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# Assembly California Legislature

JESSE M. UNRUH  
SPEAKER OF THE ASSEMBLY

*Employment*

September 5, 1968

24 HR. ACK. NECESSARY

The Honorable Ronald Reagan  
Governor of California  
State Capitol  
Sacramento, California 95814

Dear Governor:

I am sure you share with me a deep sense of concern over the growing labor strife in California's table grape industry. Obviously, some method must be found to ameliorate the situation within a very short time if we are to forestall economic disaster to the industry and to the workers involved in the strike.

Continuation of the present stalemate can lead to ruin for everyone concerned, not only to the workers who seek to organize as a labor union and to the large corporate growers who seek to deny such organization, but to the many small growers who are dependent for their very existence upon ready access to nationwide markets for their produce. Additionally, it is clear that the Federal Government is powerless to act in this situation and that there is no effective legislative solution on the horizon.

It would seem to me, therefore, that now is the time for those of us in leadership positions in State Government to take a direct personal hand in resolving the deadlock. Only if we are willing to actively seek a settlement by using our influence and powers of persuasion can we realistically expect a resolution of the problem. If we stand aside, we will surely invite chaos for this industry, as well as nationwide ridicule for ourselves because of our inability to solve our own California problems.

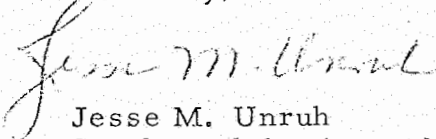
I, therefore, urge you, as Governor, to call all the parties together immediately -- large growers, small growers and workers' representatives -- in a determined effort to seek a negotiated settlement to the dispute. Once the parties are brought together under your auspices, I am hopeful such a negotiated agreement can be reached; at the very least, it will represent a first step towards settlement.

For my own part, I pledge to you my wholehearted cooperation in such an endeavor. Whatever abilities I might have will be lent to this effort in a spirit of total harmony, without regard to any political or philosophical differences we might have on other issues. My only concern is labor peace and prosperity for this vital industry.

I do not suggest that a settlement can be accomplished with ease; many thorny problems must be resolved. But, certainly, there is an opportunity to reach a settlement if the parties sit down together in a free and open exchange. And it is all too apparent that such a meeting can only take place if you, as Governor, are willing to intercede.

Again, I pledge to you my fullest cooperation and support in this effort.

Sincerely,

A handwritten signature in cursive script, reading "Jesse M. Unruh".

Jesse M. Unruh  
Speaker of the Assembly

# The Sacramento Bee

*Locally owned and operated for 117 years*

JAMES McCLATCHY, founder, editor, 1857-1883

C. K. McCLATCHY, editor, president, 1883-1936

Wednesday, June 5, 1974

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ELEANOR McCLATCHY, president

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C. K. McCLATCHY, executive editor

## Editorials

# The Need For Farm Labor Legislation

Rep. B.F. Sisk, D-Fresno, apparently is going to use his considerable leverage as a member of the House Rules Committee to try to get a farm labor bill to the House floor.

His target is the Education and Labor Committee, where a bill sponsored by Sisk to put farm workers under the National Labor Relations Act is languishing.

As a member of Rules, Sisk can help or hinder almost all major legislation. He is in a position to horsetrade.

His timing may be right. No one has given much chance to federal legislation on farm labor relations because many legislators are indifferent — they see it as a regional problem — and because of the hostility to the bill, for different reasons, by certain grower groups and by Cesar Chavez' United Farm Workers.

One alternative is state legislation. But a recent hearing by the Assembly Labor Relations Committee in Sacramento seemed to show that the principals in the contest over farm labor organizing — grower groups, the Teamsters, the UFW, the AFL-CIO — are still not in a compromising mood.

The implicit message from the testimony was they

would rather keep testing their strength with no legal guidelines than find middle ground on such issues as eligibility to vote in representation elections, rules for collective bargaining and fair labor practices.

