopted, it would end the hypocritical double standard by which this whole Nation has conspired, actively or through indifference, to keep farmworkers and their families from their right to justice and fairness enjoyed by all other workers.

The choice before this country and this State today after Delano and after Starr County, is not whether American farmworkers are to have unions. Those of us who went through similar union struggles in the 1930's have no doubt that sooner or later they will have full-fledged labor unions in this area.

The choice is whether they are going to have them the hard way, after a period of strife and chaos and suffering because of employer resistance and callousness of the law enforcement officers. This is the way it has been going in California and Texas, but there is an easier, more rational and more human way, if you will, namely by giving farm unions the protection of the National Labor Relations Act, and thereby a chance to bring order and justice into the farm industry and into their lives.

The continued denial of that basic democratic right is an affront to the farmworkers and to the American principle of equal justice under the law. It is indeed a blot upon our Nation and a shame to our legislative processes on both the Federal and State level that such a simple legislative measure is not law today.

The continuance of this denial will lead to more strikes by farmworkers who live and work in an economic jungle and have no other recourse. Its continuance will help to perpetuate the shocking poverty and degradation of the men and women, and shamefully the children, who harvest so much of the food upon which the Nation depends.

The bill S. 8 under your consideration will not cure all the ills or the injustices that afflict farmworkers. But it is a beginning and accompanied by other measures under your consideration will bring farmworkers and their families into the mainstream of American life.

Again I want to congratulate you and the members of the subcommittee for your work. We sincerely hope that your effort on these bills will be crowned with success and that the 90th Congress will go down in history as the Congress which enacted the Magna Carta for farmworkers.

Senator KENNEDY of New York. Thank you very much, Mr. Corbett. Your testimony is indeed very, very helpful. I think Senator Javits joins with me in expressing our appreciation to you. It is very, very useful to have had the benefit of your advice and counsel.

Senator JAVITS. I just wanted to say that I too thank Mr. Corbett for his statement. I think his statement is well worthy of the great tradition of the labor federation.

Mr. Chairman, I forgo any further comments or questions because of our time and because Mr. Corbett's statement was done so well.

Senator KENNEDY of New York. I thought perhaps there may be other people who may have some comments they want put into the record, so we will leave the record open for another 2 weeks. Anyone who wishes to enter a statement may send it down to the subcommittee, and it will be placed in the record. There is a statement here by the head of BEAM, who I think, expected to be a witness, and I would like to have her statement placed in the record. And then one of these gentlemen had a statement and he did not read it all, and I want to make sure that this is also put into the record in its entirety.

Senator JAVITS. Mr. Chairman, on that line, may I state that Mr. Shoemaker, assemblyman from the 100th district, who lives in Webster, N. Y., was here and did not have time because of illness to prepare a statement. He has heard a good deal of the testimony, and he feels more should be said. He is here today. I ask if his statement can be incorporated in the record.

Senator KENNEDY of New York. Yes. As I say, if anybody else has information that they want to send down to our subcommittee they may do so.

Thank you very much. The subcommittee is adjourned.

Before we adjourn, I want to express our appreciation to the city council and to Mayor Lamb for permitting us to use this room and this building. Thank you very much.

At this point I order printed prepared statements and other pertinent material supplied for the record.

PREPARED STATEMENT OF MAUDIE H. WEEKS, EXECUTIVE DIRECTOR, BEAM, CAYUGA COUNTY COMMUNITY COUNCIL, AUBURN, N.Y.

If effective educational programs are to be provided for the farm laborers then legislation is needed to insure access through growers' property for contact with them.

Such access, while willingly granted by many growers, has been refused to our staff members by several others. I cite a few instances:

ITEM: Our program was outlined to the owners of one processing plant employing approximately 100 Spanish-speaking migrant workers. They refused to permit our classes to be held on their premises, even though the express purpose of these classes was to teach basic English. Their migrants, they said, needed neither the education nor the other services our program provides. Evening classes were then conducted outside the property and all interested migrants invited to come out to them. Approximately fifteen people did, and the owners rewarded these by transferring them to the night shift, making it impossible for them to attend class. The classes were then rescheduled to Sunday afternoon, and the migrants continued to come. At present they are being pressured by the owners to stay away, even on this, their free day.

ITEM: The owner of another camp, when he learned that BEAM teachers were explaining to his workers the various job openings and training programs available, declared that if any of his migrants left the camp for other employment he would make an across-the-board deduction from the wages of all the rest to set them an example.

ITEM: At a third camp the visitor is greeted by a large sign which reads: "Keep Out—Trespassers Shot Without Questioning." Obviously, BEAM has not even been able to explain its program to the migrants in this camp.

