

1 BOARD MEMBER ORTEGA: Yes.

2 Several speakers who opposed any kind of access
3 to the fields indicated that they opposed it because access
4 by organizers would disrupt the work. And some of the people
5 spoke about danger to the workers and organizers and some
6 of them spoke about the violence and other kinds of problems
7 that occur. What would be your answer to those allegations?

8 MR. BACLIG: Up to this point, I have been work-
9 ing in the Delano area and we have had numerous occasions
10 to confront the United Farm Workers while organizing in
11 the fields. To this point, we have had no serious confronta-
12 tions regarding organizing the workers.

13 BOARD MEMBER ORTEGA: What about disruption of
14 the production; you feel the organizers might disrupt the
15 production as some of the growers have indicated?

16 MR. BACLIG: If the organizer is going to go
17 in there and hold a group meeting during work time, I assume
18 that he would disrupt the work force. If he's going in
19 there at the break and talking to people who care to listen
20 to him, I don't see where he would be disrupting anything.
21 They're on their breaks; they have minds of their own, they
22 can talk to you if they want to and they don't have to talk
23 to you if they don't want to. Where are we disrupting the
24 work there?

25 BOARD MEMBER ORTEGA: Thank you. I have no

1 further questions.

2 CHAIRMAN MAHONY: Mr. Grodin?

3 BOARD MEMBER GRODIN: In Bakersfield, you men-
4 tioned that the peak jumps from 100 to 600 workers in ad-
5 dition to the workers you have every week to ten days,
6 where do they come from?

7 MR. BACLIG: Some of those workers work in
8 Coachella Valley, and when that season is over they then
9 follow the crop up into the Bakersfield where they work a
10 period of about up to three weeks. Then they come into
11 the Delano area to help there.

12 BOARD MEMBER GRODIN: Where do they live in the
13 Bakersfield area?

14 MR. BACLIG: Some in the labor camps and some in
15 housing, some in trailers, wherever they can find room to
16 live. Mostly, they don't have an address; they have a P.O.
17 box number, so it's virtually impossible to find them other
18 than the ones that are at the labor camp and I'll state it
19 again: It's a minority that live in the labor camps.

20 BOARD MEMBER GRODIN: Nothing further.

21 CHAIRMAN MAHONY: Mr. Baclic, just one question:
22 There have been suggestions made during the course of the
23 day, there are questions about alternative access possibilities
24 of some areas on or about the property where it could be
25 designated that workers might be free to come and the organizers

1 might be able to talk to them. Is that a realistic type
2 of thing to consider?

3 MR. BACLIG: I don't really think so, because
4 growers have a good way of convincing the people not to
5 attend these particular work sites, and then again, you know,
6 it's like one of the speakers mentioned, you are forcing them
7 to come over there. They don't have the choice of going or
8 not going. If this is the only time we are going to be al-
9 lowed to go in and talk is one certain day, I don't think
10 that gives us a fair opportunity to tell our side of it to
11 the people and I will point again that the people that don't
12 want to listen to us don't have to listen to us. If there
13 is an access rule, I'm sure that rule is not going to say
14 that the workers have to listen to us. The worker will have
15 the right to listen to us or not to listen to us; that will
16 be his right and her right.

17 CHAIRMAN MAHONY: Thank you very much, Mr. Baclig.
18 Cathy Carrillo?

19 MS. CARRILLO: I'm as nervous as Irma. I'm
20 Cathy Carrillo, I'm a tomato sorter and I work for the
21 Heidrich Ranch.

22 I'm here to express myself, my feelings, and my
23 fellow-workers which weren't able for all of us to come.
24 I will, now that I have it right in my mind, just what the
25 fellow who just walked off was talking about. He says that

1 we have the right to talk and, if we don't want to listen
2 to them. Okay. I'll go back to the 18th of this month.
3 I was called into work, I was there at 5:00 o'clock in the
4 evening, and I couldn't get out to work because of them.
5 They would not let me enter the fence, they were all blocking
6 it off. I am the mother of two kids; I have to support them.
7 I do not believe that I have to worry about my kids, how
8 I am going to support them, and also worry how I am going
9 to get onto work because of the union members. I have my
10 car -- my trash cans are at home full of the pamphlets that
11 they have given me. We're not stupid; we're not ignorant.
12 We understand the union. The trouble is we do not want it.
13 We have asked help from the Heidrich Ranch and other help
14 to keep them away from us, which they have not helped very
15 much themselves.

16 If they say we are free and we have freedom, why
17 can't we speak for ourselves? This is saying that we don't
18 want unions. We know what it's all about. For example, I
19 have a sister that works in hotels. She was in unions; she's
20 been there for seven years and she's still getting \$2.00 an
21 hour. Now why can't they work like us? I'd like for maybe
22 six of them to show you their hands and see if they have
23 working hands like we do. I was on welfare, and I got off
24 of welfare to go to work. When I went to work, we started
25 having this problem. Now why can't these member workers let

1 us work? We don't want unions; we understand all about it.
2 Every day that I come and go to work, all I have in my mind
3 is if those people are going to be out there bothering us.
4 I don't worry any more about how I am going to work that
5 day; I am going to think about whether I am going to be able
6 to work that day because of them or not.

7 They say we have the right to speak for each other,
8 for ourselves. Why don't they let us do the work we want
9 to do? We don't need them hanging on our cars, yelling at
10 us, keeping us from work. We want to work. We don't want
11 to loaf around like them and earn the money the easy way
12 that they do with all their baloney and their papers. We
13 want to work the clear way; earn our money the hard way, and
14 that's the way we are going to do it. We don't want the
15 union and we won't have them hanging around bugging us any-
16 more. We want to work in peace.

17 CHAIRMAN MAHONY: Thank you, Ms. Carrillo.

18 Ms. Gutierrez?

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

21 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

22 Members of the Board, do you wish to ask any
23 questions?

24 Thank you, Ms. Carrillo.

25 Lea Ybarra, United Farm Workers.

1 MS. YBARRA: I'm Lea Ybarra, and I'm an organizer
2 from the United Farm Workers in the Fresno area. I'm going
3 to be very brief. The main thing I want to discuss is the
4 access rule, but even more specific than that, the whole
5 idea about having a designated area within the ranch to
6 talk on. I won't go too much into access because I do be-
7 lieve that we have to have access onto the ranches because
8 like the other people have been saying in terms of the fact
9 that a lot of the people don't live in camps. I also think
10 that something very basic that most people haven't mentioned
11 is that there is absolutely no way for us to know who the
12 workers on the ranch are unless we go on the ranch and make
13 contact with them, and I think that that's a very important
14 thing to realize.

15 In terms of a designated area, I think having a
16 designated area within the ranch is like having no area at
17 all; no access area. I have passed out a copy of something
18 that happened to us on one of the ranches that we went to.
19 This was a dominant ranch in the Dinuba-Selma area and what
20 happened was that there were two female organizers and one
21 male organizer that went in. Now when we went in, the minute
22 we went in the workers themselves started coming up to us
23 because we had our leaflets and we said we were organizers
24 from the United Farm Workers and they said they were glad
25 we came. Well, the owner started pushing us, physically

1 pushing us off of his property. It was, I might add, at
2 the lunch hour. We were very careful about that, to never
3 go in 'til we see the workers had come out on lunch and so
4 forth. He started pushing us out and started yelling an
5 awful lot of obscenities.

6 The reason I passed out the leaflets is because
7 we made a lot of quotes and I think if you check on Number
8 5 of the first page, you can see that he's already saying:
9 If any of you mother so and so...., and that's what he's
10 telling his workers. Now that's why I think that access
11 on the ranch is very important, and even more important
12 than that is that there really can't be a specific area
13 where workers are supposed to meet us. This is because
14 workers are very intimidated, you know, much of the testi-
15 mony so far has been that it's the United Farm Workers
16 organizers or other organizers in general that intimidate
17 the workers.

18 I think that one of the things, you know, that
19 I have been thinking about all day is that it's really a
20 shame that you're going to make a decision that affects so
21 many people's lives and you haven't gone out to the fields
22 yourselves. If you went out with at least one of our or-
23 ganizers in any of the areas, you would see how the workers
24 react when we are there by ourselves and what happens the
25 minute that the grower, the rancher, or the crew boss man

1 comes out. I mean it's just like a total reaction. It's
2 a totally different reaction.

3 When we go on the ranches, right away they say:
4 Oh, we want the union, our wages are low, but they pull me
5 into the vineyards because they don't want to be seen sign-
6 ing cards. It's not that they are afraid of us; they are
7 afraid of the fact of the ranchers. I think the very basic
8 thing about the workers is that there's really nothing for
9 them to fear from us. We don't really have control over
10 them. The rancher is the one that controls their economics
11 and their wages. That's what they are worried about and I
12 think that's on -- what's so very important for the Board
13 to realize is that, unless we are allowed to go onto the
14 ranches and talk to them -- I'm not talking about harassing
15 and intimidating -- I think that's another basic thing that
16 people don't understand. It does us absolutely no good to
17 go in and harass and intimidate workers, because when it
18 comes to the election, it's going to be a secret election.
19 If we have intimidated the workers, or if we have turned
20 them against us, then that means that they are going to vote
21 against our union in that election, and we don't want that.
22 Sure, there are going to be workers that don't want a union.
23 They don't want the Teamsters, and they don't want the
24 United Farm Workers. But there are also workers that do
25 want unions and we know that there are. In this ranch that

1 I passed a copy out on, even after the grower told the workers,
2 he told them right in front of us -- you know, and I again
3 referred to Number 5, where he said that if anyone even got
4 near them, they would be fired. All he said was to get the
5 hell out of there and don't even get near them. He grabbed
6 our leaflets, he grabbed our authorization cards and then
7 threw them on the ground. The foreman, or the crew boss,
8 whatever you call her, started to do the same thing. The
9 workers said call us tonight or we'll call you tonight.
10 They called us and gave us their social security numbers;
11 they wanted representation. They wanted us to be there.