The makings of a compromise are at hand in the bills which already have been introduced. But the legislators show little inclination to shake off the pressure groups and show some lawmaking initiative.

So the Teamster-UFW jurisdictional combat continues with no coherent way of finding out what the workers really want. It is unfair to them and destructive to the state's farm economy.

Will help come from Washington? It depends on how successful Sisk and Sen. John V. Tunney, who introduced similar legislation in the Senate, are in convincing their colleagues an emergency exists.

It is important to keep the focus on the Sisk-Tunney legislation. Rep. Bob Mathias, R-Visalia, introduced a bill last week to deal with the problem outside the jurisdiction of the NLRA. It would treat farm workers as second-class citizens and some of its provisions are anti-union. It was best forgotten.

# CALIFORNIA TEAMSTERS LEGISLATIVE COUNCIL



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TED MERRILL — Vice President SACRAMENTO, CALIFORNIA 95814  
GEORGE E. MOCK — Secretary PHONE: AREA CODE (916) 446-0291  
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Los Angeles

June 7, 1974

Editor

The Sacramento Bee

P.O. Box 15779

Sacramento, California 95813

Dear Sir:

In response to your editorial of June 5, 1974 supporting Congressman Sisk's proposal to extend the NLRA Act to cover farm workers, we in the Teamsters unanimously agree. As you know our General President, Frank Fitzsimmons, has supported this rightful extension of the NLRA to agriculture for several years now while Cesar Chavez and George Meany of the AFL-CIO have opposed this extension. The California Teamsters Legislative Council has supported every fair secret ballot bill before the Legislature for the past five years. Further, we are sponsoring AB 3816 by Assemblyman Maddy (Fresno). This bill is as close to the NLRA as can be drafted by the Legislature for State application.

We of the Teamsters now have over 399 agricultural contracts covering some 50,000 farm workers with a pension plan, Unemployment Insurance, health and welfare benefits for the entire family, and the highest wage scale ever negotiated in the history of agricultural contracts. We will continue to support and work for the day the farm worker is treated like any other citizen and is allowed to vote for his labor representatives in a state-conducted secret ballot election.

We highly commend the Bee for supporting the farm workers' right to vote by secret ballot and elect their bargaining agent or reject representation entirely.

Sincerely,

  
Vern Cannon, Director

Representing over 300,000  
California Teamster  
members



# WESTERN CONFERENCE OF TEAMSTERS AGRICULTURAL WORKERS ORGANIZING COMMITTEE

MAIN OFFICE — SALINAS  
30 Hitchcock Road • P. O. Box 1569  
Salinas, California 93901  
(408) 455-1852



EL CENTRO  
P. O. Box 1931—649 N. 3rd  
El Centro, Ca. 92243  
(714) 353-2450

May 24, 1974

FOR IMMEDIATE RELEASE

FRESNO  
4595 E. Jensen  
Fresno, Ca. 93725  
(209) 233-5871

INDIO  
45 - 729 Smurr St.  
Indio, Ca. 92201  
(714) 347-4497

SANTA MARIA  
117 W. Bunny St.  
Santa Maria, Ca. 93454  
(805) 922-3313

ARVIN  
P. O. Box 193  
529 Bear Mt. Blvd.  
Arvin, Ca. 93203  
(805) 854-2489

A labor contract covering 140 Teamsters Union members at N. C. Brun and Company asparagus packing shed in Stockton was ratified Thursday by a vote of 120 to 20.

The contract was one of five new agreements announced recently by the Western Conference of Teamsters Agricultural Workers Organizing Committee, which is locked in a jurisdictional dispute with the United Farm Workers of America (UFWA).

David Castro of the Western Conference of Teamsters said the contract provides Brun employees with an immediate 85-cents-an-hour wage increase, which raises the base salary to \$2.85 an hour. Wages will be increased to \$3.05 the second year of the two-year pact. Some skilled workers will be receiving \$4.10 an hour when the contract expires.

