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MEETING  
AGRICULTURAL LABOR RELATIONS BOARD

STATE CAPITOL  
ROOM 4203  
SACRAMENTO, CALIFORNIA

THURSDAY, AUGUST 28, 1975  
7:30 P. M.

ORIGINAL

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MEMBERS PRESENT

Bishop Roger Mahony, Chairman  
Mr. Joseph Grodin  
Mr. Joe Ortega  
Mr. LeRoy Chatfield  
Mr. Richard Johnsen Jr.

MEMBERS ABSENT

NONE

STAFF PRESENT

Ms. Annie Gutierrez, Executive Secretary  
Ms. Jeanne Bosetti, Secretary

1 (EVENING SESSION, AUGUST 28, 1975, 7:30 P.M.)

2 --oOo--

3 CHAIRMAN MAHONY: Our meeting will now come to  
4 order, please.

5 Without infringing upon the rights of those who  
6 wish to give testimony, I would ask that they again try to  
7 keep it as brief and concise as possible, between five and  
8 ten minutes. Hopefully you might be able to express your  
9 views and we would ask that you try not to repeat too much  
10 of what's been said already by those who have testified.

11 Continuing now with our list of people: I would  
12 like to ask first of all, on the list, that we did have a  
13 representative from either the Los Angeles County Federation  
14 of Labor or the State Federation of Labor, AFL-CIO. Is  
15 there anyone here from either one of those groups who wishes  
16 to testify; if not, we shall proceed with our agenda.

17 I now have the Growers Harvesting Committee and  
18 there are five names listed. I'm not certain who wishes  
19 to testify from that group or what spokesman they wish to  
20 have. There's Jerry Bookwalter, Joe Smith, David Orth,  
21 Darla Orth, and Warren Wegis. Whoever wishes to come for-  
22 ward from that group, please do so.

23 MR. BOOKWALTER: Mr. Chairman, members of the  
24 Board, my name is Jerry Bookwalter; I'm a farmer from Merced  
25 county, 39 acres of grapes, almonds, and peaches. I also

1 happen to be, I believe, the second grower to testify before  
2 this hearing today and also a member of the Grower Harvest-  
3 ing Committee who has three or four other people who wish  
4 to follow my testimony.

5 I'm the guy that you are talking about giving the  
6 worker and the union organizer these rights to. I'm the  
7 grower, the second one up I believe, as I said earlier.  
8 I don't agree with it; I don't believe that the organizer  
9 has that right and I think that if you can believe the  
10 attorneys which preceded me today and the preponderance of  
11 evidence which they have placed before you, that you will  
12 come to the same logical conclusion before this hearing is  
13 out this evening.

14 First of all I'd like to draw a parallel between  
15 agricultural and non-agricultural enterprises. In both  
16 endeavors, we are combining land, labor, and capital to  
17 obtain our objectives and in both cases we are interested  
18 in producing a product or rendering a service. My factory  
19 doesn't have walls, windows, or doors or not even chain-  
20 link fences of barbed wire at the top like many factories  
21 do. But I can assure you that if you wish to check in the  
22 Merced County Recorder's Office, you will find that there  
23 is a section, township and a range, which designates my  
24 factory. So I don't believe that my factory is really  
25 unique in the sense that I am different from an industrial

1 factory. I'm in a business to produce a product; three  
2 products, which I have already enumerated. And all growers  
3 in this state are in the business of producing food and  
4 fiber for the nation and for the world.

5 Now within these boundaries or factories, we are  
6 conducting the business to the best of our management ability  
7 and capability. Factories, or industries, as has been  
8 alluded to before should not be subject to any different --  
9 pardon me, growers should not be subject to any different  
10 access laws than our factory cousins in the city. This I  
11 think again, not being an attorney, has been mentioned  
12 several times and I shall not go into that again, primarily  
13 due to the trespass laws and to the 5th amendment of the  
14 Constitution. And there is another amendment in the Consti-  
15 tution which has not been mentioned today, and I'm sure  
16 many growers are taking a good look at that right now, and  
17 that's the second amendment; the right to bear arms.

18 As a grower, I recognize and support the rights  
19 of workers to organize, and I'm sure that there are ways  
20 that they can do this in an orderly fashion which will not  
21 be disruptive to my business endeavors. It is my hope that  
22 this Board will recognize my rights as an employer in a  
23 free enterprise system. As long as we have the trespass law  
24 and the 5th amendment to the United States Constitution,  
25 I'm sure that there is a basis for running my farm like a

1 factory and I expect to have the same consideration when  
2 it comes to the question of access to my own property.

3 With the specific regard to the questions which  
4 were posed by the Board on today's agenda, which unfortunately  
5 I have only received this morning, but I have had the ad-  
6 vantage of being last, or near the end, to take time to  
7 prepare a few remarks. So I would like to make the follow-  
8 ing observations with regard to your agenda questions:

9 Question one, is there a need for an access rule?

10 There is not a need for an access, since farm  
11 workers live in housing areas which tend to be grouped to-  
12 gether in rural areas and are therefore readily accessible  
13 by union organizers before or after working hours. This  
14 is as opposed to my city cousins who have factories with  
15 people living in very urban, suburban areas and they are  
16 very difficult to get to, and if you don't believe me,  
17 try to go through the Los Angeles rush hour some time.

18 The very nature of farm work, particularly the  
19 harvest, does not tolerate a disruption of work -- of my  
20 work force by union organizers.

21 A whole year's work can literally go up in smoke  
22 if the harvest is not permitted to proceed in an orderly  
23 fashion. Furthermore, the preponderance of testimony pre-  
24 sented today is clearly against an access rule. If my  
25 farm-boy mathematics is accurate, I have counted ten people



1 in opposition today to access; four proponents for access  
2 and one neutral party, and now you add the 11th to the op-  
3 position, that being myself.

4 The second question: To what extent are there  
5 alternatives to an access rule, and are these alternatives  
6 effective?

7 Well, in considering alternatives on any program,  
8 one of the most obvious alternatives is no action at all,  
9 and I believe that is the clear-cut alternative in this  
10 case. No access rule.

11 Let the organizer do his own thing on the property  
12 of the worker before or after working hours. Of course,  
13 as has been stated before, radio and television and news-  
14 papers can be used and identification can be secured through  
15 the Department of Motor Vehicles. Someone raised the issue  
16 that -- well, radio and T.V. are really not the best, but  
17 in my area, there are probably no less than three or four  
18 Spanish speaking radio and television stations. Also, in  
19 my area, the predominant working class is the Spanish-Ameri-  
20 can.

21 The third question which you asked: What identi-  
22 fiable damage would result to growers by the adoption of  
23 an access rule?

24 Well, I feel that these damages are readily  
25 identifiable. A grower who is not permitted to complete

1 his harvest in an orderly fashion stands to be completely  
2 damaged to the extent that he will be forced out of his  
3 business. Furthermore, he will be forced to additional  
4 mechanization which will certainly reduce the number of jobs  
5 in agriculture; not increase them.

6 Well, I guess question four really needs little  
7 comment from me, but I'd like to make the following comments  
8 with regard to that question:

9 Should an access rule be adopted, what should be  
10 its parameters? How should it be limited?

11 In my estimation, the Board's hypothetical posing  
12 of this question as to should there be an access rule adopted  
13 and what should be its parameters indicates to me the very  
14 nature and existence of this question seems to imply that  
15 this Board has in fact predetermined that there will be a  
16 positive access rule adopted and that the real purpose in  
17 today's hearing is to determine what the parameters are,  
18 as you have referred to them, and how they should be applied.  
19 To this question I would submit the response: If you do  
20 not adopt an access rule, then you don't have to worry about  
21 the parameters.

22 One final comment: I would pose the following  
23 question to this Board: Would you permit someone to enter  
24 upon your private residential property, be it a home in  
25 suburbia or your apartment-type dwelling -- which many times

1 has a keyed lock at the main entrance with a sign clearly  
2 posted which states the following words: No peddlers and  
3 no soliciting permitted on these premises.

4 Thank you for the opportunity of testifying be-  
5 fore you this evening.

6 CHAIRMAN MAHONY: Thank you, Mr. Bookwalter.

7 Ms. Gutierrez?

8 (Thereupon, the foregoing testimony was translated  
9 from English to Spanish, in summary, by Annie M. Gutierrez.)

10 CHAIRMAN MAHONY: Thank you Ms. Gutierrez. Are  
11 there questions of the Board members?

12 BOARD MEMBER JOHNSEN: Just a quick question,  
13 Mr. Bookwalter. Approximately how many workers do you have  
14 on your own personal farm and where do those workers reside?

15 MR. BOOKWALTER: During the peak season, I would  
16 have some perhaps eleven or twelve workers on my ranch and  
17 the majority, even more than the majority, perhaps as high  
18 as 90 per cent of these workers reside within a five or  
19 six mile radius of that ranch, either in their own housing  
20 or in houses that are rented from other growers, or in  
21 county run labor camps.