ITEM: At still another camp, a "Keep Out" sign is effectively enforced by the presence of two large police dogs. Our staff has not been able to enter this camp either.

Early last Spring we sought to avoid this kind of obstructionism by sending to each grower within the BEAM area a detailed description of our program, explaining its value to the migrant and hence indirectly also to the grower himself. We pointed out that classes would be scheduled deliberately so as not to interfere with the migrant's work for the grower. We promised that "our Advisory Committee for the area in which the Grower is located would welcome whatever support he can offer and they, as well as the Council Office, would truly appreciate any suggestions the Grower can make regarding the program."

Nevertheless incidents such as those cited previously have occurred. We therefore feel that:

if every migrant who needs it is to be offered the benefits of BEAM-type programs;

if he is to be able to take advantage of these without harassment and penalties of a financial and/or other nature;

if staff members and teachers are to be able to carry on their work without being blocked and sometimes threatened;

then Federal legislation should be enacted insuring that duly authorized representatives of Federally-funded programs (such as BEAM) be granted access to any grower's property where it is necessary for them to contact the very people for whom the program is intended. The granting of Federal funds to an organization to conduct any type of program implies the bestowal of a mandate to *succeed* in that program. We suggest that such a mandate must be supported by the authority of Federal legislation if it is to be meaningful—and if it is to be carried out successfully.

Following is one example of a long line of incidents that illustrate that migratory agricultural workers—

1. Are subjected to wages below the legal national minimum for regular and overtime work.
2. Are not considered as workers with human rights, but as property of a local contractor.
3. Cannot expect objective and just treatment by law enforcement officials in confrontation situations.
4. Cannot gain legal redress, without very substantial funds (in relation to their weekly wage) and support from non-agricultural and usually non-local groups.

Joseph Mims and Clyde Robertson worked at H. C. Hemingway Company, Inc. (Clyde, New York) from 15 August 1967 (Tuesday) to 19 August 1967 (Saturday) a total of 64¼ hours and 61 hours, respectively. They worked 16 hours on Monday, 21 August and 5 hours on Tuesday, 22 August. They worked from 7 am to 12 midnight, because their wage scale was \$1.40 an hour, making it necessary to work two shifts in order to make a sufficient amount of money. Overtime (time and a half) was paid after a total of fifty hours was worked. When the fatigue of long hours began to wear on the men, they asked to be put on one shift a day, rather than two. They were replaced in their jobs and told to wait around for possible work. In this way the company avoided firing them (which also avoids paying them off), hoping the men will quit in search of work.

Mr. Mims and Mr. Robertson went into Buffalo, and through the help of relatives secured jobs at a higher wage scale and were able to find more tolerable living conditions.

Prior to leaving Lyons the men had left a forwarding address in Buffalo for H. C. Hemingway to send their checks. The checks were sent, but returned to Hemingway before the men could intercept the checks at the post office. When they called Hemingway's, the secretary said that "Sugar" Lewis Morris had taken their checks. These checks were given to Mr. Morris by Hemingways without the consent of the men involved in the belief that Mr. Morris would give these checks to the men.

When they returned to Lyons on Wednesday, September 6th to pick up their paychecks for the last 21 hours of work, the following happened. (They had taken time off from their jobs in Buffalo in order to do this.)

Mr. Mims and Mr. Robertson went to Hemingways and requested their checks. The same story was given to them as given above by a secretary.

They went to the police in Clyde, New York. The police in Clyde said that Mr. Morris and Mr. Hemingway had an agreement that all checks were given to Mr. Morris.

They returned to Hemingways and spoke with Mr. Hemingway. He claimed that Mr. Robertson and Mr. Mims were paid, and that if they went to Mr. Morris, Mr. Hemingway was sure Mr. Morris would give them their checks.

Mr. Mims and Mr. Robertson went to Mr. "Sugar" Lewis Morris. Mr. Morris refused to give the men their checks, until they paid a debt to Mr. Morris.

Mr. Mims and Mr. Robertson then went to the police in Lyons to ask their assistance. They claimed this was not in their legal geographic jurisdiction, but called the Wayne County Sheriff's Department. A uniformed representative of the sheriff's department took the men back to Mr. Morris and asked Morris for the men's checks. After both sides were argued, the sheriff's representative and Mr. Morris went into another room. Upon returning the Sheriff's representative took Mr. Morris' side in the argument, and no checks were turned over to Mr. Mims or Mr. Robertson.

