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# MIGRATORY LABOR LEGISLATION

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## HEARINGS

BEFORE THE

COMMITTEE ON MIGRATORY LABOR

OF THE

COMMITTEE ON  
LABOR AND PUBLIC WELFARE  
UNITED STATES SENATE

NINETIETH CONGRESS

SECOND 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

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Part 4

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Appendix III

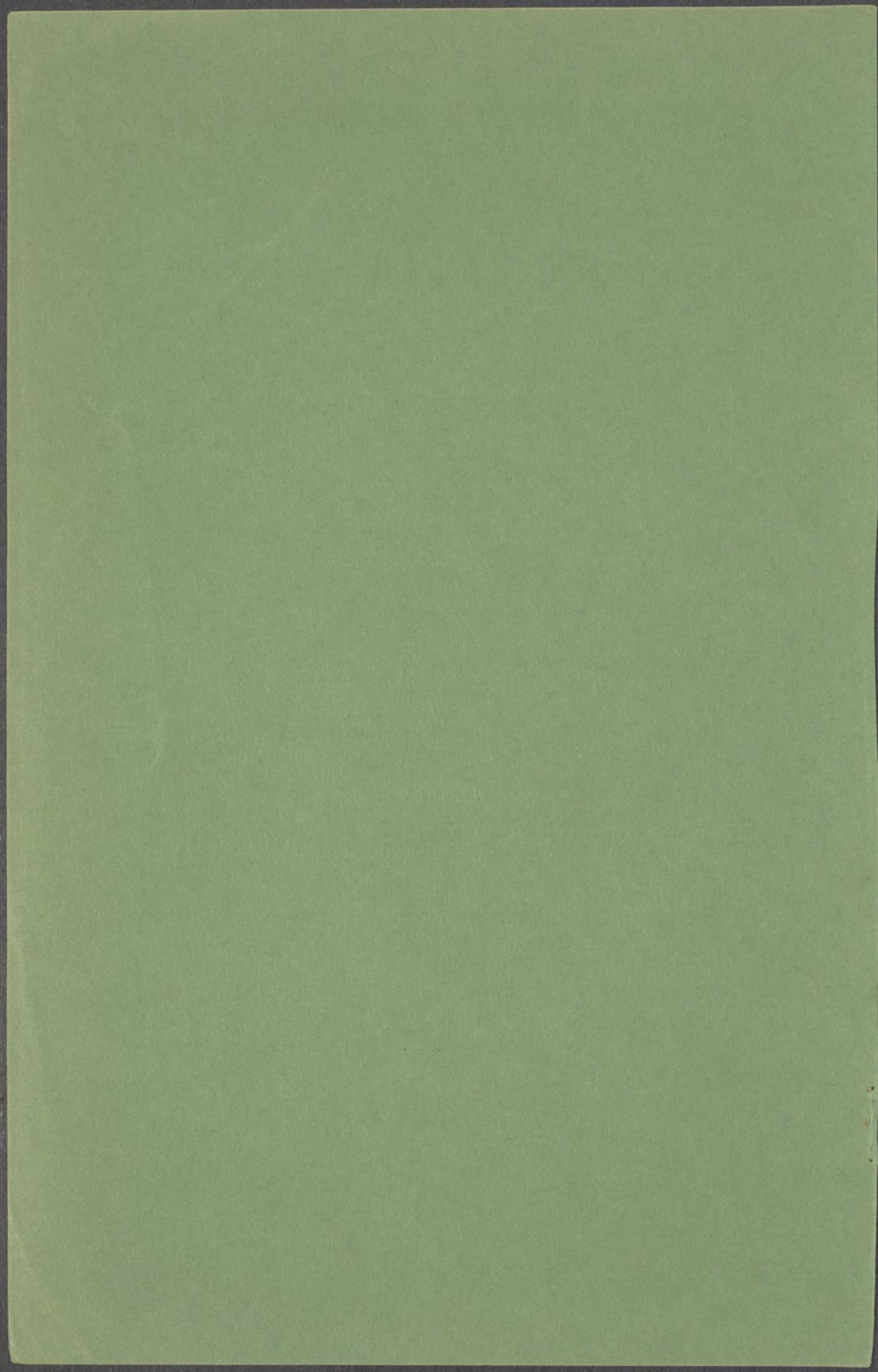
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Printed for the use of the Committee on Labor and Public Welfare