22 BOARD MEMBER JOHNSEN: Thank you.

23 CHAIRMAN MAHONY: Any other questions?

24 Thank you very much, Mr. Bookwalter.

25 MR. BOOKWALTER: Thank you.

1           CHAIRMAN MAHONY: Mr. Bookwalter, are there others  
2 from your group who are going to testify also?

3           MR. BOOKWALTER: Yes, I believe I am going to be  
4 followed by Dave, or Joe Smith, pardon me.

5           CHAIRMAN MAHONY: Thank you.

6           MR. SMITH: Good evening, gentlemen and members  
7 of the Board. My name is Joseph P. Smith, Jr. and I farm  
8 tomatoes, beans, walnuts and apricots in Stanislaus county.  
9 My intention is to point out the consequences of allowing  
10 free access to private property for the purpose of organizing  
11 a union. Damage to the crops; if allowed to enter a field,  
12 it could possibly cause considerable damage having a number  
13 of people walk or drive through a field, causing a dust  
14 problem, stepping on vines, and on crops to be harvested.

15           Liability for injury; presently in our farming  
16 operation we don't allow any unauthorized persons in the  
17 field because of the possibility of injury. If, in the  
18 process of solicitation, or particularly if a person is  
19 injured on my property, even through their own negligence,  
20 I am liable. During harvest, there is a lot of machinery  
21 in operation, and if a lot of people are in the area where  
22 they are not necessarily there for work, the possibility of  
23 injury is increased. I believe this is a responsibility  
24 the grower should not be forced to be exposed to.

25           Vandalism; as it has been since the beginning of

1 in productivity. Being away from the machines for just a  
2 few minutes can be very costly. In the harvesting operation,  
3 a break in schedule -- just to minimize down time,  
4 we must keep a schedule set for the processor so our trucks  
5 and our machines are constantly shut down at certain times,  
6 and kept on going so we have a clean floor of fruit to  
7 the processors so that he can manage his operation too.

8 I hope these points bring to your attention some  
9 of the consequences of allowing free access to the field  
10 at any time or at times. Your consideration should be  
11 given this matter before passing judgment. It is quite  
12 possible such a law could give rise to a lot of violence  
13 in the field between those who are not interested in the  
14 union and those who are the organizers.

15 It's quite simple for the respective unions to  
16 advertise as has been put out here before in a public meet-  
17 ing place on other than private property. There are many  
18 towns in the areas where these people reside. Many of  
19 them in the areas that I am familiar with, are not too far  
20 away from a public park or a community clubhouse or some  
21 other means of getting together, and I do think that the  
22 grower does have the obligation and should be able to tell  
23 the people that, either through a leaflet or through an  
24 explanation that if they want to meet in a certain place,  
25 they are free to go to a certain place. They shouldn't be

1 union organizations, there has been a history of vandalism.  
2 During the 1974 harvest, there were a number of reports of  
3 vandalism, despite people even having guards in the area.  
4 Allowing access to private property would give those who  
5 are inclined in this direction an opportunity to cause con-  
6 siderable damage. The machinery in the fields are valuable,  
7 and if a person is so inclined, he could cause major damage  
8 in just five minutes. I believe in allowing free access  
9 to the field would open the door for such damage.

10 Rights of the workers; the people we employ on  
11 a ranch have the same rights as those who organize them.  
12 If our employees do not wish to listen, with this new law  
13 they are forced to because they are on the job and not able  
14 to walk away and they are in an area, as you call it, and  
15 there are a lot of people there who do not wish to be ex-  
16 posed to the foul language that has been used in the past,  
17 and I am sure -- unless it changes, and I don't think there  
18 will be much of a drastic change -- that it is impossible..  
19 As we have even seen the people cannot control their temper  
20 and an outburst could cause an argument or a fight or some-  
21 thing between a faction in the area and we, ourselves, as  
22 growers and landowners, or whatever we are, would be liable  
23 for that type of thing.

24 The economics of this; you know, the people during  
25 working hours being interrupted could feasibly cause a loss

1 confined to where they have to listen to this.

2 CHAIRMAN MAHONY: Thank you, Mr. Smith.

3 Ms. Gutierrez?

4 (Thereupon, the foregoing testimony was translated  
5 from English to Spanish, in summary, by Annie M. Gutierrez.)

6 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

7 Are there questions from members of the Board?

8 BOARD MEMBER JOHNSEN: Mr. Smith, I'd like to  
9 ask you: Approximately what size farm do you have, how  
10 many workers do you have, and where do those workers generally  
11 reside?

12 MR. SMITH: I farm in the neighborhood of -- I  
13 should actually say I farm 1800 acres and what were the  
14 other questions you asked me?

15 BOARD MEMBER JOHNSEN: How many employees --

16 MR. SMITH: How many employees? I would say that  
17 during harvest time as high as 175 people during a twenty-  
18 four hour period.

19 BOARD MEMBER JOHNSEN: Where would most of those  
20 people live, in a camp that you have?

21 MR. SMITH: No. We have no housing at all, no.  
22 They would come, I would say, within a twelve mile, twelve  
23 to fourteen miles.

24 BOARD MEMBER JOHNSEN: Do they live in their own  
25 homes or some other place?

1           MR. SMITH: I would say most of them live in their  
2 own homes, they are living in county housing, in state  
3 housing authorities, there are some that come from a labor  
4 camp, but most of them -- and I mean most of them -- come  
5 from just around the neighboring towns.

6           BOARD MEMBER JOHNSEN: Thank you.

7           CHAIRMAN MAHONY: Mr. Chatfield, do you have a  
8 comment?

9           BOARD MEMBER CHATFIELD: Mr. Smith, how long is  
10 your harvest season?

11          MR. SMITH: How long? This year, it's not going  
12 to be long enough, because of the rain, but it should last  
13 in the neighborhood of eight to nine weeks at the most.

14          BOARD MEMBER CHATFIELD: Eight to nine weeks?

15          MR. SMITH: Now, that would -- that is from the  
16 start to the finish, and peak would last approximately  
17 three weeks, I would say.

18          BOARD MEMBER CHATFIELD: What crop would that be?

19          MR. SMITH: That would be basically tomatoes.  
20 Yes, uh-huh.

21          BOARD MEMBER CHATFIELD: And these workers who  
22 live in the county housing, presumably they come in from  
23 the outside areas?

24          MR. SMITH: I would say a good many of them do,  
25 yes they do, uh-huh. But now don't ask me the areas, because



1 I don't know. But I think that a portion of them are migra-  
2 tory, yes. But a great many of them now are permanent  
3 residents of the community and the fact is, they are the  
4 community. Most of them are the community.

5 BOARD MEMBER CHATFIELD: Do they come to your  
6 property by way of labor contractors?

7 MR. SMITH: They come to our property by way of  
8 cars; their own private automobiles, yes.

9 BOARD MEMBER CHATFIELD: You don't use --

10 MR. SMITH: We do use labor contractors, yes we  
11 do.

12 BOARD MEMBER CHATFIELD: Do they come in buses?

13 MR. SMITH: No, they do not.

14 BOARD MEMBER CHATFIELD: Then in what sense do  
15 you use -- oh, you use labor contractors to round up the  
16 workers so to speak?

17 MR. SMITH: To a degree, but also to handle pay-  
18 roll is the basic reason we do that. It is much more sim-  
19 plified versus our doing it. We could do it also, but it  
20 just simplifies our operation.

21 BOARD MEMBER CHATFIELD: And the labor contractor  
22 serves as the working foreman or supervisor?

23 MR. SMITH: That's right, yes, on a paid salary,  
24 that is correct.

25 BOARD MEMBER CHATFIELD: After the season is over,

1 where do these workers go, do you think?

2 MR. SMITH: I would say that most of them stay  
3 in the area, a percentage of them, but I couldn't tell you  
4 what percentage of them then do go back to Texas and they  
5 will start going as soon as school starts, then they will  
6 generally come out here during the working season when school  
7 lets out, then they come out to California and work here.  
8 As soon as school starts, they go back to their respective  
9 homes.

10 BOARD MEMBER CHATFIELD: Thank you.

11 CHAIRMAN MAHONY: Just one question, Mr. Smith:  
12 In your testimony, you pointed out serious consequences to  
13 full access to the fields. I am wondering if you would  
14 have any comment to the type of discussions had with other  
15 witnesses as to some kind of limited access like a designated  
16 area, staging area, parking lot -- those are the terms used --  
17 rather than in the involvement in the field?

18 MR. SMITH: I would say that a parking lot would  
19 probably be one of the poorer areas as far as I am concerned  
20 to have that type of thing, for the simple reason that there  
21 is too much chance of vandalism to the people who do not  
22 wish to become organized or don't want to listen. There's  
23 too much -- all they need is a can opener or a bottlecap and  
24 they can wreck the paint job of an automobile in a matter  
25 of a few moments. I tried to point that out before. It

1 could become a very serious thing; I have seen it happen  
2 before more than just once, and I think this is the type  
3 of thing, if we want this thing to run smoothly, we have to  
4 keep out of the fields because that's the worst place in  
5 the world to have it. That's because violence can break  
6 out; man, I know, because I have seen it. I have had a few  
7 lumps myself and we just don't need it there. I mean, bring  
8 it some place else; let's talk about it at a table. Even  
9 here you can see what happens when somebody disagrees. That's  
10 the name of the game.

11 CHAIRMAN MAHONY: Okay. Any questions?

12 Thank you very much, Mr. Smith.

13 MR. SMITH: Thank you, gentlemen.

14 CHAIRMAN MAHONY: Mr. Orth.

15 MR. ORTH: Members of the panel, Chairman, and  
16 interested people: I'm David Orth from the Stanislaus  
17 county. It's in the peach bowl of the world, some 400,000  
18 tons of peaches are raised in that area, and I have been in  
19 agriculture all of my life except for some thirty-seven  
20 months in the service during World War II where I saw star-  
21 vation in India and China where they loaded the dead every  
22 morning, so this food thing is a serious thing.

