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in

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Varden Fuller

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WEST COAST COLLECTIVE BARGAINING SYSTEMS

Edited by

Clark Kerr and Curtis Aller

**Institute of Industrial Relations
University of California, Berkeley**

Labor Relations
IN
Agriculture

VARDEN FULLER

INSTITUTE OF INDUSTRIAL RELATIONS
UNIVERSITY OF CALIFORNIA, BERKELEY
ARTHUR M. ROSS, DIRECTOR

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FOREWORD

This is the third in a series of short monographs which the Institute of Industrial Relations is publishing on collective bargaining on the Pacific Coast.

This region provides a splendid locale for such a group of studies. It has been familiar with unionism, collective agreements, and industrial conflicts for more than a century. Not only are workers more highly organized than in most other regions, but employer associations are unique, both quantitatively and in the extent of their activities. In some areas, particularly the San Francisco Bay Area, central labor bodies are unusually influential in the conduct of collective bargaining. And as Clark Kerr and Curtis Aller point out in their preface, the West Coast presents a fascinating diversity of industrial and social environments which have placed their stamp on labor-management relations. For these reasons collective bargaining on the West Coast has deservedly attracted national and international interest among practitioners and students.

The editors of the series have had a wide and varied experience in analyzing industrial relations problems on the Pacific Coast and elsewhere. Clark Kerr was Director of the Institute at the time the original plans for the series were formulated. He is now Chancellor of the University of California at Berkeley, as well as a member of the Institute staff. Curtis Aller is also a member of the Institute staff and Lecturer in the School of Business Administration on the Berkeley campus.

The first two monographs in the series dealt with collective bargaining in the motion picture and construction industries. Sub-

sequent monographs will analyze collective bargaining in lumber, nonferrous metals, longshoring, aircraft, and several other significant industries. The authors are drawn principally from the staff of the University of California and other Pacific Coast universities.

Varden Fuller, the author of the present monograph, is Professor of Agricultural Economics at the University of California, Berkeley, and is also a member of the Institute staff. He is one of the leading experts on agricultural labor in the nation and served as Executive Secretary of the President's Commission on Migratory Labor in 1950-1951. His numerous publications on farm labor and related subjects belong with the distinguished writings of a group of research workers who developed their interest in this range of problems during the 1930's under the stimulating guidance of Professor Paul S. Taylor, now Chairman of the Economics Department at the University of California.

ARTHUR M. ROSS
Director

PREFACE

The West Coast has a rich and remarkably varied history of collective bargaining despite its youth as a region of economic importance. Its Embarcadero in San Francisco, its streets of Seattle, its logging camps in the Northwest, its motion picture lots in the Los Angeles area, its fisheries in Alaska, its hard rock mines on either side of the Continental Divide, among other locales, have witnessed the development of unique and consequential systems of labor-management relations.

This study of labor relations in agriculture is the third in a series of reports being published on individual West Coast bargaining situations. Each report is concerned with a single distinct system, whether it covers an industry, a portion of an industry, a union, or a group of unions. None of the studies purports to be an exhaustive analysis of the total collective bargaining experience of the system under survey. Rather, it is the intention to investigate one or a few central themes in each bargaining relationship—themes which relate to the essence of that relationship. The series will thus constitute a many-sided treatment of collective bargaining, illustrating both its diversity and its complexity.

Agriculture is an exception to the general pattern of the other industries included in this series in that collective bargaining, with very few exceptions, has so far failed to develop on any permanent basis. However, where area specialization or large-scale farming result in heavy demands for migratory labor, formal organization has occurred but usually on a unilateral basis—effective for the employer and ineffectual for the worker. The special contribution of this report, then, arises from the analysis it provides of labor

relations policies in an industry in which an imbalance of organizational forces prevails, as contrasted to the by now more usual case of approximate balance where collective bargaining structures the employment relationship.

A major consequence of unilateral employer organization in agriculture has been the development of a special kind of labor market characterized by Lloyd Fisher as "organized noncompetition for labor." Wage levels frequently are established by employer action and maintained by the voluntary adherence of individual farm employers in the area. In recent years these wage levels have been remarkably little related to those in the non-agricultural labor markets, since the agricultural labor market is, to a large extent, quite a separate institution responding to its own internal and isolated supply and demand conditions. Supply problems at the established wage levels are solved by tapping the surplus labor pools of foreign areas, with the result that the industry has a uniquely elastic labor supply. Instituted under government auspices during the war, labor importation has become a regular feature of farm labor recruiting under the stimulus of the full employment years that have followed. Sponsorship of the importation program and the establishment of the accompanying prevailing wage levels have become important functions of previously existing farmers' organizations and have stimulated the organization of new ones.

One of the consistent objectives of agricultural employers has been the discouragement of labor unions of field workers. Sporadic attempts at organization have met with adamant refusals to grant recognition or to engage in bargaining. Consequently, the few weak unions that do exist have countered with unilateral wage policies of their own. Disputes, under these circumstances, cannot easily be resolved since there is no formal basis for bargaining and no opportunity to conclude more than a tacit treaty of unspecified duration.

A question that naturally arises in this review of agricultural labor relations is why unionization efforts among field workers have been so unsuccessful. Concerted and determined employer opposition provides a partial answer and the exemption of agriculture from protective labor legislation is another factor. More

PREFACE

crucial, though, has been the character of the labor force. Without a strong industry or even area identification, the worker has lacked the incentive to improve his status by sustained support of unionism. Noting the cross-currents of forces now at work, the author concludes that the imbalance of organizational power is more likely to be upset, if at all, by legislative action than by self-action on the part of agricultural workers.

CLARK KERR
CURTIS ALLER
Editors

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SETTING AND SCOPE

Farms in the United States are dominantly family enterprises. Farmers and the members of their families do the major portion of the nation's farm work. Even so, most of the family enterprises hire labor temporarily to supplement family labor during periods of intense activity. And a minor proportion, but nevertheless a significant number, of the nation's farms are large enterprises that depend almost entirely on hired labor.

Inherently, because of the biology of the annual growth cycle, most agricultural work is subject to seasonal variation. In the agricultural industry of the United States, temporarily employed hired workers have the principal role in meeting supplemental and seasonal labor needs. As an average through the year, hired laborers are 22 to 23 per cent of the total agricultural working force. But the seasonal-supplemental role of hired workers is evident when it is noted that in February they are 15 to 16 per cent of the total work force, whereas at the peak of the harvest activity in September, they are 33 to 37 per cent of the work force. In the slack month of February, the employment of farm family workers drops to 70 per cent of its September peak; but February employment of hired workers, in contrast, drops to 23 per cent of its September peak.

Although the 1950 census counted approximately 5.4 million farm enterprises in the United States, many of these are part-time and residence units from which there is no significant production for sale. Eliminating these noncommercial units, there were approximately 3.7 million farms in 1950 that could be considered as commercial operations. Only 2.3 million of these had employed any labor during 1949, and of those who hired labor, the majority

employed very little. Nevertheless, there were some 200 thousand farm enterprises which were large enough to employ at least the equivalent of one man for a full year. There were probably at least 100 thousand very large farms on which virtually all of the work was done by hired laborers. The widely varying extent to which commercial farmers are active as employers is reflected in the magnitudes of their wage outlays in 1949 as reported in the 1950 Census of Agriculture:

Amount of expenditure for hired farm labor in 1949	Commercial farmers	
	Number	Per cent
	000	
None.....	1,391	37.5
Under \$100.....	690	18.6
\$ 100-199.....	378	10.2
200-499.....	495	13.4
500-999.....	288	7.8
1,000-2,499.....	281	7.6
2,500 and over.....	183	4.9
Total.....	3,706	100.0

Agriculture is accordingly an industry of widely scattered small-scale employers in which casual and seasonal hiring of supplemental labor predominates. Yet, the industry is not homogeneous in these characteristics for it also has the large-scale farm segment which, though not significant in proportion of all farms, is nonetheless very important in terms of amount of employment. Furthermore, many of these large units produce crops having heavy seasonal hired labor requirements. Intensive employment on these large enterprises together with varying supplemental labor needed on the far more numerous family enterprises adds to an impressive aggregate of employment. Expenditures by agriculture for hired labor in 1949 were approximately \$2.4 billion for an annual average employment of approximately 2.25 million persons; expenditures for hired labor in the same year amounted to about 17½ per cent of farm income.

Only a small part of the agricultural work done by hired farm

laborers offers individual, identifiable jobs in the usual sense as found in factories, offices, or stores. Especially in fruit and vegetable harvests and in cotton and sugar beets, individuals work in a gang or crew, and each person is paid in piece rates for the quantity of work he does. Generally speaking, there is no stability in this employment relationship; employer and worker alike feel little obligation to each other. In consequence, the employer may take on as many workers as are readily at hand even if it means putting 50 pickers into a field where 25 could do the work. Reciprocally, laborers frequently shop around for favorable work situations since they have little feeling of obligation to their employer of the previous day or week. Many of the harvests last only a few weeks, and, moreover, the day-to-day work within the period may be irregular and uncertain because of weather interruptions or other variations. Much of the work to be done is physically arduous, involving repetitive motions and often working in a stooped position, on a ladder, and in damp, cold, or hot weather. Sanitary facilities in the field may be no more than improvised affairs, if not indeed completely lacking. Housing in the areas of intense seasonal labor demand is often deficient in quantity or quality, if not in both.

Given the conditions and characteristics so widely associated with this type of farm employment, it is not surprising that the industry has difficulties in obtaining a reliable and adequate labor supply. From the standpoint of attracting labor, the most favorable situation is found on livestock and diversified types of farms where employment is comparatively stable, the tasks are usually more varied, much of the work is mechanized, housing and living conditions are more favorable, and the prospects of earning an acceptable annual income are much better. In such situations each worker usually has an identified and individual job, and the employment relationship is similar to that of industrial plants; indeed, it may not only have equal stability but also closer personal relations between employer and worker.

Meeting seasonal hand labor needs on family enterprises that produce such commodities as fruits, vegetables, cotton, or sugar beets may not be a difficult problem if the farming of the locality is diversified to several crops and thus avoids the concentrating of intensive seasonal activities in the same short time period. In these

instances, farmers and family members may work on other farms; students, housewives, and other short-term workers also may be obtained from neighboring towns and villages.

But in circumstances other than those described above, the labor supply situation often becomes difficult. This may occur either because farms specializing in hand labor crops are large and need many laborers or because most or all of the family enterprises in an area specialize in the same crop and thereby multiply labor needs. The problem of an adequate supply of potato pickers for Aroostook County, Maine derives not from the fact that any one potato farmer needs many workers but from the fact that there are many potato farmers, all of whom need a few. In contrast, the labor supply problems of lettuce growers in the Salinas Valley, California are more in consequence of numerous large farms than of area specialization.

In varying degrees and proportions these two types of situations are found in numerous and widely scattered points throughout the United States. Whether the intense need of seasonal hand labor originates from area crop specialization or from a concentration of large farms or from a combination of both, the basic labor supply problem is much the same but the manner of seeking its solution may be quite different. Although there are exceptions that will be noted later, it is mainly with respect to these types of employment situations that labor relations in agriculture have acquired any of the formalism of concerted action by either employers or workers.

