

TESTIMONY OF GI FORUM
AT
U. S. DEPARTMENT OF LABOR HEARING
ON
PUBLIC LAW 78
December 8, 1961

*7/6 Under
Ed Idar 1962
Migrant Hearing*

The American GI Forum was well represented at a hearing held by the Department of Labor on Friday, December 8, in Washington for the purpose of obtaining suggestions as to the interpretation and implementation of changes made by Congress to Public Law 78 which permits the importation of Mexican braceros for agricultural work in the United States.

Testifying at said hearing on behalf of the American GI Forum of Texas were Attorney Ed Idar, Jr. of McAllen, former State Chairman and presently Executive Secretary of the organization, Attorney Chris Aldrete, of Del Rio, another former State Chairman, and Attorney Virgilio G. Roel of Laredo, present Legal Advisor.

All three accompanied by J. B. Pena, Superintendent of the San Felipe Independent School District in Del Rio, made the trip to Washington by auto in cold and rainy winter weather in order that the voice of the domestic migrant agricultural worker be heard at the hearings.

Idar commented after the trip that "on other occasions we have spent our limited resources in sending one man to this type of hearings. This time we decided it would be better to send a carload of people instead of one for the same amount and as a result the GI Forum had better representation than ever before."

The last Congress just before it adjourned in August amended Public Law 78 so as to provide that no braceros would be brought into this country for employment in other than temporary or seasonal occupations except in specific cases when the Secretary of Labor feels that their entry is necessary to avoid undue hardship. A second important change provided that braceros will not be admitted for employment to operate or maintain power-driven self-propelled harvesting, planting, or cultivating machinery except in those cases when the Secretary of Labor finds it necessary to allow such entry for a temporary period to avoid undue hardship.

Still a third change made by Congress provides that the entry of braceros will not be allowed unless American employers have made reasonable efforts to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers.

It was in connection with these three changes made by Congress that the Department of Labor called the hearing in order to get advice and suggestions as to how it should interpret and implement the language of these provisions.

The first to testify for the GI Forum was Idar.

Testifying extemporaneously, Idar pointed out that there was an adequate supply of domestic agricultural workers for the operation of power-driven self-propelled agricultural machinery. Furthermore, he pointed out that American employers in the past have spent large amounts of time and effort in training the Mexican imported braceros in the operation of mechanical equipment and that if they would do as much to train domestic workers, there would be little or no need for the use of braceros in the operation of such equipment. Idar called for regulations by the Department providing for the strictest interpretation of the new language adopted by Congress in Public Law 78.

With reference to the "adverse affects" clause which provides that no braceros are to be imported unless the Secretary of Labor determines that their em-

ployment will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, Idar pointed out that this language had been in the law since approximately 1951 but that it has been ignored to a large extent under prior administration of Public Law 78.

Idar pointed out that with respect to the wage survey data which is compiled by the field offices of the Texas Employment Commission and submitted to the Bureau of Employment Security, the TEC while it always contacts the employers to determine what wage they are willing to pay, it seldom, if ever, contacts the workers to determine what wage they are willing to work for. As a result, wages in Texas have been depressed by the use of the braceros over the years.

Idar noted that some improvement has been made in this connection under the new administration but that much remains to be done. He urged that hearings to determine what the prevailing wage is be held in each area in order to give workers and organizations interested in the problem a better opportunity to be heard.

Idar criticized the Texas Employment Commission severely, pointing out that instead of being an agency that should be neutral in its relationship with the employers and employees it thinks of itself more as a recruiting service for the employer than as a service agency for the employee.

Idar pointed out that in earlier testimony heard that morning from another witness, the Texas Employment Commission had become a partisan in the hearing on the side of the employers when letters from one of its officials favorable to the employer side were read into the record of the hearing by the witness in question who was Arturo Gonzales and who had testified on behalf of the Texas Sheep and Goat Raisers Association.

Idar also urged that prevailing wages be set on a regional or state geographic basis instead of on the basis of an area comprising one or two or three counties.

Idar further pointed out that the determination of the amount of wages to be paid for work in particular crops, specially cotton in the Rio Grande Valley of Texas, should be made early in the season and should be publicized as widely as possible. The Spanish language should be used extensively, Idar said, due to the fact that too many domestic agricultural workers do not understand English. Idar felt that early action in publicizing wage findings would result in more domestic workers remaining at home to do the work that is needed before starting on their migration to other parts of the country.

With respect to the new language requiring employers to make reasonable efforts to attract domestic workers, Idar pointed out that one of the benefits provided for braceros was insurance for occupational injuries. Since this is a benefit that is provided for the braceros, Idar stated, it should therefore be required of employers to offer the same benefit to the domestic workers.

Idar also called upon the Department of Labor to tighten up on compliance personnel who are the ones that are supposed to see that employers are complying with the law when they hire braceros. Idar pointed out that too often a fine policy may be set by the people at the top but by the time it gets down to the local level the enforcement of that policy can be thwarted by those in charge of executing it.

