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FAIR LABOR STANDARDS AMENDMENTS OF 1971

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON LABOR

OF THE

COMMITTEE ON
LABOR AND PUBLIC WELFARE
UNITED STATES SENATE

NINETY-SECOND CONGRESS

FIRST SESSION

ON

S. 1861 and S. 2259

BILLS TO AMEND THE FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED, AND FOR OTHER PURPOSES

AND RELATED BILLS

JULY 22, AND SEPTEMBER 16, 1971

PART 4

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

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INFORMATION
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FAIR LABOR STANDARDS AMENDMENTS OF 1971

THURSDAY, JULY 22, 1971

U.S. SENATE,
SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to call, at 2:15 p.m., in room 4232, New Senate Office Building, Senator Harrison A. Williams, Jr., (chairman of the subcommittee) presiding.

Present: Senators Williams and Schweiker.

Commitee staff members present: Gerald M. Feder, counsel; Douglas R. Earle, associate counsel; Peter C. Benedict, minority labor counsel; and Eugene M. Mittelman, minority counsel.

The CHAIRMAN. All right, we will begin hearings on S. 1861 and S. 2259.

I apologize that we are beginning a little late. We have a full schedule for the afternoon beginning with Mr. Thomas Donahue, first vice president of the Service Employees International Union, together with Richard E. Murphy, assistant to the president.

Gentlemen, thank you for being with us. We are pleased to have your statement.

STATEMENT OF THOMAS R. DONAHUE, FIRST VICE PRESIDENT, SERVICE EMPLOYEES INTERNATIONAL UNION; ACCOMPANIED BY RICHARD E. MURPHY, ASSISTANT TO THE PRESIDENT

Mr. DONAHUE. I am Thomas R. Donahue, first vice president of the Service Employees International Union, accompanied by Mr. Richard E. Murphy, assistant to the president of SEIU. We are appearing on behalf of our general president, George Hardy.

We have a statement on behalf of the union which, if you would agree, I would submit for the record, and then make general comments on it or paraphrase it.

The CHAIRMAN. All right, we will be pleased to do it that way. It will be included in full in the record at the end of your testimony.

Mr. DONAHUE. Our union represents more than 450,000 service workers in public and private employment, commercial apartment buildings, hotels, theaters, many kinds of establishments which are the subject of the provisions in your S. 1861.

I would like to offer at the outset our congratulations and applause to you on the revisions you have proposed and commend you and the other members of the subcommittee for your efforts in the past and your long and continuing interest in the welfare of the low wage workers of our Nation.

I would like to comment just briefly on the proposed levels of a minimum wage. It is our view that no one should have to work in the United States today for less than $2.50 an hour, because we don't believe anyone can care for himself or for his responsibilities on less than that amount.

In terms, however, of the practicalities of the task of this subcommittee, we are not going to press that position and associate ourselves instead with the testimony of the AFL–CIO, which you already had and urge that you recommend an immediate increase in the level of the minimum wage to $2.00, an increase to $2.25 a year later, and $2.50 the following year.

There is no need, I am sure, to repeat all the economic arguments that have been made and the need for those adjustments, Mr. Chairman, except to note the deterioration of more than 23 percent in the real wage value, or the real dollar value of the $1.60 minimum wage and the need for an increase of about 14 cents to make up for that deterioration which has resulted from the increasing costs of living.

In terms of the newly covered employees, we would urge their inclusion, Mr. Chairman, at the same level as all other workers, and not at lesser levels which simply extend their poverty and their current exploited state for another 3 years. We think that is particularly true in the case of the employees of State and local governments. We think that such subminimum rates have no validity in State and local government.

The Secretary of Labor, in his testimony, argued against the inclusion of State and local government, but even he in his report to the Congress urged that if they were to be covered it should be done at the same rate as the hospitals and school employees who have been covered since 1966.

I just note that when those hospital and school employees were first covered in 1966, all of the prophets of doom and all the nay sayers said this would inevitably have a dominant effect and the imposition of the $1.60 minimum to the State school and hospital employees would affect all of the other State and local government employees, and they would also have to receive the same increase.

I don't know if that was true or not, but if they were right then they can't be right now. If it had that effect in 1966, then it can't have very much impact to cover the rest of those employees in this point.

In terms of that extension of coverage for public employees, we think that is an important extension. It is clear that the questions of constitutionality are long since resolved. In that same report in January of this year the Secretary noted 80 percent of all State and local governments by March of 1970 were paying at least $1.60, and only three and a half percent of the 2.6 million then excluded employees earned less than $1.60. That was at a point in time when the minimum rate for covered employees in the hospitals and schools was $1.45. Now, certainly a year later that percentage must have been reduced somewhat from the three and a half quoted by the Secretary. It seems to me the conclusion is inevitable that the impact of extending coverage to the remaining nonsupervisory public employees is certainly minimal.

I would note his statistics that there may be a number of local government or local governmental units which would be affected by such

coverage, but the numbers of workers involved is still less than 3 percent of the total public employee work force. In terms of the provisions for repeal of the overtime exemptions, we have commented on those exemptions or the proposal to revise those exemptions in our testimony in terms of those industries in which our members work. We have addressed ourselves to the hotel and motel industry and noted that in 1970 that industry had over 750,000 employees and total receipts of over $7 million.

I think, Mr. Chairman, that the members of your subcommittee have to ask themselves why there has to be an overtime exemption in that sized industry, or why the types of employees in that industry must be included in the calculation of a minimum wage. It seems to me that many years ago there used to be a kind of "Huckleberry Finn" concept in the restaurant or hotel business under which the employer gratiously allowed someone to work there for nothing and accept whatever gratuity he was given by grateful clients. That concept has long since gone, and I think it is time it was rooted out of the Fair Labor Standards Act.

In terms of theaters, a similar argument could be made. 144,000 employees, receipts exceeding $1 billion last year. It is difficult to understand why people who work in theaters or in bowling alleys or seasonal amusement recreational establishments should be treated any differently than the rest of the workers in the United States and shouldn't be covered for overtime after 8 hours in a day, and after 40 hours in a week.

I would like to just comment briefly, Mr. Chairman, on the situation in terms of the proposed revisions for employees in hospitals and homes. These employees were first covered in the 1966 amendments with very special provisions. The nursing homes were required to pay overtime only after 48 hours. In the hospitals, a very special 14-day, 80-hour calculation was arrived at with the provision, however, that overtime would have to be paid after 8 hours a day. I don't think that there is any valid reason for the maintenance of those special exemptions which were offered when these homes and hospitals were first covered.

The health care industry in the United States is our second largest industry. The Government spent, last year $6.4 billion in medicare and medicaid for hospital care, and spent $1.7 billion in medicare and medicaid for nursing home care. I think that any industry that draws that heavily on taxpayers' funds for its support has an obligation to meet at least the minimum standards under which the Nation's unsubsidized factories and foundries must operate.

So, we see no continuing reason, if there ever was one, for those exemptions and are pleased to see that the present provision which would require overtime after 8 hours for hospital workers under these special situations would be maintained for all workers under your proposed revisions of section 7.

I would like to comment, Mr. Chairman, on the testimony of the Secretary of Labor and others who appeared before you on the question of a subminimum wage for youth. We are all concerned with youth unemployment and with trying to do something about it, but we don't believe that offering work at subminimum rates is the answer. This is a very old debate and has been going on for many years, but

the advocates of the subminimum wage simply won't quit. No matter what the evidence is before them.

The question really ought to be—and every time people get into a discussion of the issue, they lose the focus of the question—but the question ought to be: Will a subminimum wage for youth create new and additional job opportunities? Not, will more teenagers be employed.

The answer to that question is obvious. If an employer can pay 40 cents or 50 cents less, teenagers will be employed more than other persons. That is not the question. The question is: Will a subminimum wage for youth create new and additional job opportunities? If it doesn't do that, there is no point in having it.

The CHAIRMAN. There is another possibility, too. Will it continue existing job opportunities? We get this from the amusement park industry. They argue that they are just struggling on with all of the competition they have with sports, the whole business. So rather than creating new jobs the exemption is simply keeping the amusement park open. Mr. Batt from New Orleans put it on that basis pretty much.

Mr. DONAHUE. I submit that we have never in this Nation accepted the concept of maintaining the marginal producer. We recognize that one of the problems of our society is that the marginal producer may be hurt as we improve conditions for people, and he may be put out of business, indeed, but that is the inevitable cost of our industrial society, and I don't think that we serve the cause of youth or the cause of the Nation by maintaining a submarginal producer who confessedly can't pay his way.

I don't think that that marginal producer or below marginal producer can look to any of his suppliers for raw materials or any other goods or services and obtain a lower price from them. I see no reason why he should look to his employees and look for a lower price from them.

The CHAIRMAN. I interrupted you in the middle of your point. If you want to return to it——

Mr. DONAHUE. I would just note on a personal basis, I served as Assistant Secretary of Labor from 1967 to 1969, and this debate went on during all of those years in the Department of Labor. There were all sorts of reports and analyses that were studies. There was no evidence that a subminimum wage for youth would create new and additional job opportunities. A lot of people——

The CHAIRMAN. Did you make studies of that? How would you go about studying that to see whether it would?

Mr. DONAHUE. There have been over the years probably a dozen studies by university professors, or by the Department's Bureau of Labor Statistics, or the Fair Labor Standards Administration in the Wage and Hour Public Contracts Division, and none of those show any real evidence that a below minimum rate for youth will create new job opportunities. The evidence simply isn't that.

The CHAIRMAN. Well, we have all been exposed to limited examples of where the opposite is true. I observed one this weekend. A car wash where at regular rates there would be five workers. Because student rates were permitted, the car wash was crawling with young people. It is nothing to generalize from because they were happy with their

employment at a reduced rate or they wouldn't have been working—there was a larger crew than was really needed to wash those cars.

Mr. DONAHUE. It may very well be true, and it may also be true that the five adults who were displaced were getting a wage sufficient for them to maintain themselves and their family and they might have very well been displaced by the seven or 10 youngsters.

The CHAIRMAN. In this case they weren't, but that of course is one of the factors that has to be considered.

Mr. DONAHUE. The Department of Labor, 3 months after this administration came to office, commissioned a study which was to be a definitive study on this question. I am sure you have it. Youth, unemployment, and minimum wages. It is the definitive study—I assume it is the best and most exhaustive thing that has been done. It is nearly 200 pages long.

I think the only unfortunate thing about it is that apparently nobody read it. The Secretary of Labor's conclusions and conclusions of other people are not supported by what was to be the definitive study and what was to be the document on which people would make their policy judgments.

I submit that there was a predisposition in the departmental leadership and in whoever wrote the summary in this book to find for a subminimum rate. I think that that carried over into whoever wrote the news release which announced that study.

I am sure you have seen this. It says a study released today by Commission of Labor Statistics finds that the teenager unemployment rate has risen to five times the adult rate in recent years as a result of a number of factors. The number of unprecedented growth in youths age 16 to 19, smaller job expansion opportunities, high turnover, and legal restrictions on youth employment.

It concludes, increases in the level and expansion in the coverage of the Federal minimum wage may have contributed to the employment problems of teenagers, but it is difficult to disentangle such effects from numerous other influences.

They then add the sentence: "Nevertheless, from a variety of sources, including experience in foreign countries suggests that a substantial difference between youth and adult rates would increase job opportunities for teenagers."

I won't quarrel with the phrase, it will. A lower rate for teenagers will mean more teenagers employed. It doesn't mean creating new job opportunities. This evidence from a variety of sources apparently is the examination of the operation of youth subminimum rates in a number of States and in foreign countries.

The report, if you get back to page 3, finally tells you there are some 5,500 establishments who have applied for full-time student and learner certificates under the current provisions and about half of the capacity allowed under those certificates hasn't been utilized. It tells you further that experience with youth differentials and unemployment abroad is not easily translatable into American terms. The study stresses that low wage rates for youth in Europe cannot be separated from the extensive apprenticeship program in Britain, Germany, and the Netherlands, which help to channel children from school to work. Regarding Japan, low wages for youth cannot be divorced from other parts of Japanese institutions, especially the Nenko system with its virtual

lifetime guarantee of employment within the firm and high wages in later years offsetting low wages in youth.

I read that to say the foreign experience is of no value because it is in a totally different context than ours. Page 1 tells you evidence from a variety of sources, including the experience in foreign countries, suggests that a difference in the two rates—a difference between youth and adult rates would increase job opportunities for teenagers. I submit you didn't need the study to know that.

The study at another point offers the best guess they were able to find and that is an opinion offered by 43 percent of the employment service officers to which the Bureau of Labor Statistics people addressed themselves. That opinion was that employers would hire appreciably more 16- to 17-year-olds if it were legally possible to pay such youngsters a wage below the Federal minimum.

I have no dispute with that. That is true. A few lines further on, the same sources say that they are of the opinion that the following groups of workers would be most adversely affected by a youth subminimum wage.

In the order given: Negro women 40 to 64 years old would be the first group adversely affected. Negro men 40 to 64. White men 40 to 64. White women 40 to 64. And Negro men 20 to 24.

I am confident that employers will hire more youngsters if they can pay them less. I think that they needed the study.

It is equally clear in my mind that they will hire them for the same jobs that they would otherwise pay the minimum rate for and not for a job which they are creating. That employer is going to hire Peter's son right after he discharges Paul's mother, and I don't think that is going to contribute one iota to the solution of the problem of unemployment broadly stated in the United States.

I submit the sections of that report which deal with State experience—one I would note, Mr. Chairman, the comment of the Pennsylvania Employment Service offered in the conclusion of the report.

The report says:

> The remarks of the State of Pennsylvania sums up youth unemployment in the following terms: In general there seems to be some sort of a standoff. The youth in the labor force are unwilling to accept work at either the State or Federal minimum wage levels, and hardly anyone can be persuaded to work at the State youth differential wage.

So speaks the State of Pennsylvania.

In terms, Mr. Chairman, of two other parts of the proposal which you have made, the proposal for covering domestic workers, we would simply like to add our voice and our support to that proposition. We think coverage for domestics is long overdue, and we think the fact that we exclude domestics from all of the protections and benefits of other workers, save social security, is a shocking condition, and one that ought to be rectified. I think you are going a long way to doing that.

We represent tens of thousands of women who clean the boss' office and who are covered by law and contract, and we don't see why the women who clean the boss' home shouldn't be similarly covered and provided for.

[Applause.]

Mr. Chairman, we said at the outset it is our position the Fair Labor Standards Act should provide universal coverage for all workers with-

out any special overtime exemptions and should provide that coverage at a decent wage level.

In terms of today's realities, we support the proposal for $2 immediately, for $2.25 and proposed $2.50 in successive annual adjustment for all covered workers. We urge strongly the repeal of the overtime exemptions you have proposed and the establishment of overtime after 8 hours and 40 hours for all covered workers.

Finally, let me express our appreciation to you and the other members of the subcommittee for this opportunity to appear on behalf of the workers we represent, and to offer our opinions on the proposals.

The CHAIRMAN. Well, we certainly appreciate your statement, Mr. Donahue, on behalf of Mr. Hardy as general president. It is a thoughtful and strong statement in support of the bill as it is.

I wonder about the household workers, domestics. Now, I think they are becoming organized, aren't they?

Mr. DONAHUE. Yes; they are.

The CHAIRMAN. There was a group of workers in town last week and——

Mr. DONAHUE. I believe you are going to hear next from Mrs. Sloan of the National Committee on Household Employment who, I must say, made a splendid statement of the problem the other day on the "Today Show," and I think that organization stands to do a fine job for the domestic workers.

The CHAIRMAN. Yes. That was a good hearing on the "Today Show." I happened to see it.

Well, I would like to have a further colloquy with you, but your statement is complete and we have time problems today. Thank you very much.

(The prepared statement of Mr. Hardy follows:)

STATEMENT OF THE SERVICE EMPLOYEES INTERNATIONAL UNION, AFL-CIO,
IN SUPPORT OF THE PROPOSED AMENDMENTS TO THE
FAIR LABOR STANDARDS ACT INCORPORATED IN S.1861

TO

THE LABOR SUBCOMMITTEE OF THE
SENATE LABOR AND PUBLIC WELFARE COMMITTEE

BY

George Hardy, General President

Mr. Chairman and Members of the Subcommittee, I am George Hardy, General President of the Service Employees International Union, AFL-CIO. Our union represents more than 450,000 workers engaged in service occupations in public and private industry. Our members work in hospitals, nursing homes, commercial and apartment buildings, movie theatres, hotels, motels, bowling alleys and many other kinds of establishments. It is on behalf of these workers that we appear before you today -- to express their interest and concern about the minimum wage and maximum hours provisions of the Fair Labor Standards Act.

Mr. Chairman, we of the Service Employees International Union applaud your proposed revisions of the Fair Labor Standards Act and commend you for your long and continuing interest in the welfare of the working people of America. You and the other members who serve on this Subcommittee and the full Committee and those who have served in the past, have done more in the

fight on poverty and in the continuing struggle for decency for low-wage workers than any other combination of forces in American society.

We believe that amendments to the Act are long overdue and urge that those which you have offered and those additional suggestions which we would like to make, be considered and recommended by this Subcommittee and the full Committee as soon as possible. It is now five years since the Congress last acted in this area and more than four years since the general level of the minimum wage was increased. For all of these reasons, Mr. Chairman, we are grateful for this opportunity to appear and to set forth our thoughts on the revisions which you have proposed.

The Level of the Minimum Wage

The former General President of the Service Employees International Union appeared before this Subcommittee in 1965 and urged at that time that the Subcommittee recommend increasing the minimum wage to $2.00 per hour. Unfortunately, in the give and take of the legislative process that figure was not achieved and the present $1.60 minimum was developed. Obviously we feel very strongly now that the position which we urged in 1965 is a minimum position for this Subcommittee to consider today.

It is my personal view, and our union has supported the proposition, that in this day and age no one should work for a wage less than $2.50 an hour. However, we do not feel it appropriate or useful to press this position today and in terms

of the level of the minimum wage which ought to be recommended by this Subcommittee, we associate ourselves entirely with the testimony of the AFL-CIO and would urge that you recommend an immediate increase of the minimum wage to at least $2.00, an increase to $2.25 a year later and to $2.50 the following year.

With respect to newly-covered employees, Mr. Chairman, we would urge the committee's consideration of their inclusion along with all other workers at the $2.00 level and not at a special rate which extends their second-class citizenship for another three years.

Particularly in the case of employees of state and local governments, we think such a special rate has no validity whatsoever, in view of the recommendation of Labor Secretary Hodgson in his 1971 4(d) report to the Congress, that

> "If coverage under the Fair Labor Standards Act is extended to all employees of state and local governments, the minimum wage and overtime standards established for the newly covered workers should be equivalent to the standards applicable to employees presently covered by the Act."

The Department has also reported to the Congress previously that the adjustment to coverage by hospitals and schools had been accomplished without difficulty and that this now proposed extension to other local public employees would require less of an adjustment than did coverage of schools and hospitals.

It ought also to be noted that when coverage was extended to the schools and hospitals, the complaint of some states was that this partial coverage would have a "domino" effect with

resultant increases to all employees. If they were right then, any who argue that there is need for special adjustments now must be wrong. Indeed, the evidence all clearly shows a minimal impact on local governments would result from this extension of coverage, and consequently we want to press the desirability of covering these remaining local government employees at the level of the rates provided for in an amended Section 6 (a).

The United States is undeniably the most affluent nation in the world. Yet as we all know, among this affluence is poverty. This poverty mars the picture of our nation. According to the poverty guidelines established by the Office of Economic Opportunity, a non-farm family of four earning less than $3,800 was existing at a level below the poverty level, and was, therefore, forced to look to welfare for supplementation of earnings. It would require an increase in the minimum wage to at least $2.00 to insure that a wage earner supporting a family of four would be able to insure their existence at a level marginally above the poverty level.

The former General President of our union, David Sullivan, served as a member of the President's Commission on Income Maintenance Programs in the years 1967 to 1969. In the report of that Commission he argued that insufficient attention was being given to raising the minimum wage as a weapon in the fight against poverty. He said then that the minimum wage has through

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the years prevented much poverty and could in the future be an even more powerful weapon in the fight against poverty. It is estimated that if the protection of the minimum wage is extended to all workers and it is raised to $2.00 an hour, conservatively, six million people will be lifted out of poverty, -- over one-sixth of the poor.

We have somehow gotten used to the idea of the 'working poor' in this country. These are people who work full-time, all year, at jobs which are needed and contribute to the economy and yet are paid at sub-poverty wages. This is wrong and we think that the Commission had a duty to say that it is wrong.

Mr. Sullivan urged, as a fundamental aspect of an overall anti-poverty program, that the minimum wage be extended to all those who are still denied its protection and that it be increased substantially. Those statements, made in the summer of 1969 are even more true today, two years and 11.8 cost-of-living index points later.

The $1.60 minimum wage established in 1966 no longer represents even the $1.60 level intended by the Congress. Inflation, particularly during the last two years, has increased at a faster pace than anyone expected so that the $1.60 figure has been reduced to $1.23 in terms of 1966 real-dollar values. At this time it would take an increase in the minimum wage of forty-two cents simply to restore the 1966 level without accomplishing the slightest improvement in the real conditions of these workers.

Coverage for All Public Employees

Mr. Chairman, our union has long urged that all of the

exemptions and special exceptions which have been made in the Fair Labor Standards Act should be removed and that there should be universal coverage of all workers with overtime after eight hours in any one day and forty hours in any work week. We think that the amendment that you have proposed to extend coverage to those public employees not now covered by the Act is one of the most salutary coverage extensions which has been made in recent years. All of the questions and arguments about the constitutionality of the 1966 extension to workers in public education and public hospitals have been resolved by the Supreme Court opinion in Maryland versus Wirtz and the extension to all other public employees is quite appropriate.

The January 29, 1970 report to the 92nd Congress by the Secretary of Labor on Minimum Wage and Maximum Hours Standards under the Fair Labor Standards Act -- the 4(d) report -- notes that more than four-fifths of all state and local governments are now paying at least $1.60 with straight-time earnings of excluded non-supervisory employees, in March 1970, averaging $3.27 per hour and only 3.5% of the 2.6 million excluded non-supervisory employees earning less than $1.60 an hour. Given these figures it is clear that the impact of including all of the non-supervisory employees in state and local governments not now covered by the Act and bringing them to the $2.00 level would not constitute an oppressive burden upon state and local governments, and we therefore fully support the provision in S.1861 to this end.

Repeal of Overtime Exemptions

As I noted at the outset, our union represents a large number of employees in industries affected by the proposed amendments. This is true not only in public employment, but also in the health care industry, in hotels and motels, in seasonal amusement or recreational establishments, in movie theatres and bowling alleys. I would like to take a few moments to examine each of these industries or industry segments with you and to offer our views on the amendments which have been suggested.

The hotel and motel industry employed more than three-quarters of a million people in 1970. For the same period the industry had total receipts exceeding seven billion dollars. The size and scope of the industry merits reconsideration of the exemption from the requirement to pay overtime after forty hours which now applies to this industry. We feel that there is no longer any valid reason for the forty-hour overtime provision not to apply to hotel and motel workers, nor any basis for maintaining the current situation in which tipped workers do not even receive the minimum wage but can be paid as little as half of the minimum wage. With the possibility that they can be employed far beyond forty hours at half of the straight time minimum wage, the level of the minimum wage which the employer is required to pay them is reduced even further. Consequently, we feel that this exemption should be repealed and hotel, motel and restaurant employees should be treated the

same as all other employees in terms of the maximum hours for which they receive straight time compensation and in terms of the level of the minimum wage. We don't think that we should have to depend upon "tips" to insure a decent minimum wage.

A generally similar argument can be made with respect to theatre workers and with respect to the propriety of amending the Fair Labor Standards Act to remove the special exemption from overtime after forty hours which currently applies to these workers. In this industry there are some 143.4 thousand workers in 1970. The industry had total receipts exceeding one billion dollars. An industry or industry segment which represents such a substantial portion of the American economy and such a significant number of American workers should not be allowed to continue this practice and should not be allowed to continue to deprive its workers of the same kinds of minimum working conditions which apply to the vast majority of American workers.

The amendments which you have proposed, Mr. Chairman, include the suggestion that the exemption from overtime after forty hours for employees of bowling establishments and the requirement that the employer pay overtime only after forty-eight hours to these employees, be repealed. We wholeheartedly support this suggestion and urge that the Subcommittee and Committee give it favorable consideration.

Repeal of Overtime Exceptions for Hospitals and Nursing Homes

The Fair Labor Standards Act currently allows operators of nursing homes to avoid the overtime requirement after forty hours and to pay overtime only after forty-eight, and allows the operators of hospitals to engage in an elaborate arm-twisting exercise with their employees and thereby avoid the obligation of overtime after forty hours and instead pay overtime only if the employee works in excess of eighty hours in a fourteen-day period, or eight in any single day.

The health care industry in the United States today is the fastest growing industry in the United States and is now our second largest industry in terms of total employment, according to the recent Bureau of Labor Statistics report published in the March 1971 issue of Employment and Earnings. In fiscal 1970 the federal government spent over 6.4 billion dollars in Medicare and Medicaid funds for hospital care, and 1.7 billion dollars for nursing home care under these two programs. Any industry which draws that heavily on taxpayer funds for its support has an obligation to meet at least the minimal standards under which the nation's unsubsidized factories and foundries must operate.

Our union represents more than 135,000 workers employed in the nation's nursing homes and hospitals and the struggle to achieve decency for these workers has been a most difficult one. The extension of coverage to these institutions as a result of the 1966 amendments was a very long step toward the achievement of some minimal level of decency in this industry. In the years since 1966 the industry has grown substantially and there has been a very substantial increase in wage rates,

not alone as a result of the FLSA coverage, but as a result of the substantial union activity among hospital and nursing home workers.

It is time for the health care industry, our second largest industry in terms of total employment, to have its standards and practices conform to those which apply for the vast majority of American workers. There is no longer any justification for the continuance of the special exemptions and exceptions which apply to the nursing homes and to the hospitals.

We are pleased to note, Mr. Chairman, that the present provision which requires the payment of overtime after eight hours in any day to hospital workers under these special schedules would be maintained for all workers under your proposed revision of Section 7.

Youth Minimum Wage

I know that there has been some testimony before this Committee with reference to the establishment of a so-called "youth minimum wage", and that the Secretary of Labor has advocated the development of such a special wage which would be at least forty cents below the basic minimum.

Since the industries in which our members are employed are the ones in which such a proposal would have the greatest impact, we are vitally concerned with such a proposal. Certainly we share the concern of others over the high rate of youth unemployment, but we are astonished at the suggestion of an approach which will be counter-productive, and with the failure of the administration to concern itself with the real reasons for youth unemployment.

Mr. Chairman, the debate over whether or not a youth minimum wage would create new and additional job opportunities is a very old one. The advocates have persisted over the years in the face of a substantial body of evidence that such a rate would not create new and additional job opportunities. I repeat that phrase, Mr. Chairman, because that is what is necessary -- the creation of new and additional job opportunities. Unless a youth minimum did that, it has no point. And to this date, there is no shred of hard evidence, that that will happen.

After a number of years of argument and discussion, the representatives of the present administration in the Department of Labor, in April 1969, within three months of coming to office, commissioned the development of a special study of Youth Unemployment and Minimum Wages, so that we would, once and for all, have hard facts upon which to base policy judgments in this area.

The report was published in 1970 and while people may differ about some of its minor points, it is impossible to say that it produced any hard evidence that a lower youth minimum would create new and additional job opportunities.

The report does say very clearly, and at a number of places, that there are a number of factors which may account for high youth unemployment, and indeed, Secretary Hodgson referred to our failure to ease the transition from school to work in his testimony before this Subcommittee. He might also have referred to an extremely high overall unemployment rate and to our failure to do anything meaningful in our educational system to improve

vocational training or to develop training programs which would help to ease the transition from school to work.

Instead, snatching at the slenderest reeds in a nearly 200-page report the administration advances this proposal for a youth minimum, without regard to its consequences on the full-time employment of others.

The most authoritative "guess" in the entire study, on what would result from a youth wage was offered by "about 43 percent of the Employment Service offices (who) were of the opinion that employers would hire appreciably more 16-17 year-olds if it were legally possible to pay such youngsters a wage below the Federal minimum".

Two paragraphs later the report notes that "about two-fifths (40%) of the Employment Service offices were of the opinion that lowering the federal minimum wage for teenagers would have an appreciably adverse effect on the hiring of other groups of workers for full-time and part-time jobs in the retail trade and service industries".

A few lines further on the report notes that these same Employment Service sources "were of the opinion that the following groups of workers would be most adversely affected in the order given: Negro women, 40-64 years old; Negro men, 40-64 years old; white men 40-64 years old; white women 40-64 years old; and Negro men 20-24 years old".

It seems clear to me that the administration is correct in its assumption that "more employers will hire more teenagers if

they can pay them less". We didn't nee a major study to know that. But it is equally clear that they will hire them into the same jobs they might otherwise hire adult workers for and that process doesn't create a single job. The employer will hire Peter's son cheap, after he lays off Paul's mother... and that's a ridiculous effort for this Subcommittee or this Congress to embark upon.

The report cites a number of reports from among the eleven states which have tried a youth minimum and concludes with an excerpt from the report for the State of Pennsylvania which the report says "sums up youth unemployment in the following terms:

> In general there seems to be some sort of standoff. The youth in the labor force are unwilling to accept work at either the State or Federal minimum wage levels and hardly anyone can be persuaded to work at the State youth differential wage".

But such conclusions, evidence, reports, etc., are swept aside as the administration tries to "do something" to manifest its concern for youth, however counter-productive that "something" might be.

Domestic Workers

Mr. Chairman, we applaud your proposal to include the nation's domestic workers under the Fair Labor Standards Act and support wholeheartedly this effort to give status and insure decency to these workers. New York State has recently adopted a $1.85 minimum wage for domestic workers to bring them to the same level as other workers in that state.

There is no reason why these workers should continue to be excluded from all of the protections and benefits afforded other

workers in this nation. It has always seemed strange that the tens of thousands of women who clean the boss' office, and whom we represent, are covered by laws and contracts while the women who clean the boss' home are not. Inclusion of domestic workers under FLSA will go a long way to improving their conditions of work and life.

Other Provisions

We are pleased to support the amendment of Section 6 (e) which would remove the special exception granted in 1966 to establishments providing linen supply services to the government, as a result of which those companies were treated differently than all others with contracts subject to the Service Contract Act. There was little reasons for the exemption then, and there is none for its continuance.

We also note with pleasure the inclusion in "Enterprise" definition of the phrase "whether conducted for profit or not for profit". While we believe that the law has always applied to non-profit enterprises the absence of this clear language has caused considerable delays in obtaining Labor Department enforcement against such non-profit organizations. This language clarification will avoid that problem.

Mr. Chairman, as I stated at the outset, our position is that the Fair Labor Standards Act should provide for universal coverage of all workers without any special overtime exemptions and should provide for that coverage at a decent dollar level. In terms of the realities of the Committee's abilities today we strongly urge an increase in the level of the minimum wage to

$2.00 immediately, and to $2.25 and $2.50 in successive annual adjustments, for all covered workers. We urge that the Committee recommend the repeal of the overtime exemptions or special overtime provisions which currently apply to theatres, bowling alleys, hotels, motels and restaurants, to seasonal amusement or recreation establishments, and to the nursing homes and hospitals which comprise the health care industry. We applaud the recommendation of S.1861 which would extend the coverage of the Fair Labor Standards Act to all of the public employees not now covered, and again wish to express our appreciation to you and to this Subcommittee for your efforts to improve the lot of the low-wage workers of our nation.

May I also express to you, Mr. Chairman and to the members of the Subcommittee, my appreication of this opportunity to appear on behalf of the workers in industries which we represent and to express to you the views which we hold in these matters.

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July 22, 1971

The CHAIRMAN. Mrs. Edith Sloan, executive director, and Mrs. Josephine Hulett, field representative of the National Committee on Household Employment.

Are you the ladies that were television stars?

STATEMENT OF MRS. EDITH SLOAN, EXECUTIVE DIRECTOR, NATIONAL COMMITTEE ON HOUSEHOLD EMPLOYMENT; ACCOMPANIED BY JOSEPHINE HULETT, FIELD REPRESENTATIVE

Mrs. SLOAN. Something like that.

The CHAIRMAN. I only caught part of that.

Mrs. SLOAN. Of the "Today Show"? Oh, they were great. It was beautiful for us.

The CHAIRMAN. Very good.

Mrs. SLOAN. I am Edith Barksdale Sloan, executive director of the National Committee on Household Employment. With me is Mrs. Josephine Hulett, field officer for the committee. She has spent 20 years as a household worker and is also a former member of our board of directors. We are delighted to appear before this subcommittee to support the inclusion of 1.5 million American household workers under this act.

In the last 10 years, the number of household workers has decreased by almost 1 million. Yet, the demand for their services more than doubled during the same period. Unless measures are taken now, it is clear that, 10 or 15 years from now, there will be no household workers in America, unless corrective measures are instituted now.

If you want to know why household work is a dying occupation, consider the following. The median income for a full-time, year-round household worker is $1,800 per year, $600 less than the family assistance plan now under consideration. In 1969, 81 percent of all household workers reported total cash incomes under $2,000 per year. This includes all forms of social insurance and public assistance payments. Two-thirds of all household workers are at least partly self-supporting and one out of eight is the head of a family.

Consider the fringe benefits long ago taken for granted by most American workers. Household workers do not receive vacations, holidays, or sick leave with pay. They have no health insurance, unemployment benefits, or workmen's compensation. They work long hours without benefit of overtime. There are no retirement plans. When a worker retires, she must find a relative to care for her or go on old age assistance, the final indignity for a woman who places the great emphasis on the value and dignity of honest labor.

Three States now cover household workers under their minimum wage laws. They are Wisconsin, Massachusetts, and New York. The only other significant legal protection is social security. It is common knowledge that this law is widely ignored. There is a misconception that the law is not obeyed because the employees prefer not to receive social security coverage. In fact, we have found that there are two reasons for the problem.

First, most employers are too lazy and too cheap to readily comply with the law, and household workers do not bargain from a position of strength on this or any other matter. Second, a household worker who is earning $1,500 or $1,600 per year finds that she does need every penny she earns when she earns it, just to stay alive.

So far we have mentioned pay and fringe benefits. A third issue is the lack of an intermediary to whom a worker can appeal when the employer attempts to take advantage of her. What does a household employee do when a housewife refused to pay the full amount previously agreed to? To whom can she go when the housewife makes impossible demands with regard to the amount and nature of work? Is there some way she can collect money for all the days she committed to employers who called up suddenly in the morning and said, "We won't need you, after all"?

And just as important is the whole matter of respect. Household workers are treated just as they were 150 years ago—that is, they are treated as indentured servants.

Two-thirds of all household workers are black, and of the remaining third many are chicanos or American Indians or members of other minorities. You have the other problem of white employer and nonwhite employee as well as with all of its ramifications. All household workers are tired of being called by their first name, and referred to as "girl." They don't want to be asked all sorts of personal questions. They don't want to be expected to call their employers and their employers' children as "sir" or "ma'am."

Household workers will not respect themselves, nor will they be respected, until the work they perform is respected. After all, most American housewives have had to clean their homes without compensation. It is no wonder that they fail to see the point of paying another person very much money to provide the services they have historically performed for free. In addition, in this country we tend to value ourselves and other people on the basis of income. And we all know that household workers don't earn very much.

The dismal statistics and record of household employment in this country, one might lead to the conclusion that a solution to this dilemma does not exist. We, at the National Committee on Household Employment, believe, however, that this occupation can be resurrected and restructured into a meaningful, lucrative, and dignified vocation. Various approaches to solving the household employment problem have been tested for 6 years by the national committee, but today the emphasis is on wages and working conditions. In order to save this occupation, wages must be increased so that the worker can provide a decent standard of living for herself and her family. Working conditions must be altered so that the fringe benefits, hours and attitudes are the same as in other service occupations.

The national committee is now employing a three-prong approach: Economic development, public information, and worker organization.

We are now assisting, with technical advice and equity injections, two model enterprises, Maintenance Pacesetters, in Buffalo, N.Y., and Metro-Makke Associates, in Little Rock, Ark. These are intermediary household service firms which employ household workers and in turn offer standardized services to the public. Such household firms can benefit the occupation in two ways.

From the housewife's point of view, the primary advantage of this arrangement is the firm's guarantee of satisfactory job performance. She is relieved of her legal responsibilities as an employer, including the laws which require social security deductions and contributions.

For the worker, improvements include all the fringe benefits not

available in the traditional situation where the employer is a housewife or family. These include paid sick leaves, holidays, and vacations. Other advantages include a more consistent predictable work schedule, pay which meets local requirements for a decent standard of living, and the possibility of promotion to supervisory positions and/or training for other careers in private household employments such as child-care specialist, catering, cooking, care of the elderly, emergency homemaking, health aides, and so forth.

Both parties benefit from the company's ability to act as a natural third party, enforcing reasonable and uniform job standards. Further, these firms are the best equipped to increase worker productivity. This appears to be a key to higher earnings.

Now, in this Nation several thousand commercial firms exist and act as employment agencies for day workers or household service firms. We learn from the workers around the country we talked to that all too often these firms, like the individual housewife, will exploit the worker. For example, a firm may charge a housewife $3 an hour for a day worker, but only pay the household worker $1 to $1.25 an hour, and we know you must have some difference between the wage and the price of the consumer. There is no reason why such firms should be exempt from the Federal minimum wage laws, and why their workers shouldn't receive the Federal minimum wage.

We are in the midst of organizing household workers. For the past 15 years Mr. Hulett has been aiding in this. We have also launched a very effective public information program. We have produced a documentary film, "Help Wanted," and we have many publications we send out, not only to the household workers but also the general public and the press, and we have established a code of standards to be adhered to by both the household worker and the employers.

This past weekend, July 16–18, the national committee sponsored the first national conference of household workers. Over 600 delegates from throughout the Nation traveled by bus from cities such as Detroit, Buffalo, Miami, Boston, and by air from Arizona, California, Oklahoma, Alabama, South Dakota, and Texas.

The delegates to this conference, representing blacks, chicanos, American Indian, and white household workers, decided unanimously to establish a National Association of Household Workers, an organization of household workers which would continue NCHF's organizing program and would lobby for inclusion under the minimum wage and other workers' laws in their own States and federally. A committee on formation was chosen and its work to develop the National Association of Household Workers with the guidance of the national committee has begun.

I understand there has been testimony before the subcommittee on the value of training and it was placed over the value of minimum wage inclusions for household workers. We disagree thoroughly. The national committee for over 4 years assessed and evaluated eight such special and demonstration programs in eight cities for the U.S. Department of Labor. When the program ended, if the projects weren't picked up by the States or by private agencies, they ended and the women were out on their own again.

All too often the women who earned $90 or $100 a week, as they often did in Chicago and New York, were under the protective um-

brella of the project, were fired or else they were told their salaries would have to be reduced. Otherwise, her training efforts and efforts to improve her skills and job performance were for naught.

At our conference last week, a delegate from Chicago, Mrs. Bernice Johnson, who was a graduate of the household employment program sponsored by the U.S. Department of Labor in Chicago, Ill., pleaded passionately for legal protection to help her and her fellow workers in Chicago to regain their former wages and receive a living wage again.

All of the delegates agreed on one vital issue: In order to individually seek a decent wage, a household worker needs a legal base. These firms, it will be a long time before they can become viable and self-sustaining, before we know the answers to household service firms becoming self-sustaining. It will be a long time before they will be duplicating again, maybe 10 to 15 years. In the meantime, the household worker is an individual agent bargaining for herself.

In order to individually seek a decent wage, the household worker needs a legal base, a law which says that she, too, is entitled to the minimum wage offered to other workers of the land, that her service, too, is of value to our society.

The women and the men—98 percent of the household workers are women, that is why I keep on saying women—who attended our conference pledged to return to their States to work for the inclusion in their State laws and to return to Washington if necessary and come to the Hall of Congress to promote the passage of legislation which will include them in the Fair Labor Standards Act.

If I may make one suggestion, gentlemen, in support of S. 1861, I believe that the bill calls for the inclusion of any individual employed in domestic service other than a babysitter. Many household workers work full time caring for children. For example, I employ a full-time child-care specialist to care for my 6-month-old son. Her duties include the care of the child, his clothes, and his nursery when he gets one. He doesn't have one yet. She has specialized in child care and her skills are special and she has had years of experience. She isn't a teenage babysitter who sits while we go out for an evening of pleasure. This is her occupation. She enjoys it and excels in it.

Unless there is a definition of babysitter, she and other baby nurses or child-care specialists who work full time year-round in their occupation might be designated as babysitters and these vital women will be excluded from coverage under the new amendments.

What we are saying, gentlemen, is: Give the American household worker a law; include her in the legislation that provides the workers of America with a decent, minimum wage. If you do this, if the household workers are placed under the protective umbrella of the Fair Labor Standards Act like most of the other workers in America, they will make it their business to enforce the law.

All too often we are told, suppose you do include the household worker under the Federal minimum wage laws, Fair Labor Standards Act, how can they enforce it? We say that we will inform the men and women in this industry all over the country of their rights and that they will make sure that they receive the Federal minimum wage. We don't come here asking you for a handout. We don't come making demands. What we ask you, Mr. Chairman, is within the realm of

reasonable possibility. We ask you to give the household worker of America the legal basis for a chance to earn a decent income to improve her lot, to win the respect of herself, her peers, and her employers. This is the justice to which the household worker of America is entitled.

If you do not see fit to fulfill this need, you will doom this occupation to extinction and doom its present members and their offspring to a life of unjustified misery.

We don't ask you for charity, Mr. Chairman. We only ask you for justice.

Thank you.

The CHAIRMAN. Thank you very much.

By the way, where is your home?

Mrs. SLOAN. I am from New York City. I live in Washington, D.C., now.

The CHAIRMAN. How long has this organization been in existence?

Mrs. SLOAN. Six and a half years. Our program focus has changed in the past 2 years in my tenure from training and assessing, evaluating for Government agencies to worker orientation and worker participation and economic development.

The CHAIRMAN. Now, the Secretary says that it would be hard to administer the minimum wage if it applied to household employment. You are familiar with that?

Mrs. SLOAN. Yes.

The CHAIRMAN. You say that the household worker will see to it that it is honored?

Mrs. SLOAN. Indeed, this is why we are organizing, so that when these benefits do become available, like the New York State law which passed approximately 2 weeks ago, and we are organizing in New York City. We have a chapter now in the Bronx and we are organizing in Manhattan and Brooklyn, and will go through the States. We are organizing women to make sure that they know their rights and so that they will demand the minimum wage.

Mrs. Hulett can give you more information on this since she helped to organize and get higher wages without laws throughout Ohio, and is now doing it for us throughout the country.

The CHAIRMAN. Where are you from?

Mrs. HULETT. I am originally from Youngstown, Ohio.

I would like to give you a few other incidents that have happened. As a household worker, I think I best can tell you some of the things that have happened. I would like to see most of the household workers protected by some law because I find so often as myself that when I, too, had worked 7 years for a family that it was kept from me that they were going to move to Florida. I was given 1 week out of my 7 years of hard work to help them pack, get them off to Florida, and I was left without anything. Not even concerning unemployment compensation so that I may survive during this long month I was struggling and looking for a job.

It also happened that I was rushed off to a midnight appendectomy which was an emergency operation, and finding at the hospital on my arrival that the hospital didn't want to take me in for emergency treatment because I was classified as a household worker and they didn't know where they were going to get their money from. They de-

cided after 2½ hours the only way I could receive medical help was to notify my employer who I pleaded to come to the hospital to sign for me to be operated on.

These are some of the things that I can begin to tell you about. Not only can I tell you about that, as you noticed, the $1,600 or less, which is $600 less than the family assistance plan—social security is unheard of. Most leave your money cash on the table and at a time of you becoming hurt or retired, then you will find that Mrs. Jones no longer knows who you are.

So, these are some of the things that we must have a law to protect. In my struggle in Ohio in organizing, I was threatened of losing my job. Not only of that, "What do you girls want?" The idea of it is they are willing to enforce the law, but have no backbone because from the lack that we do work for an individual.

I say to the committee now that something must be done for the mothers. I know what it is to protect and raise a child on $22 a week. Do you feel as though I could save any money for my retirement and old age? This is why so many of them end up on welfare and society asks why are they there? Can I explain any further to you what causes the problem?

Thank you.

The CHAIRMAN. Thank you very much.

What do you consider your organization in terms of membership, Mrs. Sloan?

Mrs. SLOAN. The National Committee on Household Employment now has 31 affiliates, approximately 3,000 members. Our delegates to the conference, over 600, went back pledging to organize further in their cities and States and we hope, of course, to multiply that membership by many. Also, we are helping to form a National Association of Household Workers. Eventually, we will not organize. Household workers will organize themselves and they will have their own association similar to the American Nurses, United Farmworkers, or something else.

The CHAIRMAN. Well, you have been very helpful in support to this committee. Let's hope we succeed.

Mrs. SLOAN. We hope so, too.

The CHAIRMAN. Senator Schweiker?

Senator SCHWEIKER. No questions.

The CHAIRMAN. Thank you very much, ladies.

Mr. Smythe, president of the International Taxicab Association, and Mr. Samuels from the Chicago Yellow Cab Co., and Mr. Knaus, past president of the ITA, will be our next witnesses.

Now, I know that Senator Stevenson hoped to be here, but you know what the demands are around here. We are on many committees and have to frequently attend other meetings at the same time.

Senator Schweiker, do you have a constituent here?

Senator SCHWEIKER. Yes, sir. I want to welcome Mr. Knaus from Bethel Park and say we are very pleased to have you testify with your group before our committee, and will be awaiting your testimony with interest.

Mr. KNAUS. Thank you.

The CHAIRMAN. Mr. Smythe, you are chairman of the panel?

STATEMENT OF W. H. SMYTHE III, PRESIDENT, INTERNATIONAL TAXICAB ASSOCIATION; ACCOMPANIED BY ROBERT F. SAMUELS, CHICAGO YELLOW CAB CO., AND WILLIAM KNAUS, PAST PRESIDENT, ITA

Mr. SMYTHE. Thank you.

I won't reintroduce ourselves.

My purpose for appearing before this committee with my colleagues is to present the views of the entire industry in reference to Senate bill 1861 and other legislation pertaining to amendments to the Fair Labor Standards Act. The final form that this legislation takes will literally determine the survival or demise of the taxicab industry as it exists today.

For your general information, the International Taxicab Association represents fleet operators, large and small, in the United States and Canada, and has a membership of over 1,100 companies.

I know time is short. If you don't mind, I will read selectively from mine and I think my colleagues will do so also. Ask any questions that you feel you would like to. We will try not to obscure our point of view with too much verbage.

In 1945 the taxicab industry had 92,900 vehicles, carrying 1.9 billion passengers a total of 4.3 billion miles.

Today, there are taxicab operations in 3,201 communities in the United States. 163,900 taxicabs carry 2.1 billion passengers for a total of 7.9 billion miles on 1.5 billion trips per year. Not really an impressive gain, but at least a trend upward as compared to the dismal situation in other means of public passenger transportation. We have, for your information, attached exhibit A, which is a cab research report containing samples of taxicab-passenger traffic for the year 1969. This report has 193 communities reporting. Three-fourths of the total communities now served by taxicab companies have no other public transportation and no taxicab operations are subsidized, at the present time.

We have a question which we will want to get into later. Does Congress want to enact legislation leading to the eventual subsidization of over 7,254 taxicab companies in order to maintain service in 3,201 communities? It is actually a more awesome undertaking than the current program for aiding public mass transportation services in the major metropolitan areas.

Without dwelling on all the complications involved in the urban mass transportation picture, the overall view is not encouraging. From the period of 1945 through 1968 public mass transportation passengers decreased by two-thirds, and fares increased three times over. Since 1968 the trend has continued, as I am sure you know.

In approximately the same time frame, public mass transportation was discontinued in 120 cities, 70 of them in cities of less than 25,000 population. At the present time, an additional 90 cities are in financial difficulties and, in some cases, in bankruptcy in their public mass transportation operations.

The industry's problem is, that although two-thirds of the regular drivers earn in excess of the existing and proposed minimum wages,

one-third of the drivers fail to be productive enough to meet the minimum wage. A sample of driver earnings per man-hour for November 1969, showed that average company earning $2.23 per hour, the highest company earnings being $3.36 per hour, and the lowest $1.61 per hour. Upon this basis of averages, it would seem that the minimum wage levels of a $1.60 an hour, or slightly more, could be maintained. The good producer earns far in excess of the minimum wage and the poor one fails to meet the minimum wage.

Productivity, of course, is the key to offsetting increases in wages and prices. The taxicab industry has been unable to make any substantial increase in productivity since realizing the full utilization of two-way radio communications in the early 1950's. There has been no technological breakthrough that would allow for increase in the productivity of the taxicab driver. You have basically a man behind the wheel of one operating unit, the cab, and an average of 1.5 to 1.7 passengers in the back seat.

As opposed to industries that can make a substantial investment in a more sophisticated piece of machinery and turn out 4,000 units a day, the cab industry doesn't lend itself to automation of this or any other type.

The CHAIRMAN. It sure lends itself to dramatic increases in productivity in the taxicab business. When you see 150 cabs at the La Guardia shuttle, and you know that there won't be 150 passengers getting off a plane with 80 on it. I cannot see how they can sit there for hours when there is business out there waiting in other places. You can be on the streets of New York and wait 20 minutes and not get a cab. I never could understand that. You talk about productivity. You take the machinery of the operation and the productivity is its work operation.

What is a taxicab? A man and a machine sitting there parked at La Guardia for 2 hours is the lowest form of productivity. Productivity zero.

Mr. SMYTHE. I would say that is a fairly unique example.

The CHAIRMAN. It is the same at Newark, Kennedy, O'Hare. It is the same everywhere there is an airport, except when you need a cab at midnight.

Mr. SMYTHE. The taxicab brought someone out to the airport, which is why he is there, and he either has to deadhead, which is unproductive time and mileage back——

The CHAIRMAN. That is not right. We have an expert ready to testify. We don't put people under oath, but is that true or false, Gene?

Mr. MITTELMAN. As I understand it, and I am a frequent rider of the shuttle, as I understand it most of the airport business in New York is the drivers who don't like to drive the streets at night because of fear and because they own their cabs, usually they are in partners with the bank, but they have less need to meet a high quota of fares and they can afford the luxury of going out to the airports and waiting if necessary for an hour or even 2 for a fare. A large percentage of the cabs you find lined up at La Guardia or Kennedy are owner drivers whereas the fellows who are working on a commission are hustling on the streets. That is the pattern that you find.

If you talk to a commission driver and he gets a rider to the airport, especially if it isn't rush hour, he will grimace. Frequently they will even try and duck the ride whereas an owner driver is only too happy

to go out there. You will find that if an owner driver takes you from La Guardia into midtown New York, almost regardless of time of day he will not look for another fare. He will turn around and go back to the airport or go to a hotel looking for a fare back to the airport. It is just a strange thing.

I am not sure exactly what the reason is, but there is this dichotomy in the taxi system in New York, and a lot of it is motivated by the fear of crime, a great deal.

Mr. SMYTHE. New York is somewhat unique. For instance, cabs are not radio controlled where that is the typical situation through most of the United States. Of course, this is part of our point.

The taxicab driver basically is a difficult person to supervise, so what is true in New York is strictly a spot situation, and not typical in other parts of the country. With all due respect, that is who we represent more, the cab operators throughout the United States.

The CHAIRMAN. I don't know what Mr. Mittelman's testimony adds up to, though. I don't think it is contrary to what you are saying.

Mr. SMYTHE. No sir; it is not. I don't really think it is on the point here. Except we are talking about productivity.

The CHAIRMAN. Yes.

Mr. SMYTHE. That is how we got on it.

The CHAIRMAN. He was saying that the long lines of cabs at the airport, we mentioned, are there because the owners, the cab is owned by the operator, would rather be there than cruising.

Mr. SMYTHE. That is basically what he is saying.

The CHAIRMAN. That doesn't really deal with the——

Mr. SMYTHE. No, sir; it is not what we are talking about.

The CHAIRMAN. Well, we lost this time.

Mr. SMYTHE. If I may go on, it is becoming more apparent every day that the taxicab riding public is composed, in the majority, of individuals who do not own automobiles—21 percent of all families in the United States did not own automobiles in 1969—mainly due to economic circumstances, handicapped persons, low-income wage earners, the elderly and nondrivers, all of whom have no alternative in seeking demand-response transportation as opposed to scheduled mass transit systems.

The commission system of compensation of taxicab drivers existed long before minimum wage legislation. Is the hourly minimum wage legislation the only tolerable form of compensation accepted by Congress?

If S. 1861 passes unchanged, employment will be limited to an 8-hour day or 40-hour week.

The Connecticut experiment of time and a half for all over 40 hours, based upon a commission rate, clearly showed that no company could operate beyond the 40-hour week and stay in business. The deterioration of service and the limiting of drivers to 40 hours a week resulted in increased hourly earnings but an inability to serve the public. The Connecticut Legislature repealed the overtime provisions for taxicab drivers on July 1, 1969. In Connecticut in 1967 a State minimum wage law was passed to put all industry under a 40-hour workweek with time and a half over 40 hours. The operator in New Haven was typical of others. They had to restrict the hours on the street to 8 hours. They could not afford the time and a half service to

the public as a result deteriorated and the situation really became so intolerable that with the assent and the influence of the taxi drivers themselves, as well as the operators that legislation was repealed in 1969.

We think this is very germane because it is, after all, the only precedent we know anything about where taxi operators, drivers were put under a time and a half situation. There follows in my testimony a complicated bookkeeping system they tried to implement to make this system work in Connecticut. It is tedious, laborious, and with your permission I will leave it to speak for itself and will skip on to another page, if I may.

We can't lay heavy enough emphasis on the fact that it was tried and was a dismal failure because of the unique and peculiar situation in our industry.

To more specifically highlight the dilemma the industry is in, we have had a working example of what minimum wage can do to taxicab operations.

Gentlemen, in conclusion, we are saying these things:

One, our statistics show us that 45 percent of all miles run by taxicabs are nonpaid, nonproductive miles. Compare this to the supervised production worker. The rest is deadhead. This is significant. The unproductive miles can be directly related to unproductive hours. In other words, a taxi driver putting in a 10-hour day probably is only laboring no more than 6 to 7 hours of that time. The balance he may be in a stand lined at the hotel, gone home for lunch, picking up the kids at school. This is the sort of things taxi drivers—we are not happy about it, but they do this. You can't have one supervisor for every taxicab driver. He basically, once he gets out on the street, is a self-motivated fellow. If his ambition is high, it is there for him to make. If it is low, he can make his income whatever he wants within reasonable rates.

Two, the taxicab industry day has many peak and valley periods and the driver must be ready for a call when it comes. Compare this to the 9 to 5 office employee.

Three, drivers are usually paid approximately 50 percent of their gross bookings, and time and a half after 8 hours per day, or 40 hours per week, would be 75 percent of the gross and no taxicab company can afford to pay this amount. Nor can any other industry.

Four, the result of legislation requiring time and a half would be the elimination of service after 11 p.m. until 7 a.m. since the hours between these times are now barely tolerable subsidized from daytime income. The questions raised by such a change in the taxicab industry are as follows:

A. Who will meet the late night airplanes?

B. Who will transport the late shift nurses to and from their private cases and hospital jobs?

C. Who will see the telephone operators safely home?

D. Who will deliver the urgent telegrams?

E. Who will deliver the emergency. indispensable prescriptions?

F. Who will deliver the emergency blood supplies?

G. Will the late night imbiber drive his own car after all?

The members of our industry firmly believe that the presently constituted minimum wage regulations, under the Fair Labor Standards

Act, should not apply to the taxicab industry. The historical exemption the industry operated under until 1966 was based upon sound and logical thinking of the previous Congresses. We were caught up in the sweeping changes that occurred in 1966, and the industry should have a complete exemption from minimum wage regulations.

If Congress does not see fit to grant a complete exemption, the taxicab industry must have an overtime exemption for taxicab drivers. Without this, based upon the testimony you are hearing today, this industry will not be able to survive in its present form.

Thank you for listening to my testimony.

I will refer you now to Mr. William Knaus of Bethel Park, Pa.

The CHAIRMAN. There is one question here in connection with your series on who will meet the late night needs. Now, this is in the area of overtime. If that were an employee coming on at 11 and going off at 7, he is at straight time. It is not a night rate we are talking about here. We are talking about the rate beyond the working day, the working period of 8 hours. What is wrong with bringing another shift on?

Mr. SMYTHE. Of course; we do bring other shifts on now.

The CHAIRMAN. Aren't those the ones that would make these late stops? The night airplanes?

Mr. SMYTHE. During any 8-hour period, specific 8-hour period, you can name, typically there is not enough business there over that period of time to earn the taxicab driver a satisfactory living based on present taxicab rates. So, you see, that is the probem and I think that with the late night hours, the business there has to be done. There is not very much of it. It doesn't compare—you have fewer cabs there. At the same time you must keep open your dispatch office, telephone operators, the radio must be on, supervisors must be there, the shop must be open, a wrecker, serviceman, gas pump attendant. Probably more goes out than is taken in in total gross between these hours of midnight to 6 in the morning in most communities in the United States.

Yet, of course, it is part of the charge of a taxicab company as a quasi-public utility to maintain service during those hours. It isn't profitable now. We say under time and a half with the shortage of drivers that are available anyway to do the job that is there now, we could not tolerate time and a half wages. It would have to cut back somewhere. That is probably where we would have to cut back.

I think, not to shorten the answer, but that same problem is gone into later in the testimony of these other two gentlemen. If you care to hear more, perhaps it will come up again.

The CHAIRMAN. It still doesn't answer the question, Why, if you are going to have men working, why not straight time men?

Mr. SMYTHE. They are presently on straight time.

The CHAIRMAN. Why not——

Mr. SMYTHE. Mr. Samuels had a point.

The CHAIRMAN. Unless this straight time fellow isn't making a living in 8 hours—they need the 12- and 14-hour day?

Mr. SAMUELS. If I may intervene, the problem——

The CHAIRMAN. From your standpoint, a new worker would be just as good?

Mr. SMYTHE. Sure. That is no problem. Just where is he?

The CHAIRMAN. You mean you don't have——

Mr. SMYTHE. No, sir. We are in very short supply of labor now.

The CHAIRMAN. Short supply of labor?

Mr. SMYTHE. Extremely. This is very typical.

Mr. SAMUELS. From our point of view, those 8 hours don't provide sufficient business to warrant a driver spending those 8 hours on the street. The people who serve that time in my company are drivers who start earlier and finish in the middle of that period, or start in the middle of that period and continue on into the rest of the day when there is more money for him to make.

The CHAIRMAN. In other words, on those off hours between 11 p.m. and 7 a.m., there is a shorter period of productive time.

Mr. SMYTHE. That is correct. That is both ends of the doldrums. The fellow who had the good business earlier must take some of the poor business earlier and vice versa. It is a peak-and-valley situation. The demand is tripled at times or quadrupled at times from other times.

Senator SCHWEIKER. In other words, a point, as I understand it, you are making is with your double peak, your 7 to 9 peak and 3 to 6 peak, if you have to go to an 8-hour proposition or pay overtime proposition, from your point of view this means 8 hours and this means you have to center that somewhere around your double peak, and if you do that, then any evening service or service after the second peak is just not economical for you to do. Is that really the summary of what you are telling us here today?

Mr. SMYTHE. I would say that is a fair summary, in addition to which we would have to end a driver's shift at 8 hours because we couldn't tolerate the time-and-a-half rate past that, and we would run out of people.

Senator SCHWEIKER. Also the 8-hour span wouldn't really cover the double peak either.

Mr. SMYTHE. That is correct. That is very germane.

Senator SCHWELKER. With the 8-hour preposition, you also can't realize your productivity; the 8-hour span wouldn't cover your two peaks either.

Mr. SMYTHE. Yes. I feel bad you should make that point instead of me. Very well said. That is what I was trying to say.

(The prepared statement of Mr. Smythe follows:)

7-20-71

TESTIMONY OF W. H. SMYTHE

BEFORE

LABOR SUBCOMMITTEE
COMMITTEE ON LABOR AND PUBLIC WELFARE
U. S. SENATE

July 22, 1971

Mr. Chairman and Members of the Committee, my name is W. H. Smythe, III, and I am President of the International Taxicab Association and Vice President and General Manager, Yellow Cab Company, Memphis, Tennessee. My company operates 80 taxicabs. Accompanying me are Mr. Robert E. Samuels of the Yellow Cab Company of Chicago, Illinois and Mr. William A. Knaus of the Colonial Taxi Company of Bethel Park, Pennsylvania. We are all actively engaged in the management of taxicab operations.

My purpose for appearing before this committee with my colleagues is to present the views of the entire industry in reference to Senate Bill 1861 and other legislation pertaining to amendments to the Fair Labor Standards Act. The final form that this legislation takes will literally determine the survival or demise of the taxicab industry as it exists today.

For your general information the International Taxicab Association represents fleet operators, large and small, in the United States and Canada and has a membership of over 1,100 companies. This association came into being in 1966 as a result of the combining of the two industry associations; American Taxicab Association (founded in 1942) and the National Association of Taxicab Owners (founded in 1971). The merger was a result of the growing economic pressures and the need for closer cooperation between all taxicab companies.

In 1945 the taxicab industry had 92,900 vehicles, carrying 1.9 billion passengers a total of 4.3 billion miles.

Today there are taxicab operations in 3,201 communities in the United States. 163,900 taxicabs carry 2.1 billion passengers for a total of 7.9 billion miles on 1.5 billion trips per year. Not really an impressive gain but at least a trend upward as compared to the dismal situation in other means of public transportation. We have, for your information, attached Exhibit A, which is a Cab Research Report containing a sample of taxicab-passenger traffic for the year 1969. This report has 193 communities reporting. Three-fourths of the total communities now served by taxicab companies have no other public transportation and no taxicab operations are subsidized. Does Congress want to enact legislation leading to the eventual subsidization of over 7,254 taxicab companies in order to maintain service in 3,201 communities? It is actually a more awesome undertaking than the current program for aiding public mass transportation services in the major metropolitan areas.

Without dwelling on all the complications involved in the urban mass transportation picture, the overall view is not encouraging. From the period of 1945 through 1968 public mass transportation passengers decreased by two-thirds, and fares increased three times over. In approximately the same time frame, public mass transportation was discontinued in 120 cities, 70 of them in cities of less than 25,000 population. At the present time an additional 90 cities are in financial difficulties and, in some cases, in bankruptcy in their public mass transportation operations.

The industry's problem is, that although two-thirds of the regular drivers earn in excess of the existing and proposed minimum wages, one-third of the drivers fail to be productive enough to meet the minimum wage. A sample of driver earnings per man hour for November, 1969 showed the average company earning $2.23 per hour, the highest company earnings being $3.36 per hour, and the lowest $1.61 per hour. Upon this basis of averages it would seem that minimum wage levels of a $1.60 an hour, or slightly more, could be maintained. The good producer earns far in excess of the minimum wage and the poor one fails to meet the minimum wage.

Productivity, of course, is the key to offsetting increases in wages and prices. The taxicab industry has been unable to make any substantial increase in productivity since realizing the full utilization of two-way radio communications in the early 1950's. There has been no technological breakthrough that would allow for increase in the productivity of the taxicab driver. The problems of traffic congestion during peak traffic hours has lessened a driver's productivity and forced the institution of traffic delay charges in many major cities.

It is becoming more apparent every day that the taxicab riding public is composed, in the majority, of individuals who do not own automobiles (21% of all families in the United States did not own automobiles in 1969), mainly due to economic circumstances, handicapped persons, low income wage earners, the elderly and non-drivers, all of whom have no alternative in seeking demand-response transportation as opposed to scheduled mass transit systems.

The commission system of compensation of taxicab drivers existed long

before minimum wage legislation. Is the hourly minimum wage legislation the only tolerable form of compensation accepted by Congress?

If this legislation passes, the result will be quite apparent to the Congress. The present standard of fare rate is 50¢ for the first fifth mile and 10¢ for each additional fifth. To compensate for the one-third non-productive drivers, the new fare rate should be $1.00 for the first one-fifth mile and 10¢ for each additional one-seventh or an increase of approximately 51%.

Employment will be limited to an eight hour day or forty hour week. The Connecticut experiment of time and a half for all over forty hours, based upon a commission rate, clearly showed that no company could operate beyond the forty hour week and stay in business. The deterioration of service and the limiting of drivers to forty hours a week resulted in increased hourly earnings but an inability to serve the public. The Connecticut legislature repealed the overtime provisions for taxicab drivers on July 1, 1969.

Taxicab companies will cease to be instant employers. Taxicab companies have traditionally taken up some of the unemployment slack in industrial areas due to layoffs. They have also served to provide additional income to individuals facing cutbacks in overtime and reduced income. They have served to provide an immediate source of income for individuals faced with financial problems or need for additional supplemental income. The taxicab industry hires as high as five individuals per year for each taxicab driver it needs. Taxicab companies will not be able to afford initial training, processing, record keeping and marginal production of these individuals.

The administration has used the term "deregulation" of industry with considerable emphasis on the field of transportation. We believe that many members of Congress are acutely aware of the need to simplify the regulations as they pertain to common carriers in the United States. Our industry is regulated at the local, state and federal levels with no consistent patterns. For example, a local ordinance may determine the qualifications of drivers, fix the rates of fare and designate the geographical area of operation. The state may set minimum wage regulations, often in contradiction with the federal regulation, control Workmen's Compensation, conduct safety inspections and set standards for taximeters. The federal government has regulatory control since 1966, under the Fair Labor Standards Act. Standards of equipment are influenced by the Department of Transportation, certain ICC regulations on hours of operation pertain to the taxicab industry, the Internal Revenue Service has conflicting regulations on independent contractors and the Department of Labor requires record keeping that is inconsistent with local and state regulations pertaining to drivers' trip sheets.

Gentlemen, we are already in a bureaucratic mess and the burden of complying with these laws and the attendent record keeping will destroy the "mom and pop" operations in the taxicab industry. One-fourth of all the taxicab companies in the United States, or approximately 1,810 operations, are composed of ten taxicabs or less. The communities in which they serve have no other form of public passenger transportation. These operations are primarily in small communities (not suburban) where the success of their operation depends upon their ability to adjust to the community needs. They are not always able to reach even the existing

minimum wage. But as owner operators, usually with the husband driving and the wife dispatching, they are able to realize a modest income usually around $10,000 a year for both of them. They will each average approximately 60 hours of work a week. Only because of their interest in being an entrepreneur do they remain in business. It is not difficult for a husband and wife working outside the taxicab industry to reach this income figure.

Moving to the next group of operators in which the bulk of taxicab operations exists, we have the 10 to 50 taxicab category. In the next category of 50 to 100 taxicab operations, we have approximately 200 operations. There are only 50 corporations in the United States operating taxicab fleets of 100 vehicles or more. The taxicab industry is not big business but it is a vital one and the last private enterprise sector in transportation that receives no subsidy whatsoever.

To more specifically highlight the dilemma the industry is in, we have had a working example of what minimum wage can do to taxicab operations.

The State of Connecticut adopted in the 1966-1967 legislature a provision for overtime for all industries. This provision required time and a half for all time worked for over 40 hours in each week. In 1969, at a legislative hearing in Connecticut, a group of drivers appeared voluntarily to ask that the law be changed to exempt taxicab drivers from the overtime provision and their wishes were granted. Why did they appear? Taxicab companies pay on a commission basis and most drivers in Connecticut receive between 40 and 50% of the fares collected. Under the overtime provision, if a driver received 50% of the fares, then after 40 hours he would receive 75% of the fares. If he received 40%, then after 40 hours, he would receive 60%.

The simple fact was that no company could remain in business, pay for the vehicles, gasoline, tires, salaries of dispatchers, mechanics, etc., insurance, not to mention taxes and fees from the remaining 25 to 40% of the gross receipts. Therefore, it was impossible to allow taxicab drivers to operate in excess of 40 hours per week.

Unfortunately, taxicab operators cannot meet the established eight hour day. There are two essential service peaks during the day, usually from 7:00 to 9:00 a.m. and from 3:00 to 6:00 p.m. This is when the drivers obtain their peak income. However, taxicab service is still one of the few 24-hour transportation services remaining and after the early evening hours is the only transportation service in many communities. Seasonal fluctuation and weather conditions both affect the taxicab companies and drivers' income.

I would like to quote directly from Mr. John Buckley, General Manager of The Terminal Taxi Company of New Haven, Connecticut, who underwent the experience of trying to maintain his company under the Connecticut minimum wage law, which called for time and a half for all hours over forty per week. Mr. Buckley states the situation within his company as follows:

"The result of overtime in the cab industry is that you tell a man he must make his living in 40 hours. This he cannot do under the present circumstances. If cab prices are raised to the point where he can do so, we will price ourselves out of business. We have lost 24% of our business in New Haven in the last 18 months. We attribute a large part of this to a rate increase. The increase was necessary both for the drivers and the company, but it rebuts the theory of inelastic demand which has been

ascribed to cab riding.

However, even more frustrating is the fact that a rate increase does not help but actually aggravates the situation where overtime is involved. We now have the pyramid effect. The larger amount the driver earns, the higher his hourly rate on overtime.

For example, if a driver 'books' or collects fares of $300 for a weeks work and works a total of 50 hours, and if his commission is 50%, he would get a gross pay of $150 or $3.00 per hour on the average. If he is under time and a half, it would be necessary to pay him an additional $15.00 or $6.00 an hour, for the 10 hours over 40 hours.

Now let us raise fares so that he could then book the $300 in 40 hours. Where he had to book $6.00 previously, now he must book $7.50 per hour to stay even. This would mean a 25% increase in fares. But you may say only 12½% is needed since the company doesn't need it. I won't even contemplate the monster which will result in figuring out a payroll in which one portion is at 50% and one portion is at 12½%. This was a fantastic problem with payroll on time and a half. Each driver must have his base pay computed individually, and then the overtime applied to the hourly base pay, then added to the total pay.

The driver also tells you that he still loses because his tips go down with the rate increase. Suppose then you give the company credit for the drivers' tips and that the company gets credit for 15% for tips. On $300 booking, there would be $45.00 for tips. This works fine for minimum wage, but look what happens now on overtime. You must add $45.00 to the $150 he previously made giving him a total of $195.00 for his pay.

Divided by 50 hours, he now makes $3.90 per hour and the company must now pay $19.50 in overtime.

So the paradoxical situation arises that the higher fares result in more problems. The more the man earns, the more you must give him. The theory of minimum wage is reversed in that instead of putting a floor under his salary, you give bonuses to the higher paid driver, and you exaggerate the differential in pay."

Gentlemen, in conclusion we are saying these things:

1. Our statistics show us that 55% of all miles run by taxicabs are non-paid, non-productive miles. Compare this to the supervised production worker.
2. The taxicab industry day has many peak and valley periods and the driver must be ready for a call when it comes. Compare this to the nine to five office employee.
3. Drivers are usually paid approximately 50% of their gross bookings and time and a half after 8 hours per day or 40 hours per week, would be 75% of the gross and no taxicab company can afford to pay this amount. Nor can any other industry.
4. The result of legislation requiring time and a half would be the elimination of service after 11:00 p.m. until 7:00 a.m. since the hours between these times are now barely tolerable subsidized from daytime income. The questions raised by such a change in the taxicab industry are as follows:

    A. Who will meet the late night airplanes?

B. Who will transport the late shift nurses to and from their private cases and hospital jobs?

C. Who will see the telephone operators safely home?

D. Who will deliver the urgent telegrams?

E. Who will deliver the emergency, indispensable prescriptions?

F. Who will deliver the emergency blood supplies?

G. Will the late night imbiber drive his own car after all?

The members of our industry firmly believe that the presently constituted minimum wage regulations, under the Fair Labor Standards Act, should not apply to the taxicab industry. The historical exemption the industry operated under until 1966 was based upon sound and logical thinking of the previous Congresses. We were caught up in the sweeping changes that occurred in 1966 and the industry should have a complete exemption from minimum wage regulations.

If Congress does not see fit to grant a complete exemption, the taxicab industry must have an overtime exemption for taxicab drivers. Without this, based upon the testimony you are hearing today, this industry will not be able to survive in its present form.

EXHIBIT A

CAB RESEARCH REPORT

NUMBER 132

DATE May 12, 1970

SAMPLE OF TAXICAB PASSENGER-TRAFFIC YEAR 1969

	No. of Licenses	Passengers Carried	Miles Travelled	Total Trips
Albany, New York	250	4,092,170	11,499,000	2,462,313
Albany, Oregon	5	65,000	167,606	50,500
Albuquerque, New Mexico	80	634,000	1,825,000	365,000
Ambridge, Pennsylvania	18	398,980	795,070	159,592
Anchorage, Alaska	53	2,315,040	4,240,000	1,157,520
Arlington Heights, Ill.	15	122,356	608,322	114,357
Asheville, N.C.	9	54,000	438,000	35,000
Ashland, Kentucky	20	325,000	1,080,000	219,000
Auburn, Maine	8	75,000	500,000	50,000
Audubon, New Jersey	12	800,000	750,000	235,000
Augusta, Georgia	33	308,790	1,332,130	223,015
Barstow, California	7	250,000	280,000	97,000
Bath, Maine	16	242,351	681,008	145,826
Battle Creek, Mich.	24	245,000	820,000	220,000
Beeville, Texas	6	66,810	194,238	58,460
Binghamton, New York	27	500,909	1,291,610	385,315
Bloomington, Illinois	21	563,212	750,950	375,475
Borgen, Texas	6	109,500	182,500	53,750
Brookline, Massachusetts	102	879,981	3,592,763	691,373
Buckhannon, West Virginia	6	100,000	300,000	70,000
Burlington, North Carolina	24	452,088	753,490	215,280
Carpentersville, Illinois	6	90,000	200,000	50,950
Cedar Rapids, Iowa	20	250,000	1,500,000	225,000

Page 2
No. 132
May 12, 1970

SAMPLE OF TAXICAB PASSENGER-TRAFFIC YEAR 1969

	No. of Licenses	Passengers Carried	Miles Travelled	Total Trips
Centralia, Illinois	10	154,694	346,092	128,294
Charleston, S.C.	48	785,184	4,654,000	482,503
Chicago, Illinois	4,600	39,760,800	142,800,000	28,623,600
Cicero, Illinois	6	98,154	274,976	59,082
Cincinnati, Ohio	440	3,976,563	16,613,310	2,736,725
Clifton, New Jersey	8	170,000	850,000	145,000
Clinton, Iowa	6	85,000	300,000	75,000
Cochitauate, Mass.	4	125,000	300,000	40,000
Columbus, Ohio	351	5,742,009	17,460,630	3,456,297
Coral Gables, Florida	25	338,753	951,897	152,777
Dallas, Texas	507	2,916,779	15,742,444	1,964,143
Danvers, Massachusetts	8	75,000	390,745	67,753
Danville, Illinois	20	300,000	1,168,583	290,000
Davenport, Iowa	15	654,075	1,149,950	218,025
Dayton, Ohio	150	1,118,000	7,864,385	893,588
Daytona Beach, Florida	13	212,667	519,000	128,011
Denver, Colorado	273	2,601,543	17,376,580	2,457,103
Des Moines, Iowa	207	2,972,313	6,352,523	1,473,132
Detroit, Michigan	1,310	19,512,900	83,397,600	13,134,675
District of Columbia	8,500	37,000,000	144,770,000	31,000,000
Dubuque, Iowa	21	300,000	900,000	240,000
Dunedin, Florida	4	45,000	120,000	33,000
Durham, North Carolina	114	1,275,354	3,583,746	950,000
East Hartford, Conn.	15	200,000	721,000	121,287
El Dorado, Arkansas	12	150,562	401,500	100,375

SAMPLE OF TAXICAB PASSENGER-TRAFFIC YEAR 1969

	No. Of Licenses	Passengers Carried	Miles Travelled	Total Trips
Elgin, Illinois	22	317,032	890,862	247,377
Elkins, West Virginia	5	300,000	250,000	110,000
Elyria, Ohio	14	198,000	500,000	180,000
Enid, Oklahoma	20	220,000	510,000	190,000
Erie, Pennsylvania	77	960,099	2,474,323	638,727
Eureka, California	18	291,200	861,952	212,652
Evansville, Indiana	45	543,020	1,585,244	437,920
Fairmont, West Virginia	13	365,000	393,250	18,250
Falls Church, Virginia	57	444,532	2,100,000	355,626
Fargo, North Dakota	50	2,502,000	1,668,600	566,000
Fayetteville, N. C.	70	377,247	3,792,943	125,749
Fort Collins, Colorado	8	63,359	260,043	55,683
Fort Smith, Arkansas	33	493,125	1,746,000	374,500
Fort Worth, Texas	323	2,158,847	11,092,809	1,713,745
Galveston, Texas	27	375,000	1,250,000	310,000
Garden City, Kansas	3	33,000	60,000	22,000
Glassboro, New Jersey	15	180,000	825,000	219,000
Glens Falls, New York	19	350,000	827,905	168,093
Great Falls, Montana	30	316,983	1,248,882	251,510
Greenlawn, New York	4	20,950	100,000	10,950
Greensboro, N. C.	135	1,000,000	4,500,000	800,000
Hamilton, Ohio	10	362,495	489,620	169,972
Hartford, Connecticut	126	2,079,925	5,844,591	1,358,532
Hayward, California	38	1,095,000	1,387,000	438,000
High Point, N. C.	34	863,415	1,397,912	411,150

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SAMPLE OF TAXICAB PASSENGER-TRAFFIC YEAR 1969

	No. of Licenses	Passengers Carried	Miles Travelled	Total Trips
Hopewell, Virginia	15	150,000	330,000	70,000
Huntington, W. Va.	48	790,700	2,671,740	563,500
Indianapolis, Indiana	535	3,500,000	19,133,324	2,614,502
Johnstown, Pennsylvania	18	201,351	603,204	129,165
Juneau, Alaska	22	100,000	2,000,000	25,000
Kalamazoo, Michigan	39	345,139	1,314,451	338,372
Keansburg, New Jersey	4	31,000	300,000	21,900
Ketchikan, Alaska	5	20,000	100,000	30,000
La Crosse, Wisconsin	23	284,698	800,000	171,306
Lake Charles, Louisiana	75	1,076,925	3,224,850	663,525
Lake Forest, Illinois	11	170,000	376,195	81,638
Lakeland, Florida	32	273,000	600,000	156,000
Lansing, Michigan	38	311,910	894,306	243,680
Las Vegas, Nevada	213	6,367,259	17,892,000	3,831,263
Levittown, New York	53	500,000	1,000,000	214,132
Lexington, N. C.	14	303,353	462,?54	144,454
Lincoln, Nebraska	39	400,000	1,404,704	374,046
Little Rock, Arkansas	150	2,800,000	7,000,000	2,000,000
Longview, Texas	17	246,891	595,000	143,684
Louisville, Kentucky	418	3,035,516	15,727,668	2,260,544
Lubbock, Texas	20	200,000	750,000	120,000
Manitowoc, Wisconsin	8	96,000	320,000	64,000
Marietta, Georgia	65	720,000	2,400,000	480,000
Mason City, Iowa	17	204,360	296,000	146,220
Medford, Oregon	11	165,059	501,986	141,363

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SAMPLE OF TAXICAB PASSENGER-TRAFFIC YEAR 1969

	No. of Licenses	Passengers Carried	Miles Travelled	Total Trips
Memphis, Tennessee	375	6,220,300	25,100,000	4,200,000
Mesa, Arizona	9	85,432	284,775	56,955
Middletown, Connecticut	10	146,000	500,000	73,000
Middletown, Ohio	25	551,250	1,837,500	367,500
Mobile, Alabama	60	684,164	3,180,327	648,276
Monroe, Louisiana	31	315,360	1,049,616	163,250
Monterey, California	11	173,740	479,912	102,200
Morgantown, W. Va.	13	232,067	720,000	210,970
Mt. Prospect, Illinois	15	104,000	800,000	95,000
Mountain View, California	17	260,000	950,000	190,000
National City, California	24	823,197	2,280,000	357,912
New Canaan, Connecticut	10	100,000	200,000	90,000
New Castle, Pennsylvania	20	189,204	494,299	141,190
New Haven, Connecticut	109	1,209,658	3,575,629	887,598
Newport, Kentucky	26	945,610	1,799,694	359,938
Newton, North Carolina	8	73,000	367,968	62,000
New York, New York	11,779	300,000,000	700,000,000	180,000,000
Niles, Michigan	8	116,000	400,000	75,000
Norfolk, Virginia	280	3,120,000	16,000,000	1,560,000
Norwood, Massachusetts	6	78,000	260,000	52,000
Oakland, California	204	438,638	1,232,575	263,934
Ogden, Utah	18	500,000	1,000,000	400,000
Oklahoma City, Oklahoma	163	2,666,517	6,779,822	1,605,061
Omaha, Nebraska	184	2,413,555	7,343,345	1,618,677
Oneonta, New York	8	234,000	187,000	78,000

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SAMPLE OF TAXICAB PASSENGER-TRAFFIC YEAR 1969

	No. of Licenses	Passengers Carried	Miles Travelled	Total Trips
Orlando, Florida	70	1,117,708	3,237,977	558,854
Oswego, New York	18	294,462	936,000	177,246
Palo Alto, California	40	450,382	1,265,574	219,593
Paris, Texas	8	91,250	292,000	730,000
Pasadena, California	130	1,750,000	3,740,000	555,000
Philadelphia, Pennsylvania	1,400	14,091,858	49,608,435	9,960,322
Phoenix, Arizona	112	1,147,176	5,653,419	874,013
Pittsburgh, Pennsylvania	425	4,560,811	22,431,137	3,040,540
Point Pleasant, New Jersey	10	130,000	365,300	97,000
Pomona, California	35	592,570	1,810,447	296,285
Portsmouth, Ohio	20	399,557	889,232	242,387
Portland, Maine	56	856,840	2,407,720	515,571
Providence, Rhode Island	150	665,550	2,023,437	456,143
Pueblo, Colorado	12	96,423	427,332	84,644
Red Bank, New Jersey	22	359,898	1,014,043	217,140
Redding, California	12	78,000	252,000	73,000
Richmond, Virginia	300	6,570,000	13,500,000	1,131,500
River Edge, New Jersey	10	86,507	513,384	66,842
Rochester, Minnesota	49	1,120,000	1,766,400	864,000
Rocky Mount, North Carolina	37	566,139	1,590,852	340,654
Roseburg, Oregon	6	116,800	215,209	68,640
Saginaw, Michigan	55	1,226,925	2,529,890	541,585
St. Charles, Missouri	20	215,655	498,237	143,770
St. Cloud, Minnesota	20	252,275	708,893	204,084
St. Joseph, Missouri	35	589,725	1,410,662	442,025

SAMPLE OF TAXICAB PASSENGER-TRAFFIC YEAR 1969

	No. of Licenses	Passengers Carried	Miles Travelled	Total Trips
St. Louis, Missouri	1,300	14,723,100	41,396,400	8,862,300
San Francisco, California	800	2,497,589	7,018,226	1,502,832
San Jose, California	100	303,197	851,984	182,437
San Pedro, California	21	410,467	1,153,412	232,364
Santa Ana, California	33	493,000	1,300,000	290,000
Schiller Park, Illinois	40	449,360	750,000	334,360
Seattle, Washington	316	2,435,300	12,400,000	2,201,000
Sedalia, Missouri	15	400,000	300,000	64,240
Sheboygan, Wisconsin	10	235,000	375,000	210,000
Silver Spring, Maryland	55	700,000	2,500,000	380,000
Simsbury, Connecticut	6	98,154	275,976	59,082
Springfield, Illinois	85	700,000	6,004,000	600,000
Springfield, Massachusetts	20	193,533	588,328	124,513
Springfield, Ohio	34	555,655	1,416,135	507,348
Springfield, Oregon	3	24,200	140,000	16,500
Stillwater, Minnesota	8	90,704	439,218	73,208
Stillwater, Oklahoma	6	51,000	125,000	45,000
Stockton, California	15	290,700	1,000,000	270,800
Stoughton, Massachusetts	10	112,739	476,824	80,544
Tacoma, Washington	25	253,750	1,106,099	213,487
Toledo, Ohio	225	1,120,613	5,300,971	852,996
Topeka, Kansas	36	985,000	1,991,130	657,000
Toppenish, Washington	4	48,320	154,000	31,721
Traverse City, Michigan	8	110,000	300,000	100,000
Tucson, Arizona	40	1,000,000	3,500,000	550,000

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SAMPLE OF TAXICAB PASSENGER-TRAFFIC YEAR 1969

	No. of Licenses	Passengers Carried	Miles Travelled	Total Trips
Tulsa, Oklahoma	215	1,770,344	6,323,217	1,515,274
Virginia Beach, Virginia	20	287,180	859,960	156,940
Warrensburg, Missouri	8	69,120	180,000	49,234
Washington, Pennsylvania	8	120,300	300,000	92,713
Waterbury, Connecticut	20	281,306	511,317	130,436
Watertown, New York	35	971,403	3,011,250	323,801
Waukesha, Wisconsin	8	138,846	358,000	115,705
Wausau, Wisconsin	12	196,308	450,000	118,164
Wellesley, Massachusetts	10	177,936	500,000	107,066
Wenatchee, Washington	10	180,000	265,000	105,000
Westport, Connecticut	13	700,000	650,000	500,000
Westwood, New Jersey	13	85,000	480,000	80,000
Whitefish, Montana	1	3,260	9,162	1,962
White Plains, New York	3	3,000	160,000	1,460
Wichita, Kansas	200	2,737,500	7,000,000	1,498,929
Williamsport, Pennsylvania	18	258,464	726,286	191,290
Wilmington, North Carolina	24	561,206	1,185,246	280,603
Wilson, North Carolina	12	336,714	432,918	160,340
Woonsocket, Rhode Island	20	319,779	748,638	245,945
Worchester, Massachusetts	100	4,500,000	7,300,000	1,800,000
York, Pennsylvania	36	637,122	1,370,848	435,151
TOTAL	40,987	573,436,299	1,649,139,853	363,022,871

Mr. SMYTHE. If Mr. Knaus may proceed now——

Mr. KNAUS. Good afternoon. Thank you for inviting us to testify here.

The testimony I have is on record, but I would like to cover some of the points that I believe would convey some of the knowledge we have of our industry to your committee.

When we talk about the high peak demand hours, we have approximately six to eight high peak demand hours in a 24-hour period. If a driver only procures one high peak area in an 8-hour day, he isn't going to be able to make the average productivity of $5 to $6 an hour which will bring him up to the average of $2 minimum wage. This is the reason why the drivers must cover at least two peak hours, which is 10- or 12-hour days. Otherwise, he doesn't make enough money to satisfy himself.

Of course, in my situation in Bethel Park, Pa.—it is a little town south of Pittsburgh, Pa. We operate in small towns and suburban communities. We don't have an airport to go out to and wait there and bring trips back. We have no hotels. We operate out of the homes, the large shopping complexes in the area, and the various activities that a small community has.

It indicates in this particular situation that we have to be prepared at all times to be able to have a sufficient number of taxis on the road to take care of what we call a mass hysteria among the public in calling for taxicabs. When the phone rings in our establishment, they usually ring eight, 10, 12, 14 times in a row and then everything goes dead again.

If we don't have the drivers on the road, we are not able to procure this business. If you don't give service to your customers today, you don't have a customer tomorrow.

Our business is the type of business that you have to sit out there and wait for the public to make demands on you. In my operation I take care of our demands to 97 percent of the demands that come across our telephone. I am 98 percent controlled by telephones and radio completely. We try to control our drivers completely. We give them every trip that they procure. We make no pickups.

When I say my company is ideal throughout the United States in Pennsylvania, for example, we only have three or four large cities that pertain to the taxis in the cities alone. The rest of the communities in the State of Pennsylvania are dependent upon taxicabs. The bus industry has died in a majority of these areas.

Of course, this brings us down to the point that we have to give 24-hour service. Our public utility commission which grants us a right to operate requires us to operate 24 hours a day. None of our drivers that operate after 9 o'clock at night produce any profit for the company. It is a subsidy situation. The reason for this is the area that we operate in, in the majority of the suburban communities, are bedroom communities as they are called. They usually close down after 9 at night. Yet there is sufficient amount of demand that you have to keep an operation going.

Of course, in keeping this operation going, we end up with subsidizing of taxicab drivers. In our area, the State of Pennsylvania passed a minimum wage bill which starts out at a zero factor. Because of the zero factor in the State of Pennsylvania, we have had taxicab

companies in and around our area that went out of business since 1966 since the standard wage has been passed. I indicated that in my prepared statement.

In addition to this, the fact remains that the bookkeeping procedures as prescribed by this particular law is so complicated that we are unable, unless you have a company of 10 to 15 cabs, to buy the sufficient amount of machinery it takes to create the proper bookkeeping that would pass a labor-and-hour inspection.

What we have to do, we have to clock our drivers out. We have to clock them in. Yet we have absolutely no supervision over these people at all when they leave.

The CHAIRMAN. Are you talking about the Pennsylvania law now?

Mr. KNAUS. No, Mr. Williams. This is the Pennsylvania law and also the standard labor law under the present standard wage and hour law. At the present time you have a $250,000 exemption, but a cab company with less than 10 vehicles is usually a paw-paw operation and they are at the present time under minimum wage in Pennsylvania because it starts out at a $1.01 factor in Pennsylvania.

When the State of Pennsylvania passed their minimum wage law, they eliminated the $250,000 so therefore they have a zero factor to start with. This is what happened in Pennsylvania. We lost the small taxicab companies in Pennsylvania because of the minimum wage law

The CHAIRMAN. What is the minimum wage in Pennsylvania?

Mr. KNAUS. Same as the present wage under Federal.

The CHAIRMAN. But it covers all?

Mr. KNAUS. Yes, sir.

The CHAIRMAN. In other words, a cab with one driver is covered?

Mr. KNAUS. Yes.

The CHAIRMAN. How do you pay your drivers? All on an hourly basis?

Mr. KNAUS. No, sir. We pay them on a commission basis, and in my particular setup we clock our driver in and out. At the end of the day we take his total bookings and we multiply that by his commission. We then divide that by the number of hours that he worked. If he doesn't receive sufficient amount of income from that, this is what we have to subsidize. The productivity of taxicab drivers run in the neighborhood of $4 or $6. If you pay a driver 40 percent commission, which is what we pay in my company, even though the Federal—the average States in the United States are higher, but due to the fact that I am out in the country and I work in a small town, I am not as efficient an operation as a large city operator. My drivers only are efficient to the point of about 42 to 44 percent.

In other words, 54, 55 percent of my drivers' time is wasted in coming and going from a trip because of the large area that we operate in and the suburban community.

Of course, there is the problem that we have. If we don't keep on top of these drivers and they don't make minimum wage, there is only one thing for us to do. That is to let the driver go. We have drivers that are very happy to work for us at the wages that they make. They establish their own income. This is one of the things that is very peculiar to the taxicab industry. We establish—the driver comes to work that day. He already makes up his mind what he will make that day. Once he books this amount of money, he will quit for the

day. If you don't permit him to drive the cab in, he will park some place and either have lunch or go to the ball game or go some place else.

The CHAIRMAN. You know what they say about the cab drivers in Washington. They are better weather prognosticators than the weatherman.

Mr. KNAUS. This is true.

The CHAIRMAN. They disappear when there is a smell of snow in the air. [Laughter.]

Has anybody ever observed that around here?

Mr. SMYTHE. That is an optical illusion. It is just that everybody gets in them.

Mr. KNAUS. I will tell you why they disappear. I have made up cards which I give to my drivers and we passed them out to some of our people. When it snows and the roads are slippery, here is a card. We know you don't want to drive your car because you don't want to have an accident. Have an accident with us and make your big killing with an attorney under insurance. [Laughter.]

The CHAIRMAN. Don't see your doctor, see your lawyer. [Laughter.]

Mr. KNAUS. The individual working, there is a very excellent point. We have tried since 1950, since radios became a basic requirement of the taxicab business, to give good service to the public, to increase our productivity or our drivers.

In my company, if I don't hire 10 percent of my drivers, of my total drivers every week, I am going out of business.

The CHAIRMAN. Say that again?

Mr. KNAUS. If I don't hire 10 percent of my number of cabs or drivers that I have on the road each day, I am going out of business.

Now, I had in my company last year, I issued at the end of the year 545 W2's. The people that work for me, my particular driving force, is 92 percent part time. I find in all my travels around the United States in the last 2 years that the majority of the companies in the United States have more part-time people than they have regular drivers. This has proven out in the testimony and statistics that are presented here. The drive that is out on the road, when we give the driver a trip in our community, there is no way that we can tell him what road to go on to get this trip. If he is going down M street and he is supposed to go to 504 L Street, and he makes a left turn instead of a right turn, he may go down eight or nine blocks before he has to turn around and come back and find out the number is on the other side of the street. We have not been able to increase our productivity of a driver beyond 2.7 trips per hour, in the last 16 years that I have been in the taxicab business.

Nobody has tried harder than I have, because I know that if I could get the productivity of the driver up and he can make more money I would have a possibility of retaining drivers.

The drivers in addition to this, the drivers that we get, many of them, have no family responsibilities. Actually, I have always said this: Once the housewife can say to her girl friend, that my husband is a taxicab driver and we have a status symbol to go with it, then I believe that we and our taxicab industry could possibly have more drivers.

Therefore, the drivers that come and go with us use us as a stopgap situation. Our drivers are not as well educated, their abilities are not that great, their ambitions are not that great.

So, we take a low productivity individual, try to make a high productivity individual out of him and try to give him a living wage. We try this and with the regulation from the Government constantly harassing us and requiring us to keep time of his records, keep on top of this man, make him produce, does nothing but drive the man away from us. We thought at one time that we could possibly set up some system of automation and dispatching whereby we could control the drivers a little more, but the only way we could possibly see this particular outlet would be if we could put a television camera in every taxicab and then have a monitor sitting inside. Can you imagine the cost of a situation like this, and what would happen to the taxicab rates in the United States?

This is the only system left to produce productivity. The system isn't practical. It is too costly. I doubt seriously whether it will ever come about. This is one more reason why the taxicab industry should not be under minimum wage. It is a unique industry of its own.

I indicated on page 3 the typical breakdown of how we go about subsidizing our drivers. I also indicated in there how we—why we keep our drivers on during slow periods. The peak periods of our days are between 7 o'clock in the morning and 9 o'clock, and from 1 o'clock to 12:30, and approximately from 4 o'clock to 6:30. We have a slight peak around 9:30 at night when the large shopping centers close down.

If a driver doesn't pick up all these peak periods he doesn't have a good day. This is one reason why, if we could do like the bus companies do we could send all our drivers home after 9:30. But what will happen when it starts to rain at 10 o'clock or 10:30 and the drivers are all home? So, we have got to keep these nonproducers on the road for the eventuality of different types of change in climates, changes in people's habits of noving about so when we do get a call we can give service, but the problem that we have is that we have to keep track of this man's time. We must pay him for it even though he is nonproductive. For each nickel of minimum wage over $1.60 an hour in my company, I have to increase the commission to the driver 1 percent. This means that if you go to $2 an hour, I have to give that man 8 percent of the gross.

I am not making that much money. My profit last year was 36 mils on a mile traveled and I think I am a fairly good operator.

If we go to the $2 an hour, it only means one thing to us. It means that we are going to have to limit the number of hours a driver works by rotating the shifts. Either that or we will have to go to a profile of a different type taxicab company.

I refer you to page 5 whereby we indicated how a 40-hour workweek in a taxicab company works. This is my personal opinion on what would happen to the transportation in the small communities in the United States. An alternative is to go to the independent contractor.

The independent contractor is an individual that works for himself, and this type of individual might be the ideal solution to our business, instead of the employer-employee relations.

I firmly feel that if the minimum wage continues and gets higher than $1.60 an hour, that there is only one alternative left for us and

that is to go to the independent contract setup. Because only then an individual that has a free enterprise desire can go out there and work his 10 or 12 hours a day, 5 days a week, or 6 days if he so wishes and make the necessary amount of money that he wants to make.

The CHAIRMAN. Evidently that is the direction it has gone in New York with the owner-driver that Mr. Mittelman was talking about.

Mr. SMYTHE. It is about half-and-half.

The CHAIRMAN. It might well be that that is the direction. I will tell you—well, we all have our experiences. It is an interesting observation and it might well be that that will be the direction it will go.

Mr. KNAUS. Then in addition to this, when the minimum wage goes up, we have to naturally raise our rates. Since the minimum wage went into effect, I had a 40-percent increase in rates. Now the minute you go to $2, I have to go at least another 25 percent because as I indicated to you, we are a small company. We operate in a suburban community where the subdivisions and the communities are very sparsely populated. They are scattered out in half-acre lots and 1-acre lots.

The CHAIRMAN. Is yours a meter community or a zone community?

Mr. KNAUS. We are a meter community.

Mr. SMYTHE. Almost all cities are meter. Washington is almost unique in a zone operation for a large city, and Little Rock, Ark.

The CHAIRMAN. Are the meters set for the same rate, day, night, any hour? Always the same?

Mr. KNAUS. Yes, sir.

The CHAIRMAN. Here there is a nighttime rate, isn't there?

Mr. SMYTHE. There is experimentation in some communities with night rates and suburban rates for long trips. Basically it is the same rate.

Mr. KNAUS. This brings us back to the snow business. We always said when the snow falls in Pennsylvania, if we had 1,000 taxicabs on the road, we wouldn't have enough. I just wish there was some way the commission would turn around—this is a State commission in Pennsylvania—to permit us to double or triple our rates on snow days. Maybe we wouldn't have as many problems as we have in our industry. Unfortunately, this isn't the way it goes.

The CHAIRMAN. You are better off that way though, than with a zone. When we had a snowstorm here on January 6, 1961, with this zone, there were cabdrivers stuck in the zone for 6 or 7 hours, and I know one guy that paid the zone rate after 6 hours. He lived through it, too.

[Laughter.]

Mr. KNAUS. It is a real problem. I know. Eleven o'clock at night, our commentator begins to broadcast the news in Pittsburgh and he said, "tomorrow morning the roads will be a little bit icy, we will have 3 to 4 inches of snow." Our telephones light up like Christmas trees. I want to be picked up at 7 o'clock. We say, who are you?

The CHAIRMAN. Who sponsors that program?

Mr. KNAUS. That is an excellent program. But the other problem we have, of course, is that Pittsburgh, being a highly industrial community, many of the people working there live in suburban areas, we have a problem with economics, strikes, various layoffs, and so forth. I would say that, especially in the wintertime, when the construction industry is down, the taxicab industry has always been a

stopgap for hundreds of thousands of workers where they come in, in the month of November and December, and work until the other industries open back up again, and they can go back to work. These people are not high productive people. It is better for these people to go out and work than go on welfare. We have worked with the welfare people in our State to take people off the welfare rolls and I firmly belive that there has to be a place in our economy and in our society where there is an industry that can give employment to people that—whether it is man or woman, regardless of color, and be non-regulated so that an individual can work and we can give service to the public.

We cannot give service to the public when we are so tightly regulated by the Federal Government. It is almost impossible. This is what is happening to almost everything in the United States. The more Federal Government regulations we get, the more limited the low industries like taxicabbing and other service industries are to give service to the public.

The CHAIRMAN. There is one industry that isn't very well regulated or supervised. The food industry. Some of the disclosures that are coming out these days just makes you wonder whether you ought to eat.

Mr. KNAUS. That is all I have to say, Senator.

The CHAIRMAN. Anybody else have any observations on anything you want to make at this point?

[Laughter.]

Mr. KNAUS. I hope that I have acquainted you with some of the problems we small taxicab operators have. When I say small——

The CHAIRMAN. You talked me out of wanting to go into the business, I will tell you that.

Mr. KNAUS. Thank you, very much.

The CHAIRMAN. Thank you, gentlemen.

Mr. Samuels, did you have something to add. We covered the waterfront.

Mr. SAMUELS. We used up a great deal of the committee's time, though.

The CHAIRMAN. Well——

Mr. SAMUELS. Shall I proceed?

The CHAIRMAN. Yes.

Mr. SAMUELS. I won't read my statement.

The CHAIRMAN. Just give us points that haven't been touched upon.

Mr. SAMUELS. I would like to do that.

I am the president of a company in Chicago that operates 2,166 cabs. I would like to talk to you for a moment about the cab industry as we see it from the point of view of a large operator in a large city. My company is 55 years old and it is the only taxicab company that has managed to survive since taxicabs began.

The need for financial responsibility and reliability on the part of a taxicab operator is one that is very evident to us. We think that the public is entitled to a reliable cab operator and not a fly-by-night. Unfortunately, in many of the communities that have been squeezed, cab operations have become just that.

Cab drivers are not like factory workers. Their starting times vary, much at the driver's own will in many cases. Once the driver is out

on the street, he goes where he wants. He works as hard as he wants. He sleeps. He eats when he wants. He may take radio calls or he may not. He comes in with the cab when he wants. But he is the man who services the cab rider. He is the one who makes the contract for the service.

There is literally nothing that the owner can do to force the driver to live within any span of hours or to do the job the way it should be done. Any driver driving for a reliable company who wants to work is making far more than any minimum wage either now in effect or suggested in any of the legislation but this industry, with time and a half on hours over 8 hours, just cannot survive. At least, it cannot survive as an unsubsidized form of public transportation and that is just what it is.

You heard the billions of miles that the cabs traveled and the billions of passengers that we carry. All of this is without any form of subsidy. Something that you can't find in any other form of public transportation so far.

Additionally as you heard in some areas the taxicab operator provides airport, ambulance, funeral, and delivery services.

Now, the thing the committee and Congress should keep in mind, it seems to me, is that a reliable cab, a chauffeur driven vehicle, expertly maintained, properly insured, adequately garaged, equipped with costly radios, and backed up by experienced administration, accountants and computers, requires the investment of a great deal of money. No one is going to invest money in a business that must be destroyed by the form of compensation of the drivers.

I think, Mr. Chairman that the committee should keep in mind the taxicab is not the vehicle of the out-of-town visitor and businessman alone. It is the emergency vehicle. It is the transportation for those unable or unwilling to own an automobile. It is indeed a supplement to the mass transit systems which by their very nature as has been evidenced over the last several years, cannot give service through an entire area of the city, nor can they render transportation service throughout the 24 hours of the day.

Taxicabs are a necessary part of the total transportation picture, and a reliable taxicab service is certainly a necessity.

Now, overtime and a minimum wage make two requirements of the employer. The employer must constantly calculate the number of hours that each driver is out and the number of dollars that his commission earns to make sure he is over the minimum. If this law should pass, we would have to calculate also the overtime. In my company, the computer prints this list out every week and of course the drivers who first lose their jobs are going to be our oldtimers. These are the people who are taking it a little bit easy. They are working out the time until they get their pension or their social security, but if they don't cut the mustard and earn enough money to beat out the minimum wage and the minimum wage on overtime, they will have to go.

The disadvantaged that we have been training at our own expense—and I want to discuss that further in my remarks—will be the next to go. And the young people we have been hiring, about which you heard earlier this afternoon, will be the next.

In short, the least productive worker, the one that we could bring up to a full productive status if we could keep him long enough, are the ones who will surely lose their jobs.

Now, let me speak briefly about the jobs for young people. Beginning last year they lowered the minimum age to 18 years in Illinois and we hired college students. We now have nearly 500 of them on the payroll, and you can tell them by the books on the front seats with them. But the difficulty is if they don't start making enough to beat out the minimum wage in the first week on the job, there just won't be any job for them because they must be let go.

Now, the gentleman said earlier there was no evidence that below minimum rates would create job opportunities for young people. I tell you, Mr. Chairman, that these 500 college students that we hire indeed are holding jobs such as that. True, after they have been on the job for a month or so they will be productive and they won't be earning less than any minimum wage. But the way things are now, if they don't earn it the first week, out they go.

The gentleman said that there was no evidence that below minimum rates would create job opportunities. If that is true, why is the OEO spending hundreds of millions of dollars financing on-the-job training? There must be some opportunity for young people to find jobs provided they can be supplemented until they learn the job.

Now, for many, many years my company had a training program with disadvantaged people. We put them to work after a 6-week training course. We paid for this thing out of our own pockets. Disadvantaged people are slow to learn.

These laws prevent patience. Minimum wage means learn promptly or lose the job. For many it means no wage. The problem is endemic in our industry.

The Department of Transportation in an analysis recently printed reports that one owner with a force of 75 employees had 258 on the payroll in 1 year. Los Angeles Yellow Cab had a 60 percent turnover. We have a very good computer. Our turnover is 100 percent.

The DOT says good selection criteria plus Government assistance in training will, in the long run, provide better transportaion for the urban traveler who uses the taxicab. It is a fine thought except that OFO has blacklisted all commission forms of employment and has ruled that these are allegedly deadened jobs.

Now we have to compete with the Government for trainees to train at our own expense, and then on top of that we must get clear the hurdle of minimum wage.

Lest it come to anyone's mind that we could just raise the rates to cover this, I suggest to you that the industry is controlled, the rates are controlled by governmental body, most of them municipal, and that rate increases are hard to come by. But rate increase piled upon rate increase is certainly not the answer to any form of transportation. The bus companies all over the United States are proof of this. You were told before that the alternative is not the end of taxicabs. The alternative is to fragment the industry into independent contractor relationships where a fellow takes the cab out and does what he pleases with it for 12 hours and brings it back.

All you have to do is cover your control completely and then you don't have to have the responsibility for large accidents because you carry the minimum amount of insurance—for instance in the District of Columbia, $10,000. You don't become involved with such things as hospitalization insurance and life and accident insurance and sick pay

and pensions and vacations. You don't have to handle deductions, withholding for Federal income tax, or State income tax, and all of this sort of thing, no social security to pay, no unemployment compensation, no workmen's compensation.

In fact, the National Labor Relations Board has held that you shouldn't have any safety inspection of the cabs. I suggest to you that the logic and prudence dictates an exemption from the effects of the Fair Labor Standards Act for all taxicab drivers. They must have time to learn their job, after which they will surely make more than anybody's minimum wage.

I want to refer to, and I won't read to you, the Department of Transportation analysis that talks about the need of taxicabs as the mode of transportation for handicapped people, elderly people, and the like, and that these things are needed. Without taxicabs, there will not be.

Every form of public transportation other than taxicabs has either gone out of business, is in dire financial difficulty, or has been or shortly will be subsidized by some governmental body. This industry has managed to survive so far without becoming a burden on the taxpayers. Even for the financing of its training programs.

All we ask of you now is a chance to continue. I urge you as respectfully, but as urgently as I know how, to dispose of Senate bill 1861 here and now in this subcommittee. In the interests of the financial survival of the taxicab industry, I urge upon you that its exemption from both minimum wage and overtime must be restored before it is too late.

Thank you.

The CHAIRMAN. Did I hear you accurately that the $10,000 coverage is all that is required in the District of Columbia?

Mr. SAMUELS. $10,000 for one person, $20,000 for one accident. And in these days of hundreds of thousands of dollars verdicts, I tell you it would be much cheaper just to have a bankrupt company operating with $10,000 of insurance.

Mr. KNAUS. My cost for insurance is 11 percent of my gross.

The CHAIRMAN. What is your coverage?

Mr. KNAUS. I carry insurance up to $500,000. Now, the State of Pennsylvania requires 20 and 40, but because I know that 20–40 isn't adequate and I have my own company, I carry a necessary amount of insurance to protect myself. My cost of insurance in my company is 11 percent of my gross.

Mr. SAMUELS. With respect to the insurance, I was reading from title 14, appendix A, of the District of Columbia Register, Public Service Commission.

The CHAIRMAN. Thank you very much.

(The prepared statements of Mr. Knaus and Mr. Samuels follow:)

7-20-71

TESTIMONY OF WILLIAM A. KNAUS

BEFORE

LABOR SUBCOMMITTEE
COMMITTEE ON LABOR AND PUBLIC WELFARE
U. S. SENATE

July 22, 1971

Mr. Chairman and Members of the Committee, my name is William A. Knaus, and I am the immediate Past President of the International Taxicab Association and owner of the Colonial Taxicab Company of Bethel Park, Pennsylvania. I operate 50 taxicabs. I wish to express my appreciation for the opportunity to appear before this Committee on a matter of vital interest to the taxicab industry; the legislation you are considering to amend the Fair Labor Standards Act.

In Allegheny County, Pennsylvania, we have seen the impact of the federal minimum wage legislation as enacted in 1966. Of the ten companies operating in 1966, six have gone out of business; Wilkinsburg Taxicab Company, Penn Hills Taxicab Company, Duquesne Taxicab Company, Clariton Taxicab Company, Bridgeville Taxicab Company, and Carnegie Taxicab Company.

In that period, we had to double our fares to subsidize the poor producers who are needed in the high peak demand hours. We are required to operate 24-hours a day and give service when the public transit service system closes down and curtails service, yet they are subsidized by the government.

If you wonder how my company survived, I can tell you that it has only been due to a continuously involved process of controlling my costs.

As I have stated before, my company operates 50 taxicabs. My work week is approximately 70 hours in the office plus additional time at home.

As an operator of a small taxicab company, I have devoted considerable time and effort to seeking simplified record keeping to comply with the rules and regulations that are introduced by various government agencies as a result of the placing of the taxicab industry under the Fair Labor Standards Act in 1966. I can assure you, gentlemen, that the complexities of taxicab operations and the attempt to analyze and print out records to meet legal requirements has been a challenge that several of the major manufacturers of computers were unable to design a soft wear program. In my own operation, I have settled for a small Friden without a memory bank. Investment in this equipment is approximately $17,000. It has limitations but it at least allows me an opportunity to stay even with the necessary record keeping.

From testimony you have already heard, it is apparent that minimum wage, as originally conceived by Congress, was designed to provide fair compensation to the individual working under supervised conditions and capable of producing a given amount of work in a given amount of time, roughly equal to that of his fellow employees. The service employee working on a commission basis and also receiving direct compensation in the form of tips from individuals he serviced, was provided an opportunity to receive additional compensation based upon his ability to perform a given function in a non-specified amount of time.

A sample of one of the pages of the weekly print out on drivers' earnings is revealing. It is representative of the total weekly print out.

Briefly, here is the situation for the seven days ending July 11, 1971. We employed 127 taxicab drivers for a gross dollar booking of $11,453.10. The average booking was $97.13. The average hours worked were 20.5 per driver. The average hourly wage was $2.04.