These two men then went to the Wayne County NAACP office. They talked to the President of the chapter, Mr. Travis Spencer. He told them he would work on it and be in contact with them at 6 p.m. Thursday, September 7. Meanwhile Mr. Walter Scott, Jr., an employee of BEAM spoke with the two men and put him in contact with other BEAM staff members.

Mr. Mims, Mr. Robertson, and a BEAM staff member spoke with a lawyer on the morning of September 7th, swore out statements for this hearing, and asked his advice on how to get their paychecks. He advised them to return to H. C. Hemingways an explain what happened. If they still didn't get new checks to go to the labor board.

The men returned to H. C. Hemingways on the afternoon of September 7th, with three BEAM staff members. After much explaining the men were "allowed" to speak with Mr. Hemingway. He seemed moved only by the realization that the labor board was going to be called in, if new checks were not given to the men, and the old checks cancelled. At about 4 p.m. on Thursday, September 7th, the men received their wages for their work on August 21st and 22nd.

[From the New York Times, November 21, 1967]

STUDY TO IGNORE MIGRANT HOUSING

(By Steven V. Roberts)

The State Division of Housing has dropped from a forthcoming study a report condemning living conditions of migrant farm workers and recommending ways to improve them.

The Federally financed study, first commissioned in 1961, will assess the adequacy of transient accommodations in the state and propose a model code to govern their operation. The first draft, finished in 1964, said that "immediate action . . . is necessary" to improve the lives of the state's 125,000 migrant laborers.

The whole section on migrant labor was removed in 1966 after complaints by the State Departments of Health and Labor, James W. Gaynor, state Housing Commissioner, said yesterday. Both departments contended that migrant camps were adequately regulated by the state sanitary code, which was first enacted in 1913.

However, the Straus Broadcasting Group, which operates four radio stations, including WMCA, has charged that the recommendations for improving conditions were eliminated under political pressure from New York farmers. The Straus group yesterday released a copy of the original study of migrant conditions.

In a program carried on WMCA last week State Senator William C. Thompson of Brooklyn, vice chairman of the Joint Legislative Committee on Migratory Workers, concurred with the station when he said:

"The health officers and also some of the Labor Department officers, especially county labor officers and county health officers, are appointed, and especially in these farm communities they are elected or appointed by farmers."

Many experts on migrant labor believe that the real problem is not the standards set by the sanitary code but the way they are enforced. The code is enforced by county health departments, or by state personnel in counties that have no health agencies.

Commissioner Gaynor said: "Difficulties in migrant labor camp facilities can, in fact, be traced often not to the lack of existence of adequate code provisions, but rather to enforcement by local health officials."

Dr. Granville W. Lardmore, first deputy health commissioner, said the present provisions of the sanitary code were adequate, although the state "was continually concerned and anxious to raise standards." However, he added that enforcement was not always adequate.

The controversy over the report comes as New York's Senators, Robert F. Kennedy and Jacob K. Javits, and other public officials have been calling for reform of the migrant labor camps.

After a tour of upstate camps earlier this fall the Senators said conditions were "appalling and disgraceful" and urged Governor Rockefeller to order stricter compliance with the sanitary code.

The report released yesterday asserted that while state standards should be upgraded and better enforced, controls should be imposed on a national basis and not left to state option.

From: Joel Caesar-Audrey King, WMCA Radio, New York, New York.
Broadcast: 10 times, November 14 and 15, 1967.

At the end of a WMCA Special Item called "It Ain't No Place To Live In—The Story Of Migrant Housing," WMCA made a number of observations: Here is Henry Walter, WMCA's Director Of Public Affairs:

The State of New York doesn't want to improve migrant labor camps. The Federal Government gave the state \$81,000 to develop decent housing standards for people who move from place to place, and to pay special attention to housing for migrant workers. The state played games with this federal assignment for six years. In 1964, it did complete a new model housing code. But then it kept the code a big *secret*, quietly rewrote it and deliberately dropped migrant housing from it.

WMCA calls on Governor Rockefeller to release the still secret, 1964 housing code to the public.

For a copy of the WMCA Special Item, "It Ain't No Place To Live In," send a postcard to "Migrant Housing," WMCA, New York, 10017. That's "Migrant Housing," WMCA, New York, 10017.

From: Joel Caesar-Audrey King, WMCA Radio, New York, New York.

IT AIN'T NO PLACE TO LIVE IN—THE STORY OF MIGRANT HOUSING

"There's something brutal and cruel about a state which deliberately forces its harvest pickers to live in the worst slum housing within its borders—because of political pressure by their employers, because migrants can't vote here anyway and because, as Senator Thompson says, they have no one to speak up for them. WMCA calls on Governor Rockefeller to release the still secret 1964 housing code to the public."