12 It's very important, you know, I can't stress it
13 enough that if you set a certain area aside, you know, like
14 we have gone on ranches and the grower says: Well, go
15 right out into the rows and talk to them. We're not going
16 to go out there because that means that they are singled out
17 in the rows, or they are singled out in a certain area, and
18 as long as you have a grower around -- or one other thing
19 that has been mentioned, too, what if you have a designated
20 area of the ranch, and what if we tell the supervisor or
21 grower or whatever to stay out of there, I think one thing
22 you are neglecting is again the fact that there are always
23 some workers that don't want a union and some workers that
24 will do whatever the grower wants and we don't want the
25 workers to lose their jobs either.

1 Again, if we can go into an area and I don't mean
2 like people have been saying really exaggerating about how
3 we are going to stop all those workers in the field, raise
4 dust, and all these types of things, I mean we can go in
5 there quietly. We are not going to destroy the fields or
6 anything. We are asking for access during the daytime; I
7 can't see us breaking car windows or burning cars to the
8 ground in the daytime right in front of the workers. That
9 does absolutely no good at all. But, again, it's very
10 important for us to get, get access to the ranches while
11 the people are leaving, you know, when they are coming from
12 work or when they are going to work, because if we have to
13 trace them to their houses, that's almost an impossible
14 task, because again we don't know who the workers are on
15 that ranch until we go there and make the initial contact.

16 Again I want to stress some points that I would
17 like to make. Points that I wasn't going to make according
18 to what some other people said. But again, this thing about
19 damage to the fields and so forth; again, we are asking for
20 access during the day, not in the nighttime when nobody is
21 going to see us around making all kinds of accusations and
22 so forth. We are not going to burn anything at all. One
23 thing, too -- the reason that we really have to go into the
24 ranches is the whole thing about where we have to get 50 per
25 cent of the vote -- I mean 50 per cent of the workers to sign

1 authorization cards so that we can hold elections but there
2 is no way for us to track down the workers unless we can
3 go into the specific ranch and one thing that we face is;
4 like some workers will work on one ranch and another week
5 on another ranch, and the cards that they sign on one ranch
6 aren't valid on another one. So we have to start all over
7 again.

8 Again, the only logical thing to do is to go
9 into the ranch. I think we can do that without any destruc-
10 tion of property. I know, because we have been doing it.
11 I think, you know, the reason we need the law is because we
12 are the ones that have been harassed, and when you read the
13 leaflet completely, you will see the kind of harassment we
14 have gotten. This is physical abuse as well as verbal abuse.
15 And also, this rancher sicced his dogs on us. He had a
16 Doberman pinscher and a Shetland shepherd and they actually
17 jumped on us. It was the wife's screaming that finally
18 called off the dogs, not the rancher. He told them to attack.

19 Now, we're not taking dogs along and we're not
20 attacking the farm workers. But I really have to stress
21 again for the tenth time that having a designated area in
22 a ranch where people are singled out is like having no access
23 at all, because workers are so scared that they are going
24 to lose their jobs and that's one thing that we face. Even
25 in this ranch, we got eighty-five per cent of the workers to

1 sign. That was just after two times going to that ranch.
2 They wanted to sign. We had to take them to a specific
3 area, the parking lot, or whatever. They would have never
4 done it otherwise. Not because they didn't want to, but
5 again because they were afraid of the grower. I think that
6 that's really one thing that has to be considered.

7 One last comment, too: I think it's interesting
8 that all the growers are all of a sudden so worried about
9 the farm workers' rights. I was a farm worker for a very
10 long time; my family was, all my relatives. I don't remember
11 so much concern about our rights until now, and the reason
12 there is so much concern now is because I think they are
13 realizing that farm workers are finally being organized and
14 demanding their rights, so now all of a sudden they are con-
15 cerned with our rights, they are concerned with the consumer's
16 rights. Where does the consumer's rights come in when they
17 plow the fields because they can't get enough money for
18 them? Where is the concern for the -- one of the growers
19 said about starving people but he plows under his fields
20 and stuff and the fruit is lost completely?

21 So, again, those are just some of the cites and
22 again it's really useless to have designated areas. You
23 might as well say no access. That's the end result.

24 Okay, that's all, thank you again.

25 CHAIRMAN MAHONY: Thank you, Ms. Ybarra.

1 Ms. Gutierrez?

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

4 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

5 Anyone have questions?

6 BOARD MEMBER JOHNSEN: Excuse me, Ms. Ybarra.

7 You said that you were kept off of this ranch and yet you
8 were able to sign up eighty-five per cent of the workers.

9 MS. YBARRA: I said he was trying to push us --
10 I mean he literally pushed us and stuff. We still walked
11 in, because it was the lunch hour. But what happened was
12 that there was three of us so he took turns trying to push,
13 you know, one of us off and this type of thing. He would
14 be trying to push one of us off and a farm worker would say
15 to one of the organizers, well, come over here. They would
16 take us into the vineyards and that's when we would sign
17 the cards up. And so that -- no, he physically tried to
18 push us off.

19 BOARD MEMBER JOHNSEN: You signed up all the
20 eighty-five per cent actually on the farm?

21 MS. YBARRA: We went on there two days, right.
22 One day we went out there and he didn't give us until the
23 very end so we signed up, you know, a lot of the workers
24 then and the second time we got all this harassment.

25 BOARD MEMBER JOHNSEN: May I ask; why didn't you

1 visit them at their homes when they phoned you and said
2 come over?

3 MS. YBARRA: We did. We did, but one of the phone
4 calls we got and stuff they told us, don't call us for about
5 a week. They said come out to the ranch. You know, we
6 thought as long as it was their lunchtime, we wouldn't be
7 bothering anybody. If they wanted to talk to us, fine; if
8 they didn't they could just keep on eating their lunch or
9 go someplace else. So they told us come to the ranch be-
10 cause a lot of people want to sign for the union. So we
11 said fine, and we took our authorization cards and we didn't
12 expect -- we certainly didn't expect all the harassment we
13 got because, as far as we knew, we weren't harassing the
14 workers, I mean we were just talking to them. I mean, you
15 know, the minute we walked up to the ranch and we said we
16 are the United Farm Workers, they all started gathering
17 around us. It was again when the crew boss came and the
18 grower that they really started getting uptight and going
19 different directions, saying come over here with me.

20 BOARD MEMBER JOHNSON: Do you feel that definitely
21 a designated area would not be a practical approach?

22 MS. YBARRA: Yes. The workers told us that them-
23 selves. That's why they took us into the vineyards, into
24 the cars, and whatever. They said that as long as the grower
25 is there or the crew boss, they don't -- and he's not the only

1 one. We go out to different ranches and it's always been
2 the same thing. On the other ranch that we went to, the
3 grower came out with some shoes in his hand and said: Get
4 the hell out of here and all other kinds of things. So
5 when the workers see the grower doing that -- sure, the
6 grower can say okay, if all you want to do is talk to them,
7 go over there to that area. But they are not going to do
8 that, they can't be blamed. Again, it's because of the fear.

9 BOARD MEMBER GRODIN: If you are going to talk
10 to workers in the field, don't you have the problem that
11 there are supervisors and crew bosses in the fields also
12 who might be able to observe what you do and who's talking
13 to you?

14 MS. YBARRA: Well, that's what I was referring
15 to before that when there's several organizers going in,
16 or when there's people -- like a lot of times when they
17 are eating their lunch and stuff, you know there's two or
18 three friends, so they know who they are with. They'll say,
19 well, come over here and we will talk to them, you know, and
20 so you know it's not just like they are gathering together
21 in a circle, you know they each go into like a different
22 vineyard or a different car or whatever. So if there is
23 somebody there like a crew boss that was there, then they
24 will say come over here. So when we have access to where
25 the people are eating lunch, and it's not where we are going

1 to be tramping across crops or anything, it's usually a
2 general area. But there are still private places. You
3 know, behind a car, or whatever, and they know they are not
4 seen that way by the crew boss. So if she actually signed,
5 we'll just say that she was talking to us, and there's no
6 way that she can prove it because the cards are confidential.

7 So there's obviously a lot more privacy when you
8 don't tell everybody; yes, come over to this area and there
9 is where you can sign.

10 BOARD MEMBER GRODIN: Does everybody eat lunch
11 at the same time?

12 MS. YBARRA: The ranches we have gone to, they
13 do. The only place we have found out where they have dif-
14 ferent lunches -- they don't have lunch hours or something,
15 is where they are on a piece rate where they, you know, and
16 the ranchers have told us that they take breaks whenever
17 they want to so they sometimes they don't even take lunches.
18 I think that was mentioned before by Cohen when he said that
19 at that time, they are permitted to take breaks whenever they
20 want to, there should be an easier access. But in the other
21 ranches all we are asking for is like the morning, the breaks,
22 after work and especially during the lunch hour.

23 BOARD MEMBER GRODIN: Well with respect to the
24 morning before work and the afternoon after work, where
25 would you expect to talk with the workers?

1 MS. YBARRA: Well in the ranches we have been
2 dealing with -- and one thing too I want to mention -- I
3 think that if you can make some contact with the workers,
4 you know, it's really sort of illogical to say that; yes,
5 we can be standing out in the street and then as they go by,
6 we are going to stop them and tell them who we are, but I
7 think if we start making contact during all those times, I
8 think they are a lot more likely to stop after work or be-
9 fore work or at least tell us; well, you know, come to this
10 place, this is where we live or whatever. But again, we
11 have to contact the workers. Even if they don't sign the
12 cards right there or even if we don't have time to fully
13 explain everything, I think, you know, a few minutes in the
14 morning or a few minutes when they are leaving, or especially
15 during the lunchtime, we can at least talk to one or two
16 people. But again, before and after work isn't sufficient.
17 That's only one of the things.

