

CHRISTMAS MESSAGE

By THOS. L. PITTS

Secretary-Treasurer
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AFL-CIO

The traditional appeal of Christmas with its emphasis on giving and on evoking joy in others has perhaps more meaning for our state and nation this year than it ever has.

This is because we are just embarking on two major nationwide programs to translate the moral injunctions and directives of virtually all faiths into concrete social and economic action to wipe out poverty and extend full rights to all citizens.

In a very real sense, both of these programs reflect the basic aims of the labor movement. From its earliest beginnings, organized labor, born within a concept of brotherhood, has struggled for the freedom of all from the plague of poverty and for the dignity of all as equals before the law. Were the labor movement ever to lose sight of these basic aims, it would forsake its heritage and vitiate its purpose. And that's why it won't!

Both programs also reflect an affirmation of the spirit of brotherhood and of the worthiness of humanity that is annually rekindled by the advent of Christmas. And both represent, too, the common hunger of all mankind for social

(Continued on Page 2)

Protests Mount to Move by Wirtz to Oust Henning from Top Labor Dept. Post

The California Labor Federation, AFL-CIO, and affiliated unions and central bodies throughout the state acted swiftly this week to head off a reported attempt by Secretary of Labor W. Willard Wirtz to oust Number 2 man in the Department, Under Secretary John F. Henning of California.

Thos. L. Pitts, the Federation's secretary-treasurer dispatched the following wire to President Lyndon B. Johnson on Tuesday:

Strike Idleness Drops Sharply

"Strikes and lockouts in California during the third quarter of 1964 resulted in 363,000 man-days of idleness, far below the third quarter average of 653,000 man-days for the past ten years," according to Ernest B. Webb, Director of Industrial Relations.

Preliminary estimates by the State's Division of Labor Statistics and Research indicate 35,000 workers were idled by the 80 work stoppages be-

(Continued on Page 3)



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Criteria for Importing Farm Labor Puts Ceiling on Domestics' Pay, Pitts Says

State AFL-CIO leader Thos. L. Pitts this week denounced the U.S. Labor Department's decision on criteria to be used to permit importation of foreign farm workers because it places "a ceiling" instead of a floor on domestic farm wage rates. "The Labor Department's decision means that less than three-fourths of one percent of the nation's growers have been able to reverse the United States Congress and have won themselves a cut in labor costs to boot," Pitts charged.

"This is because it imposes a ceiling on farm wages instead of making the corporate grower bracero-users compete like all other U.S. industries by paying U.S. wages to grow U.S. produce.

"The \$1.25 ceiling will be particularly critical in California's Imperial Valley where farm work starts early because it amounts to an eight cents an hour wage cut from the \$1.33 the growers claim to have paid in the past," Pitts explained.

The Labor Department's establishment of minimum wages which must be paid imported farm workers acts as a ceiling rather than a floor on domestic

(Continued on Page 2)

Endorsement of Brown's Bracero Extension Plan Hit

State AFL-CIO leader Thos. L. Pitts this week refuted a San Francisco Bay Area TV station's editorial endorsement of Governor Brown's proposal for a four-year extension of the bracero program by invoking the McCarran-Walter Immigration Act, Public Law 414.

Invited by KGO-TV's Channel 7 to present an opposing view, Pitts submitted the following statement which was read by the Federation's Research Department staffer Walter Simcich.

Because much of the daily press, as well as a number of other radio and TV outlets have apparently been taken in by the corporate growers' cries of crisis, and because Pitts' statement represents a necessarily brief condensation of organized labor's opposition to the bracero program in any form, it is printed here in hope that it may be of use at the local level in helping to repudiate the growers' propaganda.

TEXT OF STATEMENT

"We are deeply concerned that this state's 300,000 farm workers are paid only one-third as well as factory workers and that this results in heavy welfare and other tax burdens amounting to a major subsidy to corporate growers. We therefore appreciate this opportunity to respond to Channel 7's editorial endorsing Governor Brown's four-year bracero substitute proposal.

"The bracero users—less than 1 percent of all growers—have already received repeated extensions from Congress and, over a year ago, firm and final instructions to start competing honestly for U.S. labor.