In addition, Castro said, the agreement provides premium overtime pay, vacation benefits, an employers-paid pension plan and unemployment insurance.

Four other contracts were recently signed with companies in the Coachella Valley, Castro said. None of the companies had been organized before.

"These new contracts are part of our intensified efforts to bring decent wages, hours and conditions of work to California's farmworkers," Castro said.

*Farm Worker*  
Korean

Events Leading Up To The Chavez  
Announcement of Recall

Cesar Chavez of the United Farm Workers Organizing Committee declared a strike against the cantaloupe growers in Yuma County early in 1972.

A majority of the workers engaged in harvesting, packaging and shipping the melon crop were members of the Teamsters Union. The Chavez group aimed its efforts at pickers, many of whom were Green Card workers coming across the border at San Luis.

The United Farm Workers threatened field hands as they crossed the border, used abusive language and bullhorns when the workers were in the field, and in general attempted to disrupt the harvest.

The strike failed. The melons were picked and packed. Very few field workers joined the United Farm Workers Union.

The Arizona Legislature was at the time considering farm workers legislation. The objective was to put some limits on strikes at harvest time, used to destroy the crop and farmer's full-year effort.

Other states had adopted legislation, giving some protection to the farmer against harvest time strikes.

Cesar Chavez of the Farm Workers Union opposed any legislation which included the right to secret ballot elections by the farm workers.



2.

The Legislature passed the Arizona Farm Labor Bill by a vote of 58 to 26, with a number of Democrats voting with the Republican majority.

Cesar Chavez announced from California he was coming to Arizona to ask the Governor to veto the bill.

There was never a request from Cesar Chavez for an audience with Governor Williams.

The Governor signed the bill on the day it was passed by the Legislature, after it had been approved as to constitutionality by the Attorney General.

Chavez marched on the Capitol, declared the Governor had refused to see him, said the Governor had signed the bill without reading it, said the Governor had signed the bill before its constitutionality had been determined by the Attorney General. On all three counts Chavez was totally untruthful.

It should be noted that Chavez is a student of Saul Alinsky and spent three years working under Alinsky in his revolutionary activities. Alinsky advised his followers, "If you think your movement is losing headway, or your workers are defecting, get arrested or go on a hunger strike."

Following the defeat of Chavez' efforts to deter the Arizona State Legislature from its action, he announced that he was going on a hunger strike.

Emerging from twenty days of fasting, looking remarkably healthy,



3.  
Chavez announced that he would recall the Governor since the Governor had signed this iniquitous bill into law. The action was illogical and offered no promise of remedying any alleged defects in the legislation.

The Governor did not write the bill; he did not instruct the legislature to pass such a bill. He merely carried out his constitutional duties. He had three choices: he could have vetoed the bill (in view of the fact that 58 members of the legislature had voted for it and only 26 against it, it would have been presumptuous of the Governor to veto the bill.) He might have let it become a law without his signature. He signed it.

Chavez immediately set up headquarters and brought in paid, skilled organizers to initiate the drive for petitions to recall Governor Williams.

Most of the circulation has been carried out by people who were paid -- many of them non-residents of Arizona. The money to finance this effort and the direction was supplied by Cesar Chavez and his union.

The recall petition does not rely entirely on the farm bill as a reason for recalling the Governor. It recites alleged failures in many areas.

The Ecumenical Council and numerous clergy, apparently enlisted because of their sympathies for the economic situation of the farm worker, support Chavez. The Truth Squad, which was sent to Delano, California to investigate the background of the situation of the farm workers in that area, has finally released its report.

Among other things, the Truth Squad found that many workers in California did not want to belong to the Chavez union, that most of the members of the Chavez union were forced to join or lose their jobs, that the Chavez union practiced discrimination and that the Chavez union had intimidated the growers into signing contracts which forced the workers to join the union.