18 BOARD MEMBER GRODIN: I understand. But where
19 would you really talk to the people before and after work
20 when you do talk to them?

21 MS. YBARRA: Well, all of the ranches have exits.
22 The only problem with that is, you know, some of the ranchers,
23 you know like they have dirt roads within their own ranches.
24 And one thing that's really making that difficult is that
25 the workers have told us that the ranchers are making them

1 hide their cars in the vines so that we can't see them
2 from the road. So, it's very difficult for us to know when
3 they actually left and when they are going to exit, because
4 they are always let out at different times.

5 Since we have been going to the ranches, the
6 workers have told us that they don't know what time they
7 are coming out, because they are left off, again, at dif-
8 ferent hours. So we won't be able to see them when they
9 are coming out, so it's very difficult -- if, you know
10 with the ideal conditions and all that, we hopefully will
11 see them as they are coming out to the roads off the ranch.

12 CHAIRMAN MAHONY: Thank you very much.

13 Bruce Burkdoll, President of Central California
14 Farmers Association.

15 MR. BURKDOLL: Gentlemen of the California Labor
16 Board, my name is Bruce Burkdoll, and I live in Cutler,
17 California. I farm there in the northern part of Tulare
18 county and am the president of the Central California Farmers
19 Association which has about 700 members in the northern part
20 of Tulare county and the southern part of Fresno county.

21 In the past ten years, I have observed a consider-
22 able amount of organizing efforts by the United Farm Workers.
23 None by the Teamsters in our area. However, no members of
24 our organization at this time have a contract. A few of
25 our members did have contracts which expired in 1973. But,

1 in the interest of time -- it's getting very late -- I think
2 I'm going to direct my remarks mostly to some conversation
3 and remarks that were made at the A.G.'s counsel meeting in
4 May, I believe, and Roger Mahony and Mr. Johnsen were there,
5 along with a number of other people that were in this room
6 here when we were discussing at that time about accepting
7 the Governor's bill.

8 And at that time, George Zenovich withdrew his
9 support for his bill, Mr. Alatorre withdrew his, and I believe,
10 if you remember, that there was a stipulation made there
11 that night that there would be no changes made in this bill
12 if agriculture would accept it. We returned back to the
13 Governor's office that night at 10:00 o'clock. Again that
14 time, there was stipulated by the Governor and other people
15 that there would be no changes made in this bill to Mr.
16 Cesar Chavez who was on the telephone speaking to his office.

17 Now gentlemen, I have been sitting here listening
18 to this testimony all day and it seems to me like that we
19 are trying to circumvent this bill because, even though this
20 may be a rule, it's still going to be part of the bill and
21 I don't believe that there is a grower in the State of
22 California today that would have accepted this bill had this
23 access been in it at that time. That's all I have to say.

24 Thank you.

25 CHAIRMAN MAHONY: Thank you, Mr. Burkdoll.

1 Ms. Gutierrez?

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

4 CHAIRMAN MAHONY: Thank you very much, Ms.
5 Gutierrez.

6 Any questions?

7 Thank you, Mr. Burkdoll.

8 Jerry Whipple and Gerald Goldman, United Auto
9 Workers.

10 MR. WHIPPLE: Mr. Chairman, members of the
11 Agricultural Labor Relations Board, my name is Jerry Whipple,
12 I am the regional director, board member of United Auto
13 Aerospace Agricultural Implement Workers of America, UAW,
14 and we do not represent any members who work for growers,
15 nor do we own any ranches. But I am speaking in behalf of
16 UAW and also as a consumer.

17 We are well aware that the ranchers have the
18 right to make a decent profit, but we also feel that the
19 agricultural workers deserve a share too. And we speak in
20 behalf of the access. We think if you don't give access to
21 the organizers, that what you will do is actually you will
22 have a farm labor bill, but one that is of no value, such
23 as my right to go to Hawaii without any way to get there.

24 The arguments that I have heard today about how
25 this will disrupt production and how it will cause harvest

1 to be disrupted, I think you should take a very dim view
2 of it.

3 The fact is that, in the organized field of
4 automobiles and aerospace where we build very complicated
5 equipment, where we depend on as high as 5000 people on a
6 line, one doing his job ahead of the next in order to make
7 the product come out, the end product, and a very complicated
8 product. We have had unions for a long time and we have had
9 union representatives in the plants for a long time, and yet
10 we have been able to produce some very highly technical and
11 sophisticated equipment, such as stuff to go to the moon
12 and automobiles, trucks, and most of the tractors used out
13 in the farm -- all tractors that are built in the United
14 States are built by auto workers.

15 I would also like to say that the arguments that
16 they make that -- on disruption, the people are going in
17 there to organize, and I have quite a number of organizers
18 that work in organizing auto and aerospace and so forth work
19 for me, I certainly would not seek an organizer that went
20 in and harassed people and abused them. You are there to
21 try to convince and to explain to them how your union works
22 so that they will understand whether they want to join your
23 union or another union. Unions are like companies to some
24 extent but the inside of one of them is different than the
25 other. It's very important for the farm workers to have a

1 choice, to understand what choice they are having. And
2 they do not have that choice unless there is a way for the
3 organizers to explain to them what their union is all about,
4 how it functions, what their rights are, in the union.

5 I also would like to point out that the idea of
6 using the radio, television and the newspapers, is not a
7 solution. If you look at the newspapers, the newspapers
8 depend primarily on their advertising, and no union has the
9 kind of dues that they can put out in full-page ads and
10 so forth. And unions have a terrible time trying to get
11 their story across in newspapers. They neither have the
12 capital nor is the newspaper interested in putting a story
13 in the newspaper when they cause hard feelings among the
14 groups of people that do most of the advertising in the
15 newspaper.

16 I would farther like to say that I sincerely
17 believe that it would be wrong to set up a designated area.
18 Under the National Labor Relations Act, which we have to
19 work under, we do not have access except in very narrow
20 cases which have been elaborated on to some extent today
21 and which Gerry Goldman will elaborate on later. But even
22 where we have meetings away from the work place and call
23 meetings at our union halls, many times the company will have
24 a foreman or a superintendent sit across the street, and
25 the effect of a foreman or a superintendent sitting across

1 the street will cause the people to be afraid, even in
2 manufacturing, to go to that meeting. And they feel that
3 they are being intimidated and they feel that they are
4 threatening their very livelihood, and the chance of pro-
5 motion, and the chance of being laid-off, and I think if
6 you pick designated areas, all you will do is you will have
7 an area picked and it will look great on paper, but in
8 reality it will do nothing as far as allowing the union to
9 talk to the people and allowing the people to make a fair
10 and reasonable choice.

11 I would like to say one other thing, and I
12 know the hour is late, but in relationship to the free
13 choice: Years back we had the real problem of company towns;
14 the Koehler Industry in Wisconsin was one of the prime
15 examples, and I was very, very shocked to hear some of the
16 growers today say that they were going to arm themselves or
17 imply it and so forth.

18 The Koehler Company did arm themselves when we
19 went to organize them and blocked the streets and disallowed
20 us into the town and set up machine guns on the courthouse
21 in the city of Koehler and there were many, many people hurt.
22 And we filed unfair labor charges and withdrew our people
23 to avoid them being hurt. And what happened was that it was
24 seven years later before there was a final ruling on the
25 unfair labor charges. So unfair labor charges is a way to

1 get access; obviously it is no solution to the farm workers.
2 And I urge you very strongly, and I think this Board has a
3 very great opportunity to do a service to the farm workers,
4 and a service to the growers, and most important a service
5 to the people in California, and grant a reasonable and one
6 of fair access, and I do not advocate an access that will
7 allow them to go in at any time.

8 I think that during lunchtime, during breaks --
9 and it has to be controlled -- before and after work is
10 reasonable, and should not interfere with production --
11 would not interfere with production -- because once you
12 have a contract, obviously you have to go in and investigate
13 grievances during work, and you have to investigate when the
14 machinery is running to see if right or wrong. And certainly
15 an organizer is not going to disrupt as much as a service
16 rep' will when he goes in during work in order to investigate
17 a complaint or grievance. Thank you.

18 CHAIRMAN MAHONY: Thank you.

19 Ms. Gutierrez?

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

22 CHAIRMAN MAHONY: Do any members of the Board
23 have questions to ask Mr. Whipple?

24 Mr. Goldman?

25 MR. GOLDMAN: Good evening. My name is Gerald

1 Goldman, I'm lawyer for the UAW. Moreover, I'm the practic-
2 ing labor lawyer with about ten years experience and I do
3 not represent farm workers, although I do represent em-
4 ployees in the public and private sectors and I deal with
5 the National Labor Relations Act as well as state acts con-
6 cerning the state, county, municipal employees. I am a
7 member of the American Bar Association Committee on practice
8 and procedures before the National Labor Relations Board
9 and one of the chairmen and co-founders of the labor law
10 section of the Los Angeles Bar Association.

11 I'd just like to get into the question of initially
12 outside organizers. Number one, the National Labor Relations
13 Board in its precedent is clearly established that inherent
14 in the right of self-organization is the right of employees
15 to have and receive materials from union organizers. Without
16 access to these materials, the employees cannot -- cannot
17 vote an intelligent vote. Now the question of whether or
18 not there could possibly be some access goes to whether or
19 not there are some alternative means available to these em-
20 ployees to receive this information. I have personally
21 been to the fields lately; my observations are that it's
22 not anything like an industrial plant. Far from it. You
23 could say it's just a unique industry. However, the rantings
24 and ravings that I hear from the employers here with respect
25 to the protection of employee rights and the implied threats

1 of bearing arms and protecting their property leads one to
2 believe whether or not they are going to engage in combat
3 which will effectuate the policy of this Act.

