

Bracero Exploitation And Abuses Confirmed

Sweeping investigation of the Mexican farm labor program by the state Attorney General and the Department of Employment have confirmed labor's long-standing charges of bracero exploitation and widespread abuses in the administration of this farm labor program.

Developments during the past two weeks, striking with almost explosive rapidity, have left the importation program teetering on the brink of an open scandal.

John E. Carr, former director of the state Department of Employment and Governor Brown's new finance director, focused public attention on one of the major abuses of the program when he exposed the deliberate denial of farm jobs to domestic workers in favor of Nationals imported from Mexico.

Speaking before a group of Los Angeles Department of Employment employees, Carr pledged that his investigation of the Farm Placement Service "would continue until he was convinced that the responsibility has been fixed."

The investigations of the Farm Labor Service came to a head early last week with the firing of William H. Cunningham, assistant chief of the Service, on charges of dishonesty and misuse of state property.

Commenting in Stockton on the developing situation, Norman Smith, chairman of the AFL-CIO

(Continued on Page 2)



C. J. HAGGERTY
Executive
Secretary-Treasurer

INSTITUTE OF INDUSTRIAL
RELATIONS LIBRARY

AUG 13 1959

UNIVERSITY OF CALIFORNIA
LIBRARY

Vol. 1 — No. 28
Aug. 7, 1959

Weekly News Letter

Published by California Labor Federation, AFL-CIO



Labor Backs Shelley Labor-Management Bill: Haggerty Urges California Labor Action

The weight of the California labor movement today was thrown behind a Labor-Management Reform measure, H.R. 8490, introduced by San Francisco Congressman John F. Shelley.

In an urgency letter directed to all central labor and craft councils in the state, C. J. Haggerty, secretary-treasurer of the California Labor Federation, AFL-CIO, called for immediate action by local organizations and individual union members in support of the Shelley measure, and opposition to three other measures which would "do grievous harm to bona fide activities of unions under the guise of dealing with corruption."

House debate on all four Labor Management Reform bills is expected to get under way as early as the middle of this week.

The Shelley measure, Haggerty said, would "rid the labor movement of racketeers and not unions", and has the backing of the national AFL-CIO. In addition to the Shelley

bill, the House will consider three others, including H. R. 8342 (Elliott) which was reported by the House Committee on Education and Labor and denounced last week by the AFL-CIO as patently anti-labor. Two identical proposals, which go even further than the Committee-approved bill towards hamstringing organized labor, are also to be considered. They are H.R. 8400 (Landrum) and H.R. 8401 (Griffin).

In his letter to central labor and craft councils, Haggerty warned:

"In every sense, the chips are down. No Congressman who votes for any of the three above-mentioned anti-labor bills can be considered a friend of the labor movement." The AFL-CIO leader said further, "It is my suggestion that you inform your Congressman that labor wants anti-corruption legislation as much as legislators do, but not at the expense of satisfying anti-labor prejudices which have been written into the three hostile bills."

Haggerty pointed out that the danger to organized labor in the House lies in a powerful Republican-Conservative Democratic coalition which is pushing even beyond the severely anti-labor Elliott bill for passage of the Landrum-Griffin measures.

"Unfortunately," Haggerty said, "there are a number of middle-of-the-road representatives from California who feel that they must vote for a so-called Labor-Management Reform bill irrespective of what it

Here's What the Shelley Labor-Management Reform Bill Would Do

National AFL-CIO's analysis of H. R. 8490 (Shelley, D-Calif.) is as follows:

The Shelley substitute "Labor-Management Reporting and Disclosure Act of 1959" (H. R. 8490) is an effective measure to get at the crooks and racketeers in the labor and management field. At the same time, it omits most of the provisions contained in the Landrum-Griffin bill (H. R. 8400 and H. R. 8401) and the Committee bill (H. R. 8342) that would do great harm to the legitimate labor movement.

1. The bill omits the punitive Taft-Hartley amendments proposed in Section 705 of the Landrum-Griffin and Committee bills that would impose additional restrictions on organizational and recognition picketing and so-called "hot cargo" agreements. It likewise omits the Administration-sponsored restrictions on secondary boycotts contained in Section 705 of the Landrum-Griffin

bill, that would interfere with perfectly proper assistance by one union to another when the latter union is involved in a labor dispute with an employer. In place of these provisions, the Shelley substitute would raise effective barriers against "shakedown picketing" in the form of criminal penalties and cease and desist orders of the Na-

(Continued on Page 2)

(Continued on Page 3)

Here's What the Shelley Labor-Management Reform Bill Would Do

(Continued from Page 1)

tional Labor Relations Board against individual and union violators.