Wages, working conditions, and terms of employment for farm workers, unlike those of other major occupations in the United States, are not determined or significantly influenced either by collective bargaining or by legislative action. Unionization of farm workers is fragmentary and exceptional. Organizations of farm employers, although considerably more extensive, are by no means general or nationwide. Government agencies have no important role in agricultural employment for there is very little federal or state statutory authority or obligation to act. Farm workers are excluded from all important labor legislation such as the Fair Labor Standards Act, the Labor-Management Relations Act, and the federal-state unemployment insurance system.

In the absence of the governmental role and with virtually no collective bargaining, it inevitably follows that the content of "labor relations" in agriculture is extremely meager. Yet, this does not mean that wages, conditions, and terms of employment for all farm workers are determined entirely through individual bargaining between employer and employee within an environment governed dominantly by free labor market forces. Individual arrangements between employer and employee do prevail almost entirely in diversified general farming, livestock enterprises, and where, as in The Northern Great Plains wheat belt and the Midwest corn belt, mechanization has virtually eliminated the need of hand labor. But where temporarily employed hand labor in large quantities is required, organizations of employers, and to a lesser extent also of workers, have endeavored by concerted action to influence the economic environment of employment.

Concerted actions of this kind have taken place in two principal directions: (1) The stating and urging of policy positions with regard to proposed legislation or with regard to the administration of government programs—principally, the labor procurement and placement operations of the federal and state employment services. This includes also intergovernmental negotiation and administration of foreign farm labor importation programs. (2) Attempts by either or both employers and workers to "structure" the labor market by adopting and trying to enforce unilateral positions on wages or other conditions of employment.

These unilateral, noncollective bargaining activities of organized groups on both sides are far greater in magnitude and consequence than either the limited amount of collective bargaining or the restricted role of government. Unilateral activities are, therefore, the major portion of the meager content of labor relations in agriculture.

Organizations for the exercise of concerted power have been initiated, promoted, and assisted by interests reaching into agriculture from the outside; they have also developed as self-initiated movements from within groups of farmers and from within groups of farm workers. As a general proposition, the organizations that were heavily supported and influenced from outside of agriculture were the longer lived and the more potent. Outside influences that

at various times and places have entered the arena of farm employee organization have included principally the Communist party and the two national labor organizations. In the arena of farm employer organization, chambers of commerce, public utilities, financial institutions, associations of nonfarm employers, and agricultural processing interests have played prominent roles. These roles by agencies and interests extending into agriculture from the outside have definitely been more than responses to appeals for help emanating from within the particular group; from external sources have come important contributions in initiative, leadership, and policy making, in addition to financial support.

For many years, California was outstanding in its widespread use of seasonal hand labor crews, composed mainly of migratory workers and minority nationality groups. California farming, more than that of any other state, combines large-scale operations and area specialization in labor-intensive crops. Accordingly, it is perhaps apparent why California farm employers pioneered organizations and activities to assure the availability of a labor supply. Reciprocally, it is equally apparent why farm workers in California should be motivated to counterpart organizations and activities. The uncertainty of a labor supply to save a perishable crop and the uncertainty of obtaining enough employment to earn a living are reciprocal hazards upon which the respective parties may be impelled to seek group action.

Out of these years of experience, unilateral concerted approaches to agricultural labor relations were pioneered. And, except for minor parallel developments in immediately neighboring states, this approach remained for many years largely a California phenomenon. However, scarcity of farm labor during World War II and succeeding years, and the foreign labor programs devised to relieve this scarcity, supplied the basis for expanding some of the characteristics of the California pattern to other parts of the United States. Because of its unique role and because it remains the prototype for most of the organized relationships found elsewhere in the nation, this study will center principally in California.

A few details of the economic characteristics of California agriculture may help in understanding the discussion of labor relations that follows. For the past several decades, there have been

approximately 100 thousand farm units in California that had sufficient acreage and produced enough output for sale to be regarded as commercial farms. Yet, in 1949 only 14 thousand of these were large enough to have products worth \$25,000 or more. But the output of these 14 thousand farms accounted for almost 70 per cent of the state total. These same farms also paid 70 per cent of the state total expenditure for hired labor. Labor expenditures for these farms were equal to 22 per cent of the total value of their products. The significance of wage outlays on these farms is further indicated by the fact that in 1949 their labor costs were approximately seven times their outlays on gasoline and other petroleum products.

Notwithstanding the fact that the bulk of the total farm employment is concentrated on a proportionally small number of large farms, this does not mean that small farmers have no significant role as employers. Actually, the 86 thousand farms which produced outputs of \$250 to \$25,000 in 1949 also used hired labor in almost as high a proportion to the value of their production as did the 14 thousand farms producing more than \$25,000 worth of products. For example, the 5-acre peach grower is likely to have just about as large a proportion of his crop picked by hired labor as is the 150-acre peach grower. The significance of these facts for labor relations in agriculture is this: There is large-scale management sufficient to provide leadership on labor problems; the more numerous small-scale operators also have significant interests as employers and, hence, are generally willing to accept the labor policies and programs that seemingly reflect their interests as well. Thus, a position that initially reflects the demand of only a very few farmers can successfully be represented to legislative and administrative bodies as that of "agriculture."

The California hired farm labor force at the peak of the harvest season is currently estimated to include at least 350 thousand persons. Of these, approximately 75 thousand are working in year-round jobs and some 100 thousand are seasonal and intermittent workers whose principal occupation is agricultural employment. The remaining 175 thousand or more are students, housewives, and others not regularly in the labor market for the full year or not regularly seeking farm employment, plus Mexican nationals under

contract (some 50 thousand currently) and a large but unestimated number of illegally entered aliens (wetbacks) from Mexico. This category of casual and incidental workers supplements the more regular labor force mainly during the busy months, May through October. They, therefore, take the main brunt of seasonal variation in employment. But seasonality also cuts deeply into the earning capacity of the 100 thousand who depend upon seasonal and temporary work but are seeking work during the full year, for they are fortunate to find as much as 150 days of work per year.

Before World War II, California's peak seasonal labor requirements were supplied largely by interstate migratory workers; in recent years, the number of interstate migrants has declined sharply. Erstwhile migratory workers who have become settled, supplemented by contract workers and illegal aliens from Mexico, now provide the principal sources of supplemental seasonal help.

Other areas of the United States into which the California pattern of labor relations has expanded in recent years have some or all of the economic characteristics of California farming. Most of such areas do not have as much large-scale farming as does California. The significant and basic characteristics for the development of such a pattern of labor relations appear to be: (1) perishable crops having urgent seasonal hand labor needs in excess of the labor supplies normally available within the immediate community, and (2) high labor costs in relation to value of product.

Present-day labor relations in agriculture, for California particularly, are darkened by the shadows of long-past conditions and events. An understanding of attitudes, perspectives, and practices, therefore, requires knowing something of the past. The sections that follow will seek to outline the essential linkage with the past without pretending to be a full historical coverage.

UNIONIZATION OF FARM WORKERS

Contemporary efforts to organize farm workers, still largely unsuccessful, are linked environmentally with major conflicts of twenty years ago. The confusion and despair of depression in the thirties and the erosive consequences of unemployment made a fertile field for the Communist party. Of some 275 farm labor strikes between 1930 and 1939, over half were in California. In

this wave of California strikes, the Communist party played a major role. By means of its "dual" revolutionary federation called the Trade Union Unity League, the party launched a vigorous program in California in 1930 in which it undertook to promote strikes and to assume control of spontaneous strike situations. Numerous embryonic and short-lived unions were gathered into the TUUL federation. The Communist influence reached its peak in 1933 and thereafter began to decline. Only one of the TUUL unions—the Cannery and Agricultural Workers Industrial Union—achieved any prominence. Under heavy attacks from employers, it became defunct in 1934, and the TUUL was formally dissolved the following year.

After the party's direct and sponsored organizations were dissolved and suppressed in the mid-thirties and non-Communist unions had actively entered the field, the imprint of attitudes that had been left by the earlier years of strife and bloodshed made it difficult for those immediately concerned, and for the public at large, to distinguish between legitimate trade-unionism and subversive agitation. Continued efforts by the Communist party during the late thirties to maintain labor leadership by infiltration of non-Communist labor organizations sustained and aggravated the confusion. The efforts of the AFL and CIO to organize later in the decade met with obstacles that were compounded out of the confusion and resistance left in the wake of the earlier Communist programs and the continued dilution of the farm labor force by large numbers of unemployed.

Summarizing his comprehensive national study, *Labor Unionism in American Agriculture*, Stuart Jamison appraised the failure of "literally hundreds of organizations that were sporadic, scattered, and short-lived" as follows:

The conditions which made it difficult for seasonal farm workers to organize were the same conditions that made them vulnerable to agitation and strikes. The hardships which they suffered made them a problem group of great public concern, the true "forgotten men" of the thirties. Their extreme mobility, the high seasonality of their work, and the low wage rates all combined to make unionization among them costly, and, at the same time, created chronic problems for the communities in which they lived. The social status of seasonal farm workers was that of a lower caste suffering poverty, depending upon relief, and

lacking adequate facilities for education, housing, sanitation, and medical attention. They were, on the whole politically impotent and, in many states, disfranchised. Public opinion in the communities in which they worked usually sided with employers and sanctioned the use of stern legal and extralegal measures for suppressing collective bargaining. The public held tenaciously to the traditional view of the family farm that agricultural laborers as compared with industrial workers had more security and benefited from the personal solicitude of their employers. The labor contract continued to be regarded as a personal bargain between equals, even when the employer was an absentee bank or land corporation bound by the rules of a trade association. Most protective labor legislation enforced by Federal and State governments still does not cover agricultural workers. A further reason for their hardships was the continuous competition of marginal labor groups—newly arrived immigrants, women, children, and unemployed from other industries. Surplus workers during the thirties forced farm wages down to levels far below the minima established in other industries.¹

Yet, a significant point of exception needs to be noted. In the early thirties, little distinction was drawn between agricultural field-workers and the workers in the packing sheds and food processing plants. The same general labor supply served both, and there was a great deal of mobility and interchange from field to packing shed and to processing plant within the season and from year to year. Early organizational programs blanketed these inter-related employments. But the unfolding events in labor relations brought a cleavage that separated field-workers from the others. Canneries, milk plants, and sugar refineries became almost completely unionized, and packing sheds, dried fruit handlers, and other processors became unionized to a substantial extent while field laborers remained largely unorganized.

Out of the extensive efforts to organize farm labor from 1930 until World War II, only two isolated and exceptional instances of unionization and collective bargaining survived. These are the AFL milkers' unions (affiliated with the International Brotherhood of Teamsters) in the Los Angeles and San Francisco milksheds which organized and attained collective bargaining recognition in the mid-thirties.² These two unions have succeeded in maintaining

¹ *Labor Unionism in American Agriculture*, U. S. Bureau of Labor Statistics, Bulletin No. 836 (Washington: 1945), pp. 406-7.