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**Part 4**

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**Appendix III**

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U.S. GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1968

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# MIGRATORY LABOR LEGISLATION

## APPENDIX

U.S. SENATE,  
COMMITTEE ON APPROPRIATIONS,  
*Washington, D.C., August 19, 1968.*

HON. HARRISON A. WILLIAMS, JR.,  
*Chairman, Subcommittee on Migratory Labor,  
Senate Labor and Public Welfare Committee, Washington, D.C.*

DEAR PETE: This is in furtherance to your offer, contained in your letter of July 30, to receive, and have printed as an appendix to the record now in being, statements from agricultural interests in Florida, regarding S. 8, a bill to make the National Labor Relations Act applicable to agriculture. Your letter was in response to my letter of June 26, 1968, to the Chairman of the Labor and Public Welfare Committee regarding the possibility of holding hearings on the legislation in Florida.

As I informed you in my letter of August 2, 1968, I contacted interested parties in Florida advising them of your offer. I have now received the enclosed statements from Mr. Joffre C. David, Secretary-Treasurer, Florida Fruit and Vegetable Association, and Mr. Robert W. Rutledge, Executive Vice President, Florida Citrus Mutual, strongly opposing the enactment of S. 8, and which, I believe, furnish very valid and cogent reasons for their opposition.

I will appreciate your having these statements printed as an appendix to the record and I respectfully request that the appendix be made available to the full Committee prior to its further consideration of S. 8.

With kindest regards, I remain  
Yours faithfully,

SPESSARD L. HOLLAND.

FLORIDA CITRUS MUTUAL,  
*Lakeland, Fla., August 6, 1968.*

Senator SPESSARD L. HOLLAND,  
*Old Senate Office Building,  
Washington, D.C.*

DEAR SENATOR HOLLAND: On behalf of the more than 15,000 citrus grower members of Florida Citrus Mutual, I want you to know that we are strongly opposed to bringing agricultural labor under the provisions of the National Labor Relations Act as now being proposed in S. 8 and H.R. 16014.

If this legislation becomes law, it will lead to a disastrous disruption of the orderly harvesting of our future citrus crops in Florida, which this season had a retail value of \$1 billion and an on-tree value to growers of over \$300 million. Florida produces  $\frac{1}{4}$  of all of the oranges and tangerines grown throughout the world and produces over  $\frac{2}{3}$  of the world's grapefruit. Our total citrus acreage in Florida is now nearly one million acres and we anticipate rapidly increasing orange crops over the next 10-15 years.

The Florida citrus industry has worked diligently to help overcome its worker shortages, and in 1960 formed the Citrus Industrial Council to help the Florida Fruit & Vegetable Association in recruiting additional domestic harvesting workers. The entire industry has much to be proud of in the improved housing conditions for migrant workers, the substantially improved wage scale, and the better utilization of the 20,000-25,000 harvesting workers that are employed during the peak months. Average wages this past season for harvesting workers was \$2.30 per hour, and the previous year it was \$2.12 per hour. Even with these good earning opportunities, it is difficult to attract sufficient harvesting labor, and there are likely to be shortages this coming season.

Florida Citrus Mutual does not believe the agricultural worker in the Florida citrus industry is interested nor would benefit from inclusion under the National Labor Relations Act and we believe this would only lead to severely disrupted harvesting of the crop, to higher consumer prices, and to some loss in our com-

petitive position in world markets. I truly believe that some marginal workers would not be employed, thus increasing the financial burden of the public.

Further, a strike of pickers at the peak of crop maturity would virtually wreck the Florida citrus industry and result in severe shortages of citrus products to the consuming public. As in all of agriculture, our crops must be harvested when they reach certain maturity levels, especially such specialty citrus fruits as tangerines, temples, tangelos and murcotts. With the bulk of our orange crop utilized for frozen concentrate, the peak harvesting months are January, February, April, and May, because of the need to pick the fruit at its peak of maturity. As you well know, if citrus fruit becomes over-ripe, it will drop on the ground, or if it remains on the tree, it loses its acid content and makes a poor processed product. Also, the constant danger of freezes during December, January, and February make it urgent for certain crops in the northern growing area to be picked as early as possible. If a severe freeze should occur in these months, such as happened in 1957 and 1962, everything depends on the quick harvesting of freeze damaged oranges if they are to be satisfactorily processed before they spoil.