23 I feel like I don't have to apologize to anyone,  
24 anywhere, anytime, for the production of food that we pro-  
25 duce and there is times I have had to pick a thousand tons

1 of peaches in three days and, believe me, this is not easy  
2 to do.

3 California raises some three hundred specialty  
4 crops. Now, we have had a lot of harassment, rules and  
5 regulations, motions, from all the other people that want  
6 to jump on us. A lot of us just flat got tired of it. If  
7 you play around too much with a good thing, you are going  
8 to destroy it. California is number one in agriculture  
9 in the whole world; we raise more food here than in the  
10 Soviet Union and they cover about one-fifth of the surface  
11 of the earth and are raiding the oceans all over the world  
12 for the fish and the whales. They can't even feed themselves.  
13 Now that's a regulated agriculture, and I have nothing but  
14 absolute contempt for it, and a lot of the rules that have  
15 been put on us in the last year or two are leading us down  
16 that very road.

17 Now I had three sons. Only one is left in agri-  
18 culture. Where do you think you are going to get the people  
19 that can pick a thousand tons of peaches in three days and  
20 know how to do it? I have worked all my life to learn this  
21 thing and then the real tragedy of this whole thing, you  
22 don't have one dirt farmer up there in front of me and I  
23 resent it. I deeply resent it, and it's not your fault,  
24 but with immaturity making the choices in this panel, I  
25 would have at least thought there would have been enough

1 integrity for one or two guys to step down out of there and  
2 put some farmers in there who really know what the deal is.  
3 Because here we have the largest business in the state of  
4 California. Now, Dick Johnsen is not a farmer and he should  
5 have a dirt farmer, as we call them, standing beside him.  
6 He's a friend of agriculture but he's already been smeared  
7 by the Modesto Bee and a few others of being a lobbyist.  
8 Now this I resent, and we are not going to take this crap  
9 any longer. We are going to speak up because the time is  
10 long overdue to find out whether I have anything to say about  
11 the land I farm. I get tax bills and all these things.

12 In speaking to number one; absolutely not. I  
13 would think that you would spend your time running elections.  
14 You are so worried about the worker you have forgotten about  
15 the grower. You ought to think about him just a little bit  
16 too. Right here is about \$55,000 worth of tax bills. These  
17 are my rights. You guys are sitting up there with \$42,500  
18 a year jobs. We were promised two growers, two labor people,  
19 and one neutral. Where is the consumer at in this whole  
20 deal? It's going to get it right in the neck.

21 If I go out of business and a few other people  
22 get tired of it, food is going to go up. I can see the day  
23 when this country's going to be hungry. That's what I see  
24 ahead. I only ripped out 900 acres of cling peaches in the  
25 last six years. I have not planted one peach tree since

1 1969. Now that ought to mean something to you. I was one  
2 of the largest growers in the state, probably set up for  
3 about eight-ten thousand tons. We have grown cling peaches  
4 since 1931. My faith in this state's agriculture is so good  
5 that they are all ripped out, the last 75 acres of good  
6 prime young trees went out this spring. They are all burned  
7 up; gone.

8 Now, the state is the loser; the consumer is the  
9 loser in this thing. You fellows have a very tough job to  
10 do because earlier, Bishop, you said you wanted to get rid  
11 of mistrust. Now how can you start out with a Board like  
12 this without mistrust? You guys have got the most tremendous  
13 job I have ever seen because everybody mistrusts you because  
14 the Governor in his infantile wisdom, should have never laid  
15 a loaded deck on us like this. This is why the growers are  
16 upset. We have had it with this kind of one-sided deal. I  
17 don't like loaded decks, stacked ones, whatever you call them.  
18 I drove up here a hundred miles and I didn't mind being held  
19 here to last and this sort of thing, but I think it's time  
20 to see where California agriculture is going.

21 Now, number two, what extent are the alternates  
22 in the access rule? This is the most silliest, asinine  
23 thing I have ever seen. I wouldn't think about going into  
24 somebody's union hall; I'd get tossed out on my ear. What's  
25 wrong with their union halls and their rally points? They've

1 probably got fifteen, twenty million dollars dumped into  
2 this union fight here, and our workers don't want it.

3           They have continually tried to use force; force  
4 I don't like. I have been on force a few times, in the  
5 war time. I don't like it. Well, if we are going to have  
6 to go the force route, you fellows are going to be responsible  
7 for it. We have had enough arsen, damage, all kinds of  
8 things. You know, you can't leave the foxes and the coyotes  
9 in the chicken house. Who's kidding who around here? We've  
10 got the radios and the T.V. today; we're not back in the  
11 1850's. Who's kidding who? When Tri-Valley Cannery, the  
12 largest cannery in the entire world, can whistle up a crew  
13 in about three to four hours notice down there, they get  
14 on the radio and T.V. A few years ago, we had a rain and  
15 we had to shut the cannery down. As soon as that crew came  
16 back in; bang, they got 'em.

17           Now I think you fellows are overly concerned;  
18 either that or your minds are already made up about what  
19 you are going to do. I sensed this; another grower before  
20 me sensed this too. We are not dummies. Someone had it  
21 figured out the first half hour. You know, you've got  
22 Alatorre blabbing around here and things like that. Now  
23 my constitutional rights are dear to me. I fought for  
24 this country, and I will fight for it again. So the excuses  
25 for alternates, it just doesn't hold water.

1           Now on the third one, identical damage, lots of  
2 it. You could just go on and on and on quite awhile on  
3 that one. Now I will just take you out in the peach orchard  
4 for a little while, and this last Monday on the 18th we had  
5 a rain in this state. We got thirty-five thousand tons of  
6 fruit rotting right now. That's been estimated and updated  
7 about three times and they are still holding it at a thirty-  
8 five thousand ton deal on the estimate. I was ready to go  
9 on Monday morning, the 18th, okay? We go on out there, and  
10 the crew goes, the rain comes along. Instantly, I've got  
11 to make a decision whether to put the ventilator on then  
12 or hold off. I've got fifteen minutes to make a \$10,000  
13 decision on the material itself. I ain't got time to run  
14 around to Chavez and get his permission.

15           Now we get the ventilator on, it rains all day  
16 long, and the peaches are coming down on the ground. All  
17 right, we've got about twenty hours to pick up the fruit that  
18 fell or we never save it. We did pick up 80 tons of it and  
19 every peach had to be looked at and placed carefully in a  
20 bin. This is not easy to do. You just can't have agitators,  
21 incidents, cars wrecked and burned during this period.

22           I have just got ten days to get 1600 tons of  
23 peaches picked. That's all I've got left out of about 1900.  
24 There's about 300 tons rotting on the ground out there. My  
25 pickers decided to come to work for me the day before. They



1 come out there with lights burning, they know all about the  
2 union and where it's at. If they want to join it, let them  
3 join it. I don't care. I believe in freedom; I believe a  
4 man should have his freedom. I'm not against unions at all;  
5 I'm just against the way they have been run lately. Hoffa  
6 run off with a million and a quarter; he's got cement shoes  
7 probably tonight. This is why our workers don't want these  
8 unions that are run rotten. So the damage that can be done  
9 is going to go on and on.

10 Sometimes we've only got a few hours to get this  
11 fruit up or it's too late. And the Elberta peaches are gone;  
12 ten days and it's all over.

13 CHAIRMAN MAHONY: Excuse me. Can I have silence  
14 out in the audience, please?

15 MR. ORTH: Number four --

16 CHAIRMAN MAHONY: Excuse me, Mr. Orth, could  
17 you --

18 MR. ORTH: The other people had fifteen minutes  
19 too.

20 On the perimeters, the boundaries of these tax  
21 bills, gentlemen, and I intend to farm my land up to the  
22 boundary, I'm not going to put up with rocks being thrown  
23 at my men any more, and everywhere we have had these things  
24 we have had incidences and we are tired of it. We are not  
25 trying to keep the union people from telling their story,

1 they have been working now on that for fifteen years. So  
2 I think that if you run your election like you were mandated  
3 to do, that is your job. I'll try to get my fruit picked.  
4 But I want to do it in peace; we are tired of disruption.  
5 This agriculture is a fragile thing that we have; the timing  
6 has got to be almost perfect, and Joe Smith with 1800 acres,  
7 he can't fool around with people running all around his  
8 place and spraying one place, and you should also maybe  
9 consider taking out maybe a ten or twenty million dollar  
10 liability policy too, if you are going to have these people  
11 running all around here on us. They have no business on  
12 our ranch; who's going to pay the liability?

13 And as far as access goes, I might consider it,  
14 but I'm -- I just think this is very precious to landowners.  
15 We have had this for two hundred years, but we had the  
16 right to own land and invite people on it. Now these other  
17 people haven't had that right and they are trying to get  
18 something they haven't had, and we have had it for two hun-  
19 dred years and we don't intend to give it up. It's just  
20 one of those things that it doesn't make any difference,  
21 frankly, how you rule, because I'm going to run my ranch  
22 as long as I pay those taxes.

23 Whenever you want to nationalize or have the  
24 state take over this agriculture, if you guys want to pick  
25 up the tax bills, be my guest. I'll walk away and leave you

1 and there will be a lot of hungry people when it's over with.

2 CHAIRMAN MAHONY: Thank you, Mr. Orth.

3 Ms. Gutierrez?

4 (Thereupon, the foregoing testimony was translated  
5 from English to Spanish, in summary, by Annie M. Gutierrez.)