Broadcast: Monday, November 13, 1967, 10:50-11:00 p.m.

Narrator: Oscar Rose.

Writers: Henry Walter and Leon Lewis.

Producer: Peggy Stockton.

A presentation of the Public Affairs Department of WMCA Radio, a member of the Straus Broadcasting Group.

Copyrighted by: The Straus Broadcasting Group, Inc. (Stations WMCA, WALL AM and FM, WGVA, WTLB), 1967.

"IT AIN'T NO PLACE TO LIVE IN—THE STORY OF MIGRANT HOUSING"

ANNOUNCER. This is WMCA Special Item. Tonight: "It Ain't No Place To Live In—The Story of Migrant Housing." (Music)

NARRATOR. The vegetables you had for dinner tonight cost a lot more than you paid for them. They cost degradation, slum housing and economic slavery for 17,000 southern migrant workers, who came into New York State seven months ago to pick the fruit, the snap beans and the potatoes that wind up on your dining room table. The labor camps in which the migrants live are the worst slums in the state. And from western New York to Suffolk County, things will be still *worse* next year because of buck-passing and a conspiracy of silence by state officials. In the Cutchogue camp in Suffolk County, workers live in old, wooden, World-War-One barracks known as bullpens—crowded, impersonal, without privacy.

MIGRANT. You couldn't sleep at night. People breaking into your house. You don't know who they are or what they're up to.

NARRATOR. In one camp in Wayne County, they live in 20 old, abandoned buses. If you didn't see the stray dogs and the workers, you'd think this place was a junkyard, not a place where people live.

WOMAN MIGRANT. It's too terrible. It's too filthy. And the places are too small. The buses are in a very muddy, terrible wet place and whenever you walk on the ground and mud, then you naturally going to track it into the house.

MAN MIGRANT. It's rough. It's nasty. You can't keep it clean. It just ain't no place for nobody to live in.

NARRATOR. "It just ain't no place for nobody to live in." Wherever you go in the farm country, you hear the complaints—filthy outhouses, polluted water, broken windows, bare mattresses, rats, tar paper shacks, cattle stalls converted into living quarters. And the saddest part of this sad story is that the state could have changed all this, but didn't.

In 1961, a total of 81,000 dollars in Federal money was given to the state to revise the state's model housing code. The revision included a new section on migrant housing, setting up standards for living space, safety and sanitary facilities that would have outlawed the kind of wretched migrant housing which is still permitted today. But in 1964 the code was suppressed. The Straus Broadcasting Group has obtained a copy of this secret document. We've learned that it is being rewritten again with the section on migrant housing taken out, leaving the migrants with no relief. A spokesman for the New York State Division of Housing and Urban Renewal has an explanation which adds up to six years of no action and a lot of wasted public funds:

SPOKESMAN. Copies of the draft were submitted to various state departments, including the Department of Health and the Department of Labor, and construction organizations and builder's institutes throughout the state. And the Department of Health and the Department of Labor advised us that they felt that the provisions providing for the improvement of migrant labor camps could best be achieved through the Sanitary Code and the Industrial Code administered by the Department of Health and the Department of Labor.

NARRATOR. Senator William Thompson of Brooklyn is Vice Chairman of the Joint Legislative Committee on Migratory Workers. He says it's politics which cut the migrants out of the model housing code.

THOMPSON. We appreciate radio stations, like WMCA, helping us focus attention on the plight of these poor people. However, I think we must be very realistic if we deal in a political situation such as this is. The Health officers and also some of the Labor Department officers, especially county labor officers and county health officers, are elected or appointed, and especially in these farm communities they are elected or appointed by farmers. Again I say the farmers have a voice but the migratory workers have no voice.

NARRATOR. David Pellish was the study director for the new comprehensive model housing code. He did not know it had been rewritten and the migrant housing section taken out.

PELLISH. I think it is a horrible development. It was in the original contract with the Federal government, and the state was required to go into that subject.

REPORTER. Why do you think that section was deleted?

PELLISH. Political reasons only. Everybody who sees a migrant labor camp knows that it's absolutely necessary to make improvements there. It's one of the most neglected areas in our society, and some of the conditions are far worse than any slum area in the central city.

NARRATOR. Andrew Anderson is a crew leader at Cutchogue labor camp on Long Island:

ANDERSON. We haven't had too much progress on housing. A lot of people did a lot of talking, but I ain't seen no building going up. But there's some smaller camps, looks better and more new, but on the average we could stand a whole lot of improvement for all the camps here.