Organized labor will counter by taking the position that they understand the growers' plight at the time of harvest and that they will agree, as they have in other annual crops, to re-negotiate a new contract for the ensuing year during the off-season. From a practical standpoint, organized labor will begin such negotiations during the off-season, but with agreements never being reached until the eve of or at the time of actual crop maturity. Therefore, the growers' argument concerning the threat of strike at the time of maturity is quite valid in spite of the claims made by labor.

While the House Bill (H.R. 16014) would exempt those growers who employ less than 12 persons or have labor costs of less than \$10,000 this would make no difference whatever to the Florida citrus grower. Individual citrus growers are generally not employers of picking labor since they either market their fruit through cooperatives who hire the harvesting labor, or sell their fruit for cash on the tree to intermediate harvesters who, in turn, employ pickers. Even in the hiring or grove labor, this is usually done by a cooperative or a caretaking organization, and only rarely does a grower employ his own grove labor. However, I should point out that it is the grower who will bear the brunt of losses due to any labor problems as stated above.

You can be assured that the Florida citrus industry will do all it can to continue to attract harvesting labor to Florida for our increasing crops through good wages, improved housing, and better picking aids to increase productivity of workers.

I urge that you oppose the passage of Senate Bill 8 since I believe it would not only disrupt the Florida citrus industry, but would seriously affect the economy of Florida and the availability of plentiful citrus fruits and products to the entire Nation.

Most cordially,

ROBERT W. RUTLEDGE,  
*Executive Vice President.*

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FLORIDA FRUIT & VEGETABLE ASSOCIATION,  
*Orlando, Fla., August 13, 1968.*

HON. SPESSARD L. HOLLAND,  
*U.S. Senate, Old Senate Office Building,  
Washington, D.C.*

DEAR SENATOR HOLLAND: The Florida Fruit & Vegetable Association represents over 4,500 producers of vegetables, sugarcane, citrus, and tropical fruits from virtually all major agricultural areas of the State of Florida. On behalf of these producer members of perishable agricultural commodities who have expressed their profound concern, we wish to register FFVA's strong opposition to S. 8 and H.R. 16014 which, if enacted, would extend coverage to agricultural workers under the National Labor Relations Act. This legislation is highly controversial, as evidenced by the protests of record from national farm organizations, the Chamber of Commerce of the United State, and many other groups throughout the country.

Agriculture returns more than a billion dollars per year in market receipts to Florida's agricultural producers whose principal costs are wages. When considered from the standpoint of the agri-business complex, this accounts for more

than 4.5 billion dollars annually in the economy of the State of Florida, surpassing tourism as Florida's number one commodity. Over 60% of the value of Florida's agricultural products is attributable to the producers of vegetables, citrus, sugarcane, and tropical fruits. Producer-members of this Association grow a majority of the fruits, vegetables, and sugarcane grown in the State of Florida.

In 1967, Florida agriculture utilized an average of 116,000 workers according to "Farm Labor," a publication of the United States Department of Agriculture. The low point in labor utilization was July when 81,000 were used and the high was in January when 143,000 were utilized. In December, 1967, agriculture in Florida used 128,000 workers. Of these workers, an average of 36,000 were "family type" workers and an average of 80,000 were "hired" workers. Family type workers varied from a low of 31,000 in June to a high of 50,000 in September. Hired farm workers varied from a low of 49,000 in July to a high of 105,000 in January. There were 95,000 hired workers in Florida agriculture in December of 1967. This increased to 103,000 in February of 1968.

The inclusion of agricultural workers under the provisions of the National Labor Relations Act would indirectly affect all of Florida's agricultural workers but would most directly affect the "hired" farm workers of which there was a peak of 105,000 in Florida agriculture in 1967. Exclusions as included in H.R. 16014 based on a minimum number of twelve employees or on a minimum yearly labor cost of \$10,000 would not materially reduce the numbers of farm workers in Florida who are included in the category of "hired" farm workers and who would be extended coverage under the NLRA if S. 8 or H.R. 16014 were passed. The vast majority of "hired" farm workers in Florida is used on farms which would not be excluded under the proposed legislation.