Further analysis reveals the following:

1) The number averaging more than $2.00 per hour was 51, or 40%.

2) The number averaging less than $2.00, but more than $1.75 per hour, was 12, or 10%.

3) The number averaging less than $1.75, but more than $1.60 per hour, was 23, or 18%.

4) The number averaging less than $1.60 per hour was 41, or 32%.

These figures include the tip factor and the company subsidy to 41 employees who failed to meet the minimum wage requirements, currently $1.60 per hour.

This means that 60% of my taxicab drivers could not meet the minimum wage requirements of $2.00 per hour if it were in force at the present moment.

We did the same analysis in my company for a seven day period ending July 4, 1970 and I presented those figures before a House Labor Subcommittee last September. For comparison purposes, the trend is enlightening.

Here is the situation for the seven days ending July 4, 1970. We employed 113 taxicab drivers for a gross dollar booking of $10,870.20. The average booking was $96.20. The average hours worked were 23.07 per driver. The average hourly wage was $2.03.

Further analysis reveals the following:

1) The number averaging more than $2.00 per hour was 60, or 53%.

2) The number averaging less than $2.00 per hour was 53, or 47%.

3) The number averaging less than $1.75 per hour was 20, or 18%.

4) The number averaging less than $1.60 per hour was 7, of 6%.

5) The number averaging less than $1.45 per hour was 2, or 1.77%.

These figures include the tip factor and the company subsidy to two employees who failed to meet the minimum wage requirements then existing of $1.45 per hour. 47% of the drivers would not meet the $2.00 per hour minimum wage.

I think that the situation is rapidly deteriorating in the Pittsburgh area as far as taxicab operations are concerned. The current recession and economic conditions in the Pittsburgh area, with heavy industry that has had strikes and layoffs, has contributed substantially to the conditions under which my company is now operating.

The above figures show that we are now employing 9% more drivers than a year ago, our gross dollar bookings are only up 10% and the average booking per driver is up an equal 10%. The average hours worked is down 9%. I would particularly like to call your attention to the fact that the average work week per driver is 20.5 hours. This is due to the great number of part-time drivers employed who work to supplement their income from jobs where they receive more than the minimum wage but not enough to satisfy all their economic needs.

My company now has two alternatives: To raise taxicab rates, which we know will produce an attendent 13% decrease in riders, which means the gradual elimination of marginal drivers who cannot product the minimum

wage; or to immediately cut the number of taxicabs servicing the public and decrease our work force immediately in order to obtain the necessary productivity to compensate the drivers at $1.60 an hour. Either decision means less employment within my company and a decrease in service to the public.

As an individual, I am continuously searching through economic reports and business newsletters seeking a clue to the future of our economy. I would like to be optimistic and assume that we will see a dynamic upswing in economic conditions that will increase the number of taxicab riders. The statistics of my company for the last year show the opposite trend.

My company compares to the majority of taxicab companies in the United States. And I know whereof I speak because in the last two years, I have traveled to every section of our land participating in regional and national conferences with fellow taxicab operators. I have had the opportunity to work with the association staff and understand the problems of our industry. I have had the opportunity to compare rates of pay, drivers, telephone operators, dispatchers, mechanics, and I know the conditions within the industry.

The profile of a taxicab company under the proposed law will be as follows:

1) A forty hour, five day week, either from 8:00 a.m. to 4:00 p.m., or 10:00 a.m. to 6:00 p.m., whichever provides the best revenue for the company and drivers.

2) Institute a flat hourly wage based upon overall production evenly

distributed among all drivers. This, of course, will eliminate any incentive to serve the public.

3) Establish selective hiring policies; eliminate any individuals under the twenty-five year age category (insurance premiums become higher, and in some cases, insurance companies refuse to write companies hiring individuals under this age bracket); use psychological testing to determine an individual's capabilities; carefully review driving records and enforce tighter controls by placing supervisory personnel on the street.

4) Taxicab rates will be $1.00 for the first one-fifth mile and 10¢ for each additional one-seventh mile. Traffic delay charges will be $10.00 per hour.

Or an alternative:

1) All taxicab drivers will become independent operators, allowed to choose their own mode of operation, including hours, equipment and method of selecting passengers.

2) As an independent, taxicab drivers will be allowed to either accept or reject radio calls purchased through a cooperative arrangment and may even operate without any radio equipment.

3) Maintenance service and repair of vehicles can either be purchased through a cooperative or independently.

4) The responsibility, therefore, for the enforcement of traffic regulations, the maintenance of equipment and service to the public will fall to government agencies.

The overwhelming reaction to this proposed legislation has been a

constant flow of letters, telephone calls, and telegrams to the association office.

The above profile of future taxicab operations is not without additional complications. Certainly local and state regulatory bodies will not concede to the changes without lengthy inquiry into the conditions of the industry. Federal government agencies will also play their part in determining the eventual profile of taxicab operations. If the companies are unable to obtain what we regard as the minimum standards for a successful operation, as defined above, then not only the small companies, but many of the middle-size and larger companies will cease to operate.

The main consideration before thie Committee is seeing that industry provides adequate minimum compensation to employees. Our industry shares that view and has not neglected seeking this goal as a collective effort. Each year the International Taxicab Association has held regional meetings, a maintenance conference and a convention. The deliberations in all of these meetings have been concerned with increased productivity, additional compensation to employees, innovations and diversification of operations to increase income. Cost factors in the industry are considered down to a tenth of a cent per mile.

The industry has studied many research and development papers on transportation seeking innovations that might apply to taxicab operations. It is in the process of preparing a proposal to the Department of Transportation for a research project that will utilize the latest technology in the control of taxicabs.

The industry has established a long range planning committee to see

what can be done to improve taxicab operations and, at the same time, raise the compensation level of its employees. The industry competes in the labor market; it must be able to increase its wage levels in order to attract employees. Taxicab company operations are highly personalized relationships. We know our employees intimately, and a majority of the owners of companies today have had actual experience driving taxicabs.

The emotional impact on the taxicab operators of the proposals you are considering has been more dramatic than anything that has happened in the industry since I have been a taxicab operator. The combination of recession and inflation, an end to the driver shortage this summer and a decrease in taxicab riding has left the taxicab operator a bewildered and frustrated individual. As of this moment, the majority of operators are unable to predict the outcome of current economic conditions upon their business. We are asking you not to provide additional complications to further aggravate a volatile and dangerous business crisis in our industry.

Gentlemen, we need an exemption from the minimum wage requirements of the Fair Labor Standards Act.

7-20-71

TESTIMONY OF ROBERT E. SAMUELS

BEFORE

LABOR SUBCOMMITTEE
COMMITTEE ON LABOR AND PUBLIC WELFARE
U. S. SENATE

My name is Robert E. Samuels. I am president of Yellow Cab Company, the owner and operator of 2,166 taxicabs in Chicago, Illinois. I am also regional vice president of the International Taxicab Association.

I am here to express the grave concern and, indeed, the alarm of the taxicab industry throughout the entire United States with respect to the possibility of the passage of S. 1861, or, for that matter, a continuation of the applicability of a constantly increasing minimum wage.

Either will surely render responsible taxicab operators incapable of continuing as such, and concurrently there will be an erosion of the quality of service rendered to the public. The financial responsibility which enables them to maintain high standards of service also enables them to meet their other financial obligations such as the payment of judgments for personal injuries and property damage. And just as surely, the law will terminate the ability of the industry to employ young people, older people and disadvantaged people as it has up to the present. These consequences will apply equally to large and small operators in every part of the country.

Chauffeurs are unlike employees in a factory where the work is performed under constant supervision of quality and quantity. The taxicab

operator furnishes the means for the chauffeur to earn his livelihood totally beyond his employer's control.

The occupation of taxicab chauffeur is certainly unlike any ordinary form of employment. It differs in that:

1. Within broad limits the employee's starting time may vary at his will.
2. Once out on the street with his cab, he may go where he wishes to seek business.
3. He may work when he chooses; he may rest; he may go home to eat or sleep; he may stop for meals or other purposes, all at his whim.
4. He may take or not take radio or telephone calls for service.
5. Subject to the possibility of another driver's assignment to his cab, his finishing time is at his choice.
6. He may work as hard as he chooses.
7. He is in total control of his employer's income and to a great degree affects the expenses of operation.
8. He is subject to the call of the cab riders - he is the one who makes the contract for the use of the cab - he "makes the sale" - he performs the contract.

In short he is an independent person working almost totally beyond the supervision of the owner of the taxicab. The taxicab chauffeur has no territorial limitations and almost no quotas or other controls. His compensation is a percentage of his bookings - a commission - and, by universal custom, part of his total compensation is in the form of tips.

At any time a chauffeur is actually at work, the job provides compensation far in excess of any minimum wage which has been proposed. Certainly, no taxicab operator favors substandard compensation.

So what is the problem? Why the unanimous opposition to this legislation from operators of one, to operators of thousands of cabs; the entire industry? I will address myself to the matter from the point of view of the larger taxicab operators in the larger cities.

The taxicab industry is a major part of the public transportation picture in more than three thousand communities; it is unsubsidized big business operating 24 hours a day; 7 days per week. More than one hundred sixtv thousand taxicabs carry more than two billion passengers more than six billion miles each year - all without federal, state or local subsidy - a sort of minor miracle in this day and age. In fact taxicabs in some areas contribute to the subsidy of other forms of transportation through tolls, gasoline and other taxes. Additionally in many communities, the taxicab operator provides airport, livery, ambulance, funeral and delivery services.

No one could even estimate the extent of all of these activities; assuredly it is several billions of dollars annually. I would guess that taxicab operators have nearly a half billion dollars invested in their businesses. To bring this industry to its present status of financial and civic responsibility has been a struggle of a half century. To provide a chauffeur-driven automobile which has been expertly maintained, properly insured, adequately garaged, equipped with costly radios and backed up by experienced administration, accountants and computers requires a very large investment indeed. Many cabs are operated by individual owners or owners of only a few cabs; but, be the operators large or small, all segments of the industry could be destroyed or at least reduced to a totally different and not nearly as desirable business by this legislation.

The taxicab is not only the vehicle of the out-of-town visitor and the businessman - it is the emergency vehicle for those unable or unwilling to own a private automobile. It is a supplement to mass transit systems which, by their nature, cannot give service throughout the entire area of a city at all hours or render service subject to call. It is a necessary part of the total transportation picture required to render service everywhere and at all times; its financial and responsible reliability are essential to the community where it operates. The fleets, unlike individuals, are constantly under municipal supervision to assure the quality and quantity of service; they thus have an even higher degree of financial and civic responsibility to maintain.

As I indicated previously, we dispatch a driver on a cab, and he leaves our premises. We cannot control his activities - if he stops for a two-hour lunch, we cannot prevent it - if he takes a nap, we cannot wake him up - if he goes to the baseball game, we cannot bring him out; nor can we force him to bring the cab back at a precise quitting time. The Department of Labor says that one must divide the number of hours between leaving and returning - the elapsed hours, be they driving or napping, are the hours worked - into the earnings which must result in an amount at least as large as the prevailing minimum wage. The law requires that we calculate this amount continuously to determine whether each employee remains employed or not.

But which drivers are the first to lose their jobs? Of course it will be the least productive: the "old-timers" who have plenty of time but are not as active as they once were - they need to take it a little slower and a little easier and many are striving to remain employed until they can get their pensions and social security; the disadvantaged whom we have trained at our expense and kept on the payroll while we nurse them slowly to full productivity; and the young people who are struggling to earn in their first job and have just not learned the business yet (or, for that matter, have not yet learned to work). In short, the least productive worker requires more time to achieve the same results as the other employees.

Last year, the Illinois law permitted us to hire chauffeurs 18 years of age; we began immediately to do so. Of course they were slow in becoming fully productive; of course our special training program made hiring them more costly; but so far they are working out as very safe and satisfactory chauffeurs. They have filled the gap in service to the public created by the vacation period; and many college students are working their way through school driving a few days a week. Nearly 500 drivers under 21 are now on our payroll; driving with their books on the front seat, studying while waiting for business. There probably is no other employment so suited to their needs, because of the flexibility of days and hours - shifting to suit their individual curricula.

But, if bills such as this become law, no employment such as ours could possibly exist for them; the young people simply will not have this combined opportunity to earn and learn - they will merely be added to the long list of unemployables.

For many years, my company, in conjunction with the Cook County Department of Public Aid and other city and state offices, has maintained a training program for people, many of whom were considered unemployable. We hired very many, and a substantial number are still on our rolls - one actually saved up enough to get married and buy a house - but the advent of Minimum Wage into the taxicab industry in 1966 and the subsequent increases

in amount has put a crimp in the program. The dilemma is simply that many of the disadvantaged are slow to learn; employers are not permitted the time to be patient; and thus Minimum Wage becomes a futile fiat that everyone learns promptly or loses his job. For many of them, Minimum Wage is No Wage.

This problem is now endemic in the industry. For example, "An Analysis of Taxicab Operation" - part of a Department of Transportation project - reports that one fleet owner with a work force of 75 employees had 258 on the payroll; Los Angeles Yellow Cab had a 60% turnover; our company has an efficient computer and a 100% turnover. The D.O.T. Analysis observes that: "Good selection criteria plus government assistance in training will, in the long run, provide better transportation for the urban traveler who uses the taxicab." It is a fine thought to be sure, but the frustrating part of it is that O.E.O. has blacklisted commission employment and allegedly dead-end jobs such as these, no matter how much a trainee can earn. It will not let us have their trainees even without the subsidy. Some companies have, to borrow a phrase, done well by doing good under government-subsidized on-the-job training programs but the taxicab industry not only must compete with government agencies for trainees to train at its own expense, but must, unsubsidized, also clear the hurdle of Minimum Wage.

But you might say: "So far as Minimum Wage is concerned, why not raise your rates to cover these additional expenses?" The answer is

simple: this industry is a quasi-public utility whose area and manner of operation is limited and whose rates are controlled by various governmental bodies - largely municipal - and rate increases are not only notoriously difficult to obtain but also take long periods of time to get. The regulation of the industry is, by and large, quite complete and becoming even more so. Deregulation, often mentioned these days, has not arrived yet for us. But rate increase piled upon rate increase is clearly not the answer to this problem of urban transportation, as the corpses of hundreds of defunct mass transit companies so vividly testify. Those which are not already dead are in trouble of monumental proportions.

Our industry, at least up to the present time, has not been driven to the point of requiring any of the billions of dollars of subsidies being poured out in an often futile effort to revive failing public transportation. All we ask is that we be not forced to it by either Minimum Wage or Overtime provisions of the Fair Labor Standards Act.

Productive, experienced employees already earn far more than the present minimum wage, or, for that matter, the levels proposed for the future, and their employers already spend heavily accounting for each hour and dollar; but time and one-half would most certainly end it all. Drivers already receive more than half of each dollar of revenue (when fringe benefits are taken into account) and literally, overtime would terminate the present

form of operation of the industry; there could no longer be any employer-employee relationship between owner and driver and with its departure will come many results which many of us believe to be undesirable.

To name but a few, I suggest that you might consider that:

With the absence of the control of an employer, the method and quality of service would be beyond the power of anyone to affect.

It would be feasible and, perhaps, necessary to fragment each operator's business and thus avoid the exposure to large personal injury judgments which are, in any financially responsible operation, a major cost factor.

There would be no need for such "welfare" benefits as hospitalization insurance, life and accident insurance, sick pay, pensions and paid vacations.

There might be no necessity to deal with labor unions.

There would be no costly accounting department to handle deductions and withholding for federal and state income taxes, social security, bonds and union dues, not to mention government liens, garnishments and wage assignments.

> There would be no need to incur such expenses as social security taxes, unemployment compensation tax, workmen's compensation and occupational disease costs; not to mention the expense of filling in and filing scores of governmental returns, reports and forms.

Not only is all of this undesirable, but clearly it only amounts to the shift of many social obligations to the public and will result in inferior cab service. Logic and prudence, it would seem, dictates an exemption of taxicab drivers from the effect of the Act.

The history and development of the Act also supports this conclusion. Total exemption was granted by the 1949 amendments, but part of this sensible solution was undone in 1966 for reasons which are not now discernible and which are not supportable by logic, practicality or common sense. Very briefly the history of the applicable provisions is about as follows:

In 1938 the original Act granted a total exemption to local trollies and buses.[1] An exemption from the overtime provisions (only) was granted to carriers by air[2] and carriers subject to Interstate Commerce Commission jurisdiction.[3] Nothing was said about taxicabs because their operation was considered to be a local activity outside the scope of the Act as indicated by a ruling of the Wage and Hour Commissioner and an opinion of his general counsel issued in 1939[4] and 1940.[5]

During the decade beginning in 1940, the scope of the Act was enlarged by a number of Supreme Court decisions which first applied the Act to building maintenance employees of a factory in which goods for interstate commerce were manufactured;[6] then to employees of an office building in which interstate business was transacted;[7] and, in 1946, to the window washers of such an office building even though they had no contact with the persons conducting the interstate activities.[8] Then, in 1947, the Supreme Court held that limousines operated by taxicab companies were in interstate commerce but indicated that local cab service (under the restrictive Sherman Act definition) did not constitute interstate commerce.[9] There were included in the decision a number of statements which could be construed as detracting somewhat from the conclusion relating to taxicabs.

In 1949, when the first major amendment of the Act took place, employees of taxicab companies were specifically exempted from all of the provisions of the Act.[10] This, we firmly believe, was a proper amendment and directly carried out the express purposes of the legislation. This exemption survived minor revisions of the Act in 1956, 1957, 1960 and 1961.

In 1966, however, there were major amendments to the Act to extend its coverage to agricultural,[11] laundry, dry-cleaning,[12] restaurants,[13] hotel,[14] and school employees.[15] Also, the minimum wage exemption for local trolley and bus drivers was eliminated.[16] Perhaps inadvertently -- and certainly illogically -- the exemption of taxicab drivers from the minumum wage was also removed.[17]

The logic of our request for an exemption is this: the driver works totally beyond the supervision and control of his employer, both as to quality and quantity. He cannot, therefore, be compensated on a salary basis; it must be on a commission. Merely extending the elapsed time from portal to portal has, of itself, no economic meaning or value upon which an increased rate of commission could be based.

The argument by proponents of a Minimum Wage and Overtime penalty is, I believe, to the effect that it makes overtime too costly for employers to bear so that additional people will necessarily be employed instead. This argument is not applicable to the taxicab industry which, in virtually every community, is already short of drivers. There just are no more available to be employed.

The need "of all citizens to move quickly and at a reasonable cost" is described by the Congress in the Transportation Act of 1970 as "an urgent national problem." The Department of Transportation Analysis observes: "The dispersal of population and activities has made the taxicab an increasingly important mode of public transportation. Unlike the fixed route bus and rail systems which are capable of moving large numbers of people to and from specific points the taxicab provides flexible door-to-door service. The elderly and the handicapped are particularly dependent upon a taxicab as a public mode of transportation because their limited mobility

often precludes the use of buses or rail systems. Other non-drivers often have a need for the door-to-door service provided by taxicabs.

"Taxis have become a key component of the urban transportation mix. Unfortunately the taxicab industry has not been treated as a unified municipal transportation resource, but as a group of individual operatives who are in the business of moving people. Taxicabs should and can supplement the transportation service provided by other public modes such as buses and rail systems. Just as buses and rail systems need assistance so does the taxicab industry if the needs of the urban traveler are to be satisfied."

Gentlemen, somehow every form of public transportation other than taxicabs has either gone out of business, is in dire financial difficulty, or has been or shortly will be subsidized by some governmental body. This industry has managed to survive so far without becoming a burden on the taxpayers, even for the financing of its training programs. All we ask of you now is the chance to continue.

Gentlemen, I urge you as respectfully but as urgently as I know how, to dispose of S. 1861 here and now in this Subcommittee. In the interest of the financial survival of the taxicab industry, I urge upon you that its exemption from both the minimum wage and overtime provisions of the Fair Labor Standards Act should and must be restored before it is too late.

FOOTNOTES

[1] 29 U.S.C. Sec.213(a) (9), (b) (7) (1965).

[2] 29 U.S.C. Sec.213(b) (3) (1965).

[3] 29 U.S.C. Sec.213(b) (1), (2) (1965).

[4] LABOR DEPARTMENT, Wage & Hour Division Release No. R-205 (March 6,1939).

[5] LABOR DEPARTMENT, Wage & Hour Division Ruling, September 10, 1940.

[6] Kirschbaum Co. v. Walling, 316 U.S. 517 (1942).

[7] Borden Co. v. Borella, 325 U.S. 679 (1945).

[8] Schulte v. Gangi, 328 U.S. 108 (1946).

[9] United States v. Yellow Cab Co., 332 U.S. 318 (1947).

[10] 29 U.S.C. Sec.213 (a) (12) (1965) (Act, October 26, 1949).

[11] 29 U.S.C. Sec.203 (a), Sec.204 (a), Sec.215 (b) (1) (1966); limited the provisions exempting agricultural employees.

[12] 29 U.S.C. Sec.201 (b) (2), Sec.202, repealed former 29 U.S.C. Sec.213 (a) (3).

[13] 29 U.S.C. Sec.210 (a), repealed 29 U.S.C. Sec.213 (a) (20).

[14] 29 U.S.C. Sec.201 (a), repealed 29 U.S.C. Sec.213 (b) (8) and revised 29 U.S.C. Sec.213 (a) (2).

[15] 29 U.S.C. Sec.201 (a) (Supp.1970).

[16] 29 U.S.C. Sec.206 (a), 207, repealed 29 U.S.C. Sec.213 (a) (9).

[17] 29 U.S.C. Sec.206 (1966), repealed 29 U.S.C. Sec.213 (a) (12).

The CHAIRMAN. Mr. Roy Duggan, Board of the National Fisheries Institute, with colleagues from the industry.

Mr. Duggan, introduce your folks. We are pleased to have your statement.

STATEMENT OF J. ROY DUGGAN, BOARD OF DIRECTORS, NATIONAL FISHERIES INSTITUTE; ACCOMPANIED BY FLETCHER HANKS, HANKS SEAFOOD CO., EASTON, MD., AND WILLIAM C. LUNSFORD, JR., HAYNIE PRODUCTS, BALTIMORE, MD.

Mr. DUGGAN. Thank you very much.

I am J. Roy Duggan. Next to me is Fletcher Hanks, and next to him is Bill Lunsford.

I am J. Roy Duggan, president of the King Shrimp Co., Brunswick, Ga., and I am making this statement in that capacity. I am presently president of the National Shrimp Breaders and Processors Association and past president of the National Fisheries Institute, past chairman of the National Shrimp Congress and past president of the Southeastern Fisheries Association, so I have a first hand acquaintance with the operation of the many fisheries activities outside of our company. I also have served as a member of the President's Advisory Committee on GATT Treaty Tariff Revisions.

I point this out to indicate that I am not just from a small shrimp company with 450 employees.

The provisions of S. 1861, if passed, would affect adversely a majority of the National Fisheries Institute member companies. The Institute, therefore, petitions the committee not to report our S. 1861, nor any other proposal that would increase the minimum wage, repeal paragraph (4) of section 13(d), fishery plant exemption from overtime, of the Fair Labor Standards Act, or change the definition of overtime to all time worked more than 8 hours a day. The Institute will provide a general statement for the record, but has asked that I and Mr. Hanks and Mr. Lunsford provide specific information on our segments of the industry.

I am sure that whatever admirable objectives of improving wages of lower paid workers may be accomplished through S. 1861, increasing the minimum wage to $2.25 per hour will not only severly damage our Nation's fight to control inflation and our ability to sell our goods abroad, but will also cause many thousands of workers in seafood processing plants to lose their jobs. Many of them will become part of our unemployed.

An important fact, very often overlooked in the rush to raise the incomes of our lowest paid workers, is the basic economic fact of life that at a given level of wage rates some people can do work competitively with machines. If, however, wages are increased by law to a point where machines can replace workers at a lower cost, then these machines will be purchased and installed in plants. The jobs lost in the process are gone forever. Economic theorists will claim that the workers losing their jobs to machinery will be able to find work in other industries, paying higher wages. The bitter fact is that, in most instances, many of these workers will never find new jobs for they are not educated or even mentally or physically capable of holding more difficult jobs.

They, or their families, then become additions to the welfare or unemployment rolls.

I want to give you specific data as to how the increase to the present minimum wage of $1.60 per hour affected our shrimp plant and how the proposed increase will cause further loss of jobs in our plant and others throughout the industry.

Prior to the increase in the minimum wage of $1.25 to $1.60 per hour, we peeled all of the shrimp we processed by hand labor. These workers were paid a minimum wage of $1.25. However, since we employ a piece rate system in our plant, so that we can fairly pay those who work harder and produce more, many of our piece rate workers earned about $2 an hour. Machines to peel shrimp have been available for many years, and many workers have been replaced by machines, but until the minimum wage was established to $1.60 per hour, we felt that we could afford to peel our shrimp by hand and be competitive in the marketplace. Since then we have installed 34 peeling machines in an effort to remain competitive in the industry, while paying the $1.60 minimum wage.

Incidentally, some of this competition is with other breaded shrimp plants located in the Brownsville, Tex., area who made arrangements in Matamoros, Mexico for peeling their shrimp at a labor cost of 35 cents an hour. They simply ship the unpeeled shrimp across the border—a trip of a few miles—where they are peeled, reiced, and returned to the Texas plant—in a few hours for completion of the processing.

The 34 machines that we have installed require only two workers per machine, yet peel eight times as many shrimp per day as a hand peeler can do—thus 204 jobs are lost in the transition. What 272 people formerly did is now being done by 68 people and 34 machines—and the 34 machines work for much less than the cost of 204 people—even at $1.60 per hour.

The CHAIRMAN. How does the quality compare?

Mr. DUGGAN. My next comment will cover that.

Some shrimp are now peeled by hand labor in our plant because on a total cost basis, which includes a breakage cost, the cost on certain sizes and types of shrimp is fairly close to that of machine peeling. The machines don't do quite as good a job as a first-class peeler, but in the economics of competition, particularly against 35 cents an hour working in Mexico, we have no choice but to go to machines at least at the $1.60 minimum rate to the extent we have.

We currently employ 95 people for peeling shrimp by hand. These people earn from $1.65 to $2.80 per hour, depending on their skill, physical ability, and effort. If the minimum wage is increased further at this time, we will be forced to install 12 more machines and 72 jobs will be gone.

I have talked in terms only of the effect of forced increases in minimum wages on our hand peelers for there the figures are clear, concise, and indisputable, but most other jobs in our plant have been similarly affected. We used to hand bread 75 percent of our breaded shrimp, but rising labor costs have forced us to machine bread all but about 35 percent of our output. When labor costs rise too high without productivity increases, machines will be installed to reduce

the number of workers required—and this is one of our major causes of unemployment.

These lost jobs are more than statistics. In Glynn County, Ga., where our plant is located, more than 1,700 people out of a county population of about 50,000 work in seafood processing plants. This county is in an area qualifying for special Federal Government economic development aid, so it cannot afford to lose jobs.

A very high percentage of our workers are not the primary wage earners to their families—most are women whose husbands work in unskilled or semiskilled jobs. The additional income derived from the jobs in our plants means the difference between living in a home of minimal standards and one with sufficient total family income to provide TV sets, adequate clothing, and medical aid when needed—some of the better things in life.

Another great economic and social cost of a too-high minimum wage is that many unskilled young people and many older people who need to work to augment the family income, but have no skills, find it very difficult to find a job in which they can start to work to learn a skill. Possible employers are unable to afford the now established minimum wage for people whose abilities and skills at that time are not worth $1.60 an hour.

The previous wage about youths entering employment ignores two facts. One, a minimum wage geared to the fact that an earner without experience cannot produce as much as an experienced worker, and it is important that young people can find work which offers an opportunity to learn skills. Two, that most employers are quite happy to pay for the better work which an experienced worker should be able to perform as compared to a young, inexperienced worker. In our industries this is most certainly true. We have grandmothers in our plant who perform better work and earn more than 20-year-olds with lesser skills.

The fisheries exemption from overtime provisions of the Wage and Hour Law was originally established for valid and practical reasons which still prevail. Production of fisheries products in most plants involves the handling of fresh and highly perishable food which must be processed quickly for both economic and health reasons. Processing cannot be scheduled on an 8-hour day or a 40-hour week. It is extremely important to economic and efficient operation that the exemption from the overtime provisions of the Wage and Hour Act be continued for fishery products.

I urge that you vote to defer action on this bill and permit our economy to work its way into more competitive shape so that employment opportunities are there for more people. Competition for labor will bring about high wages generally as productivity makes it possible. It is not necessary to our national economic health to legislate inflation which this bill will do.

The CHAIRMAN. I will say that inflation certainly has hit this whole area of seafood that you gentlemen are here to talk about. I just mentioned to Peter Benedict here, as far as I can see, shrimp and oysters and these things are in the delicacy class. Gosh, right now the oyster stew at the Grand Central Station is—what is it, Gene, at least $2.75?

Mr. MITTELMAN. I haven't had it for a while.

The CHAIRMAN. I can recall when it was 60 cents. I am an oldtimer. But I always assumed that the scarcity of the shellfish, the shrimp,

and other things were one of the reasons for the extremely high cost of the product in the marketplace.

Mr. DUGGAN. That, of course, is partly true on some species. But a greater part of the labor cost is not replaceable by machines. I have indicated some cases that are actual instances.

The CHAIRMAN. Do you attribute these awfully high prices to labor or the scarcity of oysters or what?

Mr. DUGGAN. It is partly both. It is partly demand for the product which has increased substantially. We have in our finished product cost, approximately 25 percent of the cost being labor. If you increase that cost, as this bill does, 25 percent, then our cost of the total product is going to have to increase 6 or 7 percent to remain even with the cost.

The CHAIRMAN. If you have a dozen oysters these days downtown at a restaurant, you wouldn't even recognize that kind of increase, to tell you the truth. It has reached that point.

Mr. DUGGAN. Of course, we are not the only people to have an effect on rising prices at the point of purchase. Rising costs for labor in restaurants and chain stores have increased the cost of doing business.

The CHAIRMAN. It seems that there is a remarkable rise, though. I always thought that the problem of getting a good product out of the sea was one of the main reasons. I had Howard Johnson in to see me about 3 months ago, and he told me the problem of getting good clams for his clam chowder—it is tough, indeed. Do you run into that?

Mr. DUGGAN. Yes, sir. Our whole fishing industry is suffering more and more from the inroads of foreign competition.

The CHAIRMAN. No; this was right out of the beds. He was telling me about the contamination and the pollution and the environment that produces the problem. Nothing about competition.

Mr. DUGGAN. That is true for some species. Some species have been hurt by environmental problems. Thank goodness the shrimp business hasn't been bothered by it because mostly they are a marine animal, far away from the shores.

The CHAIRMAN. Really? Shrimp?

Mr. DUGGAN. The areas they inhabit are for the most part relatively untouched by some of the pollution you talk of. On the coast of Georgia, for example, we have thousands of acres of marsh grass growing, where the young shrimp inhabit these areas, during their early state, and that area is for the most part untouched by pollution that is sufficiently strong to kill them out or to make them polluted for human food. Steps that are being taken to improve our environment should help increase the supply of some of our fishery products, particularly oysters in some of the areas of the Chesapeake Bay I know have been out of production because pollution has taken them over. But when you consider the impact of cost on prices, the food industry—that is, the food production industry, nationally is operating on a net profit of generally less than 1 percent, or at the top 2 percent of what the price of the product is, so it isn't anything more than the cost which is driving the food prices up.

Mr. HANKS. I am Fletcher Hanks, president of Hanks Seafood Co., a producer and processor of shellfish products. I would like to discuss how minimum wage affected the seafood industry in Maryland.

The seafood workers in Maryland I refer to are clam shuckers, oyster shuckers, and crab pickers. They number approximately 6,000.

They average about 50 years of age and have been employed in the industry for about 30 years. Seafood processing is the only work skill they know and has been their only means of a livelihood. Their skills are not carried over into any other industry when they leave the seafood industry. There are no new workers entering the field because young people think the work is too menial for them to perform.

In the past, the best of these seafood workers were slow, meticulous workers who conscientiously removed all of the meat from the shellfish that they received at their work area.

Speed was not a factor; quality and meat recovery were the criteria of success. After minimum wage, quality, and meat recovery were no longer the benchmarks; speed was the only basis on which the worker could hold the job. All workers were compelled to produce so many pounds of meat an hour. The amount of shell and debris increased in the end product, the meat was often damaged by not being removed in one piece and meat difficult to remove from the shell was discarded. Quality declined, approximately 10 percent of all meat was wasted, and the direct labor cost has doubled since minimum wage.

Lowered quality and increased price met resistance from the customers. The people continued to consume 10 pounds per capita in the United States, but they found imported seafood of higher quality and lower prices. The Maryland seafood industry has suffered and so have its customers under minimum wage.

The seafood workers have suffered even more. For 30 years they were taught to be thorough; quality and yield were important. With the advent of minimum wage, quality and yield became secondary to speed. When you get to be 50 years old you don't speed up. Fifty percent of the workers were too slow to make minimum wages. They had to be fired. Of the 114 lost from our firm, 97 percent never worked again. They joined the welfare rolls, ruining their lives through loss of their self-respect.

The net result of minimum wage in the Maryland seafood industry has been that the industry is now depending on fewer workers who work faster but work only when they want regardless of the flow of highly perishable raw materials into the plants and the market demand.

The average worker in our company in 1964 worked 41 hours for $50, whereas in 1970 he worked 20½ hours for $53.51. This makes it almost impossible to work with a full crew in a plant on a 40-hour week. The workers are not happy and come to work whenever they choose because they reach their earning goal on a few hours a week.

From a competitive point we cannot afford to increase labor costs. Canadian clams, now flooding the Boston market, are shucked at 75 cents a gallon. In Maryland it cost $2.50. An increase in minimum wage will destroy even more jobs.

We have the added problem of taking care of peak production in the seafood industry. If we go into overtime of 8 hours, it would be very devastating. We harvest most of our clams on the continental shelf and we cannot predict the weather. Therefore, we cannot predict the catch. So, half the year we are only working 3 days a week, but we have to work 12 to 15 hours a day to take care of what we catch. This would really cause a greater increase in the price of our seafood such as the kind Howard Johnson used, because he used the same kind of

clam, because when we sent a boat 40 miles offshore to get clams and it maybe has to lay there through a storm, when he gets a chance to really catch some clams and bring them into the plant, we have the problem now of making money shucking them, paying those straight time. But if we have to pay overtime, it will be a much greater burden and more product will be lost and the increase in your luxury foods, the gourmet foods, the gourmet dishes, will certainly be evidenced in the price.

Thank you.

The CHAIRMAN. Let me ask you: How does this lower labor cost in other countries reflect itself in the marketplace to the consumer? We are talking about Canadian clams at 75 cents a gallon. It is $2.50 here. Are there Canadian clams brought into this country?

Mr. HANKS. Yes.

The CHAIRMAN. Where do we see that, those of us who are consumers, where do we see that difference in the price in what we are paying for what we are eating?

Mr. HANKS. Well, you don't see that.

The CHAIRMAN. I haven't seen it. I am wondering whether I am unique. I haven't seen it.

Mr. HANKS. Because you probably are not an eater of the Ipswitch style fried clam. This particular clam I am referring to, which Maryland 3 years ago produced 80 percent of all in the United States, is a soft shell clam. It is a style fried clam. It is a soft clam with a neck. You can dip in melted butter as opposed to a steamer clam, or it can be fried.

The CHAIRMAN. We happen to be Ipswitch fans. Our mouths are watering, as a matter of fact.

Mr. HANKS. So, our Maryland waters produced 80 percent of those clams sold in the United States, that particular variety. Canadian clams are coming back. Our costs are going up with minimum wage. Every time the lowest worker in your plant gets a bump in wage, everybody else gets an increase as well. It reflects all the way through. So, we have been uncompetitive, unable to compete with the Canadian clam coming in. Now we are down to—in 3 years we only have about 43 percent of the market instead of 80 percent of the market. Canada has been able to undersell us. Our price for clams delivered in the Boston market is $9.50 a gallon. Canada's is $7.50 to $8.

Now, naturally they are just about as good as ours and with that price differential we can't beat them right now.

The CHAIRMAN. My only point is that the consumer isn't seeing that price differential.

Mr. BENEDICT. I go back to Mr. Duggan. It is the same thing. On the shrimp you are talking about, you are paying $1.60 an hour and you have a competitor sending it down having the same things done in Mexico for 35 cents an hour, is that right?

Mr. DUGGAN. That is right.

Mr. BENEDICT. Where do I go to the supermarket and get a lower price on those Mexican shrimp? Where is it reflected to the consumer?

Mr. DUGGAN. Well, as a matter of fact, if there were no minimum wage, we would have to pay a wage that was competitive. At this point in time, that wage is $1.65 per hour. At $1.65 per hour——

Mr. BENEDICT. But you are still selling your shrimp and he is selling his.

Mr. DUGGAN. Yes, sir. We are selling shrimp at competitive prices with him. We think we sell a better quality pack and we are able to convince consumers we do sell a better quality pack. In the Metropolitan New York market, we sell five times as much breaded shrimp as any other competitor of ours at a higher price. But if this continues to go, the disadvantage wage business, the spread gets so great you cannot absorb it with more efficient operations, with making a better product and those considerations.

So, my point is that we have this terrific dislocation so far with $1.60 an hour, but if we now have to go to $2.00 per hour wage, the problem is going to be tremendous. There are going to be many, many more people out of jobs because we have managed over a period of years to become competitive at $1.65—actually $1.65 is the lowest wage we pay in our plant. We pay the highest wages of any seafood plant in our country. We have a good plant in which to work. A good plant in which to produce products. But there is a limit to what you can do.

If you are forced to wage levels that cannot be competitive so something will have to suffer. We will have to replace as many workers as we can by conveyors, by machines and all types. The quality of the product will suffer some. I don't know whether we can remain competitive with 35 cents an hour Mexican labor. For the last 10 years our earnings have averaged less than 2 percent of our sales so there isn't any margin of profits to absorb all these costs.

Mr. LUNSFORD. I am William C. Lunsford, Jr., of Baltimore, Md. I am associated with Haynie products, one of the larger menhaden processors in the United States.

Our company is a member of the National Fish Meal & Oil Association whose members are engaged in commercial fishing and in the manufacture of fish meal, fish oil, and condensed fish solubles.

Before presenting my statement, I would like to submit for the record a statement prepared by the National Fish Meal & Oil Association in opposition to certain portions of the bill on behalf of all of its members. I would like to leave this statement with the committee.

The CHAIRMAN. Fine.

Mr. LUNSFORD. Our company owns and operates menhaden processing plants in the States of Mississippi, North Carolina, Virginia and New Jersey. From these plants we fish 19 vessels, ranging in length from 146 to 176 feet, with carrying capacities from 225 to 700 tons of raw fish. In addition, we operate 10 fish spotting airplanes. Our total employment is approximately 500. I appear today in opposition to certain portions of S. 1861.

Our fish, menhaden, is a very bony and oily fish that makes it undesirable as an edible specie. It is used only for the manufacture of fish meal, fish oil, condensed fish solubles and bait. On a product basis, however, the menhaden annually accounts for 35 to 40 percent of the total landing of all fish harvested by U.S. fishermen, including all shellfish with the shells on. Last year the total U.S. catch was 5.91 billion pounds, of which 1.81 billion pounds was menhaden or 37 percent of the total U.S. catch.

The proposed change in section 13(b)4 which would repeal the overtime exemption of our shoreside employees who handle and proc-

ess the fish would adversely affect our segment of the fish industry. This would not only be true for the companies engaged, but, also the fishermen employed in the harvesting of the resources as well. Their compensation is based on the fish they harvest and deliver to the plants.

As is true with all seafoods, menhaden must be processed as soon as possible upon arrival and discharge to the plants. Because of the large volumes in which menhaden are delivered from the fishing vessels, it is not feasible, if not impossible, from an economic standpoint to provide the type and capacity of refrigeration that would be required to receive and maintain these volumes of fish in a fresh condition for processing on a normal 8-hour workday or a 40-hour week.

The only alternative and acceptable practice for producing good quality products in our industry, is to process as soon as possible the entire catch immediately upon its arrival at the plants. As you are aware, neither the company nor the fishermen can exercise control over the quantity, frequency, or time of fish deliveries to the plants. This factor is wholly depedent upon weather and sea conditions which permit purse seining by means of 35-foot seine boats when schools of fish can be located, reduced to capture, and pumped aboard the mother ship from which these purse boats operate. All processing plant operations must conform with these practices and uncertainties. During periods of favorable weather and good fishing, some long hour days are required to process the catches. As an example, it is possible for our fleet in Mississippi to land an excess of 3,000 tons of fish in 1 day. This, however, may be the only fish landed for several days, or a week or more.

Because of the large volume and perishability of the raw fish, there is no economic way to store the fish and process in conformity with the normal processing where the perishability of the raw material is not a factor.

For this reason, there is no alternative but to process the catch when it is delivered at the plants. Failing to do so would be an economic loss to the fishermen as well as to the shore processing plants.

I respectfully request that the overtime exemption presently provided in section 13(b)4 of the Fair Labor Standards Act be retained.

Thank you very much for allowing us to appear.

The CHAIRMAN. Let me ask you about the menhaden part of the industry, is this a year round operation?

Mr. LUNSFORD. No, sir; seasonal.

The CHAIRMAN. What are the seasons?

Mr. LUNSFORD. On the east coast it is approximately the first of June until the first of November. On the Gulf of Mexico, it is about the middle of April until the middle of October, first to middle of October.

Mr. HANKS. Mr. Chairman, I have a statement from William R. Prier, director of the Chesapeake Bay Seafood Industries Association and I would like to submit this for your consideration.

The CHAIRMAN. Fine.

(The statement of Mr. Prier appears in the Appendix.)

(The following was subsequently supplied for the record:)

STATEMENT OF THE NATIONAL FISH MEAL & OIL ASSOCIATION
TO THE SUBCOMMITTEE ON LABOR OF THE
SENATE COMMITTEE ON LABOR & PUBLIC WELFARE ON S-1861

The National Fish Meal & Oil Association is a non-profit trade association whose members are engaged in commercial fishing and in the manufacture of fish meal, fish oil and condensed fish solubles. Their fishing and processing operations extend along the coast from the southern New England states to Sabine Pass, Texas.

The principal species harvested is menhaden, a very bony and oily fish that is undesirable and not used as an edible species. On a poundage basis, however, menhaden annually account for 35 to 40 percent of the total landings of all fish harvested by U.S. fishermen, including all shell fish with the shells on. Last year when the total U.S. catch was 5.91 billion pounds, menhaden landings totaled 1.814 billion pounds, or 37 percent of the U.S. total.

Fish meal is highly desirable as a protein supplement in the manufacture of poultry feeds. Fish oil is one of our largest fishery export items. It is mainly used in the manufacture of margarine and shortenings. Fish solubles is also used in poultry and animal feeds.

While the proposed change in the minimum wage would not be a material factor in the cost in our plant and shoreside operations, the proposed change in Section 13 (b) 4, which would repeal the overtime exemption of our shoreside employees handling and processing the fish, would adversely affect our segment of the fishing industry. This would be true for the companies engaged, as well as for the fishermen employed in the harvesting of the resource, whose compensation is based upon the fish they catch and deliver to the plants.

As is the case with all seafoods, menhaden have to be processed upon arrival and discharge at the plant. Because of the large volume in which the menhaden are caught and delivered by the fishing vessels it would be impracticable, if not impossible, from an economic standpoing to provide the type of refrigeration and

capacity at the plant that would be required to receive and maintain these volumes of fish in a fresh condition for processing on a normal eight-hour workday or the forty-hour week.

Therefore, the only alternative and acceptable practice for producing good quality products in our segment of the industry is to process the catch, and all of it, upon its arrival at the plant. In this connection, neither the company nor the fishermen can exercise control over the frequency or time of fish deliveries to the plant. This factor is wholly dependent upon weather and sea conditions that will permit purse seining by means of 35 foot purse boats and, then, upon being able to locate the schooling fish, reducing them to capture and pumping them aboard the mother ship from which the purse boats and fishermen operate.

All of the plant's processing operations have to conform with these practices and uncertainties. During periods of favorable weather and good fishing some long hour days are required to process the catch. Because of the large menhaden landings and the perishability of this raw fish material, there is no economic way it can be stored and processed in conformity with normal processing practices (8 hour day-40 hour week) where the perishability of the raw material is not a factor.

For this reason there is no alternative but to process the fishermen's catch when they deliver it to the plant. Failing to do so would be an economic loss to the fishermen as well as to the companies.

We respectfully request that the overtime exemption presently provided in Section 13 (b) 4 of the Fair Labor Standards Act not be changed.

Respectfully submitted

NATIONAL FISH MEAL & OIL ASSOCIATION

J. Steele Culbertson, Director

National Fish Meal & Oil Association
1225 Connecticut Ave., N.W.
Washington, D.C. 20036

STATEMENT

OF THE

NATIONAL FISHERIES INSTITUE
1225 CONNECTICUT AVE., N.W.
WASHINGTON, D.C. 20036

TO: THE U.S. SENATE COMMITTEE ON LABOR

ON: S1861 - A BILL TO AMEND THE FAIR LABOR STANDARDS ACT OF 1938

The National Fisheries Institute is a trade association, consisting of 500 U.S. companies engaged in production, processing, or distribution of fish and seafood products. The provisions of S1861, if passed, would affect adversely a majority of the Institute's member companies. The Institute, therefore, petitions the Committee not to report out S1861, nor any other proposal, that would increase the minimum wage or repeal paragraph (4) of section 13(d), fishery plant exemption from overtime, of the Fair Labor Standards Act.

MINIMUM WAGE

The Institute opposes the proposed increase in the minimum wage on several grounds.

Any increase in the minimum wage would provoke the start of another round of inflation that has damaged this Nation's economy so severely during the past several years. Legislation forcing an increase in wages paid to the least qualified employees in any industry would necessitate corresponding increases for all other employees. The proposed increase in the minimum wage - 40% in a 12 month period, would exceed in large measure all possible pro-

ductivity gains. If carried, as could be expected, to all other members of the labor force, the Nation would be subjected to a frightful period of inflation, exceeding even the disaster of the past five years.

While the objective of the proposal, to enhance the welfare of the lowest paid workers in our labor forces is admirable, it is the Institute's belief, fostered by past experience, that any increase in minimum wage is counter-productive in terms of benefitting workers.

In the fish and seafood industry, workers currently earning the minimum wage are generally engaged in hand labor tasks, such as shucking oysters, peeling shrimp, picking crabmeat or skinning or packing fish. In most cases, use of hand labor is a marginal operation at best. Any increase in cost of such labor, especially in the order of 40%, is sufficient economic ground to convert to mechanized production.

As an example, a domestic shrimp processor has a choice of employing unskilled labor to peel shrimp or of installing peeling machines. Shrimp peelers are paid on a piece work rate. Adept, energetic workers can and do earn from $2.50-$3.00 per hour. The majority of workers are barely able to earn the minimum wage. If the minimum wage rate is increased to $2.25, the shrimp processor will invariably invest in shrimp peeling machines. Thirty shrimp peeling machines, operated by 60 people, will produce as much product in a day as 240 workers peeling by hand.

Increasing the minimum wage, therefore, would have the effect of throwing 75% of present employees of such a plant on the unemployment, welfare rolls. The displaced workers are uneducated, and not capable of other employment even if opportunities existed in the relatively remote seacoast communities.

Similar shifts to mechanized operation would take place in the oyster shucking industry. Any increase in hand labor costs would spur perfection of machines to peel crabmeat. In summary,

the Institute maintains an increase in minimum wage would have the effect of eliminating jobs rather than enhancing the earnings of the majority of fish and seafood industry employees now earning the current minimum wage.

OVERTIME EXEMPTION

Section 502 of S1861, would repeal the fishery processing plant exemption from overtime pay requirements. The basic reasons, well deliberated by Congress, at the time the exemption was provided, still exist. Fish and seafood processing plants are not and cannot be regulated by an eight hour a day clock. Operation is dependent upon availability of raw material which is determined by weather, by luck, and by skill of the fish boat crew. In a typical fish plant operation, the employees may spend several hours of the day waiting for arrival of vessels. The plant operator bears the expense of this unproductive time. As vessels arrive, the cargo must be processed to assure quality and wholesomeness. Workers in the industry expect to put in longer hours during those periods when raw material is available.

Since economics of the industry do not permit a 50% increase in labor costs, which would result from repeal of the overtime exemption, the effect of S1861 would again be counter-productive. In most areas, companies would be forced to restrict workers' time to 40 hours per week. Thus, in the fishing season, a typical worker would earn 40 hours of wages, as opposed to the present 50-60 hours. The end result would be a decrease in earnings for the workers.

We have described the negative effects of both an increase in minimum wages, and repeal of the overtime exemption on fish industry employees.

Effects on the companies would be severe. For many companies, this increased cost could well mean inability to continue in business. Currently, 60% of seafood used in this country is imported.

Increased domestic costs can only mean a further deterioration of the U.S. industry. The Kennedy round of tariff reductions will be completed next year. Virtually all tariffs on seafood products will then be removed. Increased costs for the domestic industry will force more processing to overseas countries, causing unemployment in seacoast communities. The social effect could be staggering.

In summary, the National Fisheries Institute believes the provisions of S1861 to be detrimental to seafood industry employees, to the industry, and to the Nation as a whole. We urge that the Bill be defeated.

The CHAIRMAN. Very good. Thank you very much.

Mr. C. Edward Goldberg, chairman of the legislative committee, Robert E. Kline, Washington counsel, Bowling Proprietors Association of America, and Mr. Edward Thomas, Maryland State senator.

STATEMENT OF C. EDWARD GOLDBERG, CHAIRMAN, LEGISLATIVE COMMITTEE, BOWLING PROPRIETORS ASSOCIATION OF AMERICA; ACCOMPANIED BY ROBERT E. KLINE, WASHINGTON COUNSEL, AND HON. EDWARD THOMAS, MARYLAND STATE SENATOR

Mr. GOLDBERG. Our association is composed of approximately 3,200 bowling establishments operating more than 62,000 lanes, located in every State in the Union. Our membership covers all aspects of bowling—tenpins, duckpins, rubber band duckpins, and candlepins. Our association represents more than half of the total bowling establishments in the United States, and our members operate more than three-fourths of the privately owned bowling lanes throughout the country. I am, therefore, addressing you representatively on behalf of a large segment of the entire bowling industry.

I know you are late, so I will skip where I have repeated statement of the Secretary of Labor and the representative of the restaurant association, and so forth, and just go to page 4.

Many of our members are having a hard time to meet the present wage requirements and still keep going, and there is no question but that they would have to cut down the number of employees and attempt to carry on the necessary work with decreased personnel.

Indeed, our industry has been particularly hard-pressed during the past 10 years. This is due principally to overexpansion at the beginning of the last decade, which resulted in the failure of many of our bowling establishments, as well as the necessity of thousands of them having to be refinanced two or three times, with a resulting tremendous increase in costs. Many of them were forced out of business altogether, either going into bankruptcy or having their businesses taken over by their suppliers whom they could not pay. Many of those remaining are still confronted with a grim economic picture. Any increase in costs, such as a significant increase in the minimum wage, might prove too much for them to endure.

We, therefore, plead that any increases in the minimum wage be not too great for our economy to absorb and not applied too rapidly. In short, not too much and not to fast.

Another provision of S. 1861 about which our industry is particularly concerned is the proposed elimination of the less than $250,000 volume "Small Business" exemption from coverage. As you probably know, many of our bowling establishments are small businesses and qualify under the present exemption. It will indeed be a hardship for them to be bound by a minimum wage.

As I have said, quite a few of them can hardly keep going as it is, due to the very high cost of bowling equipment and other things needed in their operations; to add anything to their present financial burden might compel them to go out of business altogether. All expenses have increased, costs have risen, taxes are higher, and anything more might be too much for them to endure.

As I have already indicated, many of these small operators have been the victims of a serious depression in the bowling business during the past 10 years, caused by too great and too rapid an expansion of bowling facilities in the early sixties. Many became bankrupt, or were compelled to go out of the bowling business altogether. Their principal suppliers often found it necessary to take over these bankrupt small bowling enterprises by foreclosure or otherwise. This is not a health thing, and to impose upon the remaining hard-pressed small bowling establishments a required minimum wage would serve to exaggerate their present financial crises. The present small business exemption had, indeed, been a godsend to these small businesses in our industry and we earnestly urge that it be continued.

Incidentally, the remarks about marginal businesses should not have any consideration in the economy, I presume if this was carried to its limit we would have General Motors in the bowling business and no little individual mom and pop operations, which is about 80 percent of our proprietors.

The most important thing about which I wish to speak, however, is the proposed taking away of our special exemption from overtime. This is set forth in subparagraph (19) of section 13(b) of the present act.

The chairman's bill, S. 1861, is a very broad bill, indeed, so far as proposing the repeal of exemptions from overtime is concerned. Not only the special exemption from overtime covering our industry is sought to be repealed, but also the present exemptions of other industries are on the list for repeal. Some of these are closely related to the bowling industry, and their exemptions were based upon the same reasoning that supported ours. Among these was the restaurant and food services industry, section 13(b)(8) of the present law, which also included exemption from overtime for hotels, motels, and nursing homes, which are also sought to be repealed under S. 1861. Their operating situations are basically the same as ours.

So far as irregularity of hours, long days and having to work a 7-day week are concerned, all of these industries, previously exempt from the payment of overtime, are in much the same situation as our bowling industry. We feel that all of them, because of their peculiar operating conditions much the same as ours, should be exempt from the payment of overtime, and the bowling industry also, as all of us have been under the present act.

We support the restaurants and other eating places in their contention, as we always have. Our working problem is essentially the same as theirs. It does not lend itself to the payment of overtime.

When the 1966 amendments were being considered by this committee, we argued that the same facts that justified an exemption from overtime for the restaurant and food services industry also justified an exemption from overtime for the bowling industry. The House had included an exemption from overtime for the restaurant and food services industry, but had not included one for the bowling industry.

We explained that both our industries had excessively long days, beginning at 7 o'clock in the morning and going far into the night. The work was irregular throughout these long days. Furthermore, the operations in both industries were not confined to a 5-day week; rather both were subject to a 7-day operation. These long, irregular

days, and these long 7-day weeks constitute a basic reason why neither industry should be subject to the overtime provisions of the act and our present respective exemptions should be permitted to continue.

That is what we argued before your committee in 1966, and succeeded in having an exemption from overtime added to the bill on the floor of the Senate, covering the bowling industry. As I have stated, the House had not included such a provision. In conference, a special limited exemption from overtime for the bowling industry was worked out and agreed upon.

This is a section that is sought to be repealed under the bill that is now before you. We ask that this action not be taken.

We persist in the assertion that the restaurants and eating establishments and we, should be treated in the same way. If the restaurants were exempt and we were not, another difficulty would be presented. That is, there is a certain interchangeability among employees within a bowling establishment where there are both bowling and eating facilities. Sometimes an employee works in the bowling part of the activities and at other times he works in the restaurant or eating facility part. There would be a confusion as to what overtime he was to be paid. Also, to have the bowling group employees paid overtime and the restaurant or food service group not would cause a certain disruption between them, when they are all working in the same establishment.

We have managed to get along with the present arrangement, and adapt our working hours to it. To pay straight time up to 48 hours, and overtime thereafter, meets our working conditions and requirements. Any change would make our problem more difficult, if not impossible to handle.

For the reasons stated, we respectfullly urge that our present exemption from overtime of up to 48 hours a week with time and one-half beyond that be permitted to continue.

Thank you very much. You have been staying overtime this afternoon to hear us.

The CHAIRMAN. There was a time in your industry when the big expense problem was the pinsetters. That has been eliminated with machinery, hasn't it?

Mr. GOLDBERG. Well, the cost of operating the automatic machines is higher than any pinsetter would have ever been, and the machines setting the pins is substantially slower than the pinboy. I don't mean that mechanically they are slower, but if you were a bowler in the old days when the pins were setting up and you didn't bowl promptly, the pin boy would bank on the side. If you didn't throw the ball, he would leave the premises and you were without service. So, the proprietor would say, you will have to bowl promptly or we don't have a replacement. The machine sits there and waits. You can be talking to a friend or off getting a beverage, and when you come back the machine is still sitting there.

Where we used to roll the average league in 2 hours, it now takes us from 2 hours 30 minutes if it is a mixed league like many Government leagues here are, which are social leagues, sometimes it takes as long as 3 hours to roll a league match.

The CHAIRMAN. How do you charge for the alley? On a time basis?

Mr. GOLDBERG. No. That has been tried and since it isn't uniform

we haven't been able to convince the bowler to accept it. We charge on a per game basis as we did when we had the pin boy. Where we might get 70 cents a game compared to 45 cents 25 years ago, we are actually not getting as much per hour on performance as we were then. This has been a big factor in our industry. There has been a great trend toward four bowlers on a team instead of five. This cuts our income down 20 percent because normally you can only bowl two leagues a night as it were. One starting at 6:45 and another at 9:15 or 9:30, and it gets harder every year to get that second league in this area because they complain about having to leave the bowling center after midnight and getting home late to get up for work the next morning, and all the rest of that business.

When I started this business in Arlington, Va., we use to have three leagues a night. We would have a Government league at 5, another at 7 and one at 9. Everybody was out of the place by 11:30. This was with manual labor. But we would like very much to put it on a time basis. This would, I think, be—in some places people bowl at a lower price than they are now, and those who take 3 hours instead of 2 hours 15 minutes, they can do this physically not rushing, they would pay a higher price because they are taking more of your time.

The CHAIRMAN. Senator Thomas, do you have anything to add?

Senator THOMAS. No, sir. I don't have anything to add. The hour is growing late and the testimony has been long today. I think there are some additional remarks in the statement that the record will show. Mr. Goldberg kind of cut some of them out.

The CHAIRMAN. What part of the State do you represent?

Senator THOMAS. I am from Frederick County in central Maryland, from the home of Senator Mathias and Senator Beall—U.S. Senators Mathias and Beall.

The CHAIRMAN. Thank you very much.

(The prepared statement of Mr. Goldberg follows:)

STATEMENT OF THE
BOWLING PROPRIETORS' ASSOCIATION OF AMERICA
BEFORE THE SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
UNITED STATES SENATE, ON S. 1861,
SETTING FORTH PROPOSALS TO AMEND THE
FAIR LABOR STANDARDS ACT

July 22, 1971

MR. CHAIRMAN:

My name is C. Edward Goldberg of Chevy Chase, Maryland. I am the President of Bowl America, Inc., which operates several bowling establishments in the Washington Metropolitan area. We are a Member of the Bowling Proprietors' Association of America, and I am Chairman of its Legislative Committee. I am making this statement before you today on its behalf. Seated beside me is Mr. Robert E. Kline, Jr., Washington Counsel for the Association, and Mr. Edward P. Thomas, Jr., a Bowling Proprietor from Frederick, Maryland. Mr. Thomas is also a Maryland State Senator.

Our Association is composed of approximately 3,200 bowling establishments operating more than 62,000 lanes, located in every State in the Union. Our membership covers all aspects of bowling - ten pins, duck pins, rubber band duck pins, and candle pins. Our Association represents more than half of the total bowling establishments in the United States, and our members operate more than three-fourths of the privately owned bowling lanes throughout the country. I am, therefore, addressing you representatively on behalf of a large segment of the entire bowling industry.

The members of our Association are greatly concerned about S. 1861, introduced by the Chairman on May 13, 1971, and now before this Labor Subcommittee for its consideration. There are several

proposed amendments to the Fair Labor Standards Act that directly affect the members of our Association and which we feel are adverse to our best interests.

Among these is the raising of the minimum wage from $1.60 an hour, which has just been achieved for all workers covered by the Act, as follows: Employees covered prior to 1966 would be raised to $2.00 sixty days after enactment and to $2.25 one year thereafter; employees covered in 1966 and by this Bill would be raised to $1.70 sixty days after enactment, to $2.00 one year thereafter and to $2.25 one year after that. We feel that such extensive increases in the minimum wage and such rapid timing would present economic problems of the most serious nature.

The statement of the Secretary of Labor before this Subcommittee on May 26, 1971 is important. He recognizes the desirability of increasing the purchasing power and the standard of living of members of the labor force who are receiving low wages, which can be done by increasing the minimum wage and by extending the coverage of the Act. However, he points out that if we increase the statutory minimum wage too rapidly or extend coverage too broadly we can create unemployment among this same group of low wage earners. Because of these possible dis-employment effects, we must move carefully. Furthermore, he says that now that we are beginning to win the battle against inflation, we must make sure that the size and timing of an increase in the minimum wage or an extension of coverage is compatible with continued progress towards stabilizing price levels.

He believes that the increases proposed in S. 1861 would escalate the minimum rate over too short a period. He proposes instead that the minimum be raised to $1.80 at the beginning of 1972 and to $2.00 in the first part of 1974. He feels that any further increases should await the results of economic studies conducted after the $2.00 minimum has gone into effect. The Secretary points out that the increases proposed in S. 1861 could have serious harmful results upon the economy. Employers affected could well adopt ways to reduce the number of their employees. Some small businesses might give up altogether.

The Secretary's discussion with regard to S. 1861 moving too far and too fast with regard to increases in the minimum wage and extensions of coverage is well worth studying carefully. He feels that a lesser amount at a slower rate of increase would also reduce the risks of inflation. He feels that the economy should be given at least two years to adjust to and absorb the increase in the minimum wage from $1.60 to $1.80 an hour, before it is raised again, to $2.00 an hour, as he proposes, and he strongly urges that no increases in excess of that amount be written into the law at this time.

We go along with the proposal of a lower minimum wage for youth. Let it remain at $1.60, if the minimum wage for adults advances.

We can see the desirability of trying to bring everyone's wage up to a level which would take him and his family out of the

poverty bracket and perhaps the present minimum wage of $1.60 an hour is not sufficient to do this for a wage earner with a family of four. However, the economic question is whether this will achieve the desired result, or whether it will result in increased unemployment because employers will not be able to pay the increased minimum wage. Many of our members are having a hard time to meet the present wage requirements and still keep going, and there is no question but that they would have to cut down the number of employees and attempt to carry on the necessary work with decreased personnel.

Indeed, our industry has been particularly hard-pressed during the past ten years. This is due principally to over-expansion at the beginning of the last decade, which resulted in the failure of many of our bowling establishments, as well as the necessity of thousands of them having to be refinanced two or three times, with a resulting tremendous increase in costs. Many of them were forced out of business altogether, either going into bankruptcy or having their businesses taken over by their suppliers whom they could not pay. Many of those remaining are still confronted with a grim economic picture. Any increase in costs, such as a significant increase in the minimum wage, might prove too much for them to endure.

We therefore plead that any increases in the minimum wage be not too great for our economy to absorb and not applied too rapidly. In short, not too much and not too fast.

Another provision of S. 1861 about which our industry is particularly concerned is the proposed elimination of the less than $250,000.00 volume "Small Business" exemption from coverage. As you probably know, many of our bowling establishments are small businesses and qualify under the present exemption. It will indeed be a hardship for them to be bound by a minimum wage. As I have said, quite a few of them can hardly keep going as it is, due to the very high cost of bowling equipment and other things needed in their operations; to add anything to their present financial burden might compel them to go out of business altogether. All expenses have increased, costs have risen, taxes are higher, and anything more might be too much for them to endure.

As I have already indicated, many of these small operators have been the victims of a serious depression in the bowling business during the past ten years, caused by too great and too rapid an expansion of bowling facilities in the early sixties. Many became bankrupt, or were compelled to go out of the bowling business altogether. Their principal suppliers often found it necessary to take over these bankrupt small bowling enterprises by foreclosure or otherwise. This is not a healthy thing, and to impose upon the remaining hard-pressed small bowling establishments a required minimum wage would serve to exaggerate their present financial crises. The present "Small Business" exemption has indeed been a godsend to these small businesses in our industry, and we earnestly urge that it be continued.

The most important thing about which I wish to speak, however, is the proposed taking away of our special exemption from overtime. This is set forth in Subparagraph (19) of Section 13 (b) of the present Act, which reads as follows:

> "Any employee of a bowling establishment if such employee receives compensation for employment in excess of forty-eight hours in any work week at a rate not less than one and one-half times the regular rate at which he is employed."

The Chairman's Bill, S. 1861, is a very broad Bill indeed so far as proposing the repeal of exemptions from overtime is concerned. Not only the special exemption from overtime covering our industry is sought to be repealed, but also the present exemptions of other industries are on the list for repeal. Some of these are closely related to the bowling industry, and their exemptions were based upon the same reasoning that supported ours. Among these was the restaurant and food services industry, Section 13 (b)(8) of the present law, which also included exemption from overtime for hotels, motels, and nursing homes, which are also sought to be repealed under S. 1861. Their operating situations are basically the same as ours.

Section 3 (a)(9) of the present Act exempts employees of motion picture theaters from both the minimum wage and the overtime provisions of the Act. In S. 1861, the Bill now before you, it is proposed to eliminate this exemption of the motion picture industry from both the minimum wage and the overtime provisions of the Act.

So far as irregularity of hours, long days and having to work a seven-day week are concerned, all of these industries, previously exempt from the payment of overtime, are in much the same situation as our bowling industry. We feel that all of them, because of their peculiar operating conditions much the same as ours, should be exempt from the payment of overtime, and the bowling industry also, as all of us have been under the present Act.

With respect to all these exemptions from overtime which S. 1861 seeks to repeal, Secretary of Labor Hodgson stated:

> "I am not aware of evidence or studies that would show why the earlier legislative determination to omit these categories from coverage is no longer valid. In the absence of convincing reasons for change, I would not tamper with these provisions."

When he appeared before this Committee on June 24, 1971, Admiral Nunn, representing the National Restaurant Association, stated:

> "We have an exemption under existing law for food service workers from overtime. This was accorded to us by Congress in the 1966 amendments. The nature of our business is such that as a nationwide industry we cannot exist without that exemption. There are some regions where collective bargaining agreements or State statutes require the payment of overtime. These are special arrangements which the local economy will support; but this overtime payment should not be made of general application by the Federal law."

We have many eating places as a part of our bowling establishments. We are extremely interested in what Admiral Nunn has said, and we support him in his statement that a relief from overtime is imperative in the food services and restaurant industry, just as it is in ours.

Admiral Nunn goes on to say:

> "Our customers often linger after meals. Our business is hospitality. We cannot throw them out. Such things contribute to the uncertainty in the hours for business for eating and drinking places. We cannot fix hard and fast hours for closing. We feel it essential that we retain this exemption from overtime."

We support the restaurants and other eating places in their contention, as we always have. Our working problem is essentially the same as theirs. It does not lend itself to the payment of overtime.

When the 1966 Amendments were being considered by this Committee, we argued that the same facts that justified an exemption from overtime for the restaurant and food services industry also justified an exemption from overtime for the bowling industry. The House had included an exemption from overtime for the restaurant and food services industry, but had not included one for the bowling industry.

We explained that both our industries had excessively long days, beginning at seven o'clock in the morning and going far into the night. The work was irregular throughout these long days. Furthermore, the operations in both industries were not confined to a five-day week; rather, both were subject to a seven-day operation. These long, irregular days, and these long seven-day weeks,

So far as irregularity of hours, long days and having to work a seven-day week are concerned, all of these industries, previously exempt from the payment of overtime, are in much the same situation as our bowling industry. We feel that all of them, because of their peculiar operating conditions much the same as ours, should be exempt from the payment of overtime, and the bowling industry also, as all of us have been under the present Act.

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confusion as to what overtime he was to be paid. Also, to have the bowling group employees paid overtime and the restaurant or food service group not paid overtime, would cause a certain disruption between them, when they are all working in the same establishment.

We have managed to get along with the present arrangement, and adapt our working hours to it. To pay straight time up to 48 hours, and overtime thereafter, meets our working conditions and requirements. Any change would make our problem more difficult, if not impossible to handle.

For the reasons stated, we respectfully urge that our present exemption from overtime of up to 48 hours a week with time and one-half beyond that be permitted to continue.

The CHAIRMAN. Mr. Richard Preston, cochairman, legislative committee, Florida Nursing Home Association, Whitehall Convalescent Home.

STATEMENT OF RICHARD PRESTON, COCHAIRMAN, LEGISLATIVE COMMITTEE, FLORIDA NURSING HOME ASSOCIATION, AND THE WHITEHALL CONVALESCENT HOME

Mr. PRESTON. Thank you, Mr. Chairman.

I, too, agree that the hour is late and I will try to make it short. However, I would like to leave what I feel are some points that I hope you will take under study in your proposal as far as the new $2.25 minimum wage.

As you stated, I am Richard Preston. I represent Whitehall Nursing Home in St. Petersburg, Fla. It is a modern 52-bed facility. In addition, I represent the Florida Nursing Home Association which is comprised of approximately 175 members representing upwards of 20,000 beds in the State, throughout the State.

I would like to object to the current proposal as far as the increase to $2.25 for the following reasons:

We have been faced, as you know, with four consecutive jumps of 15 cents per hour in the last 4 years, and Florida has just gone up to, as of February 1, the $1.60 level. I realize that in some States their minimum wage possibly is up to the point where it won't make too much difference economically, but in a State such as Florida where we have just come up to that particular level, I believe it would have a most inflationary effect.

Taking the nursing home situation as an example, we have gone up 15 cents per hour, 4 years, as I just mentioned. At Whitehall, our rates 4 years ago for a semiprivate room were $280 per month. As of February 1, this year, they went up to $390 per month, or a 40-percent increase in 4 years. This is attributed almost entirely to the increase in minimum wage. If the proposed bill goes through without any exemptions, as far as nursing homes are concerned, our current $390 per month would jump up to $450. This would be during the 30-cent-per hour hike that is proposed in one of the year, and proportionately, of course, somewhat lower on the 25 cents.

As an example again at Whitehall, we have approximately 30 employees that are under the minimum wage that come into that level. Nurse's aides, housekeepers, et cetera. Some kitchen help.

As was mentioned here by several other people that were speaking, you cannot increase under minimum wage without increasing your employees across the board. So, it is inflationary throughout the nursing home. But under the 15 cents per hour, as an example for 1 year, the increased cost for those 30 years is over $9,000 in increases to the payroll. This is a small nursing home proportionately speaking to most of them in Florida, which are now 100 bed, et cetera.

Around 50 percent of the patients of Florida's nursing homes are private patients and they have just been hit with four consecutive increases as far as rates are concerned; either the patients or their relatives. If this new increase goes in as projected, it is going to throw a lot of these people onto the medicaid program. In Florida, currently, it is a disaster. There is not enough money. The nursing homes are

being paid now quite a bit less than their actual costs, which means that in most cases private pay patients are subsidizing the medicaid patients.

If the scales are allowed to be tipped and more are thrown under this program, as will be the case, again you will have more Government money expended as far as medicaid programing is concerned. I certainly believe that in a State that has just gone up to $1.60 an hour as far as minimum wage is concerned, that it should not be subjected to a huge increase at this time. Again, a lot of people think a 30-cent-per-hour increase in 1 year is not a lot. But I just tried to point out quite graphically, 30 employees, at a 15-cent-per-hour increase, means $9,000 increase in payroll in 1 year.

This has to come out strictly by increasing the rates.

Nursing homes, contrary to a lot of controversy that has been going around as far as profit factor is concerned—I think this can be borne out, especially under medicare—audited books in many nursing homes—they are not making a profit. They can't absorb it. It will have to be passed on in increased rates. The cost in health care currently, I believe, is certainly skyrocketing at a level that is alarming, without increasing it unduly.

One other capacity that I come here today on, and also representing the Peneles Apartment Association—I am the current president of that association on the State board.

Florida has many, many retirees that live in apartments that are on fixed incomes, retirement incomes, social security, and the like. And any such across-the-board increase in the minimum wage is certainly going to adversely affect their pocketbook. I think it was brought out graphically today—I am not talking just for one industry or two industries, the cab rates are going up. The shrimp and oysters are going up. The household fees are going up. So on down the line.

It is my thought that the Government should start on the other end of the totem pole as far as wages are concerned. I sincerely feel, and a lot of people I have talked to, when you are talking about $9 or $10 an hour wages in some cases in construction, that this is way out of line for today's economy and I think it is certainly being proven by voluntary cutbacks of people in those particular industries, even in half from $9 an hour to $4.50 an hour—Cleveland is one case in question—they were making $9 an hour, but they were unemployed. Again, all this does certainly is make the ones on the other end of the totem pole dissatisfied.

Coming over here today, I was taken from the airport by a cab driver—I would like to backtrack just a moment to comment that the cab drivers here in Washington seem to be very busy. They were pulling out about as fast as they could. But this particular cab driver, a very personable young man, was on strike from Western Union and moonlighting while he is waiting for the strike to be settled. A union employee. But he just voiced his opinion when he heard that I was going to appear before this committee today, that he is not too happy with the unions and he voiced why. Just what I had said. That he feels that in his job he is not a Western Union telegram deliverer. He is an engineer for Western Union. He feels he has gone to school, put time in, money in and certainly is not making, say, half of what a meatcutter is and so on down the line.

As I said, it is all out of whack as far as the economy is concerned on the other end of the totem pole. I would urge the Government to look into this aspect of it.

I think as far as the unemployment rise that was mentioned, because of this, I would be quick to agree—I know in the nursing home we have, for lack of a better word, a fringe-type employee. Not that they are not valuable. They do do a service and a job. But we wouldn't be able to afford that particular type of employee.

For instance, right now I have two high school students—one is high school, one is college—working in summer on the grounds. I can afford it this summer, but if minimum wages go up, I will be able to afford only one next summer. The grass might not be trimmed quite as immaculate as it is now, but I just will not be able to stay in business. This is the case, too. We do have recreational directors which I feel are good for those in the nursing home. This probably will have to be cut back.

The CHAIRMAN. How many employees do you have at Whitehall?

Mr. PRESTON. Counting our part time, about 42.

The CHAIRMAN. Are there many at $1.60 an hour or are most of them payed more than $1.60?

Mr. PRESTON. We have some of our girls this summer, we have a lot of students that pinch-hit on vacations in the summertime. They are on $1.60. Other than that, those that have been with us for, say, 6 months or over are on $1.65, $1.70, some on $1.75. Naturally our licensed personnel are way above that.

The CHAIRMAN. Are any of your people under $2 an hour the sole support of a family?

Mr. PRESTON. Under $2 the sole support? Yes, sir; I think there are several.

The CHAIRMAN. Do they work 40 hours?

Mr. PRESTON. Yes, sir.

The CHAIRMAN. At $2 an hour, that is $80 a week. They are the sole support of a family.

Mr. PRESTON. You said a family. We do have some divorcees. In one case we have a nurse's aide. She supports her son. Just the two of them. I do believe that he is, say, around 14 and does get odd jobs and this type of thing. Apparently they can get along quite well. I don't mean to say that somebody supporting five and six children on this—in many cases, it is a wife whose husband also works so it is a supplementation type situation there. But I think in many cases, the $1.60 that they are currently getting now—it seems that the situation that they are in, they certaingly are able or would seem to get by.

Well, for instance, I am driving the oldest car in the parking lot.

The CHAIRMAN. Say that again?

Mr. PRESTON. I said I was driving the oldest car in the parking lot, so they seem to be making out somehow.

The CHAIRMAN. People making less than $80 a week and supporting more than themselves, they can't be driving expensive cars; the financing on an automobile and the paying of rent would wipe out $70 a week.

Mr. PRESTON. In many cases you have a situation where you have two working. The husband and wife is working as a nurse's aide. You

take the two salaries combined together and they are not doing too badly.

The CHAIRMAN. That is why I asked about sole support. Then these people at $80 a week are not the sole support of a family?

Mr. PRESTON. Well, I said we do have one that I know—there are several that support themselves. In other words, they would be sole support of the family if you are talking about a family of one. We have a number in that particular category that seem to survive without much problem. There are rents available that aren't too bad for about $60 a month in the St. Petersburg area. This doesn't mean that the person is out hiring an apartment for $200 a month or this type of thing. Possibly she is not going out to eat $4.50 shrimp dinners either. Apparently they are surviving quite well and staying off of welfare and wanting to stay off of welfare.

The point is that just like at Whitehall, we have been able in the last 4 years to give what we would like to as incentive raises because of minimum wage. In other words, we feel we do have some employees we would like to raise higher than say they are, but we cannot do it because of continuing minimum wage increases year after year.

So, we would certainly like to request as far as—I would myself and on behalf of the nursing home association, and also the apartment association, that you do take a close look as far as these industries are concerned. Possibly not having them—if there is a minimum wage jump, not having them jump to the extent that is proposed because it is just going to skyrocket the cost of health care as far as nursing homes are concerned. Certainly in a State like Florida, that has just arrived at the $1.60, it will be very inflationary throughout the State.

Again, it will be a hardship on many, many retirees that are down there making it on their own now, but when the new minimum wage bill goes through, they won't be making it on their own. The Government is going to have to assist and a lot of them don't want this to happen. I am glad to see that some people don't. I would not like to see them have to go on to it. I would like to——

Mr. BENEDICT. You mentioned the effect of inflation on people with fixed incomes. The retired people. I agree with you completely. But we have had this inflationary trend for several years, and these people get hurt probably as much as anybody, if not worse. But what effect does this have on the man making $1.60 an hour? Doesn't this hurt him too?

Mr. PRESTON. What I am trying to get at, the man earning $1.60 per hour now, when minimum wage goes up, he is going to be hurt—maybe he will be making more money, but he will be hurt accordingly because everything goes up across the board. It might not happen in a State where minimum wage is now $2 an hour. Right now, that isn't going to affect it. But in Florida it will affect it.

Mr. BENEDICT. You mentioned these are the type of people who spend $4.50 for a shrimp dinner. My wife went to the store yesterday to get a favorite kind of hash I like. It was 57 cents. A week ago it was 53 cents. In May it was 45 cents. Now, this is happening without an increase in minimum wage. What is the guy making $1.60 an hour supposed to do when he goes down to the supermarket to buy food for his family?

Mr. PRESTON. I still maintain that when this same gentleman is making $2.25 an hour, it won't be able to buy any more for him than the $1.60 now. Again, I refer to the other end of the totem pole where somebody is making $9 an hour without any education and possibly pushing a wheelbarrow. I don't think this is meant for the economy we have in the country today, and this makes all the workers restless, naturally.

Mr. BENEDICT. I think that probably contributes to inflation, too, but that is a separate problem.

Mr. PRESTON. I think you have to—if you are going to put out a fire, you can't do it just from the back door of the house. You have to start on both ends and try to put it out. I think that unions have long had the upper hand as far as when it came to arbitration and on settling any strike or anything. They get away with a lot more than certainly management could. Because of this, I think you arrive at this particular problem, unfortunately. Again, where people come and testify, possibly in good faith, but earlier today you had the woman that was representing the household workers of the United States. She mentioned an $1,800 per year figure. This certainly doesn't—Florida is not known for its high wages. Yet I know the basic average in St. Petersburg is $12 a day on a 5 day week, $60. That is over $3,000 a year. That is in Florida, which is basically low wage. I don't know where she gets her statistics. In many, many cases, if a lot of these statistics were checked into, it would be unreliable. Again, I think you have to look at each industry that was here today. I fully agree with the people from the fish industry.

You are going to throw a lot of people out of work. Again, like in the nursing home, you will throw people out of work. You will necessitate, say, a downward trend as far as health care because the Government isn't picking up the tab. As far as medicare is concerned, they haven't even paid the cost to the nursing home administrators. Medicaid in most States is not paying costs. Certainly it isn't in Florida.

So again, if you put more on the Government, what you are doing is putting more people on the welfare program. More people that have to go on by increasing this across the board.

Again, at least if there has to be an increase, make it a lower increase on a per year basis; 15 cents again caused us to raise our rates 40 percent in 4 years, just this 15 cents increase.

Mr. BENEDICT. I would throw one more comment to you and quit. Not the person supplementing a family income, but the person trying to support a family, if the inflationary trend continues, and it certainly has, without any action here since 1966—you did have some increases in minimum wage that came in in stages—you brought up welfare. Don't you have a disincentive to work? If the cost of living continues to go up and the man is still making a very low wage, isn't the incentive there to quit work and get picked up on a welfare roll?

Mr. PRESTON. I think it all depends on the person. Basically the whole incentive has been on a downward trend because of welfare, because it is so easy to get on it. But we have several nurse's aides, because of the number of children that they have, that are on the welfare program, and yet they are working.

Now, they wouldn't have to work. They could sit back and strictly go on welfare. I give them credit that they are working. Because of that, they are taking less welfare.

The CHAIRMAN. But they are getting welfare as a supplement to a low wage.

Mr. PRESTON. Yes.

The CHAIRMAN. That point hits right at where we want to focus. We would like to see people who are working earn enough out of their full workweek so they don't have to be supplemented with welfare. That is one of the basic objectives of our dealing with these low, low wage earners, we are trying to make them self-sufficient through their own employment. That is basically what we are talking about here, in this minimum wage legislation.

Mr. PRESTON. Again I think unless you cut it off at the other end, but the cost of a house——

The CHAIRMAN. I would certainly agree, and the majority here in Congress have for 2 years advocated and given authority to the President to do something at the top levels with a wage board. We even gave him the authority to put controls on all of the factors, which hasn't been done.

Mr. PRESTON. As you might have guessed from my testimony, I am a Republican. But I disagree with Mr. Nixon very strongly about this. I think there should be price——

The CHAIRMAN. Let us call this a cost push inflation. Perhaps that is an apt description. I am just wondering whether at the lowest level of employment in terms of hourly workers, this is the kind of wage-cost that pushes inflation. The Chamber of Commerce representatives came in here and said no. They would not put the responsibility for causing inflation at the doorstep of this kind of wage increase, the increase of the lowest hourly job workers. That makes sense to me. When $80 a week is really just basically what you need to survive, because that is just at the poverty level, that's what it takes to live——

Mr. PRESTON. May I make a statement to that? I think again, you are stating this on a countrywide basis and I don't think you can. In other words, I think $80 a week in New York you may be in trouble. Probably you are going to be in Washington. But in St. Petersburg, in the surrounding area, you can get by. Again, I am not saying you are going to live high, but you are certainly going to be able to get by, one person or even say maybe a mother and a child and in some cases where this child is old enough to work and making a few extra dollars, they live all right. Certainly a person——

The CHAIRMAN. Let me ask you about interest rates. You are from an industry that relies on borrowing money for construction. This is one of the major factors in the cost of doing business. The cost of money. What are the interest rates in your part of the country?

Mr. PRESTON. Right now currently about 8 or 8½.

The CHAIRMAN. Well, that is about the national average, isn't it?

Mr. PRESTON. That, I really don't know. I can only say what it is down there currently.

The CHAIRMAN. Am I right on that? Take nursing homes, they have to borrow to construct.

Mr. PRESTON. You are talking about nursing homes now where you are talking about, well, even in Florida, about at least five to 6,000 a

bed to construct. Naturally, if you get up into a 100 bed nursing home, it will be financed, by necessity. You are getting up to a point now where the costs are so great as far as the actual expenditure in just building the facility that you are running into trouble even before you open your doors. This is why a lot of chains have been in trouble.

The actual cost of construction is so great, causing nursing homes now—well, this is nationwide—they are controlled and recontrolled and overcontrolled as far as the facility is concerned. In other words, the halls have to be a certain width. The doors must be a certain width. A certain type of construction. You have to have hand rails in some States, sprinkler systems. In some States it must be completely fireproof and so on down the line.

This skyrockets the cost of construction. You do run into a problem. Of course, over and above, why, salaries of course as far as licensed personnel have gone up I guess around the Nation now. I don't believe we are as high as New York City or Washington as far as registered nurses, but certainly they are making a good salary in St. Petersburg.

Of course, this naturally has an effect on the overall percentage of profit or no profit as far as nursing homes are concerned. Most of the country's nursing homes, as you probably know, are still proprietary. How long they will be able to remain that, I don't know. But I believe I reflected here that our charges at Whitehall currently are $390 per month. The county nursing home in St. Petersburg closed down about 3 or 4 months ago and their cost was around $15 to $16 per day.

We have a much better facility than the county home and give just as good service, which can be borne out. I am not bragging. Anyone can check this out. I maintain that private enterprise can do it and can do a good job for less.

The CHAIRMAN. My only point is I hate to see the $1.60 an hour employee carrying the burden of inflation. That is my only point. I don't think that low wage employee does.

Mr. PRESTON. I think again maybe I am being selfish in saying it should be tailored to the industry, but in some cases it has to be, and I think certainly Congress thought this when the last minimum wage bill was passed, because there were certain industries—some were exempt, some had special dispensations, etc.

They felt obviously there had to be some change in the rules for certain industries because they were special in their own problems. As I think the nursing homes are certainly.

The CHAIRMAN. Well, by definition the minimum wage is a low floor for subsistence. That is the way we look at it. We just want to meet, in inflationary times, a subsistence level. I think in terms of the family and the unit——

Mr. PRESTON. Again, I still maintain you still have to look at it in an area basis. Of course, I would certainly like to recommend to this committee that it be left up to the individual State.

The CHAIRMAN. In one area of wages we have what was called the prevailing wage. It is supposed to reflect regional differentials. Prevailing wage provisions were suspended at one point this year.

Well, I appreciate the opportunity to have this back and forth, give and take, and I appreciate your coming here.

Mr. BENEDICT. I would like to ask you one more question. Are you simply in favor of retaining the overtime exemption, or are you asking that there be no increase in the $1.60 an hour, also?

Mr. PRESTON. Well, my own preference right now, I think the preference for the industry in Florida would be as far as, unless you skyrocket the cost of health care, to keep it where it is right now. If you go up, that it be on smaller stages than is projected by this committee. Again, the 15 cents per hour that we have already gone through for 4 consecutive years has just skyrocketed the cost of health care in the State of Florida. This will just completely get it out of the line. But again I think you are talking about a lot of people in a lot of cases, and I think you look around the Nation and you have a lot of wives making $80 a week and husbands making $80 and $100 a week and I think the percentages have shown in recent years that husband and wife teams working has certainly gone way up. You put the two together and you have a living wage.

Mr. BENEDICT. Put the two together and we are passing through this committee the child care and child development and day care program to see that the kids are not unattended.

Mr. PRESTON. For the supervising entrepreneur to get into the kindergarten or babysitting business, shall we say nationwide, I think this would create jobs. When they are put into good day schools and what have you.

The CHAIRMAN. I agree.

Mr. PRESTON. And properly run and supervised.

The CHAIRMAN. Thank you.

(The prepared statement of Mr. Preston follows:)

July 19, 1971

To: Senate Subcommittee on Labor

Testimony of Richard Preston,
Immediate Past President, District 5, Florida Nursing Home Assn.,
and Co-Chairman, Legislative Committee, Florida Nursing Home Assn.

On behalf of myself, Whitehall Convalescent Home, of which I am Owner-Administrator, and the Florida Nursing Home Association, I would like to object to this Committee's proposed increase of the current minimum wage to $2.25 per hour.

In a state such as Florida, where many workers have just been brought up to the $1.60 level with four yearly 15¢ per hour increases, enacting a 30¢ increase one year and a 25¢ yearly increase immediately following would cause an inflationary spiral as yet unmatched in the State of Florida. The skyrocketing costs of health care, which are of deep concern to us all, will, by necessity, increase drastically if Bill S. 1861 becomes law.

Take Whitehall Convalescent Home for an example. This is a typical, modern, 52-bed facility located in St. Petersburg, Florida. The four yearly minimum wage increases mentioned above necessitated an increase in our rates of just under 40%. Our rate for a semi-private room four years ago was $280.00 per month. As of the 1st of February this year, it was increased to $390.00 per month.

I believe these figures point out graphically how even a 15¢ per hour yearly increase forces a sizable jump in the cost of health care in a nursing home. In view of this, think, if you will, of the yearly increase that will be caused when a 30¢ per hour hike is put into effect--in the case of Whitehall, a $60.00 per month increase for a semi-private room, or a whopping 15%.

I am giving you a prime example of one nursing home, but this will be the plight of most of Florida's nursing homes if this proposed increase goes through. Approximately one-half of Florida's nursing home patients are private pay. These patients and their relatives have already been hit with four major rate increases in as many years. Further increases, especially of the magnitude projected, would put an insurmountable burden on many of these people and, undoubtedly, force a sizable percentage into the Medicaid program, which is at this time in Florida a complete disaster, with no relief in sight. The program is unable to pay current nursing home charges. Therefore, any further gap between Medicaid payments and charges could force many homes right out of the program.

I will be presenting some additional pertinent facts and figures when I am privileged to appear before your group on July 22nd.

Respectfully,

Richard Preston

The CHAIRMAN. We will recess. We have no other date set. That will be set later.

Thank you.

(Whereupon, at 5:15 p.m., the hearing was adjourned, subject to the call of the Chair.)

FAIR LABOR STANDARDS AMENDMENTS OF 1971

THURSDAY, SEPTEMBER 16, 1971

U.S. SENATE,
SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON LABOR AND PUBLIC WELFARE,
Washington, D.C.

The subcommittee met, pursuant to notice, at 1:30 p.m. in room 4232, New Senate Office Building, Senator Harrison A. Williams, Jr. (chairman of the Labor Subcommittee) presiding.

Present: Senators Williams, Stevenson, and Javits.

Staff members present: Gerald M. Feder, counsel; Laurence D. Beck, professional staff member; and Eugene Mittelman, minority counsel.

The CHAIRMAN. The Subcommittee on Labor will continue with consideration of S. 1861 and S. 2259. At the outset we are specializing in farmworkers. I would like to say that the 92d Congress is in the process of enacting legislation dealing with some of the more important people problems ever faced by our Nation. We are dealing the the health care crisis and the near disastrous educational program. We are dealing with the problems of poverty and the needs of our elderly.

As we grapple with these issues, we cannot forget that we in Congress are responsible for the needs of all the people, and particularly those of America's farmworkers who for so long have had almost no effective spokesman. The farmworker has had to bear the burden of political impotence.

I know all too well the neglect of the farmworker.

And, I know all too well the monumental struggle of relatively small numbers of people to achieve the barest minimum of decent conditions for this large group of our working population.

In the 10 years during which I served as the first chairman of the Migratory Labor Subcommittee, I, and others, sought to open the door to justice for migrant and seasonal farmworkers.

I will say the struggle to obtain legislative and administrative reforms met with some success during those 10 years.

For example, the Migrant Health Act was passed and since then it has been extended twice.

The minimum wage was applied in a limited fashion to agriculture.

Special provisions for the education of migrant children were incorporated into the Elemetary and Secondary Education Act, and special provisions were added to the Economic Opportunity Act to provide for farmworker day care, health, education, housing, and sanitation.

And, the Crew Leader Registration Act was enacted.

66-265 O—72—pt. 4——9

People who have achieved these objectives have much to be proud of, but by their very nature they are people who realize how much has been left undone.

In my last report to the Senate on the problems of migrant workers, I outlined many of their needs.

We can't take the time today to review all of them.

But I will repeat to you one statement I made at that time:

> Our society continues to overlook the problem of crime in our fields and the injustice afflicting the migrant farm worker and his family. These problems result not only from society's inattention and collective negligence, but in many cases from the deliberate and express exclusion of farm workers from almost all conventional citizen and worker benefits enacted by State and Federal law.

At this point, I will place excerpts from this 1969 report in the record.

(Excerpts from the 1969 report (S. Rept. 91–83) of the Committee on Labor and Public Welfare, "The Migratory Farm Labor Problem in the United States," including the "Foreword" which preceded the report, follow:)

FOREWORD

Crime in the Fields?

This report might well be entitled "Law and Order on U.S. Farms," or even "Crime in the Fields."

Crime, as defined in Webster's New Collegiate Dictionary, is a gross violation of human law; any aggravated offense against morality. One would be hard pressed to deny that a "gross violation of human law" is occurring in the same fields from which this Nation produces and harvests food and fiber at quantities and qualities unsurpassed anywhere else in the world.

Admittedly the phrase "crime in the fields" is not as familiar as the term "crime in the streets," adopted in the 1960's to describe an aspect of our public awareness of urban problems. Many of the Nation's best minds are now focused on ways to untangle the complex law-and-order issues raised by such matters as crime, its perpetrator, and its victim, and the role that justice and injustice plays in the turmoil that racks our urban centers.

Meanwhile, our society continues to overlook the problems of crime in our fields, and the injustices afflicting the migrant farmworker and his family. These problems result not only from society's inattention and collective negligence, but in many cases from the deliberate and express exclusion of farmworkers from almost all conventional citizen and worker benefits enacted by State and Federal law.

For almost 10 years, the subcommittee has attempted to focus on the migrants' problems, and proposed specific recommendations and solutions for both the short and long run. We have emphasized that urban areas are unable to absorb the flow of people from rural areas; and that it is impossible to obliterate urban poverty without removing its rural causes. I have long been committed to the principal that by making rural areas more attractive, we could reduce or arrest the rural to city movement of poor people.

Many new laws and programs have been enacted: an act that brings health care specifically to migrants; legislation that includes farmworkers under minimum wage laws and defines hazardous occupations from which children are precluded from working; and, an act that requires crew leaders to register, are only a few. Other subcommittee activities have brought earmarked funds for improving housing and sanitation, for child day care, and for aiding States in providing adequate education programs for migrant children and adults, providing migrant and seasonal farmworker programs such as day care, education, and sanitation, administered by the Office of Economic Opportunity.

The migrant farmworkers, notwithstanding this constructive, but modest beginning, still typify the severity of poverty in rural areas more than any other group. For example, despite the enactment of minimum wage for some farmworkers, the migrant in 1967 worked an average of only 85 days for average annual wages of $922. And, despite steady advances in health care through the Migrant Health Act, the average per capita health care expenditure in 1967 was $12 in program benefits for our 1 million migrant population, whereas the average per capita health care expenditure for the total population was over $200 from Federal health programs.

And, although funds for improving primary and secondary schools soared to new heights, the migrant and his family had attained an

average grade level of only 8.6 years and over 17 percent are functionally illiterate. Children of migratory farmworkers have fewer educational opportunities and a lower educational attainment than any other group of American children.

Housing for migrants, both at the home base, and while traveling, remains disgracefully below what the average American expects for his own family. War on poverty programs are of minimum benefit particularly for the migrant worker who travels a substantial portion of the year, for we have not yet devised programs to eliminate poverty amongst a mobile population. Children of farmworkers are still not adequately covered by child labor laws, and many State compulsory school attendance laws are not enforced because migrants do not meet residency requirements.

Most important, is that migrants have either been expressly excluded, or written out in actual practice, from almost all conventional citizen and worker benefits enacted by Federal and State law, including unemployment insurance, social security, workmen's compensation, wage payment and collection laws, and others. Residence requirements bar them from participation in the political process, and likewise, exclude migrants from receiving desperately needed help from public assistance programs, including welfare and food subsistence allowances.

This year's report discusses in detail the many needs of these impoverished citizens. Special emphasis is given to extension of the National Labor Relations Act to agricultural employees, for perhaps through legally protected self-organization farmworkers can most effectively promote their own interest in improving their lives. Additionally, there are three new sections in this year's report, one devoted to a discussion by a behaviorial scientist of the psychological impact of poverty on the migrant, outlining the unique emotional problems caused by mobility. Another section discusses in detail the need to eliminate the migrant way of life, and makes specific suggestions on how it can be done. Another section discusses the nutrition and diet needs of migrants.

Crime in the fields, the collective responsibility of all of us, can be eliminated if we choose to do so. Enactment of this Subcommittee's recommendations through prompt, positive, and effective action would relieve the plight of the migrant, alleviate and avoid the increasingly permanent scars of severe poverty, prevent the growing congestion of our central cities, and aid a generation of deprived families that are growing increasingly restless and resentful. By so guaranteeing their fair share, equal justice will be brought to rural areas, and crime in the fields will be eliminated.

It is unfortunate, but imperative, that the work of the subcommittee must continue into the next decade. But so it must, for only through continued legislative action and oversight will progress come. Furthermore, Federal, State, and local efforts have improved, but are still not meeting the needs of the broader rural community. To date, major efforts are still focused on urban poverty, and not nearly enough emphasis has been placed on poverty in rural America. Yet, this Nation does have the resources to meet the needs of every rural citizen through support of the public and private sectors of our economy, giving respect and dignity to the individual, with equal access to opportunities for economic and social advancement.

Senator HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Migratory Labor.

91ST CONGRESS } SENATE { REPORT
1st Session } { No. 91-83

THE MIGRATORY FARM LABOR PROBLEM IN THE UNITED STATES

FEBRUARY 19, 1969.—Ordered to be printed

Mr. WILLIAMS of New Jersey, from the Committee on Labor and Public Welfare, submitted the following

REPORT

together with

INDIVIDUAL VIEWS

BACKGROUND FACTS*

CHARACTERISTICS OF MIGRATORY FARMWORKERS

The need for large-scale migration of farmworkers has come to characterize the American agricultural scene. Every year farmworkers and their families numbering more than 1 million leave their home counties to fill the continuing and fluctuating seasonal demand for farm labor that is so vitally important in our society.[1]

Migratory workers performed over 9 percent of this Nation's seasonal farmwork in 1968, working in significant numbers in 900 counties in 46 States. For the most part, migratory farmworkers are employed for the harvest of fresh fruits and vegetables, but they also do preharvest work, such as thinning and weeding. Most migratory workers are employed in agricultural areas requiring large numbers of hired workers for brief periods when the local supply of workers is not sufficient to meet peak seasonal demands. Although most crops can be grown with the use of a relatively small labor force most of the season, they may require large numbers of workers during the harvest period. Many of these crops, especially in our Western States, are grown under irrigation in sparsely populated areas where very little local labor is available. The seasonal fluctuation in demand has been intensified by mechanization and crop specialization.

* See footnotes at end of the report.

Despite their vital role in modern agriculture, particularly in filling the crucial needs at harvest time, our migrant citizens have been grossly neglected by society. More often than not, in addition to especially low living standards, the influx of migrants to supplement the local labor force creates problems in the areas of health, education, sanitation, and housing which the community is not equipped to meet.

The statistics throughout this report indicating the low wages, unemployment, lack of education, poor housing, malnutrition, disease, and lack of adequate medical and dental care tell only part of the story of the shocking degree of impoverishment of the migrant. Migrant workers and their families have been expressly excluded, or at best only minimally included, in all conventional citizen worker benefits enacted by Federal and State law such as unemployment insurance, workmen's compensation coverage, social security insurance, general welfare assistance, minimum wage standards, child labor protections, and coverage under the National Labor Relations Act.

Travel Patterns.—The distinguishing characteristic of the migrant farm laborer is the practice of leaving his home county to work in areas beyond a normal range of daily commuting. The day haul worker, on the other hand, is one who commutes, usually from a large metropolitan area, to a nearby farming area, and is able to return to a place of permanent residence each day. Under either case, the migrant's year "is like a string of beads—a week of employment here, another there, uncertainty tied together with travel in search of work".[2]

The bulk of the domestic migratory workers travel in three major routes northward from States along the southern border of the country. (See map below.) The main stream flows north and west from Texas, beginning in the spring and covering most of the North Central, Mountain, and Pacific Coast States before the season ends around December. The crops involved are fruits and vegetables, sugar beets, and cotton. Many of the workers in this migratory stream are Americans of Mexican descent traveling with their families.

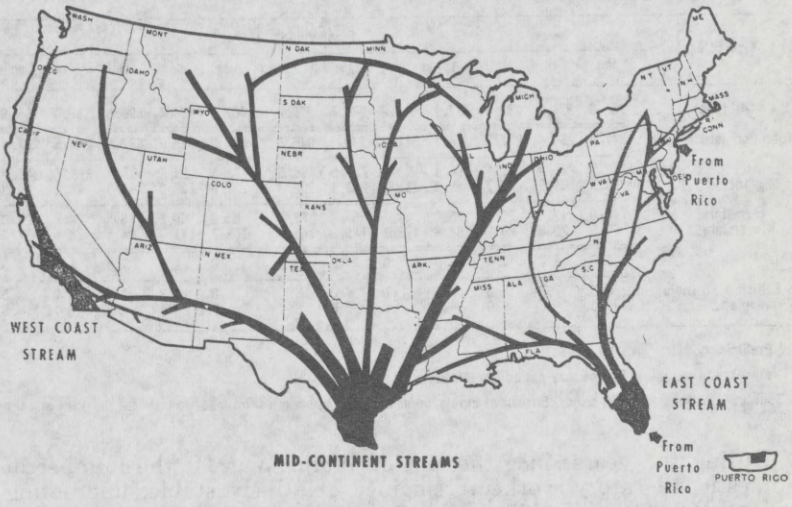
A smaller stream draws workers from Florida and other Southeastern States for the Florida citrus and winter vegetable harvest. The migrants then work northward during the spring and summer through the Atlantic Coast States, sometimes as far north as New England. Negroes constitute a large proportion of the east coast stream.

Workers following a third major migratory route start in southern California and work northward through the Pacific Coast States. A large number of Mexican-Americans work along this route.

The migrant's job is unattractive. Farmwork may require continual stooping or lifting, be dirty and exhausting, or be monotonous and boring. It may call for continuous effort under conditions of extreme heat or cold. The work may be in an isolated area away from town, and away from the customary paths of migrant and casual labor, or in

3

TRAVEL PATTERNS OF SEASONAL MIGRATORY AGRICULTURAL WORKERS



an area in which more desirable jobs drain away the labor. Workers may be housed, fed, transported, and worked in gangs with a minimum of thought given to their comfort.[3]

A crop guide gives a good indication of what is expected of the migrant worker on the job: [4]

> Beans: The picker must have the judgment to pick the mature beans and leave the younger beans for later picking. Crawling, crouching, stooping, walking, and kneeling are the physical demands.
>
> Tomatoes: The picker * * * works in a stooping position.
>
> Potatoes: The potato digger * * * must exercise care not to leave potatoes in the rows. Works in a kneeling position and progresses along the rows by crawling * * *. A good worker should pick from 75 to 150 field crates (60 pounds each) per day.

Number and Characteristics.—Of the 3.1 million persons who during 1967 did farmwork for wages at any time, 276,000, or 9 percent, left their home county to do such work. These migratory workers were a small proportion of the total farm wage force in the United States, but they were a large proportion of the hired farmworkers employed on labor-intensive crops in areas were local labor was not available in the quantity demanded. (Table 1.)

TABLE 1.—ESTIMATED EMPLOYMENT OF SEASONAL HIRED AGRICULTURAL WORKERS, BY TYPE OF WORKER, UNITED STATES, JANUARY–DECEMBER 1968

[Thousands of workers]

Type of worker	Employment											
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec. [1]
All types	256.6	271.8	288.4	377.1	611.2	930.5	976.8	1,007.9	814.4	696.6	388.9	295.9
Total domestic	247.9	264.4	282.1	374.1	611.2	930.5	976.8	1,007.9	812.7	692.8	384.5	287.4
Local	212.5	225.9	241.4	314.3	496.0	726.6	768.5	772.3	610.3	557.8	336.7	242.5
Migrant	35.3	38.5	40.7	59.8	115.2	203.9	208.3	235.6	202.3	134.9	48.0	44.9
Intrastate	16.0	17.6	20.1	26.0	42.1	54.6	62.6	65.9	60.6	46.5	24.8	27.3
Interstate	19.3	20.9	20.7	33.8	73.1	149.3	145.8	169.7	141.7	88.4	23.1	17.6
Total foreign	8.6	7.3	5.0	0	0	0	0	0	1.7	3.8	4.4	8.5
British West Indian	8.6	7.3	5.0	0	0	0	0	0	1.3	2.7	4.4	8.5
Canadian	0	0	0	0	0	0	0	0	.4	1.1	0	0

[1] Preliminary data.

Note: Due to rounding, figures may not add to totals.

Source: U.S. Department of Labor, Bureau of Employment Security, in-season farm labor reports for the 15th of each month.

During the years since the end of World War II, the number of domestic migratory workers remained relatively stable, fluctuating around 400,000 until 1967. (Table 2.)

TABLE 2.—FARM WAGE WORK: NUMBER OF PERSONS EMPLOYED FOR ANY PERIOD DURING SPECIFIC YEARS, BY MIGRATORY AND NONMIGRATORY STATUS, SELECTED YEARS, 1949–67

[In thousands]

Year	Domestic farmworkers		
	Total	Migratory	Nonmigratory
1967	3,078	276	2,802
1966	2,763	351	2,412
1965	3,128	466	2,662
1964	3,370	386	2,984
1963	3,597	386	3,212
1962	3,622	380	3,242
1961	3,488	395	3,094
1960	3,693	409	3,284
1959	3,577	477	3,100
1957	3,962	427	3,535
1956	3,575	427	3,149
1954	3,009	365	2,644
1952	2,980	352	2,628
1949	4,140	422	3,718

Source: U.S. Department of Agriculture, September 1968.

Migratory workers differ little in age and sex from other hired farmworkers. They are a young work force; in 1967 half were under 25 years of age. A fourth were teenagers 14 through 17 years old. This is in contrast with the Nation's total work force, in which persons under 25 years of age accounted for only one-fifth of the 16- and 17-year group for a mere 3 percent of the total. Only 38,000 people past the age of 54 continued doing farm wage work. Persons in this age group accounted for only 14 percent of all migratory workers in 1967,

nearly the same proportion they comprised of the total work force (17 percent).

The migratory farm wage force of 1967 was predominantly male in all age groups. Only one-fourth of the migrants were female. Participation by women varied by age and was greatest for those between the ages of 25 to 54. Nearly half of all female migratory workers were in this age group (46.5 percent). Among workers aged 14 through 17, boys outnumbered girls three to one.

The large number of Spanish-speaking Americans performing migratory farmwork in the central and western areas of the United States, together with the English-speaking white migrants from the South, make the migratory work force predominantly white. The nonmigrant farmwork force is also predominantly white, but it contains a slightly larger proportion of nonwhites. Although nearly three-fourths of the nonwhite migratory workers lived in the South in 1967, they comprised only about a third of the migratory workers living in the South. Of the migrants whose permanent homes were elsewhere in the United States, less than 8 percent were nonwhite.

Mexican-American migrant farmworkers appear to stand out among all migrants because of their distinct cultural identity, regional concentration, notably poor living conditions, and the recent emergence of organizing efforts that have drawn the spotlight of national attention. Although the 3.5 million Americans with Spanish surnames constitute a relatively small proportion of the total population, they made up 12 percent of the State population in Arizona, California, Colorado, New Mexico, and Texas. Approximately 1.4 million Mexican-Americans live in California, and another 1.4 in Texas. Forty-six percent of the rural Mexican-Americans are employed as farm laborers, a large proportion of whom are migratory farmworkers. In 1960, 103,000 of the 261,000 Mexican-American farmworkers (about 40 percent) did some migrant farm wage work. Twenty-five percent of the 409,000 migrant farmworkers in 1960 were Mexican-Americans; they were 7 percent of over 3 million nonmigratory farmworkers.[5]

Causes of Migration.—Migratory workers travel because of economic necessity. For some workers, the amount of farmwork available locally is limited; for others, migratory work is a way of obtaining higher wages. The latter is particularly true for farmworkers along the southern border of the United States, where wage rates are depressed by competing Mexican labor.

According to the latest report on mobility of the population published by the Bureau of the Census, male-hired farmworkers have the highest mobility rate of all civilian male wage and salary workers in major occupational groups. (Table 3.) About 25 percent of male wage and salary farmworkers lived in a different house in March 1966 than the house they lived in a year earlier. This percentage compares with mobility rates of around 20 for male wage and salary workers in white collar, manual, and service jobs. Also, the migration rate (based on workers who lived in a different county from that lived in a year earlier) was higher for hired farmworkers than for other major civilian occupational categories.

TABLE 3.—MOBILITY RATES OF MALE WAGE AND SALARY WORKERS, MARCH 1966–MARCH 1967

[Persons 14 years old and over. In percent]

Wage and salary workers	All movers	Within-county movers	Intercounty movers (migrants)				
			Total	Within a State	Between States		
					Total	Contiguous	Non-contiguous
Total	20.1	13.0	7.0	3.6	3.5	1.3	2.2
White collar	20.4	11.8	8.6	4.1	4.5	1.8	2.7
Manual	20.0	13.8	6.2	3.2	3.0	1.1	1.9
Service	17.9	13.3	4.6	2.4	2.2	.6	1.6
Farm	24.9	16.0	9.0	6.1	2.9	1.3	1.6

Source: U.S. Bureau of the Census, series P–20, No. 171, "Mobility of the Population of the United States, March 1966–March 1967."

Higher rates of mobility and migration stem, to a large extent, from characteristics of the hired-farmworker occupation. Among these are a: (1) seasonality of employment with associated nonfarm-to-farm and farm-to-farm moves. About 74 percent of the hired farmwork force lived in nonfarm places in December 1967, a month of low farmwork activities. Yet many of these workers have moved from a nonfarm place to a farm for a period of employment and have returned to a nonfarm place, but not necessarily to the same house or even the same city or town; (2) a high proportion (about 40 percent) of the workers have more than one employer in the year, involving farm-to farm moves in many cases; and (3) probably most important, however, is the significant proportion of workers who travel about the country while engaging in and looking for farmwork. Another factor that might be mentioned is the high proportion of workers who lived in rented or rent-free houses, from which moves can be made with relative ease.

Despite their travel, about two-fifths of both interstate and intrastate migrants did nonfarmwork during the year in addition to their farmwork.

Migratory Work Routes and Area of Residence.—Migratory farmworkers varied considerably in work routes followed, distances traveled, travel with children, work outside the home State, earnings, and other ways.

Although some migratory farmwork was done in almost every State, half of the total man-months of migratory worker employment in 1967 occurred in five States: California, Florida, Michigan, Texas, and Washington. (Table 4.) (See appendix A for the estimated population by State and county of migrant workers and family dependents.)

TABLE 4.—ESTIMATED MAN-MONTHS OF MIGRATORY LABOR, BY STATE, UNITED STATES, 1968, AND CHANGE FROM 1967

State	Thousands of man-months of migratory worker employment [1]	
	1968	Change from 1967
United States	1,368.9	−40.9
California	349.4	+36.9
Florida	144.7	+15.2
Michigan	119.4	−17.4
Texas	74.4	+3.4
Washington	58.2	−10.9
New Jersey	55.7	−1.9
New York	50.3	−11.8
Ohio	49.9	−2.2
Oregon	48.7	−8.7
Other States	418.2	−43.5

[1] Based on midmonth employment. The 1968 figures include preliminary data for the month of December.

Note: Due to rounding, figures may not add to totals.

Source: U.S. Department of Labor, Bureau of Employment Security.