² For a full account of these milkers' unions, see Ernest Feder, "The Milklers' Unions of the San Francisco and Los Angeles Milksheds," *Journal of Farm Economics*, XXXII, (August, 1950), 458-77.

their status even though parallel organization has failed to expand into other dairy areas of California.

Many students and observers of agricultural labor relations expected that the greatly altered full-employment conditions of the World War II decade would bring renewed, more vigorous, and better equipped drives to unionize farm workers. Several reasons were suggested for such an expectation, of which these were the most emphasized:

1. Many prewar farm workers would return to agriculture after having had industrial experience under wages and conditions of unions and collective bargaining, and upon returning would be dissatisfied with the employment standards of agriculture.

2. Wartime expansion of industrial and agricultural processing plants into rural and suburban areas and the concurrent expansion of trade-union membership to growing numbers of semiskilled and unskilled laborers would bring union organization and industrial employment standards nearer to agricultural wage earners.

3. The continued trend toward large-scale farming enterprise using more machinery and industrial techniques would tend to remove the real and apparent dissimilarities between agricultural and nonagricultural occupations.

4. Established trade-unions in the metropolitan centers would encourage and strongly support energetic drives to organize farm workers in the interest of protecting themselves from the threat to their security from nearby pools of unorganized farm laborers.

But notwithstanding some exceptions to the contrary, it is generally appropriate to say that the expected postwar unionization of farm laborers has not materialized. The reasons for this may be many; evidently, the unanticipated high level of postwar employment and the consequent failure of many prewar farm workers to return to agriculture is among the foremost. In their places have come substitute groups—mainly temporarily contracted Mexican nationals and wetbacks. For many reasons, these new entrants into the agricultural labor supply were not good prospects for normal trade-unionism. Yet, paradoxically, it has been in the importing of aliens under contract that farm employers, for the first time on any significant scale, have engaged in bargaining and in contractual obligations closely akin to collective bargaining.

The outstanding exception of postwar unionization and of collectively bargained wages and conditions in agriculture oc-

curred in the Hawaiian sugar and pineapple industries. There, in 1945, the International Longshoremen and Warehousemen's Union, at that time a CIO affiliate and now independent, unionized the plantation workers. Industrywide collective bargaining contracts were in effect for both industries by the fall of 1946 and, with modifications and renewals, have been continued since.³ The introduction of collective bargaining has resulted in extensive changes in the labor relations of these industries.

In the late forties, the American Federation of Labor actively entered the farm labor field on the mainland through the chartering of the National Farm Labor Union (later called National Agricultural Workers' Union). The new union immediately encountered effectively organized employer resistance in California. The structure for such resistance had survived the dissolution of the prior attempts to unionize farm labor. The AFL national union, with only a handful of full-time personnel and with meager and spasmodic financial and organization assistance from the AFL, succeeded in gaining a limited membership, but failed to obtain any collective bargaining agreements.

Still more recently, in 1954, United Packinghouse Workers, CIO, the recognized collective bargaining representative in many vegetable packing sheds, created a West Coast Organizational Department and through it has initiated a campaign to organize agricultural field-workers.

Elsewhere in the nation, with the notable exception of Hawaii, unionization and collective bargaining in agriculture have not developed. In its nationwide survey conducted in 1950, the President's Commission on Migratory Labor encountered only two other instances of farm labor collective bargaining—in both instances field-workers were grouped together with processing plant employees under the same contract. These were the Seabrook Farms in New Jersey where the collective bargaining agent was the Meat and Cannery Workers (AFL), and the Fellesmere Sugar Producers' Association in Florida where the collective bargaining agent was the United Packinghouse Workers (CIO).⁴

³ *The Economy of Hawaii in 1947*, U. S. Bureau of Labor Statistics, Bulletin No. 926 (Washington: 1948), pp. 51-55, 83-86.

⁴ *Migratory Labor in American Agriculture*, Report of the President's Commission on Migratory Labor, (Washington: 1951), pp. 114-17.

Although the foregoing description of the current status of agricultural labor unionization is brief and undetailed, it is perhaps sufficient to indicate the essential facts of the situation. Effective collective bargaining is so exceptional as scarcely to challenge the general proposition that it is nonexistent. The AFL national union now endeavoring to organize farm workers had limited success in obtaining members but no success in obtaining collective bargaining rights. Actually, the unions attempting to organize farm labor devote only part of their efforts and resources to recruiting membership; the other part is devoted to unilateral noncollective bargaining activities, that is, appearances before administrative and legislative agencies and other endeavors to make their policies and positions effective. In these activities the national AFL and CIO also share to a limited extent, particularly with respect to national farm labor legislation and administration in federal government agencies that have responsibilities in the farm labor field. In the substantial absence of collective bargaining, these types of activities constitute the major role of unions in the labor relations of agriculture.

ORGANIZATIONS OF FARM EMPLOYERS

Farmers' organizations having a role in the labor relations of agriculture are more numerous and extensive than are unions of farm wage earners. Many organizations of farmers that are general in purpose or are based on commodities or on geographic areas have labor relations as a secondary role. Other organizations are created principally or solely to deal with farm labor problems. In this specialized type of organization, California has been distinctively in the forefront and remains so to the present day, although recent years have witnessed the emergence of similarly specialized labor relations organizations in many other states.

Even more than with labor unions, the employer organizations of California that bear influentially on present-day labor relations affairs have their origins or antecedents mainly in the thirties. Prior thereto, with one notable exception, concerted positions and actions were rather incidental and were usually taken through general purpose or commodity organizations. Perhaps the outstanding instance of this type occurred in the latter twenties when several

California and Southwest vegetable and fruit growing and shipping interests concurred in opposing quota restriction of Mexican immigration.

The pre-1930 exception of a farm employer organization specialized in labor relations matters was the Agricultural Labor Bureau of the San Joaquin Valley, Inc. This was formed in 1926 for the principal purpose of procuring and distributing seasonal labor for cotton and fruits in the southern San Joaquin Valley. The Agricultural Labor Bureau has continued to the present, with its structure and purpose substantially unchanged. In its conception, initiation, and continued financial support, individual farmers and the local Farm Bureau have been substantially aided and guided by interests economically allied to agriculture, including principally local chambers of commerce, land companies, oil companies, public utilities, banking and investment companies, and numerous firms interested in handling or processing sugar beets, fruits, and cotton.⁵

The response of farm employers to the Communist-dominated labor organizing and agitation of the early thirties and its consequent strikes and strife was to organize a new statewide agency for the specific purpose of combating it. This was the Associated Farmers of California, Inc., organized in 1934. Anti-Communist in the beginning, it later became openly and avowedly antiunion and still describes the preventing of unionization of agricultural labor as one of its primary objectives. Interests that were not strictly and directly agricultural also had a substantial, and at times dominating, hand in the conception, inception, and financial maintenance of the Associated Farmers. Upon a skeletal structure created principally by the State Chamber of Commerce, the flesh and blood of life were added by the financial contributions of numerous interests allied in one way or another to agriculture.⁶ For some—the Industrial Association of San Francisco, for example—the alliance could scarcely have been more than the mutual desire to resist rapidly expanding unionism.

⁵ *Hearings*, U. S. Senate Subcommittee of the Committee on Education and Labor, 74th Congress, Pursuant to Resolution 266 (hereafter referred to as La Follette Committee), Part 51, pp. 18822-23; *Reports*, La Follette Committee, Part IV, pp. 498-522.

⁶ *Reports*, La Follette Committee, Part IV, pp. 583-694.

In the later thirties, the efforts of the Associated Farmers to expand its structure of organization to other states enjoyed early success, but interest elsewhere was not sustained and the embryo organizations were short-lived.

A third California farm employers' organization specialized to another aspect of labor relations, the Agricultural Producers' Labor Committee, appeared in 1937. This organization has centered primarily in southern California and is constituted principally of interests concerned with growing, packing, and marketing citrus fruits and vegetables. Yet, because its legislative and lobbying activities are directed mainly to obtaining, maintaining, and expanding exclusions of farm labor generally from labor protective statutes, the APLC has statewide and nationwide significance.

This trio of special purpose organizations has served and continues to serve as a nucleus for farm employer programs and policy making within California and has been influential nationally as well. By virtue of some overlapping of leadership and generally congenial perspectives on labor questions, these organizations operate without apparent conflict. The three agencies have an influence which extends with evident facility into the labor relations of numerous general, commodity, and area organizations.

Of the state's two general-purpose farm organizations, the Grange has largely refrained from taking concerted action or position on labor matters, while the Farm Bureau after a period of direct activity in the thirties has lately confined its labor relations role mainly to general policy and legislative positions.⁷

The labor relations activities and programs of unions and employer organizations will be discussed in detail at a later point; yet, it may be useful now to comment briefly on interrelated roles and division of responsibilities of the multiple agencies on the employer side. The Agricultural Labor Bureau continues to be principally concerned with labor procurement, with emphasis presently on the obtaining of Mexican contract labor. Associated Farmers keeps a watchful eye on farm labor unionism and takes active positions on state labor legislation. The Agricultural Producers' Legislative Committee concerns itself mainly with national

⁷ Clarke A. Chambers, *California Farm Organizations* (Berkeley: University of California Press, 1952), pp. 64-69.

labor legislation and with administrative and judicial interpretation of statutes relating to field and packing house labor.

The scarcity of farm labor during World War II, which continued during the succeeding years of high-level employment, drew farm employers into unprecedented programs and activities for labor procurement and distribution. The urgency of labor supply questions provided a useful role that not only strengthened and assured the continuance of pre-existing California organizations but also evoked the growth of similar farm employer organizations in other states. Early in the war emergency period, the United States Department of Agriculture sponsored and assisted in organizing "farm labor associations" (of employing farmers). The reason for this undertaking by the Department of Agriculture was that groups of farmers, in contrast to individuals, made more convenient and efficient contracting units for handling farm laborers who were imported by agencies of the United States Government under intergovernmental arrangements with Mexico, Canada, and the Caribbean countries. Later on, prisoners of war were utilized through the same organizational machinery.*

In the majority of instances, completely new associations were organized, but in others the labor supply function was absorbed by other-purpose organizations already existing. In general, the association approach to farm labor problems was found to have many advantages. However, except in California where it had long been practiced and in several Atlantic Coast areas having farm labor requirements similar to California, the farm labor association was usually regarded as only a temporary war emergency measure. Hence, when the government-operated labor program receded in 1946 and terminated in 1947, most of the new farm labor associations became inactive and many were formally dissolved and liquidated. But when the comparatively abundant prewar farm labor supply failed to return, the dissolution was checked. In ensuing years—particularly after it was discovered that the federal government would permit the continued importation of foreign labor—the farm labor association structure was rebuilt and reactivated.

* For a full account see *A History of the Emergency Farm Labor Supply Program, 1943-47*, by Wayne D. Rasmussen, Agriculture Monograph No. 13, U. S. Department of Agriculture (Washington: September, 1951). Also see *Farm Labor Associations in New York, 1944-48*, A E 724 (Ithaca: Cornell University Press, May, 1950).