4 This Act was designed to encourage the right of
5 self organization and the right of employees to have access
6 to organizers. Now, if you look at the promulgated access
7 rules that are being fought over -- one, designated areas --
8 you might as well put a floodlight out there for the employees
9 and have the employers draw his cameras. Designated areas
10 before work and after work, well if I get to work before
11 I'm supposed to be at work at 8:00 o'clock, I don't get
12 there twenty minutes to eight. And that foreman's going
13 to want me to go to work at 8:00 o'clock, and if I'm going
14 to leave at 5:00, I'm not going to hang around at 5:00.
15 I want to go home, get a beer, lie down and relax. Now
16 what you are requiring by a designated area, gentlemen, is
17 an affirmative action by an employer which puts that employee
18 on notice as to that employer's desires.

19 That, ladies and gentlemen, interferes with,
20 tends to restrain and coerce that employee in the exercise
21 of his rights. That act by an employer clearly violates
22 1153 (a) of your Act. You would be encouraging violations
23 of your own act.

24 Now what we ask for in an access rule is to not
25 go on company property and burn down trees or create vandalism;

1 we are asking for access during non-work times on the
2 company's property. Now employers say: Well, we don't
3 want you on that property. Of course they don't want us;
4 why don't they want us? They don't want us to organize
5 to get information to the people. How many of these em-
6 ployees have told you during the lunchtime that they move
7 the crews around? These organizers don't know where these
8 employees are. Have you ever gone out in a field and driven
9 a half mile -- a half hour rather -- in the field and
10 looked around to see where the employees are? The employers
11 don't even know where the employees are.

12 There are cases where you look and you look and
13 you look and you can't find the employees. Now let's be
14 realistic; the whole reason this Act was put into effect
15 was that some groups are claiming that other groups are
16 in illegally, immorally, there are sweetheart agreements,
17 there is no access, employees are being harassed, that
18 time limits -- time pressures -- are very important here.
19 This is not like a private sector where a union goes to a
20 plant of 300 employees who work in it -- and they take six
21 months to organize that plant -- that plant's not going any-
22 where. What we are talking about, in terms of organizing
23 is: Peak, peak season. At one given day, you will have
24 100 people and the next day you will have 400 people,
25 and those petitions will be filed and an election has to be

1 had in seven days. We have to wait five days to get ex-
2 celsior lists from you, or the equivalent of excelsior lists.
3 We'll have lists of employees that'll give addresses for
4 Post Office boxes, and talk to these people about those
5 Post Office boxes, they are just dropping off places where
6 they might get some mail from their family. Any communica-
7 tion by mail is wasted to these employees for election pur-
8 poses. We just don't have the access to these employees that
9 we need. And I am talking about we as union organizers.

10 Now it's just incredible to me, the arguments
11 by the employers. I'd like you all to refer to the excelsior
12 rule in the Wyman vs Gordon case of the National Labor
13 Relations Board. That was a case where in the case the
14 NRLB said to effectuate the policies of the Act in cases
15 of representation cases, we are going to require employers
16 to furnish us with names and addresses of all employees on
17 its payroll to give to the union to enable them to organize,
18 because they want to effectuate the policy in the Act for
19 the employees to be more aware and to give an intelligent
20 decision when they make their choice.

21 Now the same arguments that are registered here
22 by employers were registered for names and addresses.

23 Number 1: It's a property right of the employer.
24 It's almost like confidential material.

25 Number 2: Right of privacy of employees.

1 Number 3: Employees are going to be vandalized
2 and harassed.

3 Gentlemen, that was ten years ago. Now, that
4 roar of the lion is but a murmur in the heart. It's nothing.
5 Employers ninety-nine point nine, nine, nine, nine per cent
6 comply with the excelsior rule. What we are asking you,
7 as a Board is to go a bit further, because we have a con-
8 stitution in California which gives much greater rights than
9 the United States Constitution. We are asking you to go
10 further, and because of the time constraints, because of
11 the nature of the industry, to give us access for organizing
12 purposes on the employer's premises during non-work time.
13 Anything short of that would be totally unacceptable and
14 it's the position of the UAW, if you decide to do this on
15 a case-by-case method, you are going to make a lot of these
16 lawyers wealthy, because a lot of them, every case, they
17 are going to handle it, they are going to try to go all the
18 way up to the Supreme Court, in the case-by-case method,
19 because they will all argue that some facts are a little
20 different in each case.

21 We, in the UAW, are prepared to institute litiga-
22 tion on behalf of the farm workers and we will finance it
23 to get an access rule. What you are forcing us to do, if
24 you do not pass an access rule, is every time we have an
25 election, and let's say 150 petitions are filed on September

1 2nd, that means within twelve days we have to file objections
2 to an election and in the elections that we lose where we
3 have not overcome that taint of not allowing us to get in
4 those fields, we will file objections to elections. And,
5 we will be prepared to go, if necessary, all the way to the
6 Supreme Court.

7 I might add, there are two aspects in which the
8 access rules comes into play: One is in the unfair labor
9 practice area; the other -- in our case -- the representa-
10 tion area. Babcock vs. Wilcox, Central Hardware, those
11 are all unfair labor practices. They didn't involve elections;
12 they involved just the out and out refusal of the employer
13 to allow union organizing. It came in the context of the
14 equivalence of your 1153 (a). But we're talking now about
15 representation cases, and under the National Labor Relations
16 Act we need less than an unfair labor practice to have a
17 valid objection to an election. What we are saying, the
18 same way the Board adopted the excelsior rule, you have the
19 right to adopt an access rule, and failure of an employer
20 to comply with these rules shall be grounds -- automatic
21 grounds -- for setting aside an election if proper objec-
22 tions are filed within the time limits and those grounds
23 should be considered violations of 1153 (a).

24 Now, do you have any further questions or
25 whatever, in light of the time. It's getting late, but I'd

1 be most happy to respond.

2 CHAIRMAN MAHONY: Thank you, Mr. Goldman.

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, are there any questions
8 of Mr. Goldman?

9 BOARD MEMBER GRODIN: I do. Mr. Goldman, you
10 raised some interesting questions and I wish it wasn't so
11 late.

12 MR. GOLDMAN: So do I.

13 BOARD MEMBER GRODIN: You suggest that denial of
14 access, however that is defined, perhaps should be grounds
15 for setting aside an election. Are you asking that we
16 consider the possibility of accepting an access rule that
17 would make denial to access grounds for setting aside an
18 election, but not necessarily an unfair labor practice?

19 MR. GOLDMAN: No.

20 BOARD MEMBER GRODIN: You are talking about both.

21 MR. GOLDMAN: Yes. Would you like my argument
22 why?

23 BOARD MEMBER GRODIN: Okay.

24 MR. GOLDMAN: I think a denial -- inherent in
25 the right to self organization is the right to have outside

1 organizers and I think by refusing the right, you are inter-
2 fering with the section of what's basically now Section 7
3 of the rights of the National Labor Relation Act.

4 BOARD MEMBER GRODIN: Now you have been present
5 during testimony of individuals who have called our atten-
6 tion to situations to which they assert that there are al-
7 ternative methods of access. For example, it's been asserted
8 that there are situations in which all or most all of the
9 employees of the employer reside in a labor camp maintained
10 by the employer. I realize that that is likely to be a
11 rare situation. It has been asserted that, in certain in-
12 dustries within agriculture and specifically the citrus
13 industry, stability of employment is rule rather than the
14 exception, that workers may work ten to eleven months per
15 year for the same employer -- most workers do that. Now
16 that's a factual question and we haven't had any evidence
17 to contradict what was asserted. In those cases, assuming
18 those assertions to be correct, what would you suggest --
19 how should the Board take those situations into account?

20 MR. GOLDMAN: Well, it hasn't been said that all
21 employees who reside in one labor camp work for one employer.
22 Those employees who reside in those labor camps may work
23 for twenty or thirty employers. Now, not only that, that
24 same employee might work for four employers in a given time,
25 in a week. He might have a disposition to be organized with

1 one grower, as opposed to being organized with another
2 grower. I think you have to allow the union organizers to
3 go and talk to that employee in a one-to-one situation,
4 with respect to that employer. With respect to labor camps,
5 as opposed to other facilities, we think they have an un-
6 adulterated right to be in those labor camps at any time
7 we would like.

8 BOARD MEMBER GRODIN: I assume that position is
9 a part of my question. That is, if the union has access
10 to the labor camp and if it were the case at all and most
11 of the employees of a particular employer reside in that
12 labor camp, then why would the union need access to those
13 employees in the field?

14 MR. GOLDMAN: Well, that again, you know, the
15 labor camp -- have you seen the labor camp?

16 BOARD MEMBER GRODIN: Yes.

17 MR. GOLDMAN: I mean, as I understand from the
18 labor camps that I have seen, they are like prisons in the
19 sense that there are some gates around them, employees are
20 possibly locked in from going out, people have to climb over
21 to get to them. You always have to have your access made
22 known to the employer that you are there which tends to then
23 point out those employees to whom the union organizers are
24 going. It just fingers the employees. The employees don't
25 want to see the organizers for one reason, and that's fear

1 of not being employed by that labor contractor at a later
2 time. And in the fields, when we got the access during the
3 non-work time, like Lidia said, we could sneak over into
4 the vinyards and talk to them. That's what it boils down
5 to. The fear is not from the union organizers.