In December 1965, 40 percent of the migratory workers were living in the geographic region extending from Texas east to the Atlantic Ocean and north through Maryland and Delaware. The remaining workers were about equally distributed in the northern and western regions of the United States. This geographic distribution represents a change from that prevailing only 4 years earlier when a larger proportion (60 percent) of the migrant workers lived in the South.

In contrast to the migratory worker, the person who did hired farmwork without temporarily changing his place of residence was more likely to live in the South and less likely to live in the West.

Migrants Active in Fruits and Vegetables.—Migratory farmworkers were active in every month of 1968 with employment levels of less than 40,000 in the winter, rising to a peak of 235,000 in August. Nearly 70 percent of the total 1,368,800 man-months of migratory-worker employment in 1968 was concentrated in the nine States shown in Table 4.

During the winter and early spring, employment of migrants was confined largely to southern areas where the cultivation of cotton, sugar beets, fruits, and vegetables was in progress and early fruits and vegetables were being harvested. In May and June, when fruit harvesting was beginning further north, migrants moved up the Atlantic and Pacific coasts and fanned out from the South Central States. After moving from place to place to harvest a succession of summer fruit and vegetable crops, they headed home in the fall—sometimes stopping to gather fall fruits and vegetables on the way.

Among the harvests in which migratory workers participated most actively were tomatoes, beans, lettuce, grapes, cherries, strawberries, peaches, plums, apricots, melons, and tobacco.

A decline of 40,700 man-months of migratory labor between 1967 and 1968 was associated primarily with a reduction in overall labor requirements. In Michigan, where the biggest decrease occurred, migrants, as well as local workers, were affected by the decrease in vegetable production and increase in cherry harvest mechanization. Another contributory cause was the fact that, in 1967, growers had created extra jobs for migrants who arrived in Michigan too early in order to hold them for later crops. In 1968, the influx of migrants was more nearly in line with labor demand.

New York needed fewer itinerant workers as cherry and vegetable production was smaller. Also, a housing shortage limited the use of nonresident labor. Both Oregon and Washington experience a cutback in most of their major fruit crops.

Contrary to the general trend, a few States made greater use of out-of-area workers. In California, migrants as well as local workers benefited from expanded fruit and vegetable production. In September 1967, many local school systems had delayed their opening dates to enable local youths to finish the summer fruit harvests. In September 1968, schools started on schedule and growers relied more heavily on migratory labor.

Supply factors dominated the uptrend in migrant-worker employment in Florida and Texas. Growers in the Lake Okeechobee area of Florida were unable to recruit as many local workers in the spring of 1968 as they had in the spring of 1967. Therefore, they needed more supplementary help from outside the area. Similarly, fewer local workers were available in the High Rolling Plains area of Texas during the spring. (Table 6.)

Household Characteristics.—A characteristic of migratory farmworkers is that they often travel as family groups with several members of a family working together in the fields. Although there are no statistics showing the worker's relationship to persons he may have been living with while on the road, some indication of the household makeup is gained from surveys of migrants taken in winter when migrants return to home base.

TABLE 5.—ESTIMATED EMPLOYMENT OF MIGRATORY AGRICULTURAL WORKERS, BY STATE AND MONTH, 48 STATES, JANUARY–DECEMBER 1968

[Thousands of workers]

State	Migrant-worker employment											
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.[1]
U.S. total	35.3	38.5	40.7	59.8	115.2	203.9	208.3	235.6	202.3	134.9	48.1	44.9
Alabama	0	0	0	0	0.4	1.7	1.2	0.8	0.2	0.1	0.3	0.1
Arkansas	0	0	0	0	1.5	0	.1	0	.3	0	0	0
Arizona	3.1	3.0	3.5	4.2	2.5	2.7	1.5	.9	1.2	2.4	3.6	4.2
California	11.2	12.2	14.0	20.2	37.9	38.3	35.5	51.5	62.5	38.7	14.6	12.7
Colorado	0	0	0	.6	2.2	7.8	6.9	5.8	4.7	3.1	.3	0
Connecticut	.2	.2	.1	1.1	1.7	1.7	5.7	5.1	2.0	1.4	.6	.2
Delaware	0	0	0	0	1.8	1.9	1.6	2.0	1.1	.5	0	0
Florida	20.2	21.5	19.2	19.0	18.7	7.3	1.8	.5	.9	5.0	12.0	18.6
Georgia	0	0	0	0	.5	0	.1	0	0	0	0	0
Idaho	0	0	.2	1.0	3.7	6.4	5.5	3.9	3.6	3.0	1.0	0
Illinois	0	0	0	0	2.0	3.9	2.1	3.4	4.0	.7	0	0
Indiana	0	0	0	0	1.7	2.4	2.9	5.0	9.0	.6	0	0
Iowa	0	0	0	0	0	.4	.4	.6	.5	.3	.1	0
Kansas	0	0	0	.6	2.0	3.3	2.7	1.3	1.7	1.7	.7	0
Kentucky	0	0	0	0	.6	.2	.2	.2	0	.1	0	0
Louisiana	0	0	0	.8	.7	0	0	0	.4	.4	.4	.2
Maine	0	0	0	0	0	0	0	0	.4	.1	0	0
Maryland	0	0	0	.4	.7	.8	2.3	2.6	1.5	.8	0	0
Massachusetts	0	0	0	0	.8	1.0	2.2	2.9	1.8	.8	.2	(2)
Michigan	0	0	0	.7	3.7	23.2	27.3	40.0	13.6	10.3	.6	0
Minnesota	0	0	0	0	.3	6.3	6.1	.2	.2	.4	(2)	0
Mississippi	0	0	0	0	0	0	0	0	0	0	0	0
Missouri	0	0	0	0	0	0	.1	0	.2	.1	0	0
Montana	.1	.3	.7	1.4	1.5	5.4	5.9	6.4	4.0	2.2	1.1	.4
Nebraska	0	0	0	0	0	3.5	3.8	.4	.1	.1	0	0
Nevada	0	0	0	0	0	0	0	0	0	0	0	0
New Hampshire	0	0	0	0	0	0	.1	.1	.2	.2	0	0
New Jersey	0	0	0	1.3	6.5	9.8	10.6	12.1	9.6	5.5	.2	.1
New Mexico	0	0	0	0	.5	1.1	.8	.7	.9	.5	.4	.1
New York	0	0	0	0	2.1	4.0	7.0	9.3	14.8	13.1	0	0
North Carolina	0	.2	.1	.1	.3	2.8	8.7	8.3	4.7	3.4	1.8	0
North Dakota	0	0	0	1.4	2.2	4.1	4.6	5.6	5.0	5.1	0	0
Ohio	0	0	0	0	2.6	5.1	7.5	13.6	18.5	2.5	0	0
Oklahoma	.1	.1	.1	.3	1.0	13.0	2.3	1.7	2.4	1.4	1.2	.7
Oregon	.1	.4	.6	1.3	3.3	12.1	7.9	13.3	5.9	3.7	.1	.1
Pennsylvania	0	0	0	0	.5	.8	1.7	3.6	5.9	4.9	1.4	0
Rhode Island	0	0	0	0	0	0	0	.1	.1	0	0	0
South Carolina	0	0	0	0	0	4.1	1.9	2.0	.4	0	.1	0
Tennessee	0	0	0	0	.4	.1	(2)	(2)	(2)	.1	0	0
Texas	.1	(2)	.2	1.3	2.2	10.0	19.8	14.7	6.4	6.2	6.1	7.5
Utah	0	0	0	0	.3	1.5	2.7	.8	1.5	1.2	0	0
Vermont	0	0	0	0	0	0	0	(2)	.1	.1	0	0
Virginia	0	0	0	0	.8	1.1	4.4	3.3	2.8	3.2	.5	0
Washington	.2	.8	1.9	4.0	6.6	12.5	7.8	5.8	7.9	9.8	.7	0
West Virginia	0	0	0	0	0	0	.1	.3	.5	.7	.3	0
Wisconsin	0	0	0	0	.6	.8	2.4	6.9	1.1	.6	0	0
Wyoming	0	0	0	0	.5	2.9	2.3	.1	0	0	0	0

[1] Preliminary data.
[2] Less than 50 workers.

Note: Due to rounding, figures may not add to totals.
Source: U.S. Department of Labor, Bureau of Employment Security.

TABLE 6.—ESTIMATED EMPLOYMENT OF SEASONAL HIRED AGRICULTURAL WORKERS BY ACTIVITY OF WORKER, UNITED STATES, JANUARY–DECEMBER 1968

[Thousands of workers]

Crop activity	Employment											
	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec. [1]
All activities	256.6	271.8	288.4	374.1	611.2	930.5	976.8	1,007.9	814.4	696.6	391.9	295.9
General	42.8	52.9	64.9	127.1	158.3	74.7	72.0	52.4	83.5	64.7	47.7	38.1
Cultivating	67.3	65.8	69.1	71.5	174.3	271.2	255.3	125.2	53.3	50.5	41.4	45.5
Cotton	3.4	6.4	10.3	10.3	45.9	87.1	66.8	29.3	7.8	.9	.2	.7
Fruits	49.9	43.9	29.2	33.8	57.9	39.0	26.1	19.1	15.2	12.9	19.9	34.8
Other crops	14.0	15.5	29.6	27.4	70.5	145.1	162.4	76.8	30.3	36.7	21.3	10.0
Harvesting	111.7	110.2	105.2	116.4	206.6	498.1	564.1	731.0	586.7	494.0	244.5	171.4
Cotton	4.7	.5				.5	.3	18.8	35.2	74.7	64.8	42.9
Vegetables	49.2	53.2	56.6	68.7	97.2	154.2	145.1	276.5	221.7	156.9	76.3	53.6
Beans	3.1	3.3	3.7	4.3	4.0	25.9	12.4	75.9	16.9	9.5	4.1	4.1
Tomatoes	11.3	11.2	11.1	8.6	9.1	17.2	19.0	66.3	83.6	24.1	6.6	12.7
Potatoes	.8	1.9	1.3	1.1	3.5	10.8	10.5	12.6	31.4	52.5	10.5	.4
Other vegetables	34.0	36.8	40.5	54.7	80.6	100.3	103.2	121.7	89.8	70.8	55.1	36.4
Fruits	33.6	33.0	25.9	29.8	80.6	220.3	183.3	137.0	131.8	118.5	31.2	23.5
Citrus	31.1	31.2	23.4	19.2	23.0	16.7	10.6	4.8	4.2	5.3	18.1	21.4
Strawberries	1.6	1.0	1.6	9.1	47.8	117.6	13.4	2.5	1.6	.5	1.3	.3
Other fruits	.9	.8	.9	1.5	9.8	86.0	159.3	129.7	126.0	112.7	11.8	1.8
Tobacco	1.9	3.2	1.0	.4	5.1	21.1	130.9	195.3	100.8	47.2	12.6	3.9
Hay and grain	.3	.6	.3	2.8	11.6	83.1	77.8	77.5	68.7	52.3	23.4	7.3
Other crops	22.0	19.7	21.4	14.7	12.1	18.9	26.7	25.9	28.5	44.4	36.2	40.2
Activity unspecified	34.8	42.9	49.2	59.1	72.0	86.5	85.4	99.3	90.9	87.4	58.3	40.5

[1] Preliminary data.

Note: Due to rounding, figures may not add to totals.

Source: Bureau of Employment Security, in-season farm labor reports for the 15th of each month.

Of the 276,000 persons who did migratory farmwork in 1967, nearly 30 percent were heads of households in December 1967.

Besides household heads and wives, migratory workers included persons under 18 years of age who were living with their families at the time of the survey. Some of these young persons may have traveled and worked alone during the year; others migrated and worked with their families. This group, mostly boys, comprised one-fourth of all migratory workers.

The remaining fourth of the migrant workers were adults living in households in which they were neither the head nor the wife of the head.

Household size was determined only for migratory workers who were heads of households. The data refer to all persons living in a household in December 1965 when the survey was taken. Since most of the migratory workers had returned to home base by December, the information on household size does not necessarily give the number of persons who traveled with the head during the year.

In the month of the survey, three-quarters of a million people were living in households headed by migratory workers, an average of four persons per household. Approximately 300,000 children under 14 years of age were included, an average of 1.7 children per household. Generally, Mexican-American migrants from the Southwest averaged larger families than Negro migrants who worked along the east coast. One authority [6] reported an average household size of 6.5 persons for migratory households in southern Texas in 1957 and 2.8 persons for Negro migratory households in Florida in 1955.

One-fourth of all migratory workers were members of families with cash incomes of less than $2,000 in 1965, and the median income of households headed by migratory workers was $2,735 in 1965. Annual family incomes of less than $3,000 were characteristic of nearly three-fifths of household heads and wives who did farm wage-work on the road.[7]

Foreign Workers.—In 1968, less than 15,000 foreign workers, all from the British West Indies and Canada, were admitted to the United States for seasonal work in agriculture. Most of them were British West Indians who worked in the planting and harvesting of sugarcane in Florida and harvesting of apples in Connecticut, Massachusetts, New Hampshire, Vermont, New York, Virginia, and West Virginia. The Canadians harvested apples in Maine, Massachusetts, New Hampshire, Rhode Island, Vermont, and New York, and potatoes in Maine and Rhode Island. Of significance is the fact that, for the first time since World War II, not a single Mexican national was admitted to the country for the purpose of performing seasonal work in U.S. agriculture.

The numbers represent a significant change from 1964, the last year of the bracero program, when approximately 200,000 foreign workers (including 178,000 Mexican nationals) were admitted. While the situation of the domestic farmworker, and the migrant in particular, has improved sharply as a result of this, a continuing problem arises from the fact: (1) that many Mexican nationals who have been admitted as permanent immigrants retain their residence in Mexico while working in the United States; and (2) there has been a sharp increase in illegal entries. Approximately 40,000 of these individuals commute daily across the border to jobs in adjacent areas in the United States, with 16,000 (40 percent) working in agriculture. Some undeterminable number have extended periods of employment in the United States and frequently travel long distances from the border. They do, however, return to their permanent homes in Mexico. The implications of this are discussed in detail in the section on Green Card Commuters beginning on page 61.

TABLE 7.—ESTIMATED MAN-MONTHS [1] OF FOREIGN AGRICULTURAL LABOR BY STATE AND CROP, UNITED STATES AND SELECTED STATES,[2] 1968, AND CHANGE FROM 1967

State and crop	Thousands of man-months of foreign-worker employment [1]	
	1968	Change from 1967
United States	40.6	−17.2
Sugarcane	35.0	−4.8
Tomatoes	0	−6.4
Apples	4.3	+.1
Potatoes	1.3	−1.6
Citrus fruits	0	−3.7
Other crops	0	−.7
Florida (total)	35.0	−8.4
Sugarcane	35.0	−4.8
Citrus fruits	0	−3.7
California (total)	0	−7.1
Tomatoes	0	−6.4
Other crops	0	−.7
Maine (total)	.7	−2.6
Potatoes	1.3	−1.6
Apples	.3	−.1
Virginia-West Virginia (apples)	1.3	−.3
New York (apples)	1.4	+.1
New Hampshire (apples)	.4	+.1
Massachusetts (apples)	.5	+.2
Vermont (apples)	.2	0
Rhode Island (apples and potatoes)	(3)	−.1
Connecticut (apples)	.2	+.1

[1] Based on in-season farm labor reports for the middle and end of each month.
[2] States which used foreign workers in 1968 and/or 1967.
[3] Less than 50 man-months.

Note: Due to rounding, figures may not add to totals.

Source: U.S. Department of Labor, Bureau of Employment Security.

THE MIGRANT SUBCULTURE

The preceding sections of this report present statistical data on the background, the number, and some general characteristics of migrants. The causes of migration, the migrants' work routes and area of residence, certain household characteristics, and the fruits and vegetables that they harvest are discussed. In subsequent sections, legislative accomplishments and continuing needs are outlined, along with a discussion of those areas where basic legislation is needed; and in a concluding section, an overview and possible plan for ending the necessity for the migrant way of life as we know it today, is presented.

The above-described summary of this report, however, tells only part of a story, for political, economic, social, and cultural facts affect the lives of migrants, influencing the way they act, their view of themselves in relationship to others around them, and the assumptions they make about the world. And, such facts become psychological forces that help shape the thinking of children, the behavior of parents, and the experiences of both. These environmental forces determine the way migrants grow and develop, and these "external" facts become translated into internal ones, of fantasy, dream, action, and personality development.

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No report on the problems of the migrant farmworker is complete without consideration of the total forces at work; psychological, anthropological, sociological, as well as historical which have developed a social system with its own culture and frame of mind.

Dr. Robert Coles, a psychiatrist at Harvard University, has been engaged in a study of what he describes as "the migrant subculture," and here follows excerpts from his findings: [8]

> In a very real sense the migrant farmers form a "subculture" in this Nation. They live apart from the rest of us in a number of ways. By definition they are on the move, regularly or irregularly living each year in several States and in the process usually managing to lose the many advantages of a permanent residence in any one of them.
>
> To view the more formally psychiatric disorders seen in migrants, we must see much of their behavior, as with all of us, as an attempt to adapt to (cope with) the particular kind of life which is theirs. There is little sense in taking middle-class social and cultural standards and transposing them to migrant families as measurements of their "normal" or "abnormal" behavior. While it is true that migrants share an American citizenship with us all, their living conditions and habits have a quality all their own.
>
> This said, we can, however, take notice of the breakdown of adjustment in these people, and try to indicate when it seems to happen and why.
>
> They come and they soon leave. They not only do this but they know they do, and they feel the implications of their behavior, the facts of their arrival, work, and departure in isolation from the life of the various communities whose fields they infiltrate and work. Whether they travel in caravans of trucks and buses, as many do, or by their own cars, they ignore most of the roadside stopping places as they move along from State to State. They have their own places to eat and sleep, to stop and obtain service for themselves and their cars; there are a few stations, or there are simply fields along the highways. Migrants know their "place," they know the houses to seek out when they arrive in a county, the stores which are theirs, offering their kind of food for their kind of cooking, and if you haven't lived in their homes and tasted the food, seen it being prepared and eaten, it is hard with words alone to do justice to the grease and starch, the common lack of utensils, the consequent vitamin deficiencies suffered by people whose diet ignores food picked by their very hands and rich as is possible in vitamins.
>
> Most of the activities which Americans of different classes and regions call upon for their leisure time are not typically chosen by migrants. They usually have no neighborhood churches or movie houses. They join no social clubs and take no countryside trips or picnics. Their children do not go to Scout meetings nor do they launch charity drives or attend book club meetings. Family visits are a matter of seeing the part of the family also on the road and hoping

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someday for a word or a few days with the rest of the family far away. Phones are not customary, and mail is rare indeed. There may be church services brought to them by ministers themselves migrant in order to reach them. There may be "platter parties," records played in a cabin to hard dancing and soft and hard drink. Television is not rare, bringing all of America into the lives of those who look at it and, because watched by neighbors, a kind of rallying instrument. More accurately, television sets come and go, purchased by some for small downpayments, often quickly taken away when payments are not forthcoming.

And so there is no comparing the unstable, disorganized social life of migrants with that of the large majority of Americans. They are separated from us by their hand-to-mouth existence, their migratory habits which deprive them from intimacy with any solid residential condition and, in the case of the majority of them, Negroes or Puerto Ricans or Mexicans, by their racial handicaps in our country.

On the basis of my observations I would first emphasize the isolation that specially characterizes migrant farm life.

The extreme poverty, the cultural deprivation and social fragmentation, in sum the uprootedness which characterizes their lives, falls not suddenly upon them (as it does upon the observer who tries to comprehend their manner of survival) but is a constant fact of life from birth to death, summoning, therefore, a whole style of life, a full range of adaptive maneuvers.

In order to adapt to such unusual facts of environment, migrants turn their isolated, mobile life inward, becoming guarded and suspicious toward outsiders but, in compensation for a rootless life, exceptionally close-knit with their young children. They tend to be unusually warm and stimulating with their infants, and rather lax about disciplining them. They so treat them that there appears to be significantly less hostility among the children; in contrast, hostility and suspicion are channeled toward other families as well as the world in general, which is seen as unfriendly and punitive. Families thus become separated from families, even within the migrant culture, so that the price for cohesion within the family is isolation and alienation from others.

Moreover, migrant children progressively learn a sense of their own weakness and inadequacy in comparison with the rest of the population, whose existence they comprehend and see from the distance of the traveler or television viewer. Their drawings and their play in games as well as their words indicate that they see themselves as smaller, less able to make decisions affecting their own lives and, for some reason not clearly understood by them, stained, crippled, or paralyzed. For that matter, migrant children do not have the cultural accompaniment to physiological adolescence that we call "youth." They go directly into adulthood, with its work, marriage, and parenthood, in their early teens.

What we see in migrant children, to some extent as a result of this, is a preservation over the generations of a

certain soundness of mind, self-confidence and self-esteem in one set of circumstances, in company with a rigid, anxious, fearful way of engaging with another set of circumstances. Thus, there is little to no childhood schizophrenia in migrant children, very few of the temper tantrums and bed-wetting complaints commonly seen in middle-class child guidance clinics. There are few if any specific "learning problems," again so frequently seen in those clinics, because the entire culture of the migrants has a "learning problem" built into its whole way of life, work taking precedence over residence, let alone schooling, and parents, basically tired and illiterate, having no capacity to stimulate a taste for education in their young.

On the whole, these children at 5 or 6 seem cheerful, spontaneous, affectionate to one another, and relaxed, in spite of their frequently poor physical health and the comparatively hard life they and their parents must live. There are positive forces at work in their family life that give them initial psychological strength to face the world.

Bit by bit over time this initial stamina faces challenges and threats. Physical health deteriorates: the first sight of some of the teeth, squinting eyes, infected skin, and bent backs of "young" migrants in their twenties confirms that fact. The tight-knit, isolated protection that migrant living offers children yields to the demand that the child, in his early teens establish his own livelihood, marriage, and capacity to "keep going" (literally as well as metaphorically).

At 10 to 12 the children start becoming adults physiologically; many of them have already been working for several seasons. It is not long before they are marrying and having children. Brides of 14 and 15 are common, and their husbands are likely to be the same age or not very much older.

Migrant children become migrant adults with no ceremony, or time to be not quite either, so as to consolidate the one before taking up the other. There are two elements that mark the beginning of adulthood in the migrant, and, when both are fulfilled, he or she is an adult and so treated by parents, brothers and sisters, and neighbors. These are experienced in working the fields and the onset of puberty.

Married and parents, workers and housekeepers, young migrant men and women (at 16 or 18, for example) have their "platter parties" when they can join record machine with a source of electricity. On their way to work at 6 in the morning they can be seen literally dancing in the streets or pathways, often with a beer or two before they get on the buses which take them to the fields.

Finally, I noticed a gradual change in mood or spirit in youthful migrants. At 20, at 22, they are full-fledged adults; we would call them "older" migrants. They have lost much of their interest in the possibilities of another kind of life; they often move about by themselves, no longer attached to their families, and little interested in seeing and visiting them even when near them or migrating with them; they are caring

for their own children; they have settled into the curious combination of industry and initiative (needed to keep moving over such distances, to keep working at such back-breaking work) and lethargy and despair (reflected in their faces, their gestures, their way of slow movement, flattened speech, infrequent merrymaking). "We keeps going," said the father of one of the ten families, "but it ain't a good time like we once thought."

At this point migrants often develop a variety of "symptoms" or ways of thinking and feeling which indicate their response to the cumulative stresses of their kind of existence. They may drink heavily before or after work, using the cheap wine and beer they can afford to dull their senses in the face of, or in the wake of, their long hours of harvesting. They may become nasty and violent with one another, just as when children they were allowed to be toward neighbors. They often become careless and hurtful toward the homes furnished them by farmers, destroying screen doors, stopping up the central plumbing facilities of a camp. Some may call such behavior "accidental"; but many farmers are correct in sensing the barely submerged hostility and resentment at work in these people.

The migrants don't specifically "intend" to damage property, but are aware of feeling overworked and underpaid, and carry those feelings around with them fairly constantly.

Again and again one hears that migrants are unreliable, unkempt, lacking in thrift and tidiness. Worse, they tend to be willfully destructive of property, heavy drinkers, quarrelsome with one another, and generally a discouraging and depressing lot, unresponsive to aid, sullen before advice, ill-suited even for more money or better working and living conditions. And their employers make a sound case, not only for this, but for their own precarious position in our economy.

Such assertions and complaints lodged by many intelligent growers and hardworking officials in the fields of migrant health and education are hard to dispute. It is very trying for a dietician to work with a family daily surrounded by citrus fruits yet unwilling to serve them to their children. Potato chips, cokes, perhaps canned and stewed corn, fried fat: "yes" for these. Fresh fruit and vegetables, the very harvest of their hands, are ignored or rejected. Migrants often are suspicious when mobile units come almost to their very door offering nearby free medical diagnosis and treatment. Many migrant families don't want their children to go to school, don't care whether they receive their "shots," and don't, certainly, pay attention to the amenities of property care or civil behavior with one another, to the value of moderation in alcoholic intake, sexual indulgence, and child bearing, to the conventions of marriage and divorce, or to the refinements of budgeted expenditures for sensible, and hopefully useful, "permanent" possessions.

In sum, many migrants seem to have constructed a split in their personalities which results in two distinct personality styles. With their children and husbands or wives they will often be warm, open, and smiling. At work, with strangers, and often with one another while traveling or even walking the streets, they are guarded, suspicious, shrewdly silent, or sullenly calculating in what they do have to say; and sometimes clearly apathetic, humorless or even bitter, resentful, and touchy. Such alterations in mood and attitude appeared to me as grim and striking examples of the capacity of the human mind to respond to its environment and keep itself intact by developing a high order of ability to divide itself severely and categorically.

The constant movement, the threat of social chaos, the cramped living and traveling, make for common problems and remarkably similar responses to them which separate to some extent migrant behavior from that of the rest of the poor. Migrant farmers once were mostly poor farmers. They still are poor and they still are farmers, but they are also migrants. As such, there is a specific social and cultural condition to their lives, and a specific psychological stress and challenge too. If poor people have their own culture grounded in the life and laws of the slum or the rural village, migrants do not share in it, though they may of course carry some of it with them in what they do possess, a life of mobility that calls forth its own variation of habits and practices, surely more resembling the way poor people than middle-class people live, but different from both.

What is the psychological effect of living the migrant life in a land where others seem well able to live a more settled and comfortable one? There is a tendency to feel not only weak and hard pressed but responsible for that fate.

Particularly unfortunate is such self-accusation when, in point of fact, these migrant families are willing to move about so far and wide, working so hard. Many poor are now called "unemployables," and many others rely upon welfare payments to keep them from hunger until jobs are more plentiful. Migrant farmers try to work, often go far to work. What psychological insistence makes them travel to work, rather than to a city to go on relief, cannot be described by any one generalization. The explanation rests in a combination of such factors as fear of the city, a genuine attachment to the land, a sometime enjoyment of movement, a depression that sets in for many of them when they do stop traveling and working, and a fear of that depression.

In a way, the issue is social and economic, not psychological: the American farmhands I have studied and observed are motivated toward work, want to work, and will work. Other workers may well be preferred by farmowners, but psychiatric observations do not support many of the claims

frequently made about the "laziness" of farmhands. On the contrary, most of these people display an initiative and desire for work in striking contrast to their poor brethren in cities, many of whom are unemployed and on relief, some of whom are unable to work, and some eventually uninterested in looking for any possibility of work. Migrant farmworkers, almost by definition, show a remarkable capacity and desire to travel far and wide in search of work.

But the issue is psychological, too—or rather, in the broadest sense, terribly human. As a physician and psychiatrist who has been working with migrant workers and observing them and studying them for 6 years now, I can only repeat once again, and much more emphatically, what I first said in 1965 in a paper addressed to medical colleagues, then adapted for more general publication. Put briefly, migrants go to make up a nation within a nation. Not only are they poor, and weak, and isolated, and ignored, and afflicted with all sorts of severe medical and psychiatric problems, but in addition they are wanderers, who are cut off even from what Oscar Lewis calls "the culture of poverty." In other words, they cannot even take a rural shack or ghetto tenement for granted. They fall under no one's jurisdiction. They move along our rural backroads, out of everyone's sight and mind—until an accident of one kind or another makes their presence "news." They are rootless, and for that reason sadder and more desperate than the sharecroppers I've studied or the mountain people of Appalachia. Everything is at once strange to them and familiar. In the words of one migrant: "We go everywhere and we don't belong nowhere."

It is rather obvious that migrants live demeaned, undignified and impoverished lives, as do many poor people in our rural areas or our cities. I would emphasize here that they are also very much different from any other group of American citizens, because they lack a place of residence—with all that goes with membership in a community—and ironically, they give up that rather ultimate possession in order to seek out and find work. It is rather incredible that such stubborn jobseekers have to go to such lengths for a dollar, and indeed are willing to do so. I believe they would work even harder if they didn't have to travel; and I believe their ranks would be filled by many others, who want to work but cannot—some have tried for a while—survive "life on the road." The man who used that expression added something that makes the best summary possible of my findings: "Life on the road is no life. You're near dead, moving here and there." Still, he persists. I am not so sure that his Government—with respect to its actions in behalf of him and others like him—can match his persistance.

LEGISLATIVE ACCOMPLISHMENTS AND CONTINUING NEED*

WAGES

Continued efforts should be given to: (*a*) providing a gradual increase in the agricultural minimum wages over a period of years until the industrial minimum is reached; (*b*) expanding coverage of the Fair Labor Standards Act's provisions by gradually including more employees working on farms by lowering the number of man-days required during the calendar quarter; and (*c*) including under minimum wage coverage those employees who are paid on a piece-rate basis, commute daily from their permanent residence to the farm on which they are employed, and were employed in agriculture less than 13 weeks during the preceding calendar year.

In spite of recent improvements in farm wage rates, the farmworker still stands on the bottom rung of the economic ladder. Although hourly wages paid to the average farm laborer have increased from $1.14 an hour in 1965 to $1.43 an hour in 1968, there are still 13 States with average wages below the present minimum wage for agriculture. Throughout the Nation, farm wages still vary considerably from a low of $1 hourly average in South Carolina, to over $1.70 in California, Connecticut, Nevada, and Washington. (Table 11.)

TABLE 11.—ANNUAL AVERAGE HOURLY FARM WAGE RATES, BY STATES, 1965, 1966, 1967, AND OCTOBER 1968 (WITHOUT ROOM OR BOARD)

	1965 annual average	1966 annual average	1967 annual average	1968 annual average		1965 annual average	1966 annual average	1967 annual average	1968 annual average
United States	$1.14	$1.23	$1.33	$1.43	Montana	1.28	1.30	1.40	1.45
Alabama	.76	.82	.93	1.02	Nebraska	1.24	1.28	1.36	1.47
Arizona	1.14	1.20	1.26	1.35	Nevada	1.38	1.43	1.47	1.67
Arkansas	.92	.99	1.09	1.21	New Hampshire	1.27	1.35	1.48	1.59
California	1.42	1.54	1.62	1.73	New Jersey	1.37	1.41	1.49	1.60
Colorado	1.26	1.29	1.39	1.49	New Mexico	1.00	1.02	1.09	1.17
Connecticut	1.44	1.56	1.62	1.73	New York	1.25	1.32	1.43	1.54
Delaware	1.15	1.21	1.28	1.32	North Carolina	.86	.95	1.03	1.16
Florida	.99	1.07	1.12	1.30	North Dakota	1.18	1.24	1.32	1.40
Georgia	.81	.88	1.01	1.11	Ohio	1.17	1.23	1.30	1.39
Idaho	1.34	1.39	1.48	1.54	Oklahoma	1.11	1.18	1.24	1.33
Illinois	1.25	1.34	1.42	1.55	Oregon	1.34	1.41	1.47	1.54
Indiana	1.19	1.27	1.36	1.49	Pennsylvania	1.18	1.23	1.31	1.42
Iowa	1.27	1.36	1.45	1.55	Rhode Island	1.41	1.51	1.60	1.68
Kansas	1.27	1.31	1.37	1.47	South Carolina	.65	.74	.89	.99
Kentucky	.98	1.16	1.20	1.42	South Dakota	1.16	1.20	1.27	1.34
Louisiana	.81	.91	1.02	1.14	Tennessee	.82	.92	1.01	1.09
Maine	1.24	1.30	1.46	1.56	Texas	.98	1.04	1.12	1.23
Maryland	1.15	1.20	1.27	1.40	Utah	1.35	1.39	1.44	1.50
Massachusetts	1.43	1.47	1.51	1.69	Vermont	1.27	1.36	1.51	1.58
Michigan	1.20	1.32	1.41	1.50	Virginia	.94	1.00	1.12	1.17
Minnesota	1.22	1.27	1.35	1.53	Washington	1.41	1.52	1.59	1.71
Mississippi	.69	.71	.94	1.10	West Virginia	.88	.94	.99	1.07
Missouri	1.14	1.20	1.24	1.37	Wisconsin	1.24	1.28	1.41	1.51
					Wyoming	1.21	1.30	1.33	1.44

Source: U.S. Department of Agriculture, Statistical Research Division, Farm Labor, Jan. 10, 1969.

Farmworkers still rank lowest in annual income of all of our Nation's occupational groups. In all sectors of the nonfarm economy and in every State the average hourly earnings of production workers are above farm wage rates. As shown in Table 12, employees in contract

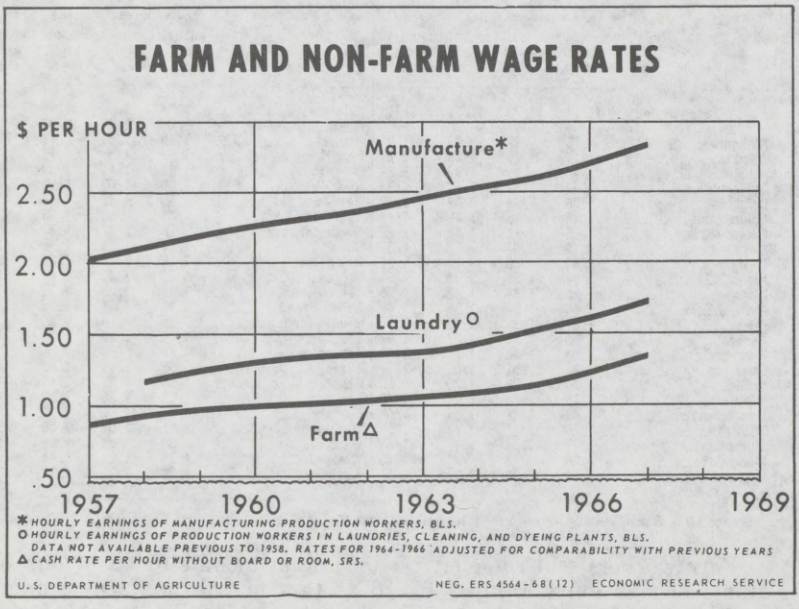
construction make over three times as much per hour as farmworkers, and even the traditionally underpaid laundry workers make on the average of 50 cents an hour more than farmworkers.

TABLE 12.—AVERAGE HOURLY EARNINGS IN AGRICULTURE AND OTHER SELECTED INDUSTRIES, 1967 AND 1968

	1967	1968
Contract construction	$4.09	$4.49
Mining	3.20	3.31
All manufacturing	2.83	3.05
Lumber and wood products	2.38	2.62
Canning, cured and frozen foods	2.21	2.38
Apparel and related products	2.03	2.26
Laundries and drycleaning	1.73	1.91
Agriculture farmworker (without room or board)	1.33	1.41

Source: U.S. Department of Labor, Bureau of Labor Statistics, Hours and Earnings, Sept. and Oct. 1967 and 1968, preliminary unweighted averages; and, U.S. Department of Agriculture Statistical Research Division, Farm Labor, 1967 and 1968, quarterly average.

Furthermore, the gap between agricultural and nonagricultural earnings has continually widened since World War II as indicated by Table 13. The relative worsening of the farm-nonfarm wage-rate situation exists when adjustments are made for cost-of-living increases, and holds for all major regions of the country. As discussed elsewhere in this report, the extent of unemployment and underemployment for the farmworker is likewise higher than general industry, and is occurring at a more severe rate than other industries. Rapid mechanization and increased growth in the size of our Nation's farms has in many ways made agriculture similar to our Nation's other large industries, and agriculture is not the family-farm operation that it was 25 years ago. No other segment of our population is so poorly paid yet contributes so much to our Nation's health and welfare.



Duration of work.—Despite moves from one work area to another, migratory workers are plagued by the intermittent employment characteristic of most farm wage workers. The work year for the hired farmworker is shorter than that found among workers in almost any other occupation group. During 1966 only 35 percent of the wage and salary workers in agriculture worked a full year (50 to 52 weeks), compared with 59 percent of the wage and salary workers in nonagricultural industries.[42]

The average migratory worker was employed for only 85 days at farmwork in 1967. Migratory travel to work areas away from home did not lengthen the work year of the migrant beyond that of other hired farmworkers. Rather, by traveling to job surplus areas, the migratory worker added to his employment record so that it averaged as long as the work year of the nonmigrant. (Table 14.)

TABLE 14.—DURATION OF FARM AND NONFARM WAGEWORK: NUMBER OF FARM WAGEWORKERS, MIGRATORY STATUS, 1966 AND 1967

[NUMBERS IN THOUSANDS]

Duration of farm and nonfarm wagework	1966			1967		
	Migratory workers			Migratory workers		
	Days	Number	Percent	Days	Number	Percent
Total workers		351	100		276	100
Farm wagework:						
Less than 25 days		76	22		81	29
25 to 149 days		187	53		137	50
150 days and over		87	25		57	21
Average days	96			85		
Total workers who did farm but no nonfarm wagework		184			170	
Average days	123			138		
Total workers who did both farm and nonfarm wagework		168			106	
Average days	67			74		

Note: Numbers for subgroups are rounded without being adjusted to group totals.

Source: U.S. Department of Agriculture, September 1967 and 1968.

Substantial proportions of hired farmworkers are employed outside of agriculture during the same year they work on farms. In 1967 about two-fifths of migrants did nonfarmwork. Such work may comprise the principal activity of the migratory worker during the year, or the nonfarmwork may be done during days off from farmwork, in the evenings, or in between farm jobs.

The average migrant with some nonfarm employment had a longer work year than the migrant who did only farmwork. Migrants combining farmwork with nonfarmwork average 168 days of paid employment during the year (approximately 8½ months of work); about two-fifths of these days represented farmwork. The average migrant who did only farmwork reported 138 workdays (about 7 months).

Table 14 provides a distribution of the number of days migratory workers were employed. Of those who worked exclusively on farms, 8 in 10 worked less than 150 days (about 7 months). Migratory workers who combined farmwork with nonfarmwork had a longer work record, and only about 5 in 10 worked less than 150 days at all jobs.

Average annual earnings.—Partly because of the brief span of their work year, annual earnings of migratory workers were very low. (Table

15.) The migrant employed exclusively at farmwork earned an average of $922 during the year. Those who also worked outside of agriculture averaged around $2,100 of which $800 was from farmwork.

Low annual earnings of migrant workers are due not only to low wage rates, but also short duration of farmwork. In 1967 migrants worked at average of only 85 days at $10.85 a day, earning $922. Noncasual migratory workers (those that worked more than 25 days a year) worked an average of 117 days at $10.80 a day, earning $1,266 in 1967.

TABLE 15.—EMPLOYMENT AND EARNINGS: NUMBER OF FARM WAGEWORKERS, AVERAGE NUMBER OF DAYS WORKED, AVERAGE ANNUAL AND DAILY EARNINGS, MIGRATORY STATUS, GEOGRAPHIC REGION, AND TYPE OF WORK, 1966 AND 1967

Type of work	1966				1967			
	Total workers (thousands)	Average days worked in year	Average annual wage	Average daily wage	Total workers (thousands)	Average days worked in year	Average annual wage	Average daily wage
Farm wage work:								
Total migratory workers	351	96	$1,046	$10.80	276	85	$922	$10.85
Migratory workers residing in the North	82	75	610	8.15	55	71	673	9.45
Migratory workers residing in the South	118	98	822	8.35	109	93	958	10.30
Migratory workers residing in the West	151	106	1,458	13.80	112	84	1,009	12.00
Migratory workers who did farm but no nonfarm wage work	184	123	1,322	10.70	170	138	1,494	10.80
Farm and nonfarm wage work of migratory workers who did both:								
Farm wage work	168	67	744	10.95	106	74	838	11.30
Nonfarm wage work	168	92	1,118	12.25	106	94	1,310	13.95
All wage work	168	159	1,862	11.70	106	168	2,149	12.80

Source: U.S. Department of Agriculture, September 1967 and 1968.

These daily earnings figures do not include the value of perquisites or fringe benefits furnished without charge by the employer. Actually hired farmworkers generally receive less in the way of fringe benefits than do nonagricultural workers. A substantial proportion of farm wageworkers do receive some perquisites such as room and board, housing, meals, transportation, and use of garden space. The value of these items, however, generally does not equal the value of health and medical insurance, paid vacations, and other fringe benefits received by industrial workers. And the quality of housing, sanitary facilities, and other housing equipment provided for farm wageworkers is not only very often substandard, but the free housing supplied by the employer has been found to be a less substantial income supplement than is commonly supposed.[43]

It has been alleged that the better wages needed to adequately compensate workers in our fields would force the consumer to pay higher prices for his food. The fact of the matter is that the cost of field labor is only a minute part of the retail price paid by the consumer. On a head of lettuce which has a retail price of 21 cents the field labor cost is 1 to 1.3 cents. On a pound of celery retailing at 15½ cents per pound, the cost of field labor is 0.3 to 0.5 cent. On lemons retailing at 24 cents per pound, the field labor costs are 0.6 to 1 cent. On dates retailing at 49 cents per pound, field labor comes to 1 cent per pound.

On oranges retailing at 50 to 72 cents per dozen, the field labor costs are 1 to 2 cents. And on grapefruits having a retail price of 8 to 10 cents each, the field labor costs are 0.2 to 0.4 cent. (Table 16.)

TABLE 16.—COMPARISON OF FIELD LABOR COST OF FOOD AND RETAIL PRICE OF FOOD

[In cents]

Food item		Retail price	Field labor cost per unit
Lettuce	head	21	1.0–1.3
Celery	pound	15½	.3–.5
Lemons	do	24	.6–1
Dates	do	49	1.0
Radishes	bunch	10	1.0
Oranges	dozen	50–72	1.2
Grapefruit	apiece	8–10	.2–.4

Source: U.S. Department of Labor, press conference of Secretary of Labor W. Willard Wirtz, Los Angeles, Calif., Mar. 27, 1965.

It is therefore clear from these statistics that wage increases for farmworkers would have little, if any, impact on the consumer in terms of the price that he must pay for fruits and vegetables in the local supermarket.

Federal Minimum Wage

In 1959, when the subcommittee was first formed and intensive research was initiated into the drastically low wage rates paid to our Nation's farmworkers, the average migrant farmworker worked 119 days on the farm, for which he received $710 in cash wages. Supplementing this with a few days of nonfarm work, his total average annual wage was only $911, compared with manufacturing average of $5,215 in 1959.

In 1966, before Congress enacted legislation extending the minimum wage to agriculture, the average migrant farmworker worked about 121 days and earned about $1,300. Agricultural workers remained condemned to their position on the bottom rung of the economic ladder, earning an average of $1.23 per hour, which was less than half the average of $2.61 per hour for all manufacturing workers.

The tragedy of the farmworkers' substandard income, lowest in the entire American economy, was in part attributable to the express exclusion of agricultural employment from minimum wage law coverage. The plight of the farmworker was compounded by the general discriminatory exclusion from other protective labor legislation, such as workmen's compensation and unemployment insurance coverage, protective child labor laws, and collective bargaining legislation.

Impact of Federal minimum wage extension to agriculture.—In 1966 a major breakthrough was scored when Congress extended the minimum wage provisions of the Fair Labor Standards Act to the agricultural industry.[44] Extensive deliberations preceding passage of the legislation were marked by the expression of unwarranted fears that agriculture would suffer an adverse impact, production would be disrupted, farm employment would decline, and that farm income would be diminished.

An unfortunate result of these unjustified prognostications was that coverage was limited so that only 2 percent of the Nation's farms

were actually to be affected by the legislation. Direct impact was also limited, because many farmworkers already received more than $1 an hour, and many workers in the South, where wage rates were particularly low, were excluded from coverage.

Only a small segment of the industry was therefore affected. The minimum wage provisions apply only to employees on farms that used more than 500 man-days of agricultural labor (about seven men) during any calendar quarter of the preceding year. Exempt from coverage are family members that live on a farm, and local piece rate workers who perform less than 13 weeks in the preceding year. Additionally, the applicable farm minimum wage was fixed below the industrial minimum which is now $1.60 per hour. Instead, it was initially $1 for the year beginning in February 1967, and it was raised to $1.15 for the year beginning on February 1, 1968, and raised to $1.30 for the year beginning February 1, 1969.

Statistical information is now available on the impact of the agricultural minimum wage that not only disproves the worst fears held by opponents of the legislation, but indicates a successful and progressive first step in the implementation of a fair and living wage for our agricultural workers.[45]

It indicates that—

(1) In 1967, only 1.4 million farms of over 3 million farms in the United States employed one or more hired farmworkers. Of these 1.4 million, only 29,000 or 2 percent used more than 500 man-days of hired farm labor required to be covered by the new legislation;

(2) There were 384,000 farmworkers on the 29,000 covered farms, so that only 35 percent of the 1.1 million total farmworkers were subject to the minimum wage provisions. A third of all covered farms had sales of $100,000 or more, and they accounted for over three-fifths of the covered employees. Seven out of 10 covered farmworkers were on labor intensive vegetable, fruit, and nut farms;

(3) At the time that the new law became effective in 1966, 45 percent of the farmworkers subject to coverage were paid less than $1 per hour, and over three out of four of these low-wage workers were in the South. The nationwide increase in the farm labor bill to raise the covered employees to $1 an hour was 12 percent and in the South, the estimated hourly wage bill increase was 20 percent. Some farms attained compliance without any cash increases in wages by taking credit, in accordance with the law, for board and lodging as an offset to the minimum wage requirements;

(4) There was little or no evidence that a bumping effect (causing wage rates of noncovered employees to go up) occurred, so that the only impact on wages was confined to raise the minimum to $1. Wage rates already above the minimum were not generally affected;

(5) The average hourly earnings of hired farmworkers on all farms in the United States increased by 28 cents over the 2-year period between May 1965 and May 1967; and increased 34 cents in the South;

(6) The decline of farm employment has continued, but the decline has been much greater on noncovered farms (31 percent)

than on covered farms (11 percent). Nationwide, the rate of decline in hired farmworker employment was lower in the first 9 months since the passage of minimum wage legislation than it has been in recent years. In the West, employment on covered farms increased by 55 percent, while it was declining 32 percent on noncovered farms; and in the South, the rate of decline was the same for both categories.

(7) The long-run decline of farm worker employment results from the interaction of many factors. The leading ones include greater mechanization, increased use of chemicals, and the concomitant consolidation of many small farms into large agricultural enterprises; and

(8) There was very little change in the length of the workweek in agriculture between May 1965 and May 1967.

There are other indications that thousands of hired farmworkers have benefited from the extension of minimum wage provisions.[46] The Department of Labor analyzed 52 areas in 13 States that had at least 5,000 man-months of employment at wage rates of less than $1 an hour in 1966. Results show that wages have risen in nearly every area included in the study.

This analysis further indicates that employment declines were attributable primarily to factors other than the increases in wages.

In sum, it appears that in the low-wage areas which were studied, the decreases in employment were usually not visibly accelerated in 1967. The new minimum wage legislation was not the principal causative or determinative factor in the continuing long-term decline in farm employment. In some areas employment actually rose. On the other hand, the long-term trend of declining employment, attributable to employers seeking to cut down on the use of labor by accelerating their adoption of the newer technologies, continued and thus had an indirect effect on employment.

The extension of minimum wage coverage to farmworkers is the first step in bringing to these citizens the conventional economic assurances which have been the right of our Nation's industrial work force for the past three decades. Many of the newly covered employees are migrants, for the exceptions cover primarily local and part-time farmworkers, and minimum wage coverage will mean substantial increases in family income.

Continuing needs.—Paradoxically, simultaneously with the impact of wage increases (some as much as 28 cents an hour) that were achieved through minimum wage legislation without producing reduced employment, inflationary influences brought about a substantial diminution in real wage gains.

This is not to say, however, that minimum wage legislation has not achieved progress for the farm wage worker; for, particularly in this sector of the economy where there is surplus labor, the current inflationary trend would not have influenced wage rates sufficiently upward.

The mandate for continuing legislative action is well defined. *First*, continued efforts should be given to providing a gradual increase in agricultural minimum wages over a period of years until the industrial minimum is reached. The burden of such increase is slight, for only an estimated 5.5-percent increase in the farm labor bill was neces-

sary on February 1, 1968, when the minimum wage was raised to $1.15 per hour.

Farmworkers continue to rank lowest in annual income of all of our Nation's occupational groups. In all sectors of the nonfarm economy and in every State, the average hourly earnings of production workers are above farm wage rates, and they make almost twice the amount as agricultural workers. Employees in contract construction make almost four times as much per hour as farmworkers. No other segment of our population is so poorly paid yet contributes so much to our Nation's health and welfare.

Second, continued efforts should be given to expanding coverage of the Fair Labor Standards Act's provisions by gradually including more employees working on farms by lowering the number of man-days required during the calendar quarter.

Coverage must be extended to the 98 percent of farms (1,387,000) in this country that hire one or more farmworkers that are exempted by the legislation. These hired workers on noncovered farms are making 24 cents an hour less than the average wage on covered farms, and noncovered farms had a greater proportion of workers under 18 years of age and 45 and over than did covered farms. There are still 240,000 agriculture workers making less than $1 an hour.

It has been estimated that if the act's 500 man-day test is lowered to a 300-man-day test, it would encompass only 67,000 farms and 572,000 workers. A 200-man-day test would set minimum wage standards for 110,000 of our Nation's farms or 3 percent, and 667,000 or 46 percent of our Nation's farmworker force. Even a 100-man-day test would not mean total coverage since only 232,000 or 7 percent of our Nation's farm employers and 867,000 or 60 percent of our Nation's farmworkers would be covered.

Third, continued efforts should be given to including under minimum wage coverage those employees who are paid on a piece-rate basis, commute daily from their permanent residence to the farm on which they are employed, and were employed in agriculture less than 13 weeks during the preceding calendar year. These exemptions, aimed at excluding part time and local workers, perpetuate the discriminatory exclusion of employees that need to be covered as a matter of social justice, but also are prejudicial to the interests of migratory farmworkers.

Fourth, attention should be given to the farmworker exemption from the overtime provisions of the Fair Labor Standards Act. The scheduling of a standard workweek for hired workers is not a common practice in the agricultural industry because of weather conditions and the individual farm operator's needs at any given time. Interestingly, the average workweek was substantially longer on covered farms than on noncovered farms. Sixty-five percent of hired farmworkers on covered farms worked over 48 hours, and a half of these worked over 56 hours during a 1967 survey week. In contrast, less than one-third of the workers on noncovered farms were employed for more than 48 hours, but two-thirds of these worked 56 hours or more. This leads to the conclusion that not only are workers on noncovered farms discriminatorily excluded from the Fair Labor Standards Act, and thus underpaid; but they work at the whim of the employer, and on a shortened workweek, thus further diminishing their pay.

Most farmworkers still suffer the oppression of substandard incomes, and most farmworkers are still specifically excluded from provisions of the FLSA. There is a pressing need to correct this situation on the Federal level. In addition to the inadequate coverage of the Federal law, there are very few State minimum wage laws which cover farmworkers. The farmworker's substandard income, the lack of adequate State agricultural minimum wage laws, the interstate nature of the problem, and competition across State lines among farmers producing the same crops point up the need for a comprehensive Federal minimum wage law for agriculture.

State Minimum Wage Provisions

Nine States provide varying degrees of minimum wage coverage for farmworkers—seven by statute (Arkansas, Hawaii, Massachusetts, Michigan, New Jersey, New Mexico, and Oregon), and two through wage orders applicable to women and minors (California and Wisconsin). (Table 17.) In addition, wage board-type laws in four other States do not exclude agriculture, but minimum rates for farmworkers have not been established under existing wage orders, which could apply to women and minors in Colorado, Utah, and Washington and to men and women in North Dakota.

However, numerous exemptions and exclusions in five of these nine States reduce the coverage to minimal or almost nonexistent dimensions. In Massachusetts and New Jersey there is numerically significant protection. Massachusetts specifically covers all agricultural and farmworkers, the only exceptions being minors 17 years of age and under and immediate family members of the employer. In 1968 the rate was $1.35 an hour, scheduled to increase to $1.50 on February 1, 1969. (Nonagricultural workers are entitled to $1.60 an hour.) In New Jersey the rate for farmwork is the same as for other occupations—$1.40 an hour in 1968, $1.50 starting January 1, 1969, applicable to all farmworkers 18 and over; rates for farmworkers under 18 may be set through a wage-board procedure but such action has not yet been taken. Neither Massachusetts nor New Jersey apply their premium overtime pay provisions to farmworkers.

Substantial coverage is also provided in California and Wisconsin, but only for women and minors. Both States have wage-board-type laws that have never been extended to men, but both specifically cover agriculture. However, it is likely in both States that some men derive wage protection through the State prohibitions against wage discrimination based on sex.

The California rate is $1.65 for women and $1.35 for boys and girls age 16 or 17; the rate is inapplicable to minors under 16. In July 1968, Wisconsin increased its hourly rate from $1.25 to $1.30 for adult women and minors between 18 and 21, retaining its $1.10 rate for minors of 17 and under. An hourly basis of payment or its equivalent is specifically applicable to seasonal nonresident agricultural workers employed less than 6 months in the States. For other types of workers, the hourly rates apply to those who work less than 45 hours a week, and a fixed weekly rate of $58.50 ($49.50 for minors 17 and under) applies to those working 45 hours or more.

The remaining five laws will offer very little State wage coverage in 1969. The Hawaii and Michigan minimum rates protected relatively more farmworkers in 1968 than they will in 1969, when State protection will contract because the Federal $1.30 rate will exceed the State rates. The Hawaii $1.25 rate covers agricultural work in any workweek in which the employer has 20 or more employees, with an exemption for those in coffee harvesting. Since the rate is applicable only when it exceeds the Federal rate, significant numbers of workers derived State protection in 1968 because the Federal rate was only $1.15. But in 1969 when the Federal $1.30 rate exceeds the Hawaii rate, protection will practically disappear under the State law, which covers only large farms. A similar situation exists in Michigan whose law specifically exempts a federally covered employer when the Federal rate is higher than the State rate. Under the Michigan law, which applies only to employers of four or more, piece rates equivalent to its $1.25 hourly minimum have been established for the harvesting of some 31 crops. But the 1969 Federal $1.30 rate will in effect displace a large portion of the State coverage.

The New Mexico law applies to employers of four or more. While it does not exempt federally covered employment as such, agricultural workers not covered by the Federal law do not have State protection because both the State agriculture rate as well as its agricultural coverage and exemption provisions are the same as the Federal. The Arkansas law, with a $1 rate as of January 1969 applicable to employers of five or more in a regular employment relationship, excludes not only federally covered employment but also exempts the same farmwork excluded from the Federal law, thereby indirectly eliminating agricultural coverage. The Oregon $1.25 rate set by statute for persons 18 years of age and over affords minimal coverage for farmworkers because it does not apply to pieceworkers.

TABLE 17.—STATE MINIMUM WAGES FOR AGRICULTURAL WORKERS

State	Basic minimum rate per hour	Overtime standard	Workers covered	Effective date
California [1]	$1.30	Exempt	Women	Sept. 15, 1965
	1.10	do	Minors	Do.
Hawaii	1.25	1½ times regular wage over 40-hour week.[2]	Men and women	Jan. 1, 1964
Massachusetts	[3] 1.35	No provision	do	Feb. 1, 1968
Michigan	[4] 1.25	do	do	Jan. 1, 1967
New Jersey	1.50	Exempt	do	Dec. 15, 1967
New Mexico	[5] 1.15	do	do	Feb. 1, 1968
Oregon	1.25	do	Men, women, and minors	Do.
Puerto Rico	0.30–0.60	No provision	Men and women	Aug. 20, 1961
Wisconsin	1.30	do	Women	Feb. 1, 1968
	1.10	do	Minors	Do.

[1] Hourly rates of $1.65 for women and $1.35 for minors, originally due to become effective Feb. 1, 1968, have been suspended pending legal action.
[2] Exemption of 20 weeks when 1½ the regular wage is paid for work over 48 hours a week.
[3] Will rise to $1.50 an hour on Feb. 1, 1969.
[4] Nonseasonal workers and time-rate workers only. Under the State law, piece-rate wages for various crop activities can also be established.
[5] To be raised to $1.30 an hour on Feb. 1, 1969.

Sources: 1. Hearings of the California Industrial Welfare Commission, Mar. 27–29, 1967. 2. "Hired Farm Worker," USDL, report submitted to Congress, January 1966. 3. "Status of Agricultural Workers Under State and Federal Labor Laws," USDL, Bureau of Standards, fact sheet No. 2, December 1965 and Addendum December 1967. 4. "Michigan Sets Piece Rates for Harvest Activities" in Farm Labor Developments, December 1962, pp. 17–18.

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WAGE PAYMENT AND COLLECTION PROTECTION

It is imperative that agriculture workers be included under wage payment laws that are designed (1) to bring about payment on regular paydays at specified intervals; (2) to assure prompt payment to workers separated from the payroll, thus freeing them to look for other jobs; and (3) to enable a State official to render assistance in collecting valid claims for wages due and unpaid, through assignment, without expense to the claimant and without undue delay.

Morally and legally a worker is entitled to the wages he has earned. Wage payment and wage collection laws are intended to insure that wage earners receive their pay regularly, in full, and without delay. To the individual worker and particularly the migrant, the loss of a week's pay may bring want and privation. Not only the worker but the entire community suffers: the landlord, the grocer, the gas station owner, and anyone who may have extended credit to the wage earner.

A comprehensive wage payment and collection system could be particularly meaningful for the migrant worker whose freedom to move with the crops determines his fate. He is even less able than other workers to wait for his wages, and he has neither the time nor the resources to have his rights enforced through a slow and costly court proceeding. Furthermore, the migrant often does not know whether the farmer or the crew leader will pay him, and when he is paid by a crew leader, often he is at the mercy of an unscrupulous crew leader who may abscond with his pay.

In most cases, it should be a simple matter for a State official to adjust difficulties with wages with the involved parties, and if this does not work, the official could take an assignment from the worker, and bring suit as if it were his own claim, with little or no expense to the worker.

State and county laws would, of course, provide the most desirable jurisdictional forums for handling wage collection problems. Generally, however, the States have shown a usual reluctance to enact meaningful legal protections for farmworkers residing in their communities for only a brief period. In fact, although 47 States have such laws, only 10 States, California, Colorado, Delaware, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, and Texas specifically provide protection (by statutory language or specific interpretation) for farmworkers. The extent of enforcement of these State provisions is not known.

Serious consideration should be given to enactment of Federal standards, possibly to be administered by the Department of Labor, that would adequately extend wage payment and collection protection to farmworkers, in order to meet the obvious need for farmworker protection in this area.

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CHILD LABOR

The present exemption from the Fair Labor Standards Act of agricultural child labor outside of school hours should be narrowed so as to prevent harmful employment of children in farmwork. For this purpose: (1) All farm employment should be barred for the very young child; (2) the child of intermediate age should be permitted to work, with parental consent, within daily commuting distance of his permanent home, but such work should be limited to summer vacation hours only; and (3) the child over 14 should be permitted to work without any distance limitations.

The Secretary of Labor should continue his efforts to evaluate particularly harmful employment so that children up to 18 will be barred from hazardous occupations.

No limitation, however, should be placed on the employment of children by their parents, or someone standing in the place of a parent, on the home farm.

The child labor provisions of the Fair Labor Standards Act [55] establish a 16-year minimum age for employment in agriculture, but there are many limitations on its applicability. The regulations apply only during the hours schools are in session in the district where the minor lives. Consequently, there are no regulations prohibiting children of any age working outside school hours and during vacation periods; and, preschool children are not prohibited from working on farms, since there are no "school hours" for them. Also FLSA standards do not apply to children employed by their parents on the home farm.

The Fair Labor Standards Act Amendments of 1966 did, however, authorize the Secretary of Labor to prohibit children under the age of 16 from working in particularly hazardous occupations. The long-standing need for this action by the Congress and the Secretary of Labor was supported by a great body of evidence and reports on accidental injuries to children in agriculture. Best estimates indicate that there are about 800,000 paid farmworkers under 16, and these children constitute about one-fourth of the total farmwork force. Young workers are not immune to accidents, and expectedly account for a substantial portion of agriculture workers whose accident death rates are exceeded only by those for miners and construction workers. Furthermore, the agricultural revolution of the past 30 years has mechanized the farm and increased the use of chemicals, so that today the farm has as many hazards, if not more, than industry.

To remedy and prevent extensive injury rates to youth workers, the Secretary of Labor on July 1, 1967, issued regulations under the FLSA declaring certain jobs to be particularly hazardous for persons under the age of 16. The effect of this order is to exclude persons under 16 years of age from employment in the hazardous farm occupations and activities.[56]

Excluded from the coverage of the regulation are youths under 16 employed by their parents or by someone standing in place of their parents in any farm occupation on the home farm. Also excluded from coverage are the farm jobs customarily performed by persons under 16, such as milking cows, processing dairy products, raising chickens, operating garden-type tractors, loading or unloading trucks, and the like. Students 14 years of age or more that are enrolled in vocational education training programs, 4–H programs, and participants who have received training in the safe use of farm equipment, are excluded from coverage of some of the regulations.

Continuing Need

The harmful employment of children in agriculture is one of the most unfortunate aspects of our present farm labor situation. While it is often believed that farm employment is beneficial, like any other industry it is beneficial only insofar as young workers are protected from the most serious hazards. Based on national findings, farmwork is classified as the third most dangerous occupation.[57]

While under the present Hazardous Occupations Order in Agriculture, minors under 16 are prohibited from engaging in certain hazardous occupations, it is also possible under the terms of the order for children to qualify to operate certain hazardous machinery if they participate in a safety instruction course. Although the impact of this

latter exception has not yet been measured, it is certainly known that children are particularly susceptible to tractor injuries, and a course in safety alone may not reduce the hazards of the equipment. Furthermore, although operating potato harvesters is prohibited, children may legally ride on them. In fiscal year 1968, a 16-year-old girl lost her arm when she was pulled into the conveying mechanism of a harvester while working on her grandfather's farm. Two 6-year-old boys badly injured their hands in a harvester, possibly permanently. A 13-year-old boy lost his arm just below the shoulder in a patoto harvester and a 15-year-old boy seriously damaged his hand and arm.

Tractor accidents often involve fatalities. Of 67 tractor accidents reported to a State bureau of labor, 31 involved fatalities—11 of them to children 16 years old or less. In all, 27 children 16 and under were in tractor accidents in that State during the year. A 15-year-old Michigan youth bled to death when his arm was torn off by a grain auger which he was helping his father to operate. An 8-year-old boy suffocated when he was sucked into and buried under 2 feet of grain in a wheat bin while helping his cousins to load wheat.[58]

An analysis of fatal farm tractor accidents in Ohio for the 10-year period, 1956–65, shows that 19 percent of the victims were under 16 years of age, though not necessarily employees.

Migratory children, who comprise a significant segment of the children employed in agriculture, are the most seriously affected by the absence of a meaningful child labor law. Federal and State provisions presently regulate the employment of children in agriculture during school hours; however, only 11 States also provide a minimum age for their employment outside of school hours. Excepting particularly hazardous work, today a child of any age may be employed in farmwork when school is not in session. This condition has all but disappeared from industry, yet approximately 375,000 children between the ages of 10 and 13 perform hired farm labor. The most common reason for their employment is the low wages paid to the family breadwinner, which are not sufficient to meet minimum family expenses. Consequently, every available child works.

Unlimited, arduous farmwork is also harmful to the health of young children. Dr. Hanson, late head of Columbia University's School of Public Health, said "Children in industry, whether indoors or out, show exaggerated form damage to growth." In 1951 a subcommittee of the American Medical Association urged that a general 14-year age minimum be set for employment. According to Dr. Charles Hendee Smith, professor of clinical diseases of children, College of Physicians and Surgeons, Columbia University, long hours of tiring work—as in factories or in beet or cotton fields—is harmful to children in two ways. First, a child early in life must grow and gain weight. Agricultural labor such as the thinning, pulling, and topping of beets, picking of strawberries and cotton, and so forth, requires constant bending and stooping and frequent lifting. This excessive muscular activity expends the child's energy which should be used in the natural process of growth. Consequently, children who engage in such arduous labor become undernourished and undersized. Second, chronic fatigue lowers a child's resistance to disease. Infections, which are everywhere lying in wait for the growing child, can find an easy victim in those

who are overfatigued and undernourished. Agricultural labor is also detrimental to children; it interferes with their educational progress. Such interference occurs when children of tender years are compelled to work in the fields in the afternoons, during the regular school term, rather than engaging in recreational or study activities characteristic of a normal educational experience.

Worse still, migrant children are not always covered by State compulsory education laws since they are, in many instances, nonresidents of the States in which they are employed.

There are still sections of the country where schools are closed for crop vacations, where migrant children are not welcome in the local school, or where parents do not want the children to leave the fields or feel they cannot afford to buy the necesary books for a short period. Parents of local children frequently want the youngsters to help in the fields during school hours. In one school district, the superintendent of schools was issuing a special permit to excuse such children at the request of the parents. These youngsters were not really going to work for the parents, but instead, farmers.

The educational level of adult farm wage workers in 1965 continued to be among the lowest of all the major occupation groups. With an average of 8.4 years of school completed, the farm laborer's educational achievement was about the same as that of farm operators and private household workers. Persons in other major occupation groups averaged at least 1 additional year of schoolwork, and the average for all workers was 12.2 years.

The level of education is closely related to nonfarm employment, where oportunities for higher earnings and more stable employment are generally better than in farmwork. Three-fifths of the migratory workers with some high school education reported nonfarm work in 1965, while only one-third of those with a grade school education reported any nonfarm work.

Children of migratory workers have fewer educational opportunities and a lower educational attainment than any other group of American children.

Taken out of school in the spring when seasonal farm labor demand begins, and often not returning home until 2 or 3 months after the opening of the fall semester, children in migratory families have inadequate time in school at their home base county. On the road, the children's school attendance is irregular. The parents may keep them out of school to work in the fields or to care for younger children during the day, or they may not be interested in educating their children. Local school authorities may be reluctant to enforce school attendance laws for migrant children.

The number of children under 14 who traveled with their parents in 1964 was determined for those migratory workers who were heads of household. Altogether, about half of the migratory heads of households had children under 14 living with them, a total of almost a quarter of a million children. About 140,000 of these children, representing one-fifth of the households, traveled with the hosuehold heads on their farmwork trips.

Approximately 50,000 of the children traveled with their parents during the school year, between October and May, when most other

children were at a permanent residence or in school. During the summer vacation period, children travel with their parents, and since there are no laws prohibiting child labor, they work in the fields. This is particularly alarming, for it is these children that most need the advantages of summer education programs.

Spanish-American and other white household heads were more apt to take their small children with them than those who worked closer to their home bases.

In addition, migrant children have been found already to be seriously behind their proper grade level because of the transient nature of their lives. Only one of every three farm wage workers has completed more than 8 years of schooling and only one in six have graduated from high school. One-fourth of our farmworkers have either never attended school or have not completed more than 4 years of schooling.

The Secretary of Labor has made a commendable first step in implementing safety regulations for youth employed in agriculture pursuant to the Fair Labor Standards Act Amendments of 1966. However, the steps so far taken are admittedly only interim steps pending further study of occupational hazards for youth in agriculture. Continual total review is imperative to ascertain if modifications should be made in other orders, and what new areas might exist now where orders should be adopted consistent with new legislation, current working conditions, safety improvements, and contemporary working situations.

Efforts should be continued to obtain and evaluate outside information and comments from management, labor, youth organizations, representatives of farm organizations, farm business groups, farm safety experts, Federal, State, and local government agencies, and agricultural colleges.

Everyone is sensitive to the national interest in safeguarding youth from employment which is injurious to their welfare, which is hazardous to their safety, or which interferes with their education.

State Basic Minimum Age Provisions

Only 11 States specifically establish a minimum age for the employment of children in agriculture outside school hours; 20 States specifically set a minimum age for such work during school hours. (Table 18.)

In 13 other States (Arizona, Arkansas, Idaho, Kansas, Maine, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, Vermont, and Wyoming) a minimum age for employment in "any occupation" or "any business or service," might be interpreted to include agriculture. Except for Arkansas, the minimum age of 14 in 10 of the States, and age 15 in Maine, and, age 16 in Montana and Wyoming, applies to work during school hours only.

The remaining 16 States (Alabama, Delaware, Georgia, Kentucky, Louisiana, Michigan, Mississippi, New Hampshire, North Carolina, Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Washington, and West Virginia) completely exclude agriculture from their minimum age provisions.

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Although most State child labor laws prohibit employment of minors under 18 (or at least under 16) in certain hazardous occupations, very few apply specifically to hazardous agricultural jobs. Only seven States (California, Florida, New Jersey, Oregon, Utah, Virginia, Wisconsin) either by law or regulation, set a minimum age of 16 or 18 for certain farm occupations, or for the operation of specified machines used in farm operations.

TABLE 18.—BASIC MINIMUM AGE FOR EMPLOYMENT IN AGRICULTURE

State [1]	Outside school hours and during school vacations	During school hours
Alaska	14	None
California	12 (vacation)	15
Colorado	12	16
Connecticut	14 [2]	14
Florida	None	16
Hawaii	14 (10 in coffee growing)	16
Illinois	None	16
Indiana	do	[3] 14
Iowa [2]	10	14
Maryland	None	16
Massachusetts	do	14
Minnesota	do	14
Missouri	14	14
New Jersey	12	16
New York	14 (12 in hand harvest)	16
Ohio	None	16
Pennsylvania	do	15
Texas	None during 3 summer months	14
Utah	10	14
Virginia	None	16
Wisconsin [2]	12	12

[1] Some of these States set lower ages for employment: by parents or with parental consent, in cases of need or other emergencies, or after completion of specified school grades.

[2] Connecticut: Applies only during any week in which an employer averages over 15 employees. Iowa: Applies only to children employed as interstate migratory laborers. Wisconsin: Applies only to employment in cherry orchards, market gardening, gardening conducted or controlled by canning companies, and the culture of sugar beets and cranberries.

[3] Age 10 for nonresident.

Source: U.S. Department of Labor, Bureau of Labor Standards, January 1969.

APPENDIX A

Agricultural Migrants in the United States

COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of crop season
Alabama:					
Baldwin	1,525	240	1,285	June 1	May 12–July 1.
Barbour	140	140			
Cullman	175		175	May 10	Apr. 25–June 1.
Dale	140	140			
Dallas	361	361			
De Kalb	871		871	July 18	July 1–Aug. 20.
Escambia	927	927			
Greene	119	119			
Henry	203	203			
Houston	120	120			
Mobile	100	100			
Russell	143	143			
Tuscaloosa	376	376			
Washington	181	181			
Total	5,381	3,050	2,331		
Arizona:					
Apache	2,892	2,892			
Cochise	2,190	300	1,890	June 15	Jan. 1–Dec. 31.
Coconino	2,892	2,892			
Maricopa	16,671	10,000	6,671	Nov. 30	Do.
Navajo	2,892	2,892			
Pima	4,137	3,762	375	Nov. 15	Do.
Pinal	20,000	15,000	5,000	Nov. 30	Do.
Yuma	9,600	4,244	5,356	June 15	Do.
Total	61,274	41,982	19,292		
Arkansas:					
Benton	376		376	Aug. 31	May 1–Sept. 30.
Craighead	125	125			
Hempstead	500		500		
Howard	100	100			
Jackson	225		225	July 15	May 15–Nov. 15.
Johnson	338		338	do	July 1–July 31.
Little River	125	125			
Mississippi	300		300	Sept. 30	Sept. 15–Nov. 15.
Poinsett	675		675	do	May 15–Nov. 15.
St. Francis	167	167			
Searcy	825		825	May 10	Apr. 20–May 25.
Washington	375	100	275		
White	4,200		4,200	May 10	Do.
Total	8,331	617	7,714		
California:					
Alemeda	1,037		1,037	Oct. 16	Jan. 1–Dec. 31.
Butte	1,812	201	1,611	Aug. 28	Do.
Colusa	618		618	Sept. 11	Do.
Contra Costa	640		640	Oct. 16	Do.
El Dorado	366	191	175	Aug. 28	July 26–Feb. 21.
Fresno	27,500	1,972	25,528	Sept. 4	Do.
Glenn	762		762	do	Do.
Imperial	13,099	10,787	2,312	Jan. 30	Do.
Kern	15,950	1,368	14,582	June 26	Do.
Kings	2,337	1,087	1,250	May 22	Do.
Lake	1,878	628	1,250	Aug. 21	Do.
Los Angeles	3,376	2,938	438	May 24	Do.

See footnotes at end of table, p. 129.

COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
California—Continued					
Madera	3,250	----------	3,250	Sept. 11	July 26–Feb. 21
Marin	628	628	----------		
Mendocino	1,440	628	812	Aug. 28	Do.
Merced	7,200	161	7,039	----do	Jan. 1–Dec. 31.
Modoc	312	----------	312	Oct. 16	Do.
Monterey	6,530	402	61,128	July 24	Do.
Napa	1,378	628	750	Aug. 21	Do.
Orange	2,052	402	1,650	June 12	Do.
Placer	641	191	450	Aug. 7	May 19–Feb. 20.
Riverside	7,000	2,576	4,424	July 24	Jan. 1–Dec. 31.
Sacramento	1,191	191	1,000	July 31	Do.
San Benito	4,000	----------	4,000	July 24	Do.
San Bernadino	2,242	1,167	1,075	Mar. 27	Do.
San Diego	4,295	3,945	350	July 17	Do.
San Joaquin	13,000	1,972	11,028	June 12	Do.
San Luis Obispo	672	201	471	July 24	Do.
San Mateo	1,092	604	488	Nov. 27	Do.
Santa Barbara	1,060	483	577	June 26	Do.
Santa Clara	4,000	483	3,517	Aug. 21	Do.
Santa Cruz	3,900	1,368	2,532	Oct. 9	Do.
Siskiyou	338	----------	338	Oct. 23	Do.
Solano	2,250	----------	2,250	Sept. 11	Do.
Sonoma	2,628	628	2,000	Aug. 28	Do.
Stanislaus	4,006	1,006	3,000	Aug. 14	Apr. 26–Nov. 20.
Sutter	6,000	5,500	500	Aug. 28	Jan. 1–Dec. 31.
Tehama	938	----------	938	Oct. 23	Jan. 18–Dec. 31.
Tulare	7,451	201	7,250	May 22	Do.
Ventura	6,203	765	5,438	June 26	Do.
Yolo	8,000	192	7,808	Sept. 4	Do.
Yuba	4,000	192	3,808	Aug. 7	Do.
Total	177,072	43,686	133,386	----------	
Colorado:					
Adams	656	----------	656	Aug. 15	Apr. 30–Nov. 15.
Alamosa	100	50	50	Oct. 15	Apr. 15–Nov. 15.
Baca	1,492	----------	1,492	Oct. 1	May 15–Oct. 31.
Bent	153	----------	153	Aug. 31	May 15–Oct. 15.
Boulder	251	----------	251	June 30	Do.
Conejos	200	100	100	Oct. 15	Apr. 15–Nov. 15.
Costilla	440	100	340	----do	Do.
Crowley	100	----------	100	----------	
Delta	344	----------	344	July 30	May 28–Oct. 29.
Dolores	306	----------	306	----do	July 15–Oct. 5.
Jackson	536	----------	536	Aug. 15	July 20–Oct. 1.
Kit Carson	1,685	1,285	400	June 15	May 10–July 30.
Larimer	950	900	50	----do	May 1–Sept. 30.
Logan	1,381	801	580	----do	May 1–July 30.
Mesa	2,372	315	2,057	Sept. 7	May 15–Oct. 28.
Montezuma	230	----------	230	July 30	July 15–Oct. 15.
Montrose	218	----------	218	June 15	May 15–July 15.
Morgan	1,812	----------	1,812	June 1	May 1–Nov. 1.
Otero	614	167	447	Aug. 20	Apr. 30–Oct. 31.
Prowers	268	----------	268	June 1	May 15–Sept. 30.
Pueblo	198	----------	198	Sept. 15	Do.
Rio Grande	221	68	153	Oct. 1	June 1–Oct. 20.
Saguache	136	52	84	----do	Do.
Sedgwick	477	----------	477	June 15	May 1–July 30.
Weld	4,000	----------	4,000	----do	May 1–Oct. 31.
Yuma	230	----------	230	June 1	May 1–Nov. 1.
Total	19,370	3,838	15,532	----------	
Connecticut:					
Fairfield	609	----------	609	----------	
Hartford	6,109	----------	6,109	Aug. 1	Mar. 1–Oct. 1.
Litchfield	609	----------	609	----------	
Middlesex	1,209	----------	1,209	----do	Do.
New Haven	809	----------	809	----do	Mar. 1–Sept. 30.
New London	609	----------	609	----------	
Tolland	1,109	----------	1,109	Aug. 1	Mar. 1–Oct. 1.
Windham	609	----------	609	----------	
Total	11,672	----------	11,672	----------	

See footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967-68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Delaware:					
Kent	1,575	----------	1,575	July 31	Apr. 30–Oct. 31.
Newcastle	1,185	----------	1,185	May 31	Do.
Sussex	740	----------	740	July 31	Do.
Total	3,500	----------	3,500	----------	
Florida:					
Alachua	1,500	----------	1,500	May 31	Apr. 15–July 15.
Brevard	409	----------	409	Dec. 15	Oct. 15–May 31.
Broward	16,100	12,076	4,024	Feb. 28	Jan. 1–Dec. 31.
Charlotte	936	----------	936	Apr. 30	Do.
Collier	13,600	6,800	6,800	do	Do.
Dade	23,580	11,000	12,580	Jan. 31	Do.
De Soto	844	----------	844	May 15	Oct. 1–May 31.
Flagler	1,261	719	542	May 31	Oct. 30–May 31.
Glades	4,275	861	3,414	Feb. 28	Jan. 1–Dec. 31.
Hardee	1,681	----------	1,681	Jan. 31	Oct. 1–July 31.
Hendry	4,275	861	3,414	Feb. 28	Jan. 1–Dec. 31.
Highlands	3,450	2,925	525	Jan. 31	Oct. 1–July 31.
Hillsborough	434	----------	434	do	Oct. 1–Apr. 30.
Indian River	302	----------	302	do	Oct. 1–June 15.
Lake	1,710	----------	1,710	Dec. 31	Oct. 1–Aug. 31.
Lee	11,000	3,750	7,250	Apr. 30	Jan. 1–Dec. 31.
Manatee	5,900	900	5,000	May 15	Oct. 1–May 31.
Marion	167	----------	167	Apr. 30	Apr. 1–June 30.
Martin	1,136	21	1,115	Jan. 31	Oct. 1–June 15.
Orange	12,000	9,000	3,000	Feb. 15	Jan. 1–Dec. 31.
Palm Beach	30,977	20,977	10,000	Feb. 28	Jan. 1–July 15.
Polk	6,300	3,000	3,300	Jan. 31	Oct. 1–July 31.
Putnam	1,261	719	542	May 31	Oct. 30–May 31.
St. Johns	277	----------	277	do	Do.
St. Lucie	8,335	5,405	2,930	Jan. 31	Oct. 1–June 15.
Sarasota	2,500	500	2,000	May 15	Oct. 1–May 31.
Seminole	13,100	12,500	600	May 31	Oct. 1–July 15.
Sumter	190	----------	190	Dec. 31	Oct. 1–Aug. 31.
Union	190	----------	190	May 31	Apr. 15–July 15.
Volusia	1,483	----------	1,483	do	Oct. 1–July 15.
Total	169,173	92,014	77,159	----------	
Georgia:					
Bibb	201	201	----------	----------	
Coffee	133	133	----------	----------	
Decatur	110	----------	110	June 15	May 15–Oct. 15.
Dougherty	143	143	----------	----------	
Fulton	438	438	----------	----------	
Peach	157	157	----------	----------	
Ware	141	141	----------	----------	
Total	1,323	1,213	110	----------	
Hawaii: Maui	475	----------	475	July 1	May 1–Dec. 31.
Idaho:					
Ada	146	----------	146	Aug. 17	June 1–Oct. 1.
Bannock	488	105	383	June 15	May 1–Oct. 30.
Benewah	318	318	----------	----------	
Bingham	950	105	845	Oct. 15	May 20–Nov. 30.
Bonneville	495	----------	495	June 10	May 15–Oct. 25.
Butte	560	----------	560	Oct. 15	May 20–Oct. 30.
Canyon	3,481	----------	3,481	May 18	Apr. 1–Dec. 1.
Caribou	390	----------	390	June 20	May 15–Oct. 30.
Cassia	1,750	----------	1,750	Oct. 15	May 12–Nov. 10.
Elmore	444	----------	444	Aug. 17	Apr. 10–Nov. 1.
Franklin	675	----------	675	June 20	May 15–Sept. 7.
Gem	1,560	----------	1,560	June 25	June 20–Nov. 1.
Gooding	192	----------	192	May 15	May 1–June 16.
Jefferson	495	----------	495	June 10	May 15–Oct. 25.
Jerome	485	----------	485	June 28	May 15–Nov. 1.
Lewis	318	318	----------	----------	
Madison	237	----------	237	July 7	May 15–July 1.
Minidoka	2,700	----------	2,700	June 16	May 15–Oct. 30.
Nez Perce	396	185	211	July 21	June 16–Aug. 15.
Owyhee	634	----------	634	May 18	Feb. 15–Oct. 30.

See footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Idaho—Continued					
Payette	630	----------	630	Sept. 25	Aug. 1–Oct. 1.
Power	625	105	520	June 15	May 1–Oct. 30.
Teton	175	----------	175	Aug. 25	Aug. 11–Sept. 3.
Twin Falls	1,440	----------	1,440	May 26	May 10–Nov. 1.
Washington	420	----------	420	Sept. 20	May 1–Oct. 1.
Total	20,004	1,136	18,868	----------	
Illinois:					
Boone	600	----------	600	Aug. 30	Aug. 10–Oct. 4.
Bureau	295	----------	295	May 31	May 17–July 4.
Cook	700	----------	700	Aug. 31	Aug. 10–Sept. 30.
Crawford	450	----------	450	May 31	May 10–31.
De Kalb	562	----------	562	Aug. 31	May 15–Oct. 4.
Du Page	319	----------	319	----------	
Fayette	535	----------	535	May 31	May 10–31.
Grundy	510	----------	510	Aug. 31	Aug. 10–Oct. 4.
Iroquois	1,170	----------	1,170	July 15	May 1–Sept. 15.
Jefferson	1,200	----------	1,200	May 31	May 10–31.
Kane	319	----------	319	Sept. 30	Aug. 10–Oct. 4.
Kendall	775	----------	775	do	Do.
Lake	319	----------	319	----------	
La Salle	825	----------	825	July 15	May 15–Oct. 4.
Lee	580	----------	580	Aug. 28	Aug. 10–Oct. 4.
Livingston	1,203	----------	1,203	Aug. 31	Do.
Marion	1,200	----------	1,200	May 31	May 10–31.
McHenry	319	----------	319	Aug. 31	Aug. 10–Oct. 4.
Mercer	319	----------	319	----------	
Ogle	1,160	----------	1,160	Aug. 31	May 15–Oct. 4.
Peoria	635	----------	635	June 30	June 28–Nov. 15.
Rock Island	316	----------	316	Aug. 31	Aug. 10–Oct. 1.
Union	1,500	----------	1,500	Aug. 15	Aug. 1–Sept. 1.
Vermilion	2,319	----------	2,319	May 31	Apr. 30–Oct. 5.
Washington	750	----------	750	do	May 10–31.
Will	638	----------	638	Aug. 31	Aug. 10–Sept. 30.
Total	19,518	----------	19,518	----------	
Indiana:					
Adams	435	----------	435	Sept. 3	May 1. –Oct. 15.
Allen	177	----------	177	do	Do.
Benton	125	----------	125	do	Do.
Blackford	235	----------	235	Sept. 17	Do.
Boone	143	----------	143	Sept. 10	Do.
Brown	100	----------	100	do	Do.
Carroll	251	----------	251	Sept. 3	Do.
Cass	312	----------	312	Aug. 17	Do.
Clinton	620	----------	620	Sept. 3	Do.
Delaware	256	----------	256	Sept. 10	Do.
Floyd	200	----------	200	June 4	May 15–June 10.
Grant	1,945	----------	1,945	Sept. 17	May 1–Oct. 15.
Hancock	140	----------	140	Sept. 10	Do.
Henry	964	----------	964	Sept. 3	Do.
Howard	702	----------	702	Sept. 10	Do.
Huntington	509	----------	509	Sept. 3	Do.
Jackson	102	----------	102	do	Do.
Jasper	261	----------	261	July 23	Mar. 1–Nov. 15.
Jay	515	----------	515	Sept. 10	May 1–Oct. 15.
Johnson	130	----------	130	do	Do.
Knox	113	----------	113	June 4	May 20–June 10.
Kosciusko	187	----------	187	Sept. 3	May 1–Oct. 15.
Lake	264	----------	264	Sept. 10	Apr. 15–Oct. 30.
La Grange	100	----------	100	----------	
La Porte	361	----------	361	Aug. 6	Do.
Madison	514	----------	514	Sept. 10	May 1–Oct. 15.
Marshall	1,235	----------	1,235	July 23	May 15–Oct. 15.
Miami	106	----------	106	Sept. 10	May 1–Oct. 15.
Noble	233	----------	233	Sept. 3	Do.
Porter	100	----------	100	----------	
Pulaski	133	----------	133	July 23	Apr. 1–Oct. 30.
Randolph	348	----------	348	Sept. 10	May 1–Oct. 5.
Ripley	296	----------	296	do	Aug. 1–Sept. 30.
Rush	105	----------	105	do	Aug. 10–Oct. 15.
St. Joseph	229	----------	229	Aug. 6	Apr. 1–Oct. 15.
Scott	150	----------	150	Sept. 3	May 1–Oct. 15.
Shelby	100	----------	100	----------	
Tippecanoe	100	----------	100	----------	

See footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Indiana—Continued					
Tipton	801		801	Sept. 10	May 1–Oct. 15.
Wabash	359		359	Sept. 17	Do.
Wells	419		419	Sept. 3	Do.
Total	14,375		14,375		
Iowa:					
Cedar	270		270	Aug. 1–30	May 1–Sept. 30.
Cerro Gordo	118		118		
Floyd	87		87		
Franklin	103		103		
Grundy	96		96		
Hamilton	48		48		
Hancock	89		89		
Kossuth	35		35		
Louisa	225		225	Aug. 1–30	Do.
Muscatine	525		525	do	Apr. 15–Sept. 30.
Scott	180		180		
Winnebago	81		81		
Worth	46		46		
Total	1,903		1,903		
Kansas:					
Finney	555	150	405	July 1	May–16–Aug. 31.
Grant	254		254	June 28	May 15–Aug. 29.
Greeley	256		256		
Haskell	100		100		
Kearny	188		188	July 1	May 15–Aug. 30.
Meade	100		100		
Scott	255		255		
Seward	100		100		
Sherman	727		727	July 7	May 20–Sept. 1.
Stanton	282		282	June 29	May 10–Aug. 20.
Stevens	100		100		
Wallace	728		728	July 6	May 20–Sept. 1.
Wichita	255	125	130	July 3	May 17–Aug. 25.
Wyandotte	1,037	301	736	June 15	May 1–Oct. 30.
Total	4,937	576	4,361		
Kentucky:					
Carlisle	403		403	May 25	May 10–June 10.
Hickman	403		403	do	Do.
Trimble	120		120	July 15	June 1–July 15.
Total	926		926		
Louisiana:					
Assumption	346		346	Nov. 1	Sept. 5–Dec. 31.
Caddo	128		116		
East Baton Rouge	116	128			
Lafourche	504		504	Nov. 1	Aug. 25–Dec. 31.
Livingston	410		410	Apr. 15	Apr. 1–May 13.
Ouachita	145	145			
Rapides	160	160			
St. Charles	126		126	Nov. 1	Sept. 15–Dec. 31.
St. James	378		378	do	Sept. 15–Jan. 7.
St. John the Baptist	189		189	do	Sept. 15–Dec. 31.
St. Tammany	108	108			
Terrebonne	315		315	Nov. 1	Aug. 20–Dec. 31.
Tangipahoa	3,400	800	2,600	Apr. 15	Apr. 1–May 13.
Washington	148	148			
Total	6,473	1,605	4,868		
Maine:					
Aroostook	1,200		1,200		
Penobscot	350	200	150		
Piscataquis	150		150		
Somerset	150		150		
Washington	200	200			
Total	2,050	400	1,650		

See footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Maryland:					
Caroline	480		480	Aug. 15	June 15–Sept. 15.
Dorchester	1,440		1,440	July 31	Apr. 18–Nov. 20.
Frederick	170		170	do	Mar. 15–Oct. 31.
Kent	330		330	May 15	Mar. 15–Nov. 30.
Somerset	840		840	July 15	June 1–Nov. 1.
Tablot	300		300	July 31	Apr. 15–Sept. 30.
Washington [2]	85		85	Oct. 15	June 15–Nov. 15.
Wicomico	212		212	July 15	May 15–Nov. 15.
Worcester	800	300	500	Aug. 15	June 15–Oct. 31.
Total	4,657	300	4,357		
Massachusetts:					
Barnstable	100		100		
Bristol	224		224	July 15	Apr. 8–Oct. 31.
Dukes	100		100		
Essex	224		224	Aug. 15	Apr. 1–Nov. 15.
Franklin	448		448	Aug. 16	June 1–Nov. 15.
Hampden	1,118		1,118	do	Do.
Hampshire	1,342		1,342	July 31	May 1–Sept. 15.
Middlesex	672		672	Aug. 15	Apr. 1–Nov. 30.
Norfolk	100		100		
Plymouth	448		448	Sept. 30	Mar. 30–Nov. 15.
Worcester	224		224	Oct. 1	May 15–Oct. 15.
Total	5,000		5,000		
Michigan:					
Allegan	2,880		2,880	Aug. 31	May 15–Nov. 15.
Alpena	387		387	July 15	June 20–Aug. 15.
Antrim	1,912		1,912	Aug. 10	June 20–Aug. 30.
Arenac	174		174	July 31	July 15–Aug. 25.
Bay	6,000	5,339	661	do	May 20–Sept. 20.
Benzie	2,500	100	2,400	July 25	June 15–Nov. 5.
Berrien	12,480	763	11,717	June 15	May 10–Nov. 5.
Cass	1,560		1,560	do	May 10–Sept. 30.
Cheboygan	387		387		
Eaton	248		248	Aug. 31	July 20–Sept. 15.
Gladwin	1,500		1,500		
Grand Traverse	10,372	2,000	8,372	July 25	June 20–Oct. 31.
Gratiot	382		382	July 31	June 5–Sept. 15.
Huron	968		968	June 30	May 20–Aug. 10.
Ingham	546		546	July 31	June 15–Nov. 5.
Ionia	912		912	Aug. 15	June 30–Nov. 5.
Isabella	1,500		1,500	do	July 20–Sept. 15.
Jackson	141		141	Aug. 10	July 30–Aug. 31.
Kalamazoo	1,033	763	270	June 30	June 10–July 20.
Kent	996		996	Sept. 30	July 10–Nov. 5.
Lapeer	270		270	Sept. 15	June 20–Oct. 31
Leelanlau	8,043	500	7,543	July 31	June 20–Oct. 25.
Lenawee	1,393	763	630	Sept. 30	Aug. 15–Oct. 20.
Manistee	4,392		4,392	July 25	June 1–Nov. 5.
Mason	3,298		3,298	do	June 5—Oct. 25.
Macomb	338		338	Sept. 15	Aug. 15–Nov. 5.
Mecosta	225		225	July 31	July 20–Aug. 10.
Midland	282		282	do	July 15–Sept. 15.
Monroe	1,300	763	537	Sept. 15	May 15–Nov. 5.
Montcalm	1,080		1,080	Aug. 15	June 20–Nov. 5.
Montmorency	387		387		
Muskegon	715		715	Aug. 15	July 15–Oct. 25.
Newaygo	219		219	Aug. 31	July 10–Oct. 10.
Oakland	225		225	Sept. 30	Aug. 15–Nov. 5.
Oceana	5,510		5,510	July 25	May 15–Oct. 31.
Ottawa	4,500	763	3,737	Aug. 31	June 20–Nov. 5.
Presque Isle	387		387		
Saginaw	5,000	2,000	3,000	June 15	May 20–Sept. 20.
St. Clair	304		304	July 31	June 10–Sept. 15.
St. Joseph	580		580	June 15	June 1–July 20.
Sanilac	1,265		1,265	July 31	May 20–Sept. 30.
Shiawassee	112		112	Aug. 31	Aug. 5–Sept. 10.
Tuscola	1,287		1,287	June 15	May 20–Sept. 25.
Van Buren	9,360		9,360	do	May 10–Nov. 15.
Wayne	863	763	100		
Total	98,213	14,517	83,696		

See footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Minnesota:					
Anoka	28		28		
Big Stone	97		97		
Blue Earth	50		50		
Carver	50		50		
Chippewa	40		40	June 25	May 31–July 26.
Clay	1,157		1,157	do	June 7–Oct. 25.
Faribault	223		223	do	May 31–July 26.
Freeborn	986		986	June 11	May 10–Oct. 25.
Kandiyohi	109		109		
Kittson	602		602	June 25	June 7–July 26.
Lac qui Parle	43		43		
Marshall	816		816	June 25	June 7–Oct. 25.
Martin	68		68		
Meeker	50		50		
McLeod	108		108		
Norman	423		423	June 25	Do.
Polk	1,757		1,757	do	Do.
Redwood	143		143		
Renville	612		612	June 25	May 31–July 26.
Sibley	41		41		
Steele	312		312	June 25	May 10–July 12.
Swift	244		244	do	May 31—July 26.
Waseca	118		118		
Watonwan	24		24		
Wilkin	50		50	June 25	June 7–July 26.
Yellow Medicine	99		99		
Total	8,250		8,250		
Mississippi:					
Alcorn	153	153			
Bolivar	288	288			
Clarke	105	105			
Clay	130	130			
Coahoma	227	227			
Copiah	125	125			
Forrest	111	111			
Grenada	183	183			
Harrison	108	108			
Hinds	404	404			
Holmes	318	318			
Lauderdale	275	275			
Leflore	901	901			
Lowndes	370	370			
Marion	287	287			
Monroe	342	342			
Pike	153	153			
Sunflower	507	507			
Tunica	115	115			
Warren	304	304			
Washington	367	367			
Yazoo	435	435			
Total	6,208	6,208			
Missouri:					
Dunklin	1,428	1,200	228	June 15	May 1–July 15.
Lafayette	228		228	Sept. 15	Aug. 20–Oct. 10.
Mississippi	1,542	1,200	342	Oct. 15	May 15–Nov. 15.
New Madrid	2,970	2,400	570	June 15	Do.
Pemiscot	1,900	1,900			
Scott	353	125	228	June 15	Do.
Stoddard	806	350	456	Oct. 15	Do.
Total	9,227	7,175	2,052		
Montana:					
Beaverhead	150		150	July 15	July 1–Aug. 15.
Big Horn	1,278	358	920	June 15	May 15–Aug. 15.
Blaine	150		150	June 20	June 1–Aug. 15.
Broadwater	150		150	June 15	June 1–Aug. 1.
Carbon	300		300	do	May 15–Aug. 1.
Cascade	638		638	Aug. 15	July 1–Aug. 25.
Chouteau	338		338	do	Do.
Custer	412		412	July 15	May 15–Aug. 15.
Daniels	135	135			

See footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Montana—Continued					
Dawson	592		592	June 23	Apr. 1–Sept. 1.
Glacier	543	543			
Gallatin	150		150	July 15	July 1–Aug. 15.
Hill	508	358	150	June 20	June 1–Aug. 15.
Judith Basin	300		300	Aug. 15	July 1–Aug. 25.
Lake	543	543			
Missoula	255		255	June 15	May 15–July 15.
Park	150		150	July 15	July 1–Aug. 15.
Prairie	278		278	do	May 15–Aug. 15.
Ravalli	210		210	June 15	May 15–July 15.
Richland	2,175		2,175	do	Do.
Roosevelt	358	358			
Rosebud	358	358			
Sanders	543	543			
Treasure	225		225	June 15	May 15–Aug. 1.
Teton	300		300	Aug. 15	July 1–Aug. 25.
Valley	358	358			
Yellowstone	825		825	June 15	May 15–Aug. 1.
Total	12,222	3,554	8,668		
Nebraska:					
Box Butte	557	100	457	June 15	
Chase	100		100		
Cheyenne	140	140			
Dawson	192		192	June 15	May 15–July 31.
Deuel	146		146	do	Do.
Keith	190		190	do	Do.
Lincoln	203	203			
Morrill	854	118	736	June 10	Do.
Perkins	100		100		
Scotts Bluff	3,143	282	2,861	June 10	Do.
Sioux	63		63		
Total	5,688	843	4,845	June 10	Do.
Nevada:					
Clark	472		472	Mar. 31	Feb. 1–June 5.
Elko	510		510	Aug. 8	July 1–Oct. 10.
Humboldt	204		204	Aug. 10	Do.
Total	1,186		1,186		
New Hampshire: Rockingham	109		109	Sept. 15	Sept. 1–Oct. 15
New Jersey:					
Atlantic	2,193		2,193	July 15	Apr. 1–Nov. 15.
Bergen	306		306	Aug. 31	Apr. 1–Nov. 1.
Burlington	650		650	July 27	Apr. 15–Nov. 25.
Camden	1,224		1,224	Aug. 31	Apr. 15–Nov. 15.
Cape May	173		173	do	May 28–Nov. 15.
Cumberland	4,139		4,139	Aug. 15	Mar. 1–Nov. 15.
Gloucester	1,750		1,750	Aug. 31	Apr. 15–Nov. 15.
Mercer	240		240	Aug. 20	Mar. 1–Nov. 25.
Middlesex	325		325	do	Do.
Monmouth	1,300		1,300	do	Do.
Morris	209		209	Sept. 10	Apr. 15–Nov. 1.
Passaic	204		204	Aug. 31	Apr. 1–Nov. 1.
Salem	2,264		2,264	do	Mar. 1–Nov. 15.
Warren	217		217	Sept. 10	Apr. 15–Nov. 1.
Total	15,194		15,194		
New Mexico:					
Curry	519		519		
De Baca	518		518		
Dona Ana	4,000		4,000	June 15	May 24–Dec. 15.
Guadalupe	2,000	2,000			
Lea	270		270	July 15	Jan. 1–Dec. 31.
Mora	3,000	3,000			
Quay	518		518	Sept. 15	June 1–Nov. 10.
Rio Arriba	4,200	4,200			
Roosevelt	518		518	Sept. 15	June 15–Dec. 12.
San Juan	1,140	1,140			
San Miguel	10,000	10,000			

See footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
New Mexico—Continued					
Taos	3,800	3,800			
Torrance	270		270	Oct. 14	Sept. 10–Oct. 25.
Total	30,753	24,140	6,613		
New York:					
Albany	100		100		
Broome	126		126	Oct. 27	Sept. 29–Oct. 27.
Cayuga	589		589	Aug. 25	June 16–Oct. 27.
Chautauqua	351		351	Sept. 1	June 23–Oct. 27.
Chenango	300		300		
Columbia	1,106		1,106	Sept. 29	June 16–Oct. 27.
Delaware	105		105	Sept. 8	July 15–Oct. 15.
Dutchess	819		819	Sept. 29	July 7–Oct. 27.
Erie	1,128		1,128	June 30	May 5–Oct. 15.
Genesee	591		591	Aug. 4	June 10–Oct. 27.
Herkimer	300		300	Sept. 1	July 15–Oct. 15.
Livingston	538		538	Sept. 29	June 20–Oct. 27.
Madison	300		300		
Monroe	2,667		2,667	Sept. 15	May 15–Oct. 27.
Niagara	572		572	Sept. 8	June 30–Oct. 27.
Oneida	300		300	Aug. 11	June 15–Oct. 15.
Ontario	1,500		1,500	Sept. 1	Do.
Orange	1,516		1,516	Sept. 8	May 15–Oct. 27.
Orleans	2,666		2,666	Sept. 5	May 15–Nov. 15.
Oswego	409		409	Aug. 25	May 1–Nov. 1.
Rockland	132		132	Sept. 8	May 15–Oct. 27.
Steuben	2,180		2,180	Sept. 29	Aug. 1–Nov. 1.
Suffolk	3,000		3,000	Oct. 13	Jan. 1–Dec. 31.
Ulster	3,000		3,000	Sept. 29	May 15–Nov. 1.
Wayne	2,666		2,666	Aug. 4	May 15–Nov. 15.
Wyoming	819		819	Oct. 6	Aug. 15–Oct. 15.
Yates	1,500		1,500	Sept. 1	June 15–Oct. 15.
Total	29,280		29,280		
North Carolina:					
Alleghany	192		192	Aug. 20	July 15–Sept. 15.
Ashe	197		197	do	Do.
Beaufort	549	123	426	June 20	June 1–July 15.
Bladen	214	214			
Brunswick	107	107			
Buncombe	219	219			
Camden	370		370	June 30	June 10–Dec. 15.
Carteret	365		365	May 25	May 1–July 10.
Caswell	261		261	Aug. 25	June 15–Oct. 1.
Cherokee	100	100			
Chowan	134	134			
Cleveland	214	214			
Columbus	112	112			
Cumberland	123	123			
Currituck	226		226	June 15	May 15–Nov. 10.
Duplin	538	112	426	June 28	Apr. 20–Aug. 15.
Durham	134	134			
Forsyth	299	187	112	Aug. 20	July 20–Sept. 15.
Graham	240	240			
Greene	853		853	July 15	July 1–Aug. 20.
Guilford	497	161	336	Aug. 20	May 10–Oct. 12.
Halifax	134	134			
Harnett	213		213	July 1	July 1–Nov. 15.
Haywood	801	268	533	Aug. 15	May 1–Nov. 1.
Henderson	3,415	268	3,147	do	Do.
Hyde	107	107			
Jackson	1,500	1,500			
Johnston	1,733	134	1,599	July 25	July 1–Oct. 31.
Jones	346		346	July 15	July 1–Aug. 20.
Lenoir	426		426	do	Do.
Madison	107	107			
New Hanover	401	134	267	June 15	May 1–Juyl 10.
Northampton	268	268			
Pamlico	320		320	June 20	June 1–July 20.
Pasquotank	628		628	June 30	June 10–Dec. 10.
Pender	762	123	639	June 15	May 1–July 10.
Person	107	107			
Pitt	693		693	July 15	July 1–Aug. 20.
Polk	320		320	Sept. 15	May 1–Oct. 30.

See footnotes at end of table, p. 129.

COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
North Carolina—Continued					
Robeson	161	161			
Rockingham	565	107	458	Aug. 25	Apr. 15–Oct. 15.
Rutherford	321	321			
Sampson	949	321	628	June 15	June 1–Nov. 30.
Stokes	352		352	Aug. 25	May 22–Oct. 5.
Surry	368		368	Aug. 27	June 15–Nov 1.
Swain	1,710	1,710			
Transylvania	480	214	266	July 15	June 1–Oct. 30.
Tyrrell	139		139	Sept. 25	Sept. 10–Oct. 25.
Wake	694	161	533	July 25	July 1–Aug. 25.
Watauga	197		197	Aug. 20	July 15–Sept. 15.
Washington	107	107			
Wayne	801	375	426	May 25	Apr. 20–Aug. 15.
Wilkes	309		309	Sept. 24	July 15–Nov. 15.
Wilson	454	134	320	Sept. 20	Sept. 1–Nov. 1.
Yadkin	528	112	416	Aug. 27	June 15–Nov. 1.
Total	26,360	9,053	17,307		
North Dakota:					
Cass	600		600	June 10–15	June 1–July 25.
Grand Forks	1,530		1,530	Oct. 10–20	June 1–Nov. 1.
McKenzie	218		218	June 10–25	June 1–July 1.
McLean	451	451			
Pembina	1,012		1,012	July 10–23	June 1–Oct. 30.
Sioux	451	451			
Steele	225		225	Oct. 10–20	Sept. 10–Oct. 27.
Traill	750		750	June 15–July 14.	June 1–July 25.
Walsh	600		600	July 8–23	June 1–Oct. 29.
Williams	300		300	June 10–25	June 1–July 1.
Total	6,137	902	5,235		
Ohio:					
Allen	167		167	Sept. 15	May 1–Oct. 31.
Auglaize	584		584	do	Do.
Ashtabula	334		334	Oct. 31	Do.
Darke	1,000		1,000	Sept. 15	Do.
Defiance	167		167	do	Do.
Erie	334		334	do	Do.
Fulton	2,207		2,207	do	Do.
Hancock	2,147		2,147	do	Do.
Henry	2,250		2,250	do	Do.
Huron	250		250	do	Do.
Lake	160		160	June 15	Do.
Lucas	372		372	Sept. 15	Do.
Mercer	700		700	do	Do.
Miami	208		208	do	Do.
Ottawa	2,000		2,000	do	Do.
Paulding	167		167	do	Do.
Portage	334		334	Sept. 30	Do.
Putnam	2,147		2,147	Sept. 15	Do.
Sandusky	11,900		11,900	do	Do.
Seneca	1,571		1,571	do	Do.
Stark	550		550	Sept 30	Do.
Van Wert	500		500	Sept. 15	Do.
Williams	834		834	do	Do.
Wood	1,700		1,700	do	Do.
Total	32,583		32,583		
Oklahoma:					
Adair	200	200			
Beckham	447	250	197	June 11	June 1–24.
Blaine	864	157	707	June 12	June 3–26.
Caddo	561	157	404	June 10	June 1–23.
Canadian	620		620	June 11	June 2–25.
Cherokee	100	100			
Comanche	403	157	246	June 3	May 27–June 21.
Cotton	614	157	457	June 1	May 25–June 20.
Custer	923	200	723	June 11	June 2–25.
Dewey	659	157	502	June 14	June 5–27.
Garvin	861		861	July 25	July 5–Sept. 1.
Grady	210		210	June 10	June 1–Aug. 20.
Greer	652	400	252	Oct. 10	May 27–Nov. 30.
Harmon	1,329	850	479	do	May 29–Dec. 15.

See footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Oklahoma—Continued					
Jackson	2,220	1,400	820	Oct. 15	May 25–Dec. 20.
Kingfisher	1,057	157	900	June 12	June 3–26.
Kiowa	1,386	550	836	June 7	May 27–June 22.
Roger Mills	388	157	231	June 14	June 5–27.
Sequoyah	100	100			
Tillman	1,610	860	750	June 1	May 25–Nov. 20.
Tulsa	700	700			
Washita	950	250	700	June 10	June 1-24
Total	16,854	6,959	9,895		
Oregon:					
Clackamas	3,000		3,000	July 15	May 20–Sept. 10.
Crook	170		170	Oct. 31	July 1–Nov. 10.
Deschutes	142		142	do	Oct. 10–Nov. 1.
Harney	248		248	July 31	July 1–Jan. 10.
Hood River	2,500		2,500	Sept. 30	Mar. 10–Oct. 25.
Jackson	1,645		1,645	Aug. 31	June 5–Oct. 10.
Jefferson	636	280	356	Oct. 15	Apr. 25–Nov. 10.
Klamath	500		500	Sept. 30	May 10–Oct. 25
Lane	1,140		1,140	Aug. 15	June 10–Sept. 5.
Linn	1,838		1,838	July 31	May 20–Sept. 20.
Malheur	2,705		2,705	June 15	Apr. 20–Oct. 31.
Marion	10,700		10,700	Aug. 15	Mar. 10–Oct. 20.
Mulnomah	178		178	do	June 20–Aug. 25.
Polk	2,850		2,850	June 30	Mar. 20–Oct. 15.
Umatilla	1,585	280	1,305	June 15	Apr. 10–Sept. 30.
Union	498		498	July 31	July 5–Aug. 10.
Wallowa	285		285	do	June 20–Aug. 10.
Wasco	6,280	280	6,000	June 30	Mar. 10–Aug. 20.
Washington	2,500		2,500	do	May 20–Sept. 20.
Yamhill	4,673		4,673	do	June 5–Sept. 10.
Total	44,073	840	43,233		
Pennsylvania:					
Adams	1,310		1,310	Oct. 15	June 10–Nov. 15.
Berks	400		400	Aug. 31	June 10–Nov. 10.
Bucks	175		175	do	June 1–Nov. 15.
Chester	107		107	do	Aug. 1–Oct. 31.
Columbia	430		430	do	June 1–Oct. 31.
Cumberland	199		199	do	Aug. 1–Oct. 31.
Dauphin	177		177		
Erie	406		406	Sept. 30	Aug. 19–Oct. 31.
Franklin	581		581	Aug. 31	June 10–Nov. 15.
Lackawanna	191		191	Sept. 15	Aug. 1–Nov. 10.
Lancaster	315		315	Aug. 31	June 1–Oct. 31.
Lebanon	199		199		
Lehigh	481		481	Sept. 20	Aug. 1–Nov. 10.
Luzerne	351		351	Sept. 15	July 20–Oct. 15.
Lycoming	197		197	Aug. 31	Aug. 1–Oct. 31.
Monroe	100		100		
Montour	189		189	Aug. 31	Do.
Northampton	111		111		
Northumberland	737		737	Aug. 31	Do.
Potter	524		524	Sept. 15	June 20–Oct. 20.
Schuylkill	369		369	Aug. 31	Aug. 1–Oct. 31.
Snyder	110		110	do	Aug. 1–Oct. 15.
Union	110		110		
Wycoming	37		37	Sept. 15	Do.
York	220		220	Aug. 31	July 25–Oct. 31.
Total	8,026		8,026		
Puerto Rico:					
Aguadilla	1,692	1,692			
Arecibo	3,540	3,540			
Bayamon	2,238	2,238			
Caguas	2,238	2,238			
Guayama	2,092	2,092			
Humacao	2,869	2,869			
Mayaguez	3,546	3,546			
Ponce	3,719	3,719			
San Juan	1,400	1,400			
Total	23,334	23,334			

See footnotes at end of table, p. J29.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Rhode Island:					
Newport	100		100	Sept. 30	Sept. 11–Nov. 30.
Providence	160		160	do	Sept. 11–Oct. 30.
Washington	205		205	do	Aug. 1–Nov. 30.
Total	465		465		
South Carolina:					
Aiken	158		158	July 30	June 15–July 30.
Allendale	105		105	June 30	June 15–July 15.
Barnwell	158		158	do	May 31–July 31.
Beaufort	1,601	100	1,501	do	May 15–Oct. 15.
Charleston	4,395	2,250	2,145	do	May 15–June 30.
Cherokee	210		210	do	May 15–July 30.
Edgefield	420		420	July 15	June 15–July 30.
Horry	2,268		2,268	Aug. 15	May 31–Oct. 31.
Spartanburg	1,575		1,575	Aug. 31	Feb. 15–Aug. 31.
Sumter	158		158	June 30	June 15–July 15.
Total	11,048	2,350	8,698		
South Dakota:					
Bennett	267	267			
Corson	100	100			
Gregory	266	266			
Mellette	267	267			
Shannon	266	266			
Todd	267	267			
Tripp	266	266			
Washabaugh	267	267			
Total	1,966	1,966			
Tennessee:					
Bedford	100	100			
Campbell	130	130			
Co ee	108	108			
Dyer	249		249	Oct. 11	Sept. 24–Nov. 4.
Gibson	194		194	May 28	May 3–Nov. 18.
Knox	161	161			
Lauderdale	214		214	Oct. 14	Sept. 17–Nov. 30.
Madison	100	100			
Putnam	100	100			
Shelby	618	618			
Sullivan	207	207			
Sumner	314		314	May 26	May 1–June 10.
Washington	185	185			
Total	2,680	1,709	971		
Texas:					
Armstrong	750		750	June 20	June 5–July 15.
Atascosa	700	600	100		
Austin	225		225	Aug. 20	Aug. 1–Sept. 1.
Bailey	3,150		3,150	July 25	June 25–Dec. 1.
Baylor	150		150	Oct. 1	Sept. 10–Nov. 15.
Bee	300	300			
Bell	450	450			
Bexar	15,000	15,000			
Borden	150		150	July 20	June 20–Dec. 1.
Bowie	450	450			
Brazoria	110	110			
Brazos	438	250	188	Aug. 25	Aug. 10–Sept. 10.
Briscoe	750		750	Nov. 15	June 25–Dec. 1.
Brooks	750	750			
Burleson	110	110			
Caldwell	1,050	600	450	Sept. 5	Aug. 10–Sept. 20.
Calhoun	4,000	2,400	1,600	Aug. 15	July 25–Aug. 20.
Cameron	24,000	15,000	9,000	do	July 1–Aug. 1.
Carson	2,572	1,672	900	June 20	June 5–July 15.
Castro	5,347		5,347	July 25	June 25–Dec. 1.
Childress	2,500		2,500	Nov. 1	June 15–Nov. 30.
Cochran	900		900	July 20	June 20–Dec. 15.
Coleman	120	120			
Collingsworth	900		900	Nov. 10	June 15–Nov. 30.
Comal	120	120			
Comanche	1,394	982	412		
Cottle	890	140	750	Nov 1	Do.

kee footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Texas—Continued					
Crosby	6,300	1,000	5,300	July 16	June 15–Dec. 15.
Dallam	900	300	600	June 25	June 15–July 15.
Dawson	1,070	170	900	July 20	June 20–Dec. 1.
Deaf Smith	1,770	270	1,500	do	May 15–Dec. 15.
De Witt	200	200		July 16	June 15–Dec. 15.
Dickens	1,470	1,000	470	May 15	Apr. 15–Nov. 30.
Dimmit	1,800	1,500	300	Nov. 10	June 15–Nov. 30.
Donley	150		150		
Duval	450	450			
Ellis	300		300	Sept. 20	Sept. 1–Oct. 10.
El Paso	900	900			
Falls	270	270			
Fisher	450		450	Nov. 11	Sept. 15–Dec. 15.
Floyd	4,200	500	3,700	do	Aug. 15–Sept. 25.
Fort Bend	1,020	120	900	Aug. 10	Aug. 1–Aug. 31.
Frio	750	750			
Gaines	375		375	July 25	June 25–Dec. 1.
Garza	600		600	July 16	Sept. 20–Dec. 15.
Goliad	1,250	700	550		
Gonzales	2,759	1,309	1,450		
Grayson	225		225	Sept. 15	Sept 1–Oct. 1.
Grimes	368	180	188	Aug 25	Aug. 10–Sept. 10.
Guadalupe	300	300			
Hale	7,357	600	6,757	Nov. 1	June 25–Dec. 1.
Hall	2,500		2,500	do	June 15–Dec. 15.
Hansford	150		150	June 30	June 10–July 15.
Hardeman	600		600	Oct. 1	Sept.10–Nov. 30.
Harris	600	600			
Hartley	300		300	June 25	June 15–July 15.
Haskell	720	120	600	Oct. 1	June 10–Dec. 15.
Hays	808	600	208		
Hemphill	150		150	June 30	June 10–July 15.
Hidalgo	37,600	37,500	100	Aug. 15	July 1–Aug. 1.
Hill	300		300	Sept. 5	Aug. 20–Sept. 30.
Hockley	1,800	300	1,500	July 20	June 20–Dec. 15.
Houston	170	170			
Hudspeth	316	120	196		
Jackson	300		300	Aug. 20	Aug. 1–Aug. 20.
Jim Hogg	1,120	100	1,020		
Jim Wells	2,100	1,050	1,050	July 30	July 20–Aug. 15.
Jones	190	190			
Karnes	600	600			
Kleberg	900	900			
Knox	500		500	Oct. 1	June 10–Dec. 15.
Lamar	130	130			
Lamb	4,000	180	3,820	July 20	June 25–Dec. 1
La Salle	3,000	2,400	600		
Lipscomb	150		150	July 1	June 15–July 20.
Live Oak	1,125	925	200		
Lubbock	7,907	600	7,307	July 16	June 15–Dec. 15.
Lynn	1,030	130	900	do	Do.
Matagorda	150		150	Aug. 15	July 28–Aug. 20.
Maverick	6,200	6,200			
McLennan	1,200	1,200			
Medina	750	750			
Menard	150	150			
Milam	150		150	Aug. 31	Aug. 15—Sept. 15.
Mitchell	750		750	Nov. 1	Sept. 15—Dec. 15.
Moore	450		450	June 20	June 5–July 15.
Motley	150		150	Nov. 1	June 15–Nov. 30.
Nueces	8,400	7,500	900	July 30	July 20–Aug. 15.
Ochiltree	450		450	July 1	June 15–July 20.
Oldham	900		900	June 20	June 10–July 15.
Parmer	2,250		2,250	July 25	June 25–Dec. 1.
Randall	750		750	June 20	June 10–July 15.
Refugio	300		300	July 30	July 20–Aug. 15.
Robertson	150		150	Aug. 25	Aug. 10–Sep. 15.
Runnels	150		150	Oct. 16	Aug. 25–Nov. 30.
San Patricio	3,900	3,000	900	July 30	July 20–Aug. 15.
Scurry	440	140	300	Nov. 1	Sept. 15–Dec. 15.
Sherman	600		600	June 25	June 5–July 15.
Starr	4,794	3,300	1,494		
Swisher	1,300	100	1,200	Nov. 15	June 25–Dec. 1.
Tarrant	300	300			
Taylor	230	230			
Terry	1,445	170	1,275	July 16	June 15–Dec. 15.
Tom Green	150	150			

See footnotes at end of table, p. 129.

COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop season
Texas—Continued					
Travis	1,800	1,800	----------	----------	
Uvalde	1,500	1,500	----------	----------	
Val Verde	1,500	1,500	----------	----------	
Victoria	600	300	300	Aug. 20	Aug. 1–Aug. 20.
Webb	7,701	7,500	201	----------	
Wharton	3,750	3,000	750	Aug. 20	May 10–Aug. 20.
Wilbarger	150	----------	150	Oct. 1	Sept. 10–Dec. 1.
Willacy	300	----------	300	Aug. 15	July 5–Aug. 1.
Williamson	1,200	750	450	Aug. 31	May 20–Sept. 15.
Wilson	600	600	----------	----------	
Yoakum	2,700	864	1,836	July 20	June 20–Dec. 15.
Zapata	3,960	600	3,360	----------	
Zavala	6,000	5,700	300	May 15	Apr. 15–Nov. 30.
Total	239,796	143,492	96,304	----------	
Utah:					
Beaver	200	----------	200	Oct. 15	May 10–Oct. 31.
Box Elder	2,277	----------	2,277	Aug. 20	May 5–Oct. 10.
Cache	120	----------	120	do	May 10–Sept. 20.
Carbon	142	----------	142	----------	
Davis	315	----------	315	Aug. 20	May 10–Oct. 10.
Duchesne	530	530	----------	----------	
Garfield	160	----------	160	Oct. 10	Sept. 15–Oct. 31.
Piute	31	----------	31	----------	
Salt Lake	184	----------	184	June 1	May 5–Oct. 15.
San Juan	1,235	1,215	20	----------	
Sanpete	100	----------	100	June 1	May 15–Oct. 15.
Sevier	100	----------	100	do	Do.
Uintah	530	530	----------	----------	
Utah	1,175	----------	1,175	July 10	May 5–Oct. 31.
Wayne	90	----------	90	----------	
Washington	650	----------	650	----------	
Weber	446	----------	446	Aug. 15	May 5–Oct. 15.
Total	8,285	2,275	6,010	----------	
Virginia:					
Accomack	3,707	----------	3,707	July 30	Apr. 1–Nov. 15.
Albemarle	30	----------	30	----------	
Augusta	60	----------	60	Oct. 15	Aug. 15–Nov. 1
Botetourt	15	----------	15	Sept. 30	July 30–Nov. 1.
Chesapeake City	200	----------	200	May 31	May 1–Aug. 13.
Clarke	298	----------	298	Sept. 30	June 30–Nov. 15.
Fauquier	30	----------	30	----------	
Frederick	1,553	----------	1,553	Sept. 30	Do.
Loudoun	16	----------	16	----------	
Madison	28	----------	28	----------	
Northampton	3,707	----------	3,707	July 30	Apr. 1–Nov. 15.
Rappahannock	40	----------	40	Sept. 30	July 30–Nov. 15.
Roanoke	200	----------	200	do	July 30–Nov. 1.
Shenandoah	60	----------	60	----------	
Virginia Beach City	200	----------	200	July 15	May 1–Nov. 1
Warren	27	----------	27	----------	
Total	10,171	----------	10,171	----------	
Washington:					
Adams	462	----------	462	May 15	Apr. 1.–Oct. 31.
Benton	1,820	----------	1,820	do	Mar. 1–Oct. 31.
Chelan	6,896	----------	6,896	Sept. 30	June 10–Oct. 31.
Columbia	980	----------	980	June 15	Apr. 15–July 31.
Douglas	5,825	----------	5,825	Sept. 30	June 10–Oct. 31.
Ferry	209	209	----------	----------	
Franklin	910	----------	910	June 15	Apr. 1–Oct. 31.
Grant	1,540	----------	1,540	May 15	Do.
Kitsap	280	----------	280	June 30	June 1–July 15.
Klickitat	350	----------	350	Sept. 15	Aug. 25–Oct. 10.
Okanogan	2,473	209	2,264	Sept. 30	June 1–Oct. 31.
Pierce	511	----------	511	July 15	June 15–Oct. 1.
Skagit	4,688	----------	4,688	do	June 1–Aug. 15.
Spokane	700	----------	700	Sept. 15	June 15–Oct. 15.
Stevens	209	209	----------	----------	
Walla Walla	840	----------	840	June 15	Apr. 15–July 31.
Watcom	1,776	----------	1,776	July 15	July 1–Sept. 15.
Yakima	1,624	209	1,415	May 15	Mar. 1–Oct. 31.
Total	32,093	836	31,257	----------	

See footnotes at end of table, p. 129.

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COUNTIES HAVING APPROXIMATELY 100 OR MORE SEASONAL AGRICULTURAL WORKERS AND NONWORKING FAMILY DEPENDENTS THAT EITHER MIGRATED INTO, OR RESIDED IN, THE AREA AT SOME POINT DURING 1967–68—Continued

State and county	Total	Number home-based in county [1]	Number migrating into county [2]	Date of peak	Estimated span of Crop seaton
West Virginia:					
Berkeley	400		400	Oct. 1	June 1–Nov. 15.
Hampshire	323		323	Oct. 15	Aug. 15–Oct. 30.
Jefferson	274		274	Oct. 1	July 20–Nov. 15.
Morgan	400		400		
Total	1,397		1,397		
Wisconsin:					
Columbia	325		325	Aug. 15	May 1–Oct. 31.
Dodge	675		675	July 15	June 1–July 31.
Door	4,900		4,900	July 31	May 1–Oct. 31.
Fond du Lac	308		308	June 30	May 1–Sept. 30.
Jefferson	343		343	July 15	May 1–Oct. 31.
Kenosha	294		294	June 30	May 1–Oct. 31.
La Crosse	245		245	Aug. 15	July 15–Aug. 31.
Marquette	749		749	June 30	May 1–Sept. 30.
Oconto	1,176		1,176	Aug. 31	May 1–Oct. 31.
Outagamie	490		490	Aug. 15	July 1–Aug. 31.
Racine	490		490	do	May 1–Oct. 31.
Waukesha	392		392	July 15	June 15–Oct. 15.
Waushara	8,700		8,700	Aug. 15	May 1–Oct. 31.
Winnebago	600		600	do	May 1–Oct. 31.
Total	19,687		19,687		
Wyoming:					
Big Horn	722		722	June 15	May 10–July 20.
Fremont	1,545	545	1,000	do	May 10–July 20.
Goshen	1,785		1,785	do	May 10–July 20.
Park	680		680	do	May 10–July 20.
Platte	170		170	do	May 10–July 20.
Sheridan	119		119	do	May 10–July 20.
Washakie	978		978	do	May 10–July 20.
Total	5,999	545	5,454		

[1] This column includes migrants and family dependents located in a county while not pursuing seasonal agricultural work elsewhere, and includes family dependents who may, or may not, migrate with the worker in a given year.

[2] This column includes migrants and family dependents who establish a temporary residence while performing seasonal agricultural work at 1 or more locations away from the place he calls home or homebase. It does not include "day haul" agricultural workers whose travels are limited to work areas within 1 day of his work location.

The CHAIRMAN. I hope that a break in the pattern of exclusion was established by the Labor Committee's action last year on the occupational health and safety legislation.

In that law we achieved a major milestone with the inclusion of farmworkers.

And we did not include them as a special category entitled to less than full coverage, but as American workers equal in their need for protection to their brother workers throughout the country.

I hope and pray that this is a new beginning. Today we will consider my minimum wage bill, designed to finally bring the minimum wage level for farmworkers into parity with the rest of America's working force.

This legislation will also, for the first time, establish an absolute bar to the employment of the very young on farms not owned by their parents.

We have some very familiar faces here this afternoon. People who have come dedicated to the fulfillment of the human needs of our farmworkers. Once again we looked forward to their testimony.

I certainly personally look forward to their testimony. We have quite a good representative list of old friends and we will start with Eleanor Eaton, National Representative for Rural Affairs, Community Relations Division, American Friends.

STATEMENT OF ELEANOR EATON, NATIONAL REPRESENTATIVE FOR RURAL AFFAIRS, COMMUNITY RELATIONS DIVISION, AMERICAN FRIENDS SERVICE COMMITTEE; ACCOMPANIED BY DAVID CASTRO; MRS. MARIA CASTRO; MRS. RUTHIE CHASTINE; MAX ROTHMAN; FELIX CRUZ; AND MR. REVELES (TRANSLATOR)

Miss EATON. Senator, I have with me a number of people who can speak more effectively than I can, so I will make a brief opening statement and then call on them.

If I may bring them forward with me, I would like that.

The CHAIRMAN. Very fine. I hope I have them all listed. I have a list of some of them. Will they all come with you, then?

Miss EATON. Thank you very much.

The CHAIRMAN. Will you start, and we will introduce your people later.

Miss. EATON. Senator Williams, I wish other members of your committee could hear what my colleagues have to say but I know there is business on the floor that keeps them from being here. But we appreicate being here to speak at these hearings.

As you have said, I am the national representative for rural affairs in the community relations division of the American Friends Service Committee.

I have a statement which I would like to have included in the record, but I will try and summarize it briefly.

The CHAIRMAN. Fine. It will be printed at the end of your testimony.

Miss EATON. Much of what I will say you have heard over and over again. So I will try not to say it in the same terms, but I am afraid the tragic facts are still the same as you have heard before.

What the Service Committee has to say is based upon nearly 17 years of field program experience with farmworkers. These programs have attempted to enable the farmworkers themselves to solve their many problems of which child labor is but one.

You have asked us here today, I believe, because in 1970, we conducted a modest study of child labor in agriculture and produced the attached report. This study grew out of the fact that up to that time figures and facts were at least 10 years old about child labor in agriculture.

But the study has, as we believe, raised once again the child labor issue to national consciousness and I am glad your bill deals with that.

The St. Louis Post-Dispatch, in commenting on our report, says, "The public ought to be glad to pay a little more for potatoes and beans if that stops the exploitation of children."

(A copy of the report, "Child Labor in Agriculture," follows:)

CHILD LABOR IN AGRICULTURE

Summer 1970

A SPECIAL REPORT

American Friends Service Committee
160 North 15th Street
Philadelphia, Pennsylvania 19102
January 1971

(1251)

CHILD LABOR IN AGRICULTURE

A Project of the American Friends Service Committee

in cooperation with the

National Committee on the Education of Migrant Children

The Child Labor in Agriculture study was undertaken by team members appointed by the American Friends Service Committee. Much of the work on orientation, background research, guidance as to content and advice as to procedure was given by the National Committee on the Education of Migrant Children, 145 E. 32nd Street, New York City, 10016. The project was made possible by a grant from the Children's Foundation.

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PART I

CHILD LABOR IN AGRICULTURE

Blue Sky Sweatshops!

That's what some people say about kids picking in the fields.

Other people say... it's good for the kids; they get fresh air; exercise for their bodies; keeps them off the street; teaches them good work habits; teaches them the value of money.

Some people say that without kids in the fields, the crops wouldn't get harvested, and many farms would die.

Other people say that without the kids working in the fields, their family couldn't survive.

And some people say that working in the fields is dangerous; kids shouldn't do it; it retards children's physical, emotional and intellectual growth.

Whatever people say, children from the age of six work in the fields, harvesting the food we all eat. And children from infancy are too often just there, in the field, or sleeping in cars not too far away.

The use of children as industrial laborers was outlawed under the Fair Labor Standards Act of 1938. Yet, in 1970, one fourth of the farm wage workers in the United States are under 16 years of age.[1]

Except for a change in locale (the work is done outdoors) the child labor scene in 1970 is reminiscent of the sweatshop scene in 1938, if you look at that scene with an adult mind, through a child's eyes.

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1. Hearings, Subcommittee on Migratory Labor, Comm. on Labor and Public Welfare, U.S. Senate, Vol. I, 1969.

In mid-summer of 1970, the American Friends Service Committee, in cooperation with the National Commission on the Education of Migrant Children, sent four teams of investigators into four states to take a look at the use of child labor in agriculture.

The teams worked in selected areas of Ohio, Maine, Oregon and Washington state. In addition, another team was at work in California. This last team was part of a different AFSC summer project, but they fed their findings into this report.

All five of these teams were instructed to attempt to document the incidence of child labor in agriculture; the conditions under which children work, and why they work. Their reports, after eight weeks of work, are admittedly neither comprehensive nor statistically significant as surveys, nor in all cases complete. But they are a record of first-hand observations, interviews, discussions, and provide documentary evidence of the child labor scene. (See Attachment I for the operating instructions used by the teams.)

This report will try to present an overview of what these five teams discovered. It will also include excerpts from their individual reports as a more focused look at the individual situations.

I. THE LAW

Many of the situations or incidents reported in the rest of this document are not in violation of any law. Agricultural laborers in general are either specifically exempted from or not covered by most federal legislation. Children who work in agriculture are, for the most part, exempted from child labor laws and are practically abandoned to the discretion or whim of whoever's farm they are working on.

According to the 1966 amendments to the Fair Labor Standards Act of 1938, oppressive child labor practices are prohibited and actionable. This broad statement is,

elsewhere, spelled out in more detail for most occupations. Agriculture, however, comes under a special heading. Children working in agriculture, presumably, are covered only by this "special heading."

A child must be 16 years old, at a minimum, to be legally employed in agriculture while school is in session in the district where the child is living while so employed. As long as school is not in session where the child lives while he is working there is, under federal law, no minimum age.[1]

There are no federal regulations pertaining to the number of hours a child may work if he is working in agriculture.

If a child under 16 works in a field where everyone gets paid by the piece (piece rate), and if he gets the same rate as everyone else, then the child is not covered by minimum wage.

That is the entire legal control, at the federal level, of the use of child labor in agriculture. The term "oppressive" is nowhere closely defined. Working 10 hours in 100 degree heat for an average of $1.04 per hour is, apparently, not considered an oppressive situation for a boy of 10.

State laws, for the most part, are not much more protective:

> In Washington: The Women's and Minor's Act states that inadequate wages and unsanitary conditions have, by definition, a pernicious effect on the health and morals of women and children. However, agricultural work is exempted.
>
> In Oregon: Minors in non-hazardous occupations in agriculture are exempt from the state law. From the reports gathered for this study, it may be inferred that as long as minors do not operate machinery, they are not involved in hazardous work.
>
> In Maine: No one under 15 is covered by any laws if they are employed by, with, or under the supervision of their parents, even if school is

---

1. FFLSA--Amendment 1966, Sec. 12, Exemption 2.

in session. If school is in session the child must be excused by the local superintendent.

In Ohio: It would seem that all children are covered by the state child labor laws, but agriculture is not specifically mentioned, although the state law provides that persons under 21 must have a wage agreement with an employer. No one under 18 may work more than 8 hours a day or more than 48 hours in a calendar week, nor more than six days a week.

In California: This state appears to have very protective laws. Minors under 16 must have permits. Also, the contractor law states that a contractor may not accept an application for child employment, nor may he place or assist in placing a child in employment. As will be seen later, the problem in California seems to be enforcement of this law.

These are the laws in the states where AFSC teams operated. Other state laws are similar: in Indiana, farm labor is exempted from the minimum age requirements; in New Jersey, any child of 12 or older may work 60 hours a week, 10 hours a day; in Michigan, agriculture is simply exempted from all laws.

Even given the very broadly-worded laws, still there are legal violations. In 1969, the U.S. Department of Labor's Wage and Hour Division reported that of farms investigated, 487 farms had been found in violation of the FSLA. These violations (found during investigations held during July 1, 1968 and June 30, 1969) concerned employment of children under 16. Over 1,200 children were illegally employed, the majority of them under 13 years old.

(See Attachment II for digests of the federal and state child labor laws and the above-mentioned report.)

II. THE WORK

Unless you have worked at harvesting crops, it is not always clear what is meant by "picking." Both the California and the Maine teams included in their reports descriptions of what, exactly, is involved.

The California team reported:

> ". . . we will use the common distinction between 'stoop crops' and 'tree crops'. . .
>
> "In harvesting stoop crops, like strawberries, cucumbers, garlic, chili, and onions, the worker moves along the row on his knees or stooped over, back sharply bent. Pushing a little barrow or carrying a pail or sack, he picks the fruit off the ground plants until his pail or basket is full. Then he carries his container to the end of the row. . ."

Later they reported:

> "To get the fruit from the tree, the worker climbs a ladder (5-20 feet) and fills the sack he carries across his chest as quickly as possible . . ."

They added a third category . . . row crops:

> "Row crops, like berries and grapes, are the easiest to pick. The worker walks along the row picking fruit from bushes or vines, filling the crate he carries around his neck. . ."

In addition, the California team reported the various situations of the crops. For example, strawberries grow in long rows of three-inch-high plants. Prunes grow on trees and when ripe fall to the ground. Berries grow on bushes 4-6 feet high. They are picked off by hand. Cucumbers grow on long rows of vines along the ground. First, the worker pushes aside the vines, then picks the cucumbers. He fills a pail which then gets dumped into a bin.

The California team also reported the amount of money received, on an average, for picking these crops. A worker could expect to be paid 70¢ to $1.00 for a crate of strawberries; $15.00 a bin for cucumbers. At one farm, a worker could earn 12¢ a crate for berries. The crate of berries (about 12 pint boxes) would then be set on the roadside where it sold for 50¢ a box.

In Maine, the team worked in Aroostook county during the potato harvest. This is what they said about harvesting that crop:

> "You may stoop from the waist or crawl in some fashion on your hands and knees along the row, shaking potatoes off the vines and dropping them into your potato basket. . . It is primarily the lower back and

thigh muscles that are used in picking and these become quite sore during the first few days of picking. . ."

"Picking potatoes is difficult in anyone's book. I wasn't in shape for it, so I started picking on my knees the first day, afraid my back would get too sore if I bent over and picked. Even so, the small of my back ached and my legs were sore all over and my knees were raw by the end of the first day. The second day I picked bending over and had a terribly aching back by the end of the day. . ."

III. THE CONDITIONS

In every state where teams operated, children were working in the fields. Once in the fields, they worked under the same conditions that all other farm workers face. The only difference is that they are younger, less strong, less developed physically and emotionally than the older workers. In other words, they are children.

Other than the fact that children all over were working in the fields, each state, each crop, each field the teams observed presented different particulars.

A. Washington. In the state of Washington, the team centered on Skagit, Whatcom, and Yakima counties, which are in the western part of the state. There are no commercial farms in the area; that is, there aren't the large, agri-business operations more common to the Southwest and California. These in Washington were family-owned farms.

The picking season runs from June to early September. The harvest is strawberries, raspberries, cucumbers and pole beans. In Skagit county, in July, an estimated 6,000 migrants work in the fields. It is also estimated that about 99% of all children of migrant families over the age of six work in the fields. One source estimated that 4,500 migrant children worked in the fields during June and July.[1]

In addition, an estimated 90-95% of the local children between 12 and 15 years of

1. Conversations, team member: Skagit County officials, July 17 and 18, 1970.

age work in the fields. Only approximately 10% of the local children of high school age work in the fields. Reportedly, these high school age children feel the work is too hard and the pay too low. Instead, they prefer to drive trucks and tractors and work laying the irrigation pipes.

Generally, in summer, the temperatures, especially in the Yakima Valley, range from 90-100 degrees. The working day starts around 7 a.m. and ends about 4:30.

The Washington team reported that children under 15 picked while those over 15 carried the flats (12 boxes). The pay for picking ranged from 75¢ to $1.20 per flat.

From their observations of the fields and in talking with the pickers, the team reported that there were no hand washing facilities near the outhouses in many instances. And usually the only drinking water available was from a bare spigot, with no cup. Reportedly, DDT is still used in the berry fields.

There is some concern on the part of the growers for the children who work in the fields. Growers hire people to provide on-the-job supervision. Often these are local teachers. However, these are hired only to watch or supervise local children. The migrant workers are expected to supervise their own children, while they are working.

B. Oregon. From April to November, one crop or another is ready for harvest in Oregon. Strawberries come due for harvest from the end of June to early July. From the end of July until early August, pole beans are the harvest crop. During the two or three weeks between these two crops, workers move to areas where they might get work picking berries.

The Willamette Valley is the third largest user of migrant and seasonal farm labor, with migrants accounting for about 25,000 pickers out of the total

seasonal farm work force. One five-county area (Polk, Marion, Clackmas, Yamhill, Washington and Multnomah counties) utilizes a total seasonal work force of 37,000 people.

One source interviewed by the Oregon team estimated that 75% of the entire seasonal force of laborers were children. As in Washington, almost all migrant children over the age of six work in the fields (98% est.). It is also estimated that between 50-70% of the local children work in the fields.

In Oregon, there are three categories of farm workers. There are migrants, settled-out migrants, and Anglo day-haulers. Settled-out migrants are simply those people who used to follow the migrant stream and have now settled in Oregon. Day-haulers are local people who ride buses or trucks each day to the fields and return to the towns and their homes each evening.

The Oregon team concentrated on the five-county area already mentioned. They reported that the day haulers are mostly white, middle-class junior high school children. In May, these children are recruited in the schools, often by a teacher who is a crew leader during the harvest season. Children 8-15 years of age are recruited. They work an eight-hour day, with a half hour off for lunch.

All picking in this area is done on piece rate. On an average, two adults could make a combined total of $45-50 a day. Strawberries were bringing 90¢ a flat, and pole beans were set at 3¢ a pound for the pickers.

The Oregon team went into some of the camps and farm worker housing. They talked with the children and with whatever adults were around.

In one area they talked with an Anglo woman farm worker whose husband worked regularly in a lumber yard. She was picking beans with her children, the money earned to go for school clothes and supplies. They worked varying hours,

depending on how they felt, how hot the day was, etc. In one three-hour period, the children had picked a total of 160 pounds of beans. Kathy, age 10, had picked 64 pounds; Henry, 8, had picked 53 pounds; and Tina and Carla 7 and 5 respectively, had together picked 43 pounds. At 3¢ per pound, that works out to $4.80 for the three hours worked; or 40¢ per hour per child. (The place where the family lived had been condemned some time ago, but had recently been opened for seasonal farm worker families.)

In another camp, run by a grower, the team talked to a young girl. She was staying home that day. But her brothers, who were 12, 10 and 8, were in the fields picking blackberries. The girl originally came from Texas, but she was only there six months out of the year, at most. The rest of the time she and her brothers followed the crops with their parents. This girl, a fourth grader, while talking with a member of the team, said that she was a migrant. When asked what that meant, she said, ". . . you get more pencils and paper and are put in a special room with other migrants." She was referring to the school she attended in Texas.

A 12 year old girl at another camp said that she had picked 11 flats of strawberries in one day. Her family had come up from Fresno, California. She said that she was sorry that she had to miss school. By the time she got back to Fresno, school would already have been in session for two months. She said that she had left Fresno before the school term had finished.

A young woman of 21 recalled that she had quit school in the fourth grade. She said that while she was still attending school she had cut classes on Fridays so that she could help her family pick.

Local children in Oregon are encouraged to seek work in the fields. Not only are they recruited in local schools, but poorer families are encouraged to have their

youngest children pick crops because of the way the welfare system operates.

For example, the system in Marion county was explained to the team by a local welfare official. The welfare grant is reduced during the harvest season. Then, using a formula, the welfare department discounts X-amount from the initial grant, and deducts a percentage of the gross reported income during the harvest season from the rest of the grant. However, only income from family members over 16 is counted towards the amount deducted from the grant. Thus, the more children under 16 in a family who work in the fields, the more money the family can keep.

In Oregon, the team explored the possibilities of special education for migrant children. There are programs for children in Salem, Woodburn and Independence, Oregon. However, in order to leave their children at these centers, the parents, if they were migrants living in the camps, would need transportation, and would need to spend about an hour and a half driving to the centers. That would be time lost from picking. The centers are much more convenient to those settled-out families who could drop their children off on their way to the fields.

While the Oregon team was at work, they found a group of students working in Turner, Oregon. These students were with the Baptist Student Union. They had seen the need for day care centers to be located in the labor camps and had found what they felt was a good building in one of the camps.

However, none of the buildings in the camp, which is considered one of the nicest in the area, could qualify for a day care center under the state regulation. Yet, while none of the buildings were considered sound enough for a day care center, these were the buildings where families and their children lived.

One official stated that about 1,500 children attended the summer migrant education programs in the area. Not all those children showed up every day, of course.

And many of the children are from settled-out families. Such families are legally considered migrants for five years after they settle out of the stream.

The State Board of Education's Migrant Division estimates that there are 8,115 children of migrants in the state, and about 3,700 take part in the migrant education program.

The Oregon team was not able to make any judgments about the kinds of schooling available to the children of farm workers during the summer. However, they noted that, of the three major ethnic groups involved in the work, Anglo, Mexican-American, and Russian, only one group was represented among the teachers: Anglo (white, middle-class). They felt there was some beginning response to the Mexican-Americans, but none for the Russians.

C. Ohio. Each year, some 30,000 migrants come to Ohio. While the state child labor law does not specifically mention agriculture, and while the child labor law is detailed and specific as to ages and hours, there is also a clause which states that the presence of a child in an establishment during working hours is prima facie evidence of employment. Technically, this would mean that each child in a field must be paid, must not work more than eight hours a day, and must be covered by time records. There is little evidence that anyone adheres to such a technical interpretation.

The Ohio team approached the state employment office in an attempt to obtain a list of growers in Putnam and Hancock counties. They explained their intent to study the child labor situation. This was one of the first roadblocks they encountered. The employment office wanted, first, to write each grower to get his permission to give out his name and address and the locations of the fields to the team. The Ohio team never did get the information they had requested from the state employment office.

Eventually, they did get addresses of the fields from other sources. And they did locate these fields. In addition to Putnam and Hancock counties, they also worked in Henry and Wood counties.

In a period of less than a week, the team observed many children in the sugar beet and "pickle" fields.[1] Their log details the following:

H... farm	-	six children under 16
A... farm	-	seven children between 3 and 16
F... farm	-	five children between 3 and 15
Putnam county	-	twenty children between 3 and 15

Their list goes on. These observations were made at a time when the peak of the season had not yet started. The full migrant stream had not yet entered the area.

At the time the team began their survey, they first approached those people who, in one way or another, serviced the farm workers . . . employment service, health service, etc.

These people painted a picture which later turned out to be completely false. For example, the team members were told they would have great difficulty learning anything because they didn't speak Spanish; that the pickers would be suspicious of anyone asking questions; that farmers would forcefully bar them from their camps. Finding later that all these words of warning were, for them, without foundation, the team surmised that the "establishment" wanted only to frighten them and keep them away from the camps and the pickers.

The other difficulties the team encountered are common to anyone trying to survey the farm labor scene. It was almost impossible to determine how much any one person was paid for his work.

For example, at one farm a worker explained that each family is assigned a section of

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1. Cucumbers

"pickles." The "pickles" are gathered and then graded by size. They then go to market and are sold at the exchange. The family gets half the amount that their share brought in. The amount is paid to the head of the family by the crew leader.

At the camps, the team again found very common conditions. In a Wood county camp they found: two babies under one year old being cared for by two small girls aged eight; three children under five playing in the yard; a seven-month-old child playing with a sharp-edged tin can; broken glass on the ground; no screens on the windows.

D. Maine. Fall is potato harvest time in Aroostook county, Maine. Upwards of 21,000 workers are needed there to man machinery and to do the stoop labor necessary to bring in the potato crop. The six to seven thousand local adults who work seasonally are augmented by some 15,000 school children and by North American Indians and French Canadians.

Some 65% of the crop in the county is harvested by machine. Yet, those farmers who cannot afford the machinery are, they believe, faced with an inadequate labor supply, despite the fact that most schools in the county recess from mid-September to the end of the harvest.

As elsewhere, it is difficult to get exact figures. In Aroostook county the number of local school children participating in the harvest each year is estimated by adding up the total enrollment in junior and senior high schools in the county. This is certainly an inexact figure, even given that a formula is used to arrive at the final figure. In addition to not being sure how many junior and senior high school students actually do work in the fields, there are elementary school students, also released from school, who are not figured in at all as far as we can determine.

In 1969, the estimated number of school children who helped harvest potatoes, determined by the above-mentioned procedure, ranged from 14,500 to 15,400.

Another group which adds to the total number of children at work is the North American Indians who come into the county from Canada. Since these Indians are considered international citizens, there is no record of their numbers. The estimate is that 700 Indians, including children whom officials feel will probably be working, came to Aroostook in 1969. The team in Maine observed 224 Indians at work in the county, of which 84 were under 16.

Finally, children accompany their parents who come from other parts of the county. Again, no one knows for certain how many such families, mainly French-Americans, come to the harvest area. The Canadians who are recruited and bonded are usually men who do not bring any family they may have.

The Maine team worked among these different groups. One family they observed included seven children, of whom six worked in the fields. Their average day began at 5:15 with breakfast. In the field by 6, they worked to 5 p.m., with a one hour break for lunch. On one day, these children brought in 200 barrels of potatoes; Donna, 10, picked 15 barrels; Sharon, 11, picked 25 barrels; Linda, 12, dug 25 barrels; Diane, 13, dug 35 barrels; Mary Anne, 14, dug 40 barrels; and Mike, 16, dug 60 barrels. This was a family of French-Americans from up-county.

Everyone gets the piece rate of 30¢ per barrel. This means you have to pick 45 barrels a day to gross at least $70 for a five-day week.

The housing for migrant families is wooden, often lacking indoor plumbing or running water. Some of the structures are new and some are old shacks. This housing is pretty much the same for all except the bonded Canadians. As yet, Maine has no state housing code. But the housing for bonded Canadian workers, who are

recruited by the Maine Employment Security Commission, must meet certain standards, including inside running water.

If a family is staying in migrant housing, everyone, children included, rides in the back of trucks. One truck the Maine team observed had siding that leaned outward badly and was held close to the truck by three pieces of rope about the thickness of clothesline. The year before, the siding had collapsed outwardly and the children had fallen out onto the road. At the field, there were no sanitation facilities at all.

At present, approximately 35% of the county's potato acreage is hand harvested by crews composed mostly of children. Most of the small farmers interviewed in Aroostook county who depended on hand crews expressed the belief that they could not get the harvest in without the children. They believe they would go out of business without child labor.

There are 18 school districts in Aroostook county. The Maine team located 15 individual schools which are now staying open during the harvest. They also reported a growing feeling that elementary schools should stay open, while junior and senior high schools would continue to close.

In Maine, perhaps more obviously than in other states the teams surveyed, children who work in the fields miss school. For local children, of course, the school year is scheduled around the harvest. This, at least, is education in pieces. Children who come from other parts of the country or state were simply missing school, which for them may well have been in session. The Maine team came across some families from Connecticut, and these children were missing school in that state. Some Canadian children our team talked with were also missing school.

Even under federal law, none of this is illegal. The schools in the area where

the children were living while working were not in session.

Most of the Indian children the team met were also missing school. There was a report that one of the reserves allowed children to be absent for two weeks if they were earning money for clothes.

E. California. The team in California studied 229 children working in agriculture in six California counties (Fresno, Monterey, San Benito, Santa Clara, Sonoma and Sutter-Yuba), and thirteen cities. They summarized their findings as follows:

1. The average hourly wage for children working in agriculture is $1.12; the average hourly wage for children working according to piece-rate is $1.04. . . .

2. 27.5% of the children in (our) sample are working without social security cards. . . This finding alone represents a total of 63 violations. . . .

3. 19% of the farms surveyed failed to provide adequate toilet facilities. . . .

4. 34% of the farms surveyed failed to provide adequate hand-washing facilities. . . .

According to the California team, the main problem in that state is lack of enforcement of existing laws. They found that the Division of Industrial Welfare has forty-four men assigned to enforcement. These forty-four people are responsible for 3,000,000 workers and 400,000 industrial and agricultural employers.

There are approximately 400,000 farm workers in California, of which a quarter are minors. Agricultural work is the third highest disabling work injury industry and is the highest occupational disease rate industry. Still, 100,000 children in California work in the fields.

In the counties where the California team operated, temperatures ranged from 80-105 degrees. Farm work generally begins around 5 or 6 a.m. and ends by mid-afternoon.

Still, 17% of the children in the California team survey worked more than eight hours per day. And, although it is illegal to employ minors under 12 years of age in California, 19% of the California sample were below that age.

IV. WHAT DOES IT ALL MEAN

As was stated earlier in this report, most of the conditions and situations cited here are in violation of no law. Of the actual violations, many are of state law, some are of federal law, but most of these situations are technically legal. This report is meant to be evocative and indicative, not comprehensive.

Given that limitation, there are points which become rather obvious in regard to the use of child labor in agriculture.

First, no one knows how many children are working in the fields. Officials at all levels use estimates, or simply do not count any child below a certain age. Earning reports are unreliable because of the practice of paying families, rather than individuals; or the practice of putting more than one person on a social security card.

Another obvious point would appear to be that children live and work under the same conditions as adults in the field of farm labor. But the conditions are not the same. These are children--human beings who are still developing physically, emotionally, intellectually. Equal pay for children and adults does not mean equal compensation. The child, in many ways, sacrifices his future to a much greater degree and can, perhaps, never fully be compensated.

We have described the stooping and crawling in intense heat for eight to ten hours a day. We have described the unsanitary conditions of both fields and housing quarters. We have cited cases where children are in fact missing school.

It should be intolerable for a sizeable segment of a major industry to depend on child labor for its survival. In America, in 1970, it is not only tolerated, it is encouraged.

The ideal and most equitable solution would be a combination of a guaranteed adequate income for all Americans, and inclusion of all farm labor in all labor legislation. This combination would reach both the small farmers who cannot afford either mechanization or minimum wage expenses, and the farm laborer who would no longer have to depend on the extra income from his children.

At the very least, children in agricultural work should be covered by the laws which pertain to all children who work in hazardous industries.

Even a revision of the current law to set specifically the months and times when a child under sixteen may not work would be beneficial. As we have shown, with the current law providing only for the school hours of the area of harvest, too many children are legally out of school. And in the area of harvest school officials rarely take the time to assure that out-of-the-area children are not missing school in their home districts.

The real key to protecting children in all areas of work is enforcement. A policy of affirmative compliance with both the letter and spirit of the law must be initiated. Officials cannot rely solely on complaints, or estimates, or newspaper reports.

In the most recent report on child labor in agriculture (July 1, 1969 through June 30, 1970) the United States Department of Labor's Wage and Hour Division stated there were 498 farms found in violation of the Fair Labor Standards Act, an increase over the previous year. Further, they found 1,472 children under 16 illegally employed, the majority during school hours. These figures cannot be an

accurate picture of the child labor in agriculture scene. They reflect at best minimal allowable adherence to the law. Government figures appear to be based only upon official complaints. Our teams in Maine and California working in a total of seven counties for a period of one month found nearly this many children who were under sixteen and who were in fact missing school. In the other three states, the same situation was true. Children of migrant families were not in school, children from other counties were missing a few weeks at either end of the school year.

The fact is that the poverty of farm labor families is such that they feel forced to use the labor of their children to increase family income. Even with whole families working in the fields, few farm labor families have an income above the poverty level. Nationally the median income for farm labor families is below the poverty level. As long as farm workers are not covered by the same legislation as industrial workers, especially as such legislation relates to children, the farm labor supply will be increased by the employment of these children. As a consequence, wages for all farm labor will remain low.

There are those who argue that it is good for children to work as farm laborers. Among members of the medical and health professions in this country there exists a good deal of knowledge relating to the physical, psychological, mental and social effects of such work on the life and future prospects of such children. This knowledge needs to be collected, published and made available to all concerned. It should be in the hands of Congressmen, State Legislators, members of migrant commissions, parents, employers and members of school boards.

Agriculture is the third most hazardous industry in America.

Children should not be allowed to work in agriculture.

PART II

EXCERPTS FROM FIELD TEAMS

This section will be entirely composed of excerpts from the field reports which were turned in by the five teams. In some instances, a comprehensive report in addition to daily logs was sent in. We are reprinting these reports, without using full names of families or farmers, in the interests of providing a focused look at the individual situations faced by children and adults who work in harvesting the crops.

A. WASHINGTON. The following are excerpts from the field reports of the team which operated in Whatcom, Skagit and Yakima counties of Washington between July 6 and August 20, 1970.

There is no question that there is an extensive child labor problem in the Yakima Valley. Everyone we talked to, be he grower, educator, farm-worker, or minister acknowledged that large numbers of children do field labor. Children begin working in the fields at the earliest age that they can handle the work. In some cases, children start field work at the age of six, and by 12 a clear majority of farm-workers' children are themselves engaged in field labor.

Where day-care facilities are not either available or accessible, children are brought to the fields, and remain in cars or are taken into the fields by their mothers. It is almost impossible to give accurate statistical data showing how extensive child labor is here. There is no group that collects statistics, nor is there any central employment agency where all migrants register.

Child Health

The migrant health situation as that of other poverty groups is critical. The average life expectancy of an Anglo migrant in Washington is about 65 years. A child born to a migrant Mexican-American family in Washington has a life expectancy of about 38 years, and a third of the children die at birth.[1]

The health problems of migrants arise from many factors, such as poor housing, unsanitary facilities, unsafe working conditions in the fields, lack of a proper diet, and, more than anything else, lack of proper medical treatment, both preventative, and remedial.

The only statistics available on migrant health are those of the Health Department. The Yakima Valley Health Department has a Migrant Health Program. The goal of the program was to screen each migrant family and provide each family with service on an individual basis. Yet they fail to make contact with more than ten percent of the migrant population. Dr. B.M., a Seattle physician has been in the Valley helping to set up a farm-worker controlled medical clinic. This is a first in that the board of the clinic will be made up only of farm workers. Dr. M. has told me that the health department nowhere begins to fulfill the health needs of the migrants, and that this clinic will be able to bring more and better services to the migrant.

There seem to be four major factors that have to be taken into consideration when providing medical care for migrant children.

These are:
1. accessibility
2. acceptability
3. perception
4. motivation

Accessibility means that a medical facility must be open at the time that it is needed and in an area where it can be reached by the migrant workers. Acceptability means that the migrant feels welcome or comfortable when requesting

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1. The Expected People, The Migrant Workers in Washington State, Chambers, T. J., M.D., Washington State Council of Churches, 1969, p. 16.

services from the facility. Perception deals with the individual's ability to define his problem as being medical and curable. He must sense, for example, that his case of tuberculosis is a medical problem, and not just another part of his tragic life over which he has no control. Above all this he must have the motivation to seek out the necessary services. He must believe that doctors really can solve the problems, and that there is some hope for his cure.

Most of the attempts at solving the health problems of the migrants have failed in one or more of these categories. The Yakima Valley Health Department is largely seen as unacceptable and a relatively inaccessible agency. The solution, we believe, will come both in the type of clinic that is now being set up by Dr. M. and hopefully the future use of mobile health-care units.

Children who work in the fields invariably have health problems. Eight to twelve-hour work days in the ninety to one hundred degree Yakima Valley heat do little to improve a child's health. The number of actual deaths or severe injuries due to pesticides seems to be rather few and well covered up, yet this is only the short-term effect of continual exposure to pesticides. The long-term effects are almost impossible to predict, yet we are convinced that pesticides are a major factor in the low life expectancy and general poor health conditions of migrants. The growers refuse to recognize the harmful side-effects of pesticides. They feel that all the talk about the dangers of pesticides is just so much mumbo-jumbo.

The lack of proper dental care seems to be particularly severe. Poor and understaffed facilities nowhere meet the dental needs of migrants.

Another gap in health care comes in the area of hospitalization coverage. Hospitalization bills are paid by the Department of Public Assistance but especially during the harvesting season most migrants are not on public assistance and therefore are left without any hospital coverage whatsoever.

Education

The most obvious problem with child labor and education is that children often work in the fields rather than going to school. The local school system is largely unresponsive to the needs of migrant children. The teachers are almost all white and, as a matter of fact, we spent a large amount of time trying to find a Chicano teacher in the Valley, and so far we have encountered only one. The teachers have no real conception of what the life-style of the migrants is, or of their needs. Many teachers also seem to share in the general racism of the community, which looks down on Chicanos. A number of attempts are being made at improving the situation. One of the best of these is the Center for the Study of Migrant and Indian Culture, a Title I project that is run by highly-committed people. The Center in Toppenish provides workshops in migrant and Indian culture to teachers in the Valley, and attempts to teach them something about the culture of a large number of their students. The program seems to be particularly successful and after initial hesitation it seems to be attracting a good number of teachers who, by the way, are often quite surprised about the extent and depth of migrant and Indian culture. Another fine program that we spent several days with in Sunnyside was a summer program for migrant children in the first through the sixth grades. The program consisted of an integrated kinesthetics approach to improve reading. The program included many necessary services such as complete physical and dental examinations of all students and follow-up in all cases that were necessary and a hot-lunch program. The program employed numerous Chicano

aides, on the average of two to each class, many of these aides being migrants themselves. A serious effort was made to start these aides on the road to becoming teachers. The program though is continually having problems with its funding and the number of students enrolled this year was limited to 180. The migrant students enjoy the program and the local pool provides them with an hour of free swimming every day. This is probably the best all-around program for migrant children that we encountered. There does seem to be a problem in recruiting the children of the migrants who travel the main migrant stream as opposed to those that have established residency in Sunnyside. Most of the children were residents of Sunnyside. The residents of the community were more informed about the programs available within the various communities, and it seems somewhat of an impossible task to inform the non-resident migrant of the available programs.

The statewide statistics for Washington (compiled in 1966) are rather grim. The average migrant child attended only 21 weeks out of 36 weeks of school. Mexican-American children attend school on the average of only 17 weeks, less than half of the school year. Nearly 10 percent of the migrant children under ten years of age and more than half of the boys between ten and fifteen years old worked in agriculture. Median years of education for adults in the state of Washington was 12.1 years, but only 10.0 years for Anglo migrants and 5.4 for Mexican-American migrants and 4.2 for Mexican-American heads of families who came to Washington from elsewhere and settled out of the migrant stream.[1]

Most of the resident migrants in the Yakima Valley are Chicanos. Many of the children now in school are third-generation migrants, and speak fluent English. Although they tend to be behind in basic skills, such as reading and writing, language does not seem to be the problem that it used to be. There are numerous child day-care centers in the Valley and a few programs for migrant children in grades one through six. After that, there seems to be an enormous gap in programs aimed at either keeping the migrant child in school or improving his skills. It is rather difficult to obtain statistics on the dropout rate of migrant children, partly due to the reluctance of local school boards to release the information, and partly because one does not really know if the child has dropped out of school or merely transferred to another school. Increasing numbers of migrants are settling out of the migrant stream and establishing a permanent residency in the Valley. This has resulted in an increasing number of migrant children remaining in school to graduate, yet attendance still remains a major problem for when the crops come in, the children go to work in the fields.

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1. The Expected People, op. cit., p. 3.

B. OREGON. The following are excerpts from the field reports of the team which operated in the Willamette Valley area of Oregon from July 6 to August 20, 1970.

The Migrant Workers

The Willamette River snakes its way from the Columbia River through the Mid-Willamette Valley area. This area laced by the River, is one of the nation's richest agricultural areas, and during peak season, the nation's third largest user of migrant and seasonal farm labor. It is estimated that between 20,000 and 30,000 migrant workers come into the valley.

In Marion, Polk, Clackmas, Yamhill, Washington, and Multnomah Counties the influx of approximately 25,000 migrant laborers swells the seasonal labor force to nearly 37,000. In the five county area (Marion, Polk, Yamhill, Washington, Multnomah) more than 10,000 people have settled out and join the seasonal farm labor forces. To this we can add the day-haulers, for the most part Anglo middle class junior high school kids, and the figure continues to rise.

It is estimated that about 75% of the seasonal labor force is children. The average family size for a Mexican-American family is 6.7. It is conceivable that for every pair of adults in the field there could be 6 or 7 children. This figure would also hold true for the majority of the Anglo and Russian seasonal farm workers in this area.

The Valley is very productive: strawberries, cane berries (loganberries, marion berries, boysenberries, evergreen berries), pole beans, bush beans, hops, cucumbers, onions, etc., prosper in the Valley. Bush beans and hops are mechanically harvested. Bush beans are presently being purchased by only one cannery as their quality is not that of pole beans. Many pole bean growers anticipate going to bush beans, thus eliminating the need for hand labor. The remaining ground and pole crops are harvested by hand and lend themselves to family picking. Families are actively recruited and contracted to work in this area because children can pick most of the season and most of the crops. In 1970 strawberries and cane berries were 90¢ a flat (12 boxes) and pole beans were 3¢/lb. Twenty years ago, pole beans were 2½¢/lb. They have been 3¢/lb. for the past three years. Nearly all the growers work on the bonus system and where the grower houses workers in his own cabins, the threat of having your bonus cancelled if you quit before the end of the summer is standard practice.

Families begin to move into the area in June and strawberries are ready at the end of June or early July. If the crop is good enough to get four pickings, work may last through July. At the end of July or the first week of August the pole beans usually begin; first pickings are not the best, however. By the second week of August work in beans is usually available. There are two or three weeks between strawberries and beans. Often families will be without work during this time. I talked with several ladies whose husbands had gone to look for cane berry work, as the money had run out and they needed food. In the instance just mentioned one or two adults in the family would be fortunate to find work in berries until the beans began.

Work is available in field jobs such as hoeing, stringing hops, irrigating, setting onions, stringing poles for beans and tractor work. The majority of these jobs are paid on the hourly basis and employ children 16 and older, or

adults. A grower may choose to pay piece rate as in the case of Johnny. Johnny worked as an irrigator. He was paid 10¢ a pipe, and he mentioned that he could make $200 a week irrigating. A job of this kind could last as long as six months. On a farm of 150 acres a farmer may employ three or four men to irrigate and to do other routine jobs. A very small percentage of the available labor supply is absorbed in jobs aside from picking.

The Willamette Valley also produces cherries, pears, peaches, plums, walnuts, and filberts. These tree crops employ fewer young children than the field crops. We did not come across any incidences of children being discouraged from this work. It seems that parents make the choices here.

The seasonal farm labor force in this area can be divided into three groups: settled-out families, migrant families, and Anglo day-haulers. The opportunities for employment in industry or business are very limited for young people here. Agriculture is the largest industry. If you are over 16 and can obtain a work permit, a job in a cannery is a possibility, but high unemployment in recent months has further limited industrial jobs for teenagers. Field work is a way of life for Anglo young people in this area. While eating lunch next door we would hear women talking about sending their children out to work, and often they would join the kids on Saturday. Contracting is done in the high schools in May and often teachers will be crew leaders for the summer. These Anglo middle-class kids are anywhere from 8-15 years old.

Field conditions were not considered bad. There were privies and the kids took soda, etc., in a sack for lunch. One half hour was given for lunch and the bus would return them after eight hours in the field. Farmers seemed to be very conscious of the eight hour day and of the conditions under which the kids work.

To a middle-class child money earned in the field means school clothes, gas money, a movie or supplements to an allowance. The atmosphere surrounding a field being picked by Anglo day-haulers is sprinkled with laughs and punctuated with radio blasts. To a migrant child working in the field, the money he earns is thrown in with the family picking and that becomes life.

The settled-out family heads for the fields during the summer months. Some families depend on this as their sole source of income, others have family heads employed year around.

While talking with C., I learned that she and her husband had settled-out in 1969, moving from Bakersfield, California. J. is now working in Turner at a lumber yard and she and her four children pick. On August 6, 1970 the family picked 300 lbs. of beans in three hours, beginning at 7:30 a.m. in the morning. They usually work until one or two in the afternoon. J. had come to see the family in the field and the kids lost interest in picking so the family returned home. That day:

Kathy - age 10 picked 64 lbs.
Henry - age 8 picked 53 lbs.
Tina - age 7 } picked 43 lbs.
Carla - age 5 }

J. does not like his family working in the fields, but C. doesn't mind the work and the money she and the children earn makes it possible to buy school clothes and supplies without having to dip into J.'s wages. "I want my kids to

know how to work. Well, if we stayed home all they'd do is fight all day."

J. and C. live in T. Cabins in Jefferson. The rent is $70. for three rooms and a bath. Their apartment--actually old converted motel units--is the only one with the shower and commode in the same room. The other units have the toilet in the bedroom, some have partitions separating it from the main bedroom, some not. Units with larger rooms rent for $80/mo., utilities furnished. The outside of the cabins are in varying states of disrepair; windows broken, glass scattered on the narrow sidewalks, holes in the siding of the cabins, doors that will not lock, and numerous boarded-up windows. These premises were condemned several years ago but are now open to seasonal farm working families. It is an advantage to live here in that you can pay weekly and thus are free to move.

One day we visited the L.R. Camp where we met Maria and Sonia. Both their families leave here after beans and return for school. "I'm a migrant," Maria said. I questioned what a migrant meant: "Oh, it just means that you get more pencils and paper and are put in a special room with other migrants."

There are seven children in Sonia's family; her eldest brother stayed in Texas this summer. The entire family is in one cabin, but Sonia, pointing to the new cabins being constructed, mentioned that they were going to get one of the new cabins when they were completed. Some days Sonia and Maria went with their families to the fields, Maria nearly every day. When they did go the younger children were taken along, sometimes left in the car and sometimes taken into the fields.

The Labor Department had just inspected an old camp near L.R.'s and threatened to close the camp on short notice if it was not brought up to Department regulations. The old camp is deplorable. The cabins up on the hill had dug and set up their own latrine because it was about half a mile to the toilet facilities. For a period of time early in the summer the showers were not working and there were no clothes washing facilities available. The cabins were unpainted, small, had holes in the siding, floors with cracks as much as an inch between the boards. The one window in each cabin had no screen. All the conditions that would aptly satisfy the stereotyped migrant housing were visible.

Margarita lives in this camp. She is 21 and together with three brothers and a sister, her family had just arrived from Montana; the family had previously lived in Texas. Margarita, an articulate and intelligent girl, told me of quitting school in the fourth grade so she could help the family in the fields. While in school she would miss every Friday to pick, yet she kept up with her school work and enjoyed school very much. Two of Margarita's brothers had also quit school and were in the stream. She told of teaching herself to read and write Spanish and she proudly read aloud a paper announcing a Chicano meeting.

Margarita had once had a job in her home town in Texas. On being interviewed for the job she had been questioned about her schooling. "Fourth grade," she replied. The employer was impressed by her score on the test given and by her presence. She was hired and enjoyed the work, especially being able to use her English and working with math. She had quit to work in the fields. In April, before coming north, she had run into her former employer and he asked her to come back to work. She was sorry at not being able to say yes to him. She did not like the idea of quitting, but felt she had an obligation to her family.

Does Margarita like working in the fields? No, but she, like the other children I talked with, takes the field as a part of life. The cultural patterns have great influence on the child labor question. Margarita was and still is culture bound.

In every instance of talking with people, the conclusions were much the same. The children do not like the work, they are exposed to the elements, their play activities are limited, their school often interrupted, and they are responsible for many chores at home besides the work in the fields--exactly the same facts that numerous other studies have revealed. Nothing will change unless more effort is spent on acting to correct the abuses and less on researching and reporting.

A child realizes his responsibility at an early age if he grows up in a migrant or seasonal farm working family. He picks from an early age and by the time he is 12 he is a skilled laborer and can make good money during the season. If society and its institutions like the schools are not meeting this child's needs he can make survival money by joining the stream and the cycle of being a migrant begins. It is a cycle that will take more concerted and sincere efforts on the part of segments of the society to break.

Health

The State Department of Health does not have mental health facilities for migrant workers. If serious mental health problems are diagnosed at one of the federally financed Migrant Health Clinics, further treatment is usually done. In McMinnville there is a privately run mental health clinic serving the seasonal farm laborers. The Marion County Migrant Health Clinic is in Stayton. The clinic is funded through the Migrant Health Act and the funds are given to the county to do with what they choose. At the Stayton Clinic two medical students work with this program during the summer. There were also several medical students being paid by Public Health. These students were in charge of preliminary examinations. A group of 20 doctors from the surrounding area worked on a rotating schedule. If needed the patient was then sent to one of the doctors on duty. The signs in the clinic were in Spanish and the students working there were given basic Spanish courses before they began to work. The openness and concern shown by the students was impressive and the facility seemed well equipped and used. As many as 200 people had been seen in one evening. The clinic hours were from 5 p.m. to 9 p.m., but usually closing was not until the last person had been seen. For as many people as were treated here the Clinic was doing a good job, but many workers and growers did not know of the services available. As in so many programs, the location made it difficult for people without cars or trucks to get to the medical help. However, the Stayton Clinic was more centrally located than other programs in the large metropolitan centers.

Knowledge about the clinic was limited. In each camp visited, signs (in English) were posted. These signs announced the hours of the clinic and the dates for dental examinations. In about 65% of the camps the clinic hours were posted. The visiting nurse was to advertise the services available through the County office and through the Migrant Clinic. None of the people with whom we talked remembered a visit from a County health person or the nurse. Many growers are not aware of the services available; consequently when a worker becomes ill or is injured, he may be sent by the grower or someone else to a private physician. There are many good programs available, but far too few people are informed of the programs and of the services. Also true is the fact that many

workers do not tell the grower of an illness and take the sick child or person to the hospital on their own. There was such a case at the camp on July 13, 1970.

Education

The lack of information about summer schools and day-care facilities in this area is understandable. There are no summer programs or day-care centers in the vicinity. Young children are either taken to the field or left in camp with a child or non-working adult. There are strong family patterns that keep families working together in the fields. Especially in the Mexican-American family, the mother or father will find good beans for their kids to pick and will motivate and encourage the kids to work--everyone works as a unit. As a family unit, work is made more pleasant for the children.

No one, parent or child, knew of available summer programs which operated in Salem, Woodburn, Independence, and other large towns in the area. Taking a child to these programs may require as much as 1½ hours of driving time, and when your income is earned in the field, that hour is many precious pounds of beans. It is very unrealistic to think that a parent, providing he had the transportation, would take work time to deliver a child to day-care or summer school. If the summer school programs are for elementary kids, they would have to be very accessible to warrant a child's attendance there rather than in the field working.

Mothers we talked with would like day-care centers to be available. A group of 10 Baptist Student Union volunteers were living and working at the B. camp in Turner. This camp is one of the nicest in the area. Shortly after arriving and after working for a few weeks they realized the need for a child-care/day care center at the camp. The students thought that the large building provided for meetings would be adequate for such a center. They called the State Board of Health and asked them to come out and inspect the camp to ascertain possibilities of setting up a center. Oregon State regulations for child-care centers are so stringent that no place on the B. premises could meet the specifications.

It wasn't until mothers and children in the Salem area marched on the capitol that day-care funds were made available. The State of Oregon was given $45,000 for day-care. In the area where our research was done there are two centers, one in Salem and one in Woodburn; neither of these is readily accessible to a large percentage of the seasonal farm workers. For the people settled out in the city, dropping a child off at the center before going to the fields is feasible. Strong recommendations should be made that day-care facilities be made available to the majority of the seasonal farm workers. It is most ironic that facilities at camps do not satisfy state specifications for day-care, but children, many children, live in these camps.

It did not take long to realize that questions about numbers of children in the fields, types of occupations done, etc., were being answered similarly by everyone and with questioning glances by those in attendance. After several weeks of absorbing the experiences, we realized that most children eight and over work in the fields, many out of necessity, many because it is socially sanctioned, many because it is thought to be good for you, etc.

Under existing Oregon Health Codes, cabins are required to meet certain specifications. The fields are required to have a specific number of latrines per acre and so forth. There are also restrictions on washing and drinking facilities. The Oregon Health and Labor Departments have inspectors responsible

for seeing that growers comply with these standards. The number of inspectors is very inadequate to investigate the camps in the Marion county area alone. The existing legislation is not enforced; what good would additional legislation be if the same held true?

Most people chuckled a bit when new legislation was mentioned. It must be difficult to arouse enthusiasm about new legislation when existing health codes, housing codes, etc., are not enforced. It is felt by most that some good, at least adequate, legislation exists, but it is not enforced. Much additional legislation is badly needed, but only if necessary funds, personnel, and resources are included so that the legislation will function.

Currently, the grower is in a very vulnerable position. His life as a grower is controlled by the canneries. If minimum wages for pickers and laborers becomes law, and the cannery doesn't pay the grower more for his berries, etc., the inequities continue. The grower will be squeezed out of business. This area is essentially comprised of small, independent farms, not the large commercial agri-business sort, and the small farmer is not getting a very large portion of the cream of his crops.

July 13, 1970

We stopped at L.R.'s camp in Turner, Oregon. There were many children running around and two of them, Maria and Sonia, invited us into their house. It was small, having two double beds on the bottom and two double beds on the top, like bunk beds. The beams from the roof supports were barely a foot above the surface of the mattresses on the top beds. There was a table, cluttered with dishes and food, an old wood stove (not used) and a small two unit gas stove on a table next to the outside wall. The floor was wooden and since there was no step leading into the house, it was difficult for young children to crawl into the room and dangerous for them to try and leave it.

Sonia and Maria were staying home with the three younger children that day. There was not much picking work because the strawberries were finished and the green beans not yet ripe. Some of the men and boys had gone to hoe mint and pick cane berries. Sonia planned to spend the day making tortillas; she had already prepared a pan full of dough balls that would be rolled out with a well rounded stick and then fried.

Sonia's family had come to Oregon from California. Sonia said that she loved school, had enjoyed fourth grade and was looking forward to fifth. Her command of English was good and she remarked that it was really fun to speak English with us. Maria had also finished fourth grade and boasted of the books in English she had in her cabin.

We watched the children playing in the yard for awhile. There was a swing set and a metal hobby horse large enough for ten and twelve year olds. The equipment had just been put up by the grower the day before and was crowded with children.

At the girls' invitation we went to visit their friends. Here there were two toddlers, Mellissa aged two and a half, Clarissa eight months. The girls began to toss the younger ones while their mother apologized because her house was such a mess. The entire family had had a virus causing high fever, nausea and

diarrhea. The baby had had a fever of 104° and the mother had taken her to the hospital for treatment. The mother herself was ill and said she had laid in bed until nine that morning feeling as if she would vomit but knew it was too cold to go out, so she had waited until nine and then nearly did not reach the bathroom. The family usually went to Illinois to pick but this year had come to Oregon. The family was low on money and her husband had heard that there were raspberries to be picked and gone in search of this work.

This mother was upset that there was no place to leave the children so that she could pick. She also said that she thought more play space with shade should be provided.

This house was also small. There were two double beds, both in use, a stove, refrigerator and table inside. The one window was open and screenless. The mother stood next to the stove as she talked--the pilot was lighted and she was cold.

There was a sign in the women's latrine, stating in English the date and time of the dental exams. I asked if any visiting health nurses had been to visit lately and she said that she had not seen them.

July 21, 1970

We returned to J.T.'s Anglo Camp. Susy and Donna had left. The Labor Department had inspected the camp and threatened to close it if it was not brought up to standard.

We then visited the B. Camp in Marion. Three little girls had just arrived. One of the girls mentioned that she lived in Arkansas and that she liked it much better there. She and her family, four boys and herself, had come here just to pick. They did not need the money, but considered it more of a summer work vacation sort of thing. Another little girl had come with her family. She thought Florida was her home but knew that she would not be returning there. She was not sure where the family would be going next. Last year, she remembered being in Texas for awhile. I noticed that she had the same sores on her mouth that she had had on my previous visit. We had mentioned this to her mother, but apparently nothing had been done. We suspected that it was a vitamin deficiency. Upon questioning this little girl, we found that she had been in several schools last year. She was not sure whether it had been three or four. She is 10 years old and will be going into the third grade. She had not started school on time and thought she had started after she was six. The family from which she comes is a true migrant family and they will move from picking crop to picking crop until the crops in the northwest are finished.

Telephone conversation on July 15, 1970 with the Marion County Welfare Department officials.

These statistics and facts apply to the people receiving welfare grants from the Marion County Welfare Department. A report of earnings must be presented to the Department once a month. Any child over eighteen and not in school that is earning a salary must report his earnings. Any child over 16 that has either dropped out of school and is earning a salary or is employed as summer help, must also report his earnings. The total earnings of the family, including all adults

and employed children over 16, must report their earnings as part of this net. From the gross income of the family a deduction of $30. is automatically made. After the $30 is subtracted, one-third of that total is then taken and the employed person will receive the $30 plus the one-third as his net to keep. The remaining amount of the money is then applied toward the grant. For example, a person, say he is 18, earns a gross of $300. From the $300, $30 are subtracted leaving $270. One-third of the $270, or $90, is taken, leaving a total of $180 of the gross of $300. The $120 is given to the person that earned the money and the remaining $180 is applied to the welfare grant. (If money is expended for travel, this is also taken into account, and the wage earner is given a travel allowance.) There is just one $30 and one-third disregard per family and in the case of more than one person working, the entire family must report statement of earnings and the gross amount is then subject to the $30 and one-third disregard.

The procedures vary for the grants given to a head of household in regard to the reduction of grants during the months that employment is available in the seasonal labor force. If the head of the household is covered by the Work Evaluation program and has a federally matched grant, his grant continues to come during the months when employment can be found in seasonal farm labor. This individual is permitted to earn up to 30% of his grant to supplement his income. For a head of household not involved in Work Evaluation Training, the grant is stopped in June and the person is told to seek employment in the fields. Their supply of farm labor in this area makes jobs easy to find in the months of June, July, August and September. These people do not have federally matched grants. A statement of earnings is then sent to the Welfare Department. The woman I spoke with said that seasonal farm labor is "badly needed." The individual is permitted to earn as much as he can during these months.

A single parent does not lose his/her grant, but must report earnings to the Welfare Department. The $30 and one-third procedure is in effect here also. If children over 16 work, their gross income is subject to the $30 and one-third disregard.

Any person under the age of 16 need not report his earnings to the Welfare Department. It is possible that several children under the age of 16 can add to the family's earnings by doing farm labor in the summer and during other picking seasons. These earnings are not reported and thus not part of the family's gross earnings and not subject to the $30 and one-third disregard.

At the most, about 1,500 children are benefitting from the summer Migrant Education programs financed by Title I funds (see chart on page 35.) Two of the area projects, scheduled for The Dalles and in Milton-Freewater, were closed because, due to crop conditions, the migrants left the camps. This indicates that the program was not entirely based on home-based children. However, the funds were not used to set up a program in an area in which there were many migrants. Unused funds revert to the Oregon Board of Education Migrant Division.

	Enroll-ment	Atten-dance	Home Base**	Migrant**	Ages At-tending	Chicano(C) or Spanish-speaking(SS) staff members A/B read "A out of B"
Woodburn	150		remain-der	4-5	to 8	6/8 aides C
Hood River	50-60	38	8-9	remainder		3 SS staff members
Ontario	420	340	30%	70%	4-14***	11/16 aides C, 1 SS anglo
North Plains	175	50-90			to 8	1/6 aides C
*Medford	70			all	5-14***	
Aurora	200				to 8	
Dayton	220	100			to 8	7/8 aides C
Independence					to 8	18/46 staff members C
Brooks						

*Medford program began late, poor crops.
**"Home base," "migrant," refer to children of settled-out families in the area, and those actually migrant.
***Crops in area cannot be picked by those under 15.

For these numbers to have any meaning, one must consider:

1. The average daily attendance is often half to two-thirds of enrollment.
2. Many children in the project are from settled-out families, not those in the camps and truly migrant.
3. There are an estimated 30-40,000 migrants in the Willamette Valley this summer; the average family size is approximately 6.7; obviously, very few migrant families are being served.

The Intergroup Relations Council has made suggestions for improving the schooling of migrants and indeed for all children:

1. Change in textbooks.
2. Change in requirements for certifying teachers so that those who are Spanish or Russian speaking can work with children. Refuse positions as teachers to prejudiced people, to those uninformed about the cultural background of those whom they are teaching.
3. All schools should include in the curriculum at least a minimal amount of study of the cultural contributions of minority groups.

C. OHIO The following are excerpts from the field reports of the team which operated in the Freemont-Woodburn area of Ohio from June 26 to August 15, 1970.

Letter to AFSC, August 18, 1970

...The contents of the interviews also made it seem impossible to accomplish what we wanted to do on the project. Everyone admired what we wanted to do but thought it almost impossible. After experiencing the project, I can say that everything anyone said turned out to be almost never true. The fact that we don't know Spanish didn't hinder us. Every time I went to interview, practically everyone spoke English. The migrants rarely "acted suspicious" and were ready to answer most of the questions, at least as of August 4. We were never bothered by farmers coming at us with shotguns in hand and even the few places where no trespassing signs were up, the farmer, if he were around to ask, readily gave us permission to talk to the migrants (about education)...

J.C. would work on getting lists of growers and migrant camps. She found that no one "in the establishment" would give her lists or take her to any of the camps. Her report gives some of the details. Miss U. didn't want to jeopardize her ability to get into the camps. Mr. M. didn't want to upset the growers and said growers lists were private information. Later Mrs. K. said that she had gone all the way to the top of the Department of Agriculture for Ohio in Columbus and had not succeeded in getting any lists...

... I should add that the farmers move the little migrant houses around (I saw this) and therefore, one year's lists are not always good for the following year...

Education

In Henry County, Ohio, the team ran across one of the eight mobile migrant schools operating in the U.S.A. during the summer of 1970.[1] The object of this program is to give a consistent and continuous curriculum to the children of migrants from the Rio Grande Valley. Each unit attempts to follow a select group of migrant families during the summer. When the families and the units return to Texas in October, testing will begin to see how these children compare with children who have not been followed by such a unit. This is the second year of this program and it is still considered to be an experimental one. Because of the nature of the project, migrants who are not from the Rio Grande Valley must be rejected by the mobile school.

The team reported on the mobile migrant school unit stationed at the Holgate Catholic Church, 316 Chicago Ave., Holgate, Ohio. The team members interviewed the three staff members attached to the unit: the Center Director, Educational Director and Teacher Director. This unit began the school on July 28, and will run until the first week of October, or as long as the migrants remain in the area. Classes are held from 7:00 a.m., and end at 4:00 p.m. Children receive breakfast, lunch and a snack free, plus free clothing and medical and dental attention. Forty dollars per child has been allotted for a maximum of 450 children in the U.S.A. for these services. The Holgate unit expects to deal with about 50 children.

1. Funded by H.E.W., through the United Migrants for Opportunity, Inc., Mt. Pleasant, Michigan.

This unit started out in Mission, Texas, went to Powell, Wyoming, and from there to Ohio. From Holgate, the unit will return to Texas. There are six teachers, one cook (Chicano), a janitor and the director, all of whom speak Spanish. All are from Texas and travel with the unit in their own cars. A U-Haul truck moves the mobile unit. All members of the staff were at one time migrants.

When visited on August 3, 1970, there were 26 children in this school:

Headstart	(ages 4-6)	12
Day Care	(ages 2-3)	7
Infants	(below 2)	7
		26

Since the mobile unit has no bus, local people must supply transportation. In Holgate, the staff go out in their own cars and collect the children. The staff expected to add more children when more families moved to Holgate after the cherry picking season closed in northern Michigan.

The Center Director said that the project needs much more publicity. No one in the Anglo-society is cognizant of it so that the mobile unit staff must do all of the interpretation and solicitation for help within the community. It is the Center Director's belief that if more Anglos knew of the possibilities for migrant programs funded by federal money, more localities would have facilities for migrants.

For a project such as this to be effective, professional staff should remain with it for the duration.

Working Conditions

In July 1970, a member of the team working in Ohio submitted six reports of visits to farms where migrants were working. The following selections are good examples of the situations he described.

Two visits were made to R. Farm No. 2, V.M. owner, on Road M-5 off of Road 6, between Roads 6 and 7L, Putnam County, Ohio. These visits were made on July 28 and August 1, respectively. He reported the following:

There are 11 migrant cabins at this farm and 29 additional people live in an old farm house a little ways down the road. All of the cabins were occupied, several families occupying two cabins. At the farm house there is a stove, refrigerator and two showers. In the camp itself, there is a house, divided into men's and women's restrooms (both properly labeled). This house contains one shower, two toilets that are emptied by removing the buckets, a sink with one faucet in each of the two rooms. The restrooms and grounds were clean although the trash was piled high in the trash cans. Those living in the cabins and those living at the farm house all complained of the water--it stinks from sulphur. They use this water for washing and bathing, but carry their drinking water from a hand pump well across the road about 40 yards from the housing.

All of the migrants living in the cabins and the farm house were picking pickles (cucumbers). We asked M.H.E. what prices the pickers were getting. She reported that No. 1 pickles were bringing $8.60 per 100 lbs.

No. 2 pickles were bringing $4.30 per 100 lbs.
No. 3 pickles were bringing $2.15 per 100 lbs.
No. 4 pickles were bringing $1.50 per 100 lbs.

This is what pickles were bringing in this area this year.

Each family is assigned a section and they get half of the crop from that section. M.H.E. wasn't sure how much money she made herself because all of the money was paid by the crew leader to her father and she didn't know how much the family made.

Each of the three families interviewed on July 28 and August 1 occupied two cabins.

July 28, 1970--The parents, Mr. and Mrs. G.E. and four of their seven children were working in the field. Ruben (aged 3), Ramido (aged 5), Rene (aged 6) were at home. Working with their parents were:

Geranimo, Jr.	age 9
Elvia	age 10
Rosa	age 12
Helga	age 14

August 1, Mr. and Mrs. G.E. had all seven of the children in the field. Ruben and Ramido were playing in the field; working with their parents were:

Rene	age 6
Geranimo, Jr.	age 9
Elvia	age 10
Rosa	age 12
Helga	age 14

On July 28, Mr. and Mrs. J.J. and three of their four children were working. Josie (age 11) was at home. Those working:

Richard	age 16
Louis	age 15
Vincent	age 12

On August 1, the J.J. family was not in camp.

July 28, 1970--Mr. and Mrs. C. and their three older children were working while Julio (age 5) was at school in Pandora, Ohio. Those working:

Juana	age 15
Refugio	age 14
Agapito	age 10

On August 1, all of Mr. and Mrs. C.'s children were with them in the field. Julio (age 5) was working but also doing a bit of playing around.

Child Labor Violations

Place - Northwest corner at crossroads of Sand Ridge and Range Line Roads. G.R. farm, picking pickles.

Time - 1:20 P.M., Thursday, July 30, 1970.

As seen from the car window, driving by three times:

1. A 2- or 3-year-old child standing in the field with an older woman (his mother?)
2. An 8-year-old (approx.) girl, picking pickles
3. A 10-year-old (approx.) boy, picking pickles

On August 3, in Henry County, members of the Ohio team watched the workers in a sugar beet field on Route 108, south of Holgate city limits and north of Road D. on the east side of the road. After watching the M.G. family blocking (hoeing) beets in this field, one of the team members followed this family as it moved to another sugar beet field on the east side of County Road -10 between roads Township B and Y, Henry County. At the second location, he was able to talk with them.

Working at the first field at 2:30 in the afternoon were Mr. and Mrs. M.G. and their six children.

Armando	aged 15	blocking sugar beets
Robert	aged 10	blocking sugar beets
Ray	aged 12	blocking sugar beets
Dannie	aged 5	standing in the field
Rosie	aged 4	at the family car at the side of the field
Mary	aged 3	at the family car at the side of the field.

A half hour later, at the second field, Armando, Robert, Ray and their parents were blocking sugar beets. Dannie was standing by the car while Rosie and Mary were in the car.

Health

This team also spent some time researching the health services available to migrants within the state. Their summary follows:

The State of Ohio presently has five migrant health programs. Nursing, medical clinics, dental care and health education are financed federally by funds created by the Migrant Health Act of 1962 (PL 87-692). Migrant sanitation is funded on the state, local and federal levels under the comprehensive Health Plan as of July 1, 1970.

Each county applies either to the Ohio Department of Health or directly to HEW for the programs. The application must be approved and then if possible financed. Once funds are made available, employees are hired by the county. The County Boards of Health generally take the initiative in the programs, yet if for any number of reasons the county board does not sponsor the programs needed, a voluntary group or agency may assume the sponsorship of the program. County Boards of Health may refuse sponsorship for reasons such as the inability to finance certain in-kind services or lack of interest.

For the summer season of 1970, the following health programs are available in Ohio:

1. Medical clinics--6 counties--Darke, Lucas, Ottawa, Putnam, Sandusky, and Stark. The Migrant Rest Center in Henry County also provides a medical clinic. Beginning August 6, Hancock County will open a migrant clinic on Fridays. These clinics are generally open twice weekly at night and provide a wide range of health care, diagnosis, immunizations and treatments, family planning, prenatal care.

2. Nursing--8 counties--Darke, Hancock, Henry, Lucas, Ottawa, Putnam, Sandusky and Stark. Nurses provide service to migrants in the clinics and camps. They are recruited and supervised locally by each health department, which manage the clinics and are responsible for training and supervising volunteers and auxiliary workers. The nurse is responsible for directing migrants to sources of care not available through local health departments (hospitalization, welfare agencies and volunteer organizations). Nurses must also plan for continuity of care, i.e. referrals.

3. Health aides--10 counties--Darke, Fulton, Henry, Lucas, Mercer, Ottawa, Putnam, Sandusky, Seneca, Stark, Wood.

4. Dental care--6 counties--Henry, Lucas, Ottawa, Putnam, Stark, Wood.

5. Sanitation--a migrant sanitarian is provided for by some counties. The objectives of the migrant sanitarian include assisting local boards of health in improvement of camp sanitation, provide educational programs for growers to upgrade sanitation, educate migrants in the proper use and care of facilities.

6. Nutrition services--Two nutritionists are employed for the northwestern region of Ohio for the purpose of assisting and interpreting modified diets related to the control of diabetes, nutritional anemia and obesity. Also a primary concern is with the feeding practices of the infant and food patterns of pregnant women. Services are provided to the Migrant Rest Center and to other migrant clinics.

7. Family planning -- Two planned parenthood clinics are in operation in northwestern Ohio, in Toledo and at the Migrant Rest Center in Liberty Center (Henry County). Family planning is a basic element in personal health service. These programs are financed through Community Action Commissions of OEO. Some migrant health clinics offer family planning guidance independently.

The following will hopefully elucidate the philosophy of the migrant health programs, their specific functions, and the extent to which the programs are meeting the basic health needs of the migrants. It is, of course, impossible to separate the status of migrant health from the environment from which they come and the life style which is uniquely theirs. Thus the problem is not simply migrant health, but the entire way of migratory life. Migratory life means economic deprivation. Economic deprivation and poor health are generally concurrent problems. As to whether such an economic system will ever allow farm laborers such as the migrants to rise above their present economic suppression is beyond the scope of this project. However, it appears evident that if the large processing corporations remain deaf to the needs of these people, that the profit motive must be named responsible for such deprivation and rape....

Migrant health problems will never be overcome without dealing with the economic reasons for their poverty. Obstacles must also be overcome in the communities in which they live, i.e. medical, legal exclusion from protective legislation, restrictions against serving nonresidents and especially attitudinal resistance to poor minority groups.

D. MAINE The following are excerpts from the field reports of the two-man team which operated in Aroostook county, Maine from September 15 to October 20, 1970:

The County

The economy of Aroostook county is based almost entirely on lumbering and the potato industry. Fall is potato harvest time, and from September 15 to October 15 the county's growers and their crews race to get the crop out of the ground and into storage before the cold Maine winter sets in. At the writing of this report, October 16, the snow is flying past our window and covering the fields beyond, and more than a few of Aroostook's growers have a considerable number of acres still in the ground.

The harvest is the last phase of potato production to be mechanized, and, as of the 1970 harvest, upwards of 21,000 workers are still needed to man the machinery and do the stoop labor necessary to bring in the crop.

This inflated labor demand has made the harvest season a period of annual crisis for the farmer. The six or seven thousand local adults available for seasonal hire are simply unable to do all the work of the harvest. As a result, for as long as potatoes have been in Aroostook (over 100 years) farmers have counted on local children to help with the harvest. Since 1950, some 15,000 of them, from five years old on up, have worked every year in the potato fields. It is a tradition that people in the county are proud of; it has been part of their way of life for a long time.

But child labor in the potato harvest is more than a colorful custom, it is a crucial necessity in the eyes of many. For even with the tremendous number of school children at work each year, the county has felt a shortage of domestic labor during the fall. In none of the past 15 harvests has there been an adequate domestic labor supply even with the aid of the county's 15,000 school children. School children receive the same wages and work under the same conditions as adults in the potato harvest.

It is the job of the Maine Employment Security Commission to recruit the labor to fill the gap. Over the years MESC has come to rely heavily on workers from over the Canadian border. Among the Canadians there are two groups: There are French Canadians who work seasonally as lumber jacks, and there are North American Indian families from Canadian reservations. In past years there have been as many as 8,000 French Canadians and 2,000 North American Indians coming into the county for harvest work. Today the figures are greatly reduced as both the supply and demand are decreasing.

One source of outside labor, however, which has been traditionally absent from the county's harvest labor force is the migrant laborer. The East Coast migratory stream, that great mass of poor southern whites and blacks who travel north from the southern citrus and cotton and tobacco belts to harvest Mid Atlantic crops in the summer, and New York apples and Long Island potatoes in the early fall, turns around and heads south again for the winter months without ever reaching northern Maine.

Occasionally Puerto Rican and Bahamanian people have been imported to southern Maine for harvesting late summer blueberries and market garden crops, but attempts on the part of growers and employment office personnel to contract

southern migrants for the heavy fall potato harvest in the cold climate of northern Maine have met with consistent failure since World War II.

Because of the absence of the migrant laborer, because of the shortage of local adults, and because of the limited availability of imported labor, the county has continued to rely heavily on its children during the harvest. Schools have accommodated by opening in late August and providing a harvest recess from mid-September until harvest's end. Banks award prizes for the biggest spud dug from the county's fields. Merchants arrange harvest "specials" to attract the money the kids will earn.

Some things do not change. The seasons, the soil, the span of days between harvests--all have been the same since potatoes first made their appearance in Maine. Yet within the last decade the harvest has been revolutionized by the advent of the mechanical harvester. Since 1960 some 1,300 of these huge machines have come to the county. In the present season they will harvest some 65% of the crop. They are more dependable than the hand crews they replace. A single one of these machines does the work of a crew of 30 pickers. They do not complain, nor do they exult. They are ceaseless like insects. They are a symbol of much that has gone before and a herald of much that will come. In the following section we will trace the impact of mechanization over the past ten years and try to draw out some implications for the future of child labor in Aroostook.

Socio-economic profile:

The county has long been considered an economically depressed area. In the areas of education, family income, and employment, figures have been consistently below the national average. Below are highlighted some of the more dramatic figures of the Northern Maine Regional Planning Commission's economic profile based on recent studies.[1]

"...an alarming 41% of families in the Fort Kent Redevelopment Area earn under $3,000 per year (1966)..."

"...40% of the unemployed (Fort Kent Area) are in the 15-29 age group..."

The following tables compare county figures and national figures as reported in the Planning Commission's report:

	Aroostook	U.S.	
Civilian Labor Force Participation	52.5%	56.5%	(1966)
Unemployment Rates	2.1%*	5.6%	(1968)
Family Distribution of Consumer Spendable Income (dollar average)	$7,921	$9,113	(1967)[2]

*Outmigration of large numbers of unemployed tends to deflate this figure.

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1. Northern Maine Regional Planning Commission, P.O. Box 911, Presque Isle, Maine 04769, June, 1969, pp. 15, 16, Table VI.

2. Ibid., pp. 21, 22.

Mechanization--Impact on labor force

Within the past decade the number of harvesters in the county has soared to over 1,300. The impact on the demand for stoop labor, previously the domain of Canadian imports, Indians, women, and children, has been considerable. (See chart below.)

	Number of Harvesters	Bonded Canadians	Migrant Indians	Local School Kids	Local Adults
1960	-	8,283	(1951 - - - - - - - - - -)		
			2,000	14,000	-
1961	150	8,786	-	-	-
1962	250	8,509	-	16,000	-
1963	300	8,286	1,800	-	-
1964	274	7,322	1,400	16,000	7,000
1965	450	5,525	1,800	17,074	5,600
1966	700	5,321	1,400	12,683	11,025
1967	1,000	4,500	1,500	13,000	6,000
1968	1,095	1,710	700	14,941	4,500
1969	-	1,530	700	14,500	4,500
1970	1,300	1,250	700	15,000	-
Total change	+1,300	-7,033	-1,300	+1,000	-2,500

From the figures here it would appear that the mechanization of the harvest displaced primarily French Canadians and Indians, reducing their numbers by 7,033 and 1,300 respectively. The decline in the number of local adults is as much due to outmigration of some unemployed and increasing employment of others in local industry as it is to mechanization. The apparent lack of fluctuation in the figure for local school children is not significant since the number is based on a formula estimate, not the actual number of children picking year to year.

Mechanization--Impact on local child labor

There are no exact figures available for the numbers of school children county wide that have been picking year to year. However, from our conversations with labor and school officials, teachers, and farmers, we have gathered that mechanization has affected the incidence and distribution of labor by school children in the harvest. As diggers have been replaced by harvesters, there is less demand for stoop labor and fewer job opportunities for younger children.

Simultaneously as the number of harvesters has been increased, there are more jobs available for children over 16. Overall, then, we would guess that there is a trend toward fewer children under 16 working today while the number of older children working has held steady or increased.

One index of this is the fact that harvest recess has been abolished in elementary schools of two districts within the last two years.

Another index is the reputed "marginal financial position" of many farmers, large and small, who harvest with stoop labor. Farmers Home Administration authorities estimate that some 350 (out of a total of some 1,500 potato farmers in Aroostook) such farmers who have loans through their office will be unable to repay and will fold within the next few years. Production Credit Association authorities reported that a substantial number of the farmers they financed were likewise in a fairly precarious financial state.

In a recent survey conducted by the Northern Maine Regional Planning Commission, 51% of the responding farmers answered "no" to the question, "...do you think you can continue to make an adequate living as an independent farmer?" Poor marketing techniques, corporate agriculture, and poor prices have all contributed to what is often termed the "eclipse" of the small farmer. The exact metaphor for this trend depends on your conception of the problem. The small farmer may be, like the cowboy facing the closing of the range, merely a nostalgic remnant of a bygone age. Or he may, like the buffalo, be a tragic victim of corporate recklessness and technocentrism. Be this as it may, his past decline is a reality and the prospects for his total eclipse in the future seem good.

It has become a commonplace for us to hear a farmer, labor official, or processor, leaning back after a long interview, predict that within the coming decade the whole county will have gone to harvesters and there will be no more need for hand pickers. One grower suggested that some day there would be a new demand for the hand-picked potato, just as there is a demand for any handcrafted item. (It is said that the hand-picked potato has less bruises than the machine-picked one.)

It is important to note here that even if mechanization came to pass, the jobs for children over 16 would probably not be affected. There are many throughout the county who claim that harvest recess will remain in some high schools at least, even if the whole county uses harvesters.

Child Labor Groups

Among the children participating in the Aroostook potato harvest there are three groups for whom conditions are quite different. These groups are local school children, Indian children, and in-county migrant children. The in-county migrant group refers to children who come with their French speaking parents down county from the Allagash-St. John area and live in temporary housing during the harvest.

Local school children: The Maine Employment Security Commission (MESC) estimates the number of local school children participating in the harvest each year by adding up the total enrollment of junior high and high schools within the county. (See figures under Mechanization.) An official of the MESC explained that the fluctuation of this figure during several years in the mid sixties was due to the use of a different estimate formula as ordered by the central MESC office in Augusta.

Our figures for child participation in the 1969 harvest, based on the estimates of school superintendents county-wide, district by district, is approximately 15,400 children, elementary, junior and senior high schools included, as opposed to the MESC figure of 14,500.

Indian children from Canada: MESC estimates 700 Indians entered the county for the '69 harvest. Neither U.S. nor Canadian Immigration officials keep any record of the number of Indians who pass their borders, but officials we spoke to agreed that MESC's estimate of 700 was the best available. An MESC official explained that he was not including those children too young to pick in this figure. He estimated there were an additional 150 of these young ones of preschool and early elementary school age.

From our field visits we have first hand knowledge of 224 Indians working in the county. Eighty-four of these were below the age of 16.

In-county migrant children: There are no statistics on the number of French people from Allagash-St. John who came down-county for the harvest. The Fort Kent AFDC intake officer knew of some 15-20 families from area case loads who moved south for the harvest. We spoke with four families in the field and children from other families who were with them.

Others: During our month in the county we did not observe or hear of any children of bonded Canadians who had come for the harvest. We did, however, learn of some 200 Canadian high school children from the border town of St. Leonard who commuted by bus each day to pick on the American side. Border officials in Woodstock denied that this was possible under law unless the children were over 16 and bonded.

We did meet two out-of-state families from Connecticut who had brought their children for the harvest, but they were, according to labor authorities, a rare exception. During our last few days in the county we learned of some other New England children who had come to the harvest with their families--3 from Rhode Island, 34 from Roxbury, Mass., and a few from Connecticut.

Child Labor Conditions

Each of the team members worked from three to five days picking potatoes with a different group of child laborers. It was during this time that we got our most intimate glimpse of child labor conditions within the county's potato harvest. We wrote up separate reports of our experiences and have included them within our reports on each child labor group.

In-county migrants: These are primarily French speaking families from the Allagash-St. John area. Allagash and St. John are townships in the Fort Kent Redevelopment Area, an area along the St. John Valley in Northern Aroostook that has been cited as being the poorest area in the State of Maine. Incomes there are lowest, unemployment highest, and outmigration of recent high school graduates heaviest. Families tend to be large, averaging four children per household. Most of the work force is employed in the pulp wood industry and depends heavily on seasonal agricultural employment. Because of the shortage of local jobs in agriculture (there are few potato farms in the immediate area) many families move to the Fort Fairfield, Caribou, and Easton areas for the three-week harvest season. They often work for the same farmer and live in the same "shack" year after year.

The shacks are usually wooden frame buildings, often old farmhouses themselves, with an outhouse, a pump, a wood stove for heat, and a gas stove for cooking. Some farmers will drive the family down at the beginning of the season and return them at season's end free of cost. Most farmers provide the shack, the water, wood, and gas free of cost also.

Family groups come ready to work. Usually one woman will be in charge of cooking, shopping, and housekeeping so that all the others can devote their energies to the 10 hour work day. In a good season an average size family can earn over $1,500.

During the week of September 20-27 each team member working in Aroostook county went to work digging potatoes. One summed up his experience working in Easton as follows:

Household structure:

There were two families, the B.'s and the St. G.'s, and several children and adults from other families living together in an old two-story farm building. All were working for Mr. S.W. of Easton. The quarters were provided rent free by Mr. W. while the families were working for him. Mr. L.B., head of the B-household, acted as foreman for Mr. W., coordinating the manpower, equipment, and wages during harvest. His wife did the cooking and shopping for everyone who lived in the house and Mr. B. deducted $2.50 a day for board for everyone who ate and was not in the B-family. Mrs. B.'s mother also helped out with the cooking and both women looked out for any of the children who do not want to work and stayed away from the fields.

Members of the crew by household:

The B.'s...Eagle Lake
- L. - 45, foreman
- J. - 40, L.'s wife, and the cook
- J.'s mother - 65, cook
- baby
- Donna - 10 years ... 15 barrels/day
- Sharon - 11 ... 25 barrels
- Linda - 12 ... 25 barrels
- Diane - 13 ... 35 barrels
- Mary Anne - 14 ... 40 barrels
- Mike - 16 ... 60 barrels.

The St.G.'s...Connecticut
- R. - 35 ... worked in a paper mill at night, slept during morning, picked in the afternoon
- G. - 39 ... (sister of J.B.) ... 50 barrels a day
- Keven - 8 ... played in the field
- Wayne - 9 ... 15 barrels

The M.'s ... Eagle Lake
- David - 12 ... 40 barrels
- Alan - 13 ... 40 barrels
- Norman - 14 ... 50 barrels

The L.'s...Eagle Lake
- Darcy - 17 ... 50 barrels
- Earl - 11 ... 25 barrels

Miscellaneous...Eagle Lake
Roy - 12 ... 35 barrels (Roy and Bert are brothers)
Bert - 15 ... 55 barrels
Norman - 30 ... rolled barrels on the truck
Mr. B. - 50 ... drove the digger

Others: not living in the house but working for Mr. W. and under Mr. B. as foreman:

The W.'s...Connecticut (lived in a small shack near the farmhouse where B.'s and St.G.'s stayed)
Mr. - 50 ... drove barrel truck
Mrs. - 40 ... 50 barrels/cooked
Three children - elementary school, around the ages of 7, 8, 9

Two Indian women...Tobique Reservation, Perth, Canada
Lived at sister's house nearby

Daily routine:
Mr. B. woke the household at 5 a.m., breakfast was at 5:15, and we were in the truck and out to the fields by 6. We would drive back to the house for lunch at 11 a.m. and then back to the fields by 12 and work until 5 p.m. Thus the work day was ten hours plus an hour for lunch. After dinner the older girls took turns helping with clean-up, the younger children would play in the yard, older boys would ride their bicycles and some would ride or walk to a nearby store for candy and soda. When it got dark around 7:20, the household would crowd around the dining room table to help Mr. B. sort through the tickets for that day's picking. The rest of the time before bed was spent just relaxing with TV and radio and conversation. Bed time was about 8:30 for the youngest kid and about 10 for the last adults. The crew picked six days a week excluding Sundays and rainy days. Children and adults made the same piece wage of 30¢ a barrel.

Housing:
The farm house was wood frame, quite old and unoccupied during all but the harvest season. Doors were often gone and blankets strung up in their place. The plaster on the walls was crumbling away and there were holes in the walls here and there where the plaster had mouldered completely away leaving only the wood frame. The doors and windows had no screens and the house was fly-infested. Fly paper hung everywhere and dishes and silver had to be covered with cloths when not in use. The house itself was rat infested and at night you could hear them crawling and scratching inside the walls. The only heat was from a gas stove in the kitchen and from a wood stove in the dining room.

Water:
There was no inside water supply but just outside the kitchen there was a good pump and fresh water.

Toilet:
The toilet was a shed connected to the back of the house where the ground sloped away. There were two holes cut in an old board to sit on and a small window about 6 inches square for light and ventilation. There was no light fixture and consequently nearly all the children went outside the front door and pissed on the front lawn after dark. There was no pit for the waste to collect in, and apparently no chemical absorbent under the shed so that there was just this huge

pile of human waste lying open twenty feet from the kitchen. With all the flies around it was easy to imagine that the proximity of open sewage could be a real health hazard. The scene in the bath room was so bad that most kids and adults waited until they couldn't hold out any longer and then took some toilet paper and went out in the woods at the side of the fields.

Food:

The family washed in wash bowls in the hall with cold water and soap before each meal. The food was ample and nourishing.

Typical breakfast: 5:00 a.m. - Eggs, bacon, toast, beans, doughnuts, jam, butter, coffee, tea, water

Typical lunch: 11:30 a.m. - Hamburger, boiled potatoes, peas, cabbage, bread, butter, water, coffee, tea

Typical supper: 5:30 p.m. - Chicken, corn, potatoes, green beans, bread, butter, water, coffee, tea

Sleeping:

Bedrooms upstairs and downstairs. Blankets strung up over doorways. I slept in a 12'x12' room with four other boys. There were two double beds, one home-made out of boards with a mattress on top of it, and a single bed. We slept two to a bed in the doubles with plenty of blankets. The desire to change clothes for sleeping (or any reason at all) evaporates when there is no shower or bath to clean up in. The kids would sleep in the same sweaty, dirt-stained underwear, two in a bed, for the whole week before changing. Still no one complained of loss of sleep after working ten hours in the fields. There were four kids in the other room upstairs, four girls and the grandmother in one room downstairs, and the two couples slept together with their youngest children and the baby with them.

Transportation:

All of the kids rode to the fields on the back of an old truck. The truck had old wooden siding and an open back. Several children and adults would lean on the siding on the way to the fields and all told how the previous year the siding had collapsed outward and kids fell out of the truck on to the road. Luckily no one had been hurt. This year the sidings leaned outward badly from the truck and clattered and swayed like huge wooden ears. They were held from falling away from the truck by three pieces of rope no thicker then clothesline that someone had strung between them, and by an old 1/2" chain that was laced around the outside much like you would bind up a bulging piece of luggage. The young kids hurried through breakfast and lunch to try to get a prime seat at the back of the truck with their legs hanging over. Parents continually warned them to sit inside the chain but some <u>would</u> sit outside the chain. A favorite practice that the parents likewise tried to discourage was jumping off the back of the truck while it was still moving into the drive. On Tuesday nine-year-old Wayne jumped off the right side as the truck was turning to the right and nearly rolled under a wheel.

Fields: sanitation:

There was no place to go to the bathroom except the woods at the side and no one had the least compunction about doing that when the urge was upon them. People often brought a mason jar full of water on a hot day and the two Indian women from Tobique ate their lunch in the field. On two of the three days I was picking, Mr. W. drove around in his pickup truck several times in the day and

offered water out of a jar in the back.

Labor:

Picking itself from six to five with only a quick break for lunch is a pretty problematical condition. To earn any substantial sum beyond room and board one must pick steadily for all ten hours of the day. You may stoop from the waist or crawl in some fashion on your hands and knees along the row, shaking potatoes off the vines and dropping them into your potato basket. When the baskets are full you must dump them into a potato barrel. It is primarily the lower back and thigh muscles that are used in picking and these become quite sore during the first few days of picking. Although anyone in the county will tell you he's been picking since the age of six or seven and is stronger for it, it would be interesting to get a medical opinion on whether intensive use of these muscles at an early age could be harmful to a child's development.

Education:

Schools in Eagle Lake were recessed for the harvest. Schools in Connecticut were not.

While working in the potato harvest, Maine team members began to find out who their fellow diggers were. From where they came--and why?

Two field reports from this team comment on French American and Indian families whose children were working.

Field Visit Report #2

Date: Oct. 12, 1970

Location: Mr. M.W.'s farm
W. and B.P.I. Rd.
C.

Acreage: 90 - digger - potatoes

Crew: French Americans: Two families (all picked unless indicated)
Mr. and Mrs. J.
4 children, 2 high school
2 junior high
Mr. and Mrs. B.
9 children, ages 2, 4, 5, 13, 12, 8, 7
(2-year-old not picking)

French Canadians: 1 adult--drove barrel truck

Local kids - 25, preschool to high school
- greatest percentage seemed to be high school and junior high

Local adults - several on trucks and in potato house

Spoke to the farmer, Mr. W. He and his son-in-law, Mr. H. shared the use of a shack for their bonded Canadian labor. Mr. W. explained that it used to be a cook shack complete with cook but that it was too much of a headache to run it that way, that the Canadians had complained about the food that was prepared, and

so now they keep house for themselves. Apparently it is traditional for a farmer to advance his outside crew (Canadians, French Americans from up county, and Indians too) money for groceries at the beginning of the season, and Mr. W. said he did this for his outside labor now. When asked whether he would go to a harvester some day, Mr. W. said no, he was too old a man. Perhaps the next owner would. Mr. W. said the farm had been his father's but he had no sons to pass it on to. He was not sure what would happen to the farm after he no longer ran it.

Spoke with both the J. and B. families in the field. They both come from St. John in the Allagash area where there are no potato farms. They explained they have come down for years and years but in the past worked for another farmer. This year their old employer went to a harvester and so they had to find work elsewhere. They said they were very satisfied with their housing, said they even had a flush toilet. Also wood, electric, and water provided. The house was a well kept two-story, wood frame building across the street from the farmer's house. All the children in both families were working except two junior high schoolers and the baby. The baby was inside the house and someone was babysitting. The other two were ill, one with a stomach ache and the other with a tooth ache. None of the kids said they had minded the work; most said they would use some of it for spending and clothes. I gathered however that each family was pooling their earnings for general family use. Even the little ones had picked all four weeks and the five-year-old girl (B's) had picked 12 barrels as of around three in the afternoon. She had a miniature sized potato basket, but the barrel she dumped her potatoes into was as tall as she was.

Went down the rows talking with each school child picking. Here are some of the names and comments:

Robert - 13, for spending money
Terry - 14, for spending money
Penny - 16, "...something to do...buy clothes..."
Barby - 10, "...school clothes,...like picking too..."
Mark - 13, "...give it to my folks and they give me spending money..."

Talked with two local women each with four kids, three preschool, three elementary, and two junior high. They were strongly in favor of the harvest recess and said the money they earned was important to their family budgets.

Went to see the Canadian squatters down the road from the farmer at the cross roads of Back Presque Isle and Washburn. It was a one-story wood frame building, no nicer than the Americans' lodging on the outside. I could not communicate with the people who lived there because they spoke only French, and so I do not know whether they had a flush toilet or a shower, etc.

Field Visit Report #5

Date: Oct. 13, by S.B.

Location: Mr. C.A. farm
Easton Center Rd.
1/4 mile S. of Easton Center

Acreage: Under 75 - potatoes - digger

Crew: (all were stoop labor unless indicated)

Indians: 2 families in all
Approximately 8 children, half in primary grades
- half in secondary grades
- one baby (did not pick)
Approximately 4 adults (one older boy worked on a barrel truck)

Local adults: several
drove barrel truck and worked in potato house

Spoke with one of the older men as the crew was breaking for lunch. He explained that all were from Escasone Reservation in Nova Scotia. He told me that people from Escasone show up every year to provide Mr. A with his crew. The families were staying in a wood frame dwelling that had once served as a barn or equipment shed for the farmer. It was very near the farmer's house.

Spoke with two of the boys who said they were in the seventh and eighth grade in Escasone. They said they were missing school during the harvest.

Children of Indian Migrants from Canada

"Why do you come here to pick?" we asked the Indian leaning against the car with New Brunswick tags.

"Well, I don't know. Just for the hell of it, I guess."

"I guess you could call it just a little vacation," said one woman from Escasone, Nova Scotia.

We met, saw, or heard of over 200 Indians who had come from their reserves in four Canadian provinces to work on the Aroostook county potato harvest. (See Table I.) Some of these people had been blueberry picking earlier in the summer in Washington county, Maine, and had come north when the blueberries were all picked. About 80 of the 200 were children (under 16).

Why do they come? Historically Indians were a nomadic people, and some have said that the arrival of the Indians in Washington county for the blueberry harvest and in Aroostook county for the potato harvest is a continuation of the nomadic urge "like that of a bird" as one Indian put it. On the other hand, it's not uncommon for plenty of non-Indians to spend a month or more away from home during the year: summer vacations, winter trips to Florida, etc.

The Indians themselves say that they "always" have come to Aroostook county for the harvest. Some really feel an obligation to help out a farmer they have worked for for many years. It's a tradition, a vacation, a big party for some, and a chance to make some money, though we've gotten the impression that they don't save very much of what they earn. The children are brought along, too, in this annual trip.

Field conditions. Field conditions in the potato fields of Aroostook county are the same for everybody. They have been well documented in our first reports.

Housing conditions. We visited or heard about 21 houses for Indian migrants and have pictures of at least three-fourths of them. Each house is described in the field and housing visit reports.

TABLE I

Indians, living in Canada and coming to Aroostook county, Maine, for the potato harvest, whom we met, saw, or heard about

Province	From which Reserve in Canada	Indians we met or saw from Canada:		Indians we heard about from Canada:		Total
		Adults	Children (under 16)	Adults	Children (under 16)	
NEW BRUNSWICK	Big Cove	24	15	43	30	112
	Burnt Church			12		12
	Eskasoni	19	11			30
	Tobique	2				2
NOVA SCOTIA	Bear Lake	5				5
	Shubenacadie	4		2	2	8
PRINCE EDWARD ISLAND	Lennox Island	10	7			17
QUEBEC	Restigouche	2	3			5
?	We didn't find out.....	5	10	12	6	33
TOTALS		71	46	69	38	224*

*Total number of Indians we met, saw, or heard about.

In general we can make the following points about the houses:

- All the houses were made of wood. One had concrete flooring; the rest wooden flooring.

- Five of the 21 were two stories.

- None of the houses had running water inside the house. Some were near pumps. One house was two miles from the source of water.

- There were no showers in any.

- There were no inside toilets in any.

- There were outhouses of varying degrees of cleanliness for most of the houses. At least two did not have any outhouse.

- Stoves: There was at least one stove in each housing unit. The stove

was usually a woodburning stove that supplied heat for the house as well as for cooking food. In at least two of the houses there were both woodburning stoves for heat and bottled-gas stoves for cooking.

- At least eleven of the houses had electricity. And of these at least two had refrigerators (electric) and three had TVs, all supplied by the farmer.

- Dishes, pots, pans, tables, chairs, beds, and bedding were supplied by the farmer in every case.

- The housing varied from neat, new, clean housing to old tumbling down, drafty shacks. Most seemed to us very livable (for three or four weeks) except for the lack of bathing facilities.

It is interesting to note that the housing for bonded French Canadians recruited by the Maine Employment Security Commission and coming to work on the harvest is required to meet certain standards under rules and regulations of the Bureau of Employment Security, Department of Labor, whereas the Indians, not being recruited by the MESC, have no such protection. We saw one house for bonded French Canadians, and it seemed no fancier than some of the houses Indians were using except that it had running water inside and showers.

School. Most of the Indian children we met or heard of were missing school because they had come to the harvest. We heard from two sources that the school in the Big Cove Reserve, New Brunswick, allowed children to be absent for two weeks if they were earning money for their clothes. But specific educational policies of the various Indian reserves in Canada was an area we were unable to find out much about, even with visits to the Bureau of Indian Affairs in Woodstock, N.B., and Frederickton, N.B. In one instance a lady had left her children at home so that they wouldn't miss school, and in another case a man had driven his children home so they could continue at school.

Twelve of the children we heard about were attending a local Title I migrant education project.

School Children in the Potato Harvest

We talked with school superintendents or other school officials in 15 of the 18 school districts in Aroostook county. These 15 districts, which represent about 95% of the total school enrollment in the county, contain approximately 87 public schools (17 are senior high schools), in which 27,100 students were enrolled at the beginning of the 1970-71 school year. All schools in these districts except 15 were closed for a three to four week period during the 1970 potato harvest. From previous surveys and from rough estimates by school officials in these 15 districts, we estimate that 14,650 students worked on the potato harvest in these districts. Based on population statistics of the 3 school districts we didn't visit, we would estimate another 750 students worked on the harvest. Estimate for total kindergarten through 12th grade student participation in the 1970 potato harvest: 15,400 students. (For a discussion of how we arrived at these figures, see Notes to the School Survey and Table II.)

TABLE II
Showing school districts in or partly in Aroostook county, number of schools, total enrollment, etc.