2. The Shelley substitute omits the provisions included in Sections 103, 306, and 603 (a) of the Landrum-Griffin and Committee bills that would super-impose new Federal restrictions over the conduct by unions of their own internal affairs upon existing and future State laws. In place of such conflicting and confusing provisions, the Shelley substitute contains provisions making clear that unions and employers are to be subject to a single set of uniform Federal rules in the areas dealt with by the bill.

3. The Shelley substitute in-

cludes provisions (Section 203) for reports by employers and labor relations consultants that would be substantially more effective than the Landrum-Griffin bill or the Committee bill in deterring employer-financed or sponsored drives to interfere with the exercise by employees of their rights to organize and bargain collectively through representatives of their own choosing. Section 203 of the Shelley substitute also omits many of the exemptions and exceptions that make the employer and labor relations consultant reporting requirements of the Landrum-Griffin bill, the Committee bill, and also the Senate-passed bill a mere sham.

4. Section 501 of the Shelley sub-

stitute dealing with the so-called "fiduciary responsibilities" of union officers, is definitely to be preferred to either Section 501 of the Landrum-Griffin and Committee bills or section 610 of the Senate-passed bill. Under Section 501 of the Shelley substitute, union officers would be held accountable for any union funds or property in their custody or possession that have been embezzled, stolen or unlawfully and willfully converted to their own use or the personal enrichment of another and for any income or other benefit with monetary value which such officers obtain in connection with any transaction that conflicts with the interests of their union. However, the propriety of union-authorized expenditures of union funds, such as charitable and other contributions for social welfare purposes, and expenditures and contributions for educational or political activities of interest to labor, would be left to the unions themselves and their members under the terms of the unions' constitutions and by-laws. These provisions deal effectively with the abuses with respect to so-called "breaches of trust" by union officers that have been revealed by the hearings before the McClellan Committee and other Congressional investigations, yet avoid entangling unions in fiduciary concepts that have been developed slowly over many years in court decisions and that vary greatly, depending on the occupations and positions to which they are applied.

5. The Shelley substitute corrects one of the principal defects contained in Section 504 of both the Landrum-Griffin and Committee bills, under which persons convicted of certain crimes are barred from holding union office or serving as a labor relations consultant or as an officer or employee of an employer association dealing with unions. Section 504 of the Shelley substitute extends the disqualification, not only to the persons enumerated in the Landrum-Griffin and Committee bills, but also to officers, agents, directors, or employees of employers if they are engaged in advising or representing such employers concerning employee organizing, concerted activity or collective bargaining activities. The Shelley sub-

(Continued on Page 3)

Bracero Exploitation and Abuses Confirmed

(Continued from Page 1)

Agricultural Workers Organizing Committee, said: "We take no pleasure in the revelation of the breakdown of public morality but we must point out that farm worker representatives have been calling attention to Service abuses for ten years."

Director Carr did not pull punches in his reference to the denial of jobs to domestic farm workers by the State Farm Placement Service. Reflecting the views of Governor Brown's Administration, he said: "There are many domestic farm workers who are ready, willing and able to comply with the conditions that they have a prior right to the jobs that are being held by Mexican Nationals in the state of California, and who never get a chance to exercise that prior right. They not only don't get the chance but they are deliberately horned off by people in our department whose obligation it is to assure them that prior right."

Carr's charges were followed almost immediately by the resignation of Don R. Park, another top state Farm Placement Service official and aide to William H. Cunningham. Park's resignation was submitted as he was being questioned by investigators for Director Carr.

S. G. Goodman, who will replace Carr as acting director of the Department of Employment, said Park's resignation was accepted "with prejudice" indicating that the Farm Placement Service investiga-

tion was far from completed.

A separate investigation into the abuses of the Mexican National farm labor program is also being conducted by the state Attorney General's office, it was disclosed last week. Since the ordering of the investigations, numerous reports of irregularities have been reported to the Attorney General's office.

Although confined mainly to southern California thus far, there are indications from the Attorney General's office that the investigations are likely to spread to northern agricultural areas.

Evidence uncovered confirms labor's charge that many employers of Mexican Nationals are deducting \$1.75 per day for food and \$1.00 for medical and life insurance and using only a fraction of the food money and pocketing the insurance deduction.

Primary interest of the investigations of the Attorney General's office is being focussed on evidence of fraud.