Several of the wartime associations in New Jersey, New York, and Pennsylvania, as they anticipated the probable termination of the government's West Indian labor program, began to contract for and arrange the transport of Puerto Rican farm laborers. Puerto Ricans are citizens and hence free to come and go as they please between the island and the mainland. However, on behalf of its citizens, the Puerto Rican government establishes farm labor standards and conditions through contract negotiations with farm employer associations. Although a few efforts were made to adapt the association approach to the recruitment and employment of domestic seasonal labor, the outstanding success has been with foreign contract labor and with Puerto Ricans. This is perhaps mainly attributable to the fact that these workers come in as single men whose housing requirements are thereby minimized and whose mobility is thereby maximized.

These postwar associations have gained in vitality and usefulness to their members; they not only offer a controlled and centralized labor supply, they also negotiate or influence the negotiation of the terms and conditions under which the supply is acquired. With respect to Jamaican and Bahamian nationals and Puerto Ricans, the employing associations directly negotiate the contracts with the respective governments; with respect to Mexican nationals, the terms and conditions of employment are established by intergovernmental executive agreements between Mexico and the United States, but representatives of the contracting associations (and of labor unions as well) are permitted to advise and to urge their policies and positions upon the government negotiators and administrators.⁹

Still another type of employer group approach to labor supply and labor relations is that undertaken on behalf of farmers by handlers and processors. For decades, some of the beet sugar refining companies, on behalf of their growers, have recruited and made arrangements for employing field hands. At the minimum, this role is a nominal one of assisting growers to locate and recruit seasonal field labor; at the maximum, the processor undertakes all functions of recruiting, transporting, managing, and compensating

⁹ For a detailed discussion of contracting foreign and Puerto Rican labor and the more limited association approach to employment of domestic labor, see Report of the President's Commission on Migratory Labor, chapters 3 and 6.

employees and then deducts labor costs from crop proceeds payable to the grower. This maximum form of participation by processors has expanded in recent years, particularly among canning companies and sugar refineries in the midwestern and Great Lakes states. Beyond arranging employment details and making most or all of the labor relations policy decisions that pertain thereto, the processing company spokesmen undertake active representation of farm employer interests on national policy questions concerning legislation and administration in Washington.

LABOR RELATIONS POLICIES AND PRACTICES

In the few and exceptional instances of collective bargaining in agriculture, labor relations have taken the same general form as in organized nonagricultural industries. Labor relations involving groups and their unilateral policies and programs, but not collective bargaining, are concerned mainly with a particular sector of agricultural employment—seasonal hand or “stoop” labor in such crops as fruits, vegetables, cotton, and sugar beets.

The primary issue involved in this sector of agricultural employment, germinated long ago in California and spread later to other states, is whether employers of this type of labor may have a labor market of their own that is insulated from the prevailing national occupational standards. The terms in which this position was phrased in 1930 by a spokesman of the Southwest vegetable industry are still appropriate to describe contemporary views:

The grower-shipper has his problems . . . labor is perhaps his greatest difficulty—securing an ample, fluid and unfailing supply of labor, for his crops must be harvested on the hour, not the day, the week or the month. . . .

The vegetable industry requires a class of stoop labor that is impossible to get without using either Mexican, Filipino or Japanese. . . .

Federated Labor and other organizations who have asked the government to place restriction upon this common agricultural laborer, should look well to the continued prosperity of their own skilled laborers, who are dependent for their position upon the agricultural harvester who makes it possible for them to receive the high wages they now enjoy.¹⁰

¹⁰ C. B. Moore, “Why New Laws to Restrict Immigration?” *Western Grower and Shipper* (February, 1930), pp. 9, 24, and 26.

Twenty years later, the same position was stated without reference to the above-named labor groups and less affirmatively but yet as basically by a spokesman for the American Farm Bureau Federation:

... We believe that every American should have the ambition and the opportunity to settle in a community of his choice with a full-time job to provide the necessities for living and opportunities for his family. Those in the migratory labor force who are able to do so are likely to graduate into full-time employees in agriculture or in other occupations. A considerable portion of those left in the migratory farm labor forces are handicapped in one manner or another and least able to move themselves up on the economic ladder.

Much as we dislike the idea of migratory farm labor, if we are to look at the problem realistically, it will be recognized that if we are to meet domestic and foreign needs of many essential agricultural products, we will continue to have a migratory labor force. It follows that any program designed to settle migrants or to help them to expand their opportunity for improving their status will be of benefit to those aided by such efforts, but will not eliminate the migratory labor problem.¹¹

Thus do farm employer spokesmen assert their needs of a differentiated labor supply. Whether phrased in terms of dependence on aliens of less prosperous countries, or in terms of the declaration that (at least part of) the work of American agriculture must be done by people (citizens or not) who cannot hope to realize American occupational ambitions, the argument is much the same.

Through concerted action on several fronts, employer interests have taken the initiative in making their concept of an appropriate labor supply effective—they have demanded special treatment under the immigration laws and obtained it. They have succeeded in excluding farm labor from the Fair Labor Standards Act, from unemployment insurance, and from most of the social security programs (exclusion from old-age and survivors' insurance has recently been substantially but not completely removed). Farm labor is also excluded from compulsory coverage by workmen's compensation insurance, and from the National Labor Relations Act and its successor, the Labor-Management Relations Act.

¹¹ *Hearings on Migratory Labor*, U. S. Senate Subcommittee on Labor and Labor-Management Relations of the Committee on Labor and Public Welfare, 82nd Congress, 2d Session, Part 1, p. 882.

Farm employers have used their organizations to reach agreements among themselves on wage rates they believed to be appropriate and then to manipulate labor supplies (enlisting therein the assistance of the federal and state employment services) to obtain sufficient numbers of workers at the prices they have set. Farm employers have used their organizations to frustrate and obstruct the development of counterpart organizations of farm workers.

In general, the national labor organizations have not concurred in the proposition that farm labor should be insulated from prevailing national labor standards. Yet, when national unions and parent federations of AFL and CIO have occasionally taken an interest in farm labor problems, the nature and extent of their actions suggest they were impelled more by sympathy than by deliberate and determined policy to bring farm workers within the orbit of prevailing national labor standards. Unquestionably, the expected expense and effort needed to achieve and maintain a self-perpetuating organization have been an effective restraint. In any event, resistance to employers' activities has characteristically been no more than nominal opposition that failed to get beyond the stage of passing resolutions. The strikes and unionization attempts that were prominent in California in the thirties were strident challenges to employer philosophy of a differentiated labor supply, but in the same years, extensive legislative exclusions of farm labor from statutory protection went through Congress with scarcely a murmur of protest from the organized labor movement.

Notwithstanding the failure to attain comprehensive union organization and collective bargaining status in agriculture, organized labor recently has begun more frequently to challenge the farm employers. In the field, farm labor endeavors to develop a countervailing power structure by organizing farm labor unions; regularly, at the legislative and administrative levels of the nation and occasionally in the states as well, labor challenges the hitherto virtually exclusive influence and participation of employer interests. In the latter, the national AFL and CIO are joined occasionally by their national union affiliates.

Labor procurement. In its initial (1926) statement of "aims and purposes," the Agricultural Labor Bureau of the San Joaquin Valley, Inc., outlined its prospective functions as including: "by

advertisement and other means, to induce outside laborers to come into our district, when needed; to bring the man and the work together; and to properly distribute throughout the San Joaquin Valley the labor when and where needed . . . thus fulfilling the functions most essential to the welfare of the employer and the employee alike." Notably, restraints on this function were specified, though they were not always to be stated so carefully or to be rigorously observed: "it is both unwise and unnecessary to attempt to import cheap, undesirable labor"; "the high standard of living already set up here must be maintained"; the ALB, "working in full cooperation with the commission of sanitation and housing, will carry on a campaign of education, to the end that workers and their families may be properly housed and cared for in as economical a way as possible from the farmers' standpoint."¹²

Yet, these announced restraints on labor recruitment notwithstanding, the market terms into which the objectives of ALB were translated by one of its incorporators, when speaking before an agricultural conference of the Chamber of Commerce of the United States, indicated a concept of differentiated farm labor market essentially the same as that described previously: "We are asking for labor only at certain times of the year, at the peak of our harvest, and the class of labor we want is the kind we can send home when we get through with them. It seems to me, therefore, that we must go into Mexico for the labor for the picking of the cotton, and the harvesting of our grapes, at least."¹³

By the end of its second year, ALB began a practice that has continued since, of issuing and distributing "approved" wage schedules for several classifications of farm work. Apart from the issue of whether such wage schedules are fair and equitable, it is obvious that one of the consequences of unilateral wage administration is largely to eliminate wage competition as a factor in labor procurement. Testimony given by the pioneer manager of ALB after more than a decade of experience with wage administration revealed that, although wages paid in other localities were reviewed and discussed at the wage meetings of ALB members, neither the amount of the wage decided upon nor subsequent

¹² *Hearings, La Follette Committee, Part 51, pp. 18818-21.*

¹³ *Reports, La Follette Committee, Part IV, p. 499.*

changes therein, if any, were designed to be an inducement in labor procurement.¹⁴

The labor procurement programs of ALB were barely beginning to take form in the latter twenties when they were overtaken by the avalanche of the unemployed. Economic adversity which brought at once an abundant labor supply and a diminished ability to hire labor and pay wages introduced other frictions and issues which pushed labor procurement into the background. As the decade of labor abundance terminated with the drawing off of the unemployed into defense establishments and the armed forces, the "Food for Freedom" goals of the Department of Agriculture were countered with demands for renewed supplies of Mexican labor. Although government planning for farm labor in the emergency, with emphasis on using the domestic labor supply more effectively, was already well advanced, the demand of farm employer interests for foreign labor attained an early and well-maintained dominance in the nation's emergency farm labor program.

For California farm employers, the war emergency foreign labor program was a substantial fulfillment, under government auspices and with considerable tax subsidy, of cherished labor supply objectives that had been framed decades earlier. For many farm employers outside of California, the wartime use of Mexican, Bahamian, and Jamaican farm laborers was a new experience which at the time seemed excessively burdensome in many unexpected ways. Yet, faced with the prospects of procuring labor from a full employment labor market, these employers readily minimized the adverse aspects of the foreign labor experience, particularly in the postwar years when the high level of employment failed to restore an abundant supply of farm labor. When, moreover, it was realized that the federal government would permit postwar continuation of alien labor importation, reserving to itself only a nominal supervising role, the idea of importing contracted aliens quickly achieved widespread popularity in parts of the country where such a prospect had been scarcely thought of before, for example, in the Great Lakes and Corn Belt states. Even in such states as Arkansas and Mississippi, the contracted Mexican na-

¹⁴ *Hearings*, La Follette Committee, Part 51, p. 18590. The practice of wage fixing will be discussed more extensively later in this chapter.

tional—as a wage laborer—was brought in immediately behind the recently displaced sharecropper.

