

MAR 4 1968

Same letter sent to
Honorable George P. Shultz
Secretary of Labor

Honorable Clifford M. Hardin
Secretary of Agriculture
Washington, D.C. 20250

Dear Mr. Secretary:

I have been informed that you, along with the Secretary of Labor, have been requested by the President to submit a joint report on the advisability of placing farm workers under the provisions of the National Labor Relations Act (NLRA). In December, 1968 the Commission held a public hearing in San Antonio, Texas that dealt in part with the problems of farm workers and their unsuccessful attempts to unionize. I would like to take this opportunity to comment briefly on those aspects of the Commission's hearing that are relevant to the issue of exclusion of farm workers from coverage of the NLRA.

Perhaps no point was made more clearly at the hearing by the testimony and staff report presented on problems of farm workers than that they, as much as any single occupational group, urgently need the protection of the collective bargaining provisions of the NLRA. The current exclusion of farm workers from the provisions of the Act to a large extent explains not only their substandard working conditions but also their involvement in prolonged and sometimes violent strikes in attempts to better their working conditions.

I am submitting for your information a copy of a report by the Texas Advisory Committee to the Commission on the unionization attempts of farm workers in Starr County, Texas and the resistance they met. The resulting disruption in Starr County might have been avoided if the workers had had a procedure for collective bargaining. I have also enclosed a copy of a Commission staff report on farm workers prepared for the Commission's hearing in San Antonio. The staff report deals with a number of issues pertaining to farm workers and beginning on page 28 it deals specifically with the issue of labor organization and NLRA exclusion. In addition I am enclosing an uncorrected copy of those sections of the transcript of the Commission's hearing in San Antonio that dealt with the problems of farm workers and their attempts to unionize in Starr County.

Howard A. Glickstein
Acting Staff Director

Howard A. Glickstein (Signed)

Sincerely yours,

I am also writing to the Secretary of Labor about this matter. If you or your staff have any questions about this material please feel free to contact me and I will try to answer them.

The incidents in Texas and Colorado are two examples of the problems that arise because farm workers are not covered by the provisions of the NLRB. The Commission believes that the inclusion of farm workers under the provisions of the NLRB would be an important first step toward helping them solve many of their problems.

In this case the NFWO has called a temporary halt to the strike against Kitayama Brothers, Inc. as a result of the latest events. The exclusion of these farm workers from coverage of the NLRB was an important factor in this prolonged and at times violent strike. At the same time, they were unable to get any action on their demands for higher wages and better working conditions.

The NFWO is composed primarily of Mexican American women who worked for Kitayama Brothers, Inc. In July, 1968 they began a strike and picketing for higher wages and better working conditions. Since that time the strike has been marked by various incidents of rock throwing, fire bombing, pushing and shoving, and allegations of intimidation and harassment. However, as reported in the Denver Post on February 16, Mr. Ray Kitayama "refused the demands and union recognition, noting that neither federal nor state law authorizes unions of agricultural workers" (emphasis added).

Since the San Antonio hearing another incident illustrative of the unnecessary friction created by exclusion of farm workers from the provisions of the NLRB has been brought to our attention. As reported in the February 16 Denver Post and by one of our Commissioners who subsequently interviewed persons involved in the incident, on February 15 five women members of the fledgling National Florist Workers Organization (NFWO) chained themselves together across the main gate of the Kitayama Brothers, Inc., floral farm near Brighton, Colorado in violation of a Weld County District Court injunction. After the chain had been cut, local sheriff's officers without warning sprayed the women with tear gas. The women, who were on the ground, had difficulty escaping the gas and had to be pulled out of the cloud of gas by dragging them out with the chain. While this individual incident is shocking, it was only one aspect of a more serious problem.