The Congress, in all its wisdom, originally excluded agricultural labor from the provisions of the National Labor Relations Act (NLRA) in 1935. When major revisions of the NLRA were made in 1947 and again in 1959, Congress again saw fit to continue the exclusion of agricultural labor from the provisions of the Act. The major reasons for the exclusion are as valid today as they have been in the past.

The perishability of agricultural commodities has not changed to any great extent. Agricultural technology has advanced tremendously during the past 33 years since the NLRA was originally passed in Congress. However, there has not been sufficient progress made in the field of growth retardation or retardation of the maturing process to be of significant help in holding a ripe field of fruits or vegetables at a particular point in maturity while negotiations are held with Union representatives over wages and working conditions. The crops would rot in the fields and the grower's complete investment, and possibly his life savings, would be lost in a matter of a few days' delay in harvesting. This alone places agricultural producers, and particularly Florida producers who grow an exceedingly high percentage of their vegetable and fruit crops for the fresh market, in an entirely individual and unique position in comparison to other industries covered under the NLRA.

Because of the perishability of our products, there already is a built-in inequality of bargaining power between farmers and Unions. Workers and crew leaders already have tremendous bargaining power over farmers in the area of wages and working conditions without the added burden of compliance with the provisions of the NLRA. The continuing shortage of agricultural workers also has placed a premium on their services. Giving Unions the additional power dictated by the NLRA over farms would completely destroy any semblance of equality in bargaining between Unions and farmers. This inequality in agriculture would be much more pronounced than the pro-labor inequalities that other industries have been vehemently protesting during recent years and which have resulted in the introduction of legislation to restore some semblance of balance in labor-management relations in the United States. The legislation initiated in the Senate this Session to establish a Federal Labor Court has been construed in many quarters as an expression of dissatisfaction with the obvious pro-Union decisions that have consistently been rendered by the National Labor Relations Board.

Agriculture is the life-blood of all American people. A widespread strike at harvest time by Unions could do considerable harm to this great nation of ours. A Civil Defense study a few years ago concluded that at NO time was there more than seven days supply of fresh fruits and vegetables en route from the producer and available to the consumer through normal channels of distribution. Past experience with strikes in industries where even the public interest was at stake gives much room for concern.

Coverage of agricultural workers under the NLRA would greatly increase both the incidence and severity of strikes involving farm workers. This would not be in the best interest of the American people. Union leaders have claimed that coverage of farm workers under the provisions of the NLRA would lead to "labor peace" in American farming. Mr. Walter Reuther in his testimony before the Senate Subcommittee on Migratory Labor on July 13, 1967, stated that "... farm industries will have more labor peace, not less, once farm workers are organized..." Experience in other industries has shown that Unions and unionization is not the panacea for labor-management problems that Mr. Reuther claims. On the contrary, during the first six months of 1968 there were 24.7 million man-days of work lost due to strikes. This is double the loss in man-days for the comparable period in 1967. The total man-days lost due to strikes in 1967 was *four times* as much as in 1961. These figures compiled by the United States Department of Labor do not indicate that unionization is reducing labor problems in industry. We don't believe Unions would have any better results in reducing labor-management problems in agriculture than they do in other industries. On the contrary, we firmly and sincerely believe that labor problems would increase with the intrusion of Union participation in the normal interplay between agricultural workers and agricultural employers.

Inclusion of agricultural workers under the provisions of the NLRA would not materially benefit the great majority of agricultural workers. Farmers could rightfully expect that their labor costs, both direct and indirect, would increase and they could expect more labor disputes. Both of these conditions would force farmers to substitute capital for labor as soon as possible. Part of this substitution of capital for labor would be in investment of labor-saving equipment and accelerated mechanization wherever possible. Another effect would be in the switching of crops to those which do not require a great need for labor. This has happened already to some extent in the southeastern section of Florida where acreage devoted to strawberries and trellis tomatoes a few years ago is now being used for hay and rice. Whether growers switched to other crops or used increased mechanization, the result on farm labor would be the same—less work available for farm workers. It is our opinion that more workers would be hurt than helped in the long run, particularly marginal agricultural workers who are the least productive of all American labor and who would find it difficult to obtain jobs in other industries. This certainly would not end the "War on Poverty."