The Truth Squad's study of the bill itself, prepared by Harold C. White, PhD., panel member of the American Arbitration Association, clearly indicates that the bill standing alone cannot be regarded as iniquitous since the impact of the bill will depend primarily on the interpretation and regulations established by the committee appointed by the Governor. This committee has two representatives from the workers, two from the growers and three from the general public.

It should be noted that Cesar Chavez was asked to submit a name or names for appointment to the committee and refused to do so.

On September 27 Governor Jack Williams, relying on published statements of the Chavez workers that they had sufficient signatures to force the recall, urged that the petitions be filed so that the recall election could be held simultaneously with the regular general election on November 7, 1972. The Governor said this action would save the taxpayers of Arizona \$500,000 (the estimated cost of a special recall election). Bruce Meyerson, speaking for Cesar Chavez, rejected the

proposal, and it is anticipated that Chavez will file his petitions and force a recall election some time in late 1972 or early 1973.

**Memorandum***file*

**To :** James Crumpacker  
Cabinet Secretary  
Governor's Office

**Date :** February 18, 1970

**File No.:** 27:28

**Subject:** Alleged Discrimination in  
Referral of Mexican-American  
to Farm Work

**From :** Office of the Secretary

The action filed by CRLA alleging that the Department of Human Resources Development refers Mexican-Americans to low paying farm work and ignores their actual training and skills was filed against the California Fair Employment Practices Commission in the Superior Court of San Francisco on behalf of Rudolpho Lara and the Mexican-American Political Association. The Department of Human Resources Development was not a party to such action. The action was filed on November 18, 1969, to require FEPC to produce its investigation report; it was dismissed on December 10, 1969 because no such report was then in existence.

By memorandum of December 1, 1969, an FEPC investigator suggested a broader investigation was needed to make a determination. He also suggested a 1421 investigation (a hearing before the FEPC) would probably be the best approach. FEPC believed they would rather proceed with an informal investigation if HRD would so agree. At a meeting with FEPC Commissioner Mark Guerra in January 1970, Gil Sheffield agreed to such an informal on-the-spot investigation of Department of Human Resources Development practices at the offices in Santa Maria, Madera, Marysville-Yuba City, and Salinas (see copies of attached correspondence between FEPC and HRD). One person each from FEPC and the Department of Human Resources Development will conduct the investigation which will commence shortly.

Two aspects of the investigation should be emphasized: (1) HRD's interest in an objective review of job referral practices, and, if discrimination is found, taking appropriate corrective steps; and (2) pressing CRLA to make specific allegations and produce evidence--not being able to succeed on the basis of broad unsubstantiated charges.

Background: The FEPC first became involved in this matter when Rudolpho Lara filed a complaint with FEPC in July 1969 charging that the Department of Employment (succeeded to by the Department of Human Resources Development) referred Mexican-American workers under "... a pattern and practice of discrimination in the referral of Mexican-Americans to farm work. . . ." It is also alleged that the Department of Employment's policy was based on the philosophy that Mexican-Americans are peculiarly suitable for "stoop labor". The department believes the allegations are untrue.

The FEPC investigated the department's policy and practice in July 1969. Apparently, no report of discrimination was ever presented to the FEPC. The Department of Employment believed that no racial discrimination was found.

The case originally arose when the Department of Employment disqualified Lara for unemployment insurance benefits because he refused to accept employment as a farm worker. He filed an appeal with the Unemployment Insurance Appeals Board, and a referee of that Board reversed the department and granted benefits. No appeal was taken from the referee's decision to the Appeals Board itself.

At the referee hearing, it was alleged that most farmers in the Salinas area violate state health and sanitation laws, and therefore the referral of Mr. Lara to any farm work was a referral to work which was not suitable. This is the same contention on which the CRIA gained a Writ of Mandate against the Department of Employment in the case of Munoz v. Peter Weinberger, et al., in the Superior Court in Sacramento.