6 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

7 Members of the Board, do you have any questions  
8 to ask Mr. Orth?

9 BOARD MEMBER GRODIN: Mr. Orth, after the hearing's  
10 over, I'd appreciate your telling me what I've already made  
11 up my mind to do. It would help me out a great deal.

12 MR. ORTH: Some of your questions give you away.  
13 I'm not sure, but that's an opinion of other people; that's  
14 not mine.

15 CHAIRMAN MAHONY: There being no further questions,  
16 thank you very much, Mr. Orth.

17 MS. ORTH: Mr. Chairman, Gentlemen. I'm Darla  
18 Orth.

19 I was born and raised a farm girl, a second genera-  
20 tion native Californian and am very proud of my state's  
21 prime industry, that's agriculture. Now, my husband and I  
22 did not confer; it was he who just spoke to you. As to what  
23 we were going to say up here this evening when we came up,  
24 he has hit on just about every point I wanted to hit on. I  
25 know we are short for time, so I will try to make my remarks

1 pretty brief in that respect.

2 A hindrance of the smooth operation of agriculture  
3 in our state today is a blot on the face of the nation. Be-  
4 cause when you come right down to it, it is the consumer who  
5 is going to pay in the long run and, gentlemen, we are all  
6 consumers. It's going to affect all of us.

7 Now, when your workers come to work in the morn-  
8 ing and it's early, dawn, daylight, they are ready to work.  
9 Now to stand around and be lectured to when it's lunchtime,  
10 they are tired, they deserve the right to relax and enjoy  
11 their lunches, and not be bothered. Then, when it's time  
12 to go home, they are just like the rest of us; they want  
13 to go home to their homes, their families, they have other  
14 things that they wish to do with their spare time and their  
15 evenings. Now, if at this time, they wish to go to a meet-  
16 ing, that's all well and good. There are many means of  
17 letting them know where and when these meetings will be; it  
18 has been covered today. And we all know that word of mouth  
19 gets around too. Nobody's mentioned that yet, but that's  
20 another way.

21 Now, if they want to go to these meetings, the  
22 meetings should be held in a specified -- like in a union  
23 hall or a park or something like that. These places should  
24 be used and there is no reason why these people can't be  
25 let know where the meetings are going to be and they can go

1 there of their own free time. Now it seems to me that this  
2 so-called access to private property, if anything can be  
3 called such any more the way things are going, is not the  
4 answer and it's certainly not conducive to our farming pro-  
5 cedures today.

6 Now one of your questions says: Will the problem  
7 be created for the farmer if such organizers are on the pro-  
8 perty. If the product -- the crop that the farmer is rais-  
9 ing is not harvested properly, and in due time, there is no  
10 process; no product. From one season to a less than normal  
11 production from another season results in higher prices for  
12 what is left and what is available. It's just plain and  
13 simple; it's a massive chain reaction.

14 Now I don't wish to see any harassment befall  
15 any of our workers, their families, or even my own. There  
16 has been, is, and unfortunately possibly will be harassment  
17 to workers and their families, but gentlemen, I would hate  
18 to think of what I might do if I find my car with the win-  
19 dows slashed, the tires slashed, and maybe even burned to  
20 the ground and I don't think I would be very pleased either  
21 to have obscenities hurled at me in my own home or as I left  
22 the grounds of my own home to go shopping or to do errands  
23 that I might have to run. I don't like that and I don't  
24 believe our people should be subjected to that type of thing.

25 I think this rule of access is not the answer to

1 what you are trying to do. You have got a tremendous job  
2 to do; I don't envy you at all. I am a little bit surprised  
3 to not see maybe some feminine representation up there with  
4 you. There is a lot of pretty sharp women in agricultural  
5 business today, but if we have the opportunity to speak to  
6 you as we are this evening in the future, maybe some of us  
7 can kind of present our viewpoint a little bit and maybe  
8 help you out on some of your issues.

9 Now, just a thought in passing: If a person's  
10 personal property is desired for somebody else's use, in  
11 this case such as the access rule, and you desire that it be  
12 made that way, then why don't you try condemnation or eminent  
13 domain?

14 Thank you.

15 CHAIRMAN MAHONY: Thank you, Ms. Orth.

16 Ms. Gutierrez?

17 (Thereupon, the foregoing testimony was translated  
18 from English to Spanish, in summary, by Annie M. Gutierrez.)

19 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

20 Do the members of the Board have questions to  
21 ask?

22 Thank you very much, Ms. Orth.

23 MS. ORTH: Thank you, gentlemen. May I compliment  
24 Ms. Gutierrez on the lovely job she is doing this evening.  
25 She's done a tremendous job.

1 MS. GUTIERREZ: Thank you so very much.

2 CHAIRMAN MAHONY: Although she's not on the Board,  
3 she's certainly our right hand woman.

4 MS. ORTH: I can see that.

5 CHAIRMAN MAHONY: Mr. Warren F. Wegis.

6 MR. WEGIS: Gentlemen, I have a very brief pre-  
7 sentation here. I'm Warren Wegis, manager of the Growers  
8 Harvesting Committee. It's an organization made up of nearly  
9 700 members in southern San Joaquin county, Stanislaus and  
10 Merced county. For the past twenty-five years, our organi-  
11 zation has been working in the area of personnel and labor  
12 relations for our diversified grower members. By a unanimous  
13 vote, our Board of Directors on Thursday, the 21st of August,  
14 1975 would be on the record in opposition to the issue of  
15 free access by union organizers to the private property of  
16 growers, grower-employers, for the purpose of organizing.  
17 We feel that union organizers and all other unauthorized  
18 personnel should talk to the employees before or after work-  
19 ing hours off employers private property.

20 At present, as in the past, our growers do not  
21 allow any unauthorized personnel on their private property  
22 during working hours as this will interfere with the work  
23 that is in progress. At harvest time, and during many agri-  
24 cultural activities, unfamiliar and unsupervised non-employees  
25 can very easily be injured on farms for which the grower-em-

1 ployer would be liable. The last year during our canning  
2 tomato harvest, it was necessary to hire private guards and  
3 call up the sheriff's department to call unauthorized per-  
4 sonnel out of the fields and off the private property so  
5 we could complete our harvest with a minimum of harassment  
6 and violence from the union representatives.

7 We strongly feel that the regulations by this  
8 Board to allow access by union organizers to private property  
9 of the grower-employer for the purpose of organizing would  
10 be in complete and total violation of the present trespass  
11 laws of this state.

12 If union organizers want to discuss the merits  
13 of their organizations with farm employees, we feel they  
14 should use services of the newspaper and radio and to an-  
15 nounce such meetings. Since many of the farm employees  
16 live in county operated housing, in on-farm housing, and  
17 in rural cities, the employees can invite union organizers  
18 to their place of residence before or after working hours.  
19 Since these farm workers do live in the small rural cities,  
20 county housing projects, and in other housing and in on-  
21 farm housing, they should be easier to contact by union  
22 organizers than the industrial worker who lives in the larger  
23 city.

24 With these facts in mind, we strongly feel that  
25 union organizers should not have access to the private property



1 of grower-employers for the purpose of organizing.

2 Thank you very much for this opportunity.

3 CHAIRMAN MAHONY: Thank you, Mr. Wegis.

4 Ms. Gutierrez?

5 (Thereupon, the foregoing testimony was translated  
6 from English to Spanish, in summary, by Annie M. Gutierrez.)

7 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

8 Do the members have any questions to ask?

9 No questions; thank you very much, Mr. Wegis.

10 MR. BRADY: My name is Glenn Brady, I'm here  
11 as secretary-treasurer of Heidrich Farms Incorporated, and  
12 a representative of the Nor-Cal Growers.

13 Now they first wanted fifteen minutes, and then  
14 ten and now five. I come in here charged up this morning  
15 with a lot of things to say and many of them have been covered,  
16 so if you will bear with me while I go through what I had  
17 prepared, I will try to cut this short.

18 I want to say first off that I'm opposed to  
19 access and always will be, but you have asked for alternates,  
20 and I will go into what I possibly might think would work.  
21 I can perhaps furnish some practical input into these hear-  
22 ings, input that consists of laws and regulations that are  
23 practical, fair, and workable. My approach is not going to  
24 touch on what is legal; I have no legal experience. The  
25 subject I want to stress, other than the rights of workers,

1 are programs where the theoretical line ends and the practical  
2 line begins. You may or may not be aware that recently a  
3 mild flap occurred on some of our property. This is where  
4 we had the labor organizers removed from the premises.  
5 Now I want to make one thing clear: I did not deny any  
6 discussions between the trespassers or our employees. I  
7 in fact encouraged it. I was only opposed to the manner  
8 and the times when these events were forced upon us. It's  
9 my intention to use details of our recent problems only  
10 when it will help me show that the regulations are  
11 needed.

12 As I said earlier, as I analyzed my feelings,  
13 my first inclination is to keep the rascals out, but I  
14 fear this will not be acceptable to all the unions and pos-  
15 sibly in some cases to the employees. It then becomes  
16 necessary to design something satisfactory for all three  
17 parties; the employer, the union, but most of all the em-  
18 ployee. It has been my understanding all along that it was  
19 for their welfare that this law was passed.