NARRATOR. The state of New York doesn't want to improve migrant labor camps. The Federal government gave the state \$81,000 to develop decent housing standards for people who move from place to place and to pay special attention to housing for migrant workers. The state played games with this Federal assignment for six years. In 1964, it did complete a new model housing code. But then it kept the code a big secret, quietly rewrote it and deliberately dropped migrant housing from it. There's something brutal and cruel about a state which deliberately forces its harvest pickers to live in the worst slum housing within its borders—because of political pressure by their employers, because migrants can't vote here anyway and because, as Senator Thompson says, they have no one to speak up for them. WMCA calls on Governor Rockefeller to release the still secret, 1964 housing code to the public.

(Closing Music)

ANNOUNCER. You have just heard WMCA Special Item: "It Ain't No Place to Live In—The Story of Migrant Housing." written by Leon Lewis and Henry Walter, produced by Peggy Stockton, narrated by Oscar Rose. This has been a presentation of the Public Affairs Department of WMCA.

PART 15

FARM LABOR CAMPS

(Statutory authority: Public Health Law, § 225)

Sec.	GENERAL PROVISIONS	Sec.	
15.1	Definitions	15.12	Dishwashing
15.2	Application	15.13	Garbage; refuse
	STANDARDS		BATHING AND SWIMMING FACILITIES
15.5	Location, grounds	15.14	Bathing facilities
15.6	Housing, fire hazards; maintenance	15.15	Swimming pools, bathing beaches
15.7	Water		PERMITS; DUTIES OF PERMITTEE
15.8	Toilets, privies	15.20	Permit to operate
15.9	Sewerage	15.21	Notice of construction, enlargement, conversion
	PROTECTION OF FOOD AND FOOD SERVICE	15.22	Miscellaneous; duties of permittee
15.10	Kitchen, dining room, food handling		
15.11	Milk and cream		

GENERAL PROVISIONS

Section 15.1 Definitions. As used in this Part, the following words and terms shall have the indicated meaning:

(a) *Drinking water* shall mean water provided or used for human consumption or for lavatory or culinary purposes.

(b) *Dwelling unit* shall mean one or more rooms with at least sleeping, bathing and toilet facilities for the use of one family. All the facilities need not necessarily be in the same structure but all shall be under the control of the family.

(c) *Farm labor camp* shall mean a property consisting of a tract of land and all tents, vehicles, buildings or other structures pertaining thereto, any part of which may be occupied by persons employed as laborers in farm activities who are provided with sleeping facilities, in whole or in part, by the owner, lessee, or operator thereof, with or without stipulated agreement as to the duration of their stay, whether or not they are supplied with meals but who are supplied with such services or facilities as are necessary for their use of such property.

(d) *Farm activities* shall mean the activities carried out in connection with the production or processing of agricultural or horticultural products such as: fitting, planting, cultivating, harvesting, vining, sorting, grading, packing, storing, canning, freezing, dehydrating, bottling and preserving or treating by any method.

(e) *Permit issuing official* shall mean the health commissioner or health officer of a city of 50,000 population and over, or of a county or part-county health district, or the State district health officer, in whose respective jurisdiction a farm labor camp is located.

(f) *Person* shall mean an individual, group of individuals, partnership, firm, corporation or association.

(g) *Sewage* shall mean the waste from a flush toilet, bath, sink, lavatory, dishwashing or laundry machine, or the water-carried waste from any other fixture or equipment or machine.

15.2 Application. (a) The requirements of this Part shall apply to a farm labor camp occupied by five or more persons. In determining whether a certain property constitutes a farm labor camp within the intent of this Part, the farm owner or other persons occupying the property on an annual basis shall not be included in computing the number of persons occupying the property.

(b) The requirements of this Part shall not apply to:

(1) a private home, hotel, boarding house, lodging house or similar property which is regularly operated primarily for the occupancy of people engaged in some activity other than farm labor;

(2) a camp, such as a children's vacation camp which, as a part of its regular program or regime, carries on farm labor activities as a part of the activities of the occupants of the camp; and

(3) any other type of operation, occupancy or use of a property determined by the State Commissioner of Health as not being within the intent of regulation by this Part.

STANDARDS

15.5 Location, grounds. (a) [*Location.*] A farm labor camp shall not be located where adequate surface drainage is impracticable or where satisfactory disposal of sewage cannot be provided.

(b) [*Grounds.*] The grounds of a farm labor camp shall be maintained in a clean and reasonably dry condition.

15.6 Housing, fire hazards; maintenance. (a) [*General requirements.*] A building or structure of a farm labor camp shall be structurally safe, adequate in size for its use, easy to keep clean and shall have watertight roof and sides.