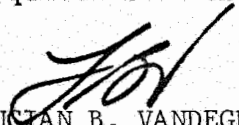
Apparently, in the Munoz case the CRIA is striking at the farmer health and sanitation conditions. At the same time, through the Lara case, the CRIA is striking at the referral of Mexican-Americans to farm work.

At this time we have no way of knowing what the agreed upon investigation will disclose. We do know that the department does refer many Mexican-Americans to agricultural employment. To be eligible for unemployment insurance benefits, a claimant must be able and available for work, must seek work, and must be willing to accept suitable work (Sections 1253 and 1257, Unemployment Insurance Code). One criteria for the suitability of work is the claimant's experience in that work. I am informed that a great many Mexican-American claimants in various areas of California have had experience in farm work and are therefore normally referred to farm work; not because they are Mexican-American, but because they have experience in farm work.

Secondly, recipients of Aid to Families with Dependent Children (AFDC) had to be referred to the farm labor office and apply for suitable work as a condition of receiving their AFDC grant. Because many of the AFDC recipients in California are of Mexican ancestry with farm experience, a number of them were normally referred to farm work.

However, under the Work Incentive Program (WIN) in California, many AFDC recipients previously referred to farm work are now being placed in work experience training and education programs in an effort to increase their employability to the point where they will become economically self-sustaining. During periods of high employment when farm jobs are available, AFDC recipients enrolled in WIN are allowed to voluntarily take a leave of absence from the WIN Program to accept farm work. There are insufficient WIN training slots to take all AFDC recipients. Those that are not placed in the WIN Program are still being referred to Farm Labor Offices when an Employment Service Office determines agricultural work is suitable to the particular recipient.

I will keep you informed of any future events in this matter. If you are interested in any of the documents or memoranda on this issue, they can be acquired from the Department of Human Resources Development.



LUCIAN B. VANDEGRIFT, Secretary  
Human Relations Agency

Attachments

## DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT

SACRAMENTO 95814



*Dore*  
*Mr. Nelson*

February 2, 1970

REFER TO: 32:bl

• Mr. Mark Guerra, Commissioner  
Fair Employment Practice Commission  
455 Golden Gate Avenue  
Post Office Box 603  
San Francisco, California 94101

Dear Mr. Guerra:

Your letter of January 19, 1970, correctly reflects our understanding of the agreement we reached in our meeting Friday, January 16, 1970. We agree to a survey and review of our farm labor referrals and practices in the Department of Human Resources Development in the four areas indicated -- Santa Maria, Madera, Marysville-Yuba City, and Salinas.

We also confirm Alan Nelson's agreement by telephone with Paul Meaney to Ralph Vega acting as the FEPC representative. We shall designate an HRD representative and will advise you shortly. As indicated in our meeting, we would agree to the FEPC representative working either alone or in conjunction with an HRD representative as a team.

We are sincerely interested in our employment programs and policies. If discriminatory practices are occurring, we certainly want to know of them and take steps to correct them. For this reason, we agree to the review and investigation that you request. Our agreement to cooperate, of course, should not be interpreted as an admission that alleged discriminatory practices do, in fact, exist.

The information available on the Lara case and the very broad allegations made by CRIA do not provide much specific information on the subject of discriminatory practices. We therefore request that FEPC ask CRIA to provide specific factual information they may have on individual cases. In that manner, together with our agreed review and survey, all the facts can be brought to the attention of the Commission, our department, and all interested parties.