20 The first subject I want to go in to is the  
21 labor camp, and may I say right now, a method of entrance  
22 is not scaling the fence. They should come through the  
23 gate. Now, I believe that they have the right to the labor  
24 camp; I believe that they should be limited to the number  
25 of people, the length of time, the total number of visits,

1 and specified locations where the meetings can be held and  
2 also we should be notified in advance so we can open the  
3 gate or have them available.

4 Now some of this may sound restrictive, but cer-  
5 tainly it is not when you consider work goes on twenty-four  
6 hours a day. So does sleeping, eating, bathing, and wash-  
7 ing. Our camp has been invaded by as high as ten men and  
8 they have stayed until 10:00 p.m. Both of these are un-  
9 reasonable. Just recently, we have had them in the area  
10 until 1:30 p.m. in the afternoon. They were in the barracks  
11 area where the night people were sleeping. I think this  
12 aggravation should not be allowed, but there is one point  
13 that I have a strong feeling, and that is the right of the  
14 residents to say enough is enough.

15 I have in my possession at this time a petition  
16 passed around by an employee; a resident of our camp, signed  
17 by 100 per cent of the residents, saying in paraphrase:  
18 We have heard it, we have had it, keep out any further  
19 people who disturb us.

20 This petition was not obtained at our request or  
21 the request of the owners. It was not obtained by intimi-  
22 dation, threats, or promises of gratuities. It was a group  
23 of citizens saying collectively: This camp is our home,  
24 we want to be heard, why don't we -- we don't want to be  
25 disturbed. I ask you: Why can't this be true?

1           This petition was circulated August 13, 1975 and  
2 when I now suggest no entrance into the camp, the excuse  
3 I get is: One man has invited me, but he's afraid of being  
4 known. Now this is weak and nonsensical and is certainly  
5 for an invasion. I would not exercise -- we could not exer-  
6 cise a petition because organizers shout they have a con-  
7 stitutional right to access and then proceed to go into the  
8 camp. Again I ask you, where is the right of the worker  
9 or the resident?

10           Other than the worker's right, a relief from  
11 propaganda from the employer of the union, the problems  
12 of the field take on somewhat of a different nature. The  
13 problems of the harvest have to be divided into day and  
14 night operations and I will deal with the night operations  
15 first.

16           The main factor of the night operation is simple  
17 and yet it's a complex one and I will tell you what it is;  
18 it's dark out there. In the dark, people see differently;  
19 they behave differently, react differently in the field,  
20 probably they have stronger reasons for their actions or  
21 reactions. I cannot impress upon you how strongly enough  
22 potential dangers are connected with night operations.  
23 The primary concern is the practical danger of getting hurt;  
24 trucks, trailers, tomato machines, tractors, pick-ups,  
25 truck dispatchers, cannery representatives, supervisors,

1 personnel are constantly on the move and cannot see what's  
2 stirring around in the dark. They park their cars and  
3 pick them up in the fields, and they expect protection for  
4 the vehicles. I assure you, that even under ideal conditions,  
5 it is very difficult protection to give. Under no circum-  
6 stances should people other than workers be allowed in the  
7 area at night.

8           On our ranch, the night shift usually ends be-  
9 tween 4:00 and 5:00 a.m. It is dark, cars are streaming  
10 out and they are in a hurry to leave, the trespassers could  
11 easily enter and the final responsibility is ours.

12           The period of discussions, the break time, some-  
13 body else has gone into, but the things that demonstrate  
14 and control that are the links of the rows, the location  
15 of the toilets, and so forth, and they said earlier theoreti-  
16 cally you'd be having breaks all the time.

17           I personally watched our operations where or-  
18 ganizers were involved at approximately 5:00 p.m., 12:00  
19 a.m., and 5:00 a.m. In each instance, they were allowed  
20 access to the property but were requested to stay clear  
21 of operations. It was like telling the sun not to shine;  
22 in all instances, they proceeded into the fields. On  
23 August 20th, I tried to experiment. I passed the word  
24 through intermediaries that a station would be set up on  
25 our property for the express purpose of having a contact

1 point for the union and our employees. I then gave word  
2 to the foreman and machine leaders to suggest to all em-  
3 ployees that if they so desired to stop and get whatever  
4 literature and information they so desired and they could,  
5 if they wanted to do so. This worked satisfactorily, ex-  
6 cept, in the opinion of the organizers, they weren't getting  
7 the response they desired, and they proceeded to go into  
8 the field even though they were warned not to.

9           May I tell you here and now that the midnight  
10 and 5:00 a.m. incidents created impossible situations. You  
11 can't imagine and can't understand the problem unless you  
12 have been called up out of bed at the dark of night, called  
13 to the field, to drive a quarter of a mile or half a mile  
14 into the field wondering who are you going to meet, if  
15 tempers are frayed, not being able to see anything, of  
16 clusters of lights and clusters of people. You come upon  
17 a group of trespassers yelling that they have a right to  
18 be there, scared people yelling and telling them to leave,  
19 equipment shut down, foreman and truckers and loads of toma-  
20 toes moving around in the field, and then you actually know  
21 the pitfalls.

22           I have had these experiences, and let me tell  
23 you, it is spooky. You need a scorecard to figure out who  
24 the spectators are and who are the workers. Only the score-  
25 card isn't available. There was a similar situation on

1 August 21st that caused me to act for our company. After  
2 being allowed inside the property, refusing to stay out of  
3 the field where machines are located and fearing for the  
4 safety of people in the situation -- it was dark -- I had  
5 the parties removed from the field.

6 Of all the times, the afternoon seems to be the  
7 most sane and sensible for access if such is going to be  
8 arranged. This should be done away from the work and off  
9 the road to eliminate the danger from highway vehicles at  
10 a period of the day when people can come from the day shift  
11 and the night shift, if there is one working. It should  
12 be accessible so employees can -- and I insist if they so  
13 desire -- can get there with reasonable ease. Limits should  
14 be placed as to the number of reps, how long we should be  
15 notified in advance so accommodations could be made so  
16 workers in general, if they want to, can go.

17 Workers in general, do not want to be bothered  
18 during lunch and breaks. They want to rest. It only takes  
19 a time or two and they get tired of the interruption. This  
20 I can personally attest to because our workers have asked  
21 to be heard and tell the parties, including ourselves; they  
22 have read, they have heard, and now they want to work with-  
23 out further turmoil.

24 I'll paraphrase what I did here, I sent a re-  
25 porter from one of the local papers, pulled out all the

1 foremen, and all the supervisors, let the reporter and an  
2 interpreter from the local paper talk with a common flow  
3 of interest between them and the reporter. I have left  
4 with the committee here along with my -- this statement  
5 earlier. I'll just read one or two.

6 One of the workers says: We have heard it six  
7 times already, we have garbage cans full of the leaflets,  
8 why can't they just come and if we don't want to talk, go  
9 away. One of the first women to speak said: Supervisors  
10 have allowed UFW organizers in the area to chase through  
11 the harvest activities and on some occasions, even asked  
12 the workers to make an effort to see the union men. A  
13 chorus of emphatic "noes" rolled through the workers' group  
14 when asked if they had been threatened by either the grower  
15 or the UFW representatives. The complaining of the UFW  
16 pestering continued to prevail.

17 I'm not going into any more of them; that's just  
18 some of the statement that was said. Now I have one other  
19 thing I want to bring up also. I have before me here this  
20 petition signed by 100 per cent -- I mean two-a-man of  
21 everybody in a camp. Now if 100 per cent of the people  
22 say this is our home, it is sacred, why can't they lock  
23 their door? I can lock it in my home. You inferred that  
24 the livingroom is the same as the field; I think when every-  
25 body says yes, this is our livingroom, they should be entitled



1 to have it their livingroom.

2 In conclusion, it appears that what has happened  
3 to our property was intended provocation; for what purpose  
4 to the organizers, I'm not sure, but to me it did show the  
5 necessity for the guidelines and this I would say: If  
6 there is to be even limited access, there has to be within  
7 this group -- if they can change the rules of access --  
8 strong punitive damages for people that don't abide by the  
9 guidelines. It is our recommendation then that an organizer  
10 should be allowed a spot for a limited period of time, in  
11 a camp, but also that they go if the majority of the resi-  
12 dents say: Go, leave us alone.

13 In the field, under no conditions, should access  
14 be allowed after dark or in the working areas.

15 And there's one other point I might bring up in  
16 this too, and it might seem trivial, but the ladies have  
17 to go to the restroom. The restrooms are spotted away  
18 from the machines and, as I said earlier, it's dark out  
19 there and you just can't have people wandering around the  
20 field that you don't know and there is just really no way  
21 to police it at night, so there can't be any deviation  
22 from that.

23 I also feel, and the people in the field like  
24 the people at the camp, that they have had enough, that  
25 somewhere along the line they should be able to express

1 themselves. One other thing, and I am through.

2 A lot of the farmers live on their property where  
3 the crop is, and I just can't see how you can have trespassing  
4 when the wife and the kids live in the field where this is  
5 going on. Are there any questions?

6 CHAIRMAN MAHONY: Thank you, Mr. Brady.

7 Ms. Gutierrez?

8 (Thereupon, the foregoing testimony was translated  
9 from English to Spanish, in summary, by Annie M. Gutierrez.)