Recent studies at the University of Chicago have indicated that increases in wage rates have the most adverse effect on the young people just coming into the labor market, and the older people who are no longer fully productive. Reduction in use of farm workers, particularly the young and old, would only add to the many problems already being experienced by our overly congested cities and would certainly not help the manpower requirements needed to produce and harvest our crops.

Florida is a "Right-to-Work" State and we sincerely hope that this will not change. However, should changes in national legislation alter this and also alter the present exclusion of agricultural workers under the NLRA, many of the other onerous provisions of the NLRA would befall agricultural workers and growers. Under the provisions of the NLRA, growers could, in order to avert imminent labor problems at the critical harvest time, agree in advance to Union representation rights for their workers and any subsequent employees would be subject to become Union members after seven days of employment. The workers themselves would not have been given the right to decide whether they wished to belong to a Union or not or to have Union dues deducted from their wages. We need greater protection for our workers against excessive Union power and more protection to give workers the right to work without being forced to join a Union and pay Union dues. The provisions of S. 8 seem to be designed for the benefit of the Unions and not the workers.

The growers also could be forced to go through the Unions in order to obtain additional labor during a time of need. This situation could well spell disaster for a grower with crops to harvest if the Unions decided on additional demands. We believe the inclusion of farm workers under the NLRA would be a poor substitute for the present freedom experienced by agricultural workers under existing systems of labor utilization. Additionally the deduction of compulsory Union dues could only add to the problems of the marginal worker and his "take-home" pay.

Unionization of farm workers could also affect the ability of growers to operate their farms as efficiently as possible, particularly with respect to utilizing laborsaving devices. Strikes and labor disputes to prevent the adoption of technological improvements or laborsaving equipment is not uncommon in industry. This would be disastrous in agriculture where increases in cost of production cannot be successfully passed on to the consumer and where mechanization as a means of keeping production costs down may be the only answer to a grower's continued existence.

The inclusion of farm workers under the provisions of the NLRA will increase the direct and indirect cost of labor in farming. There is no doubt that the cost of direct wages would increase at least over the short run and would have an exceedingly disruptive effect on the economics of farm operations. The indirect labor costs would also increase because of the need for legal assistance by highly specialized and expensive attorneys who are familiar with labor law and the ramifications of the NLRA in particular. More and more Union elections are being contested because of claimed violations of technicalities found in the NLRA. Only an individual with constant and long experience with the NLRA can keep up with the changes being made in interpretation of the law almost daily by the National Labor Relations Board with its broad powers.

This legal assistance is not generally available to the smaller farming communities and is very expensive. This would be an added cost of production which would be particularly hard on the smaller farmers who are already being hard pressed to make ends meet and who have been dropping by the wayside in American agriculture at an alarming rate. The number of farms in the United States have decreased steadily from 5.647 million in 1950 to 3.059 million in 1967. We believe the passage of S. 8 or a similar bill would accelerate the demise of the small farmer even more than is now being experienced.

It has been stated that the small farm would not be affected if only the larger farms were included under the provisions of the NLRA as provided in H.R. 16014. This is pure illusion. Any increase in wage rates or other benefits by larger growers must be complied with by the smaller growers who compete in the same labor market area for the same workers. Any added burdens placed on growers by inclusion of farm workers under the NLRA would affect the smaller farmers more than the larger farmers. Production costs for small farmers, including labor costs, are generally higher per unit produced than for large farmers. Any drastic increase in labor costs whether direct or indirect will more severely affect the smaller farmer. Unionization of the larger farmers would be followed closely by unionization of the small grower. The economic base built up by unionization of the larger grower would be used to finance the organization of all workers. With the constant interchange of workers between farmers in the same labor market area, it would be relatively easy to plant Union sympathizers on the smaller farms to strike, boycott, or otherwise harass the grower. Whether small farmers were excluded from the provisions of the legislation to include farm workers under the NLRA or not, the effect would be the same on all farmers in an area, large or small.