The degree of success achieved by farm employer organizations with respect to foreign labor procurement is indicated not only by the fact that this program of alien labor importation is virtually the only World War II emergency measure that was not discontinued immediately, but also by the fact that the volume of contract labor importation has in postwar years reached a level two to three times as high as when the nation was at war with 15,000,000 men under arms. Furthermore, the degree of success is even greater if the mounting traffic of illegal aliens across the Mexican border is also taken into account. The same farm employer interests that have succeeded in maintaining and increasing the importation of contract labor have also, through opposing appropriations and amendments to the law, succeeded in preventing full enforcement of the immigration law on the Mexican border. The traffic of illegal aliens (“wetbacks”), over the United States–Mexican border has augmented the national seasonal farm labor supply by 500,000 to 1,000,000.

In presenting their positions before the federal administrators and committees of Congress, farm employer interests rely mainly on threat of crop loss because of labor shortage if the requested foreign labor is not approved. In explanation of the alleged labor shortage, some declare their absolute dependence on foreign labor because citizens refuse to work at “stoop” labor or are unable to perform the work properly. The less extreme explanation declares that local labor is preferred and that “local jobs should go to local labor when that labor is available,”¹⁵ but that the demands of the “emergency” have temporarily depleted the local labor supply.

The organizational structure for presenting these arguments at all appropriate administrative and legislative levels of government has become highly systematic and closely integrated. Local associations of farm employers are federated into state associations which are both formal and informal, and these in turn are federated nationally into the National Labor Users Committee, and, under

¹⁵ The latter has, for example, been the position of the Agricultural Labor Bureau of the San Joaquin Valley. The quotation is from the testimony of its manager before the Committee to Survey the Agricultural Labor Resources of the San Joaquin Valley, *Transcript of Public Hearing*, Bakersfield, August 1, 1950, p. 22.

the sponsorship of the United States Employment Service, into the Special Farm Labor Committee. As was noted above, the local associations were promoted and sponsored during World War II as an emergency measure by the United States Department of Agriculture; their postwar national federation was sponsored by the United States Department of Labor (parent body of the United States Employment Service) through the appointment of the Special Farm Labor Committee consisting of one farm employer delegate from each state. This latter step was taken by the Department of Labor, allegedly as an advisory aid, shortly after it was assigned the operating responsibility for farm labor placement, succeeding the Department of Agriculture in 1948. The National Labor Users Committee is essentially an offshoot of this government-sponsored committee and has become the apex of the local-state-federal pyramid of organized demand for the temporary importation of otherwise inadmissible alien contract labor. The degree of self-confidence achieved by the National Labor Users Committee is reflected in its request to the White House (October, 1951) that, with respect to the Mexican labor program, "all International Agreements, contracts, and matters of major and administrative policy shall be subject to prior deliberation with the Mexican Farm Labor Committee" (a subcommittee of the Special Farm Labor Committee).

The fact that the Department of Labor, with respect to questions of foreign labor, was being exclusively advised by a unilateral committee of farm employer spokesmen received relatively little attention until December, 1949. Then, the Federal Advisory Council (a tripartite group to advise the Secretary of Labor required by Section 11 (a) of the Wagner-Peyser Act of 1933) advised that importation of foreign labor was no longer necessary.

Since the Secretary decided to the contrary and in concurrence with his Special Farm Labor Committee, his decision evoked considerable interest leading to questions by the President's Commission on Migratory Labor and the Senate Subcommittee on Labor Management Relations as to the propriety of depending exclusively upon employer advice. Ultimately, the Secretary of Labor responded by appointing an eighteen-man Labor Committee on Farm Labor (nine CIO members, nine AFL) and reported

further that: "In the establishment of this committee, serious consideration was given to the consolidation of this committee with our existing advisory group representing agricultural employers. We have decided that since agricultural labor is not organized in all States, the consolidation of these two groups would not be practicable."¹⁶

It hardly needs to be said that foreign contract labor is an issue on which employer and labor organizations occupy opposing positions; consequently, the Secretary of Labor has now to choose between two sets of unilaterally determined advisory recommendations that are almost totally divergent; the positions of these fiat committees must then also be resolved in light of any recommendations that may be forthcoming from the statutory tripartite Federal Advisory Council.

In their testimonies as to alleged fact and in their recommendations on alien contract workers, labor and employer spokesmen find themselves in contradiction, virtually point by point. Labor spokesmen tend to deny both the necessity and the wisdom of depending on foreign labor and argue that, if wages and employment conditions were less substandard, sufficient domestic labor would be available to do the work. Employers answer that their experiments with domestic labor have had negative results and that hence the shortage of farm labor is not to be overcome by offer of higher wages and better conditions. Employer and labor spokesmen both criticize the government's role but for quite opposite reasons: employers' criticisms emphasize that the government's machinery is unwieldy, complicated, and ill-accommodated to meeting agricultural labor requirements; labor's view is that the government fails to protect the interests of citizen labor by not having adequate procedures for determining if labor shortages exist and for policing the performance of the alien labor contracts. Employers usually declare they prefer legally contracted Mexican labor to wetbacks, but some employer spokesmen are not hesitant to say that, if Mexican labor is not legally obtainable on satisfactory terms, they will use wetbacks.¹⁷

At times, all interested groups indicate general or at least

¹⁶ *Hearings on Migratory Labor*, pp. 84-91.

¹⁷ Report of the President's Commission on Migratory Labor, pp. 73-76.

partial concurrence with the statement which President Truman made in July, 1951, when giving his approval to Public Law 78 of the 82nd Congress, authorizing the government's action in contracting and transporting Mexican farm labor:

If we are to begin the basic problem we must do two things right away. First, we must put a stop to the employment of illegal immigrants. Second, we must improve the use of our domestic labor force. These steps will require more sanctions than our laws now provide and more administrative machinery and services than are now available.

Unilateral wage determination. Given organizational structures for assuming concerted unilateral positions on labor relations questions, it is perhaps inevitable that discussions of wage rates should come into consideration. Although such discussions may be publicly disavowed as "wage fixing," it is inevitable that they lead to more or less formal group positions. These prospects apply alike to employers' and workers' organizations. In industries in which there are collective bargaining tables at which respective wage objectives can be brought into juxtaposition, disparate positions are ultimately resolved. But in agriculture, where some organizational machinery exists for the assuming of unilateral wage positions but virtually none exists for resolving them, the result may be strife and contest as to which position shall prevail (as has happened occasionally) or may be simply uncontested acceptance of a one-sided determination (which is the more usual).

The Agricultural Labor Bureau of the San Joaquin Valley began in its infancy to adopt and to circulate printed wage schedules that had been approved by the parent organization¹⁸ and has continued to do so since then. Yet, the Agricultural Labor Bureau consistently denies that it fixes wages.¹⁹ Many other employer organizations approach the wage question less formally—wages

¹⁸ A "Schedule of Prices—Fresh Fruit Packers and Shippers Effective June 24, 1927," which sets forth wage rates for 28 job classifications, and also a "Wage Schedule of Figs, Peaches and Grapes for the Season, 1927," which sets forth picking rates for these fruits and also for day labor, tractor operator, and married ranch hands are deposited in the Giannini Foundation Library. Each schedule notes it is "Approved by the Agricultural Labor Bureau of the San Joaquin Valley, Inc."

¹⁹ The position that the Bureau "has absolutely nothing to do with it" was explained to the La Follette Committee by the then manager Palomares who stated that ". . . the members of the board of directors and the employees of the Bureau did not usually participate in the wage discussions but after discussion by members, the board merely approved their conclusion." *Hearings*, Part 51, pp. 18592-95.

may be discussed rather casually at a general meeting of a local unit of a commodity or area association or of a general farm organization. There may or may not be a recommendation, but a general consensus of opinion may well emerge and solidify into a "gentleman's agreement" which has a good chance of becoming the prevailing or at least the basic wage for the ensuing period.²⁰

In their efforts at unilateral wage determination, farm labor unions or *ad hoc* groups have not usually lacked forthrightness in stating their position and objective. But since they lack a comprehensive and well-disciplined membership structure and also lack employer recognition, the peaceful instrumentalities normally employed by unions to give effect to their wage positions are not available. Hence, the employee group, in trying to elicit worker support and at the same time to impress its position upon employers, resorts to tactics of "rabble rousing" or "labor agitation" that are not commonly found in more advanced labor relations. Moreover, since unilateral wage programs of worker groups have often been undertaken as counteractions to prior employer wage setting, the atmosphere is charged with friction, leading more often to open contest than to orderly solution.

Such was the atmosphere of the first all-out contest over an Agricultural Labor Bureau approved wage—the notorious cotton strike of 1933.²¹ Growers had decided to pay pickers 60 cents per hundredweight. A union then active, the Cannery and Agricultural Workers Industrial Union, demanded \$1.00 per hundredweight. The disorderly and bloody strike that ensued had other consequences, as discussed in preceding sections hereof, so far-reaching as to overshadow completely the wage issue and its settlement in the particular instance. In subsequent years, Agricultural Labor

²⁰ For example, the President of the New Mexico Farm and Livestock Bureau testified before the President's Commission on Migratory Labor in 1950: "The prevailing wage is really set by the farmers for the various types of jobs on the farm, and will vary depending upon the type of work the man does. . . . We have a meeting at the beginning of the season; the farmers have a meeting and they determine roughly, what they are going to pay. It doesn't mean that they will hold to it; it will vary, as a matter of fact." *Report*, 1951, p. 59. For a more detailed treatment of wage fixing by employers' associations, see Lloyd H. Fisher, *The Harvest Labor Market in California*, (Cambridge: Harvard University Press, 1953), pp. 91-116.

²¹ A comprehensive "Documentary History of the Strike of the Cotton Pickers in California, 1933" was prepared by Paul S. Taylor and Clark Kerr and was printed in *Hearings*, La Follette Committee, Part 54, pp. 19947-20036.

Bureau wage schedules have been protested and contested but not as intensely as in 1933. Reports of the Agricultural Labor Bureau illustrate the nature of the recent labor protests:

Wage rates in the cotton harvest continue to hold at the \$3.00 per hundred recommended wage [1948]. Caravans of workers, evidently promoted by agitators, attempted to increase wage rates in the west side of Fresno County to 4 cents per pound last week. Some workers were reported pulled out of the fields because of intimidation by agitators . . . This type of practice takes place each year at the beginning of the cotton harvest regardless of the wage rates being paid by growers. It seems to be a sort of jockeying process that plagues every harvest season.²²

At the grower meeting held on September 2 [1949] growers recommended a wage of \$2.50 a hundred. At that meeting representatives of the NFLU, AFL demanded a wage rate of \$3.50 a hundred. Following the meeting, and with the start of the harvest considerable agitation by workers, both organized and unorganized, took place throughout the cotton area. Growers generally held to the \$2.50 rate during the early part of the season when the cotton was still green and picking demands relatively light. When the crop began to mature the competitive practice of bidding for labor soon moved the wage rate up to \$3.00 per hundred and the \$3.00 rate is now generally being paid throughout the Valley. There are some instances in which weedy fields have had to pay a higher rate than this in order to secure pickers. The NFLU, AFL has claimed a victory as a result of the increase in the wage rate. Growers are generally of the opinion that the increase in the wage rate was a normal move, particularly with the large crop. Competition for workers, when the cotton was ready to pick, naturally moved the wage rate up, which has been the case in recent years of either large crops or labor shortage.²³

When one compares the annual wage recommendations of the Agricultural Labor Bureau with the annual average rates actually paid as reported by the United States Department of Agriculture, it is evident that over the years the Agricultural Labor Bureau wage recommendation procedure has been highly effective. For 1948, the United States Department of Agriculture reported the average wage was \$3.00—the same as recommended by the Agricultural Labor Bureau. Hence, it appears that in 1948 the forms of protest noted above were ineffective. In view of the usual effec-

²² Agricultural Labor Bureau, *Newsletter*, October 27, 1948.