Sincerely,

G. L. SHEFFIELD  
Director

cc: Paul A. Meaney, Chief  
Division of Fair Employment Practices

ACN:bl

• bcc: William H. Tolbert  
Sigurd I. Hansen



DEPARTMENT OF INDUSTRIAL RELATIONS

## FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVENUE, SAN FRANCISCO 557-2000

Address reply to: FEPC, P.O. Box 603, San Francisco, Calif. 94101



PIER A. GHERINI

Chairman

GEORGE C. BOND

C. I. DELIUMS

MARK GUERRA

CATHERINE L. MONTGOMERY

STELLA C. SANDOVAL

J. M. STUCHEN

PAUL A. MEANEY

Executive Officer

January 23, 1970

Mr. Gilbert Sheffield, Director  
Human Relations Development Agency  
800 Capitol Mall  
Sacramento, California 95814

Dear Mr. Sheffield:

Permit me to take this opportunity to introduce myself. My name is Paul A. Meaney and I presently occupy the position of Chief, Division of Fair Employment Practices.

I am directing this letter to your attention as a result of a letter Commissioner Mark Guerra sent to you on January 19, 1970 regarding complaints of discriminatory treatment of Mexican Americans and Black Americans by the California State Employment Services, as alleged by the California Rural Legal Assistance and the Mexican American Political Association in San Francisco.

As you review Commissioner Guerra's letter, you will note in paragraph No. 3 that I was asked to select and designate this division's member of the team who would work with a member of HRD. I have selected Mr. Ralph Vega, Community Relations Office, to be our representative on this joint effort. Mr. Vega may be reached at 8-557-2000. It is my understanding that your division will also designate an individual to work with Mr. Vega. I would appreciate knowing at the earliest date possible who your representative will be.

I am extremely confident that our combined efforts will produce a rapid solution to the problems confronting us at this time.

Very truly yours,

*Paul A. Meaney*  
Paul A. Meaney  
Executive Officer

PAM:lc



DEPARTMENT OF INDUSTRIAL RELATIONS

## FAIR EMPLOYMENT PRACTICE COMMISSION

455 GOLDEN GATE AVENUE, SAN FRANCISCO

557-2000

Address reply to: FEPC, P.O. Box 603, San Francisco, Calif. 94101



PIER A. GHERINI

Chairman

GEORGE C. BOND

C. L. DELLUMS

MARK GUERRA

CATHERINE L. MONTGOMERY

STELLA C. SANDOVAL

J. M. STUCHEN

PAUL A. MEANEY

Executive Officer

Rec'd. JAN 20 1970

Reply Attac.

N.R.N.

Date

January 19, 1970

Dlnt. JAN 20 1970

Mr. Gilbert Sheffield, Director  
Human Relations Development Agency  
800 Capitol Mall  
Sacramento, California 95814

Dear Mr. Sheffield:

This is to confirm the agreements mutually arrived at during our meeting of Friday, January 16, 1970, regarding the complaints of discriminatory treatment of Mexican American and Black Americans by the California State Employment Service as alleged by the California Rural Legal Assistance and the Mexican American Political Association of San Francisco.

It was agreed that FEPC and HRD would cooperatively undertake a survey and review of the State Employment services starting with the four centers mentioned in the correspondence from CRLA and Assemblyman Robert Wood to determine if indeed such differential treatment has been and is being practiced. The four centers are Santa Maria, Madera, Marysville (Yuba City) and Salinas. It was agreed that at least one representative each from FEPC and HRD would be assigned as a team to do the preliminary investigation. It was further agreed that progress reports of the investigation would be submitted to both offices, FEPC and HRD.

Mr. Paul Meaney, Chief of FEP division, will be asked to select and designate this division's member of the team, do whatever orientation work is necessary, and to communicate with you at the earliest possible date as to the time when we will be ready to begin the field visits.

If you concur that the foregoing essentially represents what we agreed upon at our Friday meeting, may we have your approval so that this division may get under way with the initial preparation.

Mr. Vega and I were very favorably impressed with the receptiveness, cooperation and positive attitude of your office. We came away from the meeting optimistic that our combined cooperative efforts will produce the best solution to the problem confronting us.