6 BOARD MEMBER GRODIN: Do you want to respond to
7 the citrus?

8 MR. GOLDMAN: Yes.

9 That again, the claim that the citrus employees
10 work ten months a year, it might be the same employer.
11 However, those fields for that same employer might extend
12 from Coachella all the way up to wherever he described.
13 They might work in five different areas for that employer,
14 under different crew bosses, under different circumstances
15 and situations, it's just an all together different thing
16 than having one group of employees always constantly work-
17 ing in one place. The climate changes causes changes in
18 the working conditions. Working conditions differ in places.
19 The act is designed to have a union go in and eventually
20 negotiate on wages, hours, and terms and conditions of
21 employment. Conditions of employment in Coachella are a
22 little different than in Oxnard; there may be a need for a
23 union there, but not in Oxnard.

24 BOARD MEMBER GRODIN: Now with respect to the
25 designated area at issue, would it make a difference in your

1 opinion whether we were talking about a designated area or
2 a non-working area? That is suppose -- suppose that rule
3 would provide the union organizers, subject to certain
4 limitations, would have access to non-working areas and
5 that term defines to exclude areas in which the crops are
6 grown, but wouldn't include the parking areas or access
7 roads -- or the means of access roads in limited numbers
8 and at limited times, but without actually going out into
9 the fields where workers were working. What would your
10 attitude be toward that?

11 MR. GOLDMAN: That's equivalent to no access at
12 all, and I'd like to state the reason why: Any time you
13 finger a certain area and require an employee, while on
14 the company property to take an affirmative action which
15 will designate at least an interest in a union, that em-
16 ployee is being singled out. Now parking areas, I just
17 think it comes down to surveillance; you have supervisors,
18 other employees, who are observing what's happening --

19 BOARD MEMBER GRODIN: Why is surveillance any
20 more likely in a parking area than it is in a field?

21 MR. GOLDMAN: Well, in a parking area now, if
22 you are talking about a staging area where employees get
23 on the bus to go to another area, you have got the super-
24 visor there who is taking the crew out; he's immediately
25 there. And certainly the employees would not even want to

1 take a leave at that point in time because of the reason
2 of fear of the unknown that if they do take it they are
3 going to get fired. That has been the history prior to
4 August 28th. You have got to remember that the history has
5 been that anyone seen with an organizer has not worked the
6 next day by the labor contractor and has been fired.

7 There's been no protection. We are arguing that
8 there was protection, but there was no protection. It's
9 just that insurmountable fear that we have, the staging
10 area, the disembarking area, these are all areas that are
11 controlled by supervisors.

12 I like the idea of the employer who wants the
13 union to bring its leaflets to the employer and he will
14 give them to the employees. I wish I had as much faith
15 in the employer as they have expressed here. I have never
16 seen that happen.

17 BOARD MEMBER GRODIN: Supposing an employer ac-
18 tually offered to do that. Is that satisfactory to you?

19 MR. GOLDMAN: That's really fantastic when it
20 comes to an employer now handing out union leaflets; that
21 would get labor assistance, I think.

22 One of the problems we also have with respect
23 to these areas; you have day-haul people. I don't know
24 if you are aware of the fact that some of these people go
25 around on street corners and start picking up people and

1 bring them in by the busload. Where do we meet them? Most
2 of the areas are surrounded by fences which the employees
3 put their cars in. Most of the time, the ways to get to
4 these places is on private property roads. They argue that
5 we are trespassing just to get to those places. We have
6 to have access; without access we cannot organize. Without
7 organizing there are no rights.

8 BOARD MEMBER GRODIN: Now you are talking about
9 an essential right of access to the fields where workers
10 are working.

11 MR. GOLDMAN: Yes.

12 BOARD MEMBER GRODIN: Over what period of time
13 would you assert that right of access; an unlimited period
14 of time?

15 MR. GOLDMAN: No. I think there are different
16 periods of time; you talk about times after an election
17 has been held --

18 BOARD MEMBER GRODIN: The time after an election
19 doesn't necessarily bother me. We need to revise rules
20 that govern -- restrict access to organizers and relates
21 to when a petition can be filed. But I'm talking about a
22 place where there hasn't been an election and the union goes
23 on there tomorrow to start organizing: Every day? For
24 how long?

25 MR. GOLDMAN: Well, Mr. Grodin, the employees

1 change on a daily basis. My feeling would be they would
2 be allowed to go on and organize on a daily basis until the
3 election comes about and the results are certified which
4 says: No union. And there should be a provision which
5 gives the employers the rights that they want for a period
6 of time until approximately three months before the next
7 peak period. The harvest would be -- it would come about
8 to enable new organizing.

9 BOARD MEMBER GRODIN: But if the results of the
10 election are unionizing we then leave the union to negotiate
11 its own access.

12 MR. GOLDMAN: Yes, sure. Yes, that's negotiable,
13 sure. In most often times, every union that I have been
14 involved in, the Supreme Court says there is no question;
15 the union is entitled to shop stewards. As a matter of law,
16 shop stewards report to business or service representatives.
17 There is always access, but the only kind of access that --
18 the only way it's inhibited is by insuring to the employer
19 that the access doesn't occur during working time at a work
20 area so it doesn't stop production. So, you know, that's
21 easily negotiated.

22 But I think fundamentally what we have is a
23 problem of one of the essential elements that we really
24 haven't covered here today, and that is under this Act.
25 The contracts that are in force and effect now with the unions,

1 to categorize, the sweetheart contracts, the illegal con-
2 tracts -- remain in effect until certification, and what
3 you are going to do by not having the access rule is pro-
4 long litigation on case-by-case basis and for another five
5 years while we are in the courts, keep in effect those con-
6 tracts without secret ballot elections, exactly what this
7 law is designed to prohibit and prevent.

8 BOARD MEMBER GRODIN: Would there be any value
9 in considering a special kind of access rule geared to
10 the situation in which an incumbent union under a pre-act
11 contract, and that contract is prior to the statutes, has
12 access rights which a rival union does not have?

13 MR. GOLDMAN: I must say that I fundamentally
14 believe access in any situation is warranted. In situations
15 where you have an incumbent union -- pre-act incumbent union
16 that even warrants a different and stronger consideration
17 for access, because there is no difference -- I submit there
18 is no difference between organizing and handling a grievance.
19 When you are processing a grievance or telling an employee
20 what a contract means you are in effect organizing.

21 There is a subtle distinction between sollicita-
22 tion and distribution, but let's face it, that union agent
23 being there, his mere presence is organizing. The mere
24 presence of one union agent on the premises for handling
25 of a grievance, for talking to or explaining to an employee

1 about a contract, on the other hand kicking another agent
2 off the premises does one thing to an employee and it says:
3 Uh-huh, that union there is doing something, that union
4 there, they can't even get on the company's property, and
5 it gives the appearance to the worker that one union is
6 stronger than the other and that if the employer is to re-
7 main absolutely neutral, there shouldn't be any of those
8 appearances, and the only way we can counter those appear-
9 ances is by letting us have the access, let us talk to the
10 employees, let us explain to them the benefits the contract
11 rights, and other rights that they have.

12 BOARD MEMBER GRODIN: And what about the piece
13 worker situation; what do you do with the piece workers
14 who do not have established lunch periods? Just say any
15 time they want, let the organizers stay on indefinitely and
16 any time?

17 MR. GOLDMAN: I think, Mr. Grodin, the employer
18 chooses to have people work piece-rate because he believes
19 that the employees will produce more. If he decides to
20 engage in piece-rate contracts with employees, he should
21 suffer the consequences of having organizers there whenever
22 that employee decides to take a break. If you have unre-
23 gulated breaks then we have to have access unless the em-
24 ployer with piece-rate workers will require those piece-rate
25 workers to take a break at an established time. It doesn't

1 mean they still can't be on piece-work rate.

2 BOARD MEMBER GRODIN: Wouldn't it be enough if
3 the piece-rate workers knew that union organizers were pre-
4 sent during a given period of time and if they wanted to
5 talk to them they could take a break at that time?

6 MR. GOLDMAN: Who's going to notify that piece-
7 rate worker that a union organizer is present, the employer?

8 BOARD MEMBER GRODIN: Let's say the union or-
9 ganizer notifies him.

10 MR. GOLDMAN: Oh, you mean the union organizer
11 goes on the field and --

12 BOARD MEMBER GRODIN: He could say: Hey, I'm
13 going to be over here and anybody wants to talk to me can
14 talk to me.

15 MR. GOLDMAN: That doesn't bother me too much
16 if he's on the field and there are no supervisory personnel
17 around.

18 BOARD MEMBER GRODIN: Okay. I don't have any
19 more questions. I'm running out of inspiration.

20 CHAIRMAN MAHONY: Any more questions?

21 MR. GOLDMAN: Thank you.

22 CHAIRMAN MAHONY: Thank you, Mr. Goldman.

23 I'm afraid that the sergeant may deny us access
24 to this hall if we don't get out of here. I'm going to
25 have to insist that from now on we stay with the absolute

1 minimum of five minutes. If we haven't heard all there is
2 to hear, then certainly what you have new to offer, we can
3 hear in five minutes. So please, let's try to be brief and
4 to the point.

5 You have heard a variety of testimony all day
6 and I think most of the major things have been covered.

7 Armandina Elizondo?

8 (Thereupon the following testimony was given by
9 Armandina Elizondo in Spanish and translated into English,
10 in summary, by Annie M. Gutierrez as follows:)

11 MS. GUTIERREZ: My name is Armandina Elizondo.
12 I speak for the workers.

13 We have been here many times in this building.
14 On the 5th of June, the Governor said that we had a law and
15 it was ours. We have confidence in you and you are listen-
16 ing to all of us. We have heard everyone talk about pro-
17 tecting their rights, their products. We have rights too.
18 We have heard that there is justice, there is law. We want
19 the law for us. Why don't growers want us to come on their
20 ranches; we want to hear about the laws. We respect their
21 laws; we want our rights. Where are those who don't want
22 to organize? The growers don't want us to organize, they
23 want to protect their crops and their fruits, not the people.