²³ *Ibid.*, October 31, 1949.

tiveness of the Agricultural Labor Bureau promulgated schedules and the further fact that within-season increases over initial schedules had seldom previously occurred, it would appear that the difference between the 1949 recommendation (\$2.50) and the season average rate as reported by the United States Department of Agriculture (\$3.00) was not a "normal move," as explained in the above quotation from the Agricultural Labor Bureau, but rather an instance of successful union opposition.

The rapid spread of unilateral wage determination by employers into many states and areas in recent postwar years has been a by-product of foreign labor contracting. All foreign labor agreements specify the payment of either a stipulated minimum wage or the "prevailing wage," whichever is the higher. There being no governmental procedure for officially determining such wage rates for agricultural labor, the responsibility to report effective rates fell to farm employers. Then, since for contractual purposes the "prevailing wage" had to be known prior to the season and hence prior to the payment of any wages, the "prevailing wage" had to depend on prevailing preconceptions of the proper wage for the prospective employment. In consequence, the procedure that became typical was for an Employment Service agent to attend the farmers' meetings, listen to the wage discussion, and emerge therefrom with their consensus of opinion and, thereafter, to report the same to his administrative superiors as the "prevailing wage." Such rates then tend to become effective for domestic as well as for foreign contracted labor.

Obstructing unionization of agricultural labor. When farm employers speak of farm labor union organizers, they often use the term "labor agitator" or "racketeer" or milder equivalents as was illustrated in the previously quoted comments of the Agricultural Labor Bureau. Similarly, farm labor union members and their leaders often refer to their employers as "corporation farmers" or "Montgomery Street ranchers." These terms of reference suggest the fully reciprocated critical and caustic attitudes which each group holds for the other.

These respective attitudes derive not alone from basic conflict of interests and objectives. Additional friction is introduced by the fact that employers' organizations are used not only to

countervail the concerted positions of organized farm labor groups but also to prevent such groups from coming into existence. Although this policy is not usually stated so forthrightly, it was put this way by H. L. Strobel speaking for the Associated Farmers in his February, 1952, testimony before the Senate Subcommittee on Labor and Labor-Management Relations:²⁴

Senator Humphrey: It was stated one of the purposes of this organization [Associated Farmers] was to prevent unionization of agricultural workers.

Mr. Strobel: I do not know as that is in the charter, but it is one of our primary objectives.

Senator Humphrey: It is one of your primary objectives?

Mr. Strobel: That is right.

Senator Humphrey: Do you feel that agricultural workers should be given the privileges of collective bargaining?

Mr. Strobel: They have them.

Senator Humphrey: Do you think they should be given the opportunity to participate under the terms of the National Labor Relations Act of 1947?

Mr. Strobel: No; I do not.

The published statements of the Associated Farmers and the concurring positions of other farm employer organizations are usually phrased less directly and with more reserve. One of the most friendly statements of employer principles—but nevertheless an anti-union one—was that contained in the 1937 farm labor policies statement in the preparation and issuance of which the Associated Farmers, the State Chamber of Commerce, the Farm Bureau Federation, the Agricultural Council, and the California Farmers Union all joined.²⁵ The proposition as expounded in this statement that “agriculture, while not opposed to collective bargaining, must be kept free from the effect of the imposition of the ‘hiring hall’ and the ‘closed shop’” hardly seems a challenge to the existence of unions or even to an unobtrusive form of collective bargaining. But the same statement of farm labor policies also declared “that agricultural employers pledge all their resources to protect every agricultural worker in his right to work.” A later

²⁴ *Hearings*, Part 1, p. 664.

²⁵ Printed in *Reports*, La Follette Committee, Part IV, p. 661. Also discussed in Chambers, *op. cit.*, p. 66.

brochure of Associated Farmers suggests how inclusive is this concept of the employer's obligation to protect his employee:

For nearly 18 years, the Associated Farmers of California has been a bulwark in the protection of farmers and their employees in their constitutional right to live free from violence and threats of violence by union organizers. The Associated Farmers is dedicated to the principle that all farmers have the right to grow their crops, harvest their crops, and transport them to market without interference and without paying tribute.²⁶

This objective of an organized power structure to prevent the formation of an opposing one had its genesis most directly in the outburst of labor unrest that occurred in the early thirties and particularly in the 1933 cotton strike. Today's labor relations in agriculture, in California particularly but elsewhere as well, derive their complexions from the long shadows of that eventful year. Ostensibly, the issue in the cotton strike was the difference between the wage positions of the cotton growers and the pickers—60 cents versus \$1.00 per hundredweight. Yet, that the wage conflict was but the center for crystallization of broader and more complex issues was clearly and concisely interpreted by Paul S. Taylor and Clark Kerr:

As the faulting of the earth exposes its strata and reveals its structure, so a social disturbance throws into bold relief the structure of society, the attitudes, reactions, and interests of its groups. In the San Joaquin Valley of California the alignment of groups, their opinions and behavior under stress of an unfamiliar situation were exposed by the cotton pickers' strike of 1933, when thousands of agricultural workers, largely of alien race and under communist influence, clashed with conservative American growers. The significance of the event is far more than incidental. It exhibits in full detail the essential characteristics of numerous lesser conflicts in California agriculture both before and since, in which ardent organizers agitate and lead, incensed 'vigilantes' organize and act, growers, officials and laborers each overstep the law, and citizens finally cry to the State authorities for peace, if necessary at the hands of troops. . . .²⁷

In their diagnosis of the conflict, farm employers identified Communist agitation as the sole malefactor. Their belief that the

²⁶ *Associated Farmers of California, Inc. Serves You!*, 1951.

²⁷ Printed in *Hearings*, La Follette Committee, Part 54, p. 19947.

Communist influence must be dealt with aggressively was not diminished with the conclusion of the four-week strike. Agricultural spokesmen who were active in the State Chamber of Commerce initiated proposed lines of action in which assistance from outside of agriculture was solicited. The two principal proposals were the building of a statewide organization to cope with any similar future occurrence and the invocation of the State Criminal Syndicalism Act against "Communist agitators." Under the sponsorship of the State Chamber of Commerce, assisted by some of the officers of the California Farm Bureau Federation, a series of organizational meetings brought the proposed statewide organization into being in March, 1934. It was named the Associated Farmers of California, Inc.²⁸

Associated Farmers' first action against the strike leadership of 1933 was to secure criminal syndicalist indictments and to aid in the prosecution of the fifteen individuals who were brought to trial. When eight of the most militant leaders had been convicted and sent to prison, the backbone of the dominant union (Cannery and Agricultural Workers Industrial Union) was broken. Concurrently, the Associated Farmers also moved against the lower echelons of existing and potential leadership by promoting the enactment of local anti-picketing ordinances. This campaign was continued after the criminal syndicalist convictions, and by the end of the decade thirty-four county and nineteen municipal anti-picketing ordinances had been enacted, many of which have since been held to be in violation of the Fourteenth Amendment.²⁹

Although the leadership of Associated Farmers decided to interpret the strike situation as riotous and subversive, and to make Communist abatement the principal role of the association, this decision was not entirely free of a certain measure of soul-searching from within the membership. Whether, on the one hand, to proceed

²⁸ The AF version of its origin runs as follows: "Following the riots which occurred in the Imperial and San Joaquin Valleys in 1933, the Associated Farmers of California was organized at the request of the State Department of Agriculture, the California Farm Bureau Federation, and the California State Chamber of Commerce. The new Association was set up to investigate the trouble which had been fomented by agitators who were more interested in the overthrow of our American system of government than in the welfare of the workers." (*Associated Farmers of California, Inc. Serves You!*, 1951)

²⁹ For some of the details see Chambers, *op. cit.*, particularly chapters 4-9 and 12.

exclusively against agitators and strikers as such or, on the other hand, against the basic causes which made a fertile field for labor unrest was an issue that was debated to some extent. There is evidence that some of the participants doubted the wisdom of the repressive line of action that was ultimately adopted. At various times, it was acknowledged "that the problem of suppressing radical agitation could not be met by shunting undesirable groups from one county to another" and the "agricultural labor troubles should be given serious thought, and, wherever possible, the causes be eliminated peacefully."⁸⁰ Yet, perhaps more by default than by deliberate choice, a philosophy prevailed which had been expressed at the inception of the Associated Farmers. This philosophy was recorded in the minutes of the meeting that launched the Associated Farmers:

There was considerable discussion of wages and living conditions and it was continually emphasized that wages must be fair and living conditions reasonably good, and that the *organization assumes that the growers in each locality will handle these matters.* [Author's emphasis.]⁸¹

Thus, suppression of the manifestations of labor dissatisfaction and unrest became the program of concerted, organized action; amelioration or elimination of underlying causes was left to individuals and local groups.

The Associated Farmers' campaign, under the slogan, "From Apathy to Action," though ostensibly directed at stamping out Communist agitation, became progressively less addressed to that specific purpose and more broadly aimed at all forms of collective organization and action by labor, agricultural or otherwise. A series of actions taken during the latter 1930's are evidence of this. In concert with the Farm Bureau Federation and other farm organizations of California, the Associated Farmers successfully opposed enactment of a state "little Wagner" act, of a wages and hours bill, a bill to outlaw the transporting of strikebreakers from one county to another, a bill to provide machinery for voluntary arbitration of disputes, and other similar measures, virtually all of which would have excluded agricultural labor even if enacted.

⁸⁰ *Reports*, La Follette Committee, Part IV, pp. 622-25. See also Chambers, *op. cit.*, pp. 46-47.

⁸¹ *Reports*, La Follette Committee, Part IV, p. 622.

Correlatively, the same interests obtained the exclusion of agricultural labor in the federal statutes and sought the broadest possible definition of excluded "agricultural labor."

Organization influence on individual employment practices. In their combined effect, these various employer policies and programs produce what Lloyd Fisher aptly called "organized non-competition for labor."²² By agreeing to the wages to be paid, employers avoid wage competition among themselves; through exceptional access to labor supplies from economically disadvantaged foreign countries and through exclusion of labor from the benefits of government programs such as unemployment insurance, competition with nonagricultural employers is diminished if not wholly avoided; through obstructing the growth of farm labor unions, farm employers avoid the competition of an opposing group position. These are undeniably powerful forces in shaping the general attributes of agricultural employment and, in consequence, also of the employer-employee relationship in the individual instance.