(b) [*Flooring required in tents.*] A tent or building for the use or accommodation of people shall have a satisfactory floor.

(c) [*Sleeping quarters.*] Adequate sleeping quarters shall be provided. For sleeping quarters in use at farm labor camps under permit prior to January 1, 1959, there shall be at least 30 square feet of floor area for each individual over the age of two years sleeping in a room or tent, provided, however, that if a double-deck bunk or bed is substituted for a single-level bed, cot or bunk there shall be at least 20 square feet of floor area for each individual using the double-deck unit, and provided further that in a house trailer furnished by a person other than the occupant, there shall be at least 20 square feet of clear floor area for each individual sleeping therein. After January 1, 1959, all new construction or new facilities provided for sleeping quarters must allow adequate space of at least 40 square feet of floor space for each individual over the age of two years; provided, however, that if a double-deck bunk or bed is used, there shall be at least 30 square feet of floor area for each individual using such double-deck unit. The required floor area in a room in a building, not in a tent or house trailer, shall consist only of that part of the floor area which has a clear height above it of at least five feet and at least 80 per cent of the required floor area shall have a continuously clear height above it of at least six feet six inches. The walls of sleeping space in a building shall extend from the floor to the ceiling or roof above the floor area or to at least 10 feet above the floor, and shall be of solid substantial construction. Every bed, bunk, cot, bed or bunk spring, mattress and pillow shall be in good condition and every sheet, pillow case, blanket or other bed cover, provided by the operator, shall be clean. In each sleeping quarters, a horizontal area, on a shelf or table, at least eight inches wide with a total area of at least 1.5 square feet shall be provided for each occupant thereof for the storage of his possessions. Sleeping quarters for a group of people of one sex shall be separate from the sleeping quarters for a group of the opposite sex. There shall be a clear space of at least 27 inches above the sleeping surface of a bed, bunk or cot.

(d) [*Light and ventilation.*] Adequate light and ventilation shall be provided for sleeping quarters, kitchens, dining rooms, mess halls, privies and toilet rooms, except those in tents. For sleeping quarters, kitchens, dining rooms and mess halls, in a structure or part of a structure constructed or converted subsequent to January 1, 1955, natural light through clear glass shall be provided by windows, transoms or skylights having a total area within the casements of at least 10 per cent of the floor area of the room. In such rooms used as a part of a farm labor camp which has been operated under a permit issued by the permit issuing official at any time between January 1, 1953 and December 31, 1954, this area shall be at least five per cent of the floor area. For a toilet room or privy this area shall have each dimension at least 18 inches and for a floor area in excess of 225 square feet, shall be at least five per cent of the floor area. At least one half of the required area shall be in outside wall area. If electric current is available in such a camp, at least one electric light outlet shall be provided in each sleeping quarters, kitchen, dining room, mess hall and toilet room. Natural ventilation shall be furnished in all such spaces by providing that at least 40 per cent of the area within casements required for light shall be capable of being opened. Where any such space extends to opposite outside walls at least 10 per cent of the area required to be openable for ventilation shall be in each outside wall. Cross ventilation in a sleeping quarters may be provided between a window in an outside wall and an opening, with provisions for closing, in an interior wall forming a part of a hall or an unoccupied space provided that the top of the opening is not higher than one half the distance between the floor and the ceiling or roof over the hall or un-

occupied space. Doors opening from a sleeping quarters directly to the outside of the structure shall not be considered a part of the area required to be openable for ventilation.

(e) [*Stoves.*] Where a stove or other source of heat is provided, it shall be installed in such a manner as to avoid both a fire hazard and a dangerous concentration of fumes or gas. The use of portable kerosene heaters shall not be permitted. In a room with wooden floor, there shall be a concrete slab, metal sheet or other fireproof material on the floor under any stove, extending 18 inches beyond the perimeter of the base of the stove. A wooden table or shelf supporting a stove shall be protected similarly for the same distance or to the edges of the stove supporting surface. Any wall or ceiling having a non-fireproof surface within 18 inches of a stove or stovepipe shall be protected by a metal sheet or other fireproof material. Stoves intended to be provided with a stovepipe shall have such stovepipe connected to the stove and discharging to the outside air or chimney. A vented metal collar shall be installed around a stovepipe in a wall, ceiling, floor or roof through which the stovepipe passes.