24 We work hard. No one here has worked twelve hours,
25 being mistreated by formen or by a grower. There are those

1 who don't want a union. They have their right, and they
2 have their right to speak. Maybe they have not had the same
3 experience as us. They may not want the organizers in the
4 field. The farmer says that the organizers cause dust which
5 hurts the fruit. Why do they let the workers come in their
6 cars putting dust on the fruit?

7 [I am a worker, I migrate from job to job. When
8 one job ends, I go to the other. If I had enough money,
9 I wouldn't be here. I wouldn't have come here five times.
10 I wouldn't have been here ten hours today.

11 The Governor said the law was for us. I come here
12 hoping that you will make this law for us. (Applause)

13 CHAIRMAN MAHONY: Do any members of the Board
14 have any questions they would ask of Ms. Elizondo?

15 Gracias.

16 Lupe Maravilla, tomato sorter.

17 (Thereupon the following testimony was given by
18 Lupe Maravilla in Spanish, and translated into English, in
19 summary, by Annie M. Gutierrez, as follows:)

20 MS. GUTIERREZ: I come to say that I won't talk
21 too long because I am sleepy. We want the union to leave
22 us in peace. When they come into the fields, they speak
23 foul words. I was born here; I'm not immigrated. I am
24 forced to work; I have washed dishes, and I work in the
25 fields, and a union has never helped me.

1 CHAIRMAN MAHONY: Gracias.

2 Mr. Stephen Heidrichs, California Almond Growers
3 Exchange.

4 MR. HEIDRICHS: Stephen Heidrichs, assistant
5 membership manager, California Almond Growers Exchange,
6 Sacramento.

7 California Almond Growers Exchange is a marketers
8 cooperative that is owned by growers. We do not ourselves
9 hire any growers. We ourselves have not dealt directly with
10 the labor issue in the past. However, we feel that it's
11 our responsibility to be aware of what is going on in the
12 legislative activity and observe it. We would then report
13 this to our growers so that they can decide what they want
14 to do and take action in a timely session.

15 We will advise in the future hearings on the
16 permanent rules to be established and tonight we are just
17 considering temporary ones.

18 I've listened to much testimony and I have been
19 a farm worker. You've talked about where you can and cannot
20 get information to people that people do or don't know. The
21 representatives of the various and sundry unions have stated
22 that the only way they can tell the workers what they have
23 to offer is by a guaranteed access to all ranches.

24 They have also said -- Mr. Cohen has said that
25 in attempting to provide literature at a farm gate, if a car

1 goes by at ten miles an hour or fifteen miles an hour, we
2 close the window. There isn't a farm worker in this state
3 that I am aware of that doesn't know when the United Farm
4 Workers is at the front gate, if they are there. If they
5 want to receive literature, then they can slow the car down,
6 receive it, and go on. They must have already known some
7 or achieved some knowledge somewhere about something or
8 they would stop and receive the literature.

9 We have had some workers state that they are
10 aware of the union, they have communicated between them-
11 selves by word of mouth, they don't want the union, but
12 there is no way that they can tell the union to go away.
13 They have been communicated to without the organizers.
14 The organizers have all come up here and said: We need it;
15 we need to get on to talk to you. Now, over the last five
16 and ten years, I have been reading the newspapers and read-
17 ing the accounts, the public statements, made by various
18 and sundry unions about how many thousands of employees they
19 have, how these thousands of employees are working on farms,
20 are members of their union, and cannot obtain a union con-
21 tract.

22 Why is it now all of a sudden today, August 28th,
23 that there is no employees that are union members that can
24 carry the literature with them, distribute it, circulate
25 petitions, authorization cards, without the necessity of

1 having an organizer there? The union that has all these
2 members who are working on farms should have a very simple
3 and easy, quick method of communicating to all the workers
4 on many, many farms, without any access guaranteed. So
5 is there a need for guaranteed access for non-employees,
6 union representatives, I can't see how. Not if I can believe
7 the five and ten years of public statements by the various
8 and sundry unions.

9 Are there alternates? Yes, there is communica-
10 tion, there is communication between workers and the union.
11 The workers have been reading union statements for five and
12 ten years. They can call them up. One of the union organi-
13 zers stated that one of the workers called him up and told
14 him to come out. So, they can get in touch with the union.
15 The union doesn't have any problem talking with the workers.
16 He can call up and say I'm coming out and will talk with
17 all your workers at five minutes after 5:00 one mile down
18 the street. It's convenient, it's close, communication is
19 there, the union can provide the additional information,
20 so why does access need to be guaranteed to the union
21 organizers, non-employee organizers?

22 United Auto Workers: The gentleman says no union
23 has got money to put in newspaper adds and it can't use
24 newspapers. Gentlemen, for what it costs to bring all these
25 suits for various and sundry elections to the Supreme Court,

1 you can buy yourself a whole raft of newspapers. If you
2 have no money for newspaper adds, how are you going to take
3 things to court? You seem to be able to do it. It says
4 they have union access. Shop stewards are authorized to
5 have a right -- these are employees; these are not non-em-
6 ployee organizers, which is the question today, not union
7 access after an election, and subject to negotiation,
8 collective bargaining, where the rights of the workers and
9 employees are taken into consideration and the desires of
10 the employees can be taken into consideration.

11 CHAIRMAN MAHONY: Thank you, Mr. Heidrichs.

12 Ms. Gutierrez?

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

15 CHAIRMAN MAHONY: Do any Board members want to
16 ask Mr. Heidrichs any questions?

17 Thank you, Mr. Heidrichs.

18 Bobby De La Cruz.

19 MR. DE LA CRUZ: My name is Bobby De La Cruz,
20 I'm an organizer in the Stockton area.

21 I would like to, in the five minutes that I have,
22 give a brief on two types of organizing that I have been
23 doing in the Stockton area: One is with a company with
24 which the teamsters holds a contract. I have been with
25 that company for now more than a month and a half looking

1 for the workers. Just to give a real brief as to how hard
2 it really is to find out where they are at, I will just tell
3 you how one worker gave me -- or how I found one worker.
4 I would come out in the field and look for a car to come
5 out and somebody would tell them that an organizer was there
6 so they would take off in another exit, because the ranchers
7 have a lot of exits. So when I finally found one worker,
8 he gave me information but this is the kind of information.
9 See, put yourself in my shoes if you are an organizer.
10 I'm in Stockton, and he's giving me an address in Escalon
11 which is about twenty miles away. He tells me: Okay,
12 I'll help you out. He says: What is the guy's name, Jose,
13 I don't know his last name. He lives in a white house and
14 you can't miss it, there is a tree. I mean, this might
15 sound funny, but that is the real thing when you are organi-
16 zing.

17 So he says, you can't miss him, he has a daughter
18 and a son. So me, I am right there looking for this Dodge,
19 it's a '60, or maybe a '65, he's not sure, light brown,
20 you know, so I go out there twenty miles away and try to
21 find this worker. There's no way. Sometimes if I am real
22 lucky, I mean really lucky, well, as things went on, I
23 found it very hard. I decided well, I could go into the
24 fields and get arrested, because that's what would probably
25 happen, but also, I decided that maybe after this hearing

1 today and tonight, because this is the day that this law
2 is passed, I would have a chance, because you would rule as
3 to why it's important to get into those fields.

4 Well, I stopped, you know, like banging my head
5 asking workers for -- or trying to find them. One worker
6 came up to me and he said: Oh, he says, you mean you didn't
7 find him? I said, no. I just couldn't find him. I looked
8 all over the place for him. So he starts to tell me about
9 how the teamsters came into the field. They had the right
10 to be there, they are always there. He says the teamsters
11 have all of us together and the grower was there, I mean,
12 the supervisor or company person. And he says they were
13 both there and he started to proceed to tell me how the
14 meeting took place. The teamster organizer got on top of
15 whatever, just standing there telling the workers rights,
16 et cetera, we will fight for you, we have a contract in
17 1977, we'll break it and we will negotiate a new one. The
18 company personnel is right there, right? He's getting up
19 saying it doesn't matter who you sign with, we're not going
20 to sign the union contract with anybody or no relations,
21 or what have you.

22 So they are putting on this tremendous show
23 for the workers of how this union, that apparently represents
24 them, is going to help them out. And the company is also
25 putting a big show on for them. So, they are very confused,

1 you know. Meanwhile, they are out here hearing these stories
2 and also they are very hard to find. Okay, that's just one
3 of the real brief things that I have.

4 Now we assign a number of organizers at that
5 company. We try to find the workers because it's just so
6 hard -- it's -- I travel from Stockton, Escalon, Manteca,
7 Lathrop, Tracy, you name it. They are spread all over the
8 place. I see a name that looks like an apartment, and I
9 go to a place where they sell clothes to workers. They
10 don't go to the labor camps to get their mail. Or, the
11 bookstore where they get their mail, or a drugstore. There's
12 no such thing for a worker. How could I -- they'll say
13 oh, sure, he probably gets his mail here, I don't know.
14 It's very hard for me to establish some kind --

15 You see, what I really need is your okay. I mean
16 your -- the right to go in, because that's where they are
17 going to be. They are not going to be anywhere together
18 at their neighbors or at the community, that the growers
19 were saying up here about how they all live very close. It's
20 very hard.