Yet, with numerous and geographically scattered membership and with production conditions varying widely by type of farming and locality, the extent of organized group influence on the labor policies and practices of the individual farm employer is inevitably limited. Moreover, organizational restraints on individual employer practices are not fully consistent in direction. To be in good standing with his organization, a member must above all not pay wages in excess of the prevailing or agreed-upon rate. Also, he must not be tolerant of union organizers or any form of incipient unionism among farm workers. But, in contrast, he is quite free to provide better-than-average housing—indeed, he is encouraged to do so. Further, he is encouraged to carry workmen's compensation insurance; he is informed of, and is encouraged to observe, state and federal laws relating to farm employment. And, whether in response to the policies of his organizations or for other reasons, many an employer has supplied exceptional housing, decasualized employment, or done other similar things and thereby elevated the standards of his employment to a level closely approximating those found in industrial plants. But the equally significant fact is

²² Fisher, *op. cit.*, p. 96.

that employers at the other extreme, who do nothing to make their employment attractive, are also able to obtain labor—through the foreign labor program or from a labor contractor, if not otherwise. Moreover, an important point to note is that farm employer organizations neither criticize nor withhold their services from the employer who makes no effort to offer attractive employment.

The greatest single effort of employer organizations to influence the labor relations policies of individual employers in a comprehensive manner occurred in 1937 when five organizations agreed to and promulgated a code of farm labor policies. While some quotations from this policy statement have appeared on preceding pages of this study, the statement warrants being quoted in full since it has much significance both in what it says and in what it does not say:

1. That agricultural employers continue to improve working conditions and condemn all unfair labor practices to their employees.

2. That agricultural employers pledge all of their resources to protect every agricultural worker in his right to work, and insist that all law enforcing agencies cooperate to the end that adequate and impartial protection of all persons and property be maintained at all times.

3. That we strongly condemn any policy of intimidation or coercion on the part of employers, employees, or racketeers.

4. That appropriate steps be taken through legislation, or in other proper ways, to bring about responsibility on the part of labor organizations corresponding with that imposed upon employers.

5. Because of the perishable nature of agricultural products and because of the many uncontrollable factors and elements in producing and marketing such products which might cause ruinous losses to producers, farm laborers, and consumers, agriculture, while not opposed to collective bargaining, must be kept free from the effects of the imposition of the "hiring hall" and the "closed shop."

6. We believe that every agricultural worker is entitled to the protection of the housing and sanitary requirements of the State law administered by the Division of Immigration and Housing. Where crops or combination of crops justify it, we believe that these facilities should be provided by owners on their own farms. We believe that where shifting crops, experimental crops or combination of crops do not justify construction by farmers, community camps under local administration and control should be established, either through farm cooperatives, camp districts or other agencies. Such community camps are also advocated in areas where migrants gather between crops. The influx of migrant laborers from distress areas is a national responsibility

which should not be imposed upon agriculture as an additional burden.

7. Agriculture recognizes the need for continuous farm labor employment and recommends that known practices to attain this result immediately be instituted by individual farmers and that program of study be undertaken by farmers and official agencies.

8. We favor the establishment and maintenance of agencies which effectively will determine and coordinate labor requirements and provide for distribution of workers as between crops and sections of the State.

9. We advocate that farm laborers be paid a maximum wage consistent with the farmer's ability to pay.

10. We endorse the present system of education of children of migratory workers and urge its extension where needs are not adequately being met.

11. That agricultural employers in the exercise of their responsibility of leadership freely avail themselves of every opportunity to educate the people as to the value of the American governmental and economic system and the general welfare.³³

The evidence assembled by the La Follette Committee relating to the initiation and consummation of this policy statement suggests that its principal purposes were to supply an ostensibly progressive answer to critical public comment on the conditions of farm employment and to improve labor relations in the hope of forestalling unionism.³⁴ Although some of the conditions of farm employment, housing in particular, have continuously improved since 1937, it is nevertheless true that the 1937 policy pronouncement did not initiate revolutionary changes. Section 7 of the policy statement, calling for the decasualizing of farm employment, has the tremendous significance of identifying and suggesting action on an urgent problem, but there is little evidence of progress by other than the highly unusual individual farmer except as mechanization has reduced seasonal labor requirements. "Official agencies" have done virtually nothing toward the program of study called for in this section of the policy statement. The intent of Section 9 calling for a "maximum wage consistent with the farmer's

³³ "Farm Labor Policies Unanimously Adopted by the Agricultural Conference of Representatives of the Following Organizations: California State Chamber of Commerce—Agricultural Department, Agricultural Council of California, California Farm Bureau Federation, Associated Farmers of California, Inc., Farmers Union—California Division." Two-page mimeographed statement dated May, 1937, on file in Giannini Foundation Library.

³⁴ *Reports, La Follette Committee, Part IV, pp. 656-64.*

ability to pay” is far from clear—does it imply a ceiling wage or a high minimum? Notably, the organizations subscribing to the policy statement were evidently not fully agreed on their wage objectives for the copy of the statement quoted by the La Follette Committee differs from that quoted above and speaks of a “uniform base wage consistent with the industry’s ability to pay.”⁸⁵ In any event, no wage-determining machinery was recommended and the record of farm organizations has been to oppose all forms of wage intervention except the setting of wage ceilings.⁸⁶ Their opposition to government intervention in the wage field has actually extended to such government activity as formal procedures for the determination of “prevailing wages,” which were proposed by the Secretary of Labor in connection with his obligations to the Mexican labor program, but which were condemned by California farm employers as a “wage fixing scheme.”⁸⁷

Yet, Associated Farmers declares one of its prime objectives “is to urge the best wages, working conditions, and housing that farmers can provide in keeping with economic conditions” and that members “are always willing to meet with their employees to discuss wages and working conditions and are anxious to find solutions to the many problems confronting the farmers and their workers.”⁸⁸ Similarly, Agricultural Labor Bureau urges its members to improve housing, to observe safety precautions, to carry industrial accident compensation insurance, and commends individual instances of stabilizing employment and of providing free medical care to employees.⁸⁹ All organizations advise their members of the provisions of federal and state labor laws and of their rights and obligations thereunder.

It is apparent that the appeals made by farm organizations to individual farm employers to accept self-discipline and to assume the initiative in the improvement of labor relations, if they

⁸⁵ *Ibid.*, p. 661.

⁸⁶ “. . . Associated Farmers has fought the establishment of minimum agricultural wages and working conditions—based on industrial standards—without due regard to farm needs or long established agricultural practices,” *Associated Farmers of California, Inc. Serves You!*, 1951. For a description of agricultural wage ceilings, see Fisher, *op. cit.*, chapter 5.

⁸⁷ Agricultural Labor Bureau, *Newsletter*, issues of September through December, 1952.

⁸⁸ From *Associated Farmers of California, Inc. Serves You!*, 1951.

⁸⁹ Agricultural Labor Bureau, *Newsletter*, current issues, 1948 through 1952.

are to be effective, must depend heavily upon the motivations of benevolence and humanitarianism. Whether an employer is in agriculture or some other industry, his first accommodation is to the forces of the labor market out of which he does his hiring. Beyond the minimum of wages and conditions required to procure a sufficient labor supply, an employer may offer additional conditions to his employees, either because he hopes to promote efficiency and thereby to reduce unit labor costs, or because he is humanitarian, or perhaps for both reasons.

Inasmuch as farm employers' organizations devote their own programs largely to attaining and maintaining a state of noncompetition for seasonal hand labor, the individual farm employer is substantially relieved of the pressure of labor market competition. Moreover, since seasonal hand labor is usually paid at piece rates per unit of work, there is usually no unit labor cost, other than the rate itself, to be minimized. Consequently, the employer has much less concern with individual worker efficiency than with assuring himself he has enough workers to get the job done as promptly as he desires. This means that motivation toward labor relations and management practices that would conserve labor and promote worker efficiency are largely absent.

The fact that a great deal of improvement in individual labor relations has occurred in the past decade, notwithstanding the substantial absence of these normally impelling forces for good labor relations, may be interpreted as a tribute to the fair-mindedness and humanitarianism of individual farm employers. And, it may also be interpreted as "good business" in the longer run sense of seeking to avoid protest and conflicts, either directly with workers or indirectly with the community at large.

DISPUTES AND DISPUTE SETTLEMENT

A labor relations situation in which there are organizations for the assuming of unilateral positions on wages, working conditions, and related questions, but in which there is no bilateral bargaining mechanism for their settlement, is one that is obviously vulnerable to disputes. Less obvious and yet more important is the fact that such a situation also presents unusual obstinacies in the settling of disputes. A brief review of some of the problems en-

countered in conciliation experience will explain the latter point.

Conciliation machinery, mainly that supplied by the California State Department of Industrial Relations, was invoked in several of the numerous disputes that occurred in 1949 and 1950. Strike leaders, whether they were officers of the union or "wildcat" leaders, were eager to meet in conciliation, but employers were usually determined not to meet. This was not always because the employers, individually, denied the existence of grievances. Rather, the employers' opposition to a meeting and the union's eagerness for it were on the same grounds, that is, a meeting would constitute tacit recognition of the union. Moreover, not having achieved the status of cooperative responsibility to be found in a mature collective bargaining situation, strike leaders are prone on occasion to exploit a conflict situation by using it for the promotion of organizational strength.

With misgiving compounded out of these prospects and uncertainties, the tendency has been for farm employers to deny there is a "labor dispute," even when mass picketing and moving caravans are plain to be seen. If the conflict becomes quite disorderly, the same employers who deny the existence of a dispute may call upon civil authorities to quell the "riot." Confronted with such a paradox, the conciliator has little chance to be useful and may be condemned for unwanted and unwarranted interference. When conciliation is so obstructed, arbitration holds no promise whatever.

The prominence of extended and grievous farm labor disputes during the thirties prompted the Commonwealth Club's Section on Agriculture in 1935-36 to put in two years of study on the question of whether there should be a farm labor disputes board. At the conclusion of its studies the following recommendations were adopted, with a substantial majority of the members of the agriculture section voting affirmatively on each item:

1. That settlement of many farm labor disputes is delayed for the lack of adequate machinery to bring about agreement.
2. That many disputes can be amicably settled if machinery is available in *advance* of actual strife.
3. That the public is vitally affected by farm labor disputes because of possible disorder and increased prices, and the possible necessity of providing relief, and therefore has a vital interest in accomplishing settlement.

4. That a settlement board appointed when a strike is in progress is handicapped because it is difficult at times of high feeling to select members enjoying the confidence of both sides.

5. That therefore a permanent California Agricultural Relations Board, appointed in advance of and without reference to any individual dispute should be established.⁴⁰

This study and its recommendations failed to inspire action. Meanwhile, the state has had the good fortune of not having farm labor disputes of the scale and intensity of those that occurred during the thirties. Nevertheless, it seems doubtful that potential vulnerability to such disputes is any the less, notwithstanding the progress in labor relations that was noted previously. This is mainly because the seasonal labor force is becoming less migratory, and disputes involving workers who are local community residents cannot so readily be dealt with in terms of riot procedures.

APPRAISAL AND PROSPECT

The imbalance of organizational power, the absence of collective bargaining, and the substantial exclusions of government that have been characteristics of the labor relations of agriculture are more than a matter of the respective personalities and their interplay in the labor relations arena. Rather, these attributes of agricultural labor relations are embedded in well-established patterns of economic behavior which in turn are derived from the nature and quantity of the labor supply available for agricultural employment and the respondent structure of labor demand built around those supplies.