Idar's closing suggestion was that the Department of Labor in its Farm Labor Advisory Committee provide for representation of the interests of the workers and of civic and other organizations that are interested in this problem. He pointed out that since 1961 or thereabouts the Department has had an Advisory Committee where farm groups and organizations have an opportunity to be heard but has failed to integrate within said Committee, or by means of a separate committee, representation for the workers and for the general public.

"In closing," Idar said, "let me say that we are cognizant that some progress is being made under this new administration. We are thankful for that. But let me point out that when it comes to the social, economic and other problems facing the Mexican-American population in the Southwest we really have a New Frontier for action and one that has hardly been touched as yet."

Aldrete was the next GI Forum representative to testify and in his testimony rebutted the testimony that had been given earlier by his townsman Gonzales on behalf of the Texas Sheep and Goat Raisers Association.

He pointed out that prohibition against the use of braceros for the operation of power-driven self-propelled equipment was no problem with respect to the sheep and goat raising industry of the Southwest Texas region in view of the fact that said industry operates little or no mechanical equipment.

Likewise, Aldrete stated, the application and interpretation of "seasonal employment" does not apply to the sheep and goat raising industry because the type of employment used in that industry is not seasonal but is year-round.

He pointed out that in the past braceros employed in that industry renewed their contracts time after time and kept on doing the same work for the same employer. In this respect only are they "special" in any sense, Aldrete said, in that the rancher-employer would certainly like to have a reliable ranch hand to work steady for him under such guarantees as Public Law 78 gives to the braceros and the little that it requires and costs the rancher.

"This bracero program is in effect," Aldrete said, "another government subsidy to the rancher in addition to wool incentives, prohibitive tariffs against foreign imports, soil bank, soil conservation, prickly pear eradication and others."

"But what does the domestic ranch hand get?" Aldrete continued. "What is he offered? He is not covered by any type of occupational hazard insurance; he cannot afford to go and work in a ranch all hours of the day, every day of the week, for \$90.00 a month and grub consisting of beans, goat or mutton meat and bread. He has to support his family back in town, pay rent or pay on a home, send his kids to school, feed his family, and pay taxes to support the local, state and federal governments. He could and would work if he were offered and paid \$180.00 or \$200.00 per month!"

Aldrete pointed out that the bracero or ranch "special" also supports a family on low wages but he does it in a foreign neighborly country that has a low economy and where American dollars go farther. Furthermore, he does not pay taxes and spends very little of this money in the United States.

Aldrete continued by pointing out that the number of men used on ranches is so small per ranch and they cover such a large geographic area that there just is no justification for the certification of braceros to the sheep and goat raising industry specially where the areas affected by the use of braceros in this industry have a vast untapped, unemployed reserve of ranch hand labor which has been forcibly shifted to other employment markets by the subsidizing of the ranching industry by Public Law 78 which at government expense furnishes foreign labor to the ranchers.

Aldrete pointed out that in the light of this there is no question but that the use of braceros in the West Texas ranching industry has affected adversely the economy of that area. The small towns cannot absorb the unemployed, unskilled ranch hands so they migrate out and we see our rural areas being blighted by new man-made kind of locust, Aldrete said.

"We, the representatives of the vast majority of Spanish-speaking people of Southwest Texas," Aldrete said, "say that we further oppose any attempt to

shift administration of the bracero program out of the capable hands of the Department of Labor and into the already full and overloaded hands of the Immigration Service."

"This proposition endorsed by the Sheep and Goat Raisers Association is simply based on a greedy desire to obtain all the cheap foreign labor needed without the least of government regulation and without the least of concern for its adverse affects on domestic labor and on our own economy", Aldrete continued.

"As Mr. Gonzales pointed out, our jails are loaded with wetbacks and it is costing our federal government thousands of dollars to handle these immigration law violators. We even have to have special sessions of Federal Court in Del Rio to get rid of these cases," Aldrete stated. "The blame for this lies clearly to a large part on our ranchers and farmers who encourage these violators by enducing them to come. Yet, there is no penalty under the law against these employers. The wetback is the one that gets punished."

"The government pays for the whole thing," Aldrete concluded, "and our domestic ranch and agricultural workers are still roaming the country, tired, hungry and sick; looking for work, without any guarantees when it rains or snows, without hospitalization insurance, paying for their own transportation and having to take their kids out of school to be able to earn \$850.00 or \$900.00 annual wages to survive."

The last of the GI Forum representatives to testify was Roel. His testimony was as follows:

"Mr. Secretary, my name is V.G. Roel. I am a practicing attorney at Laredo, Texas. I appear here today on behalf of the American GI Forum of Texas and National. I also represent the Steering Committee for Local Labor of Webb County which is composed of local labor unions and other organizations. I am here also on behalf of the Association for the Protection of Resident Labor with over 5,000 members.

"Mr. Secretary, our testimony on the bracero problem and on the commuter is so extensive that we are going to ask leave to allow us to file a written statement to supplement this oral statement.