10 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

11 Are there any questions from members?

12 BOARD MEMBER GRODIN: Can you describe this con-  
13 tact point that you established; where was it located?

14 MR. BRADY: The contact point -- you are referring  
15 to the camp now, or to the field?

16 BOARD MEMBER GRODIN: The fields.

17 MR. BRADY: Are you asking what I tried or --

18 BOARD MEMBER GRODIN: Yes.

19 MR. BRADY: I just picked a point that was inside  
20 the gate.

21 BOARD MEMBER GRODIN: Uh-huh.

22 MR. BRADY: As I prefaced though, that is not  
23 my inclination and my beliefs, but just being a virgin at  
24 this thing, I was curious to see what would happen. They  
25 were on the property, I had the authorities there, I told

1 them to do nothing, and I told the workers and I told the  
2 foreman. I told those people to let them give them their  
3 literature and get them out of our hair. We had just had  
4 a rain, the tomatoes were molding, we were switching shifts,  
5 we had anywhere from 200 to 400 people in the field, and  
6 you've got this turmoil on top of it; I thought give them  
7 a shot and get it over with. They did not stay in the  
8 location. Now that's why I asked for punitive damages if  
9 you are going to change the laws. If you can change the law  
10 of access, you can put mighty tough teeth into how far it  
11 should go. This thing appears like the Israelis and the  
12 Arabs; I expect you start when you're almost going to have  
13 to have a mediator there the first few times it happens.  
14 It should be away from the work; it should be off the drive-  
15 way ways, it should be accessible, and if you are going to  
16 do it, it has to be notified in advance and something should  
17 have to be worked out as with a mediator between the board  
18 and the farmer and you're going to have to monitor it.

19 Now I don't want them in the field, they shouldn't  
20 be amongst the harvesters. You say set them down for  
21 break time; where are we going to keep the harvesters?  
22 You can't have them wandering around because this is the  
23 time to check the harvesters and stuff over. So they have  
24 got to stay away from the worker. If they are going to be  
25 allowed on, they are going to have to go away from where the

1 worker is and somewhere where the employee can go to them  
2 if they desire; not where the organizer desires.

3 CHAIRMAN MAHONY: Any further questions?

4 Thank you very much, Mr. Brady.

5 MR. BRADY: Thank you.

6 CHAIRMAN MAHONY: Mr. Dan S. Parises.

7 MR. PARISES: Members of the Agricultural Labor  
8 Relations Board, Mr. Chairman. I will be as brief as possible.

9 You know, I'm the last on the list and I know  
10 of more to follow.

11 The goal of the new farm labor legislation is  
12 to insure peace in the agricultural fields by guaranteeing  
13 justice for all agricultural workers and stability in labor  
14 relations. Workers are guaranteed the right to join or  
15 not to join the union, free from the coercion of union  
16 organizers.

17 Farmers have been assured by your chairman, Roger  
18 Mahony, the other night in Stockton, that they will be able  
19 to pick their crops free from harassment by union organizers.  
20 He has stated that violations of the fair labor practices  
21 will be vigorously prosecuted. However, rules and regula-  
22 tions of the ALRB cannot allow union organizers to trespass  
23 on farm property and still preserve these rights and guaran-  
24 tees.

25 In the first instance, both the State and Federal

1 constitutions guarantee the rights of private property. Any  
2 rule to the contrary is probably unconstitutional. Secondly,  
3 trespassing by union organizers will destroy the right of  
4 workers to make decisions, free from coercion and duress.  
5 Countless examples can be cited from last year's troubles in  
6 San Joaquin county to demonstrate that workers were intimi-  
7 dated by union organizers.

8 As chairman of the San Joaquin County Board of  
9 Supervisors last year, I personally interviewed workers and  
10 their families in farm labor camps.

11 These workers had been ordered to do picket  
12 duty for the UFW and refrain from working or else face  
13 severe reprisals; reprisals included, but not limited, to  
14 smashing of cars, physical violence, pounding of garbage can  
15 lids on the sides of houses in the early morning, and star-  
16 ving families by blocking access for persons or cars. On  
17 September 17th, I and my administrative assistant, a member  
18 of the District Attorney's Office, members of the press and  
19 Channel 13, arrived at one of the camps.

20 CHAIRMAN MAHONY: Excuse me, Mr. Parises, of  
21 which year?

22 MR. PARISES: 1974.

23 CHAIRMAN MAHONY: Thank you.

24 MR. PARISES: There were UFW organizers rocking  
25 the front gate of the camp. As we approached, they folded

1 up flags and took off hiding their faces from the news  
2 cameras. Later, we were mobbed by UFW organizers every  
3 time we tried to talk to residents of the camp. Two women  
4 whom we were talking to said they could no longer talk to  
5 us because they were afraid of reprisals. We talked to one  
6 man at his house who was afraid to go through the gates of  
7 the labor camps because of union organizers. We left this  
8 camp because we were afraid for the workers.

9           The D.A. investigator with us had sworn testi-  
10 mony and if this Board wants this testimony, I can make it  
11 available to you tomorrow -- we don't have it with us --  
12 that resident had been threatened, and children suffered  
13 the worst effects of union organizing. Many children were  
14 not able to attend school. We were told that organizers  
15 smashed garbage can lids against the sides of camp houses  
16 at night, and used other threats to get residents to do  
17 picket duty.

18           At the second camp, a woman we interviewed there  
19 said she was afraid to leave the camp to buy food. She had  
20 only a three day supply of food left. Her husband and her  
21 sons had left during the night and jumped over the fence to  
22 be able to work. She didn't know when they would return.  
23 The District Attorney investigator, Mr. Tony Martinez, on  
24 several occasions brought milk for the children in the camps.  
25 Many residents were entirely without food. They told us

1 they were union prisoners. When we were leaving the camp,  
2 the union organizers demanded the film in the newsman's  
3 cameras, but we were able to leave with the help of the  
4 sheriff's deputies. The newsmen kept their film. Open  
5 access by organizers to labor camps must be restricted if  
6 these acts are not to be repeated again. I have a copy of  
7 the Lodi News Sentinel of September 18th, if you gentlemen  
8 would like to see it, and also the various acts of violence  
9 which I mentioned to you, Mr. Mahony, the other night, in  
10 various fields in San Joaquin county which are on videotape  
11 and the sheriff's analyst of San Joaquin county has these  
12 tapes, and if your committee wants to observe them, we can  
13 make those available to you.

14           The reason I am making this point because there  
15 is no access law at this time and there was no access law  
16 at that time and this is the kind of situation we were in.  
17 So if you people allow access to these ranches I think we  
18 are going to have more trouble than you realize.

19           If this Board is going to allow trespass by union  
20 organizers into labor camps or fields, the harvesting of  
21 crops will be disrupted and the farmers and the workers will  
22 be intimidated. In such a climate, I don't think free  
23 elections can be held.

24           If the ALRB Board wants bloodshed, then it should  
25 allow trespassing. After last year's violence, innocent

1 workers and farmers will no longer put up with having their  
2 lives threatened by union organizers. They are going to  
3 fight back. If the Board wants peace and fair elections,  
4 then union organizers should be prohibited from private farm  
5 property and labor camps.

6 The ALRB might be well advised to establish rules  
7 and regulations requiring that workers be made aware of  
8 locations on public property along roads where information  
9 and literature would be available from a limited number of  
10 union organizers before or after but not during working hours.  
11 Every person has a constitutional right to protection of  
12 life, liberty and property and the ALRB should recognize  
13 these rights and not allow trespassing by union organizers.

14 Thank you, gentlemen.

15 CHAIRMAN MAHONY: Thank you, Mr. Parises.

16 Ms. Gutierrez?

17 (Thereupon, the foregoing testimony was translated  
18 from English to Spanish, in summary, by Annie M. Gutierrez.)

19 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

20 Any members of the Board wish to ask questions  
21 of Mr. Parises?

22 MR. PARISES: Thank you, gentlemen.

23 CHAIRMAN MAHONY: Thank you very much, Mr. Parises.  
24 Irma Honquilin.

25 MS. HONQUILIN: My name is Irma Honquilin. I'm



1 going to have to say right off the bat that I am very ner-  
2 vous. Usually, on my own ground, I don't have any trouble  
3 saying what I feel. But this is altogether different.

4 As I sat there all through the -- all day long,  
5 I kept on getting more nervous and more nervous and feeling  
6 more and more inadequate. I look around me and I see all  
7 these people that are very educated, they have a way of  
8 expressing themselves, it's beautiful. I hope you will  
9 bear with me and overlook my shortcomings in this area, but  
10 I do guarantee that I won't leave here until I really say  
11 what I feel and you will know what I mean, you know, one  
12 way or another.

13 I would like to say that I am here strictly on  
14 my own -- I know that I am a person, I mean I really do.  
15 But, as I was listening, and before this when we come down  
16 to the thing of the grower and the union, they are battling  
17 back and forth and the labor is being discussed, I think  
18 they both want what's best for us, but yet we are in the  
19 background. But as I listen to the radio, and watch T.V.,  
20 and read the newspaper, I know that they are talking about me.  
21 And yet it seems as if I am falling into a vacuum. Where  
22 is this person that they are talking about? Am I being  
23 shoved so far back that I am losing my own perspective as  
24 a person?