Given the system of large-scale and intensive agriculture that has been dominant in California for the past three decades, there is patency in the claim that it needs an "ample, fluid, and unflinching supply of labor . . . to harvest the crops on the hour, not the day, not the week, or the month." To the present generation of California farm employers who have never known a labor situation essentially very different from this and whose farming operations are fashioned on the expectation of its continuance, this sort of labor demand undoubtedly appears as though rooted in the exact-

⁴⁰ Commonwealth Club of California, "A Farm Labor Disputes Board?" *The Commonwealth*, XXI (December 22, 1936), 234.

ing requirements of soil and climate and the biology of husbandry.

To have an ample and fluid supply of labor available for temporary seasonal employment has become much more than a custom that has evolved over the years. Customs, and farming practices as well, can be changed—some, such as field crops, rather readily, but others, such as orchards, not so readily. Ownership and tenancy patterns that are accommodated to an ample seasonal labor supply also possess considerable rigidity, but they can and do change, given the incentive or the necessity. However, the most rigid factor underlying the demand for an ample seasonal labor supply would appear to be the structure of land values. Land that is capable of producing profitable intensively cultivated crops which require much hand labor soon acquires capitalized value which reflects the relatively high returns from these crops. Once these returns have been commuted into sales prices or rents, the high value cannot be supported in a less profitable use; this is to say, for example, that land which is valued on the basis of raising peaches or cantaloupes would usually have to take a considerable depreciation (in either value or rent) before it could be profitably used to raise hay or cereals.

This relationship between high land values and intensively cultivated crops is the great obstacle that stands in the way of the oft-repeated recommendation that cropping practices including livestock should be diversified so as to remove sharp seasonal labor peaks and thereby to provide more stable employment.

Within the present structure of cultivation practices and tenure and ownership patterns, there are believed to be many possibilities of using laborers more efficiently, of stabilizing employment relationships, and otherwise of decasualizing employment. Not the least of these possibilities is the pooling of labor needs through associations as is done with imported foreign labor. But, given the experience and the practices of the past when sufficient labor was usually to be had without resort to these things, the motivation of farm employers to preserve the *status quo* is considerably stronger than is the motivation to experiment with possible alternatives. Thus, the demand for labor at an ample level is affirmative and positive.

On the supply side, the characteristics and motivations are

quite different; whereas employers have been positive in wishing to retain the farming system which has come to exist and the employment practices associated with it, seasonal farm workers as a general proposition have been impassive. This is because the succession of nationality groups that have made up the seasonal labor supply have mostly looked upon agricultural employment as a means to another end or as a temporary means of existence rather than as an occupation. Whether it was the Chinese, the Japanese, the Hindustani, the Filipinos, the Mexicans, the Bahamians, the Jamaicans, the unemployed that had been cast out by industry, or the refugees of drought and of plantation mechanization—most have sought their future goals in other jobs and industries rather than in seasonal farm employment. Thus, while sporadic protests against certain specific situations have enlisted short-run support, long-run perspectives and interests have not had sufficient vitality to support unionization and to seek reforms. The desire to escape has predominated the desire to resist and to improve.

Labor impassiveness is no match for employer determination. And the imbalance of organizational power is a reflection of these respective qualities more than of anything else.

A significant and sustained change in the size and composition of the citizen seasonal labor supply, such as has prevailed during the past ten years of full employment, puts a great deal of pressure upon farming and employment practices and initiates accommodations such as the recent great acceleration in the mechanization of hand labor tasks. If the pressure of full employment had not been relieved by imported labor and illegal aliens, the accommodations would undoubtedly have been far greater.

Two types of changes are now under way that may bring alterations in employment practices and in the labor relations of agriculture: (1) the mechanization of hand labor tasks and (2) the settling down of migratory and itinerant workers.

Until very recently, the mechanizing of agriculture was largely concerned with substituting mechanical power for draft animals and was concentrated on land preparation and preharvest tasks, to the neglect of human hand labor tasks. Now hand labor tasks are the center of engineering interests. Mechanical equipment has almost eliminated hand labor in sugar beets and is well on the

way to doing so in cotton. Although most fruits and vegetables must still be picked by hand, mechanical aids are being developed to reduce both the magnitude of the work and its tedium. The years ahead promise to bring great changes in hand labor methods and needs. Concurrent with the decrease in hand labor there is an increase in more attractive and more skilled jobs in the operating and maintenance of the new equipment.

Seasonal farm laborers who in the past have been largely migratory are tending to settle down in rural communities and to make a livelihood out of the seasonal employment available within the commuting or "day haul" periphery of their homes. As this occurs, the workers begin to have more of an interest in and an identification with the employment of the area. The fact that demand for preferential employment rights over out-of-state and foreign labor was an issue in the 1949-50 strikes is clear evidence of this identification, at least under the reduced alternatives in nonagriculture which then prevailed.

An investigation by the California legislature in 1949 on "the recruitment of farm laborers and their appropriate placement to meet in full the labor supply requirements of California agriculture" brought forth some conclusions that apparently concur with the prospects suggested above:

Many growers are beginning to realize that the California farm workers of today have a broader outlook on life than ever before. Many of the workers have traveled extensively and are quite well informed. They like farm work, but they realize they are entitled to a square deal and many of them insist that they get it. . . .

Generally speaking, no longer can agriculture reasonably expect farm workers to appear at its doorstep asking for work. Only by organized cooperation of farmers and a definite national farm labor program that recognizes the peculiarities of farm work can the agriculture of the future be assured of an adequate labor supply.

The new day in farm labor is approaching. It will bring many problems. The most important factor in the farming of the future is probably the farmers' ability to get along with their help. While already improved, notably in California, employee-employer relations must continue to improve.⁴¹

However, tendencies and forces toward reducing inequalities

⁴¹ *Special and Partial Report*, Joint Interim Committee on Agriculture and Livestock Problems, 1949, p. 29.

in employment standards and labor relations of agriculture are opposed by contrary forces that operate to maintain or increase the inequalities. These contrary forces stem from the sustained high level of nonagricultural employment opportunities and in combination therewith the access of agriculture to foreign labor supplies. Agriculture, only, is privileged to obtain contract labor under waiver of the immigration laws that allows the temporary admission of otherwise inadmissible aliens. Thus, unique access to foreign labor in and of itself gives agriculture an exotically elastic labor supply. Agricultural employers, through their organizations, have chosen not to compete for labor in the domestic labor market but rather to assume a posture of dependence on foreign laborers. In consequence, attractive employment opportunities in nonagricultural industries have drawn citizen labor away from agriculture. Nevertheless, local workers can be found, it is admitted, but they cannot be depended upon to do satisfactory work or stay and see the job through, for they are found to be unwilling and unreliable.

As was mentioned earlier, the initial rationale of alien contract labor importation for agriculture was that of war emergency. At peak seasonal employment in the war years, the largest number of Mexican National farm workers in the United States was 63 thousand; the average of the annual seasonal peaks during 1943-1947 was 46 thousand.⁴² In contrast, there were 185,879 contract Mexican Nationals in the United States in October, 1954; Texas reported 76,260; and California, 50,770.⁴³ British West Indies contract laborers averaged 18,500 at the annual peaks of 1943-1947 and were 12,892 in October, 1954; these were widely scattered over the Atlantic Seaboard, but notably Aroostook County, Maine alone had almost 40 per cent of them.⁴⁴ Thus, the 1954 contract labor program was approximately three times its wartime emergency average and exceeded the wartime peak year by 120 per cent. This sharp upward growth in contract labor employment in the postwar years would be more readily understandable if total national employment of hired farm workers had also been increasing. But the facts are to the contrary. Peak seasonal employment

⁴² Report of the President's Commission on Migratory Labor, p. 54.

⁴³ "Employment and Wage Supplement," *Farm Labor Market Developments*, U. S. Bureau of Employment Security, mimeographed, November, 1954.

⁴⁴ *Ibid.*, and Report of the President's Commission on Migratory Labor, p. 54.

of all hired farm labor averaged 3,978,000 in 1943-1947; by 1954, peak seasonal employment had decreased to 3,097,000, a decline of approximately one fourth.⁴⁵ In national proportions, alien contract farm labor was approximately 2 per cent of all hired farm labor in wartime but had risen to approximately 6 per cent in 1954.

In numbers and proportions, alien contract labor may not seem sufficiently large to have much influence on the employment standards and labor relations of agriculture. But the influence of this access to sources of labor exclusively for agriculture is far greater than its proportions would imply, for it relieves farm employers of having to compete for labor in a high or full employment labor market. Under the policies and procedures now in effect, agricultural employers conceivably may, without any change in the terms of employment, obtain 50 thousand or 200 thousand or 500 thousand contract laborers. The only limitation imposed on numbers is certification of the extent of labor shortage by government authorities. Beyond wages and conditions currently prevailing, additional conditions such as employment guarantees, transportation, insurance, and ceilings on charges for board are required by the respective foreign governments, but once the conditions are agreed to, they remain fixed for the term of the contract without regard to the quantity of labor supplied. So long as this incremental source of labor remains the highly flexible mechanism by which agricultural employers are enabled to meet their labor needs at whatever standards of employment may prevail and without reference to current standards elsewhere in the economy, the effects will be the same irrespective of the numbers and proportions of foreign contract laborers. Furthermore, even though contract aliens are found only in certain spots and on a very minor percentage of all farms, the influence of their availability nevertheless spreads readily and widely to all similar employment situations.

Thus, by this means, the labor relations and employment standards of agriculture remain effectively insulated from those in the remainder of the national economy. Even though erstwhile migratory workers may tend to settle down and to work at irregular farm employment within the radius of their homes, more favorable

⁴⁵ *Farm Labor*, U. S. Department of Agriculture, Agricultural Marketing Service, current monthly issues.

employment opportunities in nonagriculture remain a continuing attraction, particularly for the younger and maturing workers. So long as economic expansion and industrial decentralization maintain a favorable employment climate, many of those who become dissatisfied with employment conditions in agriculture will seek and find relief by going into other industries.

Only by impaired employment alternatives in nonagriculture that foreclose the opportunities for escape is it likely that vigorous and resistant individuals will remain attached to the agricultural work force in sufficient numbers to mount an effective protest. Only in such a situation will agricultural employment seem to be worth fighting for. But paradoxically, the conducting of resistance in such an environment has already proved to be virtually impossible because of the excessive numbers seeking work.

Hence, employer unilateralism is likely to remain predominant in the labor relations and employment standards of agriculture for years to come. "The Braceros are here to stay"⁴⁶ is a current slogan that may very well supplant the various forms of emergency slogans that successfully launched the contract labor episode. In consequence, the forces toward equality are effectively opposed by powerful forces for disequality, and the disparities of agricultural employment are not likely soon to be removed. It is quite possible that legislative response to an aroused public conscience, rather than the rival power of union organization, will be the ultimate means of obtaining less disparity, if and when it comes.

⁴⁶ *California Farmer*, January 22, 1955, p. 54.

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