School District	No. of Schools	Total enrollment	No. of schools closed	Estimated % of students who work on harvest (school off.)	Our educated guess about the number who work	No. of students in the free lunch program	% in free lunch program	No. in Neighborhood Youth Corps
School Union 114	8	750	All	75%	560			
SAD 1[1]	9	4,000	3 closed 6 open	65%[2]	1,700	250	6.3%	25-30 s. 12 year
SAD 10	-	-	All	-	75[3]	-	-	-
SAD 20	7	1,900	All	60 to 90%[4]	1,400	200-225	11.5%	don't have
SAD 24	6	1,900	All	90% gr. 6-12	1,400	None-reduced for all st.	-	50 s. 10 year
SAD 25	4(?)	1,095	All	30 to 50%	400			
SAD 27	6	2,618	All	75%[2]	1,950	425	16.4%	50-55 s. 12-20 y.
SAD 29	9	2,563	All	62%[2]	1,560	300	11.7%	12 year
SAD 32	4	803	All	62.5%[2]	500			
SAD 33	-	-	All	-	300[3]	-	-	-
SAD 42	3	1,100	All	50 to 70%[4]	700	80	7.3%	?
SAD 45	4(?)	810	All	80% 3-12 few K-2	480	105[5]	13.0%	don't have
Caribou	7	3,300	All	76%[2]	2,475	157	4.8%	11-12 y.
Limestone	6	3,020	4 open 2 closed	30% 6-12	265	Refused to give	-	Refused to give
Madawaska	4	1,944	3 closed 1 open	52.1%[2]	868	190	9.8%	22 summer 3-4 year
School Union 122	-	-	All	-	325[3]	-	-	-
SAD 14	4(?)	300	None closed	1.7	5			
SAD 70	6	1,000	All	20% work all the harvest	400	150	15.0%	?
TOTALS	87	27,103	15 open 72 closed		15,363			

1. SAD means School Administrative District.
2. A survey is available for this district.
3. A wild guess based on population statistics of the area.
4. The school official was very vague and uncertain.
5. 25 of these do not receive free lunches because they are too far from lunch center.

Child Need - Health and Welfare Department

In an effort to find some reliable information to support the claim that children "need," financially, to work in the harvest, we interviewed social workers and supervisors in the county's three Health and Welfare Offices.

According to the Payments Supervisor of the entire county's welfare program, there are a total of 4,997 children receiving money through family assistance and child care programs. The supervisor explained that earnings for school children are no longer reported (since 1968) so that children might have an incentive to work, and consequently there are no hard figures available on the incidence of child labor through his office. He did estimate, however, that at least half of the almost 5,000 welfare connected children, county wide, pick in the harvest and do "need" the money in a meaningful sense.

Over all, he said that families were poorer in Aroostook than in the rest of the state. Also the families are bigger. The average welfare household in Aroostook had four children as opposed to 2.7 on welfare rolls in the rest of the state. This is not unimportant to the issue for larger families have larger needs and four working children can make a considerable contribution.

Houlton office- Southern County: Mr. H., child care worker and lifelong resident of the county, discussed at length the meaning of "need" as applied to child labor in the harvest, giving the following estimates over the Houlton area:

> "...20% don't pick. Of those who do, maybe 25% would have to go without the things their earnings could buy if they did not work. Another 60% would not go without, but their parents would be burdened considerably if the extra money were gone. Another 15% pick just because everyone does..."

Caribou office- Mid County: We spoke to four people from this office. The following are highlights of our conversations:

Miss Mary B., family service:

> "...40% of my case load has working children..."

Mrs. G., child care worker:

> "...most of the families are laborers, lower middle class. They work on the harvest themselves, at Potato Service and other processing plants... 60% of the caseload kids work... preschool to high school..."

Mrs. C., family service (Presque Isle area):

> "...50% of the case load works but the figure would be higher in other areas where elementary schools are open... five-year-olds and up... a younger child earns an average of forty to fifty dollars, an older child earns over 100 dollars. One family of five earned $1,800 in a single season.

Mr. J.C., county supervisor of foster care:

> "...county wide, 375 foster children... 2/3 work in the harvest preschool on up... 100% of the high schoolers..."

Fort Kent- North County: Mrs. B., Aid to Families with dependent children; intake:

> "...There are no potato farms in the Allagash to speak of or St. John or St. Francis. Many families come down from these areas to pick in Caribou and Ft. Fairfield. They are French speaking people. Usually they will bring their whole family along with them and everyone will pick. They come because they need the money and they earn a good deal depending on the season of course... 30% of the Fort Kent office's AFDC families come from this area; that would be 15 or 20 families. Fewer come from Frenchville and Van Buren because there are local potato farms there. Few from Madawaska because of the Frazer Paper Company there... all this applies to other people also; those not on AFDC are often as poor as those who are on it. If they are employed they will use vacation time to go..."

Mr. C., AFDC - caseload:

> "... All AFDC and committed children, those who have been placed in a foster home, pick and need to pick. The whole area needs; it's a depressed area. 90% of the town of Sinclair is on some type of assistance. Van Buren is almost as high. Madawaska is lower because of the paper industry. ... They use the money for winter suits, and a heavy coat, and boots for the kids that need them. They use the money to pay back taxes. They use it for winter fuel. They use it for home repairs..."

County's Dependence on Child Labor

As children need the money they earn during the harvest season, so do many farmers need the labor children provide. The unmechanized farmers particularly see no alternative to child labor during the harvest. We asked farmers we visited throughout the county what they would do if the harvest recess were done away with next season and children were no longer available. Those with harvesters or Indian and Canadian crews felt they would not be seriously affected. Those with hand crews of children said, with surprising regularity, "I'd go out of business."

We asked the farmers who said they would go out of business why they couldn't get Canadian labor instead.

"I got no place to put them," said F.B. of Presque Isle, a typical small farmer with a harvest crew of school kids. "I'd have to build 'em a better house than I got myself. The government is strict about that. Give me a year or two with prices up around where they should be and I'd be O.K. As it is now I just couldn't afford it."

At present an estimated 35% of the county's potato acreage is harvested with hand crews composed mostly of school children.

To pursue the question of farmers' dependence on child labor further, we asked county officials the following question:

> "... One alternative to continued reliance on child labor may be the importation of larger numbers of Canadians and extended recruitment drives among the Indians of New Brunswick, Nova Scotia and Quebec. After all, if ten years ago 8,000 imports and 2,000 Indians were available, why not today?"

Here are their reactions:

Mr. S.M., Bonding agent for growers' association:

"... oh you could do it (import more Canadian labor), you can always do what you have to do, that's not the question... What would happen? A lot of farmers would quit; they're already disgusted with the federal housing regulations. Most of them would have no alternative except to quit. Probably we could manage to drive the supply of Canadian labor back to five or six thousand, but that would only account for half of the number of kids that were picking (less than half by our figures).

"... Remember, these Canadians are not migrants, they are woodsmen, they are a stable segment of Canadian society, they are not available just like that...

"... The issue is between the school administrators who consider it (the recess) a bother and the wage earners who need the money. The teachers are out there driving trucks and earning money themselves.

"... From the sixth grade down it's not important. A lot of the schools are phasing it (recess) out for the lower grades."

Mr. B., New Brunswick Manpower official:

"... In the years of greatest demand, ten years ago, New Brunswick manpower office supplied 2,700 Canadians. (Quebec manpower in Riviere du Loup supplied the other 5,300.) This year we crossed 317. The quota was 350. Even with an unlimited quota we could not come close..."

Mr. J.B., Executive Director of Northern Maine Regional Planning Commission:

"... In certain areas of Canada the number of hard core unemployed is much higher than in the U.S. But I submit to you that they don't want to work. Canada is ten times as socialistic as the U.S. They pay you to have babies; they pay you to keep babies; they pay you not to work."

Mr. E.B., Office Manager, Maine Employment Security Commission, Presque Isle:

"... I'd agree with S.M.'s estimate; we could get a few thousand more Canadians if we had to, but not enough... Anyway, every year one-fourth of them decide they don't want to pick and they quit and go back to Canada. Then the farmer has to try to get more. (One team member saw this happen on Mr. P.'s farm in Caribou. The forty Canadians on the hand crew refused to pick any more without a five cent a barrel raise. The farmer told them they could pick for 30 cents or pack up and go, and they went back to work. The farmer said that he'd have to get at least 20 more Canadians because things were going so slow.)

"... five or six years ago we had 1,200 Indians in the harvest, today there are half that many. Part of the reason is that the Canadian government takes better care of the Indians now. Family allowance will be cut if a family takes their children out of school. Government construction programs on the reservations absorb a lot of Indian labor. There is "Mainstream" (a WPA type of project) in the Passamaquoddy area. There are

government upgrading programs too (salary and vocational training for Indians). And the blueberry crops have been bad for the past few years. This discouraged a lot of Indians who used to swing down to Washington county for blueberries before heading for the potato harvest in Aroostook."

Schools that Used to Recess for the Harvest but Now Stay Open

Fifteen schools in the districts we surveyed used to close for the recess; now they don't. Why? Because the school boards in the districts were convinced that a majority of the parents of the students of those schools were opposed to a harvest recess or that a majority of the students did not work.

1) School Administrative District One's elementary schools started staying open in the fall of 1969 after a 1968 survey showed about 62% of elementary school children's parents were opposed to the recess. A spring 1970 survey showed about 68% opposed. In the same survey a sizeable majority of parents of both junior high school (grades 6-8) and senior high school children's parents were in favor of retaining the recess. Note the increase of percentage of these parents in favor from 1968 to 1970.

Parents in Favor of Retaining the Harvest Recess			
	Elementary	Junior High	Senior High
1968	38%	70%	81%
1970	29%	77%	89%
(Percentages are rounded to the nearest unit.)			

2) In the Limestone School District, the two schools (K-8) on Loring Air Force Base have never closed, according to Mr. D.B., school superintendent. In 1969, two other schools in the district, but outside of the base, did not close. According to the superintendent this was because only a minority of the school children were working the whole harvest. He did not give us a copy of any surveys of the harvest.

3) S.A.D. 14 began keeping its schools open after fifteen years of closing for the harvest, according to Mr. C.W., superintendent of schools, because only about 15% of the students were working on the harvest.

4) One school in the Madawaska School District was open this year because of a late opening due to construction.

According to four school superintendents whose schools were all closed for the harvest, there is some thought yet a lot of hesitancy at keeping the elementary schools open and closing the high schools during the harvest because it costs the taxpayer more money when some schools are open in a district and some are closed.

Comments of School Superintendents on the History and the Future of the Harvest Recess

A lot of different versions of the history of the harvest recess were related

to us. What seems certain is that there have always been some school children available during the harvest. One superintendent said that before 1945, school didn't begin until after the harvest. Another said that schools in his district had closed for "50 years or more."

None of the school superintendents we talked to liked having a harvest recess. "It's a disadvantage to education," said some. "The crux of the problem is that it's an administrative nuisance," said another. But most mentioned the labor bind of the farmers in their districts and the financial benefit of the money earned during the harvest to needy students.

We asked, "What would happen in your district if there was no harvest recess next year for all grades?" Here are a sampling of answers:

"What would the farmers do?"

"It's not going to happen."

"We'd lose about 25 to 30% of our students."

"Not very many students would go without food and clothes."

"The farmers would have an awful employment problem."

"Nothing would happen!"

"There would be something of a minor rebellion in some circles."

"I'd be happy as hell."

On the future of the harvest recess in their respective districts:

"With the knowledge I have now, I can't see discontinuance of the recess /in the upper grades/."

"Even if all the farms in the district had mechanical harvesters there would still be a need for students 16 and over to work."

"No change."

"There would always be a need for a recess."

"The recess would be done away with in the near future."

"Even if the harvest was completely mechanized there probably would always be a need for senior high schools to close."

Title I Project - Migrant Education

Mrs. E.M. ran two schools over the four weeks from September 21 to October 21 for the younger children of migrants in Aroostook for the potato harvest. The schools, in Monticello and Mars Hill, were held in public school buildings with four or five salaried teachers in charge of the 50-some children in attendance. The children were recruited by Mrs. M. who went to county picker shacks to seek her clientele. Over half the children, some 25, were North American Indians from

Canada. The rest were, according to Mrs. M., whites: four from Roxbury, Mass., three from Rhode Island, and four from Connecticut. We visited one of the schools in Monticello, taught by a young and very capable teacher, Miss V.M. The day that we went to the school, Miss M. was far more than a glorified babysitter. She engaged the children, most of them of preschool age, in picture card games, art projects, and a reading circle. There was also a good lunch, an exercise period, a little tooth brushing instruction, and a nap period for the younger children. Several of Miss M.'s class were local residents who were too young to pick in the harvest.

Harvest Accidents

We witnessed no accidents to adults or children during the harvest.

We met one young woman who had been in an accident on a mechanical harvester: Miss B.P., 21 years old, living on Route 227 a few miles west of Presque Isle had fainted once while working on a mechanical harvester. Luckily the other workers caught her and prevented her from falling into the moving belts that could have chewed her up.

We heard of several accidents that had occurred in past years:

Mr. M.B., town manager of Washburn, and his secretary (interview of October 1, 1970) recalled four accidents in rather sketchy detail; all accidents occurred on the mechanical harvesters:

1) A boy lost an arm in Mapleton.

2) A girl lost an arm in Washburn. This is a famous accident where the doctor came right into the field, put a sterile sheet over the harvester and amputated the girl's arm on the spot, so mangled had it become in the machine.

3) One girl's hair was caught in a harvester and she was quite literally scalped.

4) The wife of one farmer was working at cleaning out the machinery. She was on the conveyor when the farmer started up the machine. Her legs were mangled.

It is not against the law for a farmer to use his own children of any age on his own farm machinery, but we heard general comments by a number of people of how stupid it was for farmers to use under-16 children on their machinery and how dangerous the harvesters were. Evidently the safety guards on harvesters are optional, and even if a farmer buys the harvester with the guards, he is apt to take them off so time isn't wasted during the harvest if a repair is necessary. (Talk with a man in the Lynz machine shop in Houlton, September 29.)

Chemicals Used for Growing Potatoes

(This information comes mostly from Mr. D.McC., a potato farmer in Houlton. Interviews occurred on September 25 and October 13. Actually they were informal talks. Mr. J. McC., son of D., was also very informative about chemicals and other aspects of potato farming. Very good people.)

Nine or ten times a season, chemicals are sprayed on the potato fields:

First there's an application of insecticide: DDT used to be used, but now it's forbidden. Mr. McC. used Parathion this year (he says it's very dangerous), but said that the ICC has outlawed it. He had a supply left from the year before. The Agriculture Department has recommended the use of Thiodin and Endrine, he said.

Then, while the plants are growing, a chemical called Bodo is applied six or seven times during the season. (He didn't know the chemical composition.) This is a blight deterrent.

For top-killing, he used a chemical called Sinex this year. It is mixed with fuel oil and sprayed. (The fuel oil makes it easier to spray.) In past years, sodium arsenite has been used, but the ICC has forbidden its importation into any state. Supplies on hand were used by some farmers.

Incidence of Irritation to Individuals Due to Chemicals - During the Harvest Period

We met only one person who complained of irritation to her feet by the top-killing chemical (she thought). Mrs. R.L., working on Mr. K.S.'s farm in Robinson, said her feet had been irritated by something in the fields, probably the top-killer (potato vine killing chemical). She had a small bandage on one foot.

We heard of one person (now dead) who was allergic to the chemical used in vine-killing. "She used to be one of my best pickers," said Mr. McC. "But when we started using the chemical top-killers, she had to stop."

Spray Applications We Witnessed

We personally saw application of chemicals two times:

1) R.T. was working on the farm of Mr. C.P. 40 French Canadian adults, about 4 children under 16 of the farmer's family, about 6 local adults were picking on the field. The farmer sprayed an anti-blight chemical on the very field we were picking. The sprayer came within 20 feet of the pickers, but we noticed no smell of chemical or irritation. (This action seemed to be an exception to general practices.)

2) On Sunday, October 4, we were surveying house-to-house on the Presque Isle-State Roads road (Route 227). A helicopter was zooming around spraying top-killer. There was a "big wind," and the smell of the chemical was strong even from a distance. No one picking, but there were houses around.

Conclusion

In general chemicals are not sprayed on the fields while the pickers are working on those fields. The danger to pickers would be the residue of chemicals on the dead vines or in the ground he worked on. (There presumably would be a danger to those who apply the chemicals--a greater danger than to the pickers--but we did not investigate that problem.) Of the fields we visited during the harvest, only in the one mentioned above did we see a sprayer in action while pickers were working.

E. CALIFORNIA This survey[1] is the California portion of a national American Friends Service Committee study of migrant children working in agriculture. It was conducted by two college students during July, 1970. The study involved 229 children working in agriculture in California, covering six counties (Fresno, Monterey, San Benito, Santa Clara, Sonoma, and Sutter-Yuba) and thirteen cities.

The basis of this study was a short questionnaire drafted in June, 1970, and administered to 82 working families in July, 1970. We supplemented the questionnaire with library research and interviews with growers, community organizers, government officials, workers, union organizers, and other relevant people. We requested the following information in our questionnaire:

1. Resident or migrant?

2. Ages of children eighteen and under working or helping in farm work. Do they have their own social security card? If not, whose do they work under?

3. In the area where your children work, or last worked, are there toilets that are clean and usable?

4. In the area where your children work, or last worked, is there clean drinking water readily available?

5. During the last two years, have any of your children suffered from illness or injury due to pesticides used in farm work?

6. a. Did any of your children do any farm work yesterday?
   b. If yes, how many?
   c. Approximate number of hours worked?
   d. Total earnings of children?
   e. Which crop?

7. Estimated earnings of your entire family in farm work last year?

8. Name and address, if you wish?

The questionnaire was designed to ascertain the extent of compliance with various California laws pertaining to labor in agriculture, in order to expose discrepancies between the laws and their enforcement and stimulate action to bridge that gap. Our survey is particularly concerned with minors, and all questions except for question seven apply specifically to working children eighteen and younger. Unfortunately, responses to question 6 often included the total daily earnings of the entire family rather than children alone (families working according to piece rates were often paid by only one check). In addition to violating California labor law, this practice precludes the possibility of calculating the individual hourly wage of each child or distinguishing between minors sixteen and older (who are covered by minimum wage laws) and those under sixteen (who are not). In some cases, families had forgotten or not been informed of their wage rates, and could only estimate wages. This, too, indicates violation of California law; employers are required to provide frequent wage reports and

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1. The California Survey was publicly released in August, 1970.

post prevailing wages. Therefore, responses to question seven, concerning annual earnings, were so vague that we completely discarded that question. The Assembly Committee on Agriculture reports similar ambiguities with regard to estimated annual earnings in their 1969 report on farm labor.

Similar imprecision characterizes question five, concerning illness due to pesticides. Although response to this question clearly indicates that the children in our sample are not as healthy as non-working children, we lack the medical expertise to specifically link the various illnesses reported to pesticide usage. Consequently, Section II of this paper relies heavily on medical reports from other studies.

We conducted the questionnaire according to the following schedule:

Date	Place	Crops
July 6, 7	Santa Rosa, Sebastopol, Healdsburg, Sonoma County	Apples, chili, prunes, tomatoes.
July 11, 12	Hollister, San Benito County	Apricots, onions.
July 13, 14	Hollister, San Benito County Gilroy, San Martin, Santa Clara County	Cucumbers, garlic, strawberries.
July 15	Salinas, Gonzales, Monterey County	Apricots, tomatoes, strawberries, non-harvest work.
July 24, 25	Mendota, Raisin City, Del Rey, Fresno County	Melons, tomatoes, peaches, nectarines, chili, plums, peaches, grapes.
July 29	Marysville, Gridley, Sutter-Yuba County	Olives, peaches.

Because we realize that our survey is not strictly representative, we have tried to rely on specific observations and situations rather than making abstract generalizations. Although we used other surveys, we have tried to limit their use to clarifying our observations and placing these observations in larger contexts. Fundamentally, we are describing situations that we have encountered and trying to understand the consequences of these situations for the people who experience them as the basis of their daily existence. Our understanding is limited because we are not, and probably never will be farm workers. We are students at an elite university. We have generally lived in large cities, in comfortable, stable surroundings, amply rewarded for our performance in our social roles. Although we do not reject this background, we realize the limitations it places on our analysis. Nonetheless, this report is a legitimate record of certain aspects of California agriculture. The conditions we describe are part of everyday reality for over 350,000 agricultural workers in California. The statistics we quote are not numbers; they are real people, working for inadequate wages and unnecessarily contracting dangerous illnesses. Our goal has been to stimulate action to change these conditions; we hope that this report is not simply dismissed and added to the already overstocked pile of neglected exposés.

Wages - Working Conditions

This section will give background to and discuss the implications of our experiences in studying farm labor, with special attention to wages and working conditions. It includes a brief description of harvest work, further information on compliance with and enforcement of minimum wage and other labor laws, a summary of our observations of infringements of farm workers' rights by unfair employment practices, a general discussion of farm workers' low standard of living, and a conclusion on the importance of the United Farm Workers Organizing Committee (UFWOC). Throughout the report are a series of recommendations for improving employment practices in agriculture.

We should begin with a description of actual working conditions in the fields. There are three major methods of transportation to and from work; some workers ride buses or pick-up trucks provided by employers at a central location which may be a fair distance from the farm. After the working day is over, they return to the central depot. None of the day-haul laborers in our sample were compensated for this travelling time.

In another common situation, families live on the ranch on which they work. They just walk a few steps to the job. Lastly, families may drive to the fields from their home in town or a nearby work camp. Often, the cost of travelling long distances prohibits the farm worker from the mobility he needs to find employment.

During the period of our study, temperatures ranged from about 80 in Santa Rosa in early July to 105 in Fresno County late in the month. Because of this intense heat, farm work usually starts early in the morning (5:00 - 6:00) and ends by mid-afternoon. Within these limits, the working day varies in length from a few hours (two hours was the shortest working day in our sample) to ten or more hours at the peak of the harvest for highly perishable crops. Approximately 17% of the children in our sample worked more than eight hours per day. According to California Labor Code Sections 1391 and 1394(a), minors fifteen years and younger working in agriculture are not permitted to work more than eight hours per day (Labor Code Section 1394(a) exempts minors sixteen years and older from Labor Code Section 1391, which limits working hours for all minors). Our survey of length of working day does not distinguish between those older and younger than sixteen. However, since 61% of our sample is younger than sixteen, it is reasonable to conclude that a substantial number of children under sixteen are working more than eight hours per day, in violation of California law (See Tables I and II).

TABLE I

TOTAL NUMBER OF CHILDREN IN SURVEY

Total	229	100%
Under 12	43	19%
12-15	96	41%
16-18	90	40%

TABLE II

HOURS WORKED PER DAY

Over eight (8) hours	33	16.9%
Under eight (8) hours	162	83.1%

Although harvest work in California takes many forms based on the diversity of crops, no harvesting job requires great expertise or special skill. Harvest work is always extremely taxing, especially in the heat, and can be seriously detrimental to workers' health, especially children's. The phrase "blue-sky sweatshops" still applies. As discussed in greater detail later, we doubt that farm workers are adequately compensated for their exertion and health risks.

For a fuller description of harvesting methods, we will use the common distinction between "stoop crops" and "tree crops," and add a third category, "row crops," for a few crops which don't seem to fit well into either category. (Row crops are grown in long rows; a crew or family is assigned a few (10-15) rows for a day or a season. Often a crew will simultaneously be assigned to areas in a few fields and rotate so the plants can renew their yield after intensive picking.)

In harvesting stoop crops, like strawberries, cucumbers, garlic, chili, and onions, the worker moves along the row on his knees or stooped over, back sharply bent. Pushing a little barrow or carrying a pail or sack, he picks the fruit off the ground plants until his pail or basket is full. Then he carries his container to the end of the row, gets a new one, and returns to stooping and picking. Onions and garlic are also "topped"; that is, tails and whiskers of the plants are cut off before they are ready for further processing. The approximate piece rates for stoop crops that we studied, with the range of production per hour, are:

CROP	PIECE-RATE	AVERAGE RATE	HOURLY WAGE
Strawberries	$0.70 - $1.00/crate	2 crates/hr.	$1.40 - $2.00
Onions	$0.20 - $0.50/sack	1 sack/hr.	$0.20 - $0.50
Garlic	$0.50 - $0.75/pail	3-4 pails/hr.	$1.50 - $3.00
Cucumbers	$15.00/bin	1 bin/hr. (family of five)	$3.00 (per person)

Often, fruits and vegetables are sorted according to quality at the packing house. Wages then vary according to grade, with the farmer and worker splitting the price of the bin fifty-fifty. In these situations, wage determinations are in the hands of the packer, not the farmer.

Usually, men who are willing to work long hours harvest tree crops, like peaches, pears, and apricots. To get the fruit from the tree, the worker climbs a ladder (5-20 feet) and fills the sack he carries across his chest as quickly as possible. Falls are common. Often, family members will assist the men by picking up fruit that falls to the ground.

Row crops, like berries and grapes, are the easiest to pick. The worker walks along the row picking fruits from bushes or vines, filling the crate he carries around his neck or in a hand-held basket; the wage on the one berry farm we visited in Sebastopol, Sonoma County, was $0.12/crate. The crates were immediately divided into small boxes and sold at $0.50/box.

Wages are often paid hourly rather than piece-rate (based on quantity of crop picked). However, families tend to work on a piece-rate basis. Since hourly workers enjoy more security and generally higher salaries than piece-workers, growers who pay by the hour can choose the most efficient workers from the large agricultural labor pool. Usually they hire single men, thus avoiding the trouble of checking each child for social security cards and work permits, and providing individual homes for families rather than barrack-like residences for single men. Moreover, children are often unqualified to do non-harvesting jobs, such as maintenance and machinery operation, which are usually hourly jobs. Thus, working families, in which women and children work because the head of household cannot support everyone, are often forced to accept piece-rate jobs with inferior wages and working conditions, greater uncertainty, and short periods of employment which increase the instability caused by frequently changing jobs and residences.

Because of this uncertainty, families are more susceptible to certain forms of coercion and exploitation common in the agricultural labor market. One example of such coercive mechanisms is the "deferred bonus." Often, in piece-work, a small portion of the posted wage is withheld, to be paid as a "bonus" at the end of the season. If a worker quits before the end of the season, he forfeits his "bonus." We found examples of withheld "bonuses" in apricot farms in Sonoma County, and cucumber and prune farms in San Benito County.

According to the farm owners, the basis of this deferred bonus plan is to insure that low-yield fields (including low-quality fields and fields which are on their sixth or seventh harvesting) will be picked. By deferring part of the worker's wages until the end of the harvest, the worker is obliged to pick in these low-yield fields, regardless of how poor the piece-rate wage becomes. (Farm owners contend that if piece-rate compensation becomes too low, prices per unit quantity are raised to provide acceptable wages.)

At first glance, then, it might seem that the practice of withholding bonuses is necessary to ensure that a stable and dependable labor force in piece-work is available. However, California Industrial Welfare Commission Order 14-68, Section 3, requires that a minimum hourly wage ($1.65 for adults and $1.30 for minors sixteen and over) be paid to eighty per cent of all piece-workers. If most piece-workers earned a minimum stable wage, there would be little motivation to leave the fields in low-yield periods; wages would always be reasonable. (Similar conditions would prevail with hourly wages.) In short, a stable wage, as prescribed by law, would ensure a stable labor force. The widespread practice of the bonus plan, then, suggests that there is no such stable wage; that is, that many farmers are avoiding paying the legal minimum wage by employing families on a piece-work basis and using various coercive practices to keep workers from seeking better wages or complaining to state authorities.

This hypothesis substantiates the average hourly piece-work wage in our sample - $1.04/hour (See Table III). This is twenty per cent below the minimum wage for minors sixteen and older ($1.30). Although our wage survey did not distinguish between minors older or younger than sixteen (those under sixteen are not covered by the law), we find in these statistics dramatic evidence of widespread violation of the law.

TABLE III

AVERAGE WAGE PER HOUR

	Number	Percent	Wage
Children paid hourly wage	22	12%	$1.69/hour
Children paid piece-rate	163	88%	$1.04/hour
Total	185	100%	$1.12/hour

Moreover, the practice of withholding bonuses is in direct violation of other laws, even if the legal minimum is paid. Labor Code 208 reads: "An employee who quits shall be paid seventy-two (72) hours of when he tells his employer of his intention to quit." The refusal to pay bonuses to men who quit violates this law. Two other statutes, pertaining to farm labor contractors, clarify the spirit of the law with regard to the ambiguity and slackness of the "bonus" system. Labor Code 205 reads: "Workers employed by a farm labor contractor shall be paid at least every two weeks, and payment shall include all wages earned up to and including the fourth day before the pay day"; Labor Code 1695 reads: "A farm labor contractor shall post, both at the job site and on all vehicles he uses to transport workers, the rate of compensation he is paying his workers..." In combination, these statutes outlaw the practice of withholding "bonuses." Nonetheless, this method of coercion continues.

Another related practice is the withholding of all wages until the end of the harvest. This, too, encourages workers to stay until the end of the harvest, and severely hurts those with marginal incomes. We also heard reports of contractors who withhold wages after migrants move on and never forward the wage checks. However, we did not have a chance to verify these reports. These practices violate Labor Code 208. Labor Code 1695, pertaining to posting wages, is also frequently violated; we never saw posted rates although we visited many job sites.

Another form of coercion which families are exceptionally vulnerable to can be called "housing coercion." Workers often live, occasionally rent-free, in grower-owned homes on the ranch or in nearby labor camps. If they quit and find another job, they are told to move out. The grower's eviction power is also used to prevent workers from complaining about working conditions and wages. We heard reports of such incidents in Sonoma, San Benito, Monterey, and Fresno Counties. In many of the work camps we visited, we sensed an atmosphere of fear and coercion. In a camp in Mendota, Fresno County, for example, our interpreter explained that camp residents felt threatened with loss of their job or place to live if they told anyone about Mexican illegals living in the camp or criticized working conditions on their farms.

Another coercive practice we encountered was a response to camp residents' actions against housing coercion. With the help of California Rural Legal Assistance, residents at the Posada camp in Salinas, Monterey County, obtained a court order preventing the camp's owner (a local corporate farmer) from evicting families who found new jobs but had arranged to stay in the camp for the season.

Camp residents told us that the owner immediately added extra checkers to grade their workers' cucumbers extremely rigorously, effectively lowering wages. This is another example of growers' manipulation of working and living conditions to exercise control over farm workers. Such examples are common, although often very subtle. When workers are dependent on their employers for food and housing as well as a job, their relationship to those employers is one of relative powerlessness. Growers often take advantage of these inequalities. Consequently, farm workers are often unaware of their legal rights, of possibilities for financial, legal, medical, and educational assistance, and so on. They often seem intimidated, reluctant to organize to gain their own power or even to make small complaints to state agencies. This aspect of the farm labor situation in California is complex and not easily remedied. Some of our ideas about response to this situation will be proposed in the conclusion of this report. Before conclusion, we will continue to describe the extent of compliance with laws pertaining to agricultural wages and discuss some of tne implications of our findings.

Industrial Welfare Commission Order 14-68, Section 6(b), reads: "All employers shall furnish to each minor and female worker, when he is paid, a written statement showing the payroll period covered, gross wages paid, and all deductions from his wages. Labor Code 1696.5 reads: "All farm labor contractors shall furnish to each worker, when he is paid, a written statement showing all deductions from his wages." We found numerous examples of women and minors who were paid without statements of any kind in every county we visited. Often, entire families were paid by one personal check without any wage statement. Sometimes workers were unsure about the length of payroll period and deductions, and we were told that legally required deductions, like social security and workmen's disability insurance, were often not deducted. In many families, children work without social security cards; their wages are assigned to parents or older siblings. This was the case for 27.5% of the children in our sample, 79.1% of those under twelve, 28.1% of those 12-15, and 2.2% of minors 16 and above (See Table IV). This violates federal regulations and IWC Order 14-68, Section 6(a). For those under twelve, working without a card lessens the possibility of detection by employers who seek to obey the law. (It is illegal for minors under twelve to work in the state of California.) Last, working without social security cards deprives minors of possible benefits and saves employers the expense of their share of F.I.C.A. withholding.

TABLE IV

CHILDREN WITH SOCIAL SECURITY CARDS

	Number	Cards	No cards	% - No cards
Total	229	166	63	27.5%
Under 12	43	9	34	79.1%
12-15	96	69	27	28.1%
16-18	90	88	2	2.2%

In a sense, working with only a few social security cards benefits families because their already low take-home pay is not depleted by deductions which will only be useful to children in the distant future. However, families should not be so poor that they cannot afford to pay for benefits to which all workers are by law entitled. That it is even possible to argue that failure to comply with social security regulations is beneficial to farm workers reflects the same irrational situation that forces entire families to work in the fields.

Another result of assigning many children to one social security card is to inaccurately raise statistics (especially federal statistics) concerning average agricultural wages. If the number of social security cards is used as a source for the number of workers, then the calculated average wage per worker will appear deceptively large.

Generally speaking, then, although they are not sufficiently enforced, California's agricultural labor laws (on paper) provide for the rights of the state's farm workers. The law provides for minimum wages, "show-up pay," regular paydays, minimum health and sanitary standards, etc. Except for the extension of Labor Codes governing farm labor contractors to all farm employers, our only recommendations for law reform pertain to minimum wage laws. These proposals will be discussed at the end of this section.

Unfortunately, our experience throughout the state suggests that enforcement of these laws is lax. Enforcement agencies are usually understaffed and enforcement procedures are slow and unreliable. Many agencies are involved in law enforcement in agriculture, but enforcement effectiveness is erratic, varying from county to county and agency to agency. Almost all the relevant agencies are state agencies, and jurisdictions are usually divided by county. The following agencies are responsible for agricultural labor law enforcement:[1]

(1) Division of Industrial Welfare, Department of Industrial Relations, is responsible for all aspects of working conditions for women and minors covered by the very comprehensive Industrial Welfare Commission Order 14-68. This includes sanitary conditions in the fields where women and minors work, limits on hours and age of workers, minimum wages, etc. In one area we studied, one roving enforcement officer is responsible for six counties (lower Alameda, Monterey, San Benito, Santa Clara, Santa Cruz, San Mateo).

(2) County Health Departments are concerned with regulations pertaining to sanitary facilities, pesticides, and housing conditions. Their success is discussed in the other section of this report.

(3) Division of Labor Law Enforcement, Department of Industrial Relations, is specifically involved in wage claims and other violations of laws regarding wages, although theoretically concerned with all aspects of labor law.

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1. The information for this section is based on, in addition to our observations, conversations with Louis Braun of the Farm Labor Service in Salinas, Jess Escovido of the State Health Department, Sutter-Yuba County, Dave Kirkpatrick, California Rural Legal Assistance, Salinas, Eugene Sherree of the Division of Industrial Welfare, San Francisco, Walter Wong of the State Health Department, Monterey County, and personnel at the Department of Labor Law Enforcement, Salinas.

The procedure followed by these agencies begins with following up complaints by inspections or on-going inspections without complaints, depending on the size of the staff. In either case, if inspection reveals violations, enforcement officers order that the situation be remedied, often arbitrating wage claims. Although empowered to initiate prosecution, these officers rarely do, preferring more moderate sanctions, such as ordering local offices of the Farm Labor Service to stop sending workers to a violator's farm, or issuing orders to the farmers. The reluctance to initiate prosecution weakens enforcement officers' effectiveness. Issuing an order to a farmer, or withdrawing the help of the Farm Labor Service lacks sufficient deterrent power (According to a report of the Assembly Committee on Agriculture, less than ten percent of the labor force finds jobs through the Farm Labor Service.[1])

Another weakness of these enforcement procedures is the long interim between complaint and response. In the six-county area mentioned above, complaints to the Division of Industrial Welfare wait at least one to two weeks for action; often complaints are never followed up. Two weeks is a long time to work with a stopped-up toilet or no drinking water. Long interims might mean a significant wage loss, especially to poor farm workers who often have little financial security. Often, conservative compromises between growers and complaining laborers will have already been arbitrated, or the offended workers will have already moved on to a new job.

Compared to the Division of Industrial Welfare, the Division of Labor Law Enforcement is doing a reasonable job. The staff is slightly larger (two men full time) while the jurisdictions are smaller. (For example, the two man team working out of the Salinas office worked in three counties.) They are able to make some inspections as well as spending time following up complaints. However, the large size of the counties, the many farms, and the thousands of workers in the area make comprehensive, effective enforcement impossible by such a small staff. It is therefore not surprising that we found so many violations in areas where enforcement officers were working. The size of the task is compounded by workers' reluctance to complain, and the piecemeal effects of lawsuits against growers. The result of this situation is that the realities of California agriculture are far from the proscriptions of its laws.

Obviously, enforcement agencies must be strengthened. Their budgets should be increased greatly and enforcement officers must use their powers as actively as possible. With adequate staff, enforcement officers would be able to actively police the farms, as is necessary. Recent concern for law enforcement has overlooked the responsibility of farm labor law enforcement personnel to preserve "law and order." These laws, which protect the rights of laborers and repress no one, must be enforced if the "law and order" administrations of the state and nation want to be consistent with their slogans, and move beyond the hypocritical bigotry that has too often characterized their practice. It is tragically ironic that recent emphasis on law enforcement has focused on the repression of Americans who challenge the system and ignored laws which protect the interests of those who are relatively powerless.

Adequate law enforcement is especially important for minimum wage laws. Because of the seasonality and low wages of their profession, farm workers are

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1. State of California Assembly Committee on Agriculture, The California Farm Labor Force: A Profile, Sacramento, 1969, p. 19.

among the poorest groups in California. Violations of minimum wage laws are therefore very harmful to farm workers. Our experience of the large extent of such violations convinces us that a reasonable minimum wage is crucial to the welfare of California farm workers.

Therefore, the minimum wage provisions of IWC Order 14-68 should be extended to minors twelve to fifteen. Their rights and their labor are as legitimate as their elders'. In light of the difficulties and dangers of agricultural work, especially to younger children, an hourly wage of approximately $1.00 is definitely inadequate. The personal costs of agricultural work (loss of educational opportunities, high health risks, rootless home life due to continued travel) are greatest among children. A similar analysis leads us to recommend that the minimum wage be uniformly set for men, women, and minors. Although minors may not be as productive as adults, they must be compensated for the high personal costs of becoming farm laborers.

Last, we recommend that the legal minimum wage must be raised from $1.65 per hour. This is hardly adequate to support a family, especially in light of the seasonal nature of most agricultural employment. Even if this law were scrupulously enforced, many farm families would still be living at or near poverty levels, and children would still have to work. The California Farm Labor Force: A Profile, a report of the Assembly Committee on Agriculture, provides data about the low economic status of California farm laborers. Although this report uses 1965 as a sample year, our observations suggest that conditions have not changed greatly since this report was written.

According to this report, 202,000 of 486,700 farm workers (42%) have total annual earnings in the state of less than $1,000. Although many of these workers are short-term workers (56%) or migrants with possible out-of-state income, "at least 64,500 were very low earners in the labor force more than half the year but earning under $1,000 in total wages."[1] The median farm earnings for 1965 were $763; the median total earnings were $1,388. This means that half the farm workers in the state earned less than $1,388 in the entire year, and 85.5% of California farm workers earned less than $4,000 in the entire year.

These statistics emerge from the report's sample although in calculating average income, its authors eliminated one-third of the labor force that earns less than $100 per year.[2]

The implications of this report for families are similar. The median total family income for families with one or more members working in agriculture was $3,444. To worsen the tight financial squeeze, farm families tend to be large. "Forty-two percent of the workers live in family units of five or more persons..."[3] The median annual income for families of five persons is $3,772. Finally, the survey reports that "median income did not appear to rise with the size of the household."[4] Thus, the Assembly Report confirms our observations that many employed farm workers had marginal incomes and large families, living on the borders of officially declared poverty and certainly always far from the standards of financial security which so many of us have taken for granted.

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1. State of California Assembly Committee on Agriculture, op. cit., p. 13.
2. Ibid., pp. 11-13
3. Ibid., p.25.
4. Ibid.

This situation would be more fortunate if farm workers were able to take advantage of the seasonal nature of agriculture and supplement their farm incomes with non-farm work. However, most workers depend on agriculture for most of their income. Sixty-one percent of agricultural families derive all their income from farm work; 70% of families derive more than 80% from farm work.[1] Nor is public assistance very important: "... most families headed by a farm worker are completely dependent on wages for their family incomes ... about 76.4% of farm labor families receive no income from such (income) supplements."[2]

This situation is most harmful to working children whose education and physical development suffers greatly:

> "Forty-six percent of the farm workers did not complete the eighth grade. About seventy percent of the workers who did not complete the eighth grade were Mexican.... This picture is changing.... still it is questionable whether the educational level is rising enough to meet the needs of an increasingly complex, mechanized agri-business."[3]

Later, the report elaborates, "Lack of education prevents many farm workers from finding year-round employment.... Lack of education not only limits his opportunities but may make him less useful to the grower..."[4]

These conclusions correspond to the many young people we met who rarely considered employment possibilities outside of farm work. The comparatively low expectations of rural farm workers and the cycle of poverty described above are manifestations of farm workers' low power and status in the state of California.

Because of the depth and complexity of these problems, we conclude that solutions to the problems of California farm workers can not come from limited reforms like tightening and enforcing labor laws. Although such reforms are important, farm workers will begin to solve their own problems only when they organize to assert their own power.

As we have seen, piecemeal governmental reforms have limited effects and are full of problems. Law enforcement in agriculture is difficult, cumbersome, and unreliable. Moreover, the maintenance of adequate enforcement staffs would be very costly, and might create another unwieldy, wasteful bureaucracy. Workers should not have to rely on the state government to protect their interests. In addition to the potential inefficiencies of every bureaucracy, some administrations may neglect their duty to look after farm workers' interests. The recent budget cuts in the Division of Industrial Welfare is an example of such neglect.

In short, agricultural law enforcement is necessary, but must not distract us from the larger issues involved in agricultural labor in California. Farm workers must depend on their own power. Thus, they can effectively improve working and living conditions while establishing a situation of group self-reliance and self-respect. The need for such a change in climate is especially important because so many farm workers are Chicanos, who are oppressed as members of a minority group as well as at work.

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1. State of California Assembly Committee on Agriculture, op. cit., p. 27.
2. Ibid., p. 91.
3. Ibid., p. 25.
4. Ibid., p. 33.

The most obvious, and probably most important, example of a movement to assert farm workers' power is the United Farm Workers' Organizing Committee. Contracts like those signed with grape growers deal with many of the problem discussed in this report. These contracts provide for an hourly wage of $1.80 per hour plus $0.25 per box picked. If a man picks three or four boxes in an hour, he can make more than $2.50/hour. This is above the total hourly wage for most of the families with whom we spoke. Therefore, children of union families will not have to work, and can devote their energy to growth and education. Moreover, the increased dignity and equality of union work will raise family spirit and expectations. Raising the wage can thus reverse the downward spiral discussed above.

In addition to raising the wage, the union contract provides for greater job security, standard hiring procedures, pesticide controls more rigorous than California law, adequate sanitary facilities, grievance procedures, and a medical plan financed by employer contributions. While duplicating many of the provisions of state law, the union contract moves beyond the law by maintaining standards through procedures internal to the industry which depend on the power of workers as well as growers. According to our analysis, such relationships of mutual power are necessary to protect the rights and interests of farm workers in this state, and offset the inequalities which hinder them from controlling their own lives

Health

Although the paper is divided into two sections (wages and health), it is crucial to understand the intricate connection between the two and their mutual reinforcement. There is little doubt that agricultural labor is one of the most dangerous occupations, but because of the low wages paid, medical care is severely lacking. (The United States Senate Subcommittee on Migratory Labor stated, "The average per capita health care expenditure in 1967 for one million migrants was $7 20, compared with an average per capita health care expenditure for Indians of $170.15, and for the total population of $200.00."[1] Clearly, unless wages increase or extensive outside services are made available, the spiral of low wages maintaining poor health will only worsen. Abraham Ribicoff, former Secretary of the United States Department of Health, Education, and Welfare, stated the problem most clearly:

> "Migrant agricultural workers are among the most underprivileged citizens of the United States from the standpoint of their health conditions and their opportunities to receive health services. Their living, working and travel conditions are generally substandard and result in serious illness and accident hazards to all members of their families. Their income is uncertain, irregular, and seldom sufficient to enable them to pay for needed health care. Their work requires frequent movement from place to place over extended periods of time. Their generally low level of education is reflected in their inadequate knowledge of good health practices."[2]

To ascertain the health conditions of children working in the fields, we

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1. United States Subcommittee on Migratory Labor, The Migratory Farm Labor Problem in the United States, p. 28.

2. California Department of Public Health, Occupational Health of Agricultural Workers in California, p. 17.

decided on a two-pronged approach: first, we wanted to specifically identify the level of compliance on the part of farmers concerning sanitary conditions in the field (which includes proper toilet facilities, handwashing facilities, and availability of drinking water); secondly, we wanted to approximate the number of children who had suffered from illness possibly linked to pesticide usage during the last two years. The following two sections will deal with each of these questions separately, analyzing our findings, citing relevant previous data, and recommending alternatives for improvement.

1. Sanitary Conditions in the Fields

The reason why we chose to investigate sanitary conditions in the fields was not simply to document statute violations, but rather to show that the minimal necessary health standards for agricultural workers (including children) are not being enforced. The California Department of Public Health has stated unequivocally,

> "The four major occupational diseases, heat stroke, poisoning by agricultural chemicals, food poisoning and skin conditions can be largely prevented by the availability of water for drinking and washing, and by the availability of sanitary facilities."[1]

Dr. I.W., a doctor at the University of California, Berkeley, also concludes, "Both water and soap are vital to the prevention of the most prevalent and most serious occupational diseases occurring on the farm."[2]

The law explicitly establishes regulations concerning the existence and maintenance of field toilets, washing facilities, and drinking water. The State of California Industrial Welfare Commission Order No. 14-68 regulating wages and working conditions for women and minors in agricultural occupations states:

(a) An employer shall provide workers with suitably "cool, fresh, and pure" drinking water during working hours. Individual paper cups shall be provided or sanitary drinking fountains.

(b) Employers shall provide adequate toilet facilities, readily accessible to the employees. Adequate facilities include water flush toilets, chemical toilets, or sanitary privies. Toilets shall be designed, constructed, and maintained so as to prevent the access of flies to the excreta. Toilet paper shall be provided within the toilet unit. Furthermore, it shall be the responsibility of the employer to insure that toilets are serviced and maintained in a clean, sanitary condition and kept in good repair at all times.

(c) Employers shall provide handwashing facilities with pure, wholesome and potable water. Soap or other cleansing agents shall be made available. Suitable signs shall be posted, indicating that the water is for handwashing purposes only, and not for drinking.

In collecting the data for our survey, we relied on the impressions of the

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1. California Department of Public Health, op. cit., p. 17.
2. West, Irma, Occupational Disease of Farm Workers, Archives of Environmental Health, p. 92.

farm workers themselves as to the conditions of the toilets and other facilities. Whenever possible, we would verify these impressions with our own inspections of the facilities and found that, if anything, farm workers were too lenient in assessing compliance with the law. Often, individual violations (such as lack of paper, inadequate screening, etc.) were not mentioned, so that our results tend to give a better picture than what may actually exist. Table I outlines the results of our survey. The results clearly indicate that at least forty percent of the farms where children work have one or more violations of the law.

TABLE I

TOILET CONDITIONS	Total	%	AVAILABILITY OF DRINKING WATER	Total	%
Number of fields	70	100	Number of fields	67	100
Complete compliance	40	57	Complete compliance	40	60
Specific violations:			Specific violations:		
No paper	8	11	Hot water	2	3
No washing facilities	3	4	No cups	1	1
Unclean, unfit for use	6	9	Unclean	1	1
No toilets	13	19	No water	23	34

To substantiate our findings, we can quote from two other independent surveys that found conditions even worse than ours. In 1967, a report by the American Friends Service Committee Farm Workers Opportunity Project in California stated, "Every one of our counselor-interviewers reported a lack of field toilets.... Needless to say, handwashing facilities were even scarcer than field toilets.[1] Specific violations included long distances to toilets, no paper, lack of adequate screening in the toilet area, rusty cans instead of paper cups, and simply an absence of any facilities whatsoever.

Another independent study was conducted by an OEO community worker from August 5-22, 1969 in Sutter-Yuba County.[2] Results are shown in Table II, and forcefully indicate the serious lack of compliance by farm growers of proper field sanitation conditions.

1. Farm Workers Opportunity Project, Farm Workers and the Law - A Report on the Illegal Treatment of Farm Workers in California, p. 4.
2. Sutter-Yuba County Field Inspections: August 5 - August 22, 1969, unpublished.

TABLE II

SUTTER-YUBA COUNTY FIELD INSPECTIONS

TOTAL NUMBER OF FIELDS	= 35	NUMBER OF WORKERS IN FIELDS	
Complete compliance	= 3	Total	= 790 - 851
Substantial compliance (one violation)	= 1	Males	= 603 - 664
Substantial non-compliance (two or more violations)	= 31	Females	= 187

TYPES OF VIOLATIONS (no duplications)

1.	No toilet	10
2.	Toilet drained directly into fields	7
3.	Dirty toilet	10
4.	Toilet smelled	7
5.	Toilet but no paper	21
6.	Toilet not fly tight	12
7.	No handwashing facilities	21
8.	Water but no soap	7
9.	No drinking water and no individual cups	18
10.	Water but common cup	20

After ascertaining that there was a considerable lack of compliance concerning field sanitation, our next task was to understand the role of governmental enforcement agencies and reasons for their lack of efficacy. The results of interviews with Health Department officials and government pamphlets revealed these serious problems:

(1) There is a vast discrepancy between what independent surveys consider as compliance and what government officials consider as compliance. After receiving a copy of the Sutter-Yuba County Field Inspections, we called an official of the Sutter-Yuba County Health Department, who informed us that in 1969 there was 85% compliance with field sanitation regulations, and that in 1970 there was almost 100% compliance! The huge disparity in results reveals that the application of standards is not consistent and on the part of the government agencies does not reflect a rigorous application of the law.

(2) Enforcement procedures often take the form of reaction to specific complaints instead of on-going inspections, a method that is highly insufficient in enforcing adequate compliance. Workers often are afraid to register complaints for fear of reprisals on the part of growers. The results of the Beilenson questionnaire[1] (which is specifically involved with this problem) reveal that of the thirty-five local health departments

1. California Senate Committee on Public Health and Safety, Beilenson Questionnaire, April, 1969.

responding, eleven based their enforcement procedures solely on a complaint basis.[1] Furthermore, of these thirty-five departments, eighteen received no complaints and four departments received 81% of all complaints registered.[2]

(3) There is a large variation between local health departments concerning the number of inspections made and violations noted. In the Beilenson questionnaire, of thirty-eight local health departments responding, 6,529 inspections were made, of which 3,534 (or 54.0%) were made by only four counties![3] Of the 1,276 violations in toilet facilities, these same four counties (Fresno, Kern, Monterey, and Sutter-Yuba) accounted for 1,073 violations (84.1%).[4] Since these counties do not represent that high a proportion of farms within the state, it is safe to assume that many farms within particular counties are never being inspected.

(4) There are inadequate funds and manpower allocations to properly inspect and enforce state sanitation regulations. When asked in the Beilenson questionnaire what were the major problems in enforcement, seventeen of the twenty-nine health departments responded that "the number one problem relates to lack of manpower or funds to employ staff."[5]

To properly enforce existing field sanitation laws, which are a minimal requirement in the maintenance of acceptable health standards for the farm worker, a massive governmental effort must be made to increase funds, standardize inspection procedures, and apply just and rigorous interpretations to existing statutes. To sum up, I would like to quote from the California Farm Workers Health Service Annual Report 1967-68:

> "To us, it is intolerable that by law, certain basic rights are not to be accorded farm workers. It is just as intolerable that other rights and benefits which are accorded by law are not in actuality assumed by a large proportion of migrant farm workers and other poor, be it for reasons of a lack of enforcement of regulations, the outmoded mechanism of the system, or the inexperience and ignorance of the potential clientele."[6]

2. Occupational Health of Child Farm Workers and the Problem of Pesticide Usage

Available statistics fully document that agricultural labor is one of the most dangerous occupations in the state of California. In terms of disabling work injuries, agriculture was the third highest industry (with a rate of 68.7 per 1000 workers in 1963), exceeded only by construction (81.9 per 1000) and mineral extraction (70.2 per 1000).[7] Table III lists the total number of

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1. California Senate Committee on Public Health and Safety, op. cit., p. 1.
2. Ibid., p. 2.
3. Ibid., p. 12.
4. Loc. cit.
5. Ibid., p. 4.
6. Bureau of Maternal and Child Health, California State Department of Public Health, California Farm Workers Health Service Annual Progress Report 1967-68, p. 10.
7. California Department of Public Health, op. cit., p. 5.

disabling work injuries in California for 1963, and the principal cause of the accident. A quick review reveals that most of these causative agents are exposed to child laborers as well as adults.

TABLE III

DISABLING WORK INJURIES BY AGENCY INVOLVED - 1963[1]

TOTAL	16,474
Vehicles	2,217
Working surfaces	2,113
Hand tools	1,764
Containers	1,671
Ladders	1,365
Animals, insects	1,208
Machines	1,155
Chemicals, hot, injurious substances	996
Trees, logs, lumber	758
Other	2,928
Agency not reported	299

As well as high rates of disabling work injuries, agriculture has the highest rate of occupational diseases of any industry.[2] The majority of the 2,982 reports of occupational disease in 1963 were for skin conditions (76%), followed by systemic poisoning (10%), respiratory conditions due to noxious agents (3%), and infectious and parasitic diseases (3%).[3] Of these 2,982 reports,

> "26 were fifteen years of age or under; one was only eight years old. Although children under sixteen are forbidden from working with harmful chemicals, 3 of the reports of occupational disease among children implicated pesticides and 2 of these were serious poisonings due to organic phosphate pesticides."[4] (For a full breakdown of occupational diseases of children under eighteen in 1963, see Table IV.)

Further evidence of this inflated occupational disease rate was offered by the United States Subcommittee on Migratory Labor in 1969, which stated, "Infective and parasitic diseases, diseases of the respiratory system, and digestive system diseases were from two to five times as large a proportion of the total conditions seen among migrants as among the general population."[5]

Besides the specific problems of a high rate of occupational disease among California agricultural workers, one must take into account the special effects

1. California Department of Public Health, op. cit., pp. 32-33.
2. Ibid., p. 6.
3. Ibid., p. 10.
4. Ibid., p. 9.
5. United States Subcommittee on Migratory Labor, op. cit , p. 28.

TABLE IV[1]

REPORTS OF DISABLING AND NONDISABLING OCCUPATIONAL DISEASE OF CHILDREN 18 YEARS AND UNDER, BY SEX 1963*

	Total	Men	Women
TOTAL	172	139	33
Infective and parasitic diseases	1	1	-
Skin conditions	123	95	28
Respiratory infections	-	-	-
Respiratory conditions due to noxious agents	8	8	-
Systemic effects of noxious agents	22	21	1
Digestive disorders and other symptoms attributed to noxious agents	7	6	1
Loss of hearing and other ear conditions	1	1	-
Effects of environmental conditions	7	5	2
Heart - circulatory system	1	1	-
Other and unspecified	2	1	1

*The results of these statistics are admittedly lower than actual conditions because they only include those workers covered by the California Workmen's Compensation Act, thereby excluding self-employed farmers and unpaid family workers.

of such demanding labor on children. According to Dr. Charles Hendee Smith, professor of clinical diseases of children, College of Physicians and Surgeons, Columbia University,

> "long hours of tiring work--as in factories or in beet or cotton fields--is harmful to children in two ways. First, a child early in life must grow and gain weight. Agricultural labor such as the thinning, pulling, and topping of beets, picking of strawberries and cotton, and so forth, requires constant bending and stooping and frequent lifting. This excessive muscular activity expends the child's energy which should be used in the natural process of growth. Consequently, children who engage in such arduous labor become undernourished and undersized. Second, chronic fatigue lowers a child's resistance to disease. Infections, which are everywhere lying in wait for the growing child, can find an easy victim in those who are overfatigued and undernourished. Agricultural labor is also detrimental to children; it interferes with their educational progress. Such interference occurs when children of tender years are compelled to work in the fields in the afternoons, during the regular school term, rather than engaging in recreational or study activities characteristic of a normal educational experience."[2]

1. California Department of Public Health, op. cit., p. 25.
2. United States Subcommittee on Migratory Labor, op. cit., pp. 78-79.

With this picture in mind, the problem of pesticide usage becomes all the more acute. As the California Department of Public Health points out, "occupational disease attributed to agricultural chemicals is considered one of the more serious occupational health problems in California."[1] (This statement is due not only to the number of incidences, but also to the increased seriousness of each incident--see Table V.)

TABLE V[2]

	Occupational Diseases 1963 All Causal Agents (18,060 = 100%)	Occupational Diseases 1963 Agricultural Chemicals Only (1,013 = 100%)
Not stated	11.0%	9.4%
No disability	61.7%	43.6%
Disability for work	27.2%	47.0%

In attempting to ascertain the effects of pesticide usage on children working in the fields, we asked each family in the survey if any of their children had suffered from illnesses in the last two years that they thought were due to pesticides. Since both the families and ourselves lacked specific medical knowledge, the connection between certain illnesses and pesticides could only be approximated. However, the results, as shown in Table VI, indicate that nearly

TABLE VI

FAMILIES WITH ONE OR MORE CHILDREN SUFFERING FROM ILLNESS DUE TO PESTICIDES IN LAST TWO YEARS

	Number	Percent
TOTAL NUMBER OF FAMILIES	75	100.
No illness	53	70.7
Illness	22	29.3
Respiratory	1	1.3
Skin rash	7	9.3
Irritated ey	3	4.0
Stomach ailme..	6	8.0
Not indicated	5	6.7

1. California Department of Public Health, op. cit., p. 11.
2. Ibid., p. 10.

thirty percent of these survey families had one or more children suffer from diseases linked with pesticides. The conclusion is obvious--the child labor force that we encountered in California was definitely not a healthy population, and many of the existing health problems were caused by pesticide usage.

Again, as with sanitary field conditions, after ascertaining that conditions were unacceptable, we next attempted to analyze the role of existing governmental procedural and enforcement agencies. There were three basic problems:

(1) Existing regulations often do not take into account the powerful effects of pesticides, and are inadequate in offering protection to farm workers in the fields. One of the most important of these problems is the failure to recognize the lasting residual effects of pesticides; as three doctors of the California Bureau of Occupational Health point out,

> "it has not been so clearly recognized, however, that for many days or weeks after application of parathion spray formulations to agricultural field crops, resulting residues may constitute an important health hazard to agricultural workers."[1]

Sufficient waiting periods that take into account this residual effect should be established before farm workers can re-enter a field sprayed with pesticides.

(2) Knowledge of the times and places of pesticide applications, dangers involved, and effective remedies should be disseminated to farm workers as well as pesticide applicators and growers. Many serious illnesses could have been prevented by farm workers knowing the dangers involved and immediate remedies to pesticidal poisonings. There are two additional problems concerning the necessity of information distribution: (a) since many California farm workers do not speak English, information should be written in Spanish as well as English (this requirement should extend to pesticide labels as well as posted field precautions); (b) extra security should be taken to prevent children from entering fields, because posted notices will not effectively deter their entrance into dangerous areas.

(3) Effective sanctions on the part of the county agricultural commissioners are often lacking. For example, an administrative complaint by California Rural Legal Assistance states:

> "In 1968 in Riverside County... 66 complaints were filed with the county agricultural commissioner in which violations of law were alleged or may have been involved. In 63 of the cases, informal investigations were undertaken, but although the county agricultural commissioner admitted under oath that violations were uncovered in a number of those cases, no disciplinary action whatsoever was undertaken. In 3 of the cases in Riverside County, hearings were held. In only one of these cases did the Director suspend the registration of an applicant for 30 days, and in this, he later agreed to rescind this suspension. Total boxscore: 66 complaints, no disciplinary action taken."

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1. Milby, T. H., Ottoboni, F., and Mitchell, H. W., Parathion Residue Poisoning among Orchard Workers, p. 351.

In closing this section on health conditions of child farm laborers, it is crucial to understand the limitations in scope of our efforts. In dealing with sanitary field conditions and pesticide abuses, we are establishing only minimally acceptable standards for the farm labor community. In attempting to solve these problems, one must always keep in mind the vital difference between a community without disease and a healthy community. We must not simply work to eradicate conditions that produce disease, but strive to create environments that encourage and stimulate healthy lives.

PART III

APPENDICES

APPENDIX A

PROJECT OUTLINE

AMERICAN FRIENDS SERVICE COMMITTEE, INC.
160 North 15th Street
Philadelphia, Pa. 19102

CHILD LABOR IN AGRICULTURE

The situation of the migrants in our society is one with which the American Friends Service Committee has been concerned for several years. Within the last decade we have assisted migrants in California in building their own communities, obtain central services, obtain financing for houses which they themselves build. On the East coast we have studied the situation of those in the migrant stream and encouraged community service efforts in migrant settlements in Florida. Through all of these efforts we have been concerned not only with the economic framework within which migrants work but also with the effect on family life and the fact that it is now impossible for migrant children to receive the education which will enable them to become contributing members of society in the future.

One aspect of the total migrant situation is the factor of child labor in the migrant fields. Little factual knowledge exists about this situation. In cooperation with the National Commission on Migrant Education, the AFSC is proposing to place in the migrant areas of Oregon, Washington, Indiana, Ohio, Maine small teams of researchers who will obtain the needed factual information regarding the actual situation. Such material as is obtained will be correlated and published in the fall of 1970. It is hoped that this material will aid those who are seeking to better the conditions of the agricultural worker in the United States.

May 1970

Appendix A
(Attach. I)

AMERICAN FRIENDS SERVICE COMMITTEE, INC.
160 North 15th Street, Philadelphia, Pa. 19102

May 1970

CHILD LABOR IN AGRICULTURE

The Fair Labor Standards Act of 1938 outlawed industrial child labor within the United States. Thirty years later, in 1968, the U.S. Department of Labor reported that in spot checks in 31 states it found that 1,444 minors were illegally employed under the FLSA (236 were nine and under, 678 were between 10 and 13, 526 were between 14-15 years of age). Eight hundred of these children were below normal school grade level for their age. In 1970 there is still unregulated child labor in the United States. More than one fourth of this country's farm wage workers are under 16 (probably more than 800,000). Little information is available on just how many children are involved in the work on industrialized farms. Many of these children never appear on school census reports or employment records.

In 1969 reports of Federally supported educational programs revealed accommodations of school programs to child labor in such states as Arkansas, Tennessee and Texas. In White County, Arkansas for example, farmers are urged to cooperate with schools by dropping off their children at school after the day's picking is done and they are on their way to market. In Tennessee the entire Federal education program is geared to only preschool children so that the older ones may work. In Texas many children work during the school term. All across the country school authorities report consistently that summer programs conducted for migrant children rarely enroll any child over 12.

Agriculture is the third most dangerous industry. Congress has prohibited hazardous jobs in agriculture to those under the age of 16, but it does not remove babies and young children from the proximity to hazardous machinery in operation nor from contact with potentially toxic insecticides used on crops.

Child labor in agriculture shows up in its most oppressive form in those areas using migratory labor. Estimates of the number of working children of migratory laborers run as high as 300,000. Half of this number may work as regular contributors to the below-poverty-level incomes of their families.

The end result of child labor in agriculture on the industrialized farms is the same as that in the factory. Exhausted by too much work at too young an age, with too little food and too little rest, the child is deprived of a normal period of growth and education.

In recent years little effort has been made either by the government or private agencies to collect data on child labor. Those close to the legislative scene feel that unless new, up to date, documented and dramatic data can be collected there is little hope of extending the protection of the Fair Labor Standards Act to children in agriculture outside of school hours. A report on child labor is needed in order to dramatize to communities the need for ACTION in enforcing existing regulations and to prevent further exploitation of young children.

Because of their long established concern for the situation of the migrant

worker within the United States, the American Friends Service Committee and the National Committee on the Education of Migrant Children will cooperate in a fact finding project concerning migrant child labor this summer. Selecting key locations in the states of Oregon, Washington, California, Indiana, Ohio and Maine, small teams of college students working under the direction of the American Friends Service Committee will gather documented facts concerning such questions as:

Why are 800,000 or more children employed under such potentially harmful circumstances?

How many children are there working? In what counties are they to be found?

Do children receive the same wages as adults?

Is child labor depressing farm wages?

Is it clear that family situations are such that the children's income is needed?

Is work depriving poor children of access to special educational, medical and food services usually supplied through the schools?

In the early fall of 1970 such information as is gathered in the several locations of the project will be correlated and published under the auspices of the AFSC and the Committee on the Education of Migrant Children.

This report will hope to furnish some of the hard facts in regard to the situation regarding child labor in the migrant fields as of summer 1970. It will be distributed to organizations and persons concerned with child welfare, migrant problems and problems of education among minorities within the U.S.A.

Information to be collected

1. Incidence of child labor among migrants

   a. Resident children during and after school hours
      1. on commercial farms
      2. on family farms
   b. Migrant children during and after school hours
   c. Preschool child

2. Reasons for child labor (probably obtained by informal interview)

   a. Relation to labor supply and effect on use of adults
   b. Wage scales and effect on minimum wage scales for adults
   c. Community and/or family attitudes or customs
   d. Poverty

3. Working conditions of child labor (obtained through observation)

   a. Hours
   b. Job-kinds
   c. Wages
      1. Method of payment
      2. Amount
   d. Transportation
   e. Recruitment
   f. Supervision
   g. Field conditions - exposure to
      1. Insecticides and chemicals
      2. Machinery
      3. Water, sanitary facilities

4. Degree of compliance (basic material furnished)

   a. Federal Child Labor Law
   b. State Child Labor Law, if any
   c. Compulsory school attendance

Methodology

The above data should be collected and documented by appropriate combinations of the following techniques:

1. Interviews (scheduled and informal: Taped where possible)

   a. Parents
   b. Health, education and welfare personnel
   c. Children
   d. Employers: Growers and crew leaders
   e. Community leaders
   f. Employment services (recruiters) to discover data on incidence of employment, attitudes, conditions, effects, etc.

2. Documented photographs

   a. To show children at work: kind of work, ages, hours, etc.
   b. To show transportation
   c. To show working conditions
   d. To show effect of work on health (i.e. injuries from accidents, fatigue, etc.)

3. Documented stories of accidents, educational and emotional problems resulting from child labor

4. Records

   a. Wage scales - for children and adults
   b. Work permits - regulations for and number issued (a and b can be obtained from Wage and Hour Offices)
   c. School attendance - to show seasonal change among other things
   d. Recruitment and employment records to determine availability of adult labor
   e. Health records and/or medical records and statements
   f. Education records
   g. Text of child labor and school attendance laws
   h. Records of investigations, summonses, penalties, compliance with
      1) Federal and state child labor laws
      2) Compulsory school attendance laws
   i. Individual case or family histories, if relevant

5. Other

   a. Studies on children relevant to child labor
   b. Documented testimony of psychologists, physicians or other professionals who have studied children engaged in child labor
   c. Reports of any Federally-funded programs which are scheduled so as to permit child labor
   d. Descriptions or reports of programs which have been developed to combat child labor or protect children from abuses.
   e. Newspaper clippings, photographs, stories, employment ads.

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WHERE - OREGON

The team working in Oregon will use as its base location Salem, where there are several people not only familiar to AFSC but supportive of its work among the agricultural sector of the North West. The key organization for the Oregon team will be Valley Migrant League.

John Little heads up the Valley Migrant League and has under him five Chicano assistants. As far as AFSC can tell, the leadership of the VML is trusted by the migrants and the League has their cooperation and support. At the moment the VML has a suit in court against growers who have not given them permission to visit in camps. They expect to win. John Little has suggested to our staff that our team work under their cover since this will give members some status both with the growers and with the migrants.*

Key counties in Oregon where migrants work are listed below--it will be essential to obtain information from as many of these locations as possible.

This list has been obtained from correspondence between the National Committee on Migrant Education and various state government officials. Its basis is the locations where there are federal school programs for migrant children.

COUNTIES (by Congressional Districts)	Towns where there are programs
DISTRICT I	
BENTON	
CLACKMAS	Aurora, Woodbury, Butte School Dis. 67J
COLUMBIA	
LINCOLN	
MARION	School Districts: Brooks #31, Gervais #76, Central #13J, Marion City, N. Marion #15, N. Santiam #126, Woodburn #103
POLK	
TILLANOOK	
WASHINGTON	Hillsboro District 7, N. Plains, Dis. 40
GAMHILL	
DISTRICT II	
UNION	Union, La Grande
BAKER	Baker, Ontario
DISTRICT III	
MULTOMAH	
DISTRICT IV	
COOS	
CURRY	
DOUGLAS	
LAKE	
LINNIN	
JACKSON	
JOSEPHINE	
JEFFERSON	Culver
YAMHILL	McMinnville #40, Dayton #8

*The important areas in Oregon as far as migrant labor is concerned are: Hood River, Bend, Salem.

WASHINGTON

The labor force in Washington is 5% Indian, 50% Anglo, 40% Mexican American, 5% Negro. Key area for migrant labor is the Yakima Valley where AFSC has worked for several years. The team here will be based in the small town of Toppenish where the Mexican American Cooperative Store is situated, a group with whom AFSC has worked for several years. Also there is a Center for the Study of Migrant and Indian Education conducted by Central Washington State College. Ellen Cochran of AFSC works in the day care center operated by the State College group. The Director is Bob Ryan. Tomas Villanueva will be key contact in the Mexican American community.

Paul Lappala is the AFSC staff member cooperating with this program.

Beginning on June 26, the AFSC community service group will be working in Toppenish with the Mexican American Cooperative--officers of which will be good sources for orientation and information.

Key counties in Washington are listed below; it will be essential to obtain information from as many of these locations as possible.

The list was obtained by the National Committee on Migrant Education from state officials. It is based on locations reported to have federal school programs for migrants.

COUNTIES	TOWNS where there are programs
Northwestern Washington	
WHATCOM	Bellingham, Lynden, Edison, Nooksack Valley
SNOHOMISH	
SKAGIT	Burlington, La Conner, Mt. Vernon, Sears, Woolsey
Southcentral	
YAKIMA	Grandview, Granger, Highland, Mabton, Moxee, Naches, Sunnyside, Toppenish, Union Gap, Wapato, Yakima, Kiona
BENTON	
KLICKATAT	
Northcentral	
OKANOGAN	Omak, Oakville
CHELAN	Peschasten, Dryden, Cashmere, Entiat, Lake Chelan, Leavenworth, Wenatchee
DOUGLAS	
COLUMBIA BASIN	
GRANT	Moses Lake, Quincy, Warden, Ephrata
Central	
PIERCE	Bainbridge Island, Bremerton, Central Kilsap
KING	Orting, Puyallup, Summer
Southwestern	
FRANKLIN	Pasco, N. Franklin
WALLA WALLA	College Place, Walla Walla

OHIO-INDIANA

Fremont, Ohio will be the base of the team working in Indiana-Ohio area. An AFSC unit will be working with the Catholic Better Community Development Commission, Inc., a non-profit corporation of the Migrant Division (Title III) of OEO. The team investigating Child labor among migrant workers will live with this unit. Aurora Madrigal, head of Catholic Better Community Development, will be one of the principal contact people. Project headquarters is located at 1022 Garfield Street, Fremont.

Key counties in Ohio-Indiana are listed below; it will be essential to obtain information from as many locations as possible.

The list was obtained by the National Committee on Migrant Education from state officials. It is based on locations reported to have federal school programs for migrants.

COUNTIES	TOWNS where there are programs
OTTAWA	Benton, Carroll, Salem, Genoa, are local
MIAMI	Bradford Ex. Village, Tipp City
WOOD	Bowling Green-City
MERCER	Colwater Ex. Village, Parkway Local
ALLEN	Delphos City
FULTON	Evergreen-local, Pike, Delta, York
HANCOCK	Findlay City, McComb local, Lakota local
SANDUSKY	Gibsonburg Ex. Village
HENRY	Holgate-local, Patrick Henry Ridgeville-local
PUTNAM	Leipsic-Local, Pandora-Gilboa-local
STARK	Marlington-local
VAN WERT	Ohio City, Liberty-local
SENECA	Old Fort-local
WILLIAMS	Stryker-local

INDIANA

Counties where there are more than 500 migrants have school programs in the following counties:

COUNTIES	NUMBER OF PROGRAMS
LAKE	1
MARSHALL	3
MIAMI	2
HOWARD	
GRANT	2
TIPTON	2
CLINTON	2
MADISON	3
HENRY	1
HUNTINGTON	1
JAY	1

Counties where there are more than 100 migrants--less than 500

ST. JOSEPH	1
PULASKI	1
ALLEN	1
CASS	1
ADAMS	2
RIPLEY	1

Appendix B
(Attach. II)

EXCERPTS, FAIR LABOR STANDARDS ACT OF 1938, AS AMENDED (1961 AND 1966)

CHILD LABOR PROVISIONS

Sec. 12(a) No producer, manufacturer, or dealer shall ship or deliver for shipment in commerce any goods produced in an establishment situated in the United States in or about which within thirty days prior to the removal of such goods therefrom any oppressive child labor has been employed: Provided, That any such shipment or delivery for shipment of such goods by a purchaser who acquired them in good faith in reliance on written assurance from the producer, manufacturer or dealer that the goods were produced in compliance with the requirements of this section, and who acquired such goods for value without notice of any such violation, shall not be deemed prohibited by this subsection: And provided further, That a prosecution and conviction of a defendant for the shipment or delivery for shipment of any goods under the conditions herein prohibited shall be a bar to any further prosecution against the same defendant for shipments or deliveries for shipment of any such goods before the beginning of said prosecution.

(b) The Secretary of Labor or any of his authorized representatives, shall make all investigations and inspections under section 11(a) (Regulations for inspections, investigations) with respect to the employment of minors, and, subject to the direction and control of the Attorney General, shall bring all actions under section 17 to enjoin any act or practice which is unlawful by reason of the existence of oppressive child labor, and shall administer all other provisions of this Act relating to oppressive child labor.

(c) No employer shall employ any oppressive child labor in commerce or in the production of goods for commerce or in any enterprise engaged in commerce or in the production of goods for commerce.

EXEMPTIONS

(c) (1) Except as provided in paragraph (2), the provisions of Sec. 12 relating to child labor shall not apply with respect to any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed.

(2) The provisions of Section 12 relating to child labor shall apply to an employee below the age of sixteen employed in agriculture in an occupation that the Secretary of Labor finds and declares to be particularly hazardous for the employment of children below the age of sixteen, except where such employee is employed by his parent or by a person standing in the place of his parent on a farm owned or operated by such parent or person.

(4) The provisions of section(s)....12 shall not apply to any homeworker engaged in the making of wreaths, composed principally of natural holly, pine, cedar, or other evergreens, including the harvesting of the evergreens or other forest products used in making such wreaths).

LEARNERS, APPRENTICES, STUDENTS AND HANDICAPPED WORKERS

(c) The Secretary, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by certificate or order provide for the employment of full-time students, regardless of age but in compliance with applicable child labor laws, on a part-time basis in agriculture (not to exceed twenty hours in any workweek) or on a part-time or a full-time basis in agriculture during school vacations, at a wage rate not less than 85 per centum of the minimum wage applicable under Section 6 (not less than $1.30 an hour). Before the Secretary may issue a certificate or order under this subsection he must find that such employment will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under this subsection.

(d) (1) Except as otherwise provided in paragraphs (2) and (3) (Refers to the handicapped.) of this subsection, the Secretary of Labor, to the extent necessary in order to prevent curtailment of opportunities for employment, shall by regulation or order provide for the employment under special certificates of individuals (including individuals employed in agriculture) whose earnings or productive capacity is impaired by age or physical or mental deficiency or injury, at wages which are lower than the minimum wage applicable under Section 6 of this Act but not less than 50 per centum of such wage and which are commensurate with those paid non-handicapped workers in industry in the vicinity for essentially the same type, quality and quantity of work.

MINIMUM WAGES

Sec. 6 (a) Every employer shall pay to each of his employees who in any workweek is engaged in commerce, or is employed in an enterprise engaged in commerce or in the production of goods for commerce, wages at the following rates: (5) if such employee is employed in agriculture, not less than $1 an hour during the first year from the effective date of the Fair Labor Standards Amendments of 1966, not less than $1.15 an hour during the second year from such date, and not less than $1.30 an hour thereafter.

EXEMPTIONS

(6) Any employee employed in agriculture (A) if such employee is employed by an employer who did not, during any calendar quarter during the preceding calendar year, use more than five hundred man-days of agriculture labor, (B) if such employee is the parent, spouse, child or other member of his employer's family, (C) if such employee (i) is employed as a hand harvest laborer and is paid on a piece rate basis in an operation which has been and is customarily and generally recognized as having been, paid on a piece rate basis in the region of employment, (ii) commutes daily from his permanent residence to the farm on which he is so employed, and (iii) has been employed in agriculture less than thirteen weeks during the preceding calendar year, (D) if such employee (other than an employee described in clause (C) of this subsection) (i) is sixteen years of age or under and is employed as a hand harvest laborer, is paid on a piece rate basis in an operation which has been, and is customarily and generally recognized as having been paid on a piece rate basis in the region of employment, (ii) is employed on the same farm as his parent, and (iii) is paid at the same piece rate as employees over the age of sixteen are paid on the same farm, or (E) if such employee is principally engaged in the range production of livestock; or

(7) any employee to the extent that such employee is exempted by regulations, order or certificate of the Secretary issued under Section 14 (Student exemptions) or

(14) any agricultural employee employed in the growing and harvesting of shade grown tobacco who is engaged in the processing (including, but not limited to, drying, curing, fermenting, bulking, rebulking, sorting, grading, aging, and baling) of such tobacco, prior to the stemming process for use as cigar wrapper tobacco.

MAXIMUM HOURS

Sec. 7 (a) (1) Except as otherwise provided in this section, no employer shall employ any of his employees...for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half time the regular rate at which he is employed.

Exemptions

(b) The provisions of section 7 shall not apply with respect to

(12) any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit or operated on a sharecrop basis and which are used exclusively for supply and storing of water for agricultural purposes;...

APPENDIX C

EXCERPTS, STATE LABOR LAWS

WASHINGTON

Women and Minors Act

Declaration. The welfare of the state of Washington demands that women and minors be protected from conditions of labor which have a pernicious effect on their health and morals. The state of Washington, therefore, exercising herein its police and sovereign power declares that inadequate wages and unsanitary conditions of labor exert such pernicious effect.

Conditions of employment - Wages. It shall be unlawful to employ women or minors in any industry or occupation within the state of Washington under conditions of labor detrimental to their health or morals.

Provided that (these) provisions shall not apply to (1) agricultural labor.

EXCEPTION

Industrial Welfare Order No. 5-62 - Effective March 1, 1962.

Food Processing Industry - Women and Minors

This Order shall apply to all women and minors employed in any industry engaged in the processing of fruit, vegetables, fish, shellfish, or any other products for the purpose of preserving them for food purposes for human or other consumption.

See attached Order.

Appendix C

OREGON

OREGON LAWS PERTAINING TO EMPLOYMENT OF CHILDREN: Chapter 653, Oregon Revised Statutes

Order No. 10: Wage and Hours Commission of the State of Oregon, pursuant to authority in it vested by Chapter 653 of the Oregon Revised Statutes.

I. No minor under 18 years of age:

1. Shall be employed unless the employer shall first obtain a Proof of Age Certificate (Permit)....This section shall not apply to nonhazardous agricultural labor.

2. May be employed at a wage less than sixty (60¢) an hour, except in those industries where the Wage and Hour Commission has by individual or special order established a different wage. This section shall not apply to agricultural harvesting on a piece work or unit basis.

6. Shall be employed in any occupation more than eight (8) hours a day or more than forty-four (44) hours or six (6) days in any one week except as specified in Order No. 2, Canning, Freezing and Processing.

II. No minor under 16 years of age:

1. May be employed to operate hazardous, power-driven farm machinery, including but not limited to tractors, hay balers, potato-digging, beet-digging and hop-picking machines, pea viners, combines, etc.

2. May be employed in an occupation declared hazardous by the Wage and Hour Commission.

EXEMPTIONS

1. Minors...employed in non-hazardous occupations in agriculture are excluded from the provisions of this order.

Amendment to Order No. 10 - Effective May 15, 1968.

The following exemptions shall apply in addition to those exemptions now contained in Order No. 10.

3. A minor employed by the following relatives (whether by blood or marriage) does not need Proof of Age Certificate (Permit):

Grandfather, Grandmother, Father, Mother, Brother, Sister, Uncle, Aunt.

In addition, no such certificate is required in the case of a minor living and working on a farm during summer vacation months by arrangement between the parents, or other person having custody or control of the minor, and the farmer or grower, if the parents and farmer or grower enter into a written agreement with the Wage and Hour Commission.

4. Minors under 16 years of age may operate a tractor of not more than 20 belt horsepower, so long as they do not perform tasks that are declared hazardous by the Fair Labor Standards Act.

5. Minors 14 and 15 years of age who are enrolled in an agricultural vocational education class conducted by 4-H Clubs, Future Farmers of America, or the Agricultural Education Division of the State Department of Education may obtain a permit to operate equipment or perform tasks not rated as hazardous by regulations under the Fair Labor Standards Act, if official notice of such training is presented with the application for a permit.

Appendix C

OHIO

MINOR LABOR REGULATION

HOURS OF EMPLOYMENT

School and Work Combined:

Minors under 16--school and work combined cannot exceed 9 hours.
Minors under 14--shall not be employed more than 4 hours in any one day.

Minors Under 18 Are Not Permitted to Work:

More than 8 hours a day; more than 48 hours in a calendar week;
More than 6 days in a calendar week.
Exceptions: In mercantile establishments minors 16 to 18 may work 10 hours on any one day of the week, and are permitted to work 10 hours on the days preceding: New Year's Day, Memorial Day, Fourth of July, Thanksgiving Day and Christmas Day.

Working Hours for Female Minors:

Girls 16 and 17: Not before 7:00 A.M. and not after 9:30 P.M.
Exceptions: If school is not in session the next day they may work until 10:00 P.M.

Girls 14 and 15: Not before 7:00 A.M. and not after 6:00 P.M.

Working Hours for Male Minors:

Boys 16 and 17: Not before 6:00 A.M. and not after 10:00 P.M.
Exceptions: If school is not in session the next day they may work until 11:00 P.M.

Boys 14 and 15: Not before 7:00 A.M. or after 6:00 P.M.
Exception: If school is not in session the next day they may work until 10:00 P.M. if approved by local Superintendent of Schools.

Exemption Canneries:

No restriction as to hours of persons 16 or over engaged in canning or preserving farmers' perishable products during growers' harvest season.

Time Records for Minors Under 18:

Employers must keep daily time records showing the actual starting and stopping time of each work period and lunch. These records must be kept for 2 years.

Exemption of H.S. Graduates:

Any minor who has graduated from an accredited high school, or an Ohio Youth Commission special or vocational program, is exempt from the hours laws for minors and the prohibited occupation laws for minors.

Meal Periods:

At least 30 consecutive minutes for lunch within 5 hours of starting time.
Exception: Female Minors must be given one hour for lunch if a suitable lunchroom is not provided.

Presence of Child in an Establishment:

The presence of any child in an establishment during working hours shall be prima facie evidence of employment therein.

AGE AND SCHOOL CERTIFICATES

Every minor 14 to 18 years must be a holder of an Age and Schooling Certificate. This must be on file in establishment where minor is employed. Over-age Certificates may be issued to a minor over 18 years by the Superintendent of Schools. This serves as proof of age.

MISCELLANEOUS

Wage Agreement:

Employers of any minor under 21 years of age must give to minor, a written agreement as to wages or compensation he or she is to receive.

Withholding Wages Due a Minor:

No employer may withhold wages or a part thereof because of presumed negligence, failure to comply with rules, breakage of machines or alleged incompetence to produce or perform labor according to any standard of merit.

No female under 21 shall be engaged in employment that compels her to stand constantly.

No female under 21 shall be employed in the personal delivery of messages.

Exemptions:

A minor working on the farm of his parents is exempt from the law.

Appendix C

MAINE

ARTICLE 3. MINORS

Labor Laws of Maine, Revision of 1969

Sec. 771. Minors under 15.

The Maine law prohibits employment of minors under 14 in only 3 or 4 kinds of establishments.

No child under 15 is permitted to work during the hours that the public schools of the town or city in which he resides are in session. A child employed by, with, or under the supervision of either or both of its parents is exempted. So is a child employed in a school lunch program provided responsibilities are limited to serving food and cleaning up dining rooms.

Sec. 772. Minors under 18.

Minors under 18 are prohibited from working in those occupations declared hazardous by the Commissioner of Labor and Industry.

Exempted are those who are enrolled in public and private school programs where hazardous equipment has been installed for the purpose of instruction.

Sec. 774. Hours of Employment

Work performed in agriculture or any occupation that does not offer continuous year-round employment shall be exempt from this section provided a minor under 16 years of age has been excused by the local superintendent of schools in accordance with the policy established by the Commissioner of Education and the Commissioner of Labor and Industry.

Sec. 775. Work Permits.

This section shall not apply to minors engaged in work performed in agriculture, household work or any occupation that does not offer continuous year-round employment.

Appendix C

CALIFORNIA

Child Labor Laws (1965)

No minor under 18 and over 16 who is required to attend school, and no minor under 16 shall be allowed to work without a permit.

Permits are not required for children employed in agricultural work on farms owned or operated by the parents or guardians.

No permit is required and there is no minimum age for employment of any minor at agricultural... labor during the time the public schools are not in session, or during other than school hours when the work is performed upon the premises owned, operated or controlled by his parent or guardian; however, children may not work at such occupations while the public schools are in session.

Minors 16 years old and over may be employed in agricultural... labor for more than 8 hours in any one day or 48 hours in one week.

No minor under the age of 16 shall be employed or permitted to work in any capacity in any occupation dangerous to the life, or limb, or injurious to the health or morals of such minors.

Minors under 16 are excluded from all occupations where such children come in the close proximity to moving machinery.

Every owner, tenant or operator of a farm employing parents having minor children in their immediate care and custody must post at a conspicuous place on the property, where it may be easily read, a notice stating minor children are not allowed to work unless legally permitted and unless permits to work have been secured.

Employers may pay minors 16 and 17 a minimum of $1.35 per hour; or on piece-rate.

Every employer hiring women and minors 16 years of age or over on a piece rate basis shall pay piece rates sufficient to yield not less than the hourly rates shown in (a) and (b) above to at least 80% of the women and 80% of the minors 16 years of age or over employed in each pay period.

(Industrial Welfare Commissions, Agricultural Occupations Order Number 14-68 effective February 1, 1968)

APPENDIX D

U.S. DEPARTMENT OF LABOR
Wage and Hour Division
Workplace Standards Administration
Washington, D. C. 20210

FACTS ON CHILD LABOR FINDINGS IN AGRICULTURE
July 1, 1969 through June 30, 1970

COVERAGE - The child labor provisions of the Fair Labor Standards Act apply generally to farmers whose crops or products go either directly or indirectly into interstate or foreign commerce.

PROVISIONS - A 16 year minimum age during school hours for the school district where the minor lives while employed and at any time in an agricultural occupation declared hazardous.

* No minimum age is set for work outside school hours except in an agricultural hazardous occupation.

* These child labor standards do not apply to minors working exclusively for their parents.

FINDINGS FROM INVESTIGATIONS - by the Wage and Hour Division in fiscal year 1970

Farms in violation	498
Children under 16 illegally employed	1,472
In nonhazardous jobs during school hours	1,380
In hazardous farm jobs at any time	92

Ages of the children	Age	Number	Percent
	14-15	564	38.3
	10-13	690	47.0
	9 and under	213	14.7

Migrant status	Local Children	Migrant Children
	699	773

SCHOOL GRADE ACHIEVEMENT AMONG CHILDREN FOUND ILLEGALLY EMPLOYED

All children reporting	Number[1]	Enrolled in grades below normal for their age	
		Number	Percent
All ages	1,401	799	57
Age 14	256	181	71
Age 15	268	205	76

1. Does not total 1,472 as specific information not available for 71 minors.

Migrant children	Number	Enrolled in grades below normal for their age	
		Number	Percent
All ages	720	491	68
Age 14	120	103	86
Age 15	114	104	91

This report also included:

FACTS ON CHILD LABOR FINDINGS IN NONAGRICULTURAL EMPLOYMENT
July 1, 1969 through June 30, 1970

Miss EATON. Now, as I said earlier, little of what we say is new to those concerned about the seasonal farm worker and the migrant. Yet in spite of this, the Senate Subcommittee on Migratory Labor reports that in 1970, one-fourth of the farm wage workers in the United States were under 16 years of age.

Farm workers remain at the bottom of every ladder and most of all at the foot of the ladder of wages and accorded human dignity.

Why? Why as the Los Angeles Times says, "Why don't we correct conditions that, although intolerable, have been tolerated far too long?"

We believe that some of the reasons for our national failure can be identified. There are about five myths that should be destroyed:

First, the myth persists that agriculture is somehow so different from industry that the same rules should not apply. As a country, we romanticize our agricultural heritage and overlook the problems faced by farmworkers and farmers.

Secondly, the small farmer is squeezed by corporate giants and as a result says he would go out of business if he had to pay the same minimum wage as do the industries to whom he sells his products. In New Jersey, the Migrant Ministry reports that Campbell's Soup has paid the same rates per ton for tomatoes for the past 4 years. In 1970, in Oregon workers received 3 cents a pound for picking pole beans. That is the same rate they had gotten for the past 4 years. And 20 years ago they got 2.5 cents. And this in a time in which the dollar is not rising in purchasing power. The small farmer is in a vulnerable position and too often he is made the villian when he is not.

But he has options; he has alternatives, as the Midwest farmers who have organized the National Farmers Organization realize.

But the farm worker has no options. He has no alternative except to utilize the hands and bodies of his children or go hungry.

The third myth is, that working in agriculture is good for children; that it teaches them the value of hard work and the dollar and that they have duties as well as privileges. We want to say that this may be true for kids who have privileges, who work when they want to, and as long as they want to, who keep what they earn and can buy bicycles or extra clothes or start a savings account.

But we ask how does the migrant child learn the value of work when he sees his parents and brothers and sisters work long hours 6 days a week or sit waiting for work and still there is only beans for supper? What privileges does he have that he must earn by duties?

The fourth myth is that having a law on the books solves the problem. Excellent laws on the books and little or no enforcement are empty gains.

According to the Wall Street Journal, there are only 1,000 wage and hour inspectors for the entire country and only 3 percent of the firms covered by law are investigated. We wonder if farms were considered "firms," if the percentage would not be even lower.

The fifth myth is that farmers and growers and their allies insist there is a shortage of labor while they still tolerate archaic work practices. We have many examples of this; I will cite one.

In 1971 in New Jersey, a woman farmworker applied for welfare because she was paid only when the grader was running. So she spent

12 hours on the job, but was paid for three. So she figured it wasn't worth it. Welfare, after she applied, called the grader man, and the grader man said he needed workers, so she was denied the welfare.

We believe if remuneration were adequate and working conditions fair and responsible, there would be no shortage of adult farmworkers. Other industries cannot depend upon child labor, but the claims of farmers that they will go broke if they have to pay adult wages, or that they cannot get the crop in without child labor, are heard and listened to, too often.

We believe these are some of the reasons why so little progress has been made in improving the lot of the farmworker. These are the reasons one-fourth of the farmworkers are children.

One question we would ask is how can we explode these myths so you don't have to hear the same horrible facts year in and year out?

Now we contend that the problem of child labor in agriculture is inseparable from the problems of farmworkers and in a large sense from responsible corporate policy and improved agricultural labor-management relations.

Farmworkers will need to take their children out of school and put them in the fields until they get the same wages, protections, and rights as industrial workers. Therefore, we believe, as a first step, all farmworkers must receive an adequate minimum wage, the same as guaranteed to industrial workers. We support the minimum wage of $2.25 and an 8-hour day, called for in your bill, plus overtime bonuses.

Now, if farmers are squeezed and prices go up, the burden should not continue to fall upon the farmworkers. Somebody else has to subsidize the farmworker if it comes to that. But it should not be required that the farmworker subsidize the farmers, to whom Congress already gives subsidies.

Second, farmworkers must be given the right to, and protection in their efforts to, improve their own wages and working conditions. The migrant farmworkers are the most powerless people in America today and ultimately change for this group will come only as they participate in producing that change. They must have the protections and rights to enable them to do so.

Third, no one should be allowed to hire children as long as there are adults seeking work at the minimum wage or better and children, when hired, must be paid the same wages as adults. Children should not be the ones to subsidize farmers or consumers.

In New Jersey, recently, the commissioner of labor and industry announced that 3,000 young people had jobs in south Jersey agriculture. He didn't mention that most of these children were not covered by the minimum wage law.

In the same State at the same time, a poverty agency working in three counties had to get food orders for 817 farmworker families who could not find enough work.

We are opposed to exceptions in bills, but we do recognize that parents can and should be able to pay their own children for farm chores done on their own farms, but no one, except parents and legal guardians, should be allowed to act "in loco parentes" as called for in S. 1861. We think this is a loophole full of dangers.

There must be adequate funds for law enforcement and established policies of affirmative compliance with the law. It is not enough to rely on complaints and newspapers. Farmworkers now—even with a

legal minimum of $1.30—work for wages as low as 28 cents an hour. But the workers don't complain because they feel they would lose their jobs, their home, or their credit.

So in calling for enforcement, we ask for affirmative compliance. We ask that violators be prosecuted, not warned. We ask that complainants get adequate legal aid.

Farmworkers and migrants should be entitled to unemployment compensation and social security benefits. If a minimum wage and unemployment compensation and social security benefits were part of the package for a farmworker, as they are for everybody else that works in this country, we would see the beginning to the end of migrancy and the forced migration of families from their home base.

Senator, we have not confined ourself to a discussion of the specific bill before your committee, because we just feel the problem of child labor is inseparable from the problems of farmworkers as a whole. Ultimately, an adequate guaranteed annual income will be required. But right now, we can and should give decent wages to adult workers, wages that will let the following farmworker's dream be realized. She said:

> I want to settle. I want my children to go to school or summer camp while I work. I would like to see my 11-year-old son not having to push the 40-pound tomato bushels through the field . . .

We believe that the passage of S. 1861, with the amendments we suggest, would help achieve this goal for her and for many others.

Thank you.

The CHAIRMAN. Thank you.

Mrs. EATON. If I may, I would call on David Castro, 17-year-old farmworker from Cameron County in the Rio Grande Valley of Texas.

The CHAIRMAN. David Castro? My list shows Mrs. Castro.

Miss EATON. She will come right after him.

The CHAIRMAN. Fine.

Mr. CASTRO. I am from the Rio Grande Valley. I am very glad to be here. It is hard to work when the wages are low in the valley. If we had a father get a good wage, we could have a better living.

I wish I could be like other boys and play. I do not have the time to do that because I have to work hard to support the family.

If they could make good requirements on—pay better wages for other farmers for their labor, it would be very nice, so you know, I would not have to drop out of school to go out and work. Because these things happen with all the boys where I live. They have to go out and work.

It is because their father does not get enough wage. They do not get good payment.

So I wish you could do something about this. I think that is all.

The CHAIRMAN. Let me ask you this: How old are you, Mr. Castro?

Mr. CASTRO. 17 years old.

The CHAIRMAN. How long have you been working?

Mr. CASTRO. Since I was between 5 and 6 years old.

The CHAIRMAN. Where is your home?

Mr. CASTRO. Texas.

The CHAIRMAN. Has that been home all your life?

Mr. CASTRO. Yes.

The CHAIRMAN. What periods do you work in Texas, what part of the year?

Mr. CASTRO. Well, it is mostly in summer time. But it is mostly like during school, like cutting yards or cleaning bushels, and like going out and working piers in the oil near the sea. It is kind of hard work.

The CHAIRMAN. In other words, you have been able to maintain your regular schooling? You stayed in school?

Mr. CASTRO. Yes, I try my best to stay in school.

The CHAIRMAN. And then odd jobs after school hours, and holidays, and weekends, is that right?

Mr. CASTRO. Yes. I do not have time to join recreation because I have to maintain my work.

The CHAIRMAN. Have you ever traveled to other parts of our country to work?

Mr. CASTRO. Yes. Every May after school, we come to work in Minnesota—Hallock. We go out there and work sugar beets.

The CHAIRMAN. Any other States?

Mr. CASTRO. Wisconsin, Minnesota to Wisconsin and then back home.

The CHAIRMAN. When did you get back home?

Mr. CASTRO. Before school starts. But there is some cases where the families have to stay longer, you know, and the children miss school.

It is because they need the money, they need to support the family, to pay the bills. They do not get much wage down there in Texas.

If they pay a minimum wage down there, I think some of the families would be more happy.

The CHAIRMAN. When were you last out working the fields? This summer?

Mr. CASTRO. Yes, this summer in Minnesota.

The CHAIRMAN. What did you do?

Mr. CASTRO. Hoeing, beets.

The CHAIRMAN. What was your pay?

Mr. CASTRO. The amount, I think it was about $1,400, but it was between all the family, my brothers, from the six-year-old to myself, 17.

The CHAIRMAN. Do they keep track of the hours you work?

Mr. CASTRO. No, it was by contract.

The CHAIRMAN. In other words, it was on the piece work, the amount that you picked?

Mr. CASTRO. Yes.

The CHAIRMAN. Did you figure this out, how much this came to on an hourly basis?

Mr. CASTRO. No, sir, because it took us about close to 2 months between six of us, and we all work hard every day.

The CHAIRMAN. Did you make $1.30 an hour?

Mr. CASTRO. Probably, but I am not sure. You got to work real hard. We used to go from 5:30 to—we had to go from 5:30, and work until 9:30. That is working hard.

The CHAIRMAN. How many in your family were working this summer?

Mr. CASTRO. Five.

The CHAIRMAN. What was the total income for the family?

Mr. CASTRO. Well, about $1,400.

The CHAIRMAN. How long were you working, what months? How many weeks?

Mr. CASTRO. We worked from the 5th of June until August 30.

The CHAIRMAN. Until the end of August?

Mr. CASTRO. Almost the end of August, the 25th.

The CHAIRMAN. How many hours did you all work a day?

Mr. CASTRO. We work close to 15 hours, or 14 hours.

The CHAIRMAN. All five of you?

Mr. CASTRO. Yes, we did not stop. We just kept on working.

The CHAIRMAN. Did you work 5 days a week or 6 or 7?

Mr. CASTRO. Seven days a week, the whole time we were out there working.

The CHAIRMAN. I have a feel'ng that does not come to $1.30 an hour.

Miss EATON. I have that same feeling.

The CHAIRMAN. Let me ask you this: About how many were working on the farms? Were there many people or were you the only ones?

Mr. CASTRO. There were two families, us and another family. We worked the same farm.

The CHAIRMAN. Why do you think you were making $1.30 an hour?

Mr. CASTRO. I don't know. How much do we supposed to get paid? I don't know if it was $1.30, but we were paid by contract.

When we finished the work, we get paid and we go to the next, and we get paid again.

The CHAIRMAN. We have computed it here on the basis of your five workers in the family and the period that you worked and the arithmetic comes to about 23 cents an hour.

Mr. CASTRO. You see, we have to work to make the payments, we have bills, doctor bills and other things.

The CHAIRMAN. I am not criticizing you for working. I am recognizing that from what you have said, you were not paid what you should have been paid under the law, assuming that the farm is covered by the Act.

I am sure you had all the family's needs that made it necessary for you to work. If there was work, you did it.

You did not question what you were getting paid. Evidently, you did not know you were probably supposed to be paid at a different rate. I guess you didn't know that, did you?

Mr. CASTRO. No.

The CHAIRMAN. Who was working with you, your mother, father, you——

Mr. CASTRO. Yes, and two brothers more.

The CHAIRMAN. Two other brothers?

Mr. CASTRO. Yes, they are smaller than me. One is 10 and one is 15.

The CHAIRMAN. Does that 10-year-old fit under the——

Miss EATON. That is legal.

The CHAIRMAN. Because of the fact that school was out, right?

Miss EATON. Yes. The next witness is Mrs. Castro.

The CHAIRMAN. Yes, we will hear from Mrs. Castro now.

With David here, I might say for the record, if he works all the time, fortunately he is going to school, but he looks as though he ought to be on the football team down there.

Miss EATON. He is.

The CHAIRMAN. Here I was going to feel sorry for the team that they didn't have him on the squad.

You play football?

Mr. CASTRO. Yes, but I cannot always stay for practice because I have to work. It is hard for me to have recreation like other boys.

The CHAIRMAN. You play for your high school team?

Mr. CASTRO. Yes.

The CHAIRMAN. Tomorrow you have a game?

Mr. CASTRO. Yes.

The CHAIRMAN. You are a good citizen to come here to Washington and testify. We appreciate it very much. If you get in trouble with the coach, tell him that you came up here to help the President improve the national policy.

Mr. CASTRO. OK. Thank you.

Miss EATON. Could I just say, Senator, that he is planning to give a talk to his class about why he missed school, about the problems that he has heard about and the testimony he has heard up here. I hope they will not object to his being away from school.

The CHAIRMAN. I think we ought to get a picture of him here, so it is not just what he says but what they see, too.

Could that be arranged? You better hurry up and do that.

All right, Mrs. Castro.

Mr. REVELES. I am appearing here to aid and will provide you with a translation.

The CHAIRMAN. Well, for the benefit of the reporter, that would be all right.

Mrs. CASTRO [through the translator]. The reason why our children are forced into employment in the fields is because we need them to augment the family income.

There are times when my husband is sick from 3 to 4 weeks and for that reason we find it necessary to bring our children into the fields.

This year we earned $1,400. And from that we deducted the expenses in order to return to our home. It took us more than $100 in expenses. And at times it is even more expensive when the car needs repairs.

That money is money that we bring with us from another State, so that we can return to Texas and pay our taxes in Texas.

We would not need to travel so far if we had a decent salary. We would not have to be begging for life necessities all the time. For that reason, it is necessary that we get a decent salary so we can live better. In that way, we would be able to raise our children in a better environment so they could better serve their country, because when they attain an age of majority they are forced to serve in the military and they do that at a time when they have not—when they know there are many other children around them who are suffering.

The Senate constantly studies ways of how to raise taxes, but there seems to be a lack of knowledge on how to raise the wages of the farmworkers. And it is time that the Senate resolved these problems because with the low wages we have, we are almost forced to someday turn to robbery to be able to keep up with our obligations. And the only reason one would turn to robbery would be because there would be times at home when there would be no food to eat.

And that is why I plead that soon you will be able to help us gain a more decent wage. In the same way in which you helped other nations, you should help your own Nation here. Otherwise, you will force us into having to turn to robbery; you are forcing us to that position.

And that is all. Thank you.

The CHAIRMAN. We appreciate that statement very much, Mrs. Castro, and appreciate your translation.

Mr. REVELES. Thank you.

The CHAIRMAN. We, of course, know that we see a lot of public attention given over to the people from rural areas who are not making a living, who go to the cities and there go on the welfare roles. I just wanted to ask a question, whether Mrs. Castro knows of this, and would she make any observation on it.

Mrs. CASTRO [through the translator]. The fact is that in other States like in Minnesota, they were unwilling to help my husband. This year he was able to work using only one arm because the other is disabled. And for that reason, I had to get my children to help us in the fields because there in that State they were unwilling to help my husband. I have proof that I went there asking for food stamps and they refused me.

The CHAIRMAN. Does Mrs. Castro know of any families that in similar tough situations have moved out of Texas and gone to live in the cities and there collect welfare?

Mrs. CASTRO [through the translator]. Yes; I am aware of families who have done this. Ten or fifteen such families; yes.

The CHAIRMAN. That she knows of?

Mr. REVELES. Yes.

The CHAIRMAN. From her community in Texas?

Mrs. CASTRO [through the translator]. Yes; neighbors of mine who have gone there because there is no hunger there where they have gone to.

The CHAIRMAN. All right. Thank you.

Miss. EATON. Now, my next colleague, Mr. Chairman, is Mrs. Ruth Chastine from Belle Glade, Fla., the Okeechobee Labor Camp, and she is a farmworker and can speak for herself.

Mrs. CHASTINE. What I was trying to say, I figured if I was able to have $2.25 an hour for a week, my 10-year-old wouldn't have to be out of school because I feel we would be able to meet our need. So I applied for welfare help. So they gave me $54 up until last September, and I didn't receive another check until January. Then they cut it from $54 to $23. They told me—so they stretched me down to $23.

So I have been working up until June, trying to save a little, and the savings was going away, so I applied for more help and they never did do anything about it.

So this month they raised it to $115. And my rent is $19 a week plus light bill. So that $23 is only some change for months.

The CHAIRMAN. We are not quite clear on the source of this money, the source of the income.

Miss EATON. You got the welfare checks that went up and down?

Mrs. CHASTINE. Yes.

The CHAIRMAN. Was this in Belle Glade?

Mrs. CHASTINE. Yes, called the family help.

The CHAIRMAN. Was there no work? You wanted to work, but there was no work?

Mrs. CHASTINE. Yes; but there was no work.

The CHAIRMAN. Why, because of the drought, there was no work?

Mrs. CHASTINE. When summer comes, there is no work; it is only in fall.

The CHAIRMAN. In Belle Glade?
Mrs. CHASTINE. Yes.
The CHAIRMAN. Isn't that celery?
Mrs. CHASTINE. Yes, it is summer bunching celery.
The CHAIRMAN. Did you ever work on one of those machines out in the field where they wash the celery and pack it?
Mrs. CHASTINE. Yes.
The CHAIRMAN. How long ago?
Mrs. CHASTINE. Maybe 10 years since I worked in the field on one of those.
The CHAIRMAN. Do you know people doing that now?
Mrs. CHASTINE. Yes, I know quite a few in the fields on that.
The CHAIRMAN. How much money do they make on that job?
Mrs. CHASTINE. Now, I really couldn't tell you, but some I talked with, it is about $65 or $70 a week.
The CHAIRMAN. How many hours do they work at the factories in the field?
Mrs. CHASTINE. They usually put in 10 hours.
The CHAIRMAN. How many days?
Mrs. CHASTINE. Five. Sometimes four.
The CHAIRMAN. I have seen a lot of hard jobs, but that is one of the hardest I have ever seen. The temperatures go about 130 out there.
Mrs. CHASTINE. That's right.
The CHAIRMAN. And it looks as though—well, there are a lot of other problems working on those machines out there in the field. And the way we figured it out under what you are saying there, why, it is just close to being at the minimum income of $1.30 an hour.
Mrs. CHASTINE. That is what they say it is.
The CHAIRMAN. Maybe a little plus or a little minus. Who is the migrant ministry there, General—is he still there?
Mrs. CHASTINE. I don't know.
The CHAIRMAN. Are you familiar with the migrant ministry?
Miss EATON. Augie Vandenberg works for the State.
The CHAIRMAN. No, right in Belle Glade.
Mrs. CHASTINE. I don't know.
The CHAIRMAN. Do you have a family?
Mrs. CHASTINE. Yes, I do.
The CHAIRMAN. How old are your children?
Mrs. CHASTINE. One is 20, one 16, and one is 10.
The CHAIRMAN. Have they worked in the fields?
Mrs. CHASTINE. Yes, they have.
The CHAIRMAN. Even the 10-year-old?
Mrs. CHASTINE. Not the 10-year-old.
The CHAIRMAN. How long have the others worked in the field?
Mrs. CHASTINE. All our lives, we worked in the fields.
The CHAIRMAN. How old do your youngsters have to be before you have them work in the fields?
Mrs. CHASTINE. Well, usually when I am there, I say they are 12 to 14.
The CHAIRMAN. So you wait until they are 12?
Mrs. CHASTINE. No; I would say they were 12 before they were 12, but I would say they were 12.
The CHAIRMAN. Even though they might be 10?

Mrs. CHASTINE. That's right. I mean, if they was under that, I would say that. I would get their age up to give them a chance to work.

(Discussion off the record.)

The CHAIRMAN. Miss Eaton.

Miss EATON. Felix Cruz, who is an investigator for CRLA in Santa Rosa, Calif., a former farmworker.

Mr. CRUZ. Thank you, Senator Williams. First of all, this morning we had another meeting discussing child labor, about children working in the fields. And the chairman of the committee, Mr. O'Hara, said many parents are going to be mad if they pass that law because the parents want to see the children work so they can have more money.

But now here in this committee, you can approve a minimum wage for the parents; they can let the children at home to study or playing because they are children. They have the right to play. They are too young to work. Some reports said that the children—they have to oversee the work that they are doing.

I would like to see the children to study to be somebody in the future. Because the children—the children are exploited for this—I won't call it the system—but the big companies take advantage of the small growers. And the small grower take advantage of the parents, and the parents force their children to work.

So if you give a decent minimum wage, you can save the children from working in the fields. Because in the office that I work, I used to see every year so many families that pick prunes, and they used to—the grower doesn't want to pay to them. After that, we start to ask them how much the grower brought to you and they say $50.

And how long have you been working for them, and they say 15 days. So we figure $25 a week, and we figure it out and we come to 19 or 20 cents an hour for the entire family. This is not a decent way for the family to work.

For so many years we were working for the minimum wage to be raised and we have no success in that. But telephone companies, they ask for an increase in the rates, they get it right away, and we have to pay for it.

But when we ask for benefits for children and ourselves, it is hard to get it. We come in from California to be here and this is a necessity, and we hope you can do something for us.

You said a few minutes before about the welfare—the welfare doesn't solve the problem. You have to give the worker a pride. We don't want welfare, we want to work, but for a decent wage. Because when you are on welfare, you feel ashamed because they say that everybody on welfare is lazy. But they are not lazy. We are not lazy. We want to work. But the big problem, where I come from, anyway, is that there are so many citizens out of work. Why? Because the growers prefer to hire people who are illegally in this country.

The CHAIRMAN. Are they still doing that?

Mr. CRUZ. Certainly. I have proof. Because last year we took three companies to court and the judge said this is no State problem, this is a Federal problem. So he said there is nothing we can do in the State policy.

There were probably five or six cases of this. They know that you cannot work, but they hire you anyway. Because they know you work

for $1.40 an hour or so and they work harder and they live on the farm, so they know they have the slaves there to work for them.

But when somebody from the welfare—the father used to ask for work, they say I have no job for you. When they found out he is a resident for that area, they prefer them. They were from my country, and they were hurting the other Mexican residents here.

The CHAIRMAN. I missed that last point.

Mr. CRUZ. When they said this about the problem, they said, "I am against my own people," but they were hurting my own people who live in this country.

The CHAIRMAN. I see. In other words, these people who were there illegally because of our immigration laws, were displacing American residents?

Mr. CRUZ. That's right.

The CHAIRMAN. That is happening right now?

Mr. CRUZ. Right now.

The CHAIRMAN. Where?

Mr. CRUZ. California, Sonoma County.

The CHAIRMAN. Where is that?