25 I enjoy my work, I think I think most people out

1 there enjoy it. It's not only for the money, which is good --  
2 this is what we go to work for -- there are so many things  
3 I want, you know, everything's just going through my mind.  
4 I am trying not to talk too fast, I am thinking well, gee,  
5 can they hear me out there, I know there's a whole bunch  
6 of people behind me. It's very -- it's difficult. I mean,  
7 you know, I'm kind of shaky. You say I'm going to be on,  
8 I say, gee, I hope they call somebody else first. I want  
9 to see how they act, because I am sure there are plenty in  
10 here like me that have never come up before and tried to  
11 express themselves. And believe me, if you are not used to,  
12 it takes guts. Especially when, you know, like there are  
13 not too many of you in here. You feel like: Oh God, you  
14 know, we are over here in a corner, we are outnumbered.  
15 This isn't the thing.

16 Like I say, it's difficult, but I'll try my  
17 best to make you understand what I want to say.

18 One of the growers came up, in fact the second  
19 one -- this is something you'll have to go along with. I  
20 may not remember who said it, but I know it was said. I  
21 know a grower said, I think it was Mr. David Orth? Okay.  
22 I really admired the way this man stood for what he believed  
23 in. He reminded me of when my mother used to tell me about  
24 my grandfather which he was a farmer. He is standing for  
25 his right as a grower; I respect that right. I respect the

1 right of the union, but is anybody respecting my right, not  
2 only as a laborer, but as a human being? Not somebody that  
3 they are talking about and battling over in the background,  
4 but, really, if they really get to know me, I know they'd  
5 like me. You know, I'm just like them, I have most likely  
6 the same problems, the whole works, you know. We're really  
7 not that different. The thing of -- I can only tell you  
8 about what I know. I wouldn't even proceed to tell you  
9 about something else that I don't know about. Heidrich  
10 Farms, I have been working with them for three years. Last  
11 year, we had so much harassment, really. If you're not out  
12 there on the other side, you don't know. Of course, they  
13 are like -- okay, union people, I'm even going to say which  
14 side. Union people are out in front, out in the fields,  
15 and the entrance to the fields. Okay, you are working, but  
16 are you really working the way you should be? Is it fair  
17 to you as a worker, is it fair to the farmer that you are  
18 working for that I am getting paid for, am I giving him  
19 just work for the money he's paying me? I can't -- in all  
20 honesty, I can't because in the back of my mind is -- there's  
21 trouble out there. You know, I try to say, well you know,  
22 it's going to be taken care of, it will go away, it won't.

23 This is when I feel that now it is time for the  
24 laborer to get out of the field, come forward, and speak  
25 their own mind. We have the right, I think both the grower

1 and the union, especially the union I say, because they are  
2 fighting so hard for the laborers' rights. But it seems  
3 like we are both on the same side and yet there is so much  
4 opposition. Why? Why is it; he says we have rights, but  
5 if we try to really express these rights, and they don't  
6 agree with him, then all of a sudden we don't have any rights.  
7 We are not capable of making our own decisions.

8 I would go against Heidrich Farms themselves if  
9 I felt -- just in the instance of -- I'll give you a little  
10 thing here. Okay. It's very true; I was in the same field  
11 that Glenn is talking about when he had union people given  
12 access to the fields and his foreman informed the people to  
13 really make an effort to go down and listen to these people.  
14 Now these people, it's a hot day, you are tired, not only  
15 from your work, you are thinking about a thousand other  
16 things. You know, you are thinking of your kids, a lot of  
17 things; what you are going to have for lunch tomorrow, we  
18 have got all these things going through our minds.

19 Just like the grower has a thousand and one things  
20 going through his mind, just like the union people. This  
21 if what I am saying; all three of us are involved, why can  
22 we not be more a part of it? Okay, all of a sudden I am  
23 beginning to feel like Heidrich Farms is against me. I  
24 am getting paranoid is what's happening because I'm under  
25 so much pressure. But who has put that pressure there? I

1 feel like all of a sudden -- I have had plenty of opportunity  
2 to come over and talk to these people. I haven't taken it  
3 because I don't want to. All of a sudden, I have Heidrich  
4 personnel suggesting, even though it's done with good in-  
5 tentions, that's neither here nor there, still I feel like  
6 I'm being pushed to go hear the union man. I mean, don't  
7 they realize I can make up my own mind? I mean, if I wanted  
8 to go, I have had three days, you know, this is like three  
9 days they have been there, you know, and they state in the  
10 paper that they are going to be there day and night because  
11 we want it.

12 We don't want it; we just don't want it. The  
13 lawyer for UFW stated that we wanted it. That if he knows  
14 that the laborer doesn't want it, that they will move out  
15 is a waste of his time. This isn't true. I know it as a  
16 fact because they spent three days in our fields with nobody  
17 going over there and if I wanted to go, I would have went.

18 So I have Heidrich's over here telling me, sug-  
19 gesting that I go here, so I, like I say, I am getting para-  
20 noid. I am getting pushed from the union, I am getting  
21 pushed from the men I'm working for, and like I say, it's  
22 just -- you get to the point where you don't know. There  
23 was somebody here that said that the laborer was confused.  
24 Is there any -- do you realize why we are confused? I mean,  
25 it's a tough situation; it really is.

1           You guys up there, I mean, as long as it comes  
2 to the legal thing, I don't know how in the heck you are  
3 going to do it, I really don't. I know myself I wish I  
4 could say; hey, don't let them in. But I found out that me,  
5 as a worker, I couldn't have the right to say; hey, even  
6 if it's a majority, even if it's a hundred per cent of us  
7 out there working, we can't tell anybody; hey, we don't  
8 want him in here. I didn't realize that.

9           Now the grower has his rights, the union has  
10 his right, do we have the right to say we don't want him  
11 in here? We don't have the right. It seems -- like I say,  
12 I don't understand the legal stuff, but I do know once we  
13 cross over into the farmer's field that we are working, we  
14 become like part of him, you know, maybe like we are one of  
15 his harvesters or one of his tractors. Now do we give up  
16 our rights because we go into the farmer's land to work?  
17 Is this right; is it just? That's something I think all of  
18 you will have to decide. Also, like I say, I think I take  
19 it more personal than anything else. I feel like my own  
20 personal rights are being, you know, taken away or at least  
21 scraped away for each person's convenience. Now is this  
22 right?

23           Have you ever, gentlemen, all five of you, have  
24 you ever been in a place of employment and had opposition,  
25 when really that opposition doesn't even know your mind.

1 They don't know how you think. They haven't taken the time,  
2 they assume a lot. But assumptions are completely different  
3 from the truth. Would any of you gentlemen like to be sit-  
4 ting there working at your job, doing the best you can,  
5 whether right or wrong, it's what you can do, and have the  
6 opposition hurling obscenities at you? That would make even  
7 your worst people, I mean that can really come up with all  
8 the dirty words, I mean, you know, it's like nothing. Now  
9 you have heard this. A lot of us have young girls that are  
10 working out there. Would you like your young daughters to  
11 listen to this kind of trash? I wouldn't; I'm sure none  
12 of you would. I resent it and I will fight it. If I have  
13 to fight the grower that I am working for, I will do it, but  
14 I feel that I have my rights just like both of them have  
15 their rights.

16 I respect their rights, and I expect them to  
17 respect mine. Hold on, I want to see if I want to say some-  
18 thing else.

19 Oh, I know, okay. The union -- now this has been  
20 in the Democrats in Woodland. Like I say, see, I go home  
21 every night when I have time and I pick up the paper away  
22 from the kids before they tear it up, and I read especially  
23 this part about the union to see what's going on. I want  
24 to know what I am thinking, you know, and I've got to read  
25 the paper to find out what I am supposed to be thinking of.

1     Okay, I go -- wait a minute -- oh yeah, access:

2             The union says they don't have enough access,  
3     you know, I guess to get in. Now I don't know if they mean,  
4     you know, go clear in, I don't know if any of you gentlemen,  
5     you know, I'm a tomato sorter. Okay. Have you ever tried  
6     to go over those rows -- I try to pick up, okay, I take  
7     three people with me; two of them are my daughters and one  
8     is a friend of mine. Okay. There's four of us in this  
9     pick-up. It's like the early hours of the morning. I know  
10    this field because I have worked there. Okay, I am going  
11    like 5:00 o'clock in the morning, 5:30 in the morning and  
12    all of a sudden I know there is a row there, you know, and  
13    I say well, I'm going to go because I know they have a regular  
14    row road, you know where tractors go and this type of thing.

15            And like I say, I know this field because I have  
16    worked here. But it's different see, at night and in these  
17    early hours in the morning than seeing it in the daytime and  
18    still this is the same field I have been in maybe thirty  
19    or forty days and all of a sudden that road that I'm supposed  
20    to be on, I'm in the rows and I'm going across them, you  
21    know, bumping like this (indicating) and it's very embarrassing,  
22    so I can see the other point of view of not having them in  
23    there at these late hours where they can't see.

24            Let me tell you another little thing: Don't,  
25    gentlemen, don't ever, ever under estimate the power of a



1 whole bunch of women working together of getting to talk  
2 to one another. Because any time you go into any field and  
3 you have a bunch of women together, especially women -- we  
4 are very good at it -- it really isn't considered gossip,  
5 it's just spreading the latest news around. I don't care  
6 how far a woman lives, we might not even be able to talk to  
7 one another directly. But sooner or later we are going to  
8 get across who is going with who, who bought what, and you  
9 know, this type of thing, what machine got the reject, which  
10 one didn't, whose foreman's, you know, it's going to be  
11 whose machine did the most, this type of thing.