"The large landholders have flatly re-

(Continued on Page 3)

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(Continued from Page 1)

wages because it means that, even though ample domestic workers may be available if the growers offer \$1.30 an hour, all the growers need offer is \$1.25 in order to get braceros, he pointed out.

Wirtz' action "is also a direct repudiation of President Johnson's anti-poverty program and the fact that no mention has been made of providing farm workers either with unemployment insurance or full collective bargaining rights tends to confirm our worst apprehensions that profits would again triumph over poverty," the Secretary-Treasurer of the California Labor Federation, AFL-CIO, asserted.

Wirtz' decision, announced Saturday, December 19, less than two weeks after the last of four hearings held throughout the nation to gather information on farm labor needs, "was apparently rushed to a conclusion to allow the growers all the time they need to comply with a new foreign farm labor import scheme that constitutes a direct slap in the face to the expressed will of Congress," Pitts said.

The Labor Department's pronouncement stipulates that "any agricultural employer with a foreseeable labor shortage remaining after reasonable efforts utilizing all sources of available domestic workers, including the interstate clearing process, may request through the appropriate state agency the certification of need for foreign labor.

"Before such certification will be made by the appropriate regional office of the Bureau of Employment security," the ruling says, "it must be shown that: (1) reasonable efforts have been made and will continue to be made to obtain domestic workers for the period for which these workers are requested . . . (2) employment of such labor will not adversely affect the wages or working conditions of domestic workers similarly employed . . . and (3) reasonable costs of transportation to and from the place of employment must be borne by the employer."

The Labor Department also set what it called minimum hourly wages that must be paid farm workers next year. These rates, geared to prevailing state wage differentials, will be \$1.25 in California for the first three months of 1965 and \$1.40 thereafter.

"In view of the fact that no state or federal agency has been able to effectively enforce regulations ostensibly designed to prevent adverse effect in the past, there is little likelihood that the new regulations will constitute anything more than a further travesty of justice for the nation's farm workers," Pitts said.

In the past, he pointed out, "the corporate growers have utilized all sorts of shabby shams" to qualify to import

braceros "even though domestic workers were practically begging for the jobs."

The Labor Department's decision does stipulate that growers applying for braceros must first offer domestic workers at least the level of wages and benefits set for braceros and that farm work done on a piece-rate basis must produce at least the new hourly rates for all employees.

It also requires family housing be furnished by the employer "where appropriate and necessary"; that workers be given all the terms of employment guaranteed under Public Law 78 and the Migrant Labor Agreement, including a guarantee of pay for at least three-quarters of the worker's contract; and, among other things, imposes a 120-day limit on a grower's use of foreign workers.

On Monday, the Labor Department announced that special government teams comprised of experts from the Labor and State Employment Departments were launching a "massive recruitment" drive to find U. S. workers to replace the Mexican braceros.

Earlier State Director of Employment, Albert B. Tieburg, had announced that four Federal-State, eight-man teams would seek to recruit domestic workers in the San Francisco Bay Area, the Northern San Joaquin and Sacramento Valleys, the Southern San Joaquin Valley, and in the Los Angeles County area.

Time Extended for Comment on Walsh-Healey Act Change

The time for comments on a proposed change in rules of practice under the Walsh-Healey Public Contracts Act has been extended to January 16, 1965 by Secretary of Labor W. Willard Wirtz.

Under the Walsh-Healey Act, which applies to employees working on government supply contracts in excess of \$10,000, the Labor Department is authorized to issue industry minimum wage determinations on the basis of minimum wages found to be prevailing.

The question raised by the proposed change in the Act is whether more than a single prevailing minimum wage would better effectuate the purposes of the Act. A list of factors to be considered in this connection was published in the August 19, 1964, Federal Register.

Initially the deadline for the receipt of comments was October 18 but formal notice of the extension of the deadline was published in the October 21, 1964 Register. Copies of both the August 19 and October 21 Labor Department actions may be obtained from the Department's Wage and Hour and Public Contracts Division, Washington, D.C.

CHRISTMAS MESSAGE

(Continued from Page 1)

justice and for the fulfillment of critical basic needs.

Despite other overarching concerns—such as the peril of an atomic holocaust or the impending decimation of jobs by automation—the hope of trade unionists this Christmas is that the same compassion, fervor and charity that Christmas arouses will invigorate all our lives henceforth not only as workers and citizens but as brothers, thereby recognizing that Good Will Toward Men is the key to Peace on Earth.