Mr. CRUZ. Sixty-five miles north of San Francisco. Then they used to go to the ranches and pick up five or so.

The CHAIRMAN. What valley is that?

Mr. CRUZ. This is no valley. It is the Alexander—Sonoma County.

The CHAIRMAN. What are the crops out that way?

Mr. CRUZ. Apples and prunes and grapes. And I used to receive a lot of complaints in the office about the illegals, but I used to tell them, "What can I do?" I showed them the case, three cases where we went to court.

The CHAIRMAN. Did you hear Mrs. Castro's statement?

Mr. CRUZ. Yes.

The CHAIRMAN. You know in translation she came through that she was expressing an understanding of people who had been driven to rob to live, to just get what they need to live. Do you see people driven to antisocial, or even criminal acts, because of this oppression, the financial-economic oppression?

Mr. CRUZ. You see, probably not in California because the welfare system is good; they provide enough money to live on. But I know that she was telling me in Texas, it is different.

The CHAIRMAN. Why are people on welfare where you are?

Mr. CRUZ. Because the illegals are replacing us.

The CHAIRMAN. Is there work for the people that are on welfare?

Mr. CRUZ. Yes.

The CHAIRMAN. Why aren't they working?

Mr. CRUZ. Because I am telling you they ask for jobs because they——

The CHAIRMAN. I said is there work? You are saying there is no available work because other people have the jobs.

Mr. CRUZ. Yes.

The CHAIRMAN. So there is no work?

Mr. CRUZ. No work for the residents, but for the illegals there is.

The CHAIRMAN. That puts the others on welfare?

Mr. CRUZ. Right. That is why over there we can't fight for increase in salaries, because the illegals won't fight. Because the growers say, "You want to raise your salary, we will call the illegals." I know for a fact; I have proof in the office.

The CHAIRMAN. All right.

Miss EATON. Senator, Felix Cruz also told me that one of the reasons adults can't get jobs is because of the large number of children at work and if we wanted to take pictures of children in the fields now working, go to Sonoma County.

The CHAIRMAN. Will you describe the impact of child labor on the whole scene out there?

Mr. CRUZ. OK. Particularly when a single man asks for a job through the farm labor office, they said, "How many children you have?" He said, "No one." And they say, "No job for you."

The CHAIRMAN. This is the farm labor office?

Mr. CRUZ. Yes.

The CHAIRMAN. Whose office?

Mr. CRUZ. The State office.

The CHAIRMAN. That is the State office?

Mr. CRUZ. Yes. The farm labor office.

The CHAIRMAN. That is the National U.S. Employment Service Office. That is what it is. It is not a State office. It is in the State, but it is a federally-funded operation.

Mr. CRUZ. So it is the farm labor office.

The CHAIRMAN. They say, if you don't have any kids, there is no job?

Mr. CRUZ. Yes; because they know—if they send a single man, he will quit an hour later because he will only make 25 cents an hour. That is why they hire the families, because they will all work.

The CHAIRMAN. The adult goes and asks for a job and they say, "Do you have any kids?" He says, "No kids," and there is no job?

Mr. CRUZ. Right.

The CHAIRMAN. If he has kids, he gets a job because he brings the kids?

Mr. CRUZ. Yes.

The CHAIRMAN. Wouldn't he just as easily lift up and get out with or without the kids if the wages were not right?

Mr. CRUZ. For many it is necessary for them to take the children to make good salary. It is necessary for him to take the kids.

The CHAIRMAN. With the children helping him, the total pay goes up?

Mr. CRUZ. And the grower used to pay him under one social security number, so when he cash his check, they say, you made a lot of money this week, but he didn't earn that money by himself; it was the complete family.

The CHAIRMAN. The wrong people are in jail, I think, sometimes.

Mr. CRUZ. You know, somebody has to suffer the consequences.

The CHAIRMAN. This is a new one. This, I haven't heard.

Miss EATON. He has a lot more.

The CHAIRMAN. Things are getting worse rather than better. In my opening statement, I said things are improving. This is retrogression.

Mr. CRUZ. I can tell you so many things that are wrong there. They pay the social security household number, one number.

The CHAIRMAN. Here is one adult with a social security number——

Mr. CRUZ. He has six children working with him——

The CHAIRMAN. And all the work goes in under one social security number?

Mr. CRUZ. Yes.

The CHAIRMAN. That I have not heard. Is that a general thing?

Mr. CRUZ. Yes; general. It is because the children under 12, they can't have a social security number. So if you have children 8, 9, 6, 5, they work, but they are included on the father's check under his social security number. I know it is a violation, but nothing is done.

The CHAIRMAN. You are talking of orchards and fruits, fruits rather than vegetables?

Mr. CRUZ. Yes.

The CHAIRMAN. These are orchards, right?

Mr. CRUZ. Right.

The CHAIRMAN. Who does the grower or the orchard owner, who does he sell to?

Mr. CRUZ. He sells to the cannery cooperative.

The CHAIRMAN. To a cooperative?

Mr. CRUZ. Yes.

The CHAIRMAN. Do they process for retail or do they——

Mr. CRUZ. They pick from the trees and send to the markets. The apples from the ground, they put in cans, apple sauce and vinegar and so on.

The CHAIRMAN. For any national brands, or local?

Mr. CRUZ. I think it is national because they send it all over.

The CHAIRMAN. Do they do the canning right there?

Mr. CRUZ. Yes, in the same town.

The CHAIRMAN. Does it come out under the cooperative's name? When the can is labeled, does it say——

Mr. CRUZ. Yes; Sebastopol Cannery Co. They have their own brand.

The CHAIRMAN. I have never seen that on the east coast. Is that strictly a local thing?

Mr. CRUZ. Probably too small a town, and they don't have enough to export it to this side.

The CHAIRMAN. In other words, no product goes to these national brands?

Mr. CRUZ. I don't think so because they are small canneries.

The CHAIRMAN. Where do these apples come from that make this wine that is now being advertised so much?

Mr. CRUZ. Probably from Washington because they have a lot of apples in Washington, Washington State.

The CHAIRMAN. Well, we could go on and talk to you for a long time, and learn something every second, but I will say we have a lot of people that we have to hear from, and we appreciate very much your statement.

Mr. CRUZ. Thank you.

Mr. FEDER. Do you know if anybody complained about these problems to any of the official State or Federal agencies? For example, what you describe about putting all that money on one paycheck. It is a violation of Federal minimum wage laws. Has anybody filed a complaint with the Department of Labor? That is not the employment service; this is different.

Mr. CRUZ. I don't know what action the attorneys took, but I know some families that made a complaint in the office, but they don't want to make a strong complaint because they know they will lose the next time because if the grower found out, they know that for sure they will never work for him any more. If they made a complaint, the grower—and before they know they can't get the work. So

it is a combination between the grower and the parents, you know. The parents want to see their children working. It doesn't matter if they pay on his own social security number.

The CHAIRMAN. Thank you.

Miss EATON. David said that social security trick is done all over. He just whispered that to me, so it is not peculiar to California of putting everybody on one.

My final spokesman is Max Rothman from your home State, Senator, of Camden Regional Legal Services, farmworker division.

Mr. ROTHMAN. Senator, our office provides legal services for all farmworkers, seasonal, migrant, in Cumberland, Salem, Gloucester Counties. In those three counties, we see about half.

The CHAIRMAN. Describe your organization.

Mr. ROTHMAN. This is a regular OEO legal services agency.

What I can say is certainly superfluous in light of the words that you have heard from the very farmworkers themselves. I can only state that conditions are quite similar in New Jersey, as I am sure you are aware, even though we have a State minimum wage that is even 20 cents more than the Federal at this point. But because of the lack of steady work, the fact that one crop finishes before the other one starts, the fact that work is interrupted by bad weather, the fact there is usually an over-supply of labor, the fact that children work at less than the minimum wage, the New Jersey Department of Labor and Industry publicized recently that the farmers were providing 3,000 jobs for children in New Jersey, as our earlier report stated. They neglected to state that they were receiving less than the minimum wage and displacing breadwinners from working in the fields.

Of course, there is no overtime provisions and we think the provisions in your bill calling for that are excellent. I might also say that the provision for $2.25 an hour is long overdue and the sooner we get it, the better off the farmworkers will be.

There is one other area that I would like to hit that can't be segregated from the whole problem, that is the lack of unemployment insurance for farmworkers. Regardless of the minimum wage, if we don't have this protection for workers during the period there is no work, I simply fail to see how they can make do short of a lot of welfare assistance.

Now, $90,000, I understand, was provided the Rutgers Agricultural School by the U.S. Department of Labor to undergo a feasibility study for unemployment insurance. I believe they got the money early in 1970. We were not informed about the grant; however, upon reading it in the paper, we confronted the people who got the grant and asked why there were no representatives from labor organizations or farmworkers on the advisory committee.

They had no explanation for that. We asked how they were going about conducting this survey. They told us that the questionnaire and background materials were all provided by their own people.

We asked them if we could have copies of the questionnaire and reports that they were going through to produce. They said that was all confidential.

We have since tried to make inquiries as to what has happened with the study and we have been unable to learn anything. Perhaps some of your staff people could look into this whole situation.

The CHAIRMAN. Rutgers where?

Mr. ROTHMAN. In New Brunswick, the agricultural school was handling the grant. It was $90,000.

The CHAIRMAN. Before you leave, tell our staff people who you contacted and we will find out. We are obviously interested in it.

Mr. ROTHMAN. We are, too. Over three summers in the field now from my observation, I feel this is one of the most important areas right along with exclusion from collective bargaining rights.

I might also note since we both have a common interest in New Jersey, that the people in the State health department informed me that New Jersey, as well as the other States, and Puerto Rico, and Virgin Islands within region 2 of the Federal departments, face an 8 percent cut in migrant health funds for next year. They specifically asked me to pass that information on to the committee today.

Of course, I found out about this as a result of some investigations we made following the death of a young boy, at first we thought from pesticides, although the later reports seem to indicate it was a kidney infection. Interestingly, a doctor in the State health department told us yesterday that he considered the case a tragic comedy. I fail to see where any comedy was involved, but I believe his point was that they have had so many other cases including those involving parathion, a more deadly pesticide than what is involved in this situation, and nobody ever gave them publicity.

Again, another area you might want to look into, apparently the State health department has facts in this area. I questioned them very closely as to the kinds of cases that they saw with children, and they told me that—they said the common run of accidents, cuts, rashes from pesticides were common from children from 2 and 3 on up into the teens. Respiratory problems resulting from crowded camps, poorly heated or ventilated camps, and other things, this statistic seemed to be on the increase, not on the decrease in recent years.

They felt that an 8 percent cut in their budget next year would make it all that much more difficult to provide adequate services. There is an absolute lack of any kind of recreational activities for farmworkers in New Jersey and probably for any place that I have seen in the Northeast.

Although there are day care and educational facilities, they operate very short periods of the summer. I don't believe there is enough resources there to seem to keep them going any longer than about a month and a half to 2 months, although we have farmworkers from April to November in New Jersey.

Of course, it is easy to see why children are in the fields now, not only working, but children accompanying their parents, because they have no place else to keep them except with them at their sides in the fields.

I think I have covered the major points that I wanted to bring out here today. I expressed this morning to Congressman O'Hara my chagrin at the failure from anyone else to be present at those hearings, although he assured me they have other obligations.

On further thought, I concluded that indeed there have been so many hearings on child labor, I felt that the members of the committee probably believe that they had heard it all before.

I think the Senate Subcommittee on Migratory Labor has produced some 15 volumes on the problems facing all farmworkers in this country. It seems that we have gone long past the time when this

body and the House must do something to alleviate these problems.

The CHAIRMAN. You know on that point, we certainly do have some basic law, relatively new law, but I will say the enforcement of it is practically nonexistent. That is the way it seems to me from what has been said here. Certainly, in that description of the California situation, there is a conspiracy of the Federal agents with the wrongs that are being committed.

Mr. ROTHMAN. No question about lack of enforcement of all the laws on the books, not only Federal.

The CHAIRMAN. In New Jersey, how do you assist in seeing that the law is properly enforced? Do you bring actions?

Mr. ROTHMAN. Depending on the nature of the case. Wherever we believe that another Federal or State agency has some responsibilities in the area, usually the first step we will take is try to bring them into it. If we find they are either incapable or unwilling, we will then take appropriate legal action that may mean in court or some other form.

The CHAIRMAN. What cases have you brought?

Mr. ROTHMAN. One more publicized, certainly something not discussing today, but it was access to farm labor camps. This spring we got a decision from the New Jersey Supreme Court stating that there is a complete right of access for all members of Federal, State, and local agencies to visit farmworkers as well as a right on the part of the farmworkers to receive visitors of their own choice.

I might say it is one area where we pick up a lot of—took up a lot of our time. We have a small office; we have gone between two and three attorneys now for the past 3 years.

The CHAIRMAN. How about these dollars-and-cents issues?

Mr. ROTHMAN. Wage claims are big problems. We have been in court and are preparing to get more cases ready for court action.

Now, in this area we have something you are familiar with, the Puerto Rican contract. I presented testimony to seven senators from Puerto Rico who were on a factfinding mission in New Jersey and other States in the Northeast as to how that contract was not working, of the workers not being paid anything like the contract says, the guarantee of so many hours work per period, and so on.

But, in any event, we try and get the resources of the Commonwealth of Puerto Rico working under the contract. We bring in the State wage and hour bureau, which although sometimes it is willing to move, finds itself unable to move very quickly in a State where we deal largely with migrant workers, the problem of the moving around or being moved around so fast when complaints are brought on their behalf, is a never-ending one.

But we have been able to make recoveries for workers, particularly where they have already left the farm. They are loathe to allow us to continue with the claim if they are going to continue working on a particular farm. They are afraid of losing their jobs and their houses.

Mr. CRUZ. Can I say something?

The CHAIRMAN. Yes.

Mr. CRUZ. Right now, we are asking for a new law for minimum wage and we have laws that they are active laws, but there is no way to enforce it. There are some pictures here about the houses in our area that we have to report to the health department and they didn't take any action on it. I have some pictures here of migrant workers, and how they spent their nights.

The CHAIRMAN. I have nothing further. Senator Stevenson, you may go on.

Senator STEVENSON. I don't believe I will ask any questions, Mr. Chairman.

I want to thank the witnesses and apologize for having gotten here so late. I had to be on the floor, but we will read everything that you have had to say today in the record and I know——

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Javits.

Senator JAVITS. I would like to greet the witnesses, and thank them for their testimony. I have been very involved with other things related to poverty and child care.

This afternoon I wanted to come by before the witnesses left to tell them this: There is very strong sentiment on this committee for very effective and complete child labor provision for agricultural labor and for a minimum wage for agricultural labor.

When Senator Morse was here, he and I thought we had prevailed, but found by the time all the legislative processes were over, we had to compromise a lot further than we, in all justice, wanted to go in order to get anything.

I certainly am delighted to try again and I am very hopeful that with your kind of testimony and the new attitude here in the Congress, we can be much more successful than we were before. This situation cries for just action and I can only say to you as Americans that you show your faith in the overall effort of the system of which we are all a part and of the good will and good faith of men like those who are here hearing you—Senator Stevenson, Senator Williams, and myself—in bearing with us until we can get the action that the situation deserves.

The CHAIRMAN. Thank you very much.

Miss EATON. Thank you, Senator Williams. It has been a pleasure.

The CHAIRMAN. Thank you all. We are very grateful.

(The prepared statement of Miss Eaton follows:)

PREPARED STATEMENT OF MISS ELEANOR EATON, NATIONAL REPRESENTATIVE FOR RURAL AFFAIRS, COMMUNITY RELATIONS DIVISION OF THE AMERICAN FRIENDS SERVICE COMMITTEE

Senator Williams and members of the Labor Subcommittee of the Senate Committee on Labor and Public Welfare, the American Friends Service Committee appreciates your invitation to appear at these hearings on S 1681 and S 2259. My name is Eleanor Eaton and I am National Representative for Rural Affairs in the Community Relations Division of the American Friends Service Committee. My brief statement is on behalf of that Committee and many like-minded Friends. (No single body can speak for the Quakers, the Religious Society of Friends.) After my opening statement, I will call upon four associates from California, Texas, Florida and New Jersey whose firsthand experience with the problems of farm workers and farm work will, we believe, provide information valuable to your Committee as you consider the above bills and other legislation designed to give farm workers the same protections, rights, dignity and income that we accord to industrial workers.

What the American Friends Service Committee has to say is based upon nearly 17 years of field program experience with farm workers. Programs in California, Florida, Pennsylvania and New Jersey have had year-round, full-time staff, many of them former farm workers. Shorter term summer programs, including our five-state investigation of child labor conditions in 1970, have given us firsthand information and involvement with farm workers in Maine, Michigan, Ohio, Texas, Colorado, Washington and Oregon. These programs have attempted to enable the farm workers themselves to solve their many problems, of which child labor is but one. The problem of child labor is inseparable from the total problem.

Our 1970 Child Labor in Agriculture project (see attached copy of the final report) was carried out in cooperation with the National Committee on the Education of Migrant Children and grew out of the fact that up to a year ago little was known about the extent and nature of child labor employment in agriculture. Figures and facts then available were at least ten years old. Our study was of necessity a very small sampling of conditions in only a few states. (No private organization has the resources nor the powers to make the needed indepth and nationwide study of the extent to which children are used to harvest the crops.) But the study has, we believe, raised once again the child labor issue to national consciousness as evidenced by the press, TV and radio coverage received in the U.S. and abroad, and the subsequent publication of major stories in more than seven nationally circulated magazines. A book has been commissioned by a major publisher and independent research by one correspondent of the NEW YORK TIMES earned him a special award for his story of child labor conditions in Louisiana.

Our initial report received heavy coverage throughout the country, both in the big-city press and the farm-town press. In a small handful of cases, invariably in farming communities, editors expressed their disagreement, most of the criticism coming from Oregon and Washington state. By contrast editorials in large metropolitan papers strongly supported the report. The ST. LOUIS POST-DISPATCH ended its editorial saying "The public ought to be glad to pay a little more for potatoes and beans if that stops the exploitation of children."

The reactions to our report lead us to expand upon the recommendations included in the report itself. Little of what we will say is new to those concerned about the seasonal farm worker and the migrant. The problem has been known for a good many years. Yet, in spite of this, the Subcommittee on Migratory Labor

reports that in 1970 one fourth of the farm wage workers in the United States were under sixteen years of age. Farm workers remain at the bottom of the social, economic and educational ladders; at the foot of the ladder of accorded human dignity; at the foot of the ladder of protective social legislation; at the foot of the ladder of wages. Why? Why, as the LOS ANGELES TIMES says, do we not "correct conditions that, although intolerable, have been tolerated far too long?" Why must the Congress need to continue to hold hearings that lay out the hard cruel facts about the life of the farm worker, and as Senator Mondale said, "fail to help farm workers effectively?"

We believe that some of the reasons for our national failure can be identified.

1. The myth persists that agriculture is somehow so different from industry that the same rules should not apply. As a country we romanticize our agricultural heritage, and overlook the basic problems faced by both farm workers and farmers. As you well know, every major piece of social legislation exempts agriculture and farm workers from most of its protections or makes special provisions reducing the responsibilities of the employer of farm labor. We are opposed to the payment of agricultural crop subsidies, but we are interested to note that it was only by the narrowest margin that the Lockheed Corporation received a guaranteed loan from Congress while attempts to eliminate outright grants for agricultural subsidies have been successfully defeated over the past few years.

2. The small farmer is squeezed by corporate giants and as a result says that he would go out of business if he had to pay the same minimum wage as do the industries to whom he sells his products. In New Jersey the Migrant Ministry reports that Campbell's has paid farmers the same price for tomatoes, $42.08 per ton, for the past four years. In Oregon in 1970 workers received 3¢ a pound

for picking pole beans, the same rate they had received for the last four years. And 20 years ago they received 2½¢ per pound. Is this why in South Boston, Virginia, the GAZETTE VIRGINIAN claims that in Halifax County, "if it were not for using children on tobacco farms, the crop would never be produced or harvested?"

The small farmer is in a vulnerable position. Too often he is made the villain when he is not. But he has options; he has alternatives as the midwest farmers who have formed the National Farmers Organization have realized. The farm worker has no alternatives, no options; he must either accept what is offered or go totally hungry, and he must utilize the hands and bodies of his children to increase the number of pounds picked by his family.

3. The myth persists that working in agriculture is good for children; that it teaches them the value of money; that when we talk about children in agriculture we are talking about "work in fresh unpolluted open air in the cool mornings;" that children learn they have duties as well as privileges; that they learn the value of hard work and of the dollar. This may be true for kids who have privileges; who work when and as long as they want to; who keep what they earn and can buy a bicycle or extra clothes; who had a good start in life with proper medical care; who go home at night to a good bed, a good meal and start work after a good breakfast. But how does the migrant child learn the value of work when he sees his parents and brothers and sisters work long hours, six days a week (or sit around in the fields waiting for work), and still there are only beans for supper? What privileges does he have that he must earn by duties?

4. The myth persists that having a law on the books solves the problem, as the many letters we received following our 1970 report attest. Excellent laws on the books and little or no enforcement are empty gains for the powerless.

In 1970 in California, which has good laws protecting children, there were 44 enforcement agents to cover three million workers, and in March of this year we were told that these 44 agents would be cut back to 24 for budgetary reasons. There is an estimated backlog of 6,000 cases in that state alone. Many violators are never prosecuted, merely warned. And our team reported similar inadequate staff for enforcement in Oregon and in other states. According to the WALL STREET JOURNAL there are only 1,000 wage and hour inspectors for the entire country and only 3% of the firms covered by law are investigated. If "farms" were considered "firms" the percentage would be even lower.

5. Farmers, growers and their agribusiness allies insist that there is a shortage of labor, but they tolerate archaic work practices. In Chester County, Pennsylvania, one of our staff worked for a month as a potato grader. His average time on the job was 12 hours a day. His average pay was for four hours. Why? Because he was only paid when the grader was working and it broke down frequently.

In 1971 in New Jersey a woman farm worker applied for welfare because she, too, was only paid when the grader was working and for 12 or more hours on the job she was being paid for only three; so she stopped going to the farm. The employer said there was plenty of work and he was short of graders; consequently she was denied welfare.

We believe that if remuneration was adequate and working conditions fair and responsible, there would be no shortage of adult farm workers. Other industries cannot depend upon child labor but the claims of farmers that they will go broke if they have to pay adults adult wages or that they can't get the crop in without child labor, as in Maine and on the tobacco farms of Virginia, are heard and listened to.

These, we believe, are some of the reasons why so little progress has been made in improving the lot of the farm worker. These are the reasons why one fourth of the farm workers are children.

The problem of child labor in agriculture is inseparable from the problems of the farm workers, and in a larger sense from responsible corporate policy and improved agricultural management and labor management relations. Farm workers will need to take their kids out of school; to put them to work in the fields until they get the same wages, protections, and rights as industrial workers.

We believe as a first step all farm workers must receive an adequate minimum wage, the same as guaranteed to industrial workers. If by setting the minimum wage of $2.25 and an eight-hour day, called for in S 1861, plus overtime bonuses, farmers are squeezed and/or prices go up, the Congress and the nation may have to subsidize the farm worker as we now do the airlines, the aero-space industry, the corporate giants, the growers and the farmers. The time is long overdue for the nation to rely on children and farm workers paying this subsidy out of their bodies and spirits.

Secondly, farm workers must be covered by the provisions of the original Wagner Act of 1935, unamended, if they are to achieve parity with industrial workers and if their children are to be entitled to an education, to health and the choice of a future. The migrant farm workers are the most powerless people in America today and, ultimately, change for this essential group of American citizens will come only as they participate in producing that change. Our staff in California reports that rarely, if ever, are children seen in the fields where the grower has a contract with the United Farm Workers Organizing Committee.

We welcome the recent statement by Congressman O'Hara that the farmworker's "working and living conditions, like the working and living conditions of most American working people, will primarily be improved by his own organized efforts to secure fairer treatment and better pay for his labor..."

Third, no one should be allowed to hire children as long as there are adults seeking work at the minimum wage or better; and children when hired must be paid the same wages as adults. Children should not be the ones to subsidize farmers or food consumers, or the corporate giants who squeeze the farmer. In New Jersey recently the Commissioner of Labor and Industry announced that 3,000 young people had jobs in South Jersey agriculture. He did not state that many migrant families from the South were even then returning home, penniless, because there was no work, nor did he mention that most of these young people are not covered by the State minimum wage law. In this same state in July 1971, a three-county anti-poverty agency, SCOPE, secured food orders for 817 farm worker families who could not find enough work. We are opposed to exceptions, but recognize that parents can and should be able to pay their own children for farm chores, but no one, except parents and legal guardians, should be allowed to act "in loco parentes" as called for in S 1861 and H.R. 10499.

Fourth, there must be adequate funds for law enforcement and an established policy of affirmative compliance with the law. It is not enough to rely on complaints and newspaper stories. As Donald Janson reports in the NEW YORK TIMES for Sunday, September 12, 1971, farm worker wages are often below the legal minimum of $1.30; some as low as 28¢ an hour. But the workers do not complain for fear of losing their job, their home or their credit. Affirmative compliance means investigation. In the summer of 1970 in a six week period our staff saw almost as many children at work in nineteen counties in five states as were

reported for the whole United States in fiscal year 1970. In California alone it is estimated that there are at least twice as many violations as complaints. And violators must be prosecuted; complainants must receive legal aid.

Fifth, farm workers, settled and migrant, should be entitled to unemployment compensation and social security benefits on the same basis as industrial workers.

Sixth, when both parents must work, as is the case with farm workers, day care facilities that are easily accessible to parents (not one and a half hours away as our team found in the state of Washington) must be increased; summer school opportunities must be available as long as the harvest season, and not stop in mid-August as they now do in many states; supervised recreation at the camps must be provided so mothers do not have to take their kids to the fields for fear of accidents at the camp.

We have not confined ourselves to a discussion of the specific bills before your Committee because as we have said repeatedly, the problem of child labor is inseparable from the problems of farmers and farm workers. Ultimately, an adequate guaranteed annual income will be required, but in the meantime the same rights and protections and wages for adult workers will let the following farm worker's dream be realized:

"I want to settle. I want my children to go to school or summer camp while I work. I would like to see my eleven-year-old son not having to push the forty-pound tomato bushels all through the field..."

As we said in our report and as is the intent of H.R. 10499, children under 16 should not be employed in agriculture. There should be no modifying words like

"oppressive," and no exceptions beyond those already included in the rulings regarding industrial employment. Children should not be deprived of their childhood or their adolescence. As a nation we should heed the NEW YORK TIMES editorial statement that "A society may ultimately be expected to be judged by the way it treats its children."

September 1971

The CHAIRMAN. Our next witness is Mr. Matt Triggs, of the Farm Bureau Federation. If anybody has seen the list, this is a little out of turn, but I figure most people want to be here through the afternoon; I know you have time problems, Mr. Triggs.

STATEMENT OF MATT TRIGGS, ASSISTANT LEGISLATIVE DIRECTOR, AMERICAN FARM BUREAU FEDERATION

Mr. TRIGGS. Well, thank you, Senator.

The CHAIRMAN. I just asked Senator Stevenson whether he had the opportunity of hearing you in testimony yesterday. I gather he did not.

Mr. TRIGGS. No, I have not met Senator Stevenson.

The CHAIRMAN. Well, I can say for my colleague, Senator Stevenson, Matt has been reliable in his appearance before the subcommittee for over a decade now.

Mr. TRIGGS. Yes, sir.

It is always a pleasure, but it has been some time. I wonder how to proceed. You have had my statement for a couple of days. In any event, I know when the time is a quarter to 3, it is too late to read a long statement. If I were a Senator, I would be reluctant to hear witnesses read a long statement.

So with your approval, Mr. Chairman, I think I will skip substantial portions of our statement and then with your approval, if we might include them in the record as though I had read it.

The CHAIRMAN. All right, we will do it that way. The full statement will be in the record at the end of your testimony and you highlight it for us.

Mr. TRIGGS. Let's turn to the bottom of page 2. Here we deal with the impact of the enactment of the proposed legislation on farmers.

Farmers are unable to keep pace with inflationary cost-price trends. Increased costs to farmers are not readily offset by increased prices. Farmers can pass on higher costs to consumers only over a period of years if at all. The parity ratio, which reflects the relationship of farm prices to prices farmers pay, has recently been at the lowest level since 1933.

That is not a misprint.

Returns on invested capital in agriculture are lower than for any other segments of the economy. Net farm incomes have not kept pace with the incomes of other groups. Farm net income in the first 6 months of 1971 was 12 percent lower than the first 6 months of 1970.

Now, on the balance of that page, we pointed out that the enactment of S. 1861 would give impetus to all these adverse trends affecting farm incomes for the reasons set forth therein.

And then turning over to the subject that has been the principal subject of discussion this afternoon, the impact on workers. We express the opinion, which we hope to document, that no group would be more adversely affected by the enactment of S. 1861 than farm workers.

The cause of the relatively low economic status of many of the workers seasonally employed by farmers is that they are unemployed most of the time. This is illustrated in the data set forth in the table.

This table shows there are over a million workers who work less than 25 days in agriculture during a year, et cetera. We summarize this table in the following paragraphs.

Full-time workers, the 306,000 who worked over 250 days in agriculture, did almost half the hired farmwork. Less than full-time workers, the 2,182,000 persons who worked less than 250 days in agriculture, did the other half.

Now the average number of days worked in agriculture of all hired farmworkers was 80 days per year. If we exclude full-time workers, the less than full-time workers worked an average of only 47 days per year in agriculture.

This, we submit, is the crucial factor. It is the basic problem of farmworkers that they are not employed enough days in the year.

If we are to help farmworkers, surely we must think in terms of increasing their employment, not reducing it.

In our opinion, the enactment of S. 1861 would substantially reduce the average number of days of farm employment of those now averaging 47 days per year, and in many instances it would eliminate such employment entirely.

And the reason this is so is that employment in agriculture is elastic. That is, an increase of 1 percent in the average wage level will reduce employment more than 1 percent. And it is elastic because of the availability of new labor-saving equipment, technology, and practices that have not been fully employed by many farmers.

It is difficult for farmers to find the large amounts of capital needed to adopt new technology, but a sharp increase in costs would create a strong incentive for them to do so, a necessity for them to do so, and would hasten the disemployment of hired workers in agriculture.

Now, skipping over, then, to the middle of page 5, captioned "Reduced Competitive Status of U.S. Farm Producers."

A dramatic example of the results of rising comparative costs in the United States is in the case of competition with Mexican producers of fruits and vegetables.

U.S. imports from Mexico have increased more than 10 times since 1956. They are still going up. Imports from Mexico in 1970 were $43 million more than in 1969.

Then, skipping to part 5, "Piece Rates."

Our exhibits attached indicate the average earnings of workers employed by farmers on a piece-rate basis exceeds the average earnings of workers employed on an hourly basis by 18 percent.

Both workers and farmers prefer a piece-rate basis wherever practical; the workers because they can earn more; the farmer because the saving from the elimination of close supervision reduces unit cost.

The piece rate system is jeopardized by minimum rate laws.

Let me skip a little bit. In our opinion, if the piece rate method of employing workers is to survive the impact of minimum wage legislation, a revision in the minimum wage law is necessary.

We recommend a provision that a farmer should be considered to be in compliance if the average hourly earnings of 80 percent of the piece rate workers in the group exceed the applicable minimum wage requirement.

We believe that this provision would preserve the opportunity for slow and handicapped workers to obtain and retain employment in agriculture.

I would like to take a couple of minutes on the exhibits.

The Department of Agriculture has, for 2 years now, been reporting farm wages, which include for the first time, the earnings of piece rate workers. And this is reflected in exhibit 1.

In the last column, you will note that the average earnings of workers on piece rate in April 1971 was $2.36. Of those on time basis, $1.72 per hour. In exhibit 4, we report the fact that the number of migratory workers is diminishing dramatically. It was only a few years ago that the number of migratory workers was 400,000 to 500,000 a year. In 1970, it was 196,000.

That is one of the big and, I think, hopeful and optimistic developments.

On the next page, we show the Mexican import situation. Please note the last 4 years. In the last 4 years, imports of fruits and vegetables from Mexico have nearly doubled. This means fewer jobs for farmers, for farm families, and for hired farmworkers.

And the reason, of course, is comparative costs. It costs more to raise these products in the United States than in Mexico.

Exhibit 7 reports "Relationships Between Farm Returns and Farm Costs."

What I have done here is adjust the net farm income on the basis of consumer prices and that is shown in the caption table, "Real Net Farm Income."

You will note it has been declining. It has gone down in the last 10 years.

In the next column, we show the "Index of Farm Prices." Farm prices have gone up 17 percent in 10 years. That is 1.8 percent a year.

But the index of farm wages has jumped from 75 to 129; that is up 74 percent, or 8.2 percent per year. Now, that is really not a bad change for an industry that has been up against the economic situation that agriculture has been in.

And in appendix 8, we show employment of hired farmworkers in agriculture. This table indicates a reduction from 1,885,000 workers in 1960, to 1,175,000 in 1970, certainly a remarkable trend in any situation.

Well, that finishes my presentation. I am sure you have some choice questions saved for me, Senator.

The CHAIRMAN. I don't know how choice the questions are.

Let's be a little more basic rather than these neat statistics. Let's just look at the human factors here that are at work in the farm community.

You were here for part of the testimony of the panel just completed.

Mr. TRIGGS. Yes, sir.

The CHAIRMAN. You have been with us for 10 years or better at these hearings. And really the catalog of deprivations is about as it has been over the past 10 years, notwithstanding the fact certain laws have been enacted.

It, among other things, boils out to the fact that people who are harvesting the crops are not making enough money for anywhere near a decent living. And in the process, some of the present practices are perhaps changed a bit, but they are a part of the same historical picture of illegal workers, workers on the west coast who come in from Mexico, workers not in with a legitimate permit.

Children who are in the fields, where it is in some cases legally wrong to employ them and in many cases morally wrong.

Here we have a situation of a most depressed people who want to work—you hear that. Rather than welfare, they will work. Yet on the whole, they are just not making anywhere near enough to make a decent life.

You say that we cannot change the minimum wage effort because the grower can't afford it. I wonder if our society can tolerate a situation like this much longer, where people are forced to this wall of total desperation. What are we going to do about it, Matt?

Mr. TRIGGS. I have said the employer can't afford it, but I would also comment that the worker can't afford it. Of course, there are tragic situations. Among a group of workers who have——

The CHAIRMAN. By the way, these are not exceptions, you know. What we heard today is the rule. This is life.

Mr. TRIGGS. Well, let's take a look at what the average is. I think the average is closer to the rule than individual instances. And the average is that workers on piece rates in the United States make $2.36 an hour.

The CHAIRMAN. How do your statistics figure in the four kids of that man when there is only one report that goes in under his social security number?

Mr. TRIGGS. I don't know about that.

The CHAIRMAN. Here you have eight extra hands, but there is one employee as far as the records are concerned.

Mr. TRIGGS. Obviously, I don't justify that.

The CHAIRMAN. It is not a matter of justification. How do your figures reflect this when you are talking about piece rate and dividing total income among many workers.

How many hands are going into that piece rate?

Mr. TRIGGS. I am not sure I should try to make a complete defense of the Department of Agriculture's statistical procedure. But I think they are pretty carefully done. Over the years, the Department of Agriculture's statistical work has been highly regarded and accepted as objective and as accurate as estimates can be. And their reports on farm wages are based upon interviews with selected groups, presumably representative. That is the endeavor, anyway, to obtain a representative sample of the whole group.

I think the techniques are probably pretty good. I wouldn't question the results that they come up with.

The CHAIRMAN. All I am asking is, do you know how the work of those kids is incorporated into the figure for the piece rate?

Mr. TRIGGS. I know this, that the Department of Agriculture does agree that when it comes to getting wage data, it is about the most difficult assignment that they do have. Factually, a lot of people don't know. But when you follow a careful statistical procedure based on interviews with individuals, I think you come as close to being accurate——

The CHAIRMAN. Who is in charge of this minimum wage and its enforcement, the Department of Agriculture or Department of Labor?

Mr. TRIGGS. The Department of Labor.

The CHAIRMAN. You are talking about the Department of Agriculture.

Mr. TRIGGS. The Agricultural Department does the statistical reporting not on enforcement of minimum wage, but on the average earnings of the farmworkers.

The CHAIRMAN. Right there, we have a monster. Here we have a Labor Department in charge of enforcement not doing its job and the Agriculture Department trying to find out how much people are making. Now, that is something out of Kafka; that is impossible. Is that what happens?

Mr. TRIGGS. Yes, I expect that——

The CHAIRMAN. Does the President know about this?

Mr. TRIGGS. I expect there are any number of instances of Government organization that could be improved; maybe this is one of them. Now, let me——

The CHAIRMAN. How will we get lives improved on the farms? How are we going to do it if we don't make their wage more realistic in terms of their family needs? How are we going to do it, Matt?

Mr. TRIGGS. I don't have any good answer. I don't think anybody does. I am confident in my own mind that the answer has to be in the field of education. I haven't made that——

The CHAIRMAN. Here is a kid who wants to get a good education, this Castro boy from Texas, and he has to be working all the time. I am sure he is in great mental and physical shape to apply himself to modern math, for example.

Mr. TRIGGS. I think he will probably do all right.

The CHAIRMAN. He is a Lee Trevino. How many can there be? Sure, he will be all right.

Mr. TRIGGS. Right. The point is, though, that we don't help these folks by increasing the minimum wage if at the same time we disemploy them; that is something that will inevitably happen. It has happened. In the past, it has happened, and it will continue to happen in the future.

The CHAIRMAN. You are saying that any wage, even a subhuman wage, is better than no wage in that particular employment?

Mr. TRIGGS. Well, I think wages will go up without any increase in the minimum wage.

The CHAIRMAN. I would like to know how.

Mr. TRIGGS. They have been going up steadily in the past 10 years.

The CHAIRMAN. If we don't do something about it, how?

Mr. TRIGGS. They have been going up in response to demand factors; they are substantially above the level of minimum wages now.

The CHAIRMAN. That is what the Agriculture Department says. The Labor Department doesn't know because they are not there on the scene.

Mr. TRIGGS. Let me make a——

The CHAIRMAN. You are driving me to an unlimited number of cigarettes.

Mr. TRIGGS. Let me make a comment on this question of noncompliance with the minimum wage law, and of extremely low wages.

Well, whether or not the cases cited represent violations of the law, we need a good deal more data than we have had here to know that this is the case. But we have pointed out what the average earnings of workers are. I think they are pretty accurate. How, then, can we square the average data with the material that has been presented to the committee? How is it possible for some farmers to pay the wages that have been cited here by witnesses, with a competitive labor market? The wage market results in average earnings substantially more than the minimum wage and more than reported by witnesses here.

How can the farmers get the labor? How can they be expected to have a successful operation if they employ labor at less than the going wage? They can't. It is not in the cards. I think there are

exceptions to this that are abnormal and that is what has been reported to you. One of the abnormal situations is the marginal farmer. Farmers are going out of business at the rate of about 100,000 a year. Farming is a tough, competitive, thin-margined industry. And any time any year there are many marginal farmers on the edge of bankruptcy who know only too well that they are there.

The second abnormal situation is marginal workers. Workers who have difficulty finding any kind of job in or out of agriculture. We call them farmworkers. It is a misnomer because they work some in agriculture, but they are mostly unemployed people.

These people, too, are often desperate. Now, you put these two abnormalities together, and they generally go together, and you produce the kind of situation that has been discussed here.

But I don't think those are typical or normal. They are not average. I don't think we would correct those situations by minimum wage legislation. I think we very likely would accomplish just the reverse of that. We could hasten the bankruptcy of the marginal farmer, and we could reduce the employability of the marginal worker or reduce or eliminate his employment entirely.

The CHAIRMAN. That is good classroom stuff, but it doesn't jibe with reality. I have been here almost a decade and I have been on the best farm and I have seen the lowest wages on the best farms. They were showcases or they wouldn't have invited us there, and yet the workers were down there with subliving wages. That is why we put in this minimum wage, $1.30 an hour. You know how far $1.30 an hour can go.

Mr. TRIGGS. When you run into a situation where a worker is making 28 cents an hour in the face of an average of $1.76 and a minimum of $1.30, that isn't a typical situation. It can't be. There may be such instances that I don't doubt.

The CHAIRMAN. Take $1.30, which is the law parenthetically. You want to see that raised.

Mr. TRIGGS. Did you say I wanted to see it raised?

The CHAIRMAN. To some degree, you didn't specify. How high—what is the figure?

Mr. TRIGGS. We are not testifying for any increase.

The CHAIRMAN. You can see what $1.30 does to the breadwinner. It forces him to put the rest of his family in the field. You are talking about marginal workers, you know, school's out and the kids can work; it forces them in the field.

Are these the marginal workers you are talking about?

Mr. TRIGGS. No. Again, I have to repeat, they are making more than $1.30 on the average. We can push the average up by pushing the minimum up at the cost of disemployment of a substantial percentage of those involved. That is what we have done in the past 5 or 6 years.

The CHAIRMAN. What was the figure displaced when we brought them into the minimum wage. How many workers were displaced?

Mr. FEDER. Under the Department of Labor 1969 report of the impact of the minimum wage increase, they stated that the $1.15 standard was without adverse employment effects; employment increased 36 percent during the period spanning the effective date of the $1.15 Federal minimum wage. This is a repeat of the prior year's report.

Mr. TRIGGS. I have seen that report. I had forgotten about it, but I remember being amazed at it when I saw it because the facts stated

there are so much in conflict with the facts of employment as reported by the Department of Agriculture, which I have indicated here in our exhibit 8, and as reported by the BLS, on their "household" reports on employment data.

These reports on the total employment in agriculture are completely inconsistent with this particular study to which reference was made.

The Chairman. You have more reliance on the Department of Agriculture and their figures? Their findings?

Mr. Triggs. Yes, more than a one-shot study.

The Chairman. All right. What is that?

Mr. Feder. The Department of Agriculture study that you refer to states about it that there are both statistical and research limitations on the data because of the sample size. Although the survey supplies available information on the farmworkers, it provides no State rates and only four regional rates. It doesn't count all aspects.

Mr. Triggs. I think you are quoting from their analysis of the new wage survey, is that correct?

Mr. Feder. The hired farm working force?

Mr. Triggs. Oh, yes. In my opinion, this hired farm working force report is one of the best reports that is done in Washington and it has been done for a dozen years now, and I think the results are considered to be reliable. But I am sure they would agree that they are not perfect.

The Chairman. Maybe that is true, but read that again what they say themselves.

Mr. Feder. Neither does it permit adequate detailed analysis of subgroups, et cetera, or migrants.

Mr. Triggs. That is a different report than the figures I have given you here in appendix 9 which is the Crop Reporting Service report which has been in existence for 50 years and continues to be remarkably accurate, or at least highly regarded.

Mr. Feder. This is the comment on their monthly series, farm labor and labor force. On both, they make the same comments.

Mr. Triggs. I think the important thing are the trends. That report faithfully reflects trends. It may not be accurate as to specific figures that make up that trend. Have I confused the issue?

The Chairman. You didn't clarify it; that is certain.

Mr. Triggs. Many of the statistical reports of the U.S. Government, everybody would agree, are not exactly accurate in themselves, but they do accurately portray a trend.

The Chairman. I would like to see the report that includes these examples of clear violation of the law. Now, these studies that show wage and impact and all that, do they have any way of reflecting what we hear as descriptive of what is going on out there in the farm communities?

Mr. Triggs. I think such a study would be interesting. I do think that the interview method gets away from the inaccuracies that might otherwise be reported.

The Chairman. That is why we are interviewing here today. The way I get it is that we better get about this business of doing what we can here to see that people working on the farms for their day's work approach a living wage, which they sure aren't now.

Mr. Triggs. I certainly agree with the objective. I just say if you are not careful in planning your program, you may do those people

more harm than good by reducing the number of days they work, keeping in mind they only work 47 days a year. I think that 47 days a year is a crucially important figure. Now that does come from that report, "The Hired Farm Working Force of 1970," and I am sure that the people who prepared the report would agree that there may be inaccuracies in it, but not great major inaccuracies.

The CHAIRMAN. I think maybe you better clarify. I would like to turn to counsel because there is something we are missing on that 47 days a year, because these are the people that don't hit the statistics because they are not covered. Would you explain that?

Mr. FEDER. They are working 47 days a year; they are not covered by the Fair Labor Standards Act.

Mr. TRIGGS. Probably most are not. Some of them might be.

Mr. FEDER. Then they wouldn't be included in the statistics.

Mr. TRIGGS. Whether they were covered by the Fair Labor Standards Act depends on who they were employed by, but the statistics include all workers.

Mr. FEDER. If they were employed 47 days a year, they would be exempt if the employer was covered unless they were migrants.

Mr. TRIGGS. If I work for 5 days for an employer who has more than 500 man-days in the preceding year, I am covered as an employee.

Mr. FEDER. That is not automatic, is it? Supposing you live 10 miles away, you are a seasonal worker, you don't work 13 weeks during the year, you are not covered?

Mr. TRIGGS. There are some exceptions in the Fair Labor Standards Act itself for those persons who are seasonal workers engaged in piecework who worked less than 13 weeks during the preceding year.

Mr. FEDER. The point I am trying for is right now more than half of the farmworkers are not covered by the Fair Labor Standards Act.

Mr. TRIGGS. This is correct.

Mr. FEDER. Their salaries, then, presumably below $1.30, are not included in statistics which show an average hourly rate of over $1.70 an hour?

Mr. TRIGGS. The only wage reports that have any validity, it seems to me, do not include just workers under the Fair Labor Standards Act; rather they are earnings of all farmworkers. On an average, they far exceed the $1.30 minimum.

Mr. FEDER. Those include workers not covered by the Fair Labor Standards Act?

Mr. TRIGGS. Yes.

The CHAIRMAN. Well, the conclusion that I make at this point is that the Labor Department has been derelict in enforcement of the minimum wage law, and other areas of dereliction have been testified to. There is an ambiguity about the economic data presented by the Department of Agriculture in its reports. It seems to me very clear that the Department of Agriculture and Department of Labor ought to be here to testify under our invitation.

Mr. TRIGGS. I would be most disturbed if I thought you thought that any of the data I have submitted were improper, or were used in an undesirable—improper fashion. I intended this data to be accurate and I am sure, in my own mind, that this has been properly——

The CHAIRMAN. You can't say if they are accurate; you are giving us figures that you have drawn from materials that you did not gather. You are just a conduit of information. We have to go where that information came from, and get some clarity.

Now, on the other side, the Labor Department—they are more than gatherers of statistics, they are enforcers of basic law; that is another matter we will go to.

I am not suggesting in any way that you have distorted anything.

Mr. TRIGGS. I appreciate that.

The CHAIRMAN. You have drawn great, broad generalizations from limited information. We have to, of course, be broader in our view; that is why we have Mr. Cruz and Mrs. Castro and others here today.

So our information gathering is perhaps broader and certainly has more flesh than some of this stuff in those departments.

Mr. TRIGGS. I hope the data I have selected is not a selection that I have made to prove a point. I think this is the data that is available, the official statistical data available——

The CHAIRMAN. You didn't purposely hide any information you had?

Mr. TRIGGS. No, sir.

The CHAIRMAN. You were dealing with very limited information. And you gave us all you thought was pertinent to your particular——

Mr. TRIGGS. Gave it all it was worth.

The CHAIRMAN. Yes, we found out that it isn't worth very much, and it is not your fault at all.

Mr. TRIGGS. Thank you, Mr. Chairman.

The CHAIRMAN. You have enlivened the hearings and we appreciate it, Matt.

(The prepared statement of Mr. Triggs follows:)

STATEMENT OF THE AMERICAN FARM BUREAU FEDERATION TO
THE SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE
RE: S. 1861--FAIR LABOR STANDARDS ACT AMENDMENTS

Presented by
Matt Triggs, Assistant Legislative Director

September 15, 1971

We welcome the opportunity to present the views of Farm Bureau with respect to the provisions of S. 1861.

Farm Bureau is a general farm organization, wholly supported by dues voluntarily paid by members consisting of 1,943,181 families in 2818 County Farm Bureaus in 49 states and Puerto Rico.

Part I. Basic Principles

It is our conviction that the proposals in the bill are counter-productive. Its enactment would not contribute to the desired objectives but rather would defeat them.

We are all concerned about the persistence of inflationary trends. An increase in the level or coverage of minimum wage and overtime requirements would operate to push up the whole wage-price structure with harmful consequences to the general public and to our efforts to control inflation.

We are all concerned about the level of unemployment. An increase in the level or coverage of minimum wage requirements would increase the number of people who are unemployable at the fixed wage.

We are all concerned about the depopulation of many rural areas and the concentration of our population in urban areas. There is broad support for action to reverse these trends. An increase in the level or coverage of minimum wages would tend to retard rural development by increasing the cost level in rural areas more, proportionally, than in urban areas.

We are all concerned about the competitive position of U.S. products in export and domestic markets. The impact of rising costs has been partially offset by the fact that costs in other countries have been rising nearly as fast as our own. Even so, the steady increase in per unit labor costs in the U.S. relative

to other countries was an important cause of balance of payment deficits which led to what amounts to a devaluation of the dollar. Increased minimum wage and overtime requirements would further increase the difficulty of selling in foreign markets and make it easier for foreign producers to sell in U.S. markets. (For an excellent statistical analysis of per unit labor costs see "Unit Labor Costs in Eleven Countries" by Arthur Neef in the August 1971 issue of Monthly Labor Review).

We are all concerned about the inadequate number of jobs available for teenagers, particularly during the summer months. President Nixon requested Congress to provide $231.5 million in federal funds in fiscal 1972 to help employ some 250,000 disadvantaged youths in summer jobs. An inevitable consequence of an increase in the minimum wage would be to reduce jobs for teenagers. Subsections (a), (b) and (c) of Section 14 of the Act, added in 1966 recognized this adverse effect by providing for approval of applications for reduced minimum wages when necessary to avoid a reduction in employment of young workers. Its provisions have not accomplished the intended purpose because few employers know or avail themselves of its provisions.

We are all concerned about the inadequate number of jobs available for persons with physical and mental handicaps. Employers receive many requests to provide jobs for handicapped persons. An inevitable result of an increased minimum wage would be to reduce jobs for handicapped persons. Subsection 14 (d) of the Act, added in 1966 recognizes this adverse effect by providing lower minimum wages for handicapped workers. This subsection has not accomplished its intended purpose because few employers utilize its provisions.

Part II. The Impact on Farmers

Farmers are unable to keep pace with inflationary cost-price trends. Increased costs to farmers are not readily offset by increased prices. Farmers can pass on higher costs to consumers only over a period of years, if at all. The parity ratio, which reflects the relationship of farm prices to prices farmers pay, has recently been at the lowest levels since 1933. Returns on invested capital in

agriculture are lower than for other segments of the economy. Net farm incomes have not kept pace with the incomes of other groups. Farm net income in the first six months of 1971 was 12 percent lower than the first six months of 1970.

The enactment of S. 1861 would give impetus to the above indicated trends for the following reasons:

1. The cost of all goods and services farmers buy, from machinery repair and maintenance to electric service, would be increased. Farm production costs in recent years have increased to 70 percent of gross returns.

2. Farm wages, which have been going up 7 to 10 percent per year in recent years, would be given another upward push.

3. The costs to farmers for overtime after 8 hours per day or 40 hours per week would be substantial. There is no way to avoid fluctuations in work per day or week on farms. Crops don't grow on an 8 hour day or a 40 hour week basis. Periods of comparative inactivity may be followed by periods of long hours. Emergencies, unusually hot, cold or wet weather, illness of a family or hired worker, and many other circumstances can require extra work.

4. The costs of marketing farm products would be increased as a result of the proposed elimination of the overtime exemption of agricultural processing and handling concerns. Irregular deliveries, and resulting variations in the number of man-hours of employment per day and per week are inevitable. Labor shortages at peak seasons are to be expected. If the buyer chooses to work only 8 hours a day or 40 hours a week his ability to handle farmers' products is reduced. If the buyer chooses to pay overtime for work exceeding 8 hours a day or 40 hours a week, the additional costs will be passed on to farmers.

5. The reduction from 500 to 100 man-days a quarter as the test for coverage of minimum wage regulations would increase many times the number of covered farmers and multiply the adverse effects listed above. It would impose on newly covered, comparatively small farmers, a new duty to maintain records adequate to demonstrate compliance.

Against these adverse impacts of the proposed minimum wage and hour provisions on farmers, we see no desirable consequences for farmers whatsoever.

Part III. The Impact on Workers

No group would be more adversely affected by the enactment of S. 1861 than farm workers.

The cause of the relatively low economic status of many of the workers seasonally employed by farmers is that they are unemployed most of the time. This is illustrated in the following data from Table 7 of the "Hired Farm Working Force of 1970"--Agricultural Economic Report, No. 201. U.S.D.A.

Workers Who Worked in Agriculture:	Numbers of Workers	Average Days Worked in Agriculture	Average Days Worked at Nonfarm work	Total Days Worked in Agriculture 1/
Less than 25 days	1,093,000	9	63	9,837,000
25 to 74 days	623,000	44	41	27,412,000
75 to 149 days	293,000	105	44	30,765,000
150 to 249 days	172,000	199	22	34,228,000
250 days and over	306,000	318	11	97,308,000
all	2,488,000	80	46	199,040,000

1/ Calculated. Second column multiplied by third column.

Full-time workers, the 306,000 who worked over 250 days in agriculture, did almost half the hired farm work. Less than full-time workers, the 2,182,000 persons who worked less than 250 days in agriculture, did the other half.

The average number of days worked in agriculture of all hired workers was 80 days per year. If we exclude full-time workers, the less than full-time workers worked an average of only 47 days per year in agriculture.

The enactment of S. 1861 would substantially reduce the average number of days of farm employment of those now averaging 47 days per year and, in many instances, eliminate such employment entirely. The reason this is so is that employment in agriculture is elastic; that is, an increase of one percent in the average wage level will reduce employment more than one percent.

Employment in agriculture is elastic because of the availability of new labor saving equipment, machinery and practices that have not been adopted by many farmers. It is difficult for many farmers to find the large amounts of capital needed to adopt new technology--but a sharp increase in costs would create a strong incentive for them to do so and would hasten the disemployment of hired workers in agriculture.

The people so disemployed would be people with minimum marketable skills. Thus, the net effect of the enactment of S. 1861 would be to drastically increase the number of persons dependent upon welfare and other public expenditures.

Workers on farms and workers employed in seasonal processing and shipping activities normally encounter long periods of unemployment. It is to their advantage to work more than 40 hours a week when work is available. It would be harmful to their interest to create an incentive for their employers to reduce the number of hours worked. The proposed extension of overtime requirements to such employees would be harmful rather than helpful to such workers.

Part IV. Reduced Competitive Status of U.S. Farm Producers

A dramatic example of the results of rising comparative costs in the U.S. is in the case of competition with Mexican producers of fruits and vegetables.

U.S. imports of fruits and vegetables from Mexico have increased more than ten times since 1956 and are continuing to increase at an escalating rate. Imports from Mexico in 1970 were $43 million more than in 1969. (See Exhibit 5). Minimum wage coverage of U.S. farm workers has been a contributing factor.

The enactment of S. 1861 would accelerate this trend--resulting in a reduction of employment in agriculture of both farm families and hired workers.

Part V. Piece Rates

Exhibit 1 attached indicates the average earnings of workers employed by farmers on a piece rate basis exceeds the average earnings of workers employed by farmers on an hourly basis by about 18 percent.

Both workers and farmers prefer a piece rate basis wherever practical; the worker because he can earn more on a piece rate basis; the farmer because the savings from the elimination of close supervision reduce unit costs.

The piece rate system is jeopardized by minimum rate laws. To insure compliance, and indeed because he is required to do so, an employer of farm workers on a piece rate basis must not only record the number of units produced but also must record the time each worker stopped and started during the day, provide close

supervision of workers, pay supplemental payments to the slowest group of workers, and give prompt consideration to discharging slow workers.

If the piece rate method of employing workers is to survive the impacts of minimum wage legislation a revision of the minimum wage law is needed.

We recommend a provision that a farmer shall be considered to be in compliance if the average hourly earnings of 80 percent of the piece rate workers in a crew exceed the applicable minimum wage requirement.

This provision would preserve the opportunity for slow and handicapped workers to obtain and retain employment in agriculture.

Conclusion

As stated above, we believe the enactment of S. 1861 would be counter-productive. Such enactment would not result in the benefits supposed. It would create other difficult problems.

We therefore recommend the bill not be approved.

EXHIBITS Page 1

1. Average Wage Earnings Per Hour of All Hired Farm Workers

	1970	Jan. 1971	Apr. 1971
Workers on Piece Rate Basis	$2.02	$2.64	$2.36
Workers on Time Basis	1.71	1.94	1.72
All Hired Farm Workers	1.73	2.00	1.75

Data from various issues of "Farm Labor", U.S.D.A. Data does not include any allowance for housing, utilities, meals, food, transportation and other perquisites provided farm workers by farmers without charges.

2. Farm Workers are Young:

The median age is 23.
33 percent are 14-17 years old.
22 percent are 18-24 years old.

3. The Chief Activity of Most Hired Farm Workers is nonagricultural. The following data is from Table 4, "The Hired Farm Working Force of 1970", U.S.D.A.

Chief Activity	Number
Farm Work for Wages	539,000
Other Farm Work	84,000
Non-Farm Work	390,000
Unemployed	70,000
Keeping House	285,000
Attending School	988,000
Other	131,000
Total	2,488,000

4. Migratory Workers represented only 8 percent of the total number of hired farm workers in 1970. The number of migratory workers is declining sharply. Of the 2,488,000 persons who were hired by farmers in 1970, 196,000 were migratory workers. A migratory worker is a person who worked in a county other than his county of residence. This includes large numbers of workers who commuted to work from an adjoining county. In 1969, the estimate of the number of migratory workers was 257,000. (Data from "The Hired Farm Working Force of 1970", U.S.D.A.)

5. Value of U.S. Imports of Fruits and Vegetables from Mexico.

	Thousands of Dollars
1956	18,907
1957	22,547
1958	38,727
1959	40,040
1960	45,306
1961	36,625
1962	46,664
1963	55,381
1964	67,247
1965	73,064
1966	107,493
1967	99,596
1968	113,385
1969	148,029
1970	190,841

Source: "Fruits and Vegetables. United States Imports from Mexico". Foreign Agricultural Service U.S.D.A., March 1971. Preliminary reports indicate a further large increase in 1971 of U.S. imports of fruits and vegetables from Mexico.

6. Major Fruits and Vegetables Imported from Mexico.

Millions of Pounds

	Tomatoes	Cucumbers	Melons	Frozen Strawberries	Fresh Strawberries
1957	100	2	76	14	none
1967	362	58	186	73	20
1970	641	122	275	102	49

7. Relationships Between Farm Returns and Farm Costs

	Realized Farm Income			Index of Consumer Prices	Real Net Farm Income 1/	Index of Farm Prices	Index of Farm Wage Rates
	Gross 1/	Expenses	Net 1/				
	Billions of Dollars			1967 = 100	Billions	1967 = 100	
1961	39.8	27.1	12.6	89.6	14.1	94	75
1962	39.8	28.6	12.6	90.6	13.9	96	78
1963	42.3	29.7	12.6	91.7	13.7	96	79
1964	42.6	29.5	13.1	92.9	14.1	93	82
1965	44.9	30.9	14.0	94.5	14.9	98	86
1966	49.7	33.4	16.3	97.2	16.8	105	92
1967	49.0	34.8	14.2	100.0	14.2	100	100
1968	51.0	36.0	15.0	104.2	14.4	103	108
1969	54.6	38.4	16.2	109.8	14.7	108	119
1970	56.2	40.4	15.8	116.3	13.6	110	129

All data is from USDA reports titled "Agricultural Prices", "Farm Income Situation", and "Farm Cost Situation".

1/ Includes government payments, rental value farm housing, and value of foods and fuel produced and consumed on farms. Does not include adjustment for changes in inventories.

8. Employment in Agriculture; Annual Average Basis

	Family Workers	Hired Workers	Total
1960	5,172,000	1,885,000	7,057,000
1961	5,029,000	1,890,000	6,919,000
1962	4,873,000	1,827,000	6,700,000
1963	4,738,000	1,780,000	6,518,000
1964	4,506,000	1,604,000	6,110,000
1965	4,128,000	1,482,000	5,600,000
1966	3,854,000	1,360,000	5,214,000
1967	3,650,000	1,253,000	4,903,000
1968	3,535,000	1,213,000	4,749,000
1969	3,419,000	1,176,000	4,596,000
1970	3,348,000	1,175,000	4,523,000

The CHAIRMAN. Dr. Luther E. Tyson, representing the National Council of Churches.

Welcome.

STATEMENT OF DR. LUTHER E. TYSON, DIRECTOR, DEPARTMENT OF ECONOMIC LIFE, GENERAL BOARD OF CHRISTIAN SOCIAL CONCERNS, THE UNITED METHODIST CHURCH; ACCOMPANIED BY STEVE BOSSI, WASHINGTON REPRESENTATIVE, DIVISION FOR RURAL LIFE, UNITED STATES CATHOLIC CONFERENCE

Dr. TYSON. If it is acceptable, Mr. Bossi and I would like to testify together. This is the ecumenical age.

The CHAIRMAN. Excellent.

Dr. TYSON. Senator, first I wish to thank you and this subcommittee and its staff for the work it is doing in making a factual record concerning the Fair Labor Standards Act as pertaining to child labor and to the extension of protection to agricultural workers. I hope that the factual record you are developing will speak to the conscience of the Congress.

I am Dr. Luther Tyson, director of the Department of Economic Life, General Board of Christian Social Concerns of the United Methodist Church.

If you will allow me, I will not read this whole statement but I will try to highlight one or two items that I feel significant because some of this repeats information that has already been developed here this afternoon.

I want clearly on the record what the position of the National Council of Churches is in relationship to these policy decisions concerning coverage under the bills that have been introduced.

I am here to speak in behalf of the National Council of Churches, a federation of 33 major Christian denominations in this country. No one can speak for all these denominations or their many members, and I do not claim to do so. I do, however, speak on the basis of official policy statements adopted by the general board of the National Council of Churches, a governing body of some 250 members. The general board is made up of delegates selected by the member denominations in proportion to their membership and by whatever procedure they select.

The concern of the churches for the depressed and deprived condition of wage workers in agriculture, particularly seasonal and migratory workers, has extended over more than half a century. It was in 1920 that a group of churchwomen inaugurated a ministry to migratory workers which laid the foundation of what has come to be known across this Nation as the Migrant Ministry, a cooperative undertaking of the National Council of Churches, State and local councils of churches, Church Women United, and many Christian denominations and local churches.

The exact position of the National Council is quite clear. The policy statement adopted by the board in 1966 calls for the following legislative actions:

> Federal minimum wage coverage for farmworkers including seasonal workers, elimination of detrimental child labor and that which interferes with school attendance by children of seasonal workers.

There is no doubt about the need for the extension of protection for farm labor under laws which apply to most all other labor groups, and which should have no exceptions. There should be no exception for any class of labor including those on the farm. Seasonal farm laborers, especially, need the benefits of minimum wage and child labor legislation since seasonal needs keep workers off balance because of the uncertainty of their day-to-day and often hour-to-hour employment, while wages are desperately low. Their total income is even less than it might seem from a simple survey of hourly average wages. That income is frequently reduced due to periods of unemployment because of weather or the dull time between crop harvests.

The phrase "a little hard work never hurt any youngster," is true only as long as it is honestly a little or carefully limited hard work and as long as it isn't in connection with the most dangerous life-maiming machinery listed in labor statistics. Of course, youngsters occasionally would rather do other things in place of attending school and of course parents, so woefully underpaid, like the financial help their children's efforts can supply. But that doesn't make it right any more than the recruiting of children as strike breakers in a labor dispute is right. But it is done.

The whole matter of minimum wage, child labor, and other matters will some day be adequately handled by farm laborers themselves as they organize for dignified recognition of themselves as people rather than "hands" and negotiate contracts to cover such things as wages and labor practices. Although there has been recognizable progress recently in California, Arizona, and other States where valid labor contracts are now in force, still the movement cannot cover the whole of the United States quickly. Meantime legislation is needed. Child labor will be most effectively eliminated when wages are adequate and income from exploitative child labor is no longer necessary to the family. Minimum wages will be enforced, as a floor—not a ceiling—when given oversight by their own farm labor organization. However, for now, both the minimum wage for living in decency and laws related to effective child exploitation are needed, with provision for adequate enforcement by personnel free from local political control.

For years and years we have heard the same negative arguments. The cry will be raised that a minimum wage which would provide a halfway decent existence, plus reduction of cheap child labor, will raise costs. There is no doubt about this. But the cost should not soar unless someone in the middle exploits the situation. Furthermore, the costs should be passed on to the consumer. "But the housewife won't pay any more" will be the cry. She will, and does all the time. Her market prices fluctuate day by day. So she buys the food, not knowing why the price is higher, but sure that it is in no way connected with the field labor costs. She wonders, and buys. Since field picking costs are seldom over 5 percent of the retail store price, the increase in wages, under an adequate minimum wage, should be less than the daily fluctuation she experiences. This time the slight increase would not be through the whim of wholesale indexes but rather in order to purchase, with a ½-cent here or 2 cents there, a better life for families—women, children and men. The cry from growers, wholesalers, retailers, and consumers when faced with the mere idea of a minimum wage for farm laborers will be, "But we can't afford it." Some church people,

however, without any attempt at piousness will say, "If we are to retain our humanity and our concern for others in trouble, we cannot afford not to."

At this time when national attention is focused on the critical condition of families living in poverty, the plight of seasonal farmworker families stands out even more starkly for what it has been known to be for many years—both a national disgrace and an indefensible human tragedy.

This concludes my presentation on behalf of the National Council of Churches, and we appreciate the opportunity of presenting this testimony on behalf of this significant, and from our point of view most urgent, legislative problem.

The CHAIRMAN. Thank you very much, Dr. Tyson.

At this point, I don't have any questions. So we can turn to Mr. Bossi and see where we are.

Mr. BOSSI. Thank you, Mr. Chairman. Our Division for Rural Life is known as the National Catholic Rural Life Conference, a 47-year-old membership organization, largely made up of small farmers throughout the Midwest, with offices in Des Moines, Iowa, and Washington.

I would like to request that the statement be entered in full in the record, along with the statement of the National Conference of Catholic Bishops, issued in 1968 on farm labor.

The CHAIRMAN. They will be printed at the end of your testimony.

Mr. BOSSI. I would like to begin by quoting from that statement of the Conference of Catholic Bishops in which they call upon Congress to "include farmworkers more effectively under a national minimum wage which will insure them a decent standard of living." They did so out of a concern that farmworkers "have often been forced to live a life devoid of security, dignity, and reasonable comfort" and "with sympathetic awareness of the problems faced by the growers and, more specifically, by family farmers."

We again urge you to include more effectively farmworkers under the Fair Labor Standards Act. We feel that the current law is basically discriminatory, both in terms of coverage and wage levels, and that it is as injurious to the small family farmer as it is to the farmworkers themselves. We cite the following trends as evidence for this position.

This committee is familiar with the growth in modern agriculture away from small family farms and toward large corporation farming. The reason for this trend is usually identified as an effort to achieve greater efficiency. Mr. Melvin Upchurch, the administrator of the Economic Research Service of the Department of Agriculture, reported last year to the Senate Finance Committee that this is only part of the explanation. He said that—

> virtually all of the internal economies of size are exhausted for most types of farms when a farm is big enough to fully use one set of modern equipment. This means a good one- or two-man farm in most regions.

He went on to ascribe the growth in farm size to the farmers' normal appetite for more income:

> Given the capacity to operate on a larger scale and the urge to increase total net income, the modern farmer seeks to expand. He rents or buys more land. When he does this, he may reduce unit costs of production, but he will strive to expand even at increasing unit costs, if he can increase his total net profit.

It it interesting to note that as farms have become bigger and fewer, the number of hired laborers has decreased. In fact, Mr. Upchurch points out that the "use of family labor and hired labor in farming has declined at virtually the same rate." Clearly the need for manpower in food production has been offset by mechanization and the development of improved pesticides, fertilizers and other farming techniques, all of which have multiplied the productivity of the individual farmer.

We are thus convinced that minimum wage coverage for hired farmworkers does not constitute a threat to small farmers, and indeed is a protection to the value of the labor of farm family members.

In terms of production overhead, low wages for hired farm labor clearly give large producers an advantage over smaller family farms. If, as Mr. Upchurch suggests, we cannot justify increases in farm size on the basis of efficiencies which should benefit the whole economy, then we must be certain that those who stand to profit by such expansion do not exploit others in the process.

We, therefore, recommend the following changes in the present Fair Labor Standards Act as it applies to farm wage workers:

1. We urge the rapid achievement of comparability in wage levels between covered farm and industrial hired workers. We recommend that any increase in the industrial minimum wage approved by this committee be accompanied with an increase in the agricultural minimum to the same dollar-and-cent level.

We reject the argument that increases in the agricultural minimum should be proportionate to increases in the industrial minimum. We feel that a disproportionate increase is clearly called for in view of the fact that the current level has been maintained so disproportionately low. A proportionate increase at this time would in fact widen the gap in absolute wages paid rather than close it, moving us back to the distinctions which prevailed prior to the 1966 amendments. We would suggest that such a perpetuation of discrimination was not the intention of Congress as reflected in the Senate report on those 1966 amendments.

We further do not feel that the wage levels being suggested would inflict an undue burden on farm employers. The union contracts which have been negotiated in California have called for hourly wages as high as $2.10, plus piece rates, and are proving workable. Indeed, we feel that the guarantee of an adequate wage will tend to stabilize the farm labor market and precipitate economies in terms of labor force availability and skill levels to the benefit of the agriculture industry.

Finally, we can see no way to justify the sanctioning of a wage level which, even if earned year round, would still result in a total family income below the defined poverty level. It must be the intent of Congress to alleviate poverty throughout our country and it is part of our tradition to do so through incentives to undertake productive employment. The assurance of a below-poverty level wage falls far short of constituting such an incentive.

2. We strongly recommend repeal of those provisions of the 1966 amendments which exempt from coverage certain local hand harvest laborers. These provisions, amending sections 3(e) and 13(a)(6) of the act effectively exclude from coverage a major percentage of our nonmigratory farm labor force and certain of the employment of migrant workers.

These exemptions work chiefly to the advantage of the large users of agricultural labor because it is only such operations which require a significant number of short term piece rate field workers. By drawing upon local piece rate workers who do not meet the 13-week requirement, these employers can avoid paying the statutory minimum wage to a large segment of their employees. Furthermore, excluding the labor of these employees from computation of the 500-man-days test provides a device by which many farm owners can avoid paying this minimum wage to any of their hired agricultural workers.

Although these exemptions were apparently included to protect those workers for whom salaried agricultural labor is the primary source of income, they do not reflect the realities of farm labor activity in this country today. For example, these exemptions attempt to limit the coverage of local, nonmigratory workers. It is a fact that over 90 percent of our farm labor force is nonmigratory. Furthermore, it is far from unusual for a family whose main income derives from agricultural work to be employed during less than 13 weeks of a calender year. The average farm employment in 1969 for all migrant and nonmigrant farm workers was about 78 days. In a declining agricultural job market, this figure is only likely to decrease making the 13 week requirement even less realistic.

An additional consequence of repeal of these provisions would be the easing of the enforcement problems of the act. Recordkeeping on the part of both growers and workers would be alleviated and, in our view, coverage would be more equitably broadened.

3. We support a reduction in the 500-man-days test. To limit the coverage of this legislation to a mere 2 percent of those farms which employ hired labor is itself discriminatory. The 100-man-days test, proposed in S. 1861, would at least extend this coverage to all farms which employ more than one full-time hired worker and thereby equalize the salary overhead of all but the smallest family farms.

The argument that such an expansion of coverage, along with an increase in the wage minimum, would increase the rate of mechanization is clearly a distortion of the reality. Farm mechanization in this country is only one element of the trend toward large, specialized farming. New developments in the nature and use of fertilizers, pesticides and feeds, special tax incentives, and production subsidies based on amount of acreage under cultivation all have contributed significantly to this trend. It can be shown that it has been these developments and incentives, coupled with advances in farm technology, that have caused the displacement of hired labor and not the reverse of this process.

We strongly feel, however, that there has been an imbalance in the return growers have received for their produce vis-a-vis their increasing costs of overhead. The major increases in the consumer price of food have been due to the increased costs of processing, handling, and retailing. These are the elements too frequently overlooked in the computation of rising consumer prices and the blame is commonly ascribed to the producers. Justice demands as fair a return on investment for producers as for all other elements of the food industry.

Indeed, we would argue that it is this element of justice which must be applied across the board in dealing with all segments of the food production industry. Farmworkers have as much a right to a decent,

living wage for their labors as do food handlers and processors. Lacking the organization through which to demand such a return, they must look to the formulators of public policy to rectify inequities in the system.

It is within the power of this committee to propose amendments to the law in such a way as to make applicable to all workers the defined congressional policy "to correct and as rapidly as practicable to eliminate" "conditions detrimental to the health, efficiency, and general well-being of workers * * *" We urge you to look at the realities of farm labor today in determining whether or not that policy is being fulfilled. We expect that you will find that it is not, and trust that you will then be moved to consider favorably the recommendations we have outlined.

Mr. Chairman, I am not prepared to comment on the child labor problem as related to agriculture. But we would like to file a statement in a few days and would appreciate having it filed in the record if that is possible.

The CHAIRMAN. Very good.

(The following information was subsequently supplied for the record:)

CHILD LABOR PROBLEM AND AGRICULTURE

Mr. Chairman,

We also support further restrictions on the use of child labor in agriculture. Such restrictions are clearly needed in view of the continuing systematic use of children in fields throughout our country with all of its destructive effects upon the children themselves and their families. It is distressing to note that this utilization continues in spite of the fact that it is not needed to meet the labor demands of agriculture today.

Over the last 20 years, the employment of wage workers on farms has been reduced almost by half, displacing over 2 million workers. The explanation for this trend is not that these people have been attracted away from agriculture by jobs in industry. It is that they have been displaced by a new farm technology, one that uses machines and chemicals to do what hand labor used to do a generation ago.

The effect, then, of the continuing employment of children in agriculture is only to further depress an already depressed job market. In addition, the wages and working conditions of all farmworkers are influenced when an alternative labor force, one not dependent on the income from their labors, is readily available.

Even if the foregoing were not true, the effect of this employment on the children themselves and their families are too destructive to be justified by any purely economic measure. The negative influence it has on their education and health have been well documented. Beyond these, however, is the psychological impact in terms of self-image and security, both for the children and their parents.

One of the strongest and most consistent teachings of the Catholic Church has been the vital importance, to society as well as individuals, of a well-ordered family life. In their November 1968 pastoral letter on Human Life in our Day, the American bishops pointed out:

> The family is the community within which the person is realized, the place where all our hopes for the future of the person are nourished. The family is a learning experience in which fidelity is fostered, hope imparted and life honored; it thus increases the moral resources of our culture and, more importantly, of the person.

All of this assumes a normal ordering of the roles of the family members. Such is not, and cannot be, the case when the children are employed at an early age to help support the family. Immediately their sense of identity and security are influenced by their becoming subject to the authority of an employer and made to interact with an adult peer group rather than other children. One can easily imagine the damage done to a child's

view of himself when he sees other children of his own age enjoying games and participating in activities one normally associates with childhood while he must expend his energies in tedious hand labor.

Furthermore, the dependency of a family on the income of its children disintegrates the whole concept of the family unit. Certainly the child's image of his parents is depreciated and the parent's view of themselves as providers is lost. This destructive disordering of roles within the family cannot possibly benefit either the members of the family or the society of which they are a part.

There are those who will argue that work experience, particularly in activity close to nature such as farm work, is healthy for a child. This may very well be the case when the child is working on a family farm and thereby participating in activities which are an integral part of the life of the family. In such cases, the parents are clearly exercising their parental supervisory role, both in terms of being the figure to whom the child is responsible and in terms of directing the child to perform tasks suited to his age and ability and which do not interfere with his education. None of these factors prevail when the children are simply part of a hired labor force. Becoming subject to the authority of an employer and facing a work regimen suited to

adults can only interfere with a child's normal personality growth, especially their sense of individuality and creativity.

All of these factors are particularly true when applied to the children of migrants. Just the continual moving from place to place puts a great strain on the family structure. The additional burdens of requiring the children to earn an income and denying them a decent education tend to totally undermine the values which a normal family life can impart to a growing child.

It has been suggested by some that the income from these working children is too important to poor farm labor families to be legislated against in the manner proposed in this bill. It simply does not make sense, however, to make these demands of children because their parents are being denied a fair return for their labors. The solution is obviously to raise the wages paid to hired farm laborers to a level sufficient for the support of their entire families. In fact, the elimination of the availability of child labor in agriculture may significantly contribute to accomplishing that end.

Thus, in addition to urging an increase in the minimum wages paid to farm workers, we would support the guaranteeing of an adequate income to farm labor families in those cases where the income of the father was insufficient to ensure "a decent standard of living." In their statement on Human Life in Our Day,

the Bishops pointed out the importance of an adequate income to the family:

> Whenever a family is undermined, society suffers the loss. There are no insignificant families, as there is no insignificant person. If families are to function as the good of society requires, each must have income proportionate to its needs.

Although the proposed restrictions on child labor in agriculture contained in S. 1861 make significant improvements in the present law, we would urge that they be further strengthened in the following ways: First, the age levels until which labor is totally prohibited should be raised from 12 to 14 years. This would bring it into conformity with the restrictions on non-agricultural child labor.

Secondly, we would urge the inclusion of limitations on the use of children over age 14 similar to those contained in H.R. 10499, the proposed Agricultural Child Labor Act of 1971. The importance of these limitations, specifically those requiring certification by the Secretary of Labor regarding the suitability of the employment conditions for the safety of children between the ages of 14 and 16, is that it puts the burden of proof where it properly belongs, on the employer rather than on the Department of Labor. We have already witnessed the inability of Labor Department investigators to supervise the working conditions of every place where child labor is utilized. This insistence on prior

clearance will alleviate these enforcement problems and address one of the most important aspects of the whole farm labor issue: the hazardous nature of farm work. The increasing use of giant machines and toxic pesticides threaten the health and safety of all farm workers and, if we are to permit the utilization of any children on our farms, strong protection must be provided them.

Finally, Mr. Chairman, if rebuilding family life and providing for the education and health of children are not sufficient reasons for passing this bill, permit me to suggest that you do so out of a sense of simple justice. As in so much other social legislation, the child labor protections of the Fair Labor Standards Act are specifically denied to farmworkers. If there ever was a justification for this exclusion it clearly no longer prevails. The unconscionable damage that has been and is being done to farm labor families because of the exploitation permitted by this exclusion can in no way be justified.

Mr. Bossi. I would like to say we support strengthening the laws along the lines of S. 1861.

I would like to quote from a statement on this problem, a policy statement set out in October 1961 jointly by the National Catholic Rural Life Conference, the Social Action Department of the National Catholic Welfare Conference, the Bishops' Committee for Spanish Speaking, and the Bishops' Committee for Migrant Workers. They said:

> Although we appreciate the propriety of children working with their parents on family-type farms, child labor among migrants tends to produce a number of unfortunate social, psychological and economic effects—reasons for which our society has seen fit to prohibit child labor in every other industry but agriculture.

The statement goes on to outline the impact of these. They discussed educational retardation, erosion of labor standards in general in agriculture, and in a third point I would like to read, the statement says:

> Child labor alway carries with it sociological and psychological consequences which are at least as serious as its economic consequences. Not the least of these is what we may call "adult dependency." Defenders of child labor in agriculture claim that children learn self-reliance and other virtues through gainful employment. This in itself is doubtful but even if true it carries a corollary which is invariably overlooked.
>
> The other side of the coin of childhood "self-reliance" is adult "un-self-reliance." The norm in our society—and in human societies throughout history—is that parents support their children. When the roles are reversed and the adults become dependent on the sweat of their children's brows, the effects upon those adults' sense of adequacy, responsibility, and self-esteem cannot but be devastating.

That concludes my remarks, Mr. Chairman. I would like to thank you for the opportunity to be here, and I would be happy to answer any questions you may have.

The Chairman. Thank you very much, and we appreciate your statement. I don't believe we have any questions. Is this your first time before the committee?

Mr. Bossi. Before this committee, yes.

The Chairman. I think you are going to be a regular as our hearing needs continue. You have been very helpful to us and Dr. Tyson likewise.

(The prepared statement of Mr. Bossi with attachment follows:)

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STEPHEN E. BOSSI

Washington Representative

NATIONAL CATHOLIC RURAL LIFE CONFERENCE

DIVISION FOR RURAL LIFE

UNITED STATES CATHOLIC CONFERENCE

Concerning S. 1861:

To Amend the Fair Labor Standards Act of 1938

Before the

Subcommittee on Labor of the

SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE

September 15, 1971

Mr. Chairman and members of the Subcommittee, the protections of the Fair Labor Standards Act of 1938 were first extended to agricultural workers by the Fair Labor Standards Amendments of 1966. In explaining this important amendment to such a long-standing exemption, the Senate Report which accompanied the 1966 legislation quoted from a 1963 report of the National Agricultural Advisory Committee entitled "The Family Farm in American Agriculture." As quoted, the report stated: "We recommend that minimum wages and improved working conditions, in terms adapted to agricultural production, be extended, by stages, to hired farmworkers on a national basis until comparability with industrial minimums is attained."

We suggest that the enacted 1966 amendments have left us far short of the objectives outlined in that quotation. The 500 man-days test in these new farm employee provisions limited coverage to less than 40% of the hired farm labor force, the employees of a mere 2% of the farms in America which utilize hired labor. Other criteria made it possible for owners of farms covered by the Act to hire workers who are excluded from coverage. If these are the first "stages" toward coverage on a national basis, it is clearly time to amend the present agricultural labor exemptions.

Similarly, the 1966 amendments only perpetuated rather than closed the gap between agricultural and industrial minimum wages. Over the five years of prescribed wage levels, the gap between covered industrial and agricultural minimum wage levels was reduced by a mere ten cents. We feel that it is time to take new steps toward the achievement of comparability.

In November of 1968, the Catholic Bishops of the United States addressed themselves to the problems of farm labor. In their statement they called upon Congress to enact legislation "to include farmworkers more effectively under a national minimum wage which will insure them a decent standard of living." They did so out of a concern that farmworkers "have often been forced to live a life devoid of security, dignity, and reasonable comfort" and "with sympathetic awareness of the problems faced by the growers and, more specifically, by family farmers."

We again urge you to include more effectively farm workers under the Fair Labor Standards Act. We feel that the current law is basically discriminatory, both in terms of coverage and wage levels, and that it is as injurious to the small family farmer as it is to the farmworkers themselves. We cite the following trends as evidence for this position.

The members of this Committee are familiar with the growth in modern agriculture away from small family farms and toward large corporation farming. The reason for this trend is usually identified

as an effort to achieve greater efficiency. Mr. Melvin Upchurch, Administrator of the Economic Research Service of the U.S. Department of Agriculture, reported last year to the Senate Finance Committee that this was only part of the explanation. He said that "virtually all of the internal economies of size are exhausted for most types of farms when a farm is big enough to fully use one set of modern equipment. This means a good one- or two-man farm in most regions." He went on to ascribe this growth in farm size to the farmers' normal appetite for more income. "Given the capacity to operate on a larger scale and the urge to increase total net income, the modern farmer seeks to expand. He rents or buys more land. When he does this, he may reduce unit costs of production, but he will strive to expand even at increasing unit costs, if he can increase his total net profit."

It is interesting to note that as farms have become bigger and fewer, the number of hired laborers has decreased. In fact, Mr. Upchurch points out that the "use of family labor and hired labor in farming has declined at virtually the same rate." Clearly the need for manpower in food production has been offset by mechanization and the development of improved pesticides, fertilizers and farming techniques, all of which have multiplied the productivity of the individual farmer.

The exception to this trend has been in those fruit and vegetable crops which have been least adaptable to mechanization.

Whereas farm families provide between 85 and 90 percent of all farm labor through the corn belt states, this percentage drops to between 20 and 40 percent in such fruit and vegetable areas as California, Florida and New Jersey.

We are thus convinced that minimum wage coverage for hired farm workers does not constitute a threat to small farmers, and indeed is a protection to the value of the labor of farm family members.

In terms of production overhead, low wages for hired farm labor clearly give large producers an advantage over smaller family farms. If, as Mr. Upchurch suggests, we cannot justify increases in farm size on the basis of efficiencies which should benefit the whole economy, then we must be certain that those who stand to profit by such expansion do not exploit others in the process.

We are not convinced that an increase in farm wages would significantly affect the prices of food for the consuming public. It is interesting to note that during the 20-year period -- 1949 to 1969 -- total farm production expenses increased by 114 percent. During that same period, prices of food increased by only 32%, and the cost of hired labor as an element of food production increased by a mere 15%. The rate of cost increases for equipment maintenance and depreciation, fertilizers, taxes and mortgage interest have far outstripped the cost of farm wages. This would

further indicate that farm worker unemployment is due to a changing farm technology rather than to the increasing wages of farmworkers.

We therefore recommend the following changes in the present Fair Labor Standards Act as it applies to farm wage workers:

1) We urge the rapid achievement of comparability in wage levels between covered farm and industrial hired workers. We recommend that any increase in the industrial minimum wage approved by this Committee be accompanied with an increase in the agricultural minimum to the same dollar-and-cent rate.

We reject the argument that increases in the agricultural minimum should be proportionate to increases in the industrial minimum. We feel that a disproportionate increase is clearly called for in view of the fact that the current level has been maintained so disproportionately low. A proportionate increase at this time would in fact widen the gap in absolute wages paid rather than close it, moving us back to the distinctions which prevailed prior to the 1966 amendments. We would suggest that such a perpetuation of discrimination was not the intention of Congress as reflected in the Senate Report on the 1966 Amendments.

We further do not feel that the wage levels being suggested would inflict an undue burden on farm employers. The union contracts which have been negotiated in California have called for hourly wages as high as $2.10, plus piece rates, and are proving

workable. Indeed, we feel that the guarantee of an adequate wage will tend to stabilize the farm labor market and precipitate economies in terms of labor force availability and skill levels to the benefit of the agriculture industry.

Finally, we can see no way to justify the sanctioning of a wage level which, even if earned year round, would still result in a total family income below the defined poverty level. It must be the intent of Congress to alleviate poverty throughout our country and it is part of our tradition to do so through incentives to undertake productive employment. The assurance of a below-poverty level wage falls far short of constituting such an incentive.

2) We strongly recommend repeal of those provisions of the 1966 Amendments which exempt from coverage certain local hand harvest laborers. These provisions, amending Sections 3(e) and 13(a)(6) of the Act effectively exclude from coverage a major percentage of our non-migratory farm labor force and certain of the employment of migrant workers.

These exemptions work chiefly to the advantage of the large users of agricultural labor because it is only such operations which require a significant number of short-term piece-rate field workers. By drawing upon local piece-rate workers who do not meet the 13-week requirement, these employers can avoid paying the statutory minimum wage to a large segment of their employees.

Furthermore, excluding the labor of these employees from computation of the 500-man-days test provides a device by which many farm owners can avoid paying this minimum wage to any of their hired agricultural workers.

Although these exemptions were apparently included to protect those workers for whom salaried agricultural labor is the primary source of income, they do not reflect the realities of farm labor activity in this country. For example, these exemptions attempt to limit the coverage of local, non-migratory workers. It is a fact that over 90 percent of our farm labor force is non-migratory. Furthermore, it is far from unusual for a family whose main income derives from agricultural work to be employed during less than 13 weeks of a calendar year. The average farm employment in 1969 for all migrant and non-migrant farm workers was about 78 days. In a declining agricultural job market, this figure is only likely to decrease making the 13 week requirement even less realistic.

An additional consequence of repeal of these provisions would be the easing of the enforcement problems of the Act. Record keeping on the part of both growers and workers would be alleviated and, in our view, coverage more equitably broadened.

3) We support a reduction in the 500-man-days test. To limit the coverage of this legislation to a mere 2% of those farms which employ hired labor is itself discriminatory. The

100 man-days test, proposed in S. 1861, would at least extend this coverage to all farms which employ more than one full-time hired workers and thereby equalize the salary overhead of all but the smallest family farms.

The argument that such an expansion of coverage, along with an increase in the wage minimum, would increase the rate of mechanization is a distortion of the reality. Farm mechanization in this country is only one element of the trend toward large, specialized farming. New developments in the nature and use of fertilizers, pesticides and feeds, special tax incentives, and production subsidies based on amount of acreage under cultivation all have contributed significantly to this trend. It can be shown that it has been these developments and incentives, coupled with advances in farm technology, that have caused the displacement of hired labor, not the reverse.

We strongly feel, however, that there has been an imbalance in the return growers have received for their produce vis a vis their increasing costs of overhead. The major increases in the consumer price of food have been due to the increased costs of processing, handling, and retailing. These are the elements too frequently overlooked in the computation of rising consumer prices and the blame is commonly ascribed to the producers. Justice demands as fair a return on investment for producers as for all other elements of the food industry.

Indeed, we would argue that it is this element of justice which must be applied across the board in dealing with all segments of the food production industry. Farmworkers have as much right to a decent, living wage for their labors as do food handlers and processors. Lacking the organization through which to demand such a return, they must look to the formulators of public policy to rectify inequities in the system.

It is within the power of this Committee to propose amendments to the law in such a way as to make applicable to all workers the defined Congressional policy "to correct and as rapidly as practicable to eliminate" "conditions detrimental to the health, efficiency and general well-being of workers . . ." We urge you to look at the realities of farm labor today in determining whether or not that policy is being fulfilled. We expect that you will find that it is not, and trust that you will then be moved to consider favorably the recommendations we have outlined.

In summary, we urge 1) that the agricultural minimum wage level be increased to that of industrial employees, 2) that the coverage exemptions for commuting piece workers be repealed, and 3) that the 500 man-days test be revised to expand coverage to all large users of hired labor.

Respectfully submitted,

Stephen E. Bossi

Stephen E. Bossi
Washington Representative
National Catholic Rural
Life Conference

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STATEMENT ON FARM LABOR

NATIONAL CONFERENCE OF CATHOLIC BISHOPS

NOVEMBER 13, 1968

The problems of farm workers have been receiving increased attention in this country in recent years. Greater awareness on the part of the general public has resulted in some progress such as is mirrored in the Migrant Health Act. However the workers' dramatic struggle to improve their lot has sometimes produced divisions and protracted conflict in the relations between the two parties.

We, the Catholic bishops of the United States, address ourselves to this problem with the high hope of assisting in a reconciliation between grower and worker.

For thirty years the disadvantaged field workers of this nation have stood by helplessly and listened to other Americans debating the farm labor problem. Burdened by low wage scales, mounting health problems, inadequate educational opportunities, substandard housing, and a lack of year-round employment, they have often been forced to live a life devoid of security, dignity, and reasonable comfort. For the past three years, however, many of them have been attempting to take their destiny into their own hands. This is a very healthy development.

Farm workers are now very painfully aware that not only do they have to struggle against economic, educational, and social inequities, but they have also been excluded from almost every piece of social legislation as well.

The conflict that began in California is now spreading throughout the nation and is clearly a national issue. Farm workers are demanding legislative protection for their natural right to organize for purposes of collective bargaining. They are demanding inclusion under a law which has protected the bargaining rights of other American workers for thirty-three years, namely the National Labor Relations Act.

Tragic as is the plight of farm workers, American growers and farmers also find themselves in a sea of difficulties. Mounting costs, foreign competition, water shortages, and many other problems are closing in upon them.

We are aware that the small grower is often the victim of circumstances beyond his control, and that his sincere willingness to pay higher wages meets with obstacles which he cannot overcome without a realistic coordination of all his strengths. We urge him to examine his situation carefully in order to see that his so-called independence is unreal and could result in his vanishing from the American economy. We believe that this would be tragic for our country. To protect himself, his interests, and the interests of the farm workers, we plead with him to unite with his fellow farmers and growers in associations proper to themselves. This is their natural right and perhaps even their duty at the present moment of our history. At the same time we wish to note that throughout this century, our state and federal governments have done much to assist growers and farmers with their difficulties. The same, unfortunately, cannot be said for the men working in the fields.

Catholic bishops in several of the states most deeply affected by the current crisis in the field of farm labor have already addressed themselves to the need for federal legislation to provide machinery for the peaceful settlement of disputes between growers and farm workers. In this statement, speaking in the name of the National Conference of Catholic Bishops, we

wish to add our support to the position taken by these individual bishops, since the problem and its solution are national in scope.

We urge the 91st Congress to provide the legislation necessary both to protect the rights of farm workers and to provide the peace and stability so essential to the well being and prosperity of the agricultural industry. Specifically we urge that Congress enact legislation:

1) *To include farm workers under the National Labor Relations Act,*

2) *To include farm workers more effectively under a national minimum wage which will ensure them a decent standard of living, and*

3) *To include farm workers under the national unemployment insurance program.*

As a servant of justice, the Church must speak out on controversial issues such as these even with the knowledge that she might be misunderstood. Sensitive to the problems of both sides, the Church must encourage dialogue by helping to create an atmosphere of charity and justice. It was in this spirit and for this purpose that the Second Vatican Council reaffirmed the traditional teaching of the Church with regard to the right of workers to organize and bargain collectively and, under certain conditions, to resort to the strike. These matters were treated by the council in its Pastoral Constitution on the Church in the Modern World, which reads, in part, as follows:

"Among the basic rights of the human person must be counted the right of freely founding labor unions. These unions, should be truly able to represent the workers and to contribute to the proper arrangement of economic life. Another such right is that of taking part freely in the activity of these unions without risk of reprisal. Through this sort of orderly participation, joined with an ongoing formation in economic and social matters, all will grow day by day in the awareness of their own function and responsibility. Thus they will be brought to feel that according to their own proper capacities and aptitudes they are associates in the whole task of economic and social development and in the attainment of the universal common good.

"When, however, socio-economic disputes arise, efforts must be made to come to a peaceful settlement. Recourse must always be had above all to sincere discussion between the parties. Even in present-day circumstances, however, the strike can still be a necessary, though ultimate, means for the defense of the workers' own rights, and the fulfillment of their just demands. As soon as possible, however, ways should be sought to resume negotiations and the discussion of reconciliation." (Paragraph #68).

In calling for the legal protection of the rights of farm workers, we, the bishops of the United States, do so in this same spirit and with sympathetic awareness of the problems faced by the growers and, more specifically, by family farmers. It is our prayerful hope that ways can be found at the earliest possible date "to resume negotiations" and to bring about a "reconciliation" between the parties to the current farm labor dispute. We pledge our united efforts to achieve this objective.

The CHAIRMAN. We will declare a 15 minute recess of this hearing. Does anybody have any problems on time here?

Mr. Thornton? You do.

All right, we will take you and then we will recess.

STATEMENT OF RICHARD V. THORNTON, EXECUTIVE VICE PRESIDENT, NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS

Mr. THORNTON. Senator, with your permission I will proceed.

The CHAIRMAN. Thank you. We will have your statement.

Mr. THORNTON. I ask that you enter my statement and I will hit the highlights.

The CHAIRMAN. Thank you.

Mr. THORNTON. We would like to make a proposal concerning piece rates and minimum wage.

It is our suggestion that if the average earnings under the piece rate of all employees within certain classifications meet with an established percentage above the current minimum wage, then the earnings of all employees in that classification be considered to have met the minimum wage requirements.

I have language attached, but perhaps the best way would be to give a brief example. Let's take an example where we have a person in the same category, same wage classification and same employment classification. Say we have 20 workers for the sake of the example; assume $2 minimum wage; the workers work 10 hours a day. If they are paid on the basis of $2 an hour they would receive $400 for each day.

It is our proposal that we take a percentage and we suggest 15 percent above the current minimum wage and have that as a target rate. So that if we assume $2 as the minimum wage that would make our target rate $2.30 per hour.

So if we have these 20 workers on the hourly rate of $2.30, they would average $460 per day. I am using a "per day" but it would extend for a workweek.

If the earnings of all these 20 employees are at least $460 per day then it would be presumed that all persons in that same wage classification would have met the minimum wage. Now, perhaps some of the workers there would not reach the $2 per hour. Some of them would make $3 an hour, some $1.50; the children, the handicapped and so forth.

If they do come up—if the piece rate earning come up to the 15 percent over the current minimum wage, everyone has met the minimum wage requirements. However, let us assume they do not come up to the $460 per day as in this example. Let's assume they are 10 percent under.

We suggest two methods of increasing the workers' pay. The first would be to take all persons who do not reach the minimum wage of $2 and increase their earnings for that day to $2. The second alternative would be to increase all the workers regardless of what they made, by the percentage necessary to bring the total earnings up to the minimum wage plus the percentage.

In other words, if our target rate is $2.30 and the earnings for the day fall below that by, say, 10 percent, all workers would receive a 10-percent increase. The worker who made the $1.75 would receive 10 percent. The worker who received $3.50 would receive 10-percent

increase. The purpose of this is to reward the good worker, and to permit the workers not able to make the minimum to work at their own speeds.

One other point I would like to make aside from the minimum wage is that a previous witness mentioned unemployment insurance.

The CHAIRMAN. Is this farm by farm, is that the way you do it?

Mr. THORNTON. If during a workweek the wages of two or more employees employed by the same employer in the same classification of work—so theoretically in a large farm you can have several groups of employees in the same classification of work on the same farm.

I have one other comment not related to this. Would you prefer to finish with this? I wanted to comment on unemployment insurance.

One of the previous witnesses mentioned that he was from New Jersey and had difficulty getting information on the unemployment study. For the committee's information I would like to tell them what is going on in this field. As you know, Congress instructed the Department of Labor to make a feasibility study of coverage for agricultural workers. This was done. The study was in, I believe, 16 or 17 Eastern States. California has been completed; Washington and Oregon had been completed—these studies insofar as agricultural workers are completed.

Two weeks ago Mr. Goodwin of the Department of Labor had a series of meetings in which the brought in representatives of labor, management, chambers of commerce and so forth, and laid out for the entire group the study on unemployment insurance. The conclusion was that this is feasible for farmworkers and he informed us the Department of Labor intends to ask for a bill to be introduced in the Congress that would provide unemployment insurance for farmworkers.

This organization I represent will support that bill provided it can be shown that the farmworkers will get benefit out of it and that it is not going to be a fund builder for the State. If the gentlemen would contact Mr. Goodwin he would get that information.

Thank you.

The CHAIRMAN. That is very interesting. His concern was that he couldn't find out how the study was being undertaken in New Jersey and out of Rutgers through a contract with the Labor Department.

Mr. THORNTON. The University of Connecticut had the master contract and they farmed it out. But the brochures were widely distributed. We made suggestions and as the questionnaires came in we were given access to them and were asked to comment on them. There was no secret about it at all. Everyone commented on it that wanted to.

The CHAIRMAN. It impresses me that your earlier ideas on raising the minimum wage and the mechanism of seeing it raised, but not discouraging individual achievement is a gain; it strikes me as having some merit.

We have seen that the enforcement, the administrative following of the law and enforcement of the law has become very difficult evidently in this area, and I wonder if this would not be a complicating factor.

Mr. THORNTON. I don't think so. It would be optional with the employer. He doesn't have to follow this formula. He can just pay the straight minimum if he wishes, but this is a method of rewarding the good worker and letting the handicapped work at their own speed.

It has been tried in Florida and they work under this and it was approved by the Department of Labor and it worked out very well. The makeup pay was not demanded in many cases at all. We have raised no objections to the increase in minimum wage.

The CHAIRMAN. The time factor you have the problem on. We appreciate that.

Mr. THORNTON. We would appreciate it if the committee would consider introduction of the piece rate scale. We are interested in saving the piece rate. If the worker is willing to work, fine. If he is willing to work at his own pace, he can.

The CHAIRMAN. This method has worked out under the present law and in Florida.

Mr. THORNTON. I don't believe it is in law, but it is permitted under the adverse effect wage regulation, yes.

The CHAIRMAN. All right. We will have to see that.

Mr. THORNTON. In that particular instance it was 25 percent above it, but you must bear in mind this was strictly confined to orange picking and the wages in that are rather high and lucrative but we recommend a 15-percent increase over the minimum wage.

The CHAIRMAN. Thank you very much, Mr. Thornton. Your testimony has been very helpful.

(The prepared statement of Mr. Thornton follows:)

STATEMENT OF RICHARD V. THORNTON
REPRESENTING
NATIONAL COUNCIL OF AGRICULTURAL EMPLOYERS
WASHINGTON, D. C.
TO
SENATE LABOR SUBCOMMITTEE
September 15, 1971

My name is Richard V. Thornton. I am Executive Vice President of the National Council of Agricultural Employers. This is a non-profit trade association representing employers of agricultural labor in 44 States.

I appear before you in behalf of those employers in opposition to those amendments to the Fair Labor Standards Act contained in S.1861 which pertains to agriculture.

MINIMUM WAGE

Generally speaking, we do not oppose an increase from the current minimum wage of $1.30 per hour in agriculture. We well realize that this is an existence level and should be increased.

In the great majority of agricultural areas, wages well above the current minimum are being paid. In the citrus industry in Florida, the average hourly earning in 1969 was $2.64. In California, the small amount of

hourly work being done is generally paid at the rate of $1.75 to $1.90. In the lettuce fields of that State, where the workers are the innocent victims of a jurisdictional labor dispute, piece rate earnings of $3.00 to $4.00 per hour are average, and $5.00 to $6.00 per hour are not uncommon.

Historically, any increase in the minimum wage has been translated into a like percentage of increase in the existing hourly and piece rates. This has been demonstrated when the Department of Labor established adverse effect wage rates for those employers desiring foreign workers. The proportion between the going wage rate and the adverse effect wage rate was immediately reflected in wages for those workers not employed by criteria employers.

You are aware of the use in agriculture of young people, elderly people, and handicapped persons. They work on a piece rate and adapt the speed of their work to to their own physical capabilities. The minimum wage, of course, is guaranteed and a material increase in the minimum wage for those persons will make it impractical for agriculture to employ many in this group.

A classic example of the employment of youth in agriculture is in the shade tobacco industry in Connecticut and Massachusetts. Last year they employed some 11,000 youths aged 17 and under, for approximately ten weeks during the summer months. Many of these youngsters are not experienced

workers, and in 1970, make-up pay to the guaranteed hourly minimum occurred in 26% of youths employed.

Much of agriculture is on the piece rate. We respectfully suggest that some consideration be given to the piece rate when establishing a minimum wage rate for agriculture. The system has been tried and proven successful in the citrus industry in Florida, where an employee classification system was used in compliance with the adverse effect wage rate established by the Department of Labor. This applied only to those employers who were certified for the use of temporary foreign workers.

If all persons in a particular employee classification are paid on piece rate, and the piece rate earnings of those individuals collectively average an amount above the established minimum wage, then it is presumed that all persons in that classification will have met the minimum wage. The percentage above the minimum wage should be either 10% or 15%. In the adverse effect wage rate, the percentage was 25% but it must be borne in mind that these workers were employed in orange picking only where earnings are comparatively high.

The agricultural employer is willing to pay a piece rate that will bring good earnings to the good worker provided he can get a reasonable amount of production from that worker. We ask the Committee to seriously consider the establishment of a system whereby, if all persons within

one employee classification working on a piece rate are are paid an average of 10% to 15% above the prevailing minimum wage, then wages paid to persons within that employee classification be considered to have met the minimum wage requirements.

If the employer elects, and should the average of the hourly earnings of such employees fall below the minimum wage requirement plus the percentage, each worker's earnings for the weekly payroll period would be increased by the percentage needed to bring the total average to the requirement.

EXEMPTIONS

No matter how many words are spoken or how many laws are passed, the basic nature of agriculture remains unchanged. It is all a perishable product in varying degrees dependent upon the vagaries of nature.

It has been argued that modern technology has materially increased man's ability to extend the life of perishable products. While this may be true in certain phases of the processing of agricultural products, there is no known way to hold a mature fruit or vegetable when it is ready for harvest.

The grower cannot control working hours or spread his need for labor over days or weeks. Neither can the processor completely control the flow of agricultural products into his canning operation.

It is our suggestion that if the average earnings under the piece rate of all employees within certain classifications meet an established percentage above the current minimum wage, then the earnings of all employees in that classification be considered to have met the minimum wage requirements.

If during a workweek the wages of two or more employees employed by the same employer in the same class of work in agriculture are computed on a piece rate and the aggregate of the piece rate earnings of such employees is at least 15% above the aggregate of the wages they would have earned had each been paid for such work at the current agricultural hourly minimum wage, the employer shall be deemed to be in compliance with the minimum wage requirements of this Act with respect to such employees.

If during a work week the aggregate of the piece rate earnings of such employees fall below the percentage required by the preceding sentence, the employer shall either (1) increase the piece rate earnings of those employees whose earnings are less than the current hourly agricultural minimum wage to meet such minimum, or (2) increase the piece rate earnings of each employee employed in such class of work by the percentage needed to increase the aggregate of such piece rate earnings to the percentage required by the preceding sentence above the aggregate of the wages they would have earned had each been paid for such work at the current agricultural hourly minimum wage.

The CHAIRMAN. Now, of the others that will testify, can you suffer a recess while I go over to the Senate and do a bit of work and come back?

Thank you.

(Recess.)

The CHAIRMAN. Miss Cassandra Stockburger.

STATEMENT OF MISS CASSANDRA STOCKBURGER, EXECUTIVE DIRECTOR, NATIONAL COMMITTEE ON THE EDUCATION OF MIGRANT CHILDREN

The CHAIRMAN. That is a pretty name, Cassandra.

Miss STOCKBURGER. Thank you.

The CHAIRMAN. We have kept you waiting a long time here today. We appreciate your presence, and we look forward to your statement.

Miss STOCKBURGER. As you know, our parent committee, the National Child Labor Committee, has for more than six decades worked to better the conditions for all children in our Nation.

I have submitted a statement for the record, and would simply like to express a couple of special concerns at this time.

The CHAIRMAN. All right. Your statement will be printed at the end of your testimony.

Miss STOCKBURGER. Thank you. One is in regard to compliance with the present law. We have just completed a study of migrant education and also worked with American Friends Service Committee on a child labor study and I think we have documented many of the conditions which exist despite present legislation for child labor.

I am concerned particularly about the ways in which schools have skirted the law or have devised means of providing child labor to agriculture. We have found this in many, many areas. Those responsible for school attendance say if the family needs the children for work, we don't enforce the law or sessions are set up to allow the children to work.

I think one of the worse situations we have is in Louisiana where Federal money is used to run a completely separate program for migrant workers so the children can work 6 hours in the morning before they go to school. Complying with the State requirement of 5 hours of education a day is met in this way.

The CHAIRMAN. How long do you go that run in a season?

Miss STOCKBURGER. March, April, and May.

The CHAIRMAN. What crops?

Miss STOCKBURGER. Strawberries. They—Louisiana school officials—feel they are not in violation of any law. We have discussed this with them, also with Commissioner Marlin. He has expressed concern about it, but so far we have seen no particular action being taken in order to place these children into the regular school program.

In a school district in Arkansas, the farmers were told they could bring the children to school as they brought the strawberries to market. They seem to put the children in the category of the strawberries to be used at the whim of the farmer.

The CHAIRMAN. What age are these?

Miss STOCKBURGER. Elementary children who come from Texas in April and May, perhaps, and move into the community.

The CHAIRMAN. That means they are under 15.

Miss STOCKBURGER. Sure, many are, yes. That, again, you see, is also complicated by the Texas system where they may complete its 6-month term and the parents have the idea that their children have completed school for the year and, therefore, are not subject to laws in other areas.

The CHAIRMAN. Say that again, Texas has how many months of school?

Miss STOCKBURGER. In many of the school districts in Texas, they operate special migrant school programs, this is not the whole district, but there will be one or two schools within the district which will operate 6 months only and it is for migrant children only, and they are almost 100 percent Mexican-American in enrollment.

This does give many parents the feeling that if the child has completed the Texas term they have no responsibility to send them to school when they move to Illinois or Michigan or wherever.

In the spring, again in the fall, this exists. I understand there has been pressure on the Department of Labor to waive the child labor provisions in spring and fall for those children who would be returning to school and enrolling. I hope we have effectively stopped that at least for the time being.

Further, I am concerned that in further extending the child labor provisions of the Fair Labor Standards Act that we make the best provisions possible for compliance.

Since there are so many factors which we are uncertain about, particularly in the area of chemicals and pesticides and their effect on children, in addition to supporting the extension of the child labor provisions to agriculture, I would particularly like to urge that children under the age of 14 be prohibited from being taken into the field whether they are working or not, or being kept near the field.

One of the employees of the State Department of Education in New Jersey called me and said that she had become increasingly concerned about the day-haul people, who are brought out of Camden and other places and who leave the children in their cars.

This happens in a few places. They are not in the day care centers, they are wandering in the field and they are not supervised. This gives them an out, where they say they are not working, they are playing.

Many of the accidents happen to those just present in the field because the parents brought them there while they work.

So, I would urge in addition to the extension of the provisions of the Fair Labor Standards Act to provide the same protection for children in agriculture as in other industries that we have the additional protection of not allowing them into the fields. After all, this is one of the three most hazardous occupations or industries and I think, therefore, that they should have this added protection.

The CHAIRMAN. Thank you. I have not had a chance to review your full statement, but I certainly will.

Thank you very much.

Miss STOCKBURGER. Thank you.

(The prepared statement of Miss Stockburger with attachments follow:)

Statement on S. 1861

Presented by

National Committee on the Education of Migrant Children

145 East 32nd Street, New York, N.Y.

C. Stockburger, Director

The National Committee on the Education of Migrant Children is a Program Division of the National Child Labor Committee, which was chartered by Congress in 1906. For more than 6 decades the Committee has worked to better the living conditions of the nation's children and to end the exploitation of these unfortunate ones in factory, mine and field. The NCEMC is primarily concerned with advancing the opportunities available to migrant children to receive an education and to improve their chance of leading a productive life so that they, like many before them, will not end up in the slums of our already overcrowded cities.

Almost 170 years ago when pauper children from London workhouses were supplying the demand for cheap factory labor, the British Parliament passed the first law to abate the evils of child labor. It was the poor housing, the severe taskmasters and the poor food which the disease-wracked children had to endure while working up to 14 hours a day which moved the

English government to action.