21 Another example to prove that is like in Stockton.
22 Stockton has so many labor contractors. I've been there a
23 month and a half and I only know one grower. I only know
24 one tomato grower. I would ask the workers to set up in
25 the union hall, where they are coming in, and I will talk

1 to him wherever I can get him, if I am in the park, at
2 lunch, I would ask him who do you work for? You find out
3 also that those workers only work two days here, and two
4 days there, and it's very, very hard to establish who's
5 going to vote, unless you go right to the field and find
6 out right there. They are not going anywhere. We find
7 out where they are, and we set them up, right on the field,
8 and we have that right, and if you give us that right tonight,
9 and you will find out for us hopefully who the grower is.
10 Because I think you have that power and the Board to do
11 that, because we can't find out. It's just very, very
12 difficult to go around jumping around with the labor contractors.
13 There are just so many of them.

14 That's a very, very hard, you know, I can't
15 repeat it constantly that just to find them is very hard.
16 And then when I finally talked to some of them that I find
17 they say: Why don't you come out to the field and talk
18 to us, the teamsters do. The teamsters come out here. He
19 says, they'll give you the right; I say, oh, no they won't.
20 I have had the experience of being in the union for awhile
21 as an organizer and I know how many times I have been
22 arrested for going into the field and I know that they won't
23 let me talk to you. He says, well, they think they do be-
24 cause of the whole show that the teamsters and the growers
25 put on for them.

1 Also, in trying to find them, it's very hard,
2 like the lies that the teamsters and the growers have put
3 to the workers, the fears that -- when we come around to
4 talk to them, and we get to talk to one of them, they say:
5 Boy, you are really different from what I heard. So when
6 we finally get to them, they don't know anything about the
7 union here. I mean we were never able to get them at home,
8 we can't find them at home, they have P.O boxes, they live
9 in labor camps, I have been there for a month trying to
10 find this worker. One month I have his name, but he is
11 never there. He lives there, but it's very, very hard to
12 catch up with him because he's out, I mean, he's at the
13 labor camp. When I come there by myself, I'm scared be-
14 cause if the person who runs the labor camp finds out who
15 I am, so I usually hang around somewhere. I'll just sit
16 down and play cards with the farm workers so they won't
17 know that I'm an organizer. Otherwise, I'll get myself
18 beat up for that.

19 So those are the things that we have found that
20 has been very, very hard to be organizing in all the different
21 areas. Those are the problems that I find in organizing
22 every day. To that I also want to add that to us the import-
23 ance of that access, going into the fields and talking to
24 the workers, this is the most important thing because we
25 want the elections, right? Don't you want the elections to

1 be held so that we can finally settle back another ten years?
2 I think that once we get this access into the fields, that
3 we will have that right, because we can call an election.
4 But other than that -- when people start telling me there
5 is no migration, there are people there that came in from
6 Modesto all the way to Stockton to work. Then he just came
7 in from Oxnard there, and there are about a thousand workers
8 there, and they say that there's no migration; they try to
9 make it seem like it's all over, there's no more migration.
10 People migrate within the migrate, you know, they constantly
11 do that. They move around all over the place that you can't
12 find them.

13 CHAIRMAN MAHONY: I think --

14 MR. DE LA CRUZ: I'm almost through. But I think
15 one of the things that we have to do is get that access,
16 especially where the teamsters are because they are getting
17 the right to talk to the workers, we are not.

18 It's very important.

19 CHAIRMAN MAHONY: Thank you, Mr. De La Cruz.

20 Ms. Gutierrez?

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

23 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

24 Any questions of Board members?

25 MR. SALAZAR: I have a picture that I would like

1 to show you just to show you where the workers are at. You
2 can do whatever you want to with it.

3 CHAIRMAN MAHONY: Fine. Just give it to the
4 secretary.

5 Any questions?

6 Thank you.

7 BOARD MEMBER GRODIN: Yes. Mr. De La Cruz, if
8 we were going to establish some limitation on the number of
9 organizers who could go on the premises to talk to the
10 workers, we haven't been given much by the way of suggestions
11 as to what that number ought to be. When you go on, I
12 understand that you presently don't have access legally.
13 But when you go on, do you go by yourself, do you go with
14 somebody, how many people are you talking about going on?

15 MR. DE LA CRUZ: I would prefer, if I had twenty
16 workers, thirty workers, to talk to, I would prefer having
17 five organizers present, because it's just for the evening,
18 it's only going to be for ten minutes. That's what I would
19 use that time for, just an informational thing. At lunch,
20 if there is a lot of people there, if there's twenty to
21 twenty-five in the crew, I would think five is a very
22 sufficient number to do the job that you really have to do.
23 If there were ten workers, I'd say not less than two.

24 BOARD MEMBER GRODIN: Do you need to drive in to
25 where the workers are; do you need to drive your car? There's

1 been a lot of concern about organizers driving on the roads
2 when they don't know the roads.

3 MR. DE LA CRUZ: Right now, I would park my car
4 and walk in, but if I had the law, sure. Because then I
5 could move off as soon as the break was over and there
6 wouldn't be nobody disrupting the work. It's really, you
7 know, not intimidation, that's not in organizing. We're
8 into organizing and relations, not into disruption or what
9 have you.

10 BOARD MEMBER GRODIN: Are most of the fields
11 that you are familiar with ones that you could walk into.

12 MR. DE LA CRUZ: No. No, they've done some jobs
13 in Stockton where, for example, strikes took place in '73-
14 '74 where the planting is now inside -- way inside and the
15 fields are sometimes a half a mile in. Sometimes, you can't
16 even see them off the road. But the workers tell us where
17 they are at. That's why they want us to come out to the
18 field. When that bus stops in Stockton, they all jump out
19 of the emergency door and they fly out and wherever I find
20 them is where they are.

21 CHAIRMAN MAHONY: Mr. De La Cruz, would you
22 identify or explain what this picture is?

23 MR. DE LA CRUZ: That's an orchard where workers
24 are sleeping under fields of growers.

25 CHAIRMAN MAHONY: But this looks like a residence.

1 MR. DE LA CRUZ: That's right. There are places
2 like that. The man from citrus is so concerned that people
3 shouldn't be going into citrus because they work all their
4 permanent eleven months or the year round. I was in Los
5 Angeles working on a boycott and I had the opportunity to
6 take some people into the orchards and people were living
7 actually right out -- I don't remember the particular areas --
8 but there were people sleeping on mattresses in the fields.
9 There is here. You can go out here to the islands in Stock-
10 ton. Who talks to those workers; how do you get to those
11 workers? They are sleeping on mattresses and cots in fields
12 and some of them, you know, they live here in this country
13 and it's sad, but that's what they do with them.

14 BOARD MEMBER JOHNSEN: What kind of tree is
15 that, may I ask?

16 MR. DE LA CRUZ: Can I see the picture?

17 BOARD MEMBER JOHNSEN: It looks like an oak tree
18 to me.

19 MR. SALAZAR: This is a tree that -- it's not
20 a fruit tree. It's just a tree where they are living under
21 and I might add that there's hundreds and hundreds of these
22 places in California where farm workers still live and I
23 just wanted to say a little bit more that a lot of these
24 people are living in the orchards and they don't have any
25 address. And they don't have any rides, how to get to town,

1 you know, to work. When they go to work, the contractor
2 goes and picks them up and when they go buy their groceries,
3 the contractor also goes and picks them up and takes them
4 to town. A lot of times the contractor just takes them,
5 you know, tortillas and stuff out there in the middle of the
6 orchards and if we don't have the right to go in to talk
7 to them, the right to access, well we are never going to
8 get to these workers because these workers are in the middle
9 of the orchards, just living under the vines and under the
10 trees.

11 CHAIRMAN MAHONY: Thank you, Mr. Salazar.
12 Jesus Reberros.

13 (Thereupon the following testimony was given by
14 Jesus Reberros in Spanish, and translated into English, in
15 summary, by Ms. Annie M. Gutierrez. as follows:)

16 MS. GUTIERREZ: Jesus Reberros from Heidrich
17 Ranch, says I want to express myself on behalf of myself
18 and my friends. We ask that the union not bother us any
19 more. They have been given the opportunity to talk to us
20 and we have rejected them. They tried to come in and talk
21 to us at night, even when we are irrigating. We don't want
22 more questions; we don't want to have any more relations
23 with them. All we want is our rights. We believe it is
24 best that they do not bother us any more.

25 CHAIRMAN MAHONY: Gracias.

1 Are there any questions from the Board?

2 Jan Peterson, San Joaquin County.

3 This gentleman's been here since early this
4 morning, we'll take him next.

5 MR. BIFFEL: I want to speak on behalf of the
6 non-union harvest laborers.

7 CHAIRMAN MAHONY: Excuse me, sir. Please give
8 us your name.

9 MR. BIFFEL: Roy Biffel.

10 I'm speaking on behalf of the non-union harvest
11 laborers. We oppose this issue of access because it in-
12 fringes on the rights of everyone else, besides those who
13 are seeking it. It may cause a great deal of antagonism to
14 grow up between the harvest laborers and the growers. It
15 might even lead to more violence and more destruction.

16 We want the harvest work to remain free and open
17 to everybody so everyone can labor in the harvest work. We
18 don't want to be pressured by the organizers while we are
19 on the job. We want to keep the spirit of peace and good
20 will between us and the employers.

21 We want to work together with the harvesters, with
22 the growers, in saving and harvesting the crops. We want
23 to work together and help one another to save these crops.
24 We want to overcome this bad will, this bitterness and anta-
25 gonism that has been shown here today in testimonies. We

1 don't want the anger and the madness.

2 We want to be peaceful people; that's all.

3 CHAIRMAN MAHONY: Thank you.

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 Michael Soriano.

9 MR. SORIANO: I go by Stephen, so if you don't
10 mind.

11 My name is Stephen Soriano, I'm the director of
12 Telemex Productions and also coordinator of Telemex Media
13 Center.