Evidence of violations of state criminal statutes, it is reported, will be turned over to local grand juries. Other evidence bearing on violations of Public Law 78 under which Mexicans are brought into the country will be turned over to federal officials for action, the Attorney General's office has announced.

As the week drew to a close, it was further disclosed that FBI agents have been brought into the picture through consultations with the Attorney General's office.

EXECUTIVE COUNCIL SUBMITS POLICY RECOMMENDATIONS

The Executive Council of the California Labor Federation, AFL-CIO, meeting at the El Cortez Hotel in San Diego, August 6-7, adopted a 43-page printed document setting forth its policy recommendations to the 1959 State AFL-CIO convention, which convenes on August 10 at Conference Hall, Balboa Park, in the southern city.

The recommendations of the 36-member council, titled "Statements of Policy," cover a broad range of issues grouped under ten subject matter classifications.

Upon registration, each delegate to the convention will receive a copy of the Executive Council's recommendations for consideration along with resolutions submitted by affiliated organizations.

The following summarizes the rec-

ommendations under the various subject matter classifications:

I—FULL EMPLOYMENT AND THE ECONOMY

(a) Continuing heavy unemployment in the face of high production and record profits threatens to reverse the partial recovery from recession.

(b) Sharing the benefits of rising productivity remains the key economic issue in the reestablishment of full employment in an expanding economy.

(c) Automation intensifies the problem of keeping purchasing power abreast of productivity advances, and presents new problems of social dislocation and change which require forethought, plan-

ning and guidance in the introduction of automated processes.

II—TAXATION

(a) Federal tax relief for low income groups and the closing of various loopholes is vital to the health of the economy.

(b) Organized labor pledges itself to an intensified fight against California's regressive tax structure, recently aggravated by the actions of the 1959 legislature, under which sales and other consumer taxes predominate and cause workers and consumers to pay a staggering and disproportionate share.

III—LABOR LEGISLATION

(a) California labor will continue to support national AFL-CIO efforts

(Continued from Page 4)

Labor Backs Shelley Labor-Management Bill: Haggerty Urges California Labor Action

(Continued from Page 1)

may do to the trade union movement.

"Our task in California is not only to convince the fair-minded Congressmen who will do everything in their power to block any measure which would penalize the trade union movement, but also to pick up the necessary support of marginal district representatives who may go along with the Republican-Conservative Democratic coalition to get a bill out of the House of Representatives this year."

The extremely harsh Landrum-Griffin proposal would eliminate the Elliott bill's requirement that relief from alleged violations of its so-called "bill of rights" section first be sought internally under union conditions. Instead, it goes even beyond the Senate bill in authorizing members and the Secretary of Labor to enjoin such actions immediately through court actions. The threat of force to deny such rights would be punishable by two years imprisonment and \$10,000 fines. Assault and battery would be made a federal crime but, significantly, only when it occurs in a union.

Although the Elliott bill would generally exempt small local unions from expensive and burdensome

financial reporting procedures, the Landrum-Griffin measure makes no such token gesture of leniency or reasonableness. It would also kill the Elliott and Senate proposals to partially restore NLRB election voting rights of "economic strikers" and to allow seven-day union shops in building and construction. Existing machinery for the settlement of jurisdictional disputes in those industries would also be undetermined.

Organizational picketing would be prohibited unless thirty percent of the workers were already union members. Already stringent law on secondary boycotts would be broadened to cover many types of legitimate concerted union activities. Nearly all types of agreements restricting work on "hot cargo" would be barred.

Further, the Landrum-Griffin proposal threatens to greatly expand the already vast "no-man's land" in the labor-management field by granting the NLRB the right to refuse cases either individually or by general rule and concedes such jurisdiction wholly to states even where they have no agencies or adequate procedures to exercise it.

(See analysis of Shelley Bill on page 1.)

Shelley Labor Bill

(Continued from Page 2)

stitute continues to bar from office persons convicted of "assault which inflicts grievous bodily injury" but makes clear that the disqualification would not apply unless such assault had been "deliberately provoked."

6. The Shelley substitute replaces with the provisions of the Senate-passed bill the provisions of Section 301 (b) of both the Landrum-Griffin and Committee bills that would make union membership lists available for inspection and copying to candidates for union office, who could in turn give or sell them to an employer, the Communist Party, or commercial advertising concerns.