(f) [*Fire exits.*] A building in which people sleep or eat shall be provided with ready exit in case of fire and shall have at least two exits from each floor where there are sleeping quarters or a dining room. If sleeping quarters are provided above the ground floor, at least one outside exit from floors above the ground floor shall be required, unless exempted in writing by the permit issuing official. A window capable of being opened to provide an open area, each dimension of which is at least two feet four inches and with the lower edge of the opening not more than 14 feet above the ground beneath the window, may constitute a required exit, if approved by the permit issuing official. Every sleeping quarters in which 10 or more individuals sleep shall have at least two doors opening to the outside of the building or to an interior hall. Where flights of stairs extend beyond more than two occupied floors in a building, there shall be a self-closing door at both the lower and upper end of each flight of stairs between two floors. Such doors shall swing in the direction of exit travel. The flights of stairs shall be enclosed within smoke-tight walls. The floor area from any interior door through the building to an outside exit of the building, except for any required intervening door, shall be maintained free and clear.

(g) [*Sanitary condition.*] A tent, vehicle or building shall be maintained in a clean, sanitary condition at all times.

(h) *Fire-resistant construction required (new construction).* After January 1, 1959, all new construction, additions, conversions or replacements of buildings to be used for sleeping quarters which will be occupied by 15 or more persons shall be of fire-resistant construction. In the case of farm labor camps which were not under permit in 1958, all buildings used for sleeping quarters occupied by 15 or more persons must be of fire-resistant construction. Fire-resistant construction shall be at least equal to Type 4-a or Type 5-a construction as indicated in the State Building Code Applicable to Multiple Dwellings [9 NYCRR Subtitle S, Chapter I, Subchapter B] with the exception that, in the case of Type 4-a construction where concrete or cinder block is used, the fire-resistance rating of all exterior wall may be reduced from two hours to one hour. As used in this Part, a tenant space as referred to in the State Building Code Applicable to Multiple Dwellings shall be the space occupied by a family or by five other persons. The permit issuing official may grant an exemption in writing to the requirement for fire resistant construction between such a limited number of tenant spaces as in his judgment may be warranted where these are located in one story buildings having direct outside exits from each sleeping quarter.

(i) *Fire-resistant construction; size of camps.* All buildings used for sleeping

quarters occupied by 15 or more persons are required to be of fire resistant construction on and after the dates set forth in the following schedule:

<i>Camps occupied by:</i>	200 or more persons—	Jan. 1, 1962
	150-199 persons—	Jan. 1, 1963
	100-149 persons—	Jan. 1, 1964
	50-99 persons—	Jan. 1, 1965
	25-49 persons—	Jan. 1, 1966
	15-24 persons—	Jan. 1, 1967

(j) [*Heating.*] All rooms occupied between October 1 and May 1 must have heating facilities which are properly vented and shielded and capable of maintaining a minimum temperature of 68 degrees Fahrenheit in each occupied room. Satisfactory heating facilities may be required by the permit issuing official at camps which are occupied at times other than noted above when the room temperature falls below 68 degrees Fahrenheit.

(k) [*Screening of exterior openings.*] Effective screening against mosquitoes and house flies shall be required for all windows and exterior openings of living quarters.

Historical Note

Subd. (h) amd., filed Jan. 16, 1963 to be eff. Jan. 1, 1963. Deleted "a total of three or more families or" after "will be occupied by", "three or more families or" after "quarters occupied by"; added "Fire-resistant construction shall be at least equal to"

to end of subd.

Subd. (i) amd., filed Jan. 16, 1963 to be eff. Jan. 1, 1963. Deleted "three or more families or by" after "occupied by"; substituted "on and after" to end of chart for "at farm labor camps * * * 200 or more."

15.7 Water. (a) [*Minimum standards.*] Drinking water shall be adequate in quantity, of a quality satisfactory to the permit issuing official and shall be readily available to occupants of the property. Only drinking water shall be so delivered or piped as to be easily accessible. Only during the first year that a shortage of the piped or pumped supply of drinking water exists, shall the delivery of water in a portable container be permitted, provided the water as drawn from the container has a residual chlorine content of at least 0.3 parts per million. There shall be available during every day that the camp is occupied at least the following quantities of water: for drinking, cooking, lavatory and bathing purposes, six gallons per occupant; for dishwashing in sinks, four gallons per occupant plus one gallon for each meal furnished non-occupants; for dishwashing in machines, as approved by the permit issuing official; for a flush toilet, 10 gallons per occupant using the toilet; for miscellaneous use, five gallons per occupant; and, at least 20 per cent of the required total daily volume shall be available for use during any one hour period.

(b) [*Protection against pollution.*] A well or spring used as a source of drinking water and a structure used for the storage of drinking water shall be so constructed and located as to protect the contents against pollution. A pipe or pump delivering drinking water shall be of a type and installation acceptable to the permit issuing official.