14 We're a film and television production company
15 serving the San Joaquin Valley. I'd like to talk to you
16 tonight, or almost this morning about something that some
17 of the growers and lawyer representatives have brought up,
18 and that's in terms of using mass media as an alternative
19 method that organizers can use to communicate with workers
20 instead of getting access into the fields. But before I
21 do that, I'd sort of like to say that it was refreshing to
22 hear growers, and their lawyers having such a profound and
23 intimate regard for the farm workers at this time, especially
24 since history records that, in the United States, the farm
25 worker is the lowest paid, most depressed worker in America.

1 I'm really nervous too.

2 Some of the growers have said that Spanish lan-
3 guage media is available for them, is available for the
4 workers, and that that is a viable alternative to rights
5 of access to the field. Well, I would sort of tend to disa-
6 gree with that. They have been referring to Spanish language
7 media and the history in the United States of Spanish lan-
8 guage media shows that the Spanish language media is still
9 new, and it's fairly conservative and is run mainly by
10 Anglo interests.

11 Additionally, you will find Spanish language
12 media in agricultural centers. And the life's blood of any
13 Spanish language media are the advertisers in that area and
14 advertisers in that area are wealthy growers, are usually
15 big car lot salesmen, or tractor concerns. So it's very
16 difficult to expect Spanish language media to run PSA's or
17 Spanish language media to solicit the advertising of dif-
18 ferent farm labor unions and expect them to air that.

19 In the San Joaquin Valley I have had personal
20 experience, especially through our community training center
21 where we have been trying to run press releases for such
22 organizations as the United Farm Workers. We have four
23 Spanish language radio stations in town, two of which even
24 refused PSA's. Those same two even refused to take on paid
25 advertisers because they didn't want to get politically in-

1 volved with the problems of the community. So that's one
2 of the problems we have to deal with is Spanish language
3 media.

4 Additionally, I think we should be reminded of
5 what Jerry Cohen said that the farm workers in California
6 are not just Spanish; a large number of them are Filipinos,
7 are Arabs, and a variety of other cultures and nationalities
8 which demand that they speak other languages. Now you can't
9 viably consider or realistically consider that there is media
10 available to someone who speaks in a Yemen language, to
11 someone who speaks Arab, to someone who speaks Filipino.
12 Have you ever listened to those types of radio stations?
13 Have you ever seen those newspapers? Well, it's very, very
14 rare indeed, and obviously those types of language medias
15 are not available in every part of the country where there
16 are farm laborers who speak that language.

17 I think we also should think in terms of the
18 transitory nature of some of the farm workers. We have heard
19 testimony that some of the farm workers come as far as per-
20 haps twenty to thirty miles to come to a field. Well if
21 you are going to run a media campaign and that campaign has
22 been the only means of access that you have, where are you
23 going to place that media? Are you going to place it in
24 the town where the field is located? Are you going to place
25 it twenty miles away or thirty miles away to all the other

1 satellite communities? Are you going to place it through
2 radio, are you going to place it through television, if
3 we just stick with Spanish language, how many communities
4 have Spanish language newspapers?

5 Very, very few. And those Spanish language
6 newspapers that do exist in communities aren't community-
7 wide. They are given just certain sections of the community.

8 And then we must think about if we are going to
9 use some sort of media for this campaign. I'm sure you
10 all realize that putting an advertisement in a newspaper
11 or television station costs money. In the town of Fresno
12 where I am from, to run a one full-page ad in the Fresno
13 Bee costs \$1100. Now, you are going to have to do a lot
14 of those full-page ads if you are going to try to reach the
15 people in the Fresno area. And what about those workers
16 who are working in the Fresno area and they live in Delano,
17 they live in Five Points, where you have to run similar
18 full-page ads there. So that's a consideration that you
19 must look into.

20 Additionally, we have to think about --especially
21 I have gone out in the fields and have done some press re-
22 leases and I have joined the organizers out in the fields.
23 I have talked to some of the workers who have said: Yes,
24 we are here for a couple of days, and then we go out to
25 Modesto for a couple of days, and we come back to Fresno,

1 and we might go to Tracy.

2 Well, how are you going to effectively reach
3 those people via media, via the mass media? By the time
4 you get media in -- you have to order it several days in
5 advance -- it does no good to run it in Fresno, for people
6 have now moved on to Mendota for a few days. If you tried
7 to set it up in Mendota they will probably be back in
8 Fresno.

9 So those are considerations which I think you
10 should address yourselves to. And I think also that per-
11 haps one of the final points that I'd like to make is that
12 I keep hearing talk from the commissioners about what if we
13 have a designated area, be it a parking place, and it
14 really saddens me because it sort of makes me believe that
15 very few of you have been out in the fields. It's not
16 like you go out to a ranch and there are paved parking lots
17 for people. If you go out to the ranch, you will see that
18 they park inside the vineyards, they park beside the unpaved
19 roads belonging to the farmer on his property. So it's not
20 like you are going to be able to go to a central place, or
21 a designated area called a parking lot, because there is no
22 such thing.

23 Perhaps finally I might just like to remind you
24 of something that William Marrs said, attorney for the
25 California Farm Bureau Federation, who was the second speaker,

1 when he was saying to one of you, I think it was Mr. Grodin
2 had asked him, or someone had asked him specifically about
3 the access movement and he said: Of course, farmers are
4 against the access movement and farmers are against the
5 labor movement, and rightly so. And I think if we take
6 that into consideration when we are thinking about designated
7 areas, I think we can readily see how a grower might wish
8 to spy on those farm workers who participated and went in
9 to those designated areas.

10 And finally, I'd like to just really say that
11 I'm really sad that this Board chose to have the first 19
12 of its 23 speakers be either growers or their lawyer re-
13 presentatives and save the last five minutes for the farm
14 workers. (Applause)

15 CHAIRMAN MAHONY: Thank you.

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 Are there any questions by Board members?

21 Thank you, Mr. Soriano.

22 That exhausts our written list. (Laughter) In
23 more ways than one.

24 Is there anyone else who wishes to be heard?

25 MS. SOLIS: My name is Grace Solis, I'm with

1 the Selma Field Office, United Farm Workers.

2 I just want to touch on a couple of things and
3 it may have been touched on while I was out in the hallway.
4 I'm not sure.

5 But I have been here all day and the lawyers and
6 the representatives have been talking about perhaps doing
7 a case-by-case thing regards to access to fields. But I
8 think that would be not a good idea. For one thing, in
9 Fresno county we have over 7000 ranchers, and if you were
10 to go with each rancher case-by-case, you could well imagine
11 how long that would take. Another thing, the growers all
12 day have been making a big point about how they don't want
13 access because of the threats or harassment their workers
14 are getting and so forth. Well, I think it's kind of hypo-
15 critical for them to come up here and threaten you, the
16 Board, by telling you that, go ahead and make your Act, they
17 won't comply anyway. Go ahead and make your rules, they
18 are just going to go ahead and arm themselves. Go ahead
19 and make your rules, they are going to run their business
20 the way they want to anyway. And I think Mr. Mills of the
21 Salinas Valley Independent Growers said it very plainly. He
22 said that his members would accept no union or efforts with-
23 out a secret ballot election and organizers should not be
24 in the work area. How can you have a secret ballot election
25

1 without some kind of union activity? It seems very hypo-
2 critical to me.

3 And I know that we as organizers, we have a
4 hard time reeducating the farm workers and trying to make
5 them understand that they don't have to be afraid any more.
6 They can stand up and they don't have to be afraid of being
7 fired by the grower for standing up for their rights, but I
8 think it's going to be even harder for you, the Board, to
9 reeducate the growers.

10 For example, when -- Bishop Mahoney, when you
11 announced that Ms. Gutierrez would be translating for the
12 benefit of those who do not speak English, there were a
13 couple of lawyers behind me. The first thing they said was:
14 Well, if they can't understand English, what are they doing
15 here? That is some of the mentality that we have to deal
16 with but, like I said, a change doesn't come overnight and
17 we know it's going to be a hard road.

18 We are going to try our part to help the farm
19 worker overcome his fear and we hope that you will do your
20 part to overcome -- to help the grower overcome his fear of
21 the people.

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

24 CHAIRMAN MAHONY: Any questions?

25 Thank you, Ms. Solis.

1 Yes, please.

2 MS. MIRANDA: My name is Irene Miranda, I am
3 an employee for Heidrich Farms.

4 The remarks I want to make are going to be very
5 simple.

6 In regards to what Ms. Elizondo said, she was
7 representing the farm worker. I am a farm worker; she
8 was not representing me. She is for the union; I'm against
9 the union. I don't want UFW or any kind of union. We are
10 very pleased with the conditions that Heidrich Farms has
11 extended to us, the employees. For my husband and myself,
12 we are very pleased with the way we are working; the working
13 conditions are very agreeable to us.

14 As far as wages, and if we have any complaints,
15 we have been extended the right to do and complain to them
16 or they listen to our arguments and everything is straightened
17 out. We have no problems; we haven't been harassed one way
18 or the other.

19 Some of the speakers have said they are harassed
20 if they want to come and talk to people when there are no
21 foremensaround. We have not this problem with Heidrich
22 Farms and if this decision comes to a stand where you give
23 access to union organizers to come to us when we have stated
24 we do not want it, we do not want any union organizers to
25 come to us. If Ms. Elizondo wants it, fine, she can have it.

1 I don't want it; she doesn't represent me.

2 What will become of us that don't want any union?

3 If you give the access to the people that want it, do we
4 have to have it also? And if you give access and it re-
5 sults from a vote and everybody decides -- or the majority
6 that is needed decides -- they want a union, do I have to
7 have it -- do I have to have a union once the election is
8 made? If that comes and it is decided by majority vote
9