Florida agriculture is in an exceedingly vulnerable position with regard to competition for its products from neighboring foreign countries, particularly Mexico. Florida, more so than any other state in the United States, is in direct competition with Mexican production throughout most of its growing season and this competition is expected to accelerate as the costs of producing agricultural commodities increase in the United States.

The Florida Fruit & Vegetable Association must oppose any action that would encourage more foreign agricultural products being imported into the United States from low-wage countries without adequate protection for the Florida agricultural producer. In our estimation the inclusion of agricultural workers under the NLRA would encourage more foreign agricultural products being imported into the United States because of the increased cost of production on American grown fruit and vegetable crops. Cost of production on agricultural products grown in the United States has increased considerably during the past few years. These increases are attributable in part to an increase in labor costs. Florida has been no exception in showing increases in cost of production including increases in cost of labor.

Average farm wage rates have increased in Florida over 45% during the last eight years of record, according to the United States Department of Agriculture, which is equal to the percentage increase nationally for the same period. Wages paid in fruits and vegetables have increased more notably particularly in the case

of piece-rate workers. Fruit pickers in citrus last year averaged \$2.30 per hour and vegetable harvest workers were making from \$20 to \$30 per day during this past season in such crops as tomatoes, sweet corn and watermelons for a ten-hour day, which on an hourly basis would show a range of from \$2.00 to \$3.00 per hour. The increases in wages paid to agricultural workers in Florida have come in a natural and orderly manner based primarily on supply and demand with growers practicing extensive recruitment of domestic workers throughout the southeastern United States. Furthermore, it should be fully recognized that agricultural workers are now protected by the provisions of the Fair Labor Standards Act which provides for a minimum wage which will go to \$1.30 on February 1 of this coming year, and that sugarcane workers are protected by the provisions of the Sugar Act which provides for a minimum of \$1.45 per hour at the present time.

Farm production expenses are up from previous years. In 1967, a total of 81% of the cash receipts from farm marketings were used for production expenses, up from 64% in 1950. Farm production costs are rising more rapidly than farm prices. Net farm income in 1967 for the United States was down 11.3% below 1966. With this cost-price squeeze on growers, the added impetus of accelerating labor costs would undoubtedly force even more growers out of the production of agricultural crops in the United States. To Florida farmers who must compete directly with farm products produced in the low-wage countries such as Mexico, this would be disastrous.

During the winter months, Florida is one of only a few states that has the climate necessary to produce vegetables and fruits for the American housewife. With the increase in population in the United States, it would be natural to assume that our production of fruits and vegetables as measured by the interstate shipments should also increase. This has not been the case and United States Department of Agriculture figures reflect that during the seasons starting with 1959-60 and ending with 1967-68 carlot equivalent shipments of fresh fruits and vegetables from Florida have only varied from a low of 171,728 carlot equivalents during the 1963-64 season to a high of 184,420 carlot equivalents during the 1961-62 season with no trend toward increased shipments evidenced.

On the other hand, figures on imports of fresh fruits and vegetables from Mexico show a much different trend, particularly in the high labor-using crops. For instance cucumber imports from Mexico show an increase from 17.7 million pounds in the 1963-64 season to 59.5 million pounds during the 1966-67 season. Tomato imports from 245.1 million pounds in the 1963-64 season to 369.9 million pounds during the 1966-67 season. Fresh strawberry imports increased from no significant imports in the 1959 season to 9.78 million pounds in the 1965 season and to 18.72 million pounds in 1966. Another great concern to Florida growers is the threat of citrus importation from Mexico in future years based on their increase in tree count from 12.35 million trees in 1957 to 34.9 million trees in 1965.

With this direct competition from low-wage countries and the magnitude of its future threat facing our growers, FFVA must oppose any action that would further accelerate our production costs and place our growers in an even more disadvantageous position in relation to our foreign competition.

The Florida Fruit & Vegetable Association strongly urges that you continue to oppose any legislation that would impose the provisions of the National Labor Relations Act in any manner on either agricultural labor or agricultural producers.

Sincerely yours,

JOFFRE C. DAVID,  
*Secretary-Treasurer.*