'Ending Poverty is Cheapest Way'

It's cheaper to end poverty than to let it persist.

That was the gist of the remarks of Michael Harrington, author of "The Other America" and an expert on U.S. poverty problems, in a recent radio broadcast over KCBS in San Francisco.

Although, according to his estimates, a massive corrective program would cost tens of billions of dollars, Harrington pointed out that if the United States doesn't embark on such a program poverty will cost the nation "at least 500 billion dollars during the next ten years."

Thus, he explained, "an investment of 50 or 70 billion dollars will save us money, in addition to doing something that is ethical, decent and humane."

Speaking on the University Explorer program along with Dr. Joseph Lohman, Professor of Criminology at the University of California, Harrington suggested:

"Let's hire the poor and abolish poverty. Let's have a massive public investment to hire them to tear our slums down.

"You cannot seriously talk about the abolition of poverty unless you tear down slums such as Harlem.

"As long as any slum—black or white—exists you are going to have poverty."

Dr. Lohman rapped the prevailing "patronizing attitude" toward poverty and asserted:

"We think that we can lift people by example alone or by admonition when the truth of the matter is that we've got to enter into the conditions which are responsible for their attitude.

"We have to endow them with the opportunities. They are a proud people. They have a contribution to make if they are given an opportunity to work at a solution of their problems rather than if the work is done for them."

Endorsement of Brown's Bracero Extension Plan Hit

(Continued from Page 1)

fused to do this. Instead, they have relied on last minute cries of "Crisis" to keep wages below bare subsistence levels.

"Channel 7 itself obliquely recognized the situation as a shortage of wages—not workers—when it said of the Governor's proposal (and I quote): 'Home-grown workers, attracted by escalating wage scales, will replace foreigners.'

"But when it held that domestic labor can't meet 'immediate needs,' it ignored the key issue of wages entirely. Yet it must know the University of California's Berkeley and L. A. studies both found ample labor available if wages are raised. But both also noted that such improvements won't come about until the braceros' wage-cutting influence is ended.

"The Governor's proposal clearly implies that wages would now be \$1.85 instead of \$1.10 an hour if the braceros were not in the picture. This means that California's workers have been cheated out of 75 cents an hour for the past 13 years.

"Yet the Governor proposes to extend this vast injustice for four more years. This may make dollars and cents for corporate growers but it does not make sense for the taxpayer who pays for the social welfare, delinquency, public health and slum housing problems generated by this one-sided economic bludgeon.

"For a state with 430,000 unemployed, the importation of 60,000 foreign workers is not just incredible—it is scandalous!

"It would endorse a raid on the State Treasury and undermine California's economic health by prolonging needless unemployment and pathetic wage rates while paving the way for this program's use by other industries.

"The growers are relying on scare talk to stampede the public. Organized labor would be highly concerned if there were any genuine risk that jobs would be lost by this program's end. But we know that the only issue here is the excessive exploitation of labor at a dollar an hour. We know that even a doubling of wages would have little effect on acreage planted because hired farm labor costs represent only 4 per cent of the consumers' price.

"Nor is there any real chance that the few crops using braceros will move away. Potential competitors simply don't have California's natural advantages such as climate, diversity of soils, irrigation facilities and the long growing season so important to efficient processing operations.

"The bracero program's extension

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(Continued from Page 1)

on this State's working people as a man with the profoundest sense of social justice. The effectiveness required at the Under Secretary's level requires the comprehensive grasp of labor-management relation problems that can result only from a background of such a varied and extended nature.

"But to really serve working people, the additional elements of a genuine concern for human beings and the energy that this man has brought to each of the offices he has held are vital.

"In all these respects, Under Secretary Henning qualifies eminently from the point of view of those workers who know him best.

"We therefore urge that he be maintained in his present position."

No specific reasons for Wirtz' attempt to purge Henning have been disclosed but a New York Times story on Wednesday indicated AFL-CIO President George Meany was deeply disturbed that Wirtz was trying to dismiss the top trade unionist in government less than two months after an election in which organized labor went all-out to help President Johnson win his landslide victory.

The Times story said that although Henning has disagreed with Wirtz on a number of occasions about Labor Department policy he has never expressed these disagreements publicly.