12 So, if the union feels that they don't have  
13 enough access, believe me, we know they are there; we know  
14 what they have to say, and when we know it, everybody else  
15 knows it. This is just the way it is done. It really is,  
16 and I think any of you that -- well, you haven't worked on  
17 the machines, I know, but even the guys pick up this gossip  
18 just like they would, and they get very good at it, so the --

19 CHAIRMAN MAHONY: Would you --

20 MS. HONQUILIN: Well, I'm not through yet.

21 CHAIRMAN MAHONY: You have exceeded your fifteen  
22 minutes and --

23 MS. HONQUILIN: But it takes me longer, I'm not  
24 as experienced as you gentlemen.

25 CHAIRMAN MAHONY: You got your message across.

1 MS. HONQUILIN: But I still got a few more things  
2 to say.

3 CHAIRMAN MAHONY: Please try to finish.

4 MS. HONQUILIN: I'm really, I'm going to try, be-  
5 cause I am very nervous, I really am.

6 CHAIRMAN MAHONY: You are doing very well.

7 MS. HONQUILIN: All of a sudden, you know, this  
8 access thing that they can't get to us, it's a bunch of  
9 bull, because they can, and they have, and we are tired of it.

10 Okay. Well we called a press conference because  
11 we felt that there was no other way we could voice our opinion.  
12 We wanted somebody out there to know that, you know, we are  
13 living and breathing and we can think for ourselves. And  
14 if this was the only way to do it, we were going to do it.  
15 Now, Heidrich Farms was -- we are very fortunate in working  
16 with these people, really. Also, they are fortunate in hav-  
17 ing us, I really will say this because I think we are a very  
18 loyal people, but I also give them credit. They can never  
19 get our loyalty because our loyalty cannot be bought and  
20 I think all you gentlemen are in politics and you know that  
21 better than I do. Loyalty cannot be bought; you can't force  
22 loyalty. But when it is given freely, there is nothing in  
23 the world that can take it away from you because people will  
24 stand by you and go through all the hardships really well.  
25 But, you know, we would like everybody to know that we are

1 really in there, you know, we are not aliens and we can,  
2 you know, think for ourselves.

3 I think that's all. If not, I guess I can write  
4 you a letter or something. (Applause)

5 CHAIRMAN MAHONY: Thank you, Ms. Honquilin.  
6 Ms. Gutierrez?

7 (Thereupon, the foregoing testimony was translated  
8 from English to Spanish, in summary, by Annie M. Gutierrez.)

9 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.  
10 Do any of the members have any questions to ask?

11 BOARD MEMBER JOHNSEN: Ms. Honquilin, may I ask  
12 where you live?

13 MS. HONQUILIN: Woodland, California.

14 BOARD MEMBER JOHNSEN: Just in the town of Wood-  
15 land?

16 MS. HONQUILIN: Uh-hmm.

17 BOARD MEMBER JOHNSEN: Have any union organizers  
18 attempted to contact you about joining a union at your home?

19 MS. HONQUILIN: Oh no, because -- now this I do  
20 know, this I know. You know, this is -- they say, you know,  
21 a man's home is his castle. Well, I feel, you know, well  
22 it's a queen's castle too. This is very private. I don't  
23 like any soliciting at home, I wouldn't stand for it. I  
24 know I can always call in the law and that I won't have. I  
25 won't stand for it.

1 BOARD MEMBER JOHNSEN: But no one has tried con-  
2 tacting you there?

3 MS. HONQUILIN: No, not yet.

4 One little thing I forgot to tell you guys. That  
5 day that, you know, I'm sorry, but like I say I'm nervous  
6 and there are so many things I want to tell you that are  
7 very important that I think you should know, and I'm trying--  
8 that priest looking at me is making me paranoid, too. (Laughter)

9 I don't mean that in a bad way; it's just that  
10 I feel that I shouldn't be here, like I'm doing something  
11 wrong, and I know I'm not, really. (Laughter)

12 A union representative and I had a discussion.  
13 This was the same day it was suggested we go hear him. Okay,  
14 I told him that, you know, respected his point of view, but  
15 he more or less was like me; we are both bull-headed, we  
16 are both set in our beliefs. His answer to me was: That  
17 I should go home and take a cold shower, and I said, why?  
18 I mean I wasn't upset. I mean, now with him, we were out  
19 in the field, we were on my ground, you know, I felt very  
20 secure. I felt, you know, this man and I we can talk back  
21 and forth. He may know better words and come out with the  
22 legal stuff, but basically, you know, I felt very relaxed  
23 and I felt I could really, you know, let him know my beliefs.

24 Now here's a man that is the main organizer of  
25 this union. But because my belief isn't like his, he doesn't

1 respect me enough to really listen to my opinion and here  
2 I have to get out in the hot sun and listen to his garbage.  
3 If he can turn around to me -- and don't forget I'm the one  
4 that he's fighting for, you know, he wants to sway me over  
5 to his side, but yet, you know, I'm not good enough to listen  
6 to; he can't spend the time with me. Why; because I don't  
7 want to hear his stuff? As I said, I respect him; I want  
8 him to respect me, too. This is the thing. I just don't --  
9 I don't want it; I don't want it.

10 Now when you guys pass a law, if you do say, you  
11 know, well you can't go on this guy's property, you know,  
12 this grower, well don't forget about us that, you know, when  
13 we cross over, I want you guys up there, when you make one  
14 law for one person, it has to be another law to protect us.

15 If you hand down a law and you say: Okay you  
16 guys, you can go, you know, here and that's it or you can't  
17 go at all. Fine, I would prefer this myself, this is me.  
18 You know, if I want somebody I'll go and look them up or  
19 whatever. And I'll get all the information I know. But if  
20 you have to make this law, then you are going to have to make  
21 one for us too, because when I call up, you know, that officer,  
22 I want him to know already. I don't want to have to stand  
23 there, like I say, and put this poor guy in a position of,  
24 you know, he's trying to please everybody and he's not going  
25 to please everybody. So if you are going to go this route,

1 and put down a law, don't forget the worker because we are  
2 important. I think that's it. (Applause)

3 CHAIRMAN MAHONY: Any further questions?

4 Thank you very much Ms. Honquilin.

5 Next, Herman Grabow, California State Grange.

6 He's not here?

7 Pete Baclig, with the Western Conference of  
8 Teamsters?

9 MR. BACLIG: Mr. Chairman, members of the Board,  
10 my name is Pete Baclig, I am the director of the Teamsters  
11 Farm Workers Local 1973.

12 First of all, I'd like to clarify the position  
13 of that Teamsters Local, and that is that we do support an  
14 access rule in this law. We would propose that all unions  
15 be allowed access to the fields during and after work, and  
16 during the breaks. Being a union organizer, I would per-  
17 sonally like to be able to go into those fields at any time.  
18 Knowing that this is impossible, we would then accept the  
19 next best thing; which would be talking to the people before  
20 and after work and during their breaks.

21 I have listened to some of the growers in the  
22 Salinas area comment about the labor camps, and that we have  
23 access to these labor camps. I'd like to go on record as  
24 saying that the people that live in these labor camps are  
25 a minority of the work force in the Salinas Valley. I'd also

1 like to point to the El Centro area where a lot of the workers  
2 cross the border daily. If we are not allowed access into  
3 the fields, how do we talk to these people? These people  
4 meet early in the morning -- 4:00 o'clock -- they are then  
5 put on buses and bussed sometimes as far as Yuba. Immediately  
6 after work, they are put back on the buses and taken back  
7 to the border, let off the buses, and they cross the border.  
8 How do you reach these people?

9 Another thing that I'd like to clarify before  
10 this Board, and I am speaking of the Delano area in regards  
11 to access that we now have to the fields. Just last week,  
12 we had seven teamsters organizers arrested, where we hold  
13 contracts, for trespassing. There is a temporary restraining  
14 order, we have on file in the office letters from numerous  
15 growers that we hold contracts telling us that if we go into  
16 those fields for the purpose to solicit authorization for  
17 these elections, that we will be arrested. I do not speak  
18 for the Salinas area, I am now working in the Delano area.

19 Another thing I'd like to point out is the Bakers-  
20 field area, where the peak work force jumps from one day  
21 from 100 workers to 600 workers and they work for a period  
22 of ten days to three weeks. Where do you talk to these  
23 people if it's not in the field? I guess I can go on and  
24 on and on on the reasons why we should be allowed access to  
25 the fields to talk to these people. A lot of the other unions

1 have given you reasons why they should be, and we support  
2 these reasons. I think at this time, I will just end it.  
3 I am open for questions and if you have any, I'd be more  
4 than glad to answer them.

5 CHAIRMAN MAHONY: Thank you, Mr. Baclig.

6 Ms. Gutierrez?

7 (Thereupon, the foregoing testimony was translated  
8 from English to Spanish, in summary, by Annie M. Gutierrez.)

9 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

10 Are there any questions from the Board?

11 Mr. Chatfield?

12 BOARD MEMBER CHATFIELD: Mr. Baclig, do you have  
13 any way of estimating how many workers during harvest season  
14 in the Imperial Valley might cross the border on a daily  
15 basis?

16 MR. BACLIG: No, I do not. I cannot give you  
17 an exact figure or even an estimated figure. There's quite  
18 a few of them, and a great percentage of them do cross the  
19 border. The exact count, I couldn't give you that --

20 BOARD MEMBER CHATFIELD: Well --

21 MR. BACLIG: -- even an estimated count.

22 BOARD MEMBER CHATFIELD: Not even an estimate?

23 Thank you.

24 CHAIRMAN MAHONY: Any further questions?

25 Mr. Ortega?