Very truly yours,

Mark Guerra  
Commissioner

**Memorandum**

To : Win Adams  
Cabinet Secretary

Date : October 4, 1967

File No.:

Subject: Information re Farm  
Labor Crisis and Use  
of Prison Inmates

From : Office of the Administrator

It became obvious as long ago as mid-August that there would be a serious shortage of agricultural workers in California to harvest the crops. This is due principally to the unusually heavy and late rains this spring which caused delay in the harvesting of several crops, principally tomatoes and grapes, although several other crops have been affected.

Several steps were taken to help alleviate the crisis. An appeal was made to delay the opening of schools in rural areas in order that students and teachers might assist. We have no hard information as to the results, but it is obvious that this by no means solved the problem.

Further, a request was made for braceros, and some 8,100 braceros were authorized, mainly to assist in the tomato harvest. However, the number of braceros who actually were admitted was approximately 6,100. The difference was accounted for by the effect of an unfriendly suit filed by the California Rural Legal Assistance organization, an OEO funded organization. This resulted in the development of a unilateral agreement between CRLA and the United States Department of Labor. This agreement established requirements which would have to be met, and these requirements are such as to delay and reduce the number of braceros to be admitted.

The problem in California specifically has not been one of farm laborers being in short supply because of the wage structure. Seasonally hired farm workers are earning from \$1.40 to \$2 an hour, and top hands are making \$25 or more a day on piece rates. Despite this, as of mid-September, it was apparent that the known and projected labor supply could not meet the anticipated requirements for the late harvest, therefore, acting upon the request of the growers and the Board of Supervisors in Merced County, the Governor, during the week of September 25, authorized the emergency employment of 200 prisoners to assist in harvesting figs. These men are paid prevailing wages on a piece rate basis. Part of the wages are kept by the State to cover expenses incurred, and part go into a trust fund to be turned over to inmates when they are released from prison. Subsequently, and after approval of the San Bernardino County Board of Supervisors, an additional 100 inmates were sent out from the nearby California Institution for Men at Chino to assist in the grape harvest.

October 4, 1967

The Governor's policy throughout has been that the prisoners are made available only as a last resort to prevent substantial crop losses and that inmates must be carefully screened from a security standpoint and must be kept under custodial control at all times. Prevailing wages on a piece rate basis must be paid, and that before any payments are made to inmates the State must recover its direct cost of providing this service. In the case of the fig crop, savings of some half million dollars can be anticipated with the use of the inmate labor, while in the grape harvest, the potential savings amount to \$300,000 to \$400,000.

This is not the first time a California Governor has authorized the use of inmate labor to meet farm labor crises. This was done during World War II because of the general manpower shortage and again in the summer of 1966 when 500 state prisoners were used to harvest asparagus in the San Joaquin Valley.

Question has been raised as to whether welfare recipients could be used in lieu of the inmate labor. California law provides that welfare recipients who are able to perform this sort of labor must go out on call and if they refuse to do so, they are to be removed from the charity rolls. During the time these AFDC recipients are employed, their welfare benefits are reduced to zero, but they are not taken off the welfare rolls, so there is not a waiting period when the temporary labor is completed. On authorization of Health and Welfare Agency Administrator, Spencer Williams, a statewide inventory is now being taken as to number of welfare recipients that have been employed to help alleviate the labor shortage. Mr. Williams said that if the system is working, the public should know about it and proper credit should be given. If the system is not working, we want to know why so that necessary steps can be taken.

Bob S.

R. J. SMITH  
Assistant to the Administrator

cc: Spencer Williams

# Memorandum

To : Paul Beck  
Assistant Press Secretary  
Governor's Office  
State Capitol

Date : October 4, 1967

File No.:

From : Department of Employment

Subject:

The general crop situation in California this year is due to the extremely bad weather which prevented planting and then the odd weather during the summer when staggered plantings matured all at the same time and crops which normally mature at different times are all maturing at the same time this Fall creating many of the situations that have been brought about i.e., the necessity to ask for foreign workers from Mexico, the use of prisoners, etc.