Now, almost two hundred years later, most children in the industrialized world are spared even the knowledge that such conditions ever existed. And yet how really different is the rural slum housing, the farm labor camps, the exploitative crew bosses, the malnutrition, the pesticide poisoning, and the disease which must be endured by the children of today's farm poor from those conditions of two centuries ago in England?

Change has come to be sure. Children are no longer employed, in large numbers, in the factories and mines of the United States. Progressive labor legislation has changed all that. But nonetheless we have persistently refused to provide the same protection to children who are still employed in agriculture, one of this nation's three most hazardous industries. (See page 7, Working Children, a report on child labor, U. S. Dept. of Labor, 1971.)

The report, Child Labor in Agriculture, 1970, which the National Committee on the Education of Migrant Children issued jointly with the American Friends Service Committee earlier this year gives ample additional evidence of the prevalence of child labor on America's farms. It cites cases where children work long hours in excessive heat, stooping, bending, and lifting weights which can hardly help but be injurious to young growing bodies.

As one step toward bringing an end to oppressive child labor we are here today to support changes in the present child labor provisions of the Fair Labor Standards Act which would give added protection in agriculture.

We feel that the Fair Labor Standards Act should be amended to provide the same protection to children in agriculture as in other industries with the possible exception that children age fourteen and over be permitted to work a limited number of hours at non-hazardous jobs when school is not in session. The only work on farms which should be permitted to children under fourteen is on farms owned and/or operated by the child's parents or legal guardian. Under no circumstances would we feel it permissible for young children to be employed by others standing in place of parents.

Furthermore, jobs defined as truly hazardous should be prohibited to all under age 18, even when employed by the parent.

We would urge new legislation which would prohibit young children, whether working or not, from being brought to or kept in or near fields, processing plants or packing sheds unless in suitable child care facilities.

We take this position because we believe that the ever increasing hazards inherent in agriculture, because of increased mechanization and the use of toxic chemicals, demand that we place careful restrictions on not only farm labor for children, but on their presence in or near those areas which may offer hazards to their health and life. For despite all the progress we have made we still find children wandering in the fields or shut up in nearby cars for endless hours. Only yesterday I heard that mothers were recently observed working in a New Jersey field with tiny babies tied in canvas bags on their backs. We must take every step necessary to protect against one more child being seriously injured or losing his life because we have refused to provide adequate protection.

Some myths must be destroyed. No longer can the poets be lyrical about the healthfulness of work in the fresh air when chemicals poison that air. No longer can we look upon farm work done by children as "learning to share in family responsibilities," as the giant agri-business machines increasingly roll over the fabled plots of the small family farm.

We must eliminate child labor in agriculture not only because it is potentially harmful to the health and life of all children who engage in farm labor, but also because it is not needed. We know that adults who depend on farm work for their livelihood cannot secure enough work during most seasons. Yet children, often paid at lower wages, are hired by the thousands.

As bad as we find the hazards of child labor to physical well being, children of migrant farm workers who under present legislation work in the fields suffer great educational deprivation. Earlier this year in Wednesday's Children, our report on federally supported migrant education programs, we cited cases where non-enrollment of migrant children in these programs was frequently due to work in the fields. For example, the enrollment of one junior high school in Florida is 900, of whom 600 are white and 300 black. No separate records are kept of the attendance of migrant pupils. However, the absence rate of black students runs at about one-third daily, or about 190 absentees a week. The Negro assistant principal reported that about 150 of these absentees "would be working in agriculture under parental guidance." In fact most summer school programs for migrant children plan no services for children beyond the early elementary grades because almost all children 12 and older will work.

In numerous interviews with migrant families in California we found older children working instead of going to school in order to earn money to buy school clothes, materials and lunches upon their return to Texas in the fall.

A New Jersey educator reported just this week that on good working days there was high absenteeism even among younger children.

Likewise, work hampers efforts to provide special education for the 12 - 16-year-old child. This summer the New Jersey state education agency initiated a program of special interest to this group and planned to pay stipends in order to help replace family income lost by children not working. When the local school district objected to the stipends and the state dropped its plans almost all of the 13 - 16-year-olds returned to the fields. The ones who remained did so only because a school recruiter made a special effort to convince the family of the importance of the program.

The present prevalence of child labor in agriculture encourages premature leaving of school and absenteeism which contributes to failure and discouragement in academic progress beyond the very early elementary years. Two recent examples I have encountered are:

A 15-year-old girl in a California school, who had set completion of the 8th grade as her educational goal, regularly stayed out of school one day a week to work because she felt guilty about being in school when she could be working.

A 16-year-old high school sophomore in Texas, the eldest son of a Chicano family, told me he would leave school at the end of the year because it was time he helped his father earn a living for his family.

On the other hand the schools have often been lax about enforcement of school attendance laws. For instance, a coordinator of migrant education in one Florida county said the compulsory attendance law was not rigidly enforced with migrants. As coordinator he tries to maintain a liberal view on this and asks his people not to be too "hard nosed" about it. "If there is sufficient evidence that the children are really needed to help earn enough money to support the family," he said, "we sort of let them slide. After all we want to encourage people to assume more responsibility for themselves and members of their families, rather than having them sit around waiting for a handout."

Or school officials deliberately arrange school programs, even to the extent of possible violation of federal laws, in order to provide child labor to farmers. We cite the following examples.

In Aroostook County, Maine, most schools from elementary through high school levels close for about a month beginning in mid-September to permit children to work in the potato harvest. Estimates give the number of children employed at between 14,500 and 15,400. (See Child Labor in Agriculture, 1970, p. 47.)

In a report on migrant education issued by Arkansas State Education Agency in 1969, it was reported that

> The problem for the Bald Knob school district stems from the fact that migrant families enter the district for three months each spring, before and during the strawberry-picking season. Many of the families do not bother to register their

children in school. The farmers cooperate with the families because they are not anxious for the children to spend time in school when they could be picking berries instead.

The Bald Knob school district made several arrangements so that all the children in the district could have a full nine-month term. Some of them were:

- School was started about the twentieth of August and vacations were shortened so that school could be dismissed earlier in the season.

- When the berries ripened too soon in the season, the farmers who owned berry farms were asked to bring the migrant children to school when they took their berries to the market about 9 a.m. The children were given opportunities to take tests in the late afternoon and some Saturday sessions were set up to make up for missed time during the week.

- Since the strawberries are important to the local economy, the school officials tried to cooperate with the Department of Labor and the farmers.

In Louisiana, Title I education funds are used to operate a separate school for migrant children during the regular school term which permits children to pick strawberries until 12 noon or later and then go to the school for lunch and study until 6:00 in the evening. Louisiana officials maintain this is not illegal nor discriminatory since it provides for the Louisiana requirement of five hours of school per day. They maintain that families would not come if children could not work. (For more details see tape transcript of conversation with the state director of migrant education in Louisiana and clipping from New York Times, April 13, 1971, both attached.)

The mere extension of FLSA to cover children in agriculture both during and outside of school hours is simply not enough. Parents desperate for bread on their tables will continue to take their children to the fields as they have in the past. Employers anxious to save on cheaper child labor will continue to devise ways of skirting the law.

We believe that the only solution to this problem is to make the agricultural wage a living wage, extending minimum wage coverage and by removing any possibility that children compete with adults for available jobs. When parents no longer deperately need the earnings of their children there will be little child labor.

This, of course, means that child care, recreational and education facilities, must be available for children who would otherwise be in the fields with their parents.

Thus to summarize:

The National Committee on the Education of Migrant Children of the National Child Labor Committee supports the extension of the Fair Labor Standards Act to regulate the work of all children in agriculture, either during or outside of school hours.

We would, however, suggest that this regulation be waived for 14 and 15-year-olds when employment is confined to periods which will not interfere with their school and performed under conditions which will not interfere with their safety, health, or well-being.

Further, children under age 14 should be permitted to work only on farms owned and operated by their parents or legal guardian.

We would strongly urge the removal of the present parental exemption for all jobs found to be truly hazardous.

We recommend that in order to provide maximum potential for enforcement of child labor laws and to lessen danger to non-working children that no young child should be permitted in the fields or other work premises, whether actually working or not. We strongly urge you to add such a provision to the law.

We ask that funds be provided for child care facilities so that mothers from farm families may have the same choice as other working mothers. That is, whether to work or not.

We recommend that the eligibility for minimum wage in agriculture be broadened so as to cover all those who are largely dependent on farm wages for their income. All workers should receive equal pay for the same work.

And, finally, we urge that provisions be made to insure compliance with the law and that violators be more vigorously prosecuted. (For specific recommendations see Resolution on Migrant Child Labor of the National Child Labor Committee, attached.)

The following is an edited tape transcript of a dialogue between the Migrant Education Director of Louisiana and myself at a State Directors' meeting in May, 1971, regarding alleged violations in Louisiana of the Fair Labor Standards Act and Civil Rights Act.

Louisiana Director - We had a New York Times reporter in Louisiana. He quoted you that we were violating child labor laws and the Civil Rights Act in our migrant program. (See attached clipping.)

Let me read you what he correctly quoted me as saying and see what you agree with me. "What we've got here is a kind of dodge. (Referring to a special program for migrant children operated after children finish day's work and separate from resident children.) There is a certain type of segregation taking place. It makes a long day. But if we're going to do anything positive for these children this is the best way we know." Would you rather see our situation here in Louisiana unsegregated and doing less or have the children out of the berry fields and not have anything? I'm not trying to dodge the law but I can't see how we can do anything or be of any help to these children.

Our State Commissioner of Labor says there is no violation. He says they are working for their parents. We do operate a special school from noon until 6 in the evening. We bring them in and give them lunch after they finish working. It is a dodge--really.

But it is only thing we can do and still do some good for our children,

I haven't talked to all the migrant parents, but the Labor people, social workers, and local school people tell me that if we come in there, force them into school at 8 o'clock: "good-bye."

Stockburger - Then they may have to look for a new labor supply. There are plenty of adults capable of working.

Louisiana Director - What about strawberries? What about men who are growing strawberries?

Stockburger - What we have to decide is whether a luxury such as strawberries is more important than children.

Louisiana Director - So what we've got is a social crusade and I'm with you. I didn't eat grapes.

Another Director - Are you buying lettuce?

Stockburger - As educators we must become involved in social structure. We can't go on using these dodges if we are going to educate children.

Louisiana Director - The Office of Employment Security says that parents contract with children. Aren't we doing something to parents' rights if we tell them what we are going to do with their kids?

Stockburger - Not according to present law. We have compulsory school attendance laws which require parents to send their children to school.

Louisiana Director - You would personally prefer to see us in Louisiana force the issue (i.e., terminating the special migrant school and placing migrant children into regular school)?

Stockburger - I would. I would. I don't think you have any alternative if you're being honestly concerned about educating children.

Louisiana Director - If you bring that child into school and invoke the compulsory education act, that kid is going to sit there all day long and not learn a damn thing.

Stockburger - Oh, but you are assuming the child doesn't want to be in school.

Louisiana - Right. They say so. They say they don't want to be there. They want to earn money. I'm talking about older ones, 14 and 15 year olds.

[From The New York Times, April 26, 1971]

Child Labor on Farm Has Few Restrictions

By DONALD JANSON
Special to The New York Times

PONCHATOULA, La., April 25—Lenaldo Salinas got up at 5 A.M. the other day to be in Allen Perrin's long, unshaded strawberry fields by dawn.

Stooping, crouching and crawling on his knees, he filled 16 hand-carries in six hours under the hot Louisiana sun. His 128 pint boxes earned him $6.40 in tickets at a nickel a box, boxes that soon sold at retail for about 40 cents each.

Lenaldo is 11 years old. He came here from Texas with his family. He is one of 800,000 child farm laborers in the country, a small army that makes up a fourth of the nation's paid farm labor force.

Among these youngsters, life is particularly hard for the 300,000 who, like Lenaldo, migrate from state to state with their parents to harvest one crop after another, often leaving their home states before school is out in the spring and returning after it has resumed in the fall.

When school closes for the summer, the other 500,000 join them in the fields. With no school-year restrictions to comply with, the children who work the fields in the summer often labor from dawn to dusk up to seven days a week in heat that frequently exceeds 100 degrees.

Few Minimum-Age Laws

Few states set a minimum age for child farm labor outside school hours and those that do are sometimes lax about enforcement.

The American Friends Service Committee issued a report last month calling child farm labor in the nineteen-seventies reminiscent of industrial child labor, which was outlawed in 1938.

The Quaker organization, with headquarters in Philadelphia, asked that the multimillion-dollar agriculture industry be forced to observe the same limitations on child labor as other industries do.

Earlier this month, the Oregon State Senate passed legislation barring employment of children under 10 in the fields. Dr. Lendon Smith of Portland, author of "The Children's Doctor," testified that crouching, bending or staying in one position for long periods could prevent normal growth and physical development of children.

The State Senate lowered the age from 12 to 10 after the Oregon Farm Bureau opposed the bill. During a national check this month on use of children on farms, Howard T. Fuji, the bureau's director of research and legislation, said that "if children were kept out of the fields they would lose this opportunity to earn."

He said working taught them "responsibility." The bill has now gone to the Oregon House of Representatives. Passage would make Oregon only the 12th state to provide a minimum age for farm labor outside school hours. The 11 states that now have laws set minimum working ages at 10 to 14.

Employment Erratic

Twenty states specifically restrict field work for children during school hours, but enforcement is erratic. Many rely on Federal enforcement of a long-standing Federal prohibition against using youngsters under 16 in the fields during local school hours.

But both state and Federal regulations are stretched and bent in various ways to accommodate agriculture. Here in Louisiana, the United States Department of Labor's compliance officer, John C. Davis Jr. of nearby Hammond, would not disturb Lenaldo or his brothers and sisters if he saw them in the strawberry fields because authorities in the Louisiana strawberry belt have arranged for a Federally supported special school for harvesters who do not live here the year around. Schools start for nonresidents of the state at noon, after the strawberries have been picked for the day.

School buses pick up Lenaldo and his co-workers, members of half a dozen Texas families, about 11:30 A.M. At the Roland Burnett farm on the other side of town, they collect Lenaldo's 11-year-old friend, Daniel Gonzales Jr., of La Feria, Tex., and six of Danny's brothers and sisters, plus children of the Guadalupe Villalobos family.

Altogether, four buses stop at about 40 farms for 150 children. The youngsters rejoin their families at 6 P.M. after a 12-hour day of field work and school. None of the children actually gets money for his labor.

Their fathers collect it to supplement the meager family income.

The nonresident school, for kindergarten through high school, started four years ago in a school building for blacks that had been abandoned after racial integration had been effected. The old frame building at nearby Natalbany has since been replaced by an attractive new one provided by Federal funds.

Practice Called Illegal

But Cassandra Stockburger, director of the National Committee on the Education of Migrant Children in New York City, says the practice is illegal on two counts.

In violation of the 1964 Civil Rights Act, she says, it segregates Mexican-Americans from local children. Like Lenaldo and Danny, more than 90 per cent of the students at the special school are of Mexican ancestry.

In addition, she said, it violates the Federal Fair Labor Standards Act.

The act, which outlawed child labor in industry 33 years ago, applies to agriculture in some respects, particularly in barring farmers from employing anyone under 16 during school hours, except for their own children.

"During school hours means the hours when the school for the school district where the child is living while employed is in session," the Labor Department's widely distributed Child Labor Bulletin 102 explains.

School is in session for full-time residents of the district here from 8:30 A.M. until 3:15 P.M. Since ripe strawberries must be picked by midday to avoid damage from the heat of the sun, local children cannot participate in the harvest without violating state compulsory school attendance laws. Nor could the migrant children, if an accommodation in school hours had not been devised for them that meets Louisiana's requirement of five hours of school a day.

'Kind of a Dodge'

"What we've got going is kind of a dodge," said William Junkin, coordinator of migrant education for the State Department of Education. "There is a certain type of segregation taking place. And it makes a long day, but if we are going to do anything positive for these children this is the best way we know how."

The National Committee on the Education of Migrant Children favors integration into public schools, during local school hours. This has proved successful in several states, though the latest report of the Senate Subcommittee on Migrant Labor found that "there are still sections of the country where . . . migrant children are not welcome in the local school."

Mr. Junkin and local authorities contend integration would not work here.

They blame migrant parents. They say parents would force their children to work despite school laws and if challenged would go elsewhere than Louisiana in the future, leaving growers without a labor force.

"We have tried to make the best of a bad situation," said Edwin M. Newman, superintendent of schools for Tangipahoa Parish. "The youngsters are an economic asset to the parents and if they were forced to leave for school at 8, daddy's little helpers would just have to pick and not go to school at all."

Asked whether he would stop bringing his family to the Perrin farm if his children had to go to school here during regular hours, Henry Izeta of McAllen, Tex., said "no."

"I would like to have my children have a good education," he said in Spanish as he loaded crates of berries into a pickup truck for delivery to a sales agent in Ponchatoula. "Then in the future they could think about doing something else besides going out on the farms."

Swift and Experienced

It may be too late for his son, Lucas, 19; as well as Lina, 17, and Manuel, 16. All are swift, experienced pickers after years on the migrant trail from McAllen to Michigan and back.

Typically, Luke dropped out of school after ninth grade. State Senator Joe J. Bernal of San Antonio estimated recently that the dropout rate of Texas migrants was close to 90 per cent. Often the trouble is that children who travel return too late for the start of school can't catch up and quit in discouragement.

William Plummer, principal at the Natalbany School, concedes that some are tired when they arrive to begin the school in the afternoon. But he adds, "The parents couldn't survive if the kids didn't work."

In Washington, Mrs. Dale Kloak, chief of the Labor Department's Child Labor Branch, rejects the "wouldn't come" and "can't survive" arguments. She said by telephone that permitting children to work mornings while the local schools were in session was "illegal, but we haven't pressed the matter" because it was the best the Louisiana authorities would agree to and "it was better to provide some schooling than none at all."

The average annual income of a migrant farm laborer is $891, but critics of making accommodations to perpetuate the migrant stream point out that the same economic argument of a need to help parents survive was used decades ago by industry as a principal reason why child labor should not be banned in industry.

The report of the American Friends Service Committee pointed out that unionization

such as that of grape harvesters, achieved in California by the United Farm Workers' Organizing Committee would raise wages sufficiently for parents to earn what an entire family can earn now.

1,472 Violations Found

"As long as farm workers are not covered by the same legislation as industrial workers," the study said, ". . . the farm labor supply will be increased by the employment of children. As a consequence, wages for all farm labor will remain low."

During the school year, the Federal Department of Labor is charged with enforcing Federal law against employment of school-aged children during regular school hours. It found 1,472 violations around the country last year, an increase over 1969 of 223. But farmers generally received only warnings, and spot checks of fields by the few agents available were limited.

"These figures cannot be an accurate picture of child labor in the agriculture scene," the American Friends Service Committee said after its own survey.

Labor Department officials in Ohio have turned up the largest number of violations for the last four years, and concede that they only tap the surface. Last year 340 violations were discovered by eight Federal compliance officers who spent a total of six days in Ohio tomato fields.

If the agents had more time to devote to agriculture, said Robert Pietrykowski, area director in northern Ohio for the department's Wage and Hour Division, "it's no telling how large the total number of violations would be."

Many violations are flagrant. "We found 12 pickers in one tomato field," Mr. Pietrykowski said. "Nine were children. The farmer had to know three adults couldn't pick that field."

Overlays School Year

The Ohio tomato harvest overlaps the start of the school year in the fall but farmers use children in the fields from dawn to dusk anyway, Mr. Pietrykowski said. They pay migrants a bonus to remain for the end of the harvest rather than return for school in their home states.

Growers in other states also use the bonus system. In Oregon, farmers pay three cents for each pound of pole beans picked, up a fraction from the 2½ cents of 20 years ago, but withhold some to be paid as a bonus to pickers who remain for the entire harvest.

In many places, use of local children predominates. In Aroostook County in Maine, school recesses for the potato harvest in September and October and children pick 35 per cent of the crop.

Maynard E. Dolloff, State Commissioner of Agriculture, said this teaches "self-reliance."

Joseph F. McBrine, superintendent of schools in Presque Isle, said the continuity of the learning process was broken up by the long recess, but "this is agribusiness."

In many other places local authorities also consider the needs of agriculture paramount.

"If the farmers tell me they need the labor longer," Mr. Plummer said in his office at the Natalbany Migrant School, "we may have to start school at 1 P.M. instead of noon. The crop has to be picked when it's ready."

Mr. Perrin, who with 11 acres is the owner of the largest farm in the 1,000 acres planted to Louisiana strawberries, said it was sometimes necessary to pick until 2 to get all the ripe berries in.

Bobbie Robinson, director of a separate program for the retarded at the migrant school, said picking strawberries was "a back-breaking job for an adult, but it doesn't bother a child; they're built closer to the ground and are more flexible."

Growers frequently echoed this observation, but physicians disagree. Expert testimony to the Senate subcommittee included a report by Dr. Charles Hendee Smith, professor of clinical diseases of children at Columbia University, that children who engage in such arduous labor become undernourished, undersized and chronically fatigued and susceptible to infections.

New Jersey authorities take pains to alert farmers to the prospects for child labor under present laws by distributing handbills headed, in bold black letters, "The New Jersey Child Labor Law Permits Farmers to Employ Children."

They say youngsters of 12 or more can be hired and worked 60 hours a week "as long as you don't let them work more than 10 hours a day or more than six days in a row." It points out that they can be worked day or night except for hours school is in session.

William Clark, director of the State Bureau of Wages and Hours, said it was "difficult" for his compliance officers to tell whether children on some 1,500 New Jersey farms that use seasonal workers are "working or playing."

"If they are picking a couple of berries we are not going to cite them," he said, "unless, of course, the child should be in school."

NATIONAL CHILD LABOR COMMITTEE

NATIONAL COMMITTEE
ON EMPLOYMENT OF YOUTH

NATIONAL COMMITTEE
ON THE EDUCATION OF MIGRANT CHILDREN

145 EAST 32nd STREET, NEW YORK, NEW YORK 10016

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May 26, 1971

MIGRANT CHILD LABOR

The recent study conducted by the American Friends Service Committee, in collaboration with the National Committee on the Education of Migrant Children, makes it clear that the problem of child labor has not been solved. Child labor, equally oppressive in its own way as that of the turn of the century, still exists on the industrialized farms of our country.

Some examples recently uncovered:

*On a southern tobacco farm, twenty-eight children between seven and fifteen were found working during school hours in what amounted to an outdoor oven. The children were working on the rows of tobacco under cheesecloth canopies because the space was too narrow for adults or mules.

*In one Louisiana parish (county) migrant children work until noon during the strawberry harvest. Federal funds support a special school which opens its doors after the day's work is finished.

Most affected are the 300,000 children in migrant families. Exhausted by too much work at too young an age, with too little food and too little rest, these farm children are deprived of

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the normal opportunities for physical, emotional and intellectual development available to other children. Long hours of muscular work in excessive heat, or in crouching, bending or staying in one position, can damage the undeveloped bodies of growing children. The dangers inherent in the increasing use of poisonous chemicals and complex machinery has made agriculture the third most hazardous industry--exceeded only by mining and construction.

The Fair Labor Standards Act of 1938 prohibits the employment of children under sixteen during school hours, under fourteen* when school is not in session, and rules out certain hazardous jobs for all under eighteen. One major loophole in this law--and the root of much of the problem--is that there is no restriction on agricultural work by children outside of school hours. States also have statutes regulating child labor, but only eleven presently set a minimum age--ranging from ten to fourteen--for child farm labor when school is not in session.

Enforcement of the federal child labor law is inadequate. Only 1,000 farms are inspected each year--out of a conservatively estimated 300,000 farms throughout the nation that employ seasonal farm labor. Obviously most of the violations go undetected. While the law establishes a maximum penalty of $10,000 fine and/or six months imprisonment for violations, most are settled simply by a signed stipulation by the employer that he will not repeat the violation. For the year ending on June 30, 1970, the Department of Labor obtained only 138 injunctions during a period when 13,000 children were discovered to be employed in violation of the law.

* agriculture excepted

The Board of Directors of the National Child Labor Committee strongly urges that:

1. The Congress extend the provisions of the Fair Labor Standards Act to set a fourteen-year minimum age for agricultural employment when school is not in session.

2. The Secretary of Labor request from the Congress sufficient funds to enable him to increase ten-fold the number of farm child labor inspections, thus raising the proportion of farms employing seasonal labor that are inspected from one-third of one percent to three percent.

3. The Secretary of Labor take steps to insure the more vigorous prosecution of violators of the child labor regulations.

The CHAIRMAN. Mr. Carroll, program director, migrant legal action program. Mr. Carroll?

STATEMENT OF VINCENT J. CARROLL, PROGRAM DIRECTOR, MIGRANT LEGAL ACTION PROGRAM, INC.

Mr. CARROLL. Mr. Chairman, I will not read my statement, but I hope it will be placed in the record.

The CHAIRMAN. It will be entered at the end of your testimony.

Mr. CARROLL. We have been in existence for approximately 3 years with the intention of providing legal assistance to migrant groups and to individual migrants in handling their problems in a legal sense, both courtwise and administrative actions.

I am glad to be here today to speak on behalf of those people and particularly my clients, to endorse the provisions of S. 1861. There are some one and a half million migrant workers and seasonal farmworkers in this country and they are without a doubt the most discriminated against and maltreated group in our whole society.

Some of the agencies that have been charged with protecting these migrants very clearly failed to do their duty. I mention specifically the Rural Manpower Service of the U.S. Department of Labor of which my organization and others representing a number of groups have filed an administrative petition with, specifically entitled NAACP, Eastern Region, and others, versus Rural Labor Farm Service, requesting the termination of that Farm Labor Service and charge them in over 1,500 pages of documents with being discriminatory, with being grower run and grower operated and solely aimed towards the benefit of the employer and not the employees.

I would like to comment just briefly on some of the situations in the minimum wage area that our staff has come across in the instance of working with various clients. Specifically as an example are the blueberry pickers in eastern North Carolina. We have affidavits that these persons work 5 to 6 days a week anywhere from 10 to 15 hours a day for a 4-week season, earning in the neighborhood of $60 to $80 a month. That is for 4 weeks work during the month of June.

Incidentally all these people, or at least most, 800 or 900 employees of this one particular grower are covered by the minimum wage. They work 5 or 6 months a year in tobacco in North Carolina; they work in peanuts, strawberries and other crops. An action was filed last year against the grower and a consent settlement was reached. This year it was the feeling of the people and feeling of their attorneys that the grower had not complied with the terms of that consent order and we filed contempt action against the grower.

Again the people are making on the average, the good workers now, not children, not handicapped people, not, for example, the 75-year-old woman described to me as being in the field who went from bush to bush with a walker and was forced to carry an 8-quart carrier up to a half mile to the pay station—these are the people who have been working in blueberries for years and they make on the average of a dollar every 2 hours. It takes them between 1 and 2 hours to pick one carrier for which they receive a dollar.

Other examples, smaller examples appear in the New York Sunday Times. Specifically a discussion of some developments of a lady by the name of Della Santos whom I represented against her employer.

She determined that she made 70 cents an hour in her work. That included having her children working with her in the field, I believe, and having their strawberries counted on her card.

The details of that are just endless, Senator; they go on and they go on. I would like to suggest that some of the statistics cited before this committee earlier perhaps are not as accurate as one might believe without looking perhaps a little more closely at it. The wage rates described—first of all, that is from January which is not exactly a prime work month for most migrants, particularly those that work the midwestern stream.

The statistics from that study and the appendixes to that study indicated they never talked to a worker. Only farm operators. They had not consulted records of the growers. I find it hard to believe that the growers' records would be completely accurate.

The CHAIRMAN. How do you know all this.

Mr. CARROLL. The methodology was indicated in an appendix to that study.

The CHAIRMAN. This is the agriculture study?

Mr. CARROLL. Yes. What I mention is in the appendix to my testimony. I can tell you the exact page if you would like. We mention that on page 3 of the appendix to the statement. This is something that our staff has been working on for some time in the area of enforcement and statistics gathering.

The CHAIRMAN. You mention your staff. How large an organization do you have?

Mr. CARROLL. We are funded to have five attorneys; we have four now. We have several clerks and other support personnel.

The CHAIRMAN. This is fully an OEO-supported project?

Mr. CARROLL. Mostly by the Offices of Legal Service of OEO and the Migrant Division of OEO.

As I indicated earlier, our purpose is to provide expertise in the legal areas that affect migrants for legal services, perhaps in the field and perhaps private attorneys who are attempting to assist migrants. We attempt to concentrate on the precedent-setting area because we have four attorneys. Our geographic scope is the entire continental United States. And we are interested in actions which will bring the most benefit to the most people. I would like to——

The CHAIRMAN. You get one good action on this minimum wage and that should be very helpful?

Mr. CARROLL. We feel we have been successful in western Michigan. We have settled favorably to the migrants two minimum wage cases. I am told by the State labor people in Michigan that the result has been that they have seen the most fantastic recordkeeping operation in the history of fair labor standards for the growers.

The CHAIRMAN. Were there any penalties?

Mr. CARROLL. These were private actions. They recovered back wages, mostly like $4,500 to $5,000 from the grower.

I would like to talk briefly about perhaps some suggestions that we have made in our testimony and that deals basically with the provisions that exempt seasonal farmworkers. There are about a million in the country presently. I think that probably they are the least paid of all farmworkers. They are paid less generally than migrants. Yet the provisions for their coverage is almost impossible. It is difficult

to prove in court, difficult to bring the point before a judge, difficult to prove that 200 or 300 or 500 people actually work 13 weeks in agriculture in a year.

I cannot see any real reason for having a difference between migrants and seasonal farmworkers, particularly when most seasonal farmworkers are concentrated in the southeastern United States and so-called Southern States where they are needed the most. Minimum wage in places like New York and Michigan, the Fair Labor Standards Act is not as important there as it is in some other sections of the country. In those States the State minimum wage is higher than the present Federal minimum wage. Yet, in States like North Carolina the minimum wage is lower and in most instances does not apply to migrant or seasonal farmworkers.

Our only hope of getting coverage is through the Federal act. Yet we are talking about seasonals and we get into the problems we find in 13(a)(6)(C) of the act. We are talking in terms of four times as many people in addition.

The act as it is established at this point makes it profitable for a farmer to employee marginal workers, to employ seasonals and mix them with his migrants because seasonal farmworkers who work less than 13 weeks in a year do not count in the 500-day requirement. He can avoid coverage for everybody by mixing his crew.

In some instances you are faced with the problem of having two people working side by side, one covered, one not covered by the act. If it was an ideal situation one could get $1.30 and one might be working for 30 or 40 cents an hour. I think most of the people are making 20 or 30 cents an hour. It cannot come out to very much for the month.

I would like to see this committee draft the act or the proposed bill to eliminate the distinction between seasonal farmworkers and migrant farmworkers. There is no rational basis for it that I can understand.

In many areas people who are seasonals a portion of the year are migrants other portions of the year. In particular, those that live in Florida and work there in the winter; they are seasonals in the winter, migrants in the summer. They go to New York once they finish there; or they go to southern Jersey to pick the fruit and vegetable crops.

I would like also to indicate that I think that whatever this committee reports out and whatever Congress passes and the President signs will be futile; it will be an exercise and waste of time unless steps are taken to assure that the Department of Labor actually carries out the provisions of this act.

It is my feeling that at this time they do not do that. They basically ignore the agricultural area. I know of no action where the Secretary of Labor or under his authorization has filed a case against a grower for back pay. To my knowlege about five cases have been filed, and we have filed three of those. Four of those are in approximately the last year. Unless enforcement is stepped up or made existent we will just continue in the situation that we are in now where we will have initial acts on the books and some small organizations and a few lawyers and a few migrant groups trying to get compliance.

They have a lot more people than we do. They have told me they have 1,000 investigators. We have four lawyers. Maybe 30 or 40 more in the country that do this kind of work. We could get a lot further along the road toward a decent wage if they would take the steps now and enforce the act.

I think it is illuminating that the Department of Labor has announced, I believe, this spring that they were going to begin an educational activity to inform growers that they were covered by the FLSA. That is interesting, since the act was originally passed in 1966. Five years later they are getting around to telling the people they are covered.

I would like to comment on some of the things mentioned by earlier witnesses, particularly Mr. Cruz. Among other things there was a question if he complained. There are court depositions on the public record from the Sonoma County Labor Office that they maintain a list of worker troublemakers, that is, those who complain basically. This was developed in the case of *250 Farm Workers* v. *Shultz*, brought by us.

He talked about illegals. The recent statements by Immigration and Naturalization indicate that perhaps 750,000 illegals come into this country every year and they perhaps catch a quarter of those. At most 250,000. That is not 250,000 people because a number of those are repeaters. They must be inept or something, but they get caught six or seven times in a year.

We had complaints from talking to people in Arizona, Idaho, California, and particularly Colorado, about the difficulties caused by aliens, illegals, taking jobs from farm workers. There have been attempts in the courts to put a stop to this practice, but that has been unsuccessful.

I would like to say that a lot of people have been talking that we will put a lot of people out of work by raising the minimum wage. I would suggest that if the head of the household would receive an adequate living his children would not have to work; if the children would not have to work in the field others could work who are presently out of work. I do not think we would reduce our work force. We would redistribute it and we would have fewer children in the fields.

Until we get the children out of the fields, until we get an adequate wage for our workers who are now making—full-time work with a family of four, he is averaging $2,100 a year, $2,200 a year maybe—until we get the children out of the fields we will be faced with this continuous cancer of our society. We will be faced with children who are forced to leave school to go to the farms to work to support their families, who cannot get the education to get out of the farms, to get on to something that is a better way of life. We have some understanding of what it is like in the field.

I think that concludes pretty much what I wanted to say. I think though that the distinction between seasonals and migrants is the most important thing to be eliminated. I think we have to have an adequate income, we cannot argue that to raise the wages will be to force people out of work. Accepting that argument, we are condemning people to the semislavery they are in now.

Inadequate bargaining position, they are at the mercy of the growers and the crew leaders. They have no way out. They are faced with unresponsive Federal organizations and actions that are mandated to protect them but do not. They are staffed by the growers for the growers.

It is with that in mind that we filed what we call the farm labor service petition asking for its termination, and incidentally asking for its replacement with a migrant staff operation.

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I think that basically concludes what I have to say.

The CHAIRMAN. Thank you very much, Mr. Carroll.

How long have you been working in the service?

Mr. CARROLL. Approximately 2 years.

The CHAIRMAN. Where are you from?

Mr. CARROLL. Mid-Hudson Valley, State of New York, Kingston.

The CHAIRMAN. That is migrant country for the orchards; right?

Mr. CARROLL. Yes; mostly apples—third largest migrant town in the State.

The CHAIRMAN. The other is Long Island?

Mr. CARROLL. Wayne County and Long Island.

The CHAIRMAN. What is Wayne? Is that orchards?

Mr. CARROLL. Yes.

The CHAIRMAN. And the island?

Mr. CARROLL. Potatoes. Generally the figures are 20,000 to 25,000 workers in New York.

The CHAIRMAN. What part of that group would be covered under the minimum wage as it is now?

Mr. CARROLL. As I indicated earlier, I am not sure for the simple reason that at present the New York State minimum wage is $1.40.

The CHAIRMAN. They are all covered, seasonal or other?

Mr. CARROLL. The New York State is perhaps more extensive.

The CHAIRMAN. Is there a man-hour test, or how do they do it?

Mr. CARROLL. I do not know; it has been a long time since I looked at it. It is simply—we had problems in Michigan because of the $1.25. They raised theirs to $1.60. Their State people are better at enforcing their law than the Federal people. Federal people announced they did not want any farmers using interstate recruitment service because so many legal actions had been filed against them. They could not continue in those activities. That did not go over too well with some judges that we appeared before against them at that time.

But I reiterate, I think the major problem is in the South where the State laws are inadequate at best if they are existent at all. And similarly the major problem is in enforcement. The Department of Labor has to get off their butt and do something. They are not doing anything at this point.

There has been interest in past testimony before the subcommittee on the statistics and data. They just generally ignore us. I say we, migrants and farmworkers generally, do not have political leverage among other things. They are generally disenfranchised and that puts them at a serious disadvantage even with the people where they would normally have the vote. Our people are moving and they do not vote. What gives them their jobs is mobility, which takes a lot of their benefits away.

Welfare offices will put them off. They will say "Come back in a month for food stamps." That was the situation in Michigan this year. They know in 4 or 5 weeks the people will be gone. If they can hold out long enough they say they will be moving to Traverse City to pick cherries and so on.

I think the most clear-cut thing is, simply, the problem is not just minimum wage; it is the whole ball of wax; it is everything that society has in effect been building against migrants for 50 or 60 years, either consciously or by neglect. Minimum wage is one of the issues.

Every issue or every bad point in our society, everything we would want to correct is visited upon the migrants, be it housing, health, education, anything. And in most instances it is visited upon him three or four times worse than it is on anyone else.

He is the poorest of the working group in this country. He works longer and harder than most people and he earns less than most people on welfare. They do not want welfare; they want to work. I think that is proved. They work the hours that the fellow from Los Fresnos indicated on sugar beets in Michigan. All those hours for that little amount of money. I might even be inclined to say what the hell, go to New York and collect welfare. But they are not. We need to help them.

The CHAIRMAN. Thank you.

(The prepared statement of Mr. Carroll with an appendix follows:)

STATEMENT OF VINCENT J. CARROLL
MIGRANT LEGAL ACTION PROGRAM, INCORPORATED
BEFORE THE SUBCOMMITTEE ON LABOR,
SENATE LABOR AND PUBLIC WELFARE COMMITTEE, ON THE
FAIR LABOR STANDARDS AMENDMENTS OF 1971

Introduction

In the long and tortured history of the treatment of the farmworkers by adverse elements of our society, the Fair Labor Standards Act stands out as one of the mileposts on the road to equal treatment. As I am sure we are all aware, the Fair Labor Standards Act as originally passed by Congress excluded farmworkers from its coverage. The amendments enacted in 1966 mark the first breakthrough in the campaign to obtain protections for farmworkers in general labor acts. For the very first time the Federal Government, through Congress and through the Department of Labor, used its powers to provide minimum wage protection for farmworkers. While it is true that farmworkers were exempted from the protections of the overtime provisions and also were denied wage parity, it was still a long step towards the recognition of the rights and needs of this group.

With this in mind, it is gratifying to be here to endorse the present amendments contained in S.1861, pending before this Committee, and to make several suggestions which we feel would enhance the coverage and protection of migrant and seasonal farmworkers. While we completely agree with the establishment of wage parity for farmworkers, and with the extension of overtime provisions to these farmworkers, we feel that certain other steps can and should be taken to improve various aspects of the Fair Labor Standards Act.

Child Labor

While S.1861 provides for increased protection for children, we feel that this protection does not go far enough. The present Act encourages summer child labor by exempting from coverage children seventeen years of age and under employed on the same farm as their parents. It also sanctions student child labor during the school year. Given the chronic oversupply of farm laborers and the well-documented deprivations of the migrant children, these exemptions should be repealed.

While the proposed amendments further restrict the use of child labor during the school year, they do not increase the protection of children during the summer or non-school months when there is a large number of those children employed in the fields, and when the largest number of abuses occur. In recent months, there has been extensive documentation of the broad range of abuses which occur in the use of child labor. (The American Friends Service Committee, in their report, Child Labor in Agriculture, Summer 1970: A Special Report.)

Convincing proof of child labor abuse was recently made public. On March 21, 1971, the New York Times, in an article by Donald Jenson, summarized the study by the American Friends Service Committee. It reports that child labor abuse on the farms in the 1970's is reminiscent of sweatshop conditions in the 1930's. The investigations were conducted last summer in Ohio, Maine and the three West Coast states. Investigating teams found children "stooping and crawling" in 100-degree heat for 10 hours a day to harvest crops. Many work in fields sprayed with DDT. Some of the fields provide outdoor privies but no water for washing. Use of children as industrial laborers was outlawed in 1938, but one-fourth of the farmworkers today are under 16. Some are as young as six and many have to skip school to work in the fields. The study

found that children were receiving pay ranging from 12¢ a crate for strawberries to an average hourly wage of $1.12 in California.

The result has been not to foster better conditions for children, but rather to encourage the use of child labor at the expense of the adult workers.

Local Hand-Harvest Laborers

The Fair Labor Standards Act, for purposes of coverage, makes a distinction between those farmworkers who migrate to their places of employment and those who live in their permanent homes and commute on a daily basis, a distinction which discriminates against both the migrant and the seasonal farmworker. The result of this distinction has been only to create confusion among farmworkers and farmers, and to result in discriminatory hiring practices. The confusion for farmworkers is simple enough. During some portions of the year, they are covered by the minimum wage, and during other portions of the year, they are not. It also results in the mixing of migrant and seasonal farmworkers in the same field by one employer, with that employer paying different wages to these people. The seasonal worker is thereby denied equal pay for equal work. As for the farmer himself, he either goes through the difficult process of determining who is eligible for the minimum wage, or he simply ignores the existence of the Statute and pays everyone the same rate.

Section 13(a)(6)(C) grants a total exemption for certain local hand-harvest laborers. In order for this exemption to apply, all of the following conditions must be satisfied: (1) the employee must be employed as a hand-harvest laborer on a piece-rate basis in an operation which is customarily and generally recognized as having been paid on a piece-rate basis in the region of employment; (2) the employee must commute daily from his permanent residence to the farm on which he is so employed; and (3) it is necessary that during

the preceding calendar year his employment in agriculture, if any, was for less than 13 weeks for all employers. It is said that the provision limiting the exemption to persons who commute daily from their permanent residences makes the exemption generally inapplicable to those migratory workers who travel to different areas of the country during the harvesting seasons. Wage & Hour Opinion Letter No. 556 (March 1, 1967), Commerce Clearinghouse W&H Reporter, Para. 25,242.5; see also, Wage & Hour Opinion Letter No. 556 (March 1, 1967), 1 Commerce Clearinghouse W&H Reporter, Para. 25,242.53.

By adopting the seemingly duplicate provisions of Sections 3(e) and 13(a)(6)(C), Congress apparently considered the possibility that many growers would employ both migratory and local laborers, yet drafted legislation that disregarded the impact upon the employees concerned. Migratory laborers, who travel to great destinations to make their living by farmwork, are by definition, counted and covered so long as the grower uses the requisite amount of labor. Local residents, who harvest by hand only one or a few crops, are expressly exempted and cannot even be included in the 500 man-day computation, despite working side-by-side with migratory laborers. For some unexplained reason, Congress sought to encourage growers to mix together these two statutorily defined classes. By doing so, it assumed that large operations would only employ migratory labor (to whom they should have to pay the minimum wage) rather than exempt local temporaries whose presence would at the same time help to disqualify from coverage the migratory workers also employed.

This approval is not only logically inconsistent with an avowed Congressional intention to extend limited coverage to a specified class of workers, but it ignores the realities of the farmworkers' life-style and work patterns. In the guise of protecting the small grower, the Congress has drafted an unwieldy exemption and invited abuse from growers of all sizes. It surely can be argued

that a statute which fails in its basic purpose and works harm upon a class of persons irrationally defined should be struck down on equal protection grounds.

In fact, the Act encourages the employment of students, seasonal workers and children who, usually, will be only marginally a part of the labor force, for these persons are excluded from minimum wage coverage. The farmer is subsidized by his being able to hire such persons at less than minimum wages rather than hire migrants who, more or less, work "full-time" in farming.

The effect of the Act on migrants is detrimental, for they are forced to lead a nomadic existence, travelling in unsafe vehicles, living in sub-standard housing, often deprived of adequate medical care. The children, forced to move with their parents must necessarily suffer learning difficulties due to the constant change in schools. Even assuming regular attendance, which is unlikely, such children attend schools geared to educating the children of permanent residents. This type of schooling perpetuates an uneducated migrant class. Further, the Act encourages the use of child labor and then denies the migrant child the right to equal pay.

The double edged sword of the FLSA thus encourages the perpetuation of a migrant class by denying them the minimum wage benefits if they settle-out and work less than 13 weeks in the fields (as will likely be the case) and further discourages such action because the labor of seasonal workers may be sufficient to permit the farmer to escape the 500 man-day trigger of the minimum agricultural wage.

Section 13(a)(6)(A) of the Act makes the agricultural employee exemption inapplicable to employees of farms which used more than 500 man-days of agricultural labor in any calendar quarter of the preceding calendar year, 1/

1/ It should be noted that the "calendar quarter" requirement divides the traditional harvest season into two separate quarters, the dividing line being August 31. This division penalizes those who work for growers who steadily use moderate numbers of migrant workers.

ostensibly to limit coverage only to employees of large agricultural enterprises. House Report No. 1366, 89th Congress, 2nd Session, p. 31, 1 CCH W&H, Para. 25,242.301. In determining whether or not an agricultural employer meets the 500 man-days criterion, however, Section 3(e) excludes from the computation the members of employer's family and certain commuting piece workers.

This exclusion of commuting piece workers from computation adopts the same standards for total exemption discussed below under Section 13(a)(6)(C). What should be emphasized here is that farmworkers are doubly penalized by these related provisions--once by denying those particular workers all of the Act's protections for no rational reason and, again, by penalizing fellow workers for working side-by-side with these legislative "lepers." In contrast, except for these employee categories--i.e., members of a farmer's immediate family and commuting piece workers employed as hand-harvest laborers--all agricultural employees are included in the man-day count, even if they come within the scope of one of the other specific wage exemptions. See W&H Opinion Letter, No. 596 (April 13, 1967), CCH W&H Reporter, Para. 25,242.34. Do these legal acrobatics make sense? Do they permit easy understanding or enforcement by the poor and powerless workers supposedly protected? They obviously do not.

As presently designed, the only group of persons truly benefited by the FLSA agriculture provisions are the farmers who are presented with a system which encourages the use of low paid farmworkers. The farmworker, whose salary has been shown to be a minute part of the cost of agricultural produce, is left with low wages, ostensibly because to increase his wages to an acceptable level would drive up the farmer's costs to the point where it would be difficult, if not impossible, to stay in business. If followed to its logical conclusion, this means that farmworkers must subsidize low cost agricultural products for the American consumer.

The farmworker is already at the low end of the wage scale and even a minimum wage of $1.60 an hour would yield but $3,200 per year, the poverty level for a family of four. Yet the average farmworker does not work 2,000 hours a year and his average yearly income is nearer one-third the "poverty level," a level which should properly be $3,000 for the farmworker who does not live on a farm year around and whose work situation most closely approximates that of the part-time unskilled laborer, rather than that of a sharecropper or tenant farmer.

If the costs of producing agriculture for American consumers goes up, the place farmers have, and should continue, to turn is the government subsidy program. The entire country should bear any increase in prices of food, for example. The continuing state of affairs with low farmworker wages subsidizing low commodity prices to the consumer cannot and should not be allowed to exist.

The Migrant Legal Action Program supports completely the reduction of the man-day requirement from 500 to 100. This will cause a substantial increase in coverage in farmworkers, and at the same time would still exempt the very small family farms. It is our understanding that the statistical projection is that this reduction in man-day would bring approximately 230,000 more farmworkers under the minimum wage coverage provisions. While it is desirable to have as extensive coverage as possible, again the seasonal farmworker should not be overlooked. At present he suffers from a nearly complete exclusion from the provisions of this Act. This exclusion must be remedied. There is absolutely no justified reason for continuing this discriminatory treatment based upon a person's travel patterns and the provisions of Section 13(a)(6)(C) should be totally repealed. It is the position of the Migrant Legal Action Program that such a repeal is more desirable and more important than the reduction of the man-day limitation. Parity of treatment must be accorded not

only between farmworkers and industrial workers but also between the various groups of farmworkers themselves. To continue this distinction is invidious and immoral.

Increase of Minimum Wage and Repeal of Overtime Exemption

The proposed increase in the hourly minimum wage rate, and the proposed repeal of the overtime exemption for farmworkers should have a profound effect on the living standards and the income levels of these people. While the total percentage of the increase seems exorbitant to some private persons and to governmental officials, it must be remembered that first of all this increase will be spread out over a three year basis and, more importantly, farmworkers start off this round of increases substantially behind other covered employees. The proposed change in the wage rates provide farmworkers with an income increase of approximately 30¢ an hour per year over the three year step increase. When anyone cites a percentage as a reason for not doing something, it is always well to take a close look at the base figure used in determining this percentage increase. It is a simple fact of mathematical computation that the smaller the base figure, the higher the percentage of increase will appear to be. The increases proposed by the Administration are totally unacceptable. Not only do they propose a minimal advance of 30¢ over a three year basis, a proposed percentage increase which hardly keeps abreast of our present rate of inflation, but they fail to recognize the original disparity created by the 1966 Amendments. If the increase provided to industrial workers in 1966 has been eaten up by inflation and is no longer adequate to provide any kind of viable minimum income, how much more viable can the minimum given to farmworkers be. The argument that it is cheaper to live in rural areas is just not acceptable. Migrants, who in addition to all the other normal

living expenses lose a substantial portion of their income in transportation costs, are, as are most rural people, faced with the very common heavier expenses of living in rural areas as well as the unavailability of many of the services which those who live in these same areas take for granted as being readily available. Perhaps the worst effect of the Administration's proposal is that not only does it maintain the disparity between farmworkers and industrial workers, but it in fact increases this difference. Under the present legislation, the difference in the minimum wage is 30¢ an hour, while under the Administration's proposal, the difference would be at least 40¢. The proposed percentage increase under S.1861 is 21.8% for farmworkers. Conversely, the percentage increase over a three year basis for those who were brought under coverage by the 1966 Amendments was 20.8%. As can be seen, the difference is, at best, marginal.

The Migrant Legal Action Program endorses the proposed Amendment to repeal the overtime exemption for farmworkers. We do feel, however, that the Congress should authorize the establishment of regulations which provide certain broad limitations mandating the Secretary of Labor to in turn establish limitations on the amount of permissable waiting time that growers are allowed to require of their employees without having to pay them. A common problem for farmworkers arises when they are provided with transportation to and from the fields where they are working. Often the farmworkers are forced to wait several hours both before work starts and after work is concluded due to the lack of timely transportation as is to be provided by the grower. In addition, regulations should restrict the amount of time that a grower can require a worker to be in the fields or an hand when he is not actually working. This time period should be determined to be a portion of his workday and, therefore, he should receive the required minimum wage.

Enforcement

Of all the problems that have arisen in regard to the Fair Labor Standards Act concerning farmworkers, the most important one is the almost total lack of enforcement of the minimum provisions by the Department of Labor. The proposed Amendment contained in S.1861 which will authorize the Secretary of Labor to collect liquidated damages when suing for unpaid minimum wages may act to increase the Department's enforcement in this area, but we feel that this is unlikely.

To date, to our knowledge there have been only four cases brought in the area of agricultural labor to obtain repayment of back wages. All four of these cases were brought by individual farmworkers, either on their own behalf or as class actions. The Department of Labor itself has never, to our knowledge, instituted a suit on behalf of a farmworker to obtain repayment of wages. Indeed, in one of these actions, Lena Smith, et al. v. Jason Morris Farms, Inc., C.A. 811, U.S. Dist. Ct. (E.D. N.C. 1971), a successful conclusion was obtained on behalf of the three named plaintiffs for non-payment of the minimum wage. However, despite complaints filed with the Labor Department complaining of violations of the minimum wage, both in 1969 and 1971, and despite the fact that an investigation of those complaints was carried out, no action has been taken to the knowledge of the attorneys for the farmworkers involved to obtain for them compensation for the under-payment. As a result, the plaintiffs in the original action have been forced to go back to court to seek to obtain compensation for the employees of the defendant, and to obtain a contempt citation against the defendant for his alleged failure to pay the minimum wage. Despite this, too, the Department of Labor has failed to act. This was an action brought on behalf of seasonal farmworkers. The difficulties of determining coverage of seasonal farmworkers because of the extensive

exemptions contained in the Act in Section 13(a)(6)(C) complicated the case tremendously. It was, and still is, difficult to establish the fact that the employees actually worked 13 weeks or more in agriculture in the preceding year. This is despite the fact that most of the employees are employed in tobacco during the balance of the year. Tobacco work generally provides employment for 5 to 6 months of any given year. However, because of their adverse position in the society, it is difficult, if not impossible, for the vast majority of the blueberry workers involved to actually prove who they worked for and how long they worked for that person.

In two of the other actions by farmworkers to obtain back payment, Garcia et al. v. Rick et al., C.A. 268, U.S. Dist. Ct. (W.D. Mich. 1971) and Flores et al. v. Taylor et al., C.A. 1261, U.S. Dist. Ct. (W.D.Mich. 1971), the farmworkers again elected to seek their remedy in a private action. If the Department of Labor had demonstrated their responsiveness to the needs of farmworkers for protection and enforcement of the Act, this private action would not have been necessary.

While it is probably not possible to correct this attitude by amendments to the Act, we feel that the Department of Labor should be called upon to testify before the appropriate Committee and fully explain and detail what steps they have taken to see that employers of farmworkers comply with the Statute. They should provide information on such things as how many inspections have been made of farmers, what steps have been taken to assure that the employer maintains the records required by the Act, and what they plan to do in the future to assure that the Act and any amendments to it are complied with. In each of the three cases cited above, the farmer had failed to keep the records in accordance to the requirements of the Fair Labor Standards Act, yet no steps were taken by the Departemnt of Labor as a result. Indeed, one grower,

a defendant in one of the actions above, stated that he did not know that he was required to comply with the Federal Fair Labor Standards Act, and had determined his wage rates to comply with the applicable State minimum wage which was lower and less extensive in coverage than the Federal Statute.

The conclusion that must be drawn from this is that no matter what the amendments are, no matter how the coverage of the Act is extended, no matter how high the minimum wage is set, and no matter what other steps are taken to improve the lot of the farmworker under amendments to the Fair Labor Standards Act, they will all be meaningless unless those officials and agencies who are charged with the enforcement of the act take those steps necessary to see that the employers comply with its provisions.

Conclusion

The Migrant Legal Action Program on the behalf of its clients, and all the migrant and seasonal farmworkers in America, endorses all the amendments contained in S.1861. However, we would hope that this Committee will consider fully our suggestions for alterations in the Act and in the amendments proposed. We also firmly suggest that the Committee, or the appropriate Sub-Committee, undertake to obtain testimony and information from the Department of Labor as to their enforcement of the Act as it presently stands, and what the Department will do to insure compliance with the proposed amendments should they pass.

APPENDIX TO
STATEMENT OF VINCENT J. CARROLL
MIGRANT LEGAL ACTION PROGRAM, INCORPORATED
BEFORE THE SUBCOMMITTEE ON LABOR,
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FAIR LABOR STANDARDS AMENDMENTS OF 1971

At present, we know of no statistics establishing the frequency with which FLSA minimum-wage and child-labor provisions are ignored. May we comment briefly here on various surveys which we have reviewed? The intention is to clarify what is known, to demonstrate the need for a compliance-study under § 211.

Wage Studies

The absence of compliance-figures is especially striking in the minimum wage area. The effects of the FLSA minimum have been surveyed from practically every angle.

Here, we refer in particular to the exhaustive studies submitted to Congress in 1968 and 1969 by the Department of Labor's Wage and Hour and Public Contracts Divisions, entitled Hired Farmworkers. These studies report on data gathered by the Department of Agriculture (USDA) on the "effects of the minimum wage" set by the Act. The 1969 study, surveying the effects of the 1968 increase from $1.00 to $1.15 per hour, estimated among other things:

1. Wage increases would be required for "26 percent of the 523,000 hired workers on covered farms to raise wages of workers paid less than $1.30 an hour to that level." Thus, well over 130,000 farmworkers on covered farms were paid less than $1.30 per hour as of May, 1968. (P.2.)

2. As of May, 1968, 10% of the workers employed by covered farms were paid less than the then-minimum of $1.15 per hour. (P.20; p.39, Table 9.)

Several observations on these and similar statistics are in order here.

First, figures such as these do not indicate the proportion of the workers mentioned who may have been exempt from FLSA coverage. While they suggest substantial noncompliance with FLSA provisions, they do not reliably indicate the true scope of the problem. Other examples may be given. The April 12, 1971 issue of Farm Labor, a monthly report by the USDA revealed:

1. Average farmworker wages "without board or room" were below $1.30 per hour in South Carolina, Tennessee and Alabama; exactly $1.30 in West Virginia; and between $1.30 and $1.35 per hour in Georgia, Mississippi, and New Mexico, as well as in the region comprised of Kentucky, Tennessee, Alabama and Mississippi. (P.6.)

2. Figures on average wages "with house" revealed 10 States below $1.30 per hour, 8 of which averaged less than $1.20 per hour. (P.6.)

Both sets of figures--even allowing for reasonable housing deductions from wages "with house"--indicate large numbers of workers being paid less than the FLSA minimum; but FLSA coverage is not shown. The same may be said of figures reported in the March, 1971 issue of Rural Manpower Developments (a USDL monthly). There, it appeared that between July and September of 1970, farmworkers were averaging less than $1.30 per hour in more than 50 areas. (Pp. 34-41.) The extent of noncompliance is not shown or estimated; but the indications are that it is substantial.

Secondly, a need for an industry-wide inquiry is suggested not only by the average-wage tables, but also by those dealing with the valuation of perquisites. Laws governing the matter in 9 States were surveyed in Hired Farmworkers 1969. Deductions for "meals, lodging and other services" were limited only by the "reasonable value" thereof in 5 States; in 2 States, the limitation is approximately 30¢ per hour (over $50.00 per month for each person fed and housed, assuming the rare 40-hour week); in one state, Wisconsin, deductions for food and housing together could total more than $114 per month.

Only California requires that "deductions do not result in the payment of less than the minimum wage." (Pp. 55-56, Table 16.) Not surprisingly, the actual valuation of perquisites by employers varies widely. In the same study, it appears that "perquisites as a percent of total cash wages" ranged, in 1967, from 1.9% in Maine to 20.6% in Minnesota and 29.4% in Wyoming. (Pp. 49-50, Table 14.) In the April 12, 1971 issue of USDA's publication, Farm Labor, similar variations appear. In a table recording farm wage rates as of April 1, 1971, the differences between average wages "with house" and "without board or room" ranged from 5¢ per hour in Mississippi to 28¢ per hour in Kentucky. (P. 6.) It is hard to believe that the "reasonable value" of housing and other perquisites--which may be deducted from wages under the FLSA--could vary so greatly from place to place. Only the sort of inquiry suggested here can get at the truth.

Thirdly, so far as we can determine, the available surveys of farmworker wages are either performed entirely by the USDA (the monthly Farm Labor magazines), based on data gathered by USDA (the Hired Farmworkers studies published by USDL), or based on the In-Season Farm Labor Reports received by USDL Manpower Administration from State employment service agencies (USDL's Rural Manpower Developments). This means, simply, that growers are the source of the information tabulated. USDA surveys growers only, and State employment agencies appear to do the same in most if not all instances. Since their surveys have nothing to do with FLSA compliance, the growers' representations of wages paid are not questioned or required to be substantiated. The 1968 and 1969 Hired Farmworkers studies of the effects of the FLSA minimum wage, for example, were the only in-depth farm-wage studies conducted in recent years. Yet their appendices on methodology show that the data was obtained in oral interviews with farm "operators," whose word was taken without refer-

ence to records of any kind. Thus, the 1969 study would record such a finding as this--

> "Pieceworkers on covered farms averaged 59 cents an hour more than the more numerous timeworkers ($2.17 versus $1.58). More than five-sixths of all covered hired farmworkers were timeworkers." (P.9.)

--without any mention of the method of translating piecerates into hourly rates. It is no secret that piecerates benefit growers, accelerating the delivery of their produce to markets and minimizing the costs incidental to maintaining a transient labor force. If they so greatly profited the workers as well, the workers' five-to-one preference for timework would be astounding. Such a "finding" merely reflects the pro-grower bias inherent in the survey itself. Without safeguards, the surveys are bound to reflect distortions and even outright misrepresentations. They may--to give another easy example--include as "wages" the "bonuses" many farmers deduct from daily or weekly wages pending completion of operations, which the workers may never receive. Inevitably, they overstate the wages actually paid--but to a degree which cannot be determined except by an inquiry whose purpose is to survey compliance with the law.

Fourth, it is worth noting that the principal FLSA minimum wage studies, the Hired Farmworkers surveys, report only on conditions during a single week in May of each year--i.e., two months in advance of the peak employment season. USDA figures estimate that, during 1969 and 1970, an average of 513,000 more hired farmworkers were employed in July than in May, an average increase in the work force of nearly 29%. (See USDA's Farm Labor issues June 10 and August 11, 1969 and 1970, for the figures to be compared.) Thus, the May surveys reflect conditions pravailing when only 71% of the work force is employed. There were five months in 1969, and four months in 1970 when larger numbers

of hired farmworkers were employed, and when, presumably, the pressures encouraging minimum-wage violations would be greater. (See Farm Labor, monthly issues from February 10, 1969 through January 13, 1971.) Moreover, for obvious reasons, no one week may be deemed typical of an entire agricultural season. (See, e.g., H.J. Boyce, "Measurement and Interpretation of the Earnings of Migratory Farm Workers," Migrant and Seasonal Farmworker Powerlessness, Hearings before the Senate Subcommittee on Migratory Labor, Vol. 7-B, pp.4725-4746, April 15, 1970.)

Child Labor Figures

Available child-labor statistics are by no means as comprehensive as those relating to wages. The USDL Annual Reports for 1967 and 1968 show that 4,201 and 1,555 children, respectively, were illegally employed in those years. Among the illegally-employed children surveyed as to age and grade in school, it appeared that 44% were sub-normal in 1966-67, and 58% in 1967-68; the figures for migrant children were 66% and 72%. Similar studies, not published in USDL's Annual Reports have been conducted by the Workplace Standards Administration for 1968-69 and 1969-70. Only the latter study is in our possession. It shows that in 1969-70, 1,472 children were illegally employed. Among those surveyed as to age and grade, 57% were sub-normal; among migrant children, 68% were sub-normal.

These figures illustrate the particular hardship imposed upon migrant children by illegal employment practices. They are not a reliable guide to the scope of the problem. No USDL publication of which we are aware indicates that these figures are based on any inquiry beyond a survey of official complaints filed by the workers. As we have indicated, our own experience is that migrant farmworkers are generally reluctant to make such complaints. We

are aware of one other study of child-labor on farms, conducted in 1970 by the American Friends Service Committee. While the Committee's resources were limited, it was able to make fairly exhaustive surveys in several areas. With respect to USDL's finding the 1,472 children were illegally employed in 1969-70, the Committee's report has the following to say:

> These figures cannot be an accurate picture of the child labor in agriculture scene. They reflect at best minimal allowable adherence to the law. Government figures appear to be based only upon official complaints. Our teams in Maine and California working in a total of seven counties for a period of one month found nearly this many children who were under sixteen and who were in fact missing school. In the other three states, the same situation was true. Children of migrant families were not in school, children from other counties were missing a few weeks at either end of the school year. Child Labor In Agriculture In Summer 1970, American Friends Service Committee (Jan. 1971), pp. 18-19.

The CHAIRMAN. Mr. Barton, would you please proceed.

STATEMENT OF WELDON BARTON, ASSISTANT DIRECTOR OF LEGISLATIVE SERVICES, NATIONAL FARMERS UNION

Mr. BARTON. Senator, I am Weldon Barton, assistant director of legislative services of the National Farmers Union.

I am pleased to testify before this subcommittee today on the farm labor aspects of fair labor standards legislation. I have a relatively short statement. I will skip some, and I would ask that you print the entire statement in the record.

The CHAIRMAN. Yes; we will.

Mr. BARTON. The delegates to National Farmers Union's 1971 convention held here in Washington, February 24–27, adopted the following statement of policy on farm labor:

> The National Labor Relations Act should be extended to hired workers on corporation farms and other farms which employ enough hired help to be subject to the federal minimum wage provisions applicable to agricultural workers.
>
> We support the Minimum Wage Act of 1966 which exempts farmers who hire an equivalent of seven or less farm workers annually. It is essential that the goal of 100 percent of parity for family farms be achieved in order to be able to pay wages that will attract skilled farm workers.
>
> Our Nation should expand and modernize legal immigration quotas. Legislative provisions should be strengthened regarding wage rates, health, safety, and housing conditions for domestic migratory farm labor, and for education of the children of migrant families. Unemployment compensation laws should be improved.
>
> We urge governmental recruitment and on-the-job training programs for farm workers.

As this statement indicates, Farmers Union views the problems of farm labor as closely related to the problems facing the independent, family farm operator. We support legislation that will at the same time improve the economic positions of both the farm laborer and the family farmer himself.

In this connection, for several years we have advocated—and we continue to work for—greater bargaining power for both family farmers and farmworkers. We have supported—and continue to support—minimum wage legislation for family farmers—in the form of commodity price-support floors—and for farmworkers under the Fair Labor Standards Act Amendments of 1966.

There are essentially three provisions of the two pending bills—S. 1861 and S. 2259—that would alter farm labor legislation that I want to comment on, Senator.

1. S. 1861 would increase the minimum wage as it applies to farmworkers from the present $1.30 an hour to $1.70 an hour during the first year that the law is effective; to $2 an hour the second year; and to $2.25 an hour the third year—so that by the third year the Federal minimum wage would be the same for farm and nonfarm labor.

S. 2259 would increase the farm minimum wage to $1.45 an hour February 1, 1972, and to $1.60 an hour February 1, 1974.

National Farmers Union favors an increase in the minimum wage for farmworkers, and we can support the specific figures in S. 2259. We are in sympathy with the thrust of S. 1861, which seeks to standardize minimum wage levels in all segments of the economy. However,

with farm prices now at only 70 percent of par with the economy generally, farmers simply cannot afford to move immediately to full parity on minimum wages. If farm prices move up to parity levels, farmers will be willing and able to guarantee the general minimum wage.

2. S. 1861 would change the 1966 law so that all farms employing more than 100 man-days of labor during any quarter of the previous calendar year would come under the Federal minimum wage. Under present law, as you know, only farms employing more than 500 man-days in any quarter are covered.

The Farmers Union opposes this change, because it would bring about, we think, the economic strangulation of many family farmers without effectively increasing the wage of farmworkers.

About 2 months ago, the National Sharecroppers Fund issued a report entitled "The Condition of Farmworkers and Small Farmers in 1970." This report found that:

> Despite the establishment of a federal minimum wage for farmworkers their relative wage position has not improved appreciably during the last twenty years.

The minimum wage law of 1966 should have substantially improved the wage position of farmworkers. The 1966 law brought approximately 535,000 farmworkers, or about 45 percent of the 1.2 million noncasual farmworkers, under minimum wage coverage.

A primary reason that a number of witnesses pointed out today that the law apparently has not resulted in higher wages is weak enforcement. The Labor Department's Employment Standards Administration, charged with enforcing minimum wage legislation, has jurisdiction over about 2 million employers. Of these 2 million employers, the Employment Standards Administration is able to investigate less than 3 percent a year. Out of a total of 30,000 farms that are covered by the 1966 minimum amendment, only 692 reportedly were visited by Labor Department officials in fiscal year 1971.

If the man-years per quarter requirement for coverage under the law were to be dropped from 500 to 100, this would increase the number of farms covered from 30,000 to about 200,000—an almost 700-percent increase in the farms that would come under the law. At the same time, the number of farmworkers covered would be increased by only 225,000—from 535,000 up to 760,000—or about a 41-percent increase.

If the 100 man-hour proposal were to become law, the already inadequate enforcement effort would be spread over seven times as many farms with only 41 percent more workers, legally covered. Because of this further dilution of enforcement, we think that the change would be counterproductive as a means of bringing an overall increase in actual wages to farmworkers.

The 100 man-hour proposal would also tighten even further the cost-price squeeze on smaller farmers that has already driven many small farmers out of agriculture. With farm prices at only 70 percent of parity today, higher wage costs would bring about the economic strangulation of more small farmers, and would increase migration of both farmers and farmworkers out of rural areas and toward our cities which are already plagued with unemployment and related problems.

For these reasons, we do urge that the 500 man-day provision remain unchanged in the law, and that emphasis be placed on effective enforcement in the case of the 30,000 largest farms to which the law now applies.

Mr. Chairman, I want to say that I talked yesterday morning by telephone with Mr. L. C. (Clell) Carpenter, vice president of the Midcontinent Farmers Association, and he asked me to convey to you at this time that the Midcontinent Farmers Association also strongly urges retention of the 500 man-day provision.

3. Finally, S. 1861 tightens somewhat the child labor provisions of Federal law as they apply to agriculture. We support these changes, insofar as they will strengthen protection of children from danger and exploitation when they work for corporate and other farms rather than for their parents on family farms.

And this, Senator, concludes my statement. I would be pleased to respond to questions that you might have.

The CHAIRMAN. Thank you very much. Your basic concern on the coverage is the lack of enforcement, and you feel we should deal with that first.

Mr. BARTON. That is correct. We would emphasize that. What we are emphasizing is that if you drop this and bring seven times as many farms under coverage, you are likely not to get as good results in terms of bringing real higher wage benefits to workers than if you emphasize stronger enforcement, by strengthening and increasing the people that the Labor Department has devoted to enforcement of minimum wage in agriculture.

I think the previous witness mentioned that labor's employment standards administration has about a thousand enforcement people. These are spread across the board, not to agriculture only, but to more than 2 million employers in all segments of the economy. Apparently, these are not enough to do the job. So we would emphasize stronger enforcement at this time.

We also support an increase in the wage rates. As I indicated, we would like to see the wage rates for agriculture over the longer run be the same as they are in the economy generally. We don't want to see it done too rapidly so that you wipe out the middle-range and smaller farmer who can't afford it because of the cost-price squeeze in which he is caught.

The CHAIRMAN. We will certainly think carefully about your suggestions. This lack of enforcement is certainly a major void on the whole effort here.

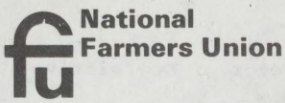
Mr. BARTON. Yes.

The CHAIRMAN. And it will continue if we broaden the law.

Thank you.

Mr. BARTON. Thank you, Senator.

(The prepared statement of Mr. Barton follows:)



Statement of

Weldon V. Barton

NATIONAL FARMERS UNION

on

Legislation to Amend the

Fair Labor Standards Act

before the

Subcommittee on Labor

Senate Committee on Labor and Public Welfare

United States Senate

September 16, 1971

Suite 1200, 1012 14th Street, N.W., Washington, D.C. 20005

Mr. Chairman, Members of the Committee:

I am Weldon V. Barton, Assistant Director of Legislative Services of the National Farmers Union.

I am pleased to testify before this Subcommittee today on the farm labor aspects of fair labor standards legislation.

The delegates to National Farmers Union's 1971 convention held here in Washington February 24-27, adopted the following statement of policy on farm labor:

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to support -- minimum wage legislation for family farmers (in the form of commodity price support floors) and for farm workers under the Fair Labor Standards Act Amendments of 1966.

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3. S. 1861 tightens somewhat the child labor provisions of federal law as they apply to agriculture. We support these changes, insofar as they will strengthen protection of children from danger and exploitation when they work for corporate and other farms rather than for their parents on family farms.

The CHAIRMAN. Mr. Hightower come forward, please. I am running out of time. How about you?

Mr. HIGHTOWER. I have a lot of time, Senator.

The CHAIRMAN. Will you submit your statement to us and tell us, and I know you can, just what your observations are.

Mr. HIGHTOWER. Thank you.

STATEMENT OF JIM HIGHTOWER, DIRECTOR, AGRIBUSINESS ACCOUNTABILITY PROJECT

Mr. HIGHTOWER. It is quite appropriate that I follow Weldon Barton of the National Farmers Union because I think an important part of your consideration of legislation to benefit farmworkers has to be the realization that the farmworker is not the enemy of the small farmer, nor even of the medium-size farmer. In fact, those farmers are not the ones that are the employers of the overwhelming majority of farmworkers in this country.

I will skip through this testimony very quickly and just deal with the highlights, though I request that my written statement be printed in full in the hearing record.

There has been a constant parade of agribusiness spokesmen coming before the congressional committees to oppose any legislation that would provide amelioration of the farmworker's plight. They have come in the name of the small family farmer, seeking to pit his misery against that of the farmworkers. In fact, these organizations do not speak for small family farmers at all and are not concerned with his needs any more than they are concerned with the needs of farmworkers. By accepting the agribusiness line, Congress has been sold a bill of goods, while small family farmers have been badly used and farmworkers have been kept in bondage.

Mr. Chairman, food is an industry in this country, just as automobiles, electronics, and defense hardware are industries. In fact, food is the largest industry in America. The country's grocery bill ran to $91 billion in 1970. Restaurant food tabs ran that total to $114 billion. But it is not the small family farmer who has brought that bounty to us—it is a massive, industrialized system called agribusiness.

In the last published census of agriculture, the farm wage bill totaled $2.8 billion. More than $1 billion of that (37 percent) was paid by those farmers classified as large by the U.S. Department of Agriculture. Another $1.1 billion (41 percent) was paid by the 0.9 percent of growers in USDA's largest category. In short, the large and largest growers were accountable for 78 percent of the total farm labor wage bill.

The 1.8 million small farmers, who are the focus of so much agribusiness concern here in Congress, laid out only $144 million for wages—only 5.2 percent of the total. In fact, 92.7 percent of the farms in this country employed no laborers, or what amounts to one hired hand for less than a full year.

Without question, Mr. Chairman, farmworkers are the responsibility of agribusiness—the large and largest growers who comprise less than 13 percent of all farms, but who hire the overwhelming majority of farmworkers. These are industrial giants. The largest growers—a mere nine-tenths of 1 percent of the farms (about 26,000 in number) averaged $272,000 in sales. In addition, they accounted for 29 percent

of all feed bought; 39 percent of all livestock and poultry bought; 24 percent of all machinery hired; 11 percent of all fuel bought; 17 percent of all seed bought; 16 percent of all fertilizer bought; and 41 percent of all labor hired.

These massive operations are growing more dominant every year. Who are they? Who are some of these farmers in whose names and through whose lobbies farmworkers are denied something so minimal as the minimum wage paid in all other industries?

One of them is Del Monte Corp., the largest producer and distributor of canned fruits and vegetables in the world. This agribusiness giant owns 32,000 acres of farmland and leases an additional 77,600 acres throughout the United States. It directly hired up to 39,000 seasonal farmworkers in 1969. It was accountable for many more farmworkers through crew leaders and other contractual arrangements. This farmer had 1970 sales of $681 million and profits of more than $14 million. Considering their salaries alone, Del Monte directors and officers were paid $1,336,575 in 1970.

Another big-time fruit and vegetable processor is Green Giant. This corporation, with annual sales in the vicinity of $200 million, has some 285,000 acres under cultivation and hires some 18,000 seasonal workers. In the 1960–70 period, Green Giant's profits more than tripled. It is interesting to note that this corporation plows 10 percent of its sales into marketing, including TV advertising with little cartoon farmworkers who assure us that all is happy in the valley of Green Giant. While their real life farmworkers try to make it on a minimum wage of $1.30 an hour, the officers and directors of the company are pulling down well over $600,000 in salaries and retirement benefits.

Stokely-Van Camp is another giant canner. It had $274 million in sales and revenues in 1970. The company employed 19,000 seasonal workers in its plants and fields that year. The agribusiness accountability project found last spring that Stokely-Van Camp farmworkers in Illinois were averaging $57 a week take-home pay for an average of 41 hours work, snapping asparagus. Stokely's top officers and directors could enjoy life a bit more, pulling down a total of $318,000 in 1969. Mr. Stokely himself received more than $82,000 in salary, profit sharing, and retirement benefits.

Mr. Chairman, these are only three of the farmers who we are asking to pay a fair minimum wage. We could as easily have selected some of their farming colleagues—such familiar names as Tenneco, Bank of America, General Foods, Dow Chemical Co., Royal Crown Cola, Purex, Libby, McNeil & Libby, Prudential Insurance Co., American Brands, United Brands, Alico, and Goodyear Tire & Rubber Co.

The CHAIRMAN. You read Prudential into this. How do they get into this?

Mr. HIGHTOWER. Farming is one of their subsidiaries.

The CHAIRMAN. Well, can you provide that for us?

Mr. HIGHTOWER. Yes; they have a massive farm operation.

The CHAIRMAN. Can you submit appendix material and trace that one for me?

Mr. HIGHTOWER. Certainly.

(The information referred to follows:)



center for community change

December 9, 1971

Senator Harrison Williams, Jr.
352 Old Senate Office Building
Washington, D.C. 20510

Dear Senator Williams:

At a September hearing on the issue of extending minimum wage coverage for farm workers, you requested that I provide some information for you on the Prudential Insurance Company of America, focusing on their involvement in agribusiness. I am happy to make available the enclosed report on that subject.

Sincerely,

Jim Hightower

Jim Hightower, Director
Agribusiness Accountability Project

enclosure

1000 WISCONSIN AVENUE, N.W., WASHINGTON, D. C. 20007 • 202/338-6310

A Report on Activities of the Prudential Insurance Company of America, December, 1971

CORPORATE PROFILE

The Prudential Insurance Company of America was incorporated in New Jersey in 1873 and its present corporate home office is Prudential Plaza, Newark, N.J.

The Company sells participating, ordinary, and industrial life insurance; annuities; group life, indebtedness, salary allotment insurance; individual and group health insurance; and financial security programs. It is licensed in all 50 states, Puerto Rico, the Virgin Islands, District of Columbia, and Canada.

It employs nearly 58,500 people and maintains some 1600 field offices.

"The essential purpose of our business is to provide financial security for policyowners and their beneficiaries."—*Prudential People*, Spring, 1971.

SALES AND ASSETS

Financially The Prudential Insurance Company of America achieved several all-time records in 1971. They include:

+ Over $17.6 billion in life insurance sales.
+ $5.5 billion in group life insurance sales.
+ $156 billion of life insurance in force.
+ Assets over $29 billion.
+ $122 million in new annual health premiums.
+ $3.9 billion of premium income.
+ $1.47 billion of investment income.
+ $3.1 billion in payments to policy holders and beneficiaries, including $789 million paid in dividends.

The Company's ranking among other large American insurance corporations showed:

First in assets, premium and annuity income, net investment income, net gain from operations.

Second in life insurance in force and number of employees.

Prudential realized a record return of $1.47 billion on an investment portfolio of almost $24.5 billion. The General Fund common stock portfolio closed 1970 in value at $1,183 million. A separate account grew in total asset value to $1,677 million. The rate of return on the total portfolio was 5.56% compared with 5.29% for the rest of the industry.

The Bond Department, which invests primarily in direct-placement loans to business and industry (See Portfolio of Investments—Selected List of Bonds)' reached a 10.48% rate on new authorizations.

Commercial and industrial loans to smaller businesses produced a corresponding rate of 10.48%. The Mortgage loan rate on new, fixed-income authorizations was 9.77%

"These investments . . . in bonds, common stocks, commercial and industrial loans, and real estate . . . are seldom publicized, yet are mammoth in their size and complexity."—*Prudential People.*

The Prudential Insurance Company of America's assets include:

Bonds	$11, 216, 000
Preferred stocks	111, 000
Common stocks	1, 183, 000
Mortgage loans on real estate	10, 989, 000
Real estate:	
Investment	884, 000
Occupied by company	91, 000
Loans on policies	1, 322, 000
Cash on temporary investments	354, 000
Other investments	178, 000
Net premiums secured by policy reserves	818, 000
Investment income due and accrued	311, 000
Separate account business assets (principally common stock)	1, 677, 000
Other assets	40, 000
Total	29, 134, 000

SUBSIDIARIES

PRISA (Property Investment Separate Account)

Established by Prudential in 1970 for Group Annuity clients and managed by the Company's Real Estate Investment Department this subsidiary offers larger pension funds a means of participating in the investment results of the ownership of real property.

PRISA at the end of 1970 managed a portfolio of about $12 billion in mortgages and real estate ownership. It operates nearly 100 real estate offices, staffed with 900 employees (including 450 full-time "real estate specialists") throughout the U.S. and Canada.

"We make real estate investments at the rate of roughly $3.5 million on an average business day."—Don Knab, Senior Vice President.

FSPO (Financial Security Program Office)

This subsidiary administers Prudential's equity-based program and serves the company's registered representatives and their clients by offering a Systematic Investment Plan and a tax qualified and non-tax qualified variable annuity contract.

With headquarters in Phoenix, Arizona Prudential's 11,000 NASD-registered agents service 43 states as "registered representatives" for FSPO.

PRUCO, Inc.

The Prudential Insurance Company of America's wholly-owned holding company. The Company owns all the stock in PRUCO, Inc., and in turn, PRUCO, Inc. owns all the outstanding stock in every U.S. Prudential operating subsidiary.

"Why does PRUCO exist? Primarily as a means of concentrating all subsidiary operations under a central control system through which all reports, requests, and necessary records are funneled to Prudential's board of directors."—*Prudential People.*

PRUPAC (Prudential Property and Casualty Insurance Company

A pilot program started in Illinois in June, 1971 designed to sell automobile, homeowners and personal catastrophe policies through the Kemper Group.

Prudential is buying the *services* of another large company in return for costs, plus a fee, based partly on premium volume and partly on underwriting profits.

Prudential Minority Enterprises, Inc.

Part of the insurance industry's several billion dollar pledged campaign to help finance urban housing redevelopment and job-creating projects. Started in 1967.

GIB Laboratories, Inc.

Established for testing blood and urinalysis.

AGRIBUSINESS INVOLVEMENT

"The public is becoming aware of our involvement in the airline industry, CATTLE RANCHING and the fashion scene . . . but beyond the investments we show on television, lie thousands of other investments . . . in FARMS and factories, office buildings, hotels and motels, housing—the physical fabric of the United States and Canada that comprises the complex and constantly changing Prudential portfolio"—*Prudential People.*

Principally through real estate the Prudential Insurance Company of America maintains an interest in agriculture. The Real Estate Investment Department realigned its "investment direction" in 1970 to "better respond to the market needs," and through PIC Realty Company, embarked on 19 new joint ventures, including an office building-hotel complex with the Tenneco Corp. in Houston, Texas.

Two other joint ventures include farms in California.

One of these properties involves 1800 acres. On this property are raised tree crops (peaches, figs, prunes, almonds and olives), with other tillable acreage used for alfalfa, cotton and tomatoes.

The other property consists of 3200 acres and although a portion of the property is still in row crops the entire acreage will soon be devoted to walnuts, prunes and oranges.

According to J. E. Rutter, Vice President of Real Estate Investments for Prudential in neither of these cases is the Company involved with "direct employment of labor. For the main part this is supplied by outside contractors."

It is noted as part of Prudential's "Investment Policy and Restrictions" that "real estate may be purchased provided that if it is unimproved there must be a definite plan for its development within not more than five years. Investment may be made in the operation, improvement and development of any acquired real estate."

The Board of Directors of Prudential also notes:

"The composition of the investments held in the Investment Fund will be determined from the long-term view of a prudent investor concerned primarily with the preservation of his capital and with the growth of his capital in relation to the growth of the economy and the changing value of the dollar."

Other agribusiness involvements by Prudential are included in the Portfolio of Investments (both bonds and stocks) and Personnel.

PORTFOLIO OF INVESTMENTS

The following is a general summary of the corporate securities by industries owned by the Prudential Insurance Company of America as of January 1, 1970 (latest available figures). These figures exclude temporary investments and stock purchase warrants.

Industrial and miscellaneous	Number of holdings	Total value	Percentage
Airlines	33	$573,989,794	4.97
Aircraft manufacture	28	232,027,752	2.01
Amusement and recreation	64	237,629,734	2.06
Automotive	72	485,684,990	4.21
Brewing and distilling *	12	90,842,692	.79
Building materials and equipment	132	577,694,458	5.00
Chemical*	78	783,431,226	6.79
Clothing manufacture	60	117,750,500	1.02
Construction	11	59,537,669	.52
Container*	13	43,338,800	.37
Cosmetics, drugs and medical supplies	44	200,839,150	1.74
Department and specialty stores	116	371,354,635	3.22
Electrical and electronics	110	309,884,632	2.68
Finance companies*	106	1,039,717,028	9.01
Food products and processing *	88	405,455,120	3.51
Grocery *	41	148,851,250	1.29
Household equipment	49	116,261,783	1.01
Industrial equipment and machinery *	142	354,281,583	3.07
Metal processing and fab	132	557,800,798	4.83
Office equipment-supplies	27	384,417,501	3.33
Oil and gas (integrated)*	28	336,863,307	2.92
Oil and gas (pipe lines)	16	154,070,030	1.33
Oil and gas (production)	9	84,867,956	.73
Oil and gas (other)	26	95,387,907	.83
Paper and pulp*	43	393,341,250	3.41
Photographic	2	37,455,000	.32
Printing and publishing	46	150,102,687	1.30
Railroad equipment	11	13,183,700	.11
Rubber	22	304,468,700	2.64
Shipping*	36	92,658,147	.80
Steel and iron	50	420,287,696	3.64
Textile products*	45	315,972,000	2.74
Tobacco*	3	8,078,678	.07
Nonclassified	231	1,184,898,290	10.26
Public utilities:			
Electric	163	422,104,652	3.66
Natural gas	24	135,121,000	1.17
Telephone and telegraph	26	177,646,250	1.54
Railroad: Total Railroad*	77	127,133,400	1.10
Total	2,216	11,544,431,744	100.00
Agribusiness related[1]	712	4,139,964,481	35.8

[1] Total of all items marked with asterisk.

Bonds

"We decided to broaden our investments in industries with a higher-yield potential. And our bond department expanded its direct placement loans to businesses.

"Corporate borrowers liked having a sort of private bank. And they were willing to pay higher rates for the flexibility of individually tailored plans."—*Prudential People.*

SELECTED SCHEDULE OF SECURITIES OF AGRIBUSINESS INVOLVED CORPORATIONS OWNED BY THE PRUDENTIAL INSURANCE COMPANY

BOND DEPARTMENT

Alaska Lumber and Pulp
Allis-Chalmers Corp.
Allis-Chalmers Credit Corp.
American Can Co.
Boeing Company
C. Brewer & Co.
J. I. Case Credit Corp.
Continental Grain Co.
Cook United Corp.
Dan River Mills
Englehart Minerals and Chemical Corp.
Food Giant Markets Inc.
Foremost-McKesson Inc.
E&J. Gallo Winery
General Mills Inc.
Georgia-Pacific Corp.
Giant Food Inc.
Grand Union Co.
Holly Sugar Corp.
HFC Corp.
Hunt Foods & Industries
International Mineral and Chemical Corp.
International Harvester
Interstate Brands Corp.
Jewel Cos.
Quaker Oats
St. Regis Paper
Schenley Industries
Standard Oil of New Jersey
Squibb Beech-Nut
Supermarkets General Corp.
Tenneco Chemicals Inc.
Thriftimart, Inc.
TWA
Union Carbide

COMMERCIAL AND INDUSTRIAL LOAN DEPARTMENT

Alex Foods Inc.
Arrowhead Puritas Water Inc.
Beatrice Foods Inc.
Borden Inc.
Consolidated Foods Corp.
Parker Tobacco Co.
Ralston Purina
U.S. Plywood
Arden-Mayfair Inc.
Associated Grocers of Florida
Bell Brand Foods
Cargill Inc.
Leslie Salt Co.
Purex Corp.
A.E. Staley Mfg. Co.

Separate account business

	Par value
Allied Chemical Corp	$50,000
Borden Inc	50,000
Continental Baking Co	5,000
Deere & Co	25,000
Crocker-Citizens National Bank	100,000
Mobil Oil Corp	50,000
National Dairy Products	25,000
Stauffer Chemical Corp	50,000
Texaco Inc	50,000
Total industrial and miscellaneous bonds	8,918,000

STOCKS

"One thing is certain. Investment change is coming faster these days. Our philosophy: anticipate it, adapt to it, or better yet, help create it."

—*Prudential People.*

SELECTED SCHEDULE OF STOCKS OF AGRIBUSINESS INVOLVED CORPORATIONS OWNED BY THE PRUDENTIAL INSURANCE COMPANY

Preferred

Philip Morris Inc	6,196
RCA Corp	25,000

Common

American Can	72,000
Boeing Co	125,000
Campbell Soup	160,000
Coca Cola Co	189,000
Continental Can Co	177,000

SELECTED SCHEDULE OF STOCK, OF AGRIBUSINESS INVOLED CORPORATIONS OWNED BY THE PRUDENTIAL INSURANCE COMPANY—Continued

Common—Continued

Dan River Mills	108, 000
Deere & Co	55, 000
E. I. duPont	30, 000
FMC Corp	240, 000
General Foods	82, 000
General Mills	316, 000
Georgia Pacific	557, 059
W. R. Grace	200, 000
Gulf Oil Co	560, 000
H. J. Heinz	100, 000
International Harvester	200, 000
I T T	45, 528
Mobil Oil Co	340, 000
Pepsico	100, 000
PIC Realty Corp	40, 837
Procter & Gamble	75, 000
R C A	280, 000
Ralston Purina Co	130, 000
Scott Paper Co	185, 000
Shell Oil Co	185, 000
Squibb Beech-Nut	184, 112
Standard Oil (Ca.)	176, 863
Standard Oil (Ind)	415, 000
Standard Oil (N.J.)	377, 000
Texaco Inc	476, 000
Union Carbide	160, 000

SEPARATE ACCOUNT BUSINESS

Preferred

RCA	5, 800
Ralston Purina	48, 000

Common

American Can	133, 000
Boeing Co	101, 000
Caterpillar Tractor	10, 000
Applebaum Food Mkts	6, 000
Campbell Soup	237, 000
Coca Cola Co	139, 800
Continental Can Co	199, 000
Dan River Mills	155, 900
Dow Chemical Co	43, 500
E. I. DuPont	67, 500
FMC Corp	225, 000
General Foods	87, 000
General Mills Inc	469, 000
Georgia Pacific	80, 336
W. R. Grace & Co	210, 500
Gulf Oil Co	471, 000
H. J. Heinz	303, 000
International Harvester	122, 500
Mobil Oil Co	283, 100
Pepsico Inc	165, 000
Procter & Gamble	72, 000
RCA Corp	285, 000
Ralston Purina	302, 500
Shell Oil Co	134, 460
Squibb Beech-Nut	76, 992
Standard Oil (Calif)	26, 579
Standard Oil (Ind.)	499, 000
Standard Oil (N.J.)	372, 500
Texaco, Inc	584, 400
Union Carbide	200, 500

PERSONNEL

Among the 22-man Board of Directors at least some 12 members serve on the board of directors for 23 agribusiness-involved corporations.

The include:

Jess H. Davis: National Biscuit Co. (owns 200 shares of common stock), Philip Morris Inc., First National Bank of New Jersey.

John E. L. Duquet, O.C.: Canada West Indies Molasses Co., Royal Bank of Canada, and numerous Canadian investment companies.

Bayard L. England: Vanity Fair Mills Inc.

Elmer W. Engstrom: Chairman of the Executive Committee—RCA Corp.

Paul A. Gorman: Chr. of the Board and President—International Paper Co., Bankers Trust New York Corp., Campbell Soup Co., ex.-Pres., Penn Central Co.

Gordon Grand Jr.: Olin Corp.

Robert B. Meyner: Engelhard Minerals and Chemical Co. and various bank boards in New Jersey and Pennsylvania.

Monroe J. Rathbone: former chairman of the board, Standard Oil of New Jersey, Louisiana National Bank, Morgan Guaranty Trust Co. of New York.

Sydney G. Stevens: chairman of the board, New Jersey National Bank.

E. Hornsby Wasson: Bank of America, Bankamerica Corp., American Potato Co., Allied Equities Corp., Chairman of the board—Stanford Research Institute, Standard Oil of California, and former Chairman of the board, Pacific Telephone and Telegraph Co.

Willis J. Winn: President, Federal Reserve Bank of Cleveland, Ex-board, Acme Markets, Inc.

David L. Yunich: Manufacturers Hanover Corp., U.S. Industries Inc.

The CHAIRMAN. It is the only insurance company you mentioned, isn't it?

Mr. HIGHTOWER. Yes, it is the only insurance company I mentioned here. Some of these others might have subsidiaries. We could just as easily have chosen some of the agribusiness family corporations—Duda and Sons or Wedgeworth in Florida; Senator Bentsen or Griffin and Brand in Texas; DiGiorgio or Bud Antle in California.

These are the enterprises hiring farmworkers, not small family farmers. In Illinois, for example, 80 percent of the farmworkers are hired by only four giant companies. These firms have the money and the managerial apparatus to pay minimum wage without any burden whatsoever. It is ludicrous to deny farmworkers any benefits on the basis that their employers will be hurt.

We do recognize that small farmers and medium-size farmers employ some farmworkers, and we can see that a fair minimum wage for their farmworkers can be an unfair burden. But the answer is not to deny that minimum wage. The answer is to subsidize the small farmer's wage bill. Even if the public were to pay the entire wage bill of the small farmers, it would amount to under $200 million a year.

Mr. Chairman, that is less than this Congress and the Nixon administration gave away to Lockheed. It is a sum that is insignificant in the light of the $3.7 billion that is allocated to growers through the farm subsidy program. It is a proposal that has been suggested by no less a radical than Chairman Bob Poage of the House Agriculture Committee. It is a proposal that this subcommittee should consider strongly.

The agribusiness accountability project looks directly to this subcommittee to call a halt, finally, to the tactic of playing the small farmer against the farmworker. Call the hand of those agribusiness spokesmen. It is time that farmworkers had their minimum wage, equal to that paid in other industries.

The CHAIRMAN. I certainly agree with that final conclusion. I just wanted to make this clarification. You are mentioning these major companies who are certainly the processors of the agricultural commodities and they distribute; they sell it in the retail markets.

Now they—many of them that I observe up in the northeast here, they deal with what we call smaller farmers, and it is the small farmer that sells to X soup who explains to me that he has problems as he deals with the processing company.

Mr. HIGHTOWER. That is right. That is the point we are trying to make.

The CHAIRMAN. Are you including any growers in this linkage of ownership in the big companies.

Mr. HIGHTOWER. No, these do not include that. USDA claims that only about 1 percent of all farms are incorporated, but they do not include farms that produce for Prudential or any other company under contractual arrangement.

The CHAIRMAN. You are not including those?

Mr. HIGHTOWER. No.

We hold Del Monte or other giant corporations responsible for conditions that exist on those small farms producing only for them.

The CHAIRMAN. Yes, but you are not saying they own those farms?

Mr. HIGHTOWER. No, we say they effectively control many of those

farms. Tropicana, for example, claims they hire no farmworkers because they don't own the land. They have contractual arrangements with the farmers. It is like the book recently published on Purina and their relationship to the small chicken farmers in Arkansas. They are not independent farmers at all; they actually are employees of Ralston-Purina Corp. which tells them how many chickens they will be raising, what size they will be, and so on.

The CHAIRMAN. You figure that 80 percent of the farms are in the control of the big ones. The big companies include the small farms that get rid of their products under contract to those big companies, is that right?

Mr. HIGHTOWER. I am not sure that is right. I am not sure I understand the question.

The CHAIRMAN. You had an 80 percent figure; 40 big and 40 giant. Do they own this property that they are getting the tomatoes or grapes or whatever they are processing?

Mr. HIGHTOWER. That is not farms, that is farmworkers that they are hiring. They are hiring 80 percent of the farm labor. That figure counts only——

The CHAIRMAN. The company check pays those workers?

Mr. HIGHTOWER. That is right. So it is only those that directly hire those workers. It would not include——

The CHAIRMAN. How about Campbell's Soup?

Mr. HIGHTOWER. They just sold their agricultural holdings.

The CHAIRMAN. So they are not in the 40–40?

Mr. HIGHTOWER. They may be in there, that is a 1964 figure. A few months ago Campbell's sold their agricultural holdings because they felt it was financially beneficial for them to work through small farmers.

The CHAIRMAN. How about Heinz, do they own——

Mr. HIGHTOWER. I am not positive of that. I think Heinz does farm directly. Campbell's Soup did farm a good deal directly but within the last month they have divested themselves of their holdings, but not of their accountability.

The CHAIRMAN. Well, I see your point. I want that figure straight, what it really means. You are saying that the ultimate processor and retailer is accountable in the field for what is paid there?

Mr. HIGHTOWER. That is right. When we are talking of minimum wage for farmworkers, we are not talking about taking money out of the pockets of little farmers of this country. We are talking about, for example, these canners and processors that already have unionized workers in their canning operations.

They have contracts with teamsters to truck their goods, for example.

The CHAIRMAN. As you know, we have to deal here with the employer and not the one who is ultimately accountable, you know.

Mr. HIGHTOWER. Del Monte is an employer. They are directly farming. They hired 39,000 seasonal farmworkers in 1969, working more than 100,000 acres of Del Monte land. Indirectly, they are accountable for the conditions of thousands of other farmworkers employed on farms under contract to Del Monte.

The CHAIRMAN. You are saying that is 80 percent of the workers?

Mr. HIGHTOWER. That is right; 41 percent of the hired farm labor in

this country is hired by nine-tenths of 1 percent of the farms in the country, and those are the giant farms making over $100,000 a year in sales. Del Monte would be among those farms.

The CHAIRMAN. Thank you very much, Mr. Hightower.

Mr. HIGHTOWER. My pleasure.

The CHAIRMAN. I am going to get something from you, right; that appendix?

Mr. HIGHTOWER. Yes. We can provide you a file on Prudential.

The CHAIRMAN. Very good; thank you.

(The prepared statement along with additional comments of Mr. Hightower and a reply from the Prudential Insurance Co. of America follow:)

STATEMENT OF THE AGRI-BUSINESS ACCOUNTABILITY PROJECT PRESENTED BY JIM HIGHTOWER

MINIMUM WAGE FOR FARM WORKERS

Mr. Chairman, my name is Jim Hightower, and I am testifying for the Agri-Business Accountability Project. Our Project is a public interest research effort that has been working since last October on an examination of the role of big business in agriculture and in rural America. The Project is sponsored by three Washington, D.C. organizations—the Center for Community Change, the Project on Corporate Responsibility, and the Washington Research Project. The Project is based in Washington, D.C. and is funded by the Field Foundation.

This Project is here to tell you flatly that there simply is no excuse to deny farmworkers *exactly the same* minimum wage coverage enjoyed by all other industrial workers. Anything short of equal coverage now is to steal from the pockets of thousands of America's most deprived workers and to put that little savings into the corporate bank accounts of American agri-business.

The condition of America's farm workers and their families is no secret. Since the early New Deal, a year has not passed without a congressional hearing, a presidential report, a White House conference, a major book, a television documentary, or some other high-intensity exposure of farm workers misery. That misery need not be detailed again here. Suffice it to report that nothing has changed—farm worker families today live still in stifling shelters that are without heat, plumbing, privacy, or hope for human happiness; their health continues to make a mockery of this nation's enormous wealth; their exploitive wages and inhuman working conditions persist in a day when all other laborers are ensconced in powerful, protective unions; and their economic and political powerlessness put the lie to this country's pretensions about freedom of opportunity.

John Steinbeck said all that needs to be said in this passage from The Grapes of Wrath:

> "There is a crime here that goes beyond denunciation.
> There is a sorrow here that weeping cannot symbolize.
> There is a failure here that topples all our success."

It might be expected that the government of a civilized society would respond to such obvious need. The American government has not. Because of the opposition of agri-business, farm workers deliberately were excluded from practically every piece of New Deal labor legislation. Still today, they are denied the right of collective bargaining, which was assured other workingmen by the Wagner Act of 1935. Whether a man is a government bureaucrat, a university professor, a carpenter, an aircraft engineer, or even a grower, he is entitled to unemployment compensation when he is out of work; the farm worker is not, even though his employment is among the most insecure. Farm work is the third most hazardous industry in this country, but only 21 states allow workmen's compensation for farm workers, and only 14 of those give him the same protection afforded others. Farm workers did not get minimum wage protection until 1966, and even then the coverage was made dramatically less than that enjoyed by other workers. The child labor standards are lower for farm workers, allowing an estimated 375,000 children of 10 to 13 years old to do farm work in 1969. Coverage of farm workers under the Social Security Act did not come until 1951, and today it remains less comprehensive than coverage for all other workers.

Mr. Chairman, the U.S. Department of Agriculture reports that "about 2.5

million different persons did some work on farms for cash wages or salary in 1970." About one and a half million of those did farm work only; on the average, they were able to find work for only 102 days of the year and were able to earn a pitiful $1,083. The remaining million workers combined an average 114 days of other jobs with 49 days of farm work in an effort to make ends meet; they came away with $2,461 for their year's labor. Less than 12 percent of this country's farm workers were employed year-round; they were the highest paid, pulling down a whopping $3,467 for 1970.

These wages are a scandal. These are the miserable earnings of families who are engaged in some of the very hardest work of our society and who are employed in one of our most dangerous industries. These are not people unwilling to work; on the contrary, they are so eager to work that many of them travel thousands of miles a year looking for jobs. They work for some of the biggest corporate names on Wall Street, yet they have been denied full coverage of our minimum wage laws.

This Subcommittee, previous congresses and a succession of presidents must bear the shame for that and be held accountable, for all of you have had the power to make the difference and you have refused to exercise it. Again and again, farm workers needs have been traded off in order to gain something for someone else. The Agri-Business Accountability Project looks directly to the members of this Subcommittee finally to demand and to hold firm for this small bit of simple justice for laborers in our agricultural industry.

Just as we have seen today, there has been a constant parade of agri-business spokesmen coming before committees to oppose any legislation that would provide amelioration of the farmworker's plight. They have come in the name of the small family farmer, seeking to pit his misery against that of the farm workers. In fact, these organizations do not speak for small family farmers at all and are not concerned with his needs, any more than they are concerned with the needs of farm workers. By accepting the agri-business line, congress has been sold a bill of goods, while small family farmers have been badly used and farm workers have been kept in bondage.

Mr. Chairman, food is an industry in this country, just as automobiles, electronics, and defense hardware are industries. In fact, food is the largest industry in America. The country's grocery bill ran to $91 *billion* in 1970. Restaurant food tabs ran that total to $114 billion. But it is not the small family farmer who has brought that bounty to us—it is a massive, industrialized system called agri-business.

In the last published census of agriculture, the farm wage bill totalled $2.8 billion. More than $1 billion of that (37 percent) was paid by those farmers classified as "large" by the U.S. Department of Agriculture. Another $1.1 billion (41 percent) was paid by the .9 percent of growers in USDA's "largest" category. *In short, the "large" and "largest" growers were accountable for 78 percent of the total farm labor wage bill.*

The 1.8 million "small" farmers, who are the focus of so much agri-business concern here in Congress, laid out only $144 million for wages—only 5.2 percent of the total. In fact, 92.7 percent of the farms in this country employed no laborers, or what amounts to one hired hand for less than a full year.

Without question, Mr. Chairman, farm workers are the responsibility of agri-business—the "large" and "largest" growers who comprise less than 13 percent of all farms, but who hire the overwhelming majority of farm workers. These are industrial giants. The "largest" growers—a mere nine-tenths of one percent of the farms (about 26,000 in number)—averaged $272,000 in sales. In addition, they accounted for:

29 percent of all feed bought;
39 percent of all liverstock and poultry bought;
24 percent of all machinery hired;
11 percent of all fuel bought;
17 percent of all seed bought;
16 percent of all fertilzer bought; and
41 percent of all labor hired.

These massive operations are growing more dominant every year. Who are they? Who are some of these "farmers" in whose names and through whose lobbies farm workers are denied something so minimal as the minimum wage paid in all other industries?

One of them is Del Monte Corporation, the largest producer and distributor of canned fruits and vegetables in the world. This agri-business giant owns 32,000 acers of farm land and leases an additional 77,600 acres throughout the

United States. It directly hired up to 39,000 seasonal laborers in 1969. It was accountable for many more farm workers through crew leaders and other contractual arrangements. This farmer had 1970 sales of $681,492,000 and profits of more than $14 million. Considering their salaries alone, Del Monte directors and officers were paid $1,336,575 in 1970. Mr. Eames, the President of the corporation, received a salary of $110,000 and additional benefits amounting to more than $77,000.

Another big time fruit and vegetable processor is Green Giant. This corporation, with annual sales in the vicinity of $200 million, has some 285,000 acres under cultivation and hires some 18,000 seasonal workers. In the 1960–1967 period, Green Giant's profits more than tripled. It is interesting to note that this corporation plows 10 percent of its sales into marketing, including advertising with little cartoon farm workers who assure us that all is happy in the valley of Green Giant. While their real life farm workers try to make it on a minimum wage of $1.30 an hour, the officers and directors of the company are pulling down well over $600,000 in salaries and retirement benefits. Mr. Cosgrove, Chairman of the Board of Green Giant, made off with $100,000 of that.

Stokely van Camp is another giant canner. It had $274 million in sales and revenues in 1970. The company employed 19,000 seasonal workers in its plants and fields that year. The Agri-Business Accountability Project found last spring that Stokely van Camp farm workers in Illinois were averaging $57.78 a week take-home pay for an average of 41 hours work snapping asparagus. Asparagus may be tender on our plates, but it is tough to harvest, and with $57.78 a week coming in you cannot afford to enjoy much Stokely van Camp asparagus anyway. Stokely's top officers and directors could enjoy life a bit more, pulling down a total of $318,000 in 1969. Mr. Stokely himself received more than $82,000 in salary, profit sharing, and retirement benefits.

Mr. Chairman, these are only three of the "farmers" who we are asking to pay a fair minimum wage. We could as easily have selected some of their farming colleagues—such familiar names as Tenneco, Bank of America, General Foods, Dow Chemical Company, Royal Crown Cola, Purex, Libby, McNeil & Libby, Prudential Insurance Company, Union Carbide, Coca Cola, American Brands, United Brands, Alico, and Goodyear Tire and Rubber Company. Or we could have chosen some of the agri-business family corporations—Duda and Sons or Wedgeworth in Florida; Senator Bentsen or Griffin and Brand in Texas; DiGiorgio or Bud Antle in California.

These are the enterprises hiring farm workers, not small family farmers. In Illinois, for example, 80 percent of the farm workers are hired by only four giant companies. These firms have the money and the managerial apparatus to pay minimum wage without any burden whatsoever. It is ludicrous to deny farm workers any benefits on the basis that their employers will be hurt.

We do recognize that small farmers and medium-size farmers employ some farm workers, and we can see that a fair minimum wage for their farm workers can be an unfair burden. But the answer is not to deny that minimum wage. The answer is to subsidize the small farmer's wage bill. Even if the public were to pay the entire wage bill of the small farmers, it would amount to under $200 million a year. Mr. Chairman, that is less than this Congress and the Nixon Administration gave away to Lockheed. It is a sum that is insignificant in the light of the $3.7 billion that is allocated to growers through the farm subsidy program. It is a proposal that has been suggested by no less a radical than Chairman Bob Poage of the House Agriculture Committee. It is a proposal that this Subcommittee should consider seriously.

The Agri-Business Accountability Project looks directly to this Subcommittee to call a halt, finally, to the tactic of playing the small farmer against the farm worker. Call the hand of those agri-business spokesmen. It is time that farm workers had their minimum wage, equal to that paid in other industries.

center for community change

October 15, 1971

Senator Harrison A. Williams, Jr.
Chairman
Senate Labor Subcommittee
G-237 New Senate Office Building
Washington, D.C. 20510

Dear Senator Williams:

In response to an inquiry from the Labor Subcommittee staff, the Agri-Business Accountability Project is pleased to expand on its statement of September 16, 1971, in support of full minimum wage benefits for farm workers.

It is the finding of the Agri-Business Accountability Project that the overwhelming majority of farm workers are employed directly by large scale enterprises---not by small or medium scale farmers.

The Census of Agriculture is taken every five years by the Bureau of the Census. The last reported Census of Agriculture was the one taken in 1964. In 1970, the U.S. Department of Agriculture (USDA) issued a report entitled "Our 31,000 Largest Farms,"1/ which was based on data from the 1964 census. It found that:

small farms were 56.5 percent of the total number of U.S. farms, but paid only 5.2 percent of the total wage bill (or $144 million);

medium farms were 30.8 percent of the total number of U.S. farms, but paid only 17.4 percent of the total wage bill (or $482 million);

large farms were only 11.7 percent of the total number of U.S. farms, but paid 36.9 percent of the total wage bill (or $1 billion); and

largest farms were only 1 percent of the total number of U.S. farms, but paid 40.5 percent of the total wage bill (or $1.1 billion).

The "largest" farms are those that have sales of more than $100,000 a year. There were 31,000 such farms in 1964. These are the giant agri-businesses, including the huge corporate producers, and they averaged farm sales of $272,000. "Furthermore," notes this USDA report, "the concentration of hired labor on the largest farms and their dependence on that labor increases with size of farm. In 1964, the 919 farms with sales of $1 million or more accounted for 11 percent of the total hired labor bill on farms." (Italics supplied).2/

The use of hired labor increases directly with the size of the farm. It is a simple fact that big farms hire nearly all the farm labor. These are the enterprises, many of them huge conglomerates, that are most able to pay a fair wage to farm workers. The USDA report points out that "an overwhelming majority of farms either do not employ hired labor at all or employ very little hired labor." In 1964, 49.8 percent (half) of all farms hired no labor, and another 42.9 percent of the farms hired less than one man-year of labor. That is 93 percent of the farms in this country hiring nobody or what amounts to less than one hired hand for a year.3/

It is also important to understand that these are 1964 figures. There has been another Census of Agriculture taken (1969), but it has yet to be reported. There is no doubt, however, that the concentration of hired farm labor on the biggest farms has become even greater than it was in 1964.

Given the fact that these largest producers are doing practically all the hiring, it is absurd to deny full minimum wage benefits---exactly equal to that paid in all other industries---to farm workers. Equal minimum wage payments to farm workers will come almost entirely from the pockets of giant enterprises, including such "farmers" as Tenneco, Boeing Aircraft, Dow Chemical, Prudential Insurance, Bank of America, American Brands, Purex, Goodyear Tire and Rubber, and other major conglomerates.

Farm workers are among the poorest of this country's working poor, and it is a myth that to pay a fair wage to them would hurt small farmers. It simply is irresponsible public policy to continue to accept this myth and to con-

tinue playing one poor man against another.

Instead, the wage bill of both the small-scale and the medium-scale farmers should be subsidized directly by the government. The total wage bill of these farmers in 1964 was only $626 million. By subsidizing a part of that, you will be assuring that farm workers receive the same minimum wage as other industrial workers, and you will assure that smaller-scale farmers can get the little hired labor they need and still compete with their conglomerate "neighbors." In short, this subsidy plan would help independent, family farmers and farm workers, while forcing those who clearly are capable of paying full benefits to accept their responsibility to do so.