In the light of the foregoing, it is the position of the AFL-CIO that the Shelley substitute (H. R. 8490), while it still contains some provisions which may require amendment and improvement in conference between representatives of the Senate and the House of Representatives, and while it omits the encouragement of voluntary self-policing ethical practices codes that is contained in the Senate-passed bill, does substantially meet the test that the AFL-CIO believes must be applied to labor-management reform legislation. It is legislation which will get at the crooks; it will not do harm to the legitimate trade union movement.

FORM 3547 REQUESTED

Industrial Relations Librarian
Institute of Industrial Relations
214 California Hall
University of California
Berkeley 4, Calif.

NON-PROFIT
ORGANIZATION
U. S. POSTAGE
PAID
Permit No. 7085
San Francisco, Cal.

EXECUTIVE COUNCIL SUBMITS POLICY RECOMMENDATIONS

(Continued from Page 3)

to secure legislation which will aid its unrelenting drive against corruption and racketeering wherever it appears in labor-management relations.

(b) Taft-Hartley's section 14B, the source of "right to work" movements, remains one of many unfair provisions and interpretations of that Act which must be repealed.

(c) The continued denial of a federal minimum wage of \$1.25 an hour and the exclusion of over 20 million workers from Fair Labor Standards Act coverage are moral and economic crimes which organized labor and the nation can no longer tolerate.

(d) California labor rededicates itself to the job of winning enactment of a uniform \$1.25 an hour state minimum wage law covering all individuals and all industries within the state.

IV—AGRICULTURAL LABOR

(a) The scandalous condition of agricultural labor demands their organization into a union and the lifting of the agricultural exemptions which have excluded these workers from virtually all the protections of federal and state socio-economic legislation enacted during the past 25 years.

(b) Organized labor will intensify its opposition to the importation of foreign labor under conditions assuring growers an unlimited labor supply with which to depress wages and working conditions to such a point that domestic farm workers find it impossible to stay in the industry.

V—SOCIAL SECURITY

(a) Organized labor calls for more realistic benefits and needed improvements in coverage under the federal Old Age and Survivor's Insurance program, including health and medical care insurance for re-

tired workers and their dependents.

(b) Organized labor recognizes the urgent need for adequate medical care for all our citizens, which can only be achieved through comprehensive prepaid medical care legislation.

VI—CIVIL RIGHTS

(a) The extension of equal rights and equal opportunities to every phase of American life is a historic task to which organized labor in California is solemnly dedicated.

(b) California labor, in pledging active cooperation to make the new FEP act an effective law, reaffirms its determination to press ahead for the removal of discrimination patterns in housing.

VII—HOUSING

(a) The recent veto of the extremely modest housing bill passed by Congress, despite the desperate needs of millions of low and middle income families, flaunts the will of the people as clearly expressed in last November's election.

(b) The nation's housing deficiencies can only be met by a comprehensive housing program for the immediate construction of at least two million units, including provision for (1) 200,000 units minimally under the low-rent public housing program, (2) an effective middle income housing program, and (3) additional features necessary to a rounded approach.

VIII—WATER RESOURCES DEVELOPMENT

California labor, in pressing for full and integrated development of the state's limited water resources, serves notice that it will continue to fight for anti-monopoly, anti-speculation protections for the taxpayers in the development of such resources, and specifically calls upon Governor Edmund G. Brown to convene the California legislature in

special session prior to the vote of the people on the proposed state \$1.75 billion water bond program for the specific purpose of enacting ironclad protections to preclude the unjust enrichment and permanent enthronelement of the small group of giant landholders who own and control the bulk of the lands in the proposed service areas of the San Joaquin Valley-Southern California aqueduct, which will carry water south and over the Tehachapis to the southern part of the state.

IX—INTERNATIONAL AFFAIRS

The imminent failure of the Foreign Ministers' Conference on the Berlin Crisis should serve once again to alert the free world to the growing Soviet threat to peace and freedom, which in turn demands that California labor give vigorous and active support to the national AFL-CIO in its consistent advocacy of a foreign policy for free peoples.

X—EDUCATION

(a) California labor supports a comprehensive and balanced program of federal aid to education as the only possible method of dealing with the grave problems confronting our public schools.

(b) California's public school system, and all sound efforts to meet its expanding needs, will continue to receive the full and active support of organized labor.

(c) The crucial role of labor education in defeating "Right to work" last year states the need for the expansion of worker education programs in order to implement our policy decisions, and highlighted the need also for cooperation with other groups on consumer-oriented programs aimed at increasing purchasing power and promoting public understanding of the true causes of inflation and excessive consumer prices.