Their most recent disagreement was said to be over the wage rates to be paid young people joining the Neighborhood Youth Corps. Henning reportedly advocated that they be paid the minimum wage of \$1.25 an hour in order to

would convert the War on Poverty's first battle into a disastrous retreat. It would mock efforts to give all citizens equal treatment because it would again seal these workers off from any hope of obtaining unemployment insurance, collective bargaining and other standard rights. The Governor's proposal must therefore be rejected. Thank you."

Equal Pay Act of '63 Banned Wage Bias Based on Sex

The Equal Pay Act of 1963 was signed by the President on June 10, 1963. It banned wage differentials based on sex after June 10, 1964, for workers covered by the Fair Labor Standards Act.

Less than half of the nation's work force is covered by the Act. Among the principal exemptions are employees of small retail firms, agricultural workers and employees of hotels, restaurants and hospitals.

avoid the risk that they might compete for jobs with low-skilled service workers in hospitals and similar institutions.

But Wirtz, on announcing the program on November 19, indicated that it would not be necessary to observe the minimum wage standard because the youths would be put only into jobs that would not exist except for the federal program and because the purpose of the program was not to provide permanent jobs but to train youths.

The Times story also said that "it has been apparent to observers of the Department that Mr. Wirtz has been downgrading Mr. Henning's role for some time."

The article pointed out that he has been "isolated from many major policies discussions" and that, although for a period, he was the Department's Manpower Administrator, that job was subsequently assigned to Wirtz' executive assistant John C. Donovan last March 29.

Henning, 49, served as Director of Research and Administrative Assistant for the California State Federation of Labor from 1949 to 1959 working under C. J. Neil Haggerty, then executive officer of the State Federation who is now President of the AFL-CIO's Building and Construction Trades Department in Washington.

From 1959 until his appointment as Under Secretary of Labor by the late President Kennedy, Henning was Director of the California Department of Industrial Relations and Administrator of the California Employment Relations Agency.

Pitts called on local unions and central bodies to send similar wires to President Johnson urging him to keep Henning in his post.

Strike Idleness Drops Sharply

(Continued from Page 1)

gining in the third quarter of this year.

Four large stoppages accounted for more than half of the workers and man-days of idleness involved. These were the Teamsters' disputes with wholesale food companies in Los Angeles and wholesale beer distributors throughout the State, a San Diego shipyard stoppage, and the United Auto Workers-General Motors strike.

The nationwide General Motors strike idled more California workers than any other dispute in the third quarter, about one-third of the total. This strike began in the quarter and was responsible for 12 per cent of man-days lost during the period, the report said.

Work Weeks For 8 Million Now Less Than 40 Hours

About eight million persons are presently on a basic work week of under 40 hours, and many others have had their working time reduced as a result of longer vacations, more holidays or paid lunch periods, according to the AFL-CIO's Department of Research.

In an article in the December issue of the American Federationist, the AFL-CIO's monthly magazine, the Department points out that the northeast section of the nation has led the way in work week reduction with 62 per cent of office employees in that region and 11 per cent of plant workers now on a work week of less than 40 hours.

"The reduction of hours under collective bargaining in the 1960s is not taking place dramatically and suddenly," the article says. "Rather the reductions are taking place in small steps in individual contracts."

For example, the article cites a Chemical Workers' pact providing a 10-minute-a-day cut in working time during each year of a three-year agreement.

Nearly all printing trades workers—98 per cent of them—are working less than 40 hours, with about one-fourth at 35 hours. In almost all of these cases, the cut was first to 38.75 hours, and then to 37.5 hours.

Although the Ladies Garment Workers Union has had a 35-hour week in the New York area since the 1930s, in the past 10 years it has extended it so that it now covers 97 per cent of the union's membership throughout the nation.

And a growing number of union construction workers, albeit still a minority, work less than 40 hours.

Labor Department studies indicate that some 13 per cent of retail employees and 17 per cent of full-time restaurant employees work less than 40 hours, and that an estimated one-third of office employees are working under 40 hours. Other industries in which large percentage of workers are enjoying less than 40-hour work weeks include the brewing, tobacco, rubber, fur, baking and telephone industries.

More than 40 per cent of hotel workers are currently working less than 40 hours and New York City's Hotel Trades Council just last June won a 35-hour week, dropping directly from 40 to 35 hours with no pay cut.