Just as Mr. Idar, who testified previously, I am also of Mexican extraction. In my capacity as practicing attorney a great deal of my time is spent on social problems brought to my office by the people who are affected by the bracero and the commuter problem. These people, all of whom are very poor, come to us to complain that they are unable to find jobs to feed their families because of the competition from the bracero and the commuter. They complain of their arduous adventures on their yearly treks northward to seek relief from starvation and then find that they must work for lower wages and under worse working conditions than the braceros who are imported from Mexico to compete with our American migratory workers.

Yes, Mr. Secretary, we have personal knowledge of the bracero, migratory labor and commuter problem. About 15,000 people leave Webb County every year for five to six months out of the year--almost 25% of the population--to seek employment elsewhere. At the same time over 6,000 commuters come over from Mexico daily to work in Laredo. Our school children must leave school a month or two before the semester ends and miss as much as two months of the next school year by the time they get back from the north. Where is our concern for an educated America? Over 60% of all our high school graduates leave our city because they are unable to find employment after graduation in their home town!

There has been a consistent level of unemployment of 15% of the local labor force in our area while thousands of commuters continue to invade and hold jobs in Laredo. In a city with a population of 60,000 as many as 17,000 people must

depend on Federal surplus commodities for their livelihood. This is more than 25% of our entire population! We are also familiar with the migratory labor problems in Zapata and other counties.

If anyone has any doubts about some of the figures we have given you, we invite you to examine the overall Economic Development Program Report filed with the Area Redevelopment Administration for the City of Laredo about a month ago. Said report is now in the hands of the U. S. Department of Commerce, ARA Division.

In connection with the enforcement of P. L. 78 as recently amended, two things are of the greatest import:

A. One is the matter of certification of the need for bracero labor by the local offices of the Texas Employment Commission. Our experience has been, inclusive this year, that no effort is made either by the farmer or by the local Texas Employment Commission Office to ascertain the availability of local workers, even when such local workers may be abundant in the area, and are willing to work for the same wages as the bracero and sometimes even less.

B. The other problem is the matter of setting the prevailing wage for specific work in a given area. The way the prevailing wage is now set is a farce and a crime, both to the American resident worker and to the bracero. Just last week I had people in my office, residents of Laredo, who were not able to get work even at 40¢ an hour, while an employer who had been black-balled to use braceros had "borrowed" braceros from another employer to work for him.

We respectfully submit to you Mr. Secretary, that the local Texas Employment Commission offices do not have the interest to insure the employment of local labor and to properly enforce P. L. 78 as interpreted by the Secretary of Labor. Based on their actions, local TEC offices are serving more as recruiters for employers of braceros than as an impartial agency to serve the interest of both the employers and the employees. I believe that in order to guarantee impartiality in the matter of enforcement of P. L. 78 it is necessary that the interest of the workers be represented both in the machinery of certifying the need for bracero labor and in arriving at a prevailing wage in the area.

I am satisfied that if the Department of Labor had enough personnel to investigate, they would find that many braceros are paid less than the required 50¢ an hour. Many braceros are paid as little as 30¢ and 40¢ per hour and are asked to sign receipts or payrolls of getting 50¢ an hour. Do you realize how much money is stolen from the workers in cases where a bracero employer contracts for 100 or 1,000 braceros!

And how much is the U. S. Government losing in income taxes if the employer charges off labor expense at 50¢ an hour while paying only 30¢ per hour?

If anyone doubts this possibility, he has only to inquire from some of the Mexican consulates along the border. Of course for every bracero that complains there are 1,000 who do not because they are afraid to complain for fear that their contract will not be renewed by the employer and that they will be sent back to Mexico.

If employers are in fact paying 50¢ an hour for bracero labor plus having to pay a head tax, plus sanitary and insurance guarantees, why then is the employer not willing to hire available American resident labor at 50¢ per hour? To some of us who know of bracero exploitation the answer is pretty obvious!

Before I close, let me say that there will be those who, in an effort to perpetuate the supply of cheap bracero and commuter labor, will say that the restriction of braceros and commuters will or might affect our friendly relations

the Republic of Mexico. To this we say that such an assumption is ridiculous. The use of the Mexican bracero and commuter workers to displace and depress the wages of the American worker is an insult to Mexico, and the labor groups in Mexico resent the use of Mexican labor in the United States when it is used in the role of strikebreaker or as an instrument to lower the American wage scale.

The amendments passed during the last congress to P. L. 78 are already bearing good fruit for our domestic workers. Many of the people from Webb County who are coming back from working in West Texas have been told by their employers that because of the new amendments braceros are going to be harder to get and that local workers will be paid better wages. Many farmers and ranchers are now attempting to hire some of these domestic seasonal workers on a permanent basis throughout the year at salaries of from \$40.00 to \$50.00 per week. There is no doubt but that there are enough American domestic workers available for the needs of all the employers if only the employer would become socially conscious and offer our domestic workers a fair, decent and living wage.

In the matter of wages under P. L. 78, we believe that the prevailing wage formula should be discarded and that a minimum wage be established. In states where there is no minimum wage law, the federal minimum wage should be enforced under P. L. 78. Where a state has a minimum wage law, than such a rate should be the minimum pay under P. L. 78."