(c) [*Connections prohibited.*] There shall be no physical connection between a pipe carrying drinking water and a pipe carrying water not of a quality satisfactory to the permit issuing authority. A fixture, installation or equipment from which back-siphonage may occur, shall not be supplied water from a pipe carrying drinking water.

(d) [*Drinking facilities.*] A common drinking utensil shall not be provided or allowed to be used. Any drinking fountain shall be of approved sanitary design and construction.

(e) [*Reports on water treatment.*] Where a water treatment process is employed, accurate and complete reports on the operation thereof shall be maintained daily and submitted at least monthly to the permit issuing official on a form supplied by him.

(f) [*Interruptions, changes in treatment.*] Any interruption in treatment of a drinking water supply shall be reported immediately to the permit issuing official. No change in the source of, nor in the method of treatment of, a drinking water supply shall be made without first notifying the permit issuing official and securing his approval to do so.

15.8 Toilets, privies. (a) [*General requirements.*] Toilet facilities adequate for the capacity of the farm labor camp shall be provided. These facilities shall be so located as to be conveniently available and shall be so constructed and maintained that they will not be offensive. Toilet facilities for groups of people consisting of both sexes, except those for not more than two family groups, shall be so arranged that the facilities shall be separate for each sex. Toilet facilities shall be so located as to be accessible without any individual passing through any sleeping room other than one occupied by his own family.

(b) [*Location, construction.*] A privy shall be so located and constructed that it will not by leakage or seepage possibly pollute a water supply, surface water or adjacent ground surface and shall be constructed in accordance with the requirements of the State Department of Health and shall be maintained so that it will not permit access of flies to the privy vault.

(c) [*Minimum standards; prohibitions.*] There shall be at least the following: one toilet or privy seat for each 20 men or less in the camp; one urinal or two lineal feet of urinal trough for each 15 men or less in the camp, and one toilet or privy seat for each 15 women or less in the camp, provided that in determining the above number of men and women, those family groups which have toilet facilities in a toilet room connected to their own sleeping room shall not be considered. Urinals shall not be required as toilet facilities in a dwelling unit. The required toilet facilities shall be within 200 feet, by walking distance, of a door of each sleeping room. No flush toilet fixture or urinal shall be in a sleeping room. No privy shall be within 50 feet of any sleeping room, dining room, mess hall or kitchen.

15.9 Sewerage. (a) [*General requirements.*] Facilities shall be provided and maintained for the satisfactory disposal or treatment and disposal of sewage.

(b) [*Submission of plans.*] A plan for proposed new or modified facilities for the satisfactory disposal or treatment and disposal of sewage shall be submitted to the permit issuing official.

(c) [*Permit or approval.*] A permit or approval in writing for the discharge of sewage or sewage effluent as provided by the plans shall be obtained from the permit issuing official or from the State Commissioner of Health.

(d) [*Construction.*] No construction shall be commenced for new or modified facilities for the treatment or disposal or the treatment and disposal of sewage until such permit or approval in writing has been received by the permittee. Construction shall be in accordance with the approved plans.

(e) [*Untreated sewage.*] The presence of untreated sewage on the surface of the ground shall not be allowed.

Historical Note

Subd. (b) amd., filed Oct. 10, 1962 to be eff. Jan. 1, 1963. Added catchline; deleted ", or if" through end of sentence.

Subd. (c) amd., filed Oct. 10, 1962 to be

eff. Jan. 1, 1963. Added catchline; substituted "State Commissioner of Health" for "Water * * * Law".

PROTECTION OF FOOD AND FOOD SERVICE

15.10 Kitchen, dining room, food handling. (a) [*General requirements.*] Wherever milk, cream, food or meals are furnished or offered for sale in a farm labor camp, adequate provisions shall be made for sanitary storage, handling and protection of food and milk supplies until served or used.

(b) [*Location, equipment.*] A kitchen or dining room shall be separate from a toilet room and shall be screened against mosquitoes and house flies. A kitchen shall be separate from a sleeping room and shall not be used as a sleeping room. Equipment shall be adequate for satisfactory use of the kitchen or dining room and shall be kept clean and in good repair and operating condition.

(c) [*Space required in single room quarters.*] Where food storage, preparation or service is necessarily carried out in single room quarters occupied by a family, space for such purposes shall be provided in addition to the space required for sleeping purposes. In addition to the floor area required for sleeping purposes and, in addition to the floor area required for the stove, there shall be at least six square feet of floor area for each individual consuming food in the room during a meal period.

(Whereupon, at 2:15 p.m., the subcommittee adjourned subject to call of the Chair.)