The Agri-Business Accountability Project strongly urges the Labor Subcommittee finally to grant full minimum wage benefits to farm workers and to develop and adopt the new concept of a minimum wage subsidy to the smaller-scale farmers.

Thank you for your inquiry and the opportunity to strip away some of the myths concerning farm employment, as well as the opportunity to set forward a proposal to respond to the realities of farm employment.

Sincerely,

Jim Hightower

Jim Hightower
Director
Agri-Business Accountability
Project

Footnotes:

1/ "Our 31,000 Largest Farms." Agricultural Economic Report Number 175. Economic Research Service. U.S. Department of Agriculture. March, 1970.

2/ IBID, p. 19.

3/ IBID, p. 22.

Jh/sm

The Prudential Insurance Company of America
Corporate Home Office
Prudential Plaza, Newark, New Jersey 07101

William A. Leece
Vice President and Associate General Counsel

January 6, 1972

The Honorable Harrison A. Williams, Jr.
Suite 352
Old Senate Office Building
Washington, D. C.

Dear Senator Williams:

This letter is intended as a response to statements concerning the Prudential Insurance Company of America which were made on September 16, 1971, during public hearings held by the Labor Subcommittee on S. 1861 and S. 2259.

I refer specifically to pages 190-194 of the record which reflect the testimony of Mr. Jim Hightower who appeared before the Subcommittee as the representative of the AGRI-Business Accountability Project. In the course of his testimony he mentioned the Prudential Insurance Company as one of a number of corporations engaged through a subsidiary, in a "massive farm operation" which was being asked by the AGRI-Business Accountability Project to pay a fair minimum wage to farm workers. Earlier in his testimony, Mr. Hightower had posed the question, "Who are some of these 'farmers' in whose names and through whose lobbies farm workers are denied something so minimal as the minimum wage paid in all other industries?" It was in this context that the Prudential Insurance Company was mentioned.

These statements are inaccurate and I appreciate the opportunity to clear the record in this regard.

The Prudential Insurance Company does not "have a massive farm operation" nor has it ever opposed legislation proposing minimum

wages for farm workers. The facts are that PIC Realty, a subsidiary of the Prudential, formed for the purpose of owning and developing various types of real estate, has been a partner in two farming joint ventures both of which were in California. One of these ventures involved 1,800 acres and an original equity investment of $425,000 which can hardly be called a "massive farm operation". It should be noted, however, that the operating partner recently signed a contract with the AFL-CIO United Farm Workers Organizing Committee. Among other things, the contract called for hourly wages of $1.85 an hour during 1971 and $2 in 1972 plus a contribution of ten cents an hour to the Robert F. Kennedy Farm Workers Medical Plan. Since Mr. Hightower's appearance before the Subcommittee in September the Prudential Insurance Company sold its interest in this partnership.

The other farming venture involving the Prudential is a partnership with a farm family involving 3,200 acres near Visalia, California and an original equity investment of $512,500. PIC Realty is primarily a financial partner. It does not employ farm labor and has no responsibilities for and little control over day to day management. However, PIC Realty's partner in this venture pays considerably more than a minimum wage for farm labor employed on this farm and neither PIC Realty nor the Prudential has ever opposed minimum wages for farm workers. It should also be noted that Prudential's very limited involvement in farm ownership, as described above, contrasts with the Company's activity in making real estate mortgage loans to farmers. As of November 30, 1971, the Company's portfolio included 37,207 loans with a dollar volume of $1,341,031,000. The Company has been making such loans on farm lands in the United States since 1908.

It is my hope that this letter will serve to clarify the record where references to the Prudential Insurance Company are concerned. For that purpose may I respectfully request that it be entered into the Official Record of the Subcommittee at the close of Mr. Hightower's testimony.

Sincerely,

William A. Reece

WAL:bmp

The CHAIRMAN. September 24 is our return date. Very good.

At this point I order all pertinent material and statements of persons unable to be with us today printed in the record.

(The following was subsequently supplied for the record:)

NORTHWEST HORTICULTURAL COUNCIL
P.O. Box 572
Yakima, Washington
98907

July 19, 1971

The Honorable Harrison A. Williams, Jr., Chairman
Committee on Labor and Public Welfare
United States Senate
Washington, D.C. 20510

My dear Mr. Williams:

Re: S-1861

The Northwest Horticultural Council represents more than 9,000 growers of apples, pears and other deciduous tree fruits in the states of Washington and Oregon. These growers produce more than 95% of the deciduous tree fruits grown commercially in the two states. Thousands of employees are engaged in growing and harvesting the crops and additional thousands in preparing the fruit for shipment in either fresh or processed form. Our views with respect to S-1861 are as follows:

(1) Section 3(a) 1(A) and (B) - Minimum Wage Non-Agricultural Employees Covered Prior to 1966

We support the principle of an increase in the minimum hourly wage from the current $1.60 per hour. We oppose increasing the minimum to $2 an hour for the first year from the effective date of the Fair Labor Standards Amendments of 1971 and to $2.25 per hour thereafter. While increases are appropriate, this proposal is excessive and would have adverse affects on our industry and on many others.

Increasing the minimum from $1.60 an hour to $2 an hour would represent an increase of 25%. The increase to $2.25 per hour would mean a total increase of 65¢ per hour or 40% in a very short period. Wage increases that exceed productivity can be inflationary and tend to encourage substitution of capital investment for labor, when wages become too expensive. Our fruit growers and in effect, apple growers throughout the United States, are not in a position financially to absorb a 40% increase in such a short period. Their cost of production cannot be passed on to the consumer as is true in many industries. We believe it would be more equitable and economically sound to establish the initial rate at $1.80 an hour and to raise the minimum annually thereafter by 10¢ per hour. Our packing house and processing plant labor comes under this classification.

(2) Section 3(c)(3) - Minimum Wage Non-Agricultural Employees first Covered in 1966

We believe this minimum should be increased but not at the schedule proposed.

An increase from the current $1.60 an hour to $1.70 an hour during the first year is reasonable. Annual increases of 10¢ per hour would be appropriate. If it is desired to bring this minimum up to the level of the minimum established in Section 3(3) this could be accomplished by a 15¢ per hour increase for each of two years.

The proposed increase from the current $1.60 an hour to $2.25 an hour in two years would amount to 40%. This would far exceed increases in productivity, would be inflationary and would have other adverse affects on the employers involved and therefore upon their employees.

(3) Section 3(c)(3) - Agricultural Employees

This section would raise the current minimum of $1.30 an hour to $1.70 an hour during the first year, $2 an hour during the second year, and $2.25 an hour thereafter. This would mean an immediate increase of 30% and a total increase in two years of 73%. The mere statement thereof indicates the unreasonable and excessive nature of this proposal. We recognize the propriety and necessity of raising the current minimum. We support the principle of gradual increases. We suggest an immediate increase to $1.50 an hour (15%) and annual increases thereafter which would gradually narrow the spread between agricultural and non-agricultural employees. The proposed schedule of increases for both non-agricultural and agricultural workers in Section 3(c)(3) would far exceed increases in productivity and would adversely affect our industry, especially in the face of competition from Southern Hemisphere and other countries with much lower pay scales who compete with us in foreign markets and are launching campaigns to invade our domestic market. Increases of this magnitude would result in a loss of employment for American workers and adversely affect our balance of payments position. We are greatly concerned over impending competition from Southern Hemisphere countries who are on the verge of losing their European markets through expansion of the European Common Market. Substantial quantities of fresh apples, fresh pears and canned pears have been exported to the United States in the last two years. These imports are having an adverse affect on our growers and the picture is indeed very black. Imposition of the proposed minimums for agricultural labor would mean that the Southern Hemisphere producers could more easily undersell us in our domestic market and completely demoralize and disrupt our industry. Establishment of the proposed minimums would mean much less employment for American agricultural workers.

(4) Section 4(a) - Repeal of Partial Exemptions from Overtime

Section 4(a) would repeal Sections 7(c) and 7(d) of the Fair Labor Standards act which provide partial exemption from overtime for 10 work weeks for employers in an industry of a seasonal nature and for employers engaged in handling, packing, storing, etc., perishable agricultural or horticultural commodities in their raw or natural state. Exemptions of this type were provided in the Fair Labor Standards Act of 1938. This partial exemption from overtime has been reduced by the Congress throughout the years. The most recent amendment was in 1966.

The Congress, when the Fair Labor Standards Act was initially passed, and succeeding Congresses recognized the problem of seasonal industries such as ours.

The FLSA required the payment of overtime for work in excess of 8 hours per day and 40 hours per week in an endeavor to spread employment. However, the Congress recognized that in the case of perishable fruits and vegetables the employer had no choice except to work more than 40 hours per week. Additional employees were not available. They still are not available at peak periods. Perishable fruits and vegetables must be packed or processed immediately in order to preserve their value.

If the current Section 7(c) and 7(d) partial exemptions are eliminated it will work to the disadvantage of the small grower who must have his produce packed or processed by a cooperative or independent packing house which will accept the produce offered to it. Large growers who pack fruit grown by them and fruit grown by others would, if forced to pay additional overtime, refuse to accept fruit of small growers which would be in excess of their capacity to handle in a 40 hour week or if they accepted the fruit would charge the small grower with the additional cost of the overtime. Thus, the small grower could be paying as much as 50% additional for having his fruit packed, i.e., the difference between straight time and overtime.

Most seasonal workers are anxious to work more than 8 hours a day or 40 hours a week during these seasonal periods. Students are anxious to earn as much money as possible during summer vacation to help defray their expenses for the coming school year. Agriculture cannot be geared to a 40 hour week.

Many fruit and vegetable growers throughout the country are in a precarious financial position. They are not in a position to absorb the cost of overtime over and above existing requirements. Fruit growers, unlike industrial plants, cannot pass increased costs on to the consumer. They are forced to sell perishable products at the best price available regardless of whether it is below the cost of production. Fruit producers in other countries - Australia, New Zealand, South Africa, Chile and Argentina - faced with the loss of their outlets in the European Common Market countries are increasingly looking to the United States as an outlet for their products. Imports of fresh and processed pears, apples and other fruits have increased substantially in the last few years and additional increases are almost certain. We have completely lost historical markets in many European countries to the low wage and low cost producers in France and Italy. Not only do we have to compete with their lower costs but, the evidence is indisputable, some foreign countries are providing subsidies, direct and indirect. We do not have and have not asked for price supports for our deciduous fruits. The burden of excessively increased labor costs would put many American producers in a position where they could no longer compete with foreign low wage and low cost produced fruits in our domestic markets, much less in our traditional export outlets.

(5) Section 5(a)(5) would extend the coverage to small agricultural employers by reducing the qualifying minimum from "500 man days" to "100 man days." This would bring all but the very smallest farmers under the coverage of the Act. It would require record keeping for these small farmers and greatly increase the administrative work of the Government without any substantial benefit or accomplishment. Our small fruit growers must meet the same pay schedules as the large growers in order to attract help. In fact they frequently have to pay more than a larger grower in order to recruit seasonal harvest hands because the

large growers are better equipped to attract the necessary pickers. We oppose this change from "500 man days" to "100 man days" as being unnecessary. The 500 qualification established in 1966 should be continued.

(6) Section 5(b)(6) - Overtime Exemptions for Agriculture

Section 5(b)(6) would repeal Section 13(b)(12) which provides that the overtime requirements under Section 7 shall not apply with respect to employees employed in agriculture. If this Committee and the Congress of the United States want to force a lot of fruit growers and other farmers out of business and substantially raise the cost of food to the American public - the requirement that overtime be paid for work above 8 hours per day and 40 hours per week could well provide a method to accomplish this objective.

The objective of the Congress in establishing overtime requirements of the FLSA in 1938 was to reduce unemployment by spreading available work among more workers. The Congress recognized that at many seasons of the year there was no surplus of agricultural workers. To the contrary, workers in agriculture and in many seasonal industries were in short supply, so the Congress wisely provided a full exemption from overtime for agricultural workers and partial exemptions from overtime for workers in seasonal industries, including packing and canning of perishables. The logic which justified the action of the Congress in 1938 and in succeeding sessions is still sound today. Many crops cannot be harvested with available workers on a 40 hour week. Many crops must be harvested at the optimum point of maturity or they will be lost, or at the least their value diminished due to deterioration and overmaturity. Fruits and vegetables do not grow on an 8 hour day or a 5 day week. Many of them must be harvested on a 6 or 7 day week. Likewise, many crops cannot be harvested in an 8 hour day. Most agricultural workers with a limited season want to work more than 8 hours per day to provide additional income to carry themselves and their families over slack periods.

If farmers are required to pay overtime for all work in excess of 8 hours per day and 40 hours per week they would have to either reduce their volume of production or increase their per-unit cost by the overtime they would have to pay. To some extent the 40 hour week handicap could be solved by having a fruit picker work part of the week for one grower and the balance of the week for another grower. This would result in a loss of efficiency, inconvenience to the workers; no benefit to anyone.

Most fruits and vegetables are sold in a highly competitive market. The buyer is not concerned with the cost of production. Increased costs cannot be passed on to the buyer. The result of increased costs -- many growers would be forced into bankruptcy. With reduced supplies the cost of the available product would be raised. This would attract imports from foreign countries.

Growers of apples, pears, strawberries, tomatoes and many other agricultural and horticultural products are presently faced with intense competition from produce from low wage, low cost countries. For many years the United States was a substantial exporter of apples and pears with limited imports from Southern Hemisphere countries whose season is opposite to ours. In 1966 Australia did not export any fresh apples or pears to the United States. In 1967 they exported

4,939 boxes of apples; no pears. In 1968 12,632 apples; 11,250 pears. In 1970 90,501 apples, 245,378 pears. Within four years Australian exports to the United States increased from 0 to 335,879 boxes. Statistics for 1971 are not yet available but indications are that the Australians will export close to 1,000,000 boxes of fresh apples and pears to the United States. A similar situation is developing with respect to canned pears. This spring one Pacific coast chain brought in 20,000 cases of canned pears to Pacific coast ports at prices lower than the current price for U.S. canned pears. Australian canned pears are presently selling in supermarkets in Yakima for from 10 to 25% less than American canned pears.

This influx of Australian apples and pears is primarily due to the fact that they have been losing part of their market in Europe, particularly in England, to products from France and Italy. The Australian and New Zealand growers fear that if the United Kingdom joins the Common Market they will lose that outlet to French and Italian fruit growers who will have the advantage of being inside the Common Market tariff wall whereas Australia and New Zealand fruit will be subject to the common external tariff. American fruit growers will be simularly adversely affected if the UK, Norway and other European countries join or become associated with the Common Market.

We have already lost a substantial part, in fact, a major part of our apple and pear export business to the French who through direct and indirect subsidies have undercut us price-wise in Venezuela, Brazil, England, Sweden and Finland. French production of quality apples has increased tremendously in the past 10 years with financial aid from their government - with the aid of both open and hidden subsidies. French growers have sold their apples well below their own cost of production in order to take over markets in these countries. If American apple and pear growers are forced to pay overtime to their agricultural workers in order to get their crops harvested, this will be an additional open invitation to France to take over our remaining export outlets and to export to the United States, for the increased cost in the United States would provide an additional umbrella for them as well as for Southern Hemisphere producers.

The same situation applies with respect to strawberries. Mexico, with a daily wage scale about equal to the hourly wage scale in the United States, has taken a substantial part of the market for fresh and frozen strawberries in the United States and Canada. If the price of American berries is forced still higher by higher labor costs Mexico will be further encouraged to plant and export more berries. The same situation applies with respect to other horticultural products.

The requirement that overtime be paid agricultural workers as proposed by Section 5(b)(6) will result in the exportation and elimination of jobs of many agricultural workers. A requirement for payment of overtime will not result in distribution of available employment among more workers, for the workers are not available. It will result in less work for the American agricultural worker and will severely impair the American economy and place further pressure on the U.S. balance of payments. Fruits and vegetables, as well as other horticultural products, have made substantial contributions to the U.S. balance of payments in recent years.

We most earnestly suggest that while the 8 hour day and 40 hour week has a

beautiful sound (except to those who want a 4 day week), it is not practicable for U.S. agriculture. Continuation of the current exemption from overtime for agriculture is in the best interests of everyone in the United States -- grower, farm worker, and consumer.

(7) Piece Rates

We strongly urge amendment of S-1861 to include a section with reference to piece rates. The Senate, in considering the Fair Labor Standards Amendments of 1966, approved legislation which provided that employers who establish satisfactory piece rates would be considered in compliance if the average equalled the established minimum. Unfortunately, for us, this amendment was lost in the Conference Committee. We believe there is merit in legislation which would accomplish this objective and urge inclusion in S-1861 of a provision such as that suggested by Mr. Richard V. Thornton of the National Council of Agricultural Employers. If the aggregate earnings of agricultural workers at piece rate earnings is at least 15% higher than the aggregate of the wages they would have earned at the minimum hourly rate the employers' piece rate wage scale should be deemed to be in compliance with the established minimum. This is stricter than the provision approved by the Senate in 1966. Enactment of this proposal into law would make it practical for agricultural employers to hire handicapped workers. This includes those handicapped by youth, who may not be inclined to work steadily but play around, elderly persons who want to work but at a slower than normal pace, and physically handicapped persons who likewise are unable to produce at an average pace. Requiring agricultural employers to pay each worker the hourly minimum would result in a piece rate for some workers substantially higher than the established piece rate for other workers; employers would, for cost purposes, be obligated to immediately terminate workers who are substantially below average in production. The average apple picker at established piece rates has earned substantially above the established minimum. Earnings of $3, $4 and even $5 an hour are not unusual for qualified, experienced pickers. Piece rates which provide good earnings for the average worker should be considered as in compliance with the minimum wage law.

We were faced with a similar situation when the minimum non-agricultural hourly wage was raised from 75¢ to $1 per hour. Thousands of high school youngsters had annually been employed each season in packing cherries. This involved facing cherries by placing them by hand in a fixed position in a box. The packers first sorted cherries by size to make a uniform face for the package. When the minimum was increased to $1 per hour we found that many of these high school students were unable to make the minimum of $1 where they had been able to make or exceed the previous 75¢ per hour minimum. When the youngsters found out that they could receive the same pay whether they worked at average speed or at slow speed their production in many, many instances dropped. The packing house operators, faced with sharply increased per-package costs and aided by a then recently developed improvement which made it possible to clip the stems of cherries and thus size them mechanically generally stopped the practice of row facing and packed the cherries loose in boxes. This resulted in a loss of the opportunity to work, and the benefits of the work experience for thousands of high school students in the Northwest. But for the requirement of "make-up" pay for the students who earned less than the minimum at piece rates but had to be paid the minimum, this source of employment experience would have remained

available to these youngsters. We believe it is better for the youngsters to have the opportunity for work experience and to be paid for what they accomplish (if the piece rate is fair and provides reasonable earnings for the average worker) than to have these youngsters deprived of work opportunity. The same situation prevails with reference to elderly or handicapped persons who want to work at a slower than normal pace. They should not be deprived of the opportunity to make their contribution to the economy of the United States through harvesting of products which, without their help, might otherwise not be harvested at the optimum time or perhaps not harvested at all.

SUMMARY

Minimum Wage

We do not object to, but in fact support, reasonable increases in the hourly minimum wage for all covered workers. We believe that the increases proposed by S-1861 are too high and will have an adverse affect on the economy. If placed in effect they will curtail job opportunities for many workers, especially the young, the old, and the physically handicapped.

Overtime

Current partial exemptions for overtime in Section 7(c) and 7(d) and the exemption of agriculture Section 13(b)(12) should be continued.

Agriculture

The current 500 man days per quarter test for agriculture (Section 13 (a)(6)) should be continued.

Piece Rates

The FLSA should be amended to provide that properly established piece rates will be considered as compliance with the minimum wage provisions.

We would be pleased to furnish any additional information you may request or to explore the subject in more detail, either in person or by correspondence. We request that this letter be made a part of the Record.

Yours very truly,

Ernest Falk

ERNEST FALK,
Manager

EF/mg

INTERNATIONAL APPLE INSTITUTE
2430 PENNSYLVANIA AVENUE, N.W. WASHINGTON, D. C. 20037 (202) 833-9150

June 25, 1971

The Honorable Harrison A. Williams, Jr.
Chairman, Subcommittee on Labor
Senate Committee on Labor & Public Welfare
United States Senate
Washington, D. C. 20510

Dear Senator Williams:

This association strongly opposes the amendments of the Fair Labor Standards Act contained in S.1861 affecting the membership of the International Apple Institute and their employees.

We request this letter be made part of the Hearing Record.

The members of the International Apple Institute produce, pack, handle, process and/or sell practically the entire commercial apple crop and about seventy-five percent of the commercial winter pear crop. About 14,000 apple growers are included in our membership. For the purpose of brevity, we are primarily limiting our views to the apple industry, but the same arguments apply to the winter pear industry.

The International Apple Institute is the result of a merger of the National Apple Institute and the International Apple Association, which was consummated in June, 1970. The undersigned, in his former capacity as Executive Vice President of the International Apple Association, has been actively involved with the ramifications of the Fair Labor Standards Act (legislative and administrative) as they affected the apple and winter pear industries for over 20 years.

The apple industry is "big business," worth $200 to $250 million at the grower level, and $750 to $1000 million at the retail level. Its "health" has an impact on the nation's economy, and, naturally, that impact is substantially magnified in the apple producing states.

The International Apple Institute is primarily concerned with, and strongly opposed to, the proposed amendments that relate to:

1. The increase in the minimum wage paid to agricultural employees;

.../

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Jack Garst, II
Occanneechi, Inc.
Boones Mill, Virginia 24065

William A. Gettz
Acme Markets, Inc.
124 North 15th Street
Philadelphia, Pennsylvania 19102

***Lester F. Haines**
Ocean Spray Cranberries, Inc.
Hanson, Massachusetts 02341

***Ben R. Lacy, III**
Freezeland Orchards Co., Inc.
100 Salem Avenue
Front Royal, Virginia 22630

***Everett Lutz**
Everett Lutz & Son
Route #3
Lawndale, North Carolina 28090

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J. F. MacNulty, Inc.
Menands Regional Market
Albany, New York 12204

John R. Mengel
Ontelaunee Orchards
Leesport, Pennsylvania 19533

James E. Miller
Jim Miller Company
754 South Alameda Street
Los Angeles, California 90021

***Fred K. Oshima**
Wetterau Foods, Inc.
8400 Pershall Road
Hazelwood, Missouri 63042

Maurice W. Sanders
M. W. Sanders Orchards
Route #3, Box 49
Emmett, Idaho 83617

***Ivan Stein**
Triple "S" Produce, Inc.
Route #2
Bangor, Michigan 49013

***Clifford Toenniessen**
4403 Day Road
Lockport, New York 14094

Alfred Wardowski
Leslie, Michigan 49251

Gordon Yates
Fruit Acres, Inc.
P.O. Box 933
La Crescent, Minnesota 55947

Alfred Zimmerman
A. Zimmerman & Son
R.D. #2, Box 234
Highland, New York 12528

* Executive Committee

2. The reduction in the number of man-days of agricultural labor during the peak quarter (from 501 to 101) relative to a farmer "qualifying" for the exemption from the agricultural minimum wage provisions of the Act under the present Section 13 (a)(6); and

3. The repeal of the limited seasonal overtime exemptions in Subsections (c) and (d) in Section 7 of the Act.

Increased Agricultural Minimum Wage

For the past two seasons (1969-70 and 1970-71) the apple industry has experienced its own private serious depression. This is readily evidenced by the fact that returns to apple growers have been below 75% of "parity" in both years. ("Parity" being the relationship between the prices received by growers and the prices paid by growers. The increase in the cost of producing, packing, storing, processing, transporting and selling apples has been, unfortunately, phenomenal and grower returns have been disastrously low.)

Despite exceptional efforts by this organization, and its state and regional members, to improve grower returns and increase consumer demand through self-financed promotion, public relations and educational programs, the apple grower, through this organization, has been forced to appeal to the USDA for surplus removal purchase programs in both 1969-70 and 1970-71. (For the record, the USDA purchased nearly $14.7 million worth of fresh apples and apple products in 1969-70, and $9.6 million in 1970-71.)

Without this assistance, the position of the apple grower would be catastrophic. Even with this help, a substantial percentage of growers are faced with liquidation. One more year like 1969 or 1970, and their situation will be catastrophic.

The job of producing, handling and marketing a crop of apples requires a tremendous amount of hand labor due to the perishable nature of the commodity, and the requirements of the market place. Further, it takes 10 years from the time the grower plants a tree before the production is sufficient for him to break even.

The cost of producing, handling and marketing a crop of apples is substantial. For example, reliable economists at Washington State University report that growers in that state need an average f.o.b.

.../

return of $4.00 to $4.50 per packed box for all grades, sizes and varieties to break even. We can assure you that many "ain't going to get it."

Labor (hand and mechanized) is a major factor in these costs.

S.1861 proposes to raise the agricultural minimum wage from the current $1.30 level to $2.25 per hour, a 72% increase in less than 2½ years, if S.1861 is passed by November 1, 1971. In our judgment, such an increase would mean nothing short of disaster for apple and pear growers.

S.1861 would raise the "industrial" minimum wage, applicable to packers, processors and others, to $2.25 per hour, a 40% increase. This, too, would have a serious adverse effect on our industry.

You might say, "Well, just increase your selling price." For horticultural commodities, such as ours, history and experience reveal this is extremely difficult and, at times, impossible to do.

First, the grower is faced with the vagaries of weather and, therefore, is unable to "tailor" his production volume to meet market requirements. The grower can't shut off his "factory." His costs to produce a crop are practically the same in a "poor price year" as they are in a good one.

Second, our commodity is extremely perishable. It continues to "live" and "breathe" after harvest. True, it can be held under very rigid and optimum cold and controlled atmosphere storage conditions up to 11 or 12 months. Its market and storage life depends on growing and harvesting conditions, the variety, the area in which it was produced, the stage of "maturity" when harvested, the "quality" of the storage conditions, etc. Not all fruit can be held for a long period. Some can be held only for a month or two at best. It must be moved to market while still in condition to give consumer satisfaction. This simply means there is constant, daily "pressure" to sell. With apples and pears tomorrow may be too late. Couple this "pressure" with the fact that our major customers are large buyers (chains, voluntary and cooperative retail groups), one can easily understand why it is so difficult for the apple and pear grower and shipper to "pass on" increased costs to the consumer, except under the most favorable supply situation (short crops).

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Further, the 72% increase in the agricultural minimum wage could easily --

1. Increase the rate of decline in U. S. apple and pear exports (for all horticultural commodities, for that matter); and

2. Encourage substantial imports of fresh apples and pears, and processed apple and pear products.

Prior to World War II, the apple industry in this country exported over 20 million bushels of apples in some years. The War and the recovery period cut exports to zero. During the recovery period, our Government provided several temperate climate countries with "aid and assistance," some of it in the form of apple trees, technical know-how, equipment, etc. As a result, for example, France's fresh table apple production has increased from an average of 10.4 million bushels in 1935-39 to about 90 million bushels in recent years.

Nevertheless, with the superior quality of our apples and our packaging, we were able to regain some of our export market. In 1965-66 we exported 6.7 million bushels (the post-War high). However, by 1968-69, due to "subsidized" and cheap French competition in our major export markets, and a continued "explosion" in world apple production, our exports slipped to 1.8 million bushels. In 1965-66 Great Britain, our historical major export market, took nearly 1.7 million bushels. In 1968-69 this slipped to less than 150,000 bushels. A similar situation exists for Venezuela, previously our second most important off-shore market. Prior to 1968, we "owned" 80% of that market. Severe, cheap French competition cut our share to 20% in 1968-69, and the situation has worsened.

Will an agricultural minimum wage increase encourage imports? Very conceivably and, probably, very substantially.

The explosion in world apple production has forced many countries to seek additional markets at prices well below the U. S. grower's cost of production. France is the most notable example, but Southern Hemisphere countries are also "in there pitching," as they are losing their historical European markets to increased European production. All are "looking" at the U. S. -- "Big Daddy" -- as a large, logical and lucrative outlet. In fact, Australia will double her fresh apple and pear exports to the U. S. this year. If we tried

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(or could) raise prices to cover the proposed increased minimums plus the additional overtime costs created by the repeal of Section 7 (c) & (d), foreign fresh apples and pears and processed products, produced and shipped for much less, would flood the U. S. market and drive domestic growers, packers and processors into bankruptcy.

The U. S. Embassy in Brazil tells us that the French exporter is "given" a $1.00 per box subsidy on the ocean freight rate to Brazil, and our Brazilian members tell us an additional 40¢/bushel subsidy is provided the French grower. Our members in Venezuela paint a similar picture. France has been delivering Golden Delicious to Great Britain at $2.75 to $3.60 per bushel carton. This is considerably below our f.o.b. cost. Golden Delicious is a preferred variety in Great Britain. About 80% of France's production is Golden Delicious. The problem is evident.

Considering the pressure in France to sell to any market at any price, we would not be surprised to see substantial shipments of this variety entering the U. S. in the near future, possibly this fall, at ruinous prices. The U. S. imposes no import duty on fresh apples.

Right now apple growers and "legitimate" apple processors are faced with a very real import problem -- a problem that, under the present provisions of the FLSA, promises to assume major proportions within the next 5 years. Under the proposed amendments in S.1861, it could become catastrophic in an even shorter period.

The "problem" concerns "apple juice" imports into the U. S. (U. S. Census Bureau reports these imports on the basis of single strength juice, but it practically all comes in as concentrate of 70 to 75 degrees Brix.)

Attached is a xerox copy of page 2 of our IAI Special Letter, Vol. 1, No. 22, published February 5, 1971 (Appendix A). The Census data contained therein clearly reveals the dramatic increase in the U.S. imports of "apple juice." Imports increased from 3.3 million gallons (the equivalent of 0.9 million bushels) in 1966-67 to 15.3 million gallons (the equivalent of about 4.3 million bushels) in 1969-70 -- a 400% increase.

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And this is only the beginning! Census data for only the first 10 months of 1970-71 show imports of 20.5 million gallons (the equivalent of about 5.7 million bushels), an increase of 34% over last year, despite the fact U. S. growers received only about $25.00 per ton for juice apples. We would emphasize the U. S. growers need a minimum of $60.00 per ton to cover their production costs.

As indicated in the article, imported concentrate can be purchased for about $1.55 to $1.85 per gallon, delivered, East or West Coast, which reflects a return to the overseas grower of about $10.00 per ton for the raw fruit.

Reliable U. S. concentrators report that they would need a price of $2.40 per gallon, f.o.b. their plants, in order to return U. S. growers $25.00 to $30.00 per ton for the raw fruit.

This is the situation under the present provisions of the F.L.S.A. Think what would happen under the amendments proposed in S.1861.

Just in passing, we would note that Australia is currently selling canned Bartlett pears at $1.00 per case below the going price for U. S. canned pears. Reliable reports estimate that the production of Bartlett pears in Australia will at least double in the near future.

Attached are two tables from USDA's "Agricultural Statistics" which are quite revealing when related to the proposed increase in the agricultural minimum wage. One concerns the "Indices of U. S. Exports and Imports of Agricultural and Horticultural Commodities"(Appendix B). Please note the sharp, dramatic increase in the imports of horticultural commodities as compared with the rather stable line for exports of horticultural commodities. It is also worthy to note the low level of imports of agricultural commodities (vs. horticultural). Conceivably, if the increase in horticultural imports were "extracted" from the data, the line depicting imports of agricultural commodities would show no increase and, possibly, a decline.

Why?

The other table, "Indices of Efficiency: Production Per Man Hour and Composite Wage Rates" (Appendix C), clearly establishes the "why." The "Production Per Man Hour" for "all crops" has more than

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doubled in ten years because of the ability to mechanize operations involving the major agricultural commodities and many of the less major commodities that do not "demand" hand labor.

On the other hand, look at the lines depicting "Production Per Man Hour" for "Fruits and Nuts" and for "Vegetables" which, because of the nature of the commodities and the demands of the market place, require substantial hand labor. The proposed wage increase can only result in less employment in the horticultural industry by making mechanization an "economic must" and/or by putting the U. S. industry out of business due to imports.

Certainly, any factor that will increase our cost of doing business can only hurt our industry, our country's economy and our balance of payments.

Growers cannot afford an increase in the agricultural minimum wage. Further, the "pyramiding" effect of the 40% increase in the "industrial" minimum level could have an equally harmful impact on the U. S. apple and pear growers and the agricultural worker.

Reduction In The Number of Man-Days

Reducing the number of man-days of agricultural labor from the present 501 in Section 13 (a)(6) to 101 will result in eliminating the agricultural minimum wage exemption for practically every commercial apple and pear grower in the country. Even a grower who produces only 10,000 bushels requires over 100 man-days of labor to harvest his crop, let along the other production labor requirements.

Repeal of the Limited Overtime Exemptions in 7(c) & (d)

The elimination of even these limited overtime exemptions would be most detrimental to the growers, shippers and processors. In light of what has been stated previously, it is logical to expect that the "harmful effects" will end up coming out of the growers' pocket which, in turn, will affect farm labor.

We vigorously oppose the repeal of these subsections for the following reasons:

1. Our industry is seasonal in nature.

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This fact increases the absolute need of certain segments of our industry to perform functions that necessitate overtime, over which they have little or no control, during certain periods of the year.

2. Our commodity is perishable.

Our fruit must be harvested, handled, marketed, stored and/or processed at optimum maturity. For example, harvested fruit left in the orchard, at an assembly point or on a packing house or storage platform, for just a 24 hour period has a storage "life" 10 to 30 days less than fruit moved into cold storage within 4 hours of harvest. The canner must process as much fruit as possible during the 2 month harvest period to maintain quality and to escape the considerable expense of moving the fruit in and out of storage. The demand for packed fruit for the fresh market during the fall harvest period is heavy.

Due to the perishability of our product, and the absolute need to maintain quality, neither the handler, the canner, the storer, nor the packer can adequately control or schedule supply to escape the real need to work overtime during this peak period. It should be recognized that many firms in these capacities handle more than one perishable horticultural commodity and, therefore, are faced with several peak periods, of the same or different magnitudes, during the year.

3. The peculiarities of our fresh market.

As an industry, we do not have, nor can we afford, an excess in packing capacity to handle the peaks in demand that occur during the storage season (October 15 - August 1). Therefore, we are forced to become involved with some overtime, if we are to make a sale, maintain customers and provide the consumer with fruit that gives satisfaction. Most of our apples move into storage "tree run" in bulk bins (i.e., just as they are harvested in the orchard). This fruit is then packed out "fresh on order" to meet fresh market requirements. The complexities

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of the demands and requirements of the large retail customers of today make it extremely difficult to "pack ahead" during slack periods. One truck load may contain 100 master containers of 12/3 lb. polyethylene bags of Delicious, 50 cartons of 6/8 lb. bags of Jonathan, 150 cartons of 10/4 lb. bags of Delicious, 200 cartons of tray packed Delicious, 300 cartons of cell packed Golden Delicious, etc. The next order may be substantially different. To anticipate these needs "ahead" is difficult. Further, the polyehtylene bags "cloud up" if packed too far in advance and are not acceptable to the retailer. Also, decay frequently occurs in apples packed in advance. The "fresh on order" system allows such decay to be eliminated as the fruit is packed.

Additionally, retailers have peak demand days during the week, as well as delivery deadlines. Frequently, such "days" and "deadlines" are the same for more than one of the shipper's retailer customers. Couple all of this with the need to meet truck and rail carrier schedules, and the real need to work extra hours on occasion is readily evident.

Then we have the problem of the retailer who runs "short" on Thursday and needs a truck load the next morning.

Repeal of the limited overtime exemption in Section 7 (c) & (d) would further aggravate a competitive situation that exists under the current law. Many growers (large and small) produce, handle, pack, store and sell only the fruit produced on their own farms. Under these conditions, these operations are included in the definition of "Agriculture" (i.e., "performed by a farmer or on a farm as an incident to, or in conjunction with, xxx") in Section 3(f). Such growers are not covered by the overtime provisions of the Act. On the other hand, an individual, partnership, firm or cooperative who handles, stores and/or packs fruit from other growers is covered by the overtime provisions, except for the limited seasonal overtime exemptions in 7 (c) & (d).

.../

We strongly believe that all of these operations performed by a farmer, or on a farm, are validly included under the definition of "Agriculture" and must so remain. So must the overtime exemption. In fact, a similar overtime exemption is essential for the employer who performs these operations for a number of smaller growers.

As you well realize, Congressman Dent has introduced a bill (H.R.7130) which amends the F.L.S.A. Title III of that bill provides for "relief" caused by increased imports from low-wage countries. May we be so bold as to suggest that, as far as horticultural commodities are concerned, we are completely pessimistic relative to any "relief" under this provision.

A number of horticultural industries have been, and are being, seriously hurt by increased imports, mostly from low-wage countries. Several have taken their "cases" to the Tariff Commission for "relief" under the countervailing duty procedure where subsidies are involved,under Section 301 of the Trade Expansion Act of 1962, and/or under Section 22 of the Agricultural Marketing Act. Suffice to say, we are reliably informed that only one or two industries have enjoyed any degree of "relief" relative to action by the Tariff Commission.

First, our Government's skirts are not clean relative to subsidies; and therefore, the U. S. is more than most reluctant to take any action under the countervailing duty procedure, fearing retaliation. In a 301 action three criteria must be met -- (1) must show increase in imports (no problem); (2) must show increased imports are caused by a concession resulting from the Trade Act; and (3) must establish that the injury, or threat of injury, is due to a concession. The last two are a "big problem" to establish. Even if you prove all three, the "cure" for horticultural commodities is inadequate. The "cure" is a return to no more than the 1962 duty level (and for horticultural commodities that's very small), or imposition of a quota, which "ain't likely" under our Government's philosophy. Action under Section 22 requires substantial and elaborate proof that a USDA "program" is threatened.

Certainly, the U. S. strawberry industry has been severely damaged by cheap imports from Mexico, where the daily wage for agricultural workers is about equal to our hourly wage. A similar situation is developing for tomatoes, certain vegetables and melons due to imports

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from Mexico. Incidentally, U. S. nurseries have shipped literally hundreds of thousands of apple trees to Mexico in the last few years, and we can start looking for apples from that country produced with $2.00 a day agricultural labor.

We've already outlined the import problems facing U. S. apple and pear growers and processors.

The enactment of S.1861 can only substantially aggravate the situation and encourage a substantial increase in imports of most horticultural commodities, fresh and processed.

In closing, we would further emphasize that, in our considered opinion, the net result of a 72% increase in the agricultural minimum wage would be a reduced agricultural work force and an increase in the welfare rolls.

The basis for that opinion -- the economics of mechanization, the loss of markets, the abilities and education of the agricultural work force -- was thoroughly advanced by many witnesses at the F.L.S.A. hearings during the last session of Congress and in earlier hearings. Considering those extensive hearings, there is no need to expand on this point.

The Committee's serious consideration of the opposing points of view set forth will be appreciated.

Sincerely,

Fred W. Burrows
Director, Marketing Services

FWB/jc

cc -- Senate Labor & Public Welfare Committee
IAI Board of Trustees

Appendix A

We would appreciate receipt of any such advertisements which appear in publications you read. We assure you that IAI will take prompt action in each case and that we will follow-up on the case in point.

YOUR IAI IS REQUESTING AN "INVESTIGATION" into the "facts" surrounding the recent substantial increase in the imports of apple juice and apple concentrate. Also, in our letter to the Foreign Agricultural Service, USDA, we are asking for advice relative to the legal ways and means of "combating" the competitive pressures created by these cheaper imports on the marketing of our domestic products.

As we understand it, if it can be shown that the foreign competition is being subsidized, the affected industry can initiate action calling for the imposition of countervailing duties by the U.S. Government. These subsidies, if any, are part of the "facts" we are requesting FAS, USDA to secure. Our duty is now zero.

Below is the recent record of "apple juice" imports into the U.S. (The Bureau of Census reports the imports on the basis of single strength juice, but it mostly comes in as concentrate of 70 to 75 degrees Brix, except possibly the imports from Canada). The data are shown in thousands of gallons of single strength juice. The imports from major countries of origin are shown. The grand totals reflect minor volumes from other countries. For your convenience we have also converted the total gallon figures to 42 lb bushel equivalents on the basis of 170 gallons per ton (i.e., .2785 bu/gal).

	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Canada	385	281	412	587	2,168	2,110
Argentina	--	--	--	--	--	559
France	1,431	1,728	2,063	1,477	3,049	4,024
Greece	1,161	441	817	1,784	1,831	1,446
Netherlands	82	43	--	20	149	406
Switzerland	347	820	8	39	5,682	4,278
Yugoslavia	--	--	--	212	845	--
Grand Total	3,445	3,356	3,335	4,456	15,405	15,284
42 lb. Bushel Equiv. (000bu)	959	935	929	1,241	4,290	4,256

As shown below, *imports of dried apples* also reflect an increase, except for 1969-70 (data in 000 of pounds of dried apples):

	1964-65	1965-66	1966-67	1967-68	1968-69	1969-70
Argentina	412	1,321	718	1,806	1,233	1,226
Italy	251	130	839	586	1,483	168
Grand Total	843	1,451	1,611	2,461	2,864	1,400
At 8 to 1 ratio 42 lb. Bushel Equiv. (000bu)	160	276	306	468	544	266

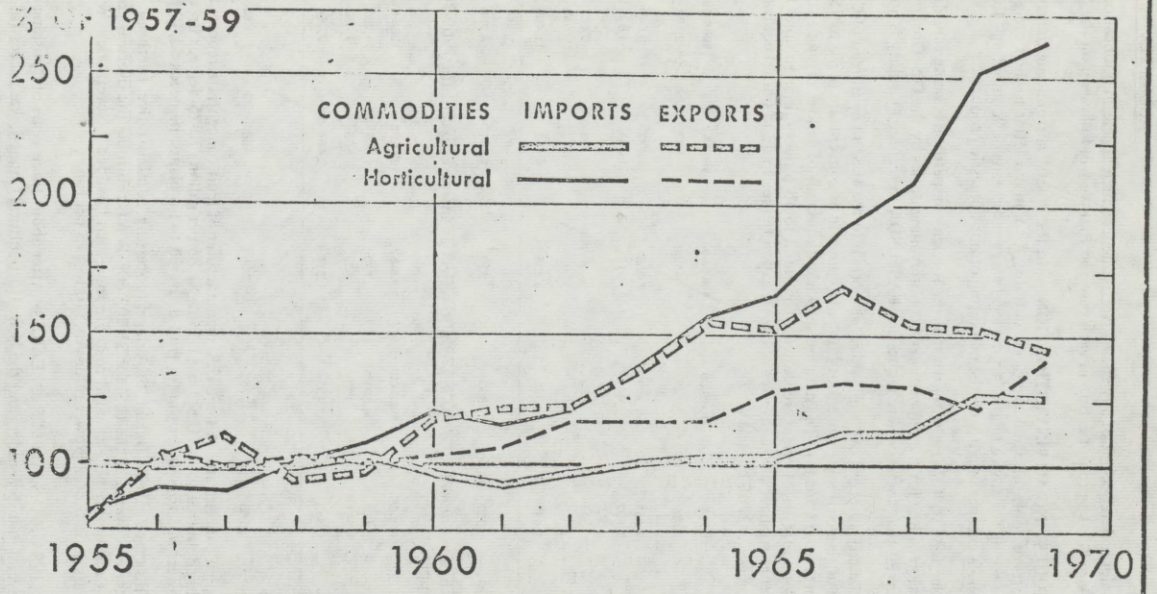
Back to apple concentrate. A large U.S. manufacturer of fruit concentrate reports that imported apple concentrate is being delivered to the U.S. for $1.55 to $1.85 per gallon (70-75 degrees Brix). He indicates that, to return U.S. growers $25 to $30 per ton for fruit delivered to his plants, he needs $2.40 per gallon, f.o.b.

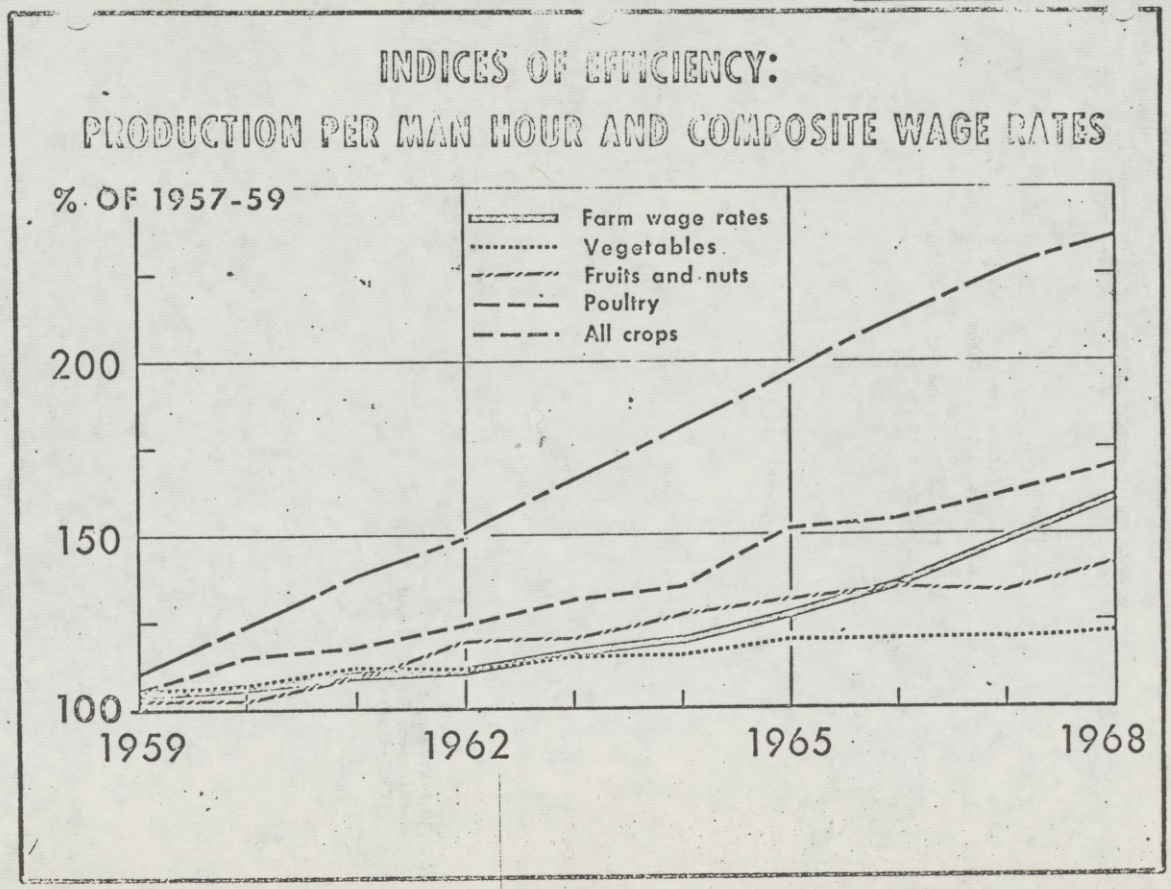
Based on his cost analysis (freight, brokerage, processing, administrative, overhead, profit), he estimates imported concentrate delivered to the U.S. for $1.80 per gallon is returning the overseas grower a net of $7.35 for his raw fruit. Conceivably his estimated costs are somewhat "padded." Nevertheless, removing most of the "padding" only nets an indicated grower return of $10 to $13 per ton.

BRAZILIAN DUTIES ON U.S. APPLES & PEARS – After about three years of "pushing on the rope", your IAI, along with several industry leaders and the N.W. Horticultural Council, was successful in getting the Brazilian Government to reduce its duty on *pears* from 37½% ad valorem to 20%. This was a seasonal *experimental* concession and was applicable from September 1 through December 31, 1970, so as not to "interfere" with pear imports from Brazil's major apple and pear supplier, her LAFTA partner Argentina. The pear concession was on a one year "trial basis", with the thought that Brazil would examine the "impact" on her market after the "season"

Appendix B

INDICES OF U.S. EXPORTS AND IMPORTS OF AGRICULTURAL AND HORTICULTURAL COMMODITIES




INDICES OF EFFICIENCY:
PRODUCTION PER MAN HOUR AND COMPOSITE WAGE RATES
% OF 1957-59
Farm wage rates
Vegetables
Fruits and nuts
Poultry
All crops
200
150
100
1959
1962
1965
1968

Statement of the

National Milk Producers Federation

Before the
Subcommittee on Labor
of the
Committee on Labor and Public Welfare
of the U. S. Senate

September 16, 1971

Patrick B. Healy
Secretary

30 F Street, N. W.
Washington, D. C. 20001
(393-8151)

Mr. Chairman and Members of the Subcommittee:

I am Patrick B. Healy, Secretary of the National Milk Producers Federation. The Federation is a nation-wide farm commodity organization.

It represents dairy farmers and the dairy cooperative associations which they own and operate. These cooperatives range from small groups to very large federated organizations. They operate throughout the continental United States and in Alaska.

In considering S. 1861 and related legislative proposals, we are particularly concerned about two features: (1) the minimum wage as applied to agriculture; and (2) lowering the man-day test for coverage of agricultural workers.

CHANGES IN MINIMUM WAGES

First, as regards increases in minimum wage for workers in agriculture, we recognize the need for maintaining an adequate wage level (a) to obtain and retain workers in agriculture; and (b) to provide an adequate living standard for such workers.

In considering changes in the wage standard, however, it is necessary to take into consideration on-farm conditions.

Under present law, the minimum wage is $1.30 per hour for workers in agriculture.

As proposed in S. 1861, the wage level would be raised to $2.25 per hour, a 73 percent increase over the present level.

For small farmers struggling under heavy economic burdens, such a substantial increase could mean serious problems. The consequences could include reduction in hiring of workers, particularly those only marginally productive.

For some farmers, the cost burden could be so substantial as to cause them to go out of business. Recognizing the need for paying a living wage

for workers in agriculture, there is then a need also to make increases in minimum wages reasonable enough not to cause more unemployment or undue economic hardships for farmers.

In the case of agricultural labor, the fiscal return per employee is relatively small. If there are substantial increases in costs -- resulting from increases in minimum wages -- there will need to be commensurate increases in farm prices.

Moreover, it is important that Congress recognize that -- together with other laws that increase costs of farm operations -- such action can only result in raising costs of food prices to consumers.

Because of such factors, we oppose the recommended increase to $2.25 per hour for agriculture workers as proposed in S. 1861.

EXTENDED COVERAGE OF FLSA

If enacted, S. 1861 would also include more farms under the minimum wage requirements of the Fair Labor Standards Act by lowering the criteria for coverage from 500 to 100 man days per quarter. Such an extension of the Fair Labor Standards Act would cause a substantial increase in the wage bill of smaller farmers. This too causes serious problems in agriculture.

For decades there has been a decline in employment for agriculture. Small farms have been disappearing because of their inability to compete with large operations in terms of mechanism and the high cost of adaptation to technological change. Imposition of such additional cost burdens could accelerate the trend away from small farmers and actually result in unemployment for farm workers.

For these reasons, we oppose the lowering of criteria from 500 man days to 100 man days per quarter to extend coverage to more farmers.

MODIFICATION OF CHILD LABOR LAWS

S. 1861 also proposes major changes in the use of child labor in agriculture. The Fair Labor Standards Act now prohibits the use of child labor in agriculture during school hours or in a hazardous occupation if the child is under 16. S. 1861 would further restrict child labor in agriculture by prohibiting employment outside of school hours unless the employee is:

(a) 14 or over

(b) employed by his parents on a farm they own or operate; or

(c) 12 or over and commuting to work daily from his permanent home.

We support the basic principle that children should be protected against exploitation or abuse. However, such restrictions do raise additional problems of child care while their parents are at work. Consideration should be given also to the impact upon youth. By limiting, and in some cases prohibiting, opportunity to be gainfully employed -- it would obviate constructive use of their time and energies and a moderate supplement to income. Therefore, we believe it wiser to defer consideration of this particular amendment until further studies be made of its ultimate effect upon youth and upon agriculture.

STATEMENT OF NATIONAL COTTON COUNCIL OF AMERICA
BEFORE
SENATE LABOR AND PUBLIC WELFARE COMMITTEE

June 1, 1971

The National Cotton Council is the central organization of the raw cotton industry representing farmers, ginners, warehousemen, merchants, cottonseed crushers, cotton cooperatives, and cotton textile manufacturers in the 19 cotton-producing states.

The position of the cotton industry with respect to amending the Fair Labor Standards Act is incorporated in a resolution adopted at the last annual meeting of the Council held in Dallas, Texas, on February 2, 1971. The resolution reads as follows:

> "That the Council recognizes that increases in the minimum wage and extensions of coverage under the Fair Labor Standards Act have created serious inflationary impacts which jeopardize cotton's ability to meet its competition, work hardships on people who are not employable at prevailing rates, many times adding willing workers to relief rolls and thereby disrupting the economies of many areas; and
>
> "That the Council continue to urge that the administration of the Act account be taken of the nature of farming, including usual customs and employment practices, and of the need to avoid the imposition of requirements which would result in an unnecessary costs or burdens being placed on the farmers."

Our statement is with reference to S. 1861, specifically as it relates to the cotton industry. Under this bill the rate for covered farm workers whose present minimum wage is $1.30 per hour would be increased to $2.25 per hour in 3 steps: to $1.70 an hour effective the first year after enactment; to $2.00 an hour effective the second year; and to $2.25 an hour thereafter. It would also eliminate all overtime exemptions for agricultural workers and workers in agricultural processing industries. It would institute time and one-half for work over 8 hours per day or 40 hours per week for all covered workers. It would further extend the coverage to farms utilizing more than 100 man days per calendar quarter. This provision in itself would work great hardships on many small farmers who would be forced to seek professional help to maintain the records that are required.

This bill would increase all farmers' cost, both directly and indirectly.

One effect would be to force a 73% increase in the minimum farm wage rates in three years. This compares to an increase of only 41% for non-agricultural workers and therefore requires an adjustment for agriculture that is all out of proportion to that required for other industries. In the 14 principal cotton producing states, the average hourly wage paid to hired farm workers was about 46 percent higher in 1970 than in 1966. The bill under consideration would greatly accelerate this trend and make even more difficult the progress needed to reduce the price-cost squeeze, which is the root of cotton's problem. Cotton farmers cannot pass on their cost increases. They have to absorb them.

Another factor often overlooked is that when minimum farm wages are forced up by legislative action, employment opportunities are reduced substantially. For example, the peak number of hired workers on all farms in the principal cotton-producing states was 14 percent lower in 1970 than it was in 1966 -- a net loss of 170,000 farm jobs. In the main, the workers involved had been employed in relatively unskilled farm jobs -- hoeing weeds and harvesting fruit, vegetables, and field crops as examples -- jobs in which labor productivity was simply too low to justify continued employment at higher wages.

Specifically in the case of cotton, the man hours of labor used in growing and harvesting an average bale of cotton were reduced by about 25 percent between 1966 and 1969. These reduced labor requirements almost exactly cancelled out the effect that the rise in wage rates over these same years would otherwise have had on the average cotton producer's labor costs. As previously indicated, the reduction was accomplished largely by replacing workers who had formerly been employed to control weeds and to harvest cotton by hand with chemical and mechanical substitutes. The effect of an increase in wage rates was actually expressed in the form of transferring labor costs into increased outlays for herbicides and mechanical harvesting.

Beyond this is the fact that the rise in wage rates, along with inflation in other farm cost components, has forced a great many small farmers out of business. For

example, there are an estimated 25,000 fewer farms with cotton allotments under 30 acres than there were before the 1966 Act was passed. Many of these were small operators who, because they lacked the financial and other resources required for the transition to a fully mechanized system of cotton production, were forced out of business by rising labor and other increased costs. Many former producers, along with their labor, thus have been forced off the farms -- further aggravating the problem of the cities. The pending bill with proposed increased rates per hour, and elimination of all overtime exemptions, if enacted into law, would greatly accelerate this movement.

Perhaps the time is at hand to re-examine past actions, including those provisions of the Act which restrict the employment of young people on our farms. The provisions of S. 1861 propose even further restrictions. Certainly, this is not a suggestion to allow farmers to exploit the unemployed. This point is raised simply to ask a question which is hoped will receive consideration of the committee: Are the aims and aspirations of our whole society best served by denying young people, and others as well, an opportunity to find dignified, wholesome work on our farms at wages that are commensurate with their productivity and the capability of the employer to compensate such workers?

The primary effect on production costs would be to increase further the outlays for labor-saving technology on the farm. However, approximately 30 percent of the cost of a bale of cotton, delivered to the door of one of our domestic mills, represents services provided after the cotton leaves the farm on which it was grown. It represents services over which the grower has no control, but which are essential to marketing the cotton crop.

The most expensive of these services is ginning -- the process of separating the lint from the seed and then baling the cotton in preparation for market. Labor is one of the major cost components of ginning, and the provisions of this bill would apply to all gin employees. Gin operators would have to increase the fees charged for their service to offset the increased labor costs.

Cotton, like most seasonally produced crops, must be stored in order to maintain adequate supplies with a mill consumption pattern that tends to be extended uniformly

over an entire year. Unlike other crops, however, there are a variety of services associated with the cotton storage operation which are vital to marketing the crop. Several of these services, such as unloading, weighing, sampling, assembling into even running lots, compressing cotton bales to a density suitable for rail or ocean shipment, and the like, entail costs the major part of which is wages. The provisions of the bill being considered would apply to these workers, and the increased wages would be reflected in higher charges for these and other services provided by the warehouses. Actually, in usual trading practice, it is the cotton buyer who settles with the warehouse for these services. But this cost is fully taken into account in the price that is offered to the farmer. And an increase in the cost of these services would be automatically offset by a corresponding decrease in the price farmers receive for their cotton.

Further, labor costs in the cottonseed processing industry would be increased. Again, the pressure of competitive considerations would tend to pass these increased costs back to the farmer in the form of a reduction in prices paid for the cottonseed.

The inclusion of all farm workers under the overtime provisions of the law would be most burdensome to agriculture. Probably no other industry is so dependent upon the need for long working hours for certain short periods of the year than is agriculture. The very fact that the farmer must continuously adapt all of his operations to unpredicable weather patterns necessitates the use of every daylight hour and often work at night.

The added burden of overtime pay for these workers during these periods would increase greatly the impact of the proposed wage increases. In 1966, the Congress recognized that there were certain situations where the application of overtime provisions would impose undue hardship on the affected industries. Agriculture was one of these special cases in 1966 and certainly there has been no substantial change in conditions which suggests any change in present overtime regulations.

We are well aware of the conference report on the Fair Labor Standards Act

amendments of 1966, in which the committee gave notice "that the days of overtime exemptions for employees in the agricultural processing industry are rapidly drawing to a close, because advances in technology are making the continuation of such exemptions unjustifiable." In spite of the fact that considerable research has been underway for some time on ways to lengthen the ginning season, because of greater use of mechanical harvesting, the season actually has been shortened.

Gins cannot store large quantities of seed, and during the ginning season must be continually trucking them to the crushing mills. The bales of cotton must quickly be moved to the shelter of warehouses. In a given area, some 90 percent or more of the cotton crop normally is ginned in a 6 to 8 week period or less. Because of the unavailability of seasonal labor in most of the places of need, the only way that this tremendous movement of cotton and seed can be handled is by relying heavily on overtime. Without the very limited exemption now in existence, costs would skyrocket, or else the lint and seed would be subject to damage and deterioration.

Cotton people are devoting needed attention to the many problems created by the seasonal nature of our industry. Until there is progress, continuation of the present exemptions are badly needed.

Wage costs in virtually all of the local businesses that farmers patronize would be increased under this bill, and these increases, too, would be reflected in the higher prices that the farmers would pay. They include farm equipment dealers, fertilizer dealers, supply stores, hardware stores, fuel and heating oil distributors, automobile and truck dealers, haulers, service stations, supermarkets, laundries ... and many others.

The steadily climbing inflation we have known for many years has had a staggering impact on the income of cotton farmers, and others working in agriculture. The USDA estimates the realized gross income of farmers last year (1970) was 56.2 billion dollars -- about 1.9 times as large as it was 24 years ago (1946), the first year after the end of World War II. Over these same years, farm production expenses increased

by a factor of 2.8 -- to 40.4 billion dollars. The difference, 15.8 billion dollars, represents the realized net income to farmers last year. Measured in current dollars, it was 724 million more than it was 24 years ago. But in terms of purchasing power, as measured by the Consumer Price Index, that 15.8 billion dollars would buy only as must as 8 billion 1946 dollars would have bought. The real income of agriculture, when measured in these terms, has actually declined by 47 percent over these years. Understandably, farmers have genuine reason to be concerned about inflation.

There are many subtle and indirect ways in which the enactment of this bill would work to the disadvantage of cotton, along with all the rest of agriculture. The proposed increase in minimum agricultural wages will accelerate the prices charged for manufactured goods. Labor unions would be under pressure from their members to maintain pay scale differentials in relation to the pay of unskilled workers, and manufacturers will pass the added costs on to farmers and all other consumers in the form of higher prices.

The overall effect of this bill would be to squeeze the farmer further between rising costs of production and lower returns for his products. We urge that it be rejected.

SENATOR
WILLIAMS N.J.
30 PM '71

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September 27, 1971

SEP 30 1971
RECEIVED

The Honorable Harrison A. Williams, Jr.
Senate Labor Subcommittee
United States Senate
Washington, D. C. 20510

Dear Senator Williams:

The American Association of Nurserymen represents 1,850 companies located in nearly every state. The members of the Association produce nursery commodities, engage in landscaping, and in the sale at retail and wholesale of nursery products, garden supplies, and related items.

The Association is highly concerned with Section 4 of S. 1861 which would repeal Sections 7(c) and 7(d) of the Fair Labor Standards Act. These sections are highly needed by this industry due to the inability to control the hours of work required of employees. These sections provide very limited overtime exemptions for employees engaged in seasonal activities in several seasonal industries including the landscape industry and the handling and storing of nursery stock.

Landscaping cannot be done during the winter months due to the condition of the ground--either frozen or covered by snow. In addition, many plants needed for landscaping are not available during certain winter months. Similarly, it is not possible to complete harvesting and handling nursery stock during an 8-hour day or 40-hour week. These commodities cannot be harvested until nature brings them to the right state and then they must be handled in a short period of time.

These seasonal overtime exemptions have been in the law, although changed in some respects by amendments, since enactment in 1938. The reasons for which the exemptions were placed in the original law are just as valid today.

Serious economic hardships will result if the employees who handle these commodities and who engage in landscaping are not



Green Survival...it depends on you.

continued under a partial overtime exemption. Employers will be forced to reduce hours of work insofar as possible, although such overtime cannot be completely eliminated. To the extent that employers will have to pay overtime, an economic hardship will result. Employees will also suffer since their hours are naturally limited during those seasons when work must be curtailed because of weather factors. Employees can recover somewhat by being permitted to work longer hours during those seasons when such activities can be performed.

For these reasons, we urgently request that the Fair Labor Standards Act continue to include the partial overtime exemptions under Sections 7(c) and 7(d).

We are also seriously concerned about the inflationary and economic impact of increasing the minimum wage to $2.25 per hour. Many employees of our members are employed in small retail garden centers. Increases such as are being considered under S. 1861 can only result in curtailment of employment opportunities for those very people which minimum wage legislation is designed to assist. Economic necessity dictates that employers reduce manpower needs wherever possible. This is done in retail establishments by reducing the number of clerks which in turn reduces service to customers. Such establishments are simply not able to support $2.25 per hour and $3.12 per hour for overtime hours.

The proposed increase in the minimum wage to agricultural employees will also result in a curtailment of employment opportunities since employers of farm labor will have to reduce labor requirements through automation and any other processes available.

In a time when unemployment is high and employers generally are most cost-conscious, it does not seem that increasing the minimum wage, which will only aggravate the unemployment situation, is a wise move.

We respectfully request that Congress not increase minimum wages at this time with the resultant economic burdens to employers, especially small employers such as are represented by the Association.

We respectfully request this letter be included in the record of the hearings before your Subcommittee.

Sincerely,

Robert F. Lederer

Robert F. Lederer
Executive Vice President

RFL:cv

STATEMENT OF

J. HARDIN PETERSON, SR.
Attorney at Law
215 East Lime Street
Lakeland, Florida

on behalf of

FLORIDA FRUIT & VEGETABLE ASSOCIATION
FLORIDA CITRUS MUTUAL
FLORIDA CITRUS PRODUCTION MANAGERS ASSOCIATION
INTERMEDIATE HARVESTERS AND HANDLERS ASSOCIATION, INC.

In Oppositon to Certain Portions of
S. 1861

This presentation is made on behalf of the following non-profit associations in the State of Florida:

Florida Fruit & Vegetable Association, whose members produce more than one-half of all vegetables, fruit and sugar cane in the State of Florida.

Florida Citrus Mutual, whose membership embraces more than 15,000 citrus growers of the State of Florida.

Florida Citrus Production Managers Association, made up of managers and caretakers who do the caretaking and actual cultivating and production of citrus crops in the State of Florida, and who hire the workers engaged in these activities.

Intermediate Harvesters and Handlers Association, Inc., an association made up of those who pick and harvest citrus fruit and haul to the place of first processing or first sale, and in some instances purchase fruit.

All of these organizations are non-profit, working for the welfare of the fruit and vegetable growers and are familiar with the problems of the fruit and vegetable industry. All of these organizations are very much concerned about the impact that S. 1861 would have on the fruit, vegetable and cane industries of the State of Florida and wish to present to this Committee certain facts relating to agriculture and agricultural employment, particularly in Florida. From these facts this Committee can readily see that this legislation would adversely affect the fruit, vegetable and cane industries and, if passed, certain crops could not be raised and certain phases of

processing could not be operated without great loss. One plant that has been putting up grapefruit sections for years has already had to cut out the sectionizing part of the plant, because it was operating at a loss, and other plants have had to install mechanical or semi-mechanical methods of sectionizing to reduce labor costs. This has thrown sectionizers, a large proportion of whom are women, out of employment. If wages are increased and overtime provisions eliminated the situation will be worse.

DATA PERTAINING TO THE SUGAR INDUSTRY
IN THE STATE OF FLORIDA

There are nine sugar cane processing establishments in the State of Florida, which produces more than half the sugar cane produced in continental United States, and all of these establishments make use of Section 7(c) and 7(d) exemptions for the entire 20 permissible work weeks. However, the time and a half is applied over 10 hours per day or over 48 hours per week, which is covered by union contracts in most instances. Hours at these establishments fluctuate during the processing season, very much in the same manner as in the fruit and vegetable establishments, because of many changes in the weather conditions and other operational uncertainties and hazards.

You realize the sugar industry is in various states - beet sugar and cane sugar. In the event the exemptions are repealed they would be competing with offshore areas which have a very low wage scale and if productions was cut it would be difficult, if not impossible, to restore in times of a national emergency. Congress, beginning with the passage of the Fair Labor Standards Act of 1938, has recognized the problems of the raisers and processors of sugar. In times of national emergency one of the first shortages is a shortage of

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sugar. In some areas the production of sugar might be termed a sub-marginal crop, but it is a necessity and the Government has encourage the raising of sugar and we feel the exemption should be continued to keep the industry alive and healthy.

TRANSIT EMPLOYEES AND EMPLOYEES UNDER THE REGULATIONS OF INTERSTATE COMMERCE COMMISSION

Many of these employees are engaged in the transportation of fruits and vegetables and one of the big problems of the fruit and vegetable industries is getting the product to market. In the article by Clinton Cook, referred to in this statement, he points our that one of the great problems in the U. S. fruit and vegetable industries is the transportation bottleneck. The elimination of this exemption would add additional burdens to already overburdened industries.

SEASONAL INDUSTRY EMPLOYEES

Congress and Wage and Hour Administrators have long recognized the difference between industrial employees and agricultural employees and the need for seasonal employees and have made this distinction in the legislation. The proposed legislation wipes out these differences and adds further burdens to the food producers of America. We recognize that the committee is concerned about spreading unemployment, but the provisions relating to other industrial employees will not fit agricultural employees engaged in the processing of agricultural products. The problems are different. The growing and producing are seasonal, and while there

is unemployment in the nation, there is a shortage of agricultural workers during the season. Florida has a longer growing season than most other states, but Florida also has the problem of sudden freezes and of replanting crops after the freeze. When the crops mature they have to be harvested or they will be lost in the fields and both the farmer loses and there is that much food lost to the nation. We have freezes that may wipe out crops in various stages of production, including mature crops. However, if some growers did not take the risk of raising crops we would not be able to have fresh fruits and vegetables on the table in the dead of winter. When crops are mature and we have a warning of a freeze oftimes every effort is made to harvest and save as much of the crop as possible and the workers will work long hours during this period. If the crop is frozen there is no work for a short time thereafter, but if the cost of harvesting is too great the grower cannot afford to save the crop.

As stated elsewhere, the repeal of these exemptions will not relieve unemployment because there is a shortage of workers during the season. The unemployment, when it exists, is at other times than during the season. Administrator Metcalf Walling recognized the difference when he testified before the Senate Committee in 1945 and said:

> "... the need for overtime work is apparent. The industries subject to severe pressure of seasonal activity in the moving or processing of a crop fall into this category. In the canning of perishable fresh fruits and vegetables, for example, the entire available labor supply in the areas in which the establishments are located is frequently utilized during seasonal operations. At such time, employees often must work considerably more than 40 hours in order to prevent the spoilage of food. If the purpose of Section 7 is to spread employment through penalized overtime work I wonder whether it would be appropriate to apply the penalty under such circumstances. " Hearings before Subcommittee

Senate Committee on Education and Labor on S. 1349 79th Cong., 1st Sess., P. 241.

The same thing was vorne out when the then Wage and Hour Administrator McCombe testified in 1948:

> ". . .all the industries which process and handle agricultural and fish products have a basic similarity. Their primary problem under the Act concerns the overtime provisions, since they are affected by seasonal peaks of activity which, to a considerable degree, are not controllable since they depend upon the uncertainties of weather and other natural phenomena. Moreover, these industries are frequently located in small towns in rural areas where additional labor is not readily available." Hearings before Subcommittee, Senate Committee on Labor and Public Welfare on S. 49, S. 154, etc., 89 Cong. 2d Sess., 1948, p. 40.

There must be flexibility as to farm labor and flexibility benefits both the employee and the farmer, as well as closely related industries. We believe there is a closer relationship between employer and employee in agriculture and agricultural processing than in many other industries and ofttimes many members of the same family work for the same employer and there is a sincere desire on the part of the employer to continue to provide employment for them. If the overtime requirements are not too stringent the employer can help the employee splice jobs and give him some more work, whereas, if the extra work he would give him costs too much the employer would not be justified in giving the employee such work.

At the present time sub-standard workers who can't quite produce enough to get minimum wages are hired in many instances and paid minimum wages, but if the hours at which he can work before getting overtime are shortened, then the heavy overtime would be such thatwhere the employer could absorb a small amount he could not absorb the larger amount and thus the slow worker would have difficulty in finding employment. Yet, there are many faithful,

conscientious workers who could be use if the employer is not required to pay beyond his earning capacity. We must bear in mind that a great amount of agricultural work is piece work. In many instances incentive pay beyond the minimum is paid. Therefore, the greater the bas pay the greater the overtime.

Oftentimes the hours on the job do not represent a true picture of the work performed. Workers rest between times. Some workers work hard and try to earn more and others like to take it easy. Rains interrupt work at times. Farmers cannot control the work hours in advance and spread production over each week of the year and Congress has long recognized this.

It is not profitable to market fruits and vegetables when the cost of harvesting and/or processing gets too high. The farmer cannot add all the labor costs to the price because the market determines the price. So, when the cost of harvesting and processing becomes too great the farmer cannot afford to harvest certain of his crops. When prices are low and the cost of harvesting and processing is not to much the employer and the employee may still make something off the crop or the employer may make enough to give the employee work for a little longer period, whereas, the extra overtime may be such that it will cost too much to justify the harvesting of this part of the crop. When the price of fresh fruit and vegetables drops to the point where the sales price will not stand the costs of harvesting and/or processing then that portion of the crop rots in the field and the farmer loses what he might have gotten for it, the worker loses what he would have been paid for harvesting and processing, the transportation company loses what it would have been paid for transporting and the Government loses what it would have gotten on the profits and wages earned.

FACTS ABOUT AGRICULTURAL EMPLOYMENT IN FLORIDA

Not all migrants are agricultural workers -- and not all agricultural workers are migrants. The average migrant only derives about 50 % of his income from agriculture. The balance comes from sources other than agriculture. Studies show that unskilled workers can earn more in farm work than they can in non-farm employment. On a national basis 59% of the agricultural work force, composed mostly of housewives and students, are not in the labor market most of the year and, therefore, are not interested in year-round employment. Florida migrants have a longer work season - - - their average of wages earned is higher than the national average.

One out of every three people who work in Florida are deriving at least part of their income from agriculture. The average weekly wage for farm workers in 1970 was $78.00. On January 1, 1971, the average week wage without room and board for the United States was $78.50. There are no figures available specifically for Florida. In 1970, Florida agriculture used a maximum of 127,000 workers on farms. This total included 37,000 "family-type" workers and 90,000 hired workers, including hired year-round workers. It is estimated that there are about 60,000 seasonally hired workers on farms in Florida, only part of which are migratory.

In January, 1971, Florida's average wage rate for agricultural workers was $1.51 per hour. This compares with a national average of $1.67 per hour. However, most of the harvesting of agricultural commodities in Florida is done on a piece-rate basis where workers can earn much more per hour. The average wage on a piece-rate basis in citrus in 1969 was $2.64 per hour. In January, 1970, piece-rate workers were paid an average of $2.24 an hour on a national level.

The United States Agricultural Statistical Reporting Service states the average per hour of all piece-rate workers in Florida for the year 1969 was $2.41. Similar high earnings can be made in the harvesting of vegetables and other commodities, which are performed primarily on a piece-rate basis. A farm worker representative at the 1971 Florida Senate Agricultural Committee Hearings stated that good fruit pickers could pick 150 boxes of grapefruit per day at 25¢ per box minimum (a total of $37.50 per day), or 100 to 120 boxes of oranges at 35¢ per box minimum (a total of $35.00 to $42.00 per day).

Prevailing piece-work rates for major agricultural crops in Florida have increased over 100% since 1960. When workers are paid piece-rate, they are still guaranteed the minimum for the hours they work under the Federal Minimum Wage Law, even though they do not earn it on a piece-rate basis.

The Department of Labor submitted to Congress in 1970 a comprehensive study of agricultural handling and processing industries. We attach to this statement for the convenience of the committee an analysis of certain portions of this report. It shows clearly the need of these industries to work their employees overtime. It shows clearly that there are peaks of production and that production wanes at other periods. While we refer more or less to Florida and California, the entire vegetable and fruit industries need the exemptions because there are so many unpredictable and uncontrollable factors in the production and processing of perishable crops.

Turnover rates are extremely high. Two citrus companies' surveys indicate that 31% of the workers on a payroll in a particular year picked 88% of the fruit and 69% of the workers picked only 12%.

IMPACT OF FOREIGN COMPETITION

We might as well be realistic about the impact of foreign competition. Any increase in the cost of producing American fruits and vegetables gives aid to our foreign competition and this competition has been increasing rapidly. We have attached hereto copies of certain appendices which were submitted by the Florida Fruit & Vegetable Association, as part of a statement to the Sub-committee of the House Committee on Education and Labor on August 23, 1966, which shows what was happening during the winters of 63-64 and 64-65, and competition has become increasingly worse. You will note from these tables that the off-shore competition covers nearly every type of vegetable.

Mexican vegetables and melons for export to the United States come mainly from the West Coast, where they have been grown for a number of years. Principally involved are areas in the States of Sonora and Sinaloa as far south as Culican. Output of tomatoes, the main vegetable grown, has been gradually moving upward and, in recent years, has decidedly shifted to the stake-grown, vine-ripened product.

Total export value of Mexico's vegetables and melons is over $50 million, with tomatoes accounting for about two-thirds. (Appendix No. 1.)

Mexican imports continue to increase, with expansion in crops other than tomatoes, and also into another production area. A sharp upward trend has taken place in acreage and production of foth cantaloups and watermelons, while cucumber production is also expected to expand in the next few years. With attempts by Yucatan to produce winter vegetables for export, one new area may be added. The potential increases in citrus, strawberries and tropical fruits have already been pointed out by Appendices Nos. 2, 3, 4 and 5. Page 9.

Just recently I have observed Mexican strawberries on sale at the supermarkets in Florida and on other occasions I have seen nectarines and peaches, cantaloups and various varieties of melons and other fruits. The Fruit and vegetable industry is more than a billion dollar industry, employing large numbers of persons. We have only to look at the newspapers to see what foreign competition has done to some of the manufacturing industries and the great amount of unemployment caused by this competition. What of the garment industry? Shoes? Watches? Brands that were the best when I was a youngster are no more. If foreign competition can cause this problem to stable industries whose products are not perishable, think what it can do to the agricultural industry which is producing a perishable product. If it cannot be harvested and sold when mature it rots and is lost forever to the economy of the nation. A shipload of foreign tomatoes has been known to break the market and shorten the shipping season. A similar situation exists with reference to other vegetables and fruits. Do we want to create a situation in which we become dependent on foreign countries for our fruits and vegetables?

The fruit and vegetable growers of Florida get no subsidy and ask for no subsidy. However, being in a highly seasonal industry, it is necessary that the seasonal exemptions be continued. In the face of the ever increasing competition from off-shore areas it is important that the American farmer and his productivity ability be preserved. To run his costs up so much he cannot survive or compete with off-shore areas will cause many food producers to become discouraged and leave the farm to go to towns and cities and, thereby, create additional unemployment problems. Once a farmer abandons or leaves his farm that food producer is lost because he seldom returns.

In a recent article by Clinton Cook, of the Fruit and Vegetable Division, Foreign Agricultural Service, he says:

> ". . . During the last 10 years farm wage rates increased about 60 percent while production per man hour in vegetables increased only a little over 20 percent. . . . Strawberry production, harvesting and handling have changed little over the years. Last year over 50 percent of U. S. consumption of strawberries was imported. . .
>
> "The end of the Bracero program in 1964 cut off a vast supply of immigrant labor and increased costs of labor for the U. S. horticultural industry. However, there was no corresponding cost increase in Mexico. U. S. horticultural imports from Mexico have risen from around $15 million 12 years ago to $200 million last year and much of this production for export is at least partially financed and directed by American interests."

In an article excerpted from the publication CANADIAN IMPORTS OF HORTICULTURAL PRODUCTS by Henry Dueringer, who compiled and analyzed data while working for the Fruit and Vegetable Division, FAS, we find the following:

> "Large quantities of strawberries grown in Mexico were marketed in Canada in the 1960's in frozen form, and Canada's imports increased from 7.7 million pounds in 1960 to 21.2 million in 1969. Nearly all of the increased volume came from Mexico, which at the beginning of the 1960's held a minor share of the Canadian frozen strawberry market while the United States was the chief supplier. By 1969 Mexico had 84 percent of the market and the United States only 12 percent.
>
> "Both Mexico and another developing country, Brazil, made substantial gains in Canada's market for frozen and non-frozen orange juice concentrates. In 1960 the United States was Canada's only supplier of frozen concentrated orange juice; by 1969 U. S. sales were only 55 percent of a growing market and Mexico had captured 13 percent and Brazil 24 percent. Canada's purchases of nonfrozen juice followed a similar pattern for the decade except that Mexico was the chief gainer.
>
> "Some of the Asian developing countries that made sizable inroads on the Canadian market were the Philippines with pineapple juice and canned pineapples. Taiwan with canned asparagus and canned mushrooms, and Malaysia with canned pineapples."

In a summary of a brief filed by Wayne Hawkins of the Production and Marketing Division of this association, he gives the following facts with reference to certain vegetables:

"TOMATOES, FRESH

"The 1969-70 imports (excluding September) were 625,025,000 pounds. This represents a percentage increase over 1968- 69 season of 35.5 percent. The percentage increase over the 1964-65 season (five years ago) is 141.8 percent and the percentage increase over the 1960-61 season (ten years ago) is 242.6 percent. Corresponding figures for the same periods show Florida production for fresh tomatoes for the 1969-70 season as 468,400,000 pounds. This is a decrease of 30.7 percent from the 1968-69 season and a decrease of 43.7 percent from the 1964-65 season which was just five years ago.

"BEANS, FRESH

"The 1969-70 imports (excluding September) were 12,447,000 pounds. This represents a percentage increase over the 1968-69 season of 14 percent. The percentage increase over the 1964-65 season (five years ago) is 40.7 percent. Florida production of fresh beans for the 1969-70 season was 9,730,000 pounds. This is a decrease of 32.8 percent from the 1968-69 season and a decline of 42.4 percent from the 1964-65 season which was just five years ago.

"EGGPLANT, FRESH

"The 1969-70 imports (excluding September) were 21,606,000 pounds. This represents a percentage increase over the 1968-69 season of 34.7 percent. The percentage increase over the 1964-65 season (five years ago) is 402.7 percent and the percentage increase over the 1960-61 season (ten years ago) is 1,024 percent. Florida production of fresh eggplants for the 1960-70 season was 24,700,000 pounds. This is a decrease of 22 percent from the 1968-69 season and a decline of 42.3 percent from the 1964-65 season which was just five years ago."

Similar figures are given for cucumbers, peppers, squash and strawberries, to illustrate the tremendous increase in imports from Mexico and the relatively stable or decreasing amounts of production in Florida.

Doubling the labor costs in a given farm commodity increases the production labor cost by 50% for that commodity. In citrus, where the labor costs are now 40% of production costs, this would

increase to 60% of production costs. Agriculture primarily because of the perishability of the commodity has no way by which it can pass on any additional cost, including labor cost, to the consumer.

Florida agricultural employers are fast losing many of their markets to products coming from low-wage countries such as Mexico. Comparing the 1964-65 season with the 1969-70 season, there was an increase of 41% in imports of string beans from Mexico to the United States. There was a 142% increase in tomatoes for the same period; 230% for peppers; 258% in cucumbers; 348% in squash; 402% in eggplant; and 831% increase in the importation of fresh strawberries from Mexico to the United States. This increase in foreign competition from low-wage countries creates an over-supply and an extremely disorderly market for Florida agricultural employers, which in turn, affects their ability to pay even higher wage rates to their workers. The United States government's grade policies have not been conducive to placing import quotas on commodities coming from low-wage rate countries.

On a national basis, in 1947, the realized net farm income was 17.1 billions of dollars. In 1968, the realized net income was only 14.7 billion dollars, almost 3 billion less than it was a quarter of a century ago. Farmers have been caught in a vicious price squeeze since about 1953. Because of the price squeeze, more and more small farmers are going out of business. In Florida, there are now about 35,000 farms compared with over 50,000 just 20 years ago.

In the 1969-70 growing season, the net average loss for the major tomato producing sections in Florida was $43.12 per acre.

Comparing the years 1960 with 1969, prices paid by farmers increased 23.5%, whereas, the prices received by farmers only increased 14.1%. This same source indicated that the realized net

income for the same period went up 33.3%, whereas, production costs went up 45.5% and cash receipts from farm products 37.7%. Consumer food price index at this same period only went up 22.8%. Employment in agriculture decreased 30.9%, agricultural imports into the United States increased 22.2% as agricultural exports increased 27.1%. The percentage of income spent on food has come down from about 18-3/4% in 1966 6o about 16-1/2% in 1970.

CONCLUSION

The proposed amendments that we have discussed in this statement would make it more difficult for the slow worker and the aged worker to get employment and in some instances would require the cutting off of such workers from the labor force because it would make it unprofitable economically to employ them.

The proposed amendments would prevent flexibility in handling of agricultural labor in periods of freezes, drouth, heavy rains, hurricanes or other emergencies. They would in some instances prevent harvesting or processing of crops near the end of the season when the market price was low and would tend to shorten the season in which fruits and vegetables could be marketed at a profit. And, in some instances they would operate to prevent the late maturing crops - when the margin of profit was low or eliminated by the increased cost in labor - from being marketed. They would paace an additional burden upon the fruit and vegetable and sugar cane producers, contrary to the long established policy of Congress, which, after numerous hearings, has determined this policy.

I will be glad to furnish to the members of this committee such further information as they may request.

Respectfully submitted.

J. Hardin Peterson

J. Hardin Peterson

Appendix 61. United States Imports of Winter Vegetables From Mexico 1963-64 and 1964-65

Commodity and Year	Dec.	Jan.	Feb.	Mar.	Apr.	May	June	July	Total
	1,000 cwt.	1,000 cwt.	1,000 cwt.	1,000 cwt.	1,000 cwt.	1,000 cwt.	1,000 cwt.	1,000 cwt.	1,000 cwt.
1963-64:									
Beans	12.4	17.0	10.3	6.9	17.2	6.8	0.6	0.7	71.9
Cucumbers	44.4	63.1	43.7	22.0	3.7	.1	.1	-	177.1
Eggplant	2.0	3.2	8.0	7.5	4.2	4.8	.4	-	30.1
Melons:									
Cantaloupes	-	-	4.0	152.7	278.3	473.7	384.7	3.7	1297.1
Watermelons	-	5.6	14.8	66.9	81.0	137.9	251.1	11.5	568.8
Other Melons	-	-	-	.5	5.2	14.3	1.3	-	21.3
Onions	64.4	90.0	53.1	132.0	20.8	-	-	-	360.3
Peas	5.4	12.2	17.2	14.2	3.9	.2	-	-	53.1
Peppers	11.1	19.6	32.6	32.9	12.4	8.3	2.7	.7	120.3
Squash	2.8	4.5	4.9	4.3	4.7	1.5	1.8	1.0	25.5
Tomatoes	103.5	321.0	519.1	528.3	535.2	347.1	89.9	6.9	2451.0
1964-65:									
Beans	14.0	28.1	22.9	5.8	9.1	3.8	1.3	1.8	86.8
Cucumbers	37.3	97.9	148.3	4.5	19.6	.8	.1	.6	309.1
Eggplant	5.6	8.7	9.2	8.6	5.2	5.3	.1	.1	42.8
Melons:									
Cantaloupes	3.3	4.3	7.3	91.9	511.0	641.7	196.9	3.6	1460.0
Watermelons	-	4.1	20.7	73.3	142.8	286.8	181.6	.9	710.2
Other Melons	-	-	-	-	3.7	37.5	.7	.6	42.5
Onions	19.0	61.2	100.5	99.0	43.3	21.2	13.3	1.3	358.8
Peas	3.1	13.2	14.6	13.8	2.6	.7	-	-	48.0
Peppers	15.7	48.8	48.3	32.3	17.1	9.2	2.5	1.2	175.1
Squash	2.6	14.7	19.0	11.8	4.5	1.5	1.5	1.0	56.6
Tomatoes	93.7	370.5	445.6	577.3	558.7	409.4	106.6	6.1	2567.9
1965-66:									
Beans	9.7	17.0	8.0	7.4	5.4				
Cucumbers	38.7	102.3	156.8	112.3	43.5				
Eggplant	6.5	11.9	12.7	11.7	5.9				
Melons:									
Cantaloupes	1.5	6.5	19.9	156.1	305.7				
Watermelons	3.3	16.9	34.3	83.2	123.3				
Other Melons	-	-	-	-	9.3				
Onions	35.9	84.8	79.8	117.7	70.1				
Peas	2.2	4.3	20.9	21.9	6.4				
Peppers	14.6	43.3	69.7	51.7	39.8				
Squash	1.1	8.7	14.9	10.1	4.7				
Tomatoes	127.1	403.2	708.6	688.0	807.6				

Source: USDA-FAS-FAS-M178- July 1966.

Appendix #2. U.S. FOOD PACKERS PICKING UP MEXICAN EXPANSION ENTHUSIASM

The money is looking greener on the other side of the border to U. S. fruit and vegetable packing companies worried by farm labor troubles and generally rising production costs at home.

To move or not to move substantial components of the multibillion dollar industry to Mexico is the question being considered.

With the Mexican Government offering tax credits, Mexican weather offering an earlier ripening season and Mexican labor offering substantial reductions in production costs, the obvious answer seems to be "Why not?"

Eight U. S. companies already have made the move, although their Mexican operations remain relatively small compared to the giant U. S. packing industry---worth $15 billion per year in California alone.

Latest company to take the step south of the border is Green Giant, whose headquarters is in Le Seur, Minnesota. The company has made a relatively modest $250,000 start at Huatabampo, in the potentially rich desert state of Sonora. In a joint operation with Hongos de Mexico, Green Giant will pack about 300 tons of mushrooms this year.

But this is only a pilot project. If it goes well, Green Giant intends to buy into the Hongos operation and expand the investment to more than $1 million with a new plant at Guaymas, Sonora, 225 miles from the Arizona border. The plant would supply both Mexican and U. S. markets.

Other companies already operating in Mexico are H. J. Heinz of Pittsburgh, Campbell Soup of Camden, N. J., California Packing of San Francisco, Corn Products of New York, General Foods of White Plains, N. Y., Gerber Products of Fremont, Michigan and Anderson-Clayton and Company of Houston.

All were drawn to Mexico even before the end of the U. S. bracero program 18 months ago.

The troubles that have resulted from the bracero cutoff may be the final straw, tipping the scales to a "go south" decision for other companies and expansion for those already here.

The failure of local U. S. labor to step into the exhausting field work left by the barred Mexican workers is costing the companies money and adding to shortages caused by dwindling farmland acreage in rapidly urbanizing states like California.

"The bracero cutoff expired just ahead of the last big U. S. tomato crop---much of which was left to rot in the fields," said Herbert Wallace, Jr., General Manager of Heinz operations in Mexico.

Profitable Activity

For Heinz, like other companies, moving to Mexico has been a profitable, expansion encouraging proposition from the start. The company moved here two years ago, opening a strawberry plant at Salamanca, 150 miles northeast of Mexico City, that employs 600 workers and ships 60 tons of strawberries a day to the United States at the height of the season. It now is also handling chiles, pineapples and garlic powder.

Campbell's producing for the Mexican market, began with a small plant that packed just three soup ingredients at its start in 1959. Now Campbell's is buying 26 local crops.

California Packing ships only chiles to the United States from its Mexican plant, but is developing plans for expanding into vegetables and fruit, testing the move first with Mexican grown peaches.

Canners first found a reluctance in the United States to buy Mexican grown or packed food, but executives say this has been overcome by publicity stressing that all Mexican products must pass the same rigid U. S. Food and Drug Administration standards as those grown or processed in the United States.

A shortage of cans and other technical problems---especially the high initial cost of moving---are still a negative factor for companies considering the move to Mexico, but these do not appear too weighty in contrast with the benefits being offered.

Mexico's food exports in 1965 totaled about $400 million- 90 per cent of which went to the United States. Food exports for example to Japan are rising rapidly. Given the cost squeeze now on at home, U. S. companies are finding expansion possibilities in Mexico harder and harder to ignore.

Source: "The News", Mexico City, Mexico, July 9, 1966.

Appendix #3. STRAWBERRIES:
Acreage, Production and Yields in Mexico,
1960/61-1965/66

Year	Acreage	Production	Yields
	Acres	Short Tons	Tons/acre
1960-61.....	4,400	22,100	5.0
1961-62.....	4,900	25,400	5.2
1962-63.....	5,100	28,100	5.5
1963-64.....	5,300	30,500	5.8
1964-65.....	7,000	42,000	6.0
1965-66 1/.....	11,000	55,000	5.0

1/ Estimated

NOTE: The acreage estimates have been revised downward, and the yields upward. Adverse weather caused a reduction in 1965-66 yields in the Irapuato area. If growers discontinue planting Klondykes, production per acre will be somewhat higher.

Source: USDA-FAS-April 1966.

Appendix #4. MEXICAN CITRUS
PLANTINGS DOUBLE IN FIVE YEARS

Mexican Government officials have encouraged the planting of oranges during the past five years. Although a tree census has not been made in any of the Mexican states, estimates by growers' associations, shippers and government officials indicate an increase of more than 100 per cent since 1960. It is probable that these estimates have understated the plantings. In most areas, heavy planting of new groves is continuing this year.

There are several reasons for this extreme optimism among both growers and the government. Among the more important are low coffee prices, the high U.S. prices for both fresh and processed products after the 1962 freeze in Florida, the many press articles on the problems in harvesting U.S. citrus following the end of the bracero program, and the need in Mexico for crops that require more hand labor than the basic field crops. Many growers are still under the impression that there is an unusually good export demand for both fresh and processed citrus, especially in the United States and Canada.

Orange and Tangerine Trees
by States in Mexico

State	1951	1961	1965
	1,000 trees	1,000 trees	1,000 trees
Nuevo Leon.....	4,800	6,000	8,000
San Luis Potosi.....	750	2,000	3,000
Tamaulipas.....	700	1,000	1,500
Veracruz.....	4,000	3,000	18,000
Jalisco.....	500	500	500
Sonora.....	-	250	800
Sinaloa.....	-	50	100
Other States.....	1,600	1,700	3,000
TOTAL.....	12,350	14,500	34,900

Source: USDA-FAS- May 1966.

Appendix #5. FRESH FRUITS: U.S. Imports From Mexico, Annually, 1955-65 1/

Year	Bananas	Limes	Mangoes	Oranges	Pine-apples	Straw-berries	Other	Total
QUANTITY				thousand pounds				
1955	62,290	2,929	619	3,912	24,157	-	-	93,907
1956	32,765	3,863	495	5,958	18,824	-	-	61,905
1957	75,606	3,014	702	1,454	18,807	-	63	99,646
1958	42,251	4,338	868	21,442	19,836	4	267	89,006
1959	47,390	3,926	458	25,302	15,534	51	121	92,782
1960	7,960	4,588	512	21,617	19,731	562	14	54,984
1961	18,953	5,864	345	18,766	24,683	579	97	69,287
1962	10,587	4,376	1,076	27,703	31,303	895	1,414	77,354
1963	7,987	4,890	1,165	112,949	33,581	3,412	2,484	166,468
1964	11,099	4,094	1,349	110,637	24,470	4,092	8,154	163,895
1965	19,214	3,414	1,039	69,998	20,578	5,791	5,139	125,173
VALUE				thousand dollars				
1955	1,449	228	93	142	391	-	-	2,303
1956	876	288	116	232	322	-	1	1,835
1957	2,150	228	177	58	376	-	5	2,994
1958	1,841	308	151	793	376	1	13	3,483
1959	1,945	236	116	1,086	307	8	14	3,712
1960	482	281	116	779	424	43	3	2,128
1961	1,278	312	92	695	497	120	10	3,004
1962	442	281	249	1,046	707	142	90	2,957
1963	260	362	285	3,976	906	421	178	6,388
1964	398	310	255	4,766	682	513	384	7,308
1965	654	268	233	3,318	572	845	262	6,152

1/ Imports for Consumption.

Source: USDA-FAS-F&VD- June 6, 1966.

Statement of the
American Frozen Food Institute
Before the Committee on Labor & Public Welfare
United States Senate
on S. 1861
May 27, 1971

The American Frozen Food Institute, formerly National Association of Frozen Food Packers, appreciates the opportunity to submit this statement on S. 1861 for the Committee's consideration. The membership of the Institute packs some 85 per cent of the national production of frozen vegetables, fruits, and juices, and a large volume of other frozen foods. The Institute opposes S. 1861 insofar as it would result in repeal of the seasonal industry and first processing exemptions provided in Sections 7(c) and 7(d) of the Fair Labor Standards Act (21 USC 207(c) and (d)), as amended in 1966 (P.L. 89-601). The Institute takes no position on other provisions of S. 1861.

Congress, at the time of enactment of the Fair Labor Standards Act of 1938, and every Congress since that date which has considered the matter, understood the need for exemptions from the penalty overtime provisions of the Act in the case of industries of a seasonal nature and enterprises in such industries which are engaged in the first processing or packing of perishable fresh fruits and vegetables. Thus, current law (Sections 7(c) and 7(d)), permits an employer to employ employees, for a period of not more than 10 workweeks, up to ten hours in any workday, or up to fifty hours in any workweek, without payment of the time-and-a-half overtime penalty, if the employer is engaged in an industry which has been found by the Secretary of Labor to be of a seasonal nature. In addition, an employer may, for a period of not more than 10 workweeks, employ an employee for a period of up to 10 hours in a workday or up to 48 hours in any workweek, without payment

of the overtime penalty, if the employer is in an industry found by the Secretary to be of a seasonal nature and engaged in the handling, packing, storing, preparing, first processing, or canning of any perishable agriculture or horticultural commodities in their raw or natural state.

Members of the frozen fruit and vegetable industry are currently entitled to take advantage of one or both of these exemptions. A survey conducted by the Institute last year reveals that producers of approximately seventy per cent of the frozen fruits and vegetables packed in the United States utilize the overtime exemptions at the present time.

The Institute urges retention of the present overtime provisions of the Fair Labor Standards Act and submits that the repeal of those provisions would not serve the interests of the frozen food processor, the farmer, or the consumer. The reasons for the overtime exemptions are as valid and persuasive today as when they were first adopted.

A recent study* by the U. S. Department of Labor, while suggesting reexamination of the exemptions, confirms the fact that fruit and vegetable processing is seasonal in nature and that these products are highly perishable and must be harvested at the proper time and immediately processed. The study states:

> "The growing of fresh fruits and vegetables is essentially seasonal in nature" (p. p23).
>
> "Some [grower-processor] contracts permit the processor to specify the precise time for harvesting and delivery. This is important in the processing of certain highly perishable commodities. In the case of peas for canning**, for example, the loss may be as high as 30 per cent if the crop is harvested 4 days before the ideal maturity while 5 days after the peak of maturity the peas may be useless to the processor" (p. 124).

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* Agriculture Handling and Processing Industries--Data Pertinent to an Evaluation of Overtime Exemptions Available under the Fair Labor Standards Act (1970).

** This statement would, of course, apply equally as well to peas for freezing.

> "On some perishable commodities such as peas, corn, green beans, etc., little or no post-harvest control of perishability is exercised since such products must be processed in a matter of a few hours" (p. p25).

One of the bases upon which the Department of Labor Study suggests reexamination of the exemptions is that "the processing period has been lengthened as a result of technological advances in methods of extending the storage life of perishable products through...fast freezing, cold storage, waxing, and the use of chemicals" (p. 12).

Experience has shown, however, as indicated hereinafter, that technological improvements have not obviated the need for the exemptions. In fact, the Study itself states that "mechanical harvesting of fresh fruits and vegetables shortens the harvest season and tends to intensify raw product delivery to processors during peak periods" (p. 125); and--

> "Crops which are mechanically harvested often require more urgent processing than those that are hand-harvested. For most perishable fresh fruits and vegetables, immediate processing is required after mechanical harvesting due to the threat of rapid deterioration resulting from bruises caused by vigorous handling."

The legislative history of the Fair Labor Standards Act of 1938 indicates that the original forty-hour maximum workweek was prescribed for the purpose of spreading employment and of establishing a year-around regular workweek for as many employees as possible. These purposes were to be implemented, of course, by the imposition of penalty overtime upon employers who employed workers for periods in excess of the statutory limits. This approach is based upon two assumptions: (1) that employers can control working hours and spread production evenly over all the weeks of the year, and (2) that labor capable of doing the work exists in ample supply and is available on a year-round basis. These two assumptions are in large measure invalid in the case of the frozen fruit and vegetable industry.

Frozen food processing can be carried on only when the raw product is available. In spite of technological advances, no way has yet been discovered to account for and control the natural conditions that determine when fruits and vegetables will be available for processing. Moreover, even within a particular season, the raw product becomes available on an irregular basis. Fruits and vegetables must be harvested when they have reached the ideal stage of maturity for processing. Any delay in processing could cause serious deterioration or even loss of the crop. In such a situation, processing operations must at times be carried out around the clock in order to handle all the available raw product. The conclusion, therefore, follows that the problems faced today by manufacturers of fresh fruits and vegetables are the same problems that prompted Congress in 1938 to provide for exemptions from the overtime payment penalties.

The second assumption mentioned above dealing with the necessity for an ample supply of labor to meet production needs, remains an invalid one in the case of many processors of frozen fruits and vegetables. Because of the need for operating at peak production levels during certain weeks of the freezing season, most frozen food processors, especially the smaller operators, are faced with a serious problem of obtaining sufficient labor during that season. Many of the plants are located in rural areas, close to the raw product. In many of these areas, no substantial unemployment exists; and surplus labor is not available.

Faced with the loss of the overtime exemptions, many frozen food packers, especially the smaller operators, would be unable to pay the time and one-half for overtime and some would be forced to discontinue operations altogether. As shown below, profit-margin in the frozen food industry is one of the lowest in the nation. Thus, it can be seen that

repeal of the overtime exemptions would work against the purposes of the Fair Labor Standards Act, viz., the additional financial burden on small processors (as well as on the larger processors) would increase the number of processors who find it necessary to go out of business, thereby reducing the number of employment opportunities.

Repeal of the overtime exemptions would adversely affect the farmer to a significant extent. Most contracts with farmers for production of freezing crops entered into prior to the commencement of the growing season provide that the packer will purchase the entire crop from a certain acreage at an established contract price. Thus, the risk of loss of the crop due to weather or damage from other causes is assumed by the packer rather than the grower. The packer is in a position to take this risk, a risk entailing an uncertain volume of produce to be delivered at an unspecified date in the future, partially because the packer knows that even at the peak season rush of raw product, the product can be handled if necessary by around-the-clock operations, at a cost minimized by the overtime exemptions. If, however, the penalty of overtime is imposed, many packers would be reluctant to continue to bear the entire risk of marketing the processed commodity, with a resulting shift of the burden to the farmer.

Similarly, the consumer would not benefit by the repeal of the overtime exemptions. That inflation in the food industry continues to be a serious problem cannot be disputed. Based upon an informal survey by the Institute of frozen fruit and vegetable processors who currently use the overtime exemptions, we estimate that the average profit margin of those processors during the period 1966-1969 was 1.6 per cent. Again based upon the survey, it is estimated that repeal of the overtime exemptions would result in

approximately an 8 per cent increase in labor costs. A major portion of the increase in cost of goods which would result from repeal of the overtime exemptions would inevitably have to be passed on to the consumer, particularly in a low profit industry such as ours. There is no justification for legislation that contributes to inflation while not accomplishing a valid purpose.

It is for these reasons that we are convinced that the proposed repeal of the overtime exemptions contained in Sections 7(c) and 7(d) of the Fair Labor Standards Act would not be in the best interest of the processor, farmer or consumer.

Respectfully submitted,

Thomas B. House
President

TBH:bw

May 27, 1971

STATEMENT OF CHARLES M. CREUZIGER
PRESIDENT, VEGETABLE GROWERS ASSOCIATION OF AMERICA
before the
SENATE COMMITTEE ON LABOR AND PUBLIC WELFARE
re
S. 1861

July 8, 1971

Mr. Chairman, and gentlemen of the Committee:

My name is Charles M. Creuziger. I am a vegetable farmer from Sturtevant, Wisconsin. I own and operate, in partnership with my sons, a 650-acre vegetable farm, growing potatoes, cabbage and onion sets.

In addition to operating my own vegetable farm, I am privileged to be the President of the Vegetable Growers Association of America. It is in this capacity that this statement is being made personally before your Committee.

The Vegetable Growers Association of America is the only national organization composed of, and operated by, vegetable growers maintaining an office in the nation's capital. The Association's able and alert organization is constantly working to improve all phases of the vegetable industry.

Founded in 1908, VGAA is recognized among national producer groups as an organization of stature, dedicated to the welfare of vegetable growers and agriculture in general.

I am grateful for this opportunity to present our Association's views on this legislation now pending before your Committee.

The Vegetable Growers Association of America opposes the increase in the minimum wage and the elimination of overtime exemptions to agricultural employees. Wage fixing by government action is a harmful extension of governmental authority.

We contend that an increase in the minimum wage for agricultural labor would have a serious impact on (1) the employment of the very group of workers it supposedly is designed to protect, (2) the small vegetable growers, and (3) a rise in food and fiber costs of substantial proportions throughout the Nation.

Labor operations on vegetable farms are highly seasonal and intense with peaks for labor demand, particularly at planting and harvesting time. These operations can not be confined to a 40-hour week, nor an 8-hour day. Agricultural production differs from industrial production because it works with living organisms, critically influenced by the vagaries of weather and nature. Its product is not shaped or formed, nor a tooled object which can be produced from a mold or lathe, but is one that will vary from day to day, and hour to hour, by the vagaries of weather changes, without benefit of a roof over its source of production and the land itself with its own variations.

Vegetables are highly perishable and must be harvested when mature and at their optimum quality if we are to insure the consuming public of a product that is rich in vitamins and mineral nutrients when it reaches the housewife.

A difference of one day may make the difference between high quality and low, of grade quality that will be over-mature or soft. Such vegetables would present an undesirable appearance or condition, from the purchaser's viewpoint, either for use in the home, by the restaurant or for processing, thereby adversely affecting its sales value. A day's delay, or even several hours delay in harvest, can mean the difference between profit and loss and wages can be paid only from profits.

The operations and management of a vegetable farmer, whether large or small, is considerably different from that of general agriculture, due to the different growth habits and perishability of vegetable crops.

The impact of S. 1861 upon the majority of commercial farm operations may be severe indeed, for where profits do now exist in agriculture they are thin, and these operators are unable, under present prices paid to farmers, to absorb the added cost of the wage levels contemplated by the new legislation. These costs must be passed on to consumers in the form of higher prices for food and fiber, or the farmers themselves will be forced into bankruptcy.

I am entirely in sympathy with all efforts to improve the income of working conditions of farm laborers. But I am convinced that an increase in the minimum wage law in itself, without other considerations and adjustments, could be disastrous to farm workers themselves. These questions first must be answered: (a) How will the consumer react to higher food costs? (b) Where will the hard pressed farm operators get the money to pay the increased wages, unless there is an increase in food prices?

I am wondering what the consumers' reaction will be to a general increase in food costs, as the result of an increase of minimum wages for agricultural workers. The agricultural provisions of the proposed bill are directed primarily toward heavy labor-utilizing crops. These are fruits and vegetables.

The general effect of the proposed legislation will be to increase farmers costs at a time when production expenses are running at 70 to 80 percent of gross income. Since the bill will increase labor costs in rural areas and of many small businesses, farmers will pay more for goods and services they purchase. Coupled with its agricultural provisions, the bill will have a double-barreled impact on farmers' costs.

Specifically, the legislation can be expected to have the following effect on farmers: First, forcing smaller, marginal producers out of business; second, forcing some producers to shift to other less labor intensive crops at a possible reduction in income to them, thus aggravating the surplus problems of certain of their crops; third, undermining incentive methods of payment which will require growers to pay some workers more than their productivity warrants and to increase their supervision; fourth, increasing farmers record-keeping requirements; fifth, increasing competition from foreign-produced agricultural commodities.

Consequently, the affects of passage of S. 1861 would be both immediate and far reaching. There would be significant impact in these respects.

With respect to an increase in the minimum wage, the bill would cause greater unemployment among those most in need. The elimination of marginal workers would become an economic necessity.

As for the elimination of overtime pay exemptions now in the law, the bill is undesirable because, (1) the essential seasonal nature of perishable crops such as fruits and vegetables, has not changed since it was recognized by Congress when it first passed the Fair Labor Standards Act in 1938. Crops ready for harvest, shipment or processing, must be handled immediately - or lost. An 8-hour work day is not enough, a 40-hour work week is not enough. A 48-hour work week is not enough.

As farmers we can be proud of the fact that American agriculture provides our citizens with the highest quality, lowest cost food supply of any nation in the world. This is being accomplished because we are not restricted to hours worked per day, or days worked per week.

Secondly, although the theory of penalty overtime pay is to spread employment, it is absurd to try to apply it to the fresh fruit and vegetable industry where even now during harvest and shipping seasons there is not enough suitable labor available.

While the smaller growers would be financially wrecked by the impact of S. 1861 the larger producers will simply accelerate the well-established trend to open up hugh, productive, low-labor cost areas in other countries.

Gentlemen, I hope that upon second thought, the type of legislation embodied in this bill will be relegated to oblivion because its ultimate consequences will place more authority in government and take it from the man who has worked the farm and used his energy and his intelligence to produce food, leaving us with the spectre of general want.

Thank you.

Del Monte Corporation • Hawaiian Division, P.O. Box 149, Honolulu, Hawaii 9681

July 1, 1971

The Honorable Daniel K. Inouye
United States Senate
Washington, D. C. 20510

Dear Senator Inouye:

I am writing to bring to your attention the serious problems which would be created for the canning industry by pending bills which would amend the Fair Labor Standards Act. These bills are now before the Senate Labor Subcommittee.

The principal measure, S. 1861 by Senator Williams, would repeal the current overtime exemptions for the canning and other seasonal industries.

In enacting and amending the Fair Labor Standards Act, Congress has recognized that the Act's rationale does not apply to industries which must, of necessity, operate on a seasonal basis. In imposing a penalty for overtime work, the Act seeks to spread work evenly among the labor force on a year-round basis. This aim is based on two assumptions:

(1) Employers can control working hours and spread production evenly over all weeks of the year; and

(2) Labor capable of doing the work is in plentiful supply, and is available on a year-round basis.

Congress has traditionally realized that neither of these assumptions applies to industries processing perishable agricultural commodities. As you know, the growing of fruits and vegetables is a seasonal activity. In addition, the majority of agricultural commodities are highly perishable. Once harvested, they must be processed immediately -- sometimes within a matter of hours -- in order to avoid spoilage. No practical way exists to store the majority of these commodities by freezing, cold storage, or other means so as to spread the processing activity over an extended period. Also the increasing use of mechanized harvesting devices increases the perishability of most commodities and reduces the time during which they can be stored prior to processing.

Because of these factors, the location of canning plants close to the source of supply is of primary importance, with labor availability a secondary consideration. These locations are typically remote from major metropolitan centers. During the processing season, therefore, with the need to work around the clock, the canning plant must employ available labor over extended periods of time, often in excess of 40 hours per week.

The imposition of overtime penalties on canners would of necessity cause a rise in the price of canned goods. The canning industry has reached the point where it is no longer possible to completely offset increased costs by instituting more efficient procedures.

For these reasons, we urge your support of the present overtime exemptions in the Fair Labor Standards Act. We would also appreciate your expressing these views to members of the Senate Labor Committee.

Yours truly,

DEL MONTE CORPORATION

F. E. DILLARD, JR.
Manager Hawaiian Division

FED:jhb

The CHAIRMAN. We are adjourned.
(Whereupon, at 5 :25 p.m., the hearing was adjourned.)

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