The article predicts that continual improvement in the reduction of hours without reductions in weekly pay promises to become the pattern for the second half of the '60's.

Accompanying the drive for shorter hours through collective bargaining is labor's push for establishment of a basic 35-hour week for all workers under the Fair Labor Standards Act.

NLRB Scores Boulware Tactics; Finds GE Guilty of Unfair Labor Practices

In a landmark decision, the National Labor Relations Board has ruled that the General Electric Company did not bargain in good faith with the Electrical, Radio and Machine Workers in 1960.

In finding the huge firm guilty of unfair labor practices, the NLRB ruled that GE's bargaining method, involving a take-it-or-leave-it approach, did not meet the law's requirements for "true collective bargaining."

Collective bargaining "is a shared process . . . in which each party has the right to play an active role," the Board majority held.

REASONS SPELLED OUT

GE's bargaining technique, dubbed Boulwarism after Lemuel R. Boulware, a vice president of the firm who has since retired, resulted in unfair labor practices, the Board ruled, because it:

- Interfered with and coerced employees in their right to self organization.
- Broke the law by refusing to reinstate 18 unfair labor practice strikers at GE's plant in Augusta, Georgia in 1960.
- Attempted to deal separately with IUE locals during national bargaining and solicited locals to abandon or refrain from supporting IUE's October, 1960 strike.
- Presented IUE a personal accident insurance proposal on a this-or-nothing basis.
- Failed to furnish information necessary to the union for national level bargaining.

OTHER FACTORS

Other factors were GE's conduct of the negotiations themselves, and its "attitude or approach as revealed by all these factors," the Board said.

The company regards itself, it added, as a "sort of administrative body which has the unilateral responsibility for determining wages and working conditions." It looks on the union's role as that of a kind of advisor.

"Collective bargaining" as practiced by the company is a mere formality, resembling that of a party who enters negotiations resolved "not to budge from an initial opinion," an attitude the NLRB found to be "inconsistent with good faith."

"In short, both major facets of the respondent's 1960 'bargaining' technique, its campaign among the employees and its conduct at the bargaining table, complementing each other, were calculated to disparage the union and to impose without substantial alteration," the firm's so-called "fair and firm" offer rather than to satisfy the "true standards of good faith collective bargaining" required by law, the Board's majority declared.

The law, the Board said, requires the employer to deal "with the employees

through the union, and not with the union through the employees."

The Board emphasized "that nothing in our decision bans fact-gathering or any specific methods of formulating proposals. We prescribe no time-table for negotiators. We lay down no rules as to any required substance or content of agreements. Our decision rests" upon the totality of the company's conduct.

Both the IUE and GE have filed appeals of the decision: GE contending that it "rewrites the law" and would undermine bargaining and free speech; and the union because the order "does not go far enough."

Three Board members signed the majority opinion—Chairman Frank W. McCulloch and members John H. Fanning and Gerald A. Brown. Howard Jenkins, Jr. wrote a concurring opinion scoring the company's conduct but not its bargaining techniques. Boyd Leedom, the last of the Eisenhower appointees except for Fanning, concurred in the majority's finding of two specific law violations but dissented in part upon the bad-faith finding.

Brown To Speak at Industrial Safety Parley

Governor Edmund G. Brown will be the featured speaker at the 15th annual two-day Statewide meeting of the Governor's Industrial Safety Conference at the Biltmore Hotel, Los Angeles, on Thursday and Friday, February 4th and 5th, 1965.

The Governor will address a large throng at the February 5th luncheon that will climax the conference, according to Ernest B. Webb, Director of California's Department of Industrial Relations and General Chairman of the conference.

B. A. Gritta, president of the AFL-CIO's Metal Trades Department will be one of two distinguished speakers to address the opening session on the morning of February 4th.

The conference, which represents every occupation and industry in California, will discuss important industrial safety problems as well as measures to reduce the rate of on-the-job injuries and deaths.

Following the opening session at 10 a.m. February 4, there will be separate meetings that afternoon and the following morning of seven of the major-industry group sections that make up the conference: Agriculture, Construction, Governmental Agencies, Manufacturing, Mineral Industries, Trades and Services, and Transportation-Communication-Utilities.

There is no registration fee.