Re Chavez' statement that he can furnish all the workers necessary if growers will agree to a union contract. The Governor should point out that he is not in a position to ask or deny any employer to sign a work contract or a worker not to join a union or a union to attempt to organize or a grower to resist organization. This is a personal matter between the farmer and the unions and that it is academic to say you could or you could not deliver sufficient workers to meet the shortages in California at the present time.

All the indications are as reported by the State Department of Employment and the State Department of Agriculture in California that there is a real shortage of workers throughout the State (see summary of shortages attached). This shortage not only exists in California but spreads across practically the whole nation which is evidenced by the number of foreign workers the Secretary of Labor has approved for the Northeast, Virginia, West Virginia, and Florida - something over 8,000.

Use of Prisoners in figs and grapes. At the time figs and grapes were approved for the use of prisoners they were short about 500 workers in figs and a pending loss of \$350,000 to \$400,000 if they were able to hold the pickers they had at that time and without the addition of other workers. Grapes at the time of approval were short 350 to 400 workers and if they were able to hold their workers would still lose about 1/2 million dollars on grapes. We had the Department of Employment and the State Department of Agriculture review the situation before approval was granted for both crops.

Pitts' remark that the State is subsidizing the growers by the use of State prisoners. When prisoners are working they are asked to pay for board and room which relieves the State of this expense and for the additional guards required when they work as a group which relieves the State of this expense. The growers in the present

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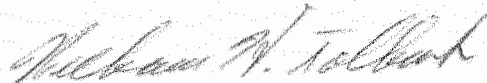
situation are using state security guards as a co-foreman and paying the salary for them to assist the State in security. It is hard to figure out how this could be considered a subsidy when in the main it is not costing the ~~growers~~ *state* anything and is allowing the prisoners to build up a fund which will be available to them for personal necessities while in prison and/or at the time they are released.

Wages being paid prisoners. Prevailing piece rate wages in both figs and grapes. Last week in figs the regular workers averaged over \$2.25 an hour, one day reaching an average high of \$2.49. They are guaranteed the minimum wage in the federal law of \$1.00 per hour. The workers in grapes in San Bernardino County are guaranteed the same \$1.00 per hour and regular workers week before last, last figures available, averaged \$1.97 per hour on piece rate.

There has been substantial loss in tomatoes in the Monterey County area south of Salinas and around King City. This was due to California Rural Legal Assistance holding up the beginning of recruitment of Mexican Nationals for a period of 7 or 8 days. Had the growers been able to recruit during that 7 or 8 days, it is quite possible that they would have been able to save around 2/3 of the tomatoes they have lost as a result of both shortage of pickers before the rain and the rain itself. This loss is figured to be somewhere around 1/2 million dollars that has already been lost in that area.

Grapes. The Secretary again refused to approve certification for grape pickers on Friday of last week and we were notified on Monday of this week. Grapes will begin to reach their real peak next week and week after next probably should be the peak of harvest if we have enough hands. However, all indications now point to there not being sufficient people to harvest the grapes (see shortages listed in overall summary). We could be shorter in grapes at peak than in any other crop this year.

Use of Mexican Nationals in Merced or Cucamonga area both will be extremely impossible in lieu of prisoners. First since it would take at least 10 days with the CRLA requirements of the 7 day waiting period to get certification for Mexican Nationals and then another 2 or 3 days to get the men in. In each case with figs in Merced and grapes in San Bernardino County there was only about three weeks of work left at the time prisoners were approved.



WILLIAM H. TOLBERT  
DEPUTY DIRECTOR, FARM LABOR SERVICE

Attach.

WHT:lw

Farm Labor Shortages - As of October 2, 1967

Tomatoes - Hand pick .....	3,200
Machine sorters .....	550
Wine grapes .....	5,000
Prunes .....	300
Lemons .....	350
Cannery figs .....	500
Brussels sprouts .....	400
Other fruit .....	450
Other vegetables .....	700
Valencia oranges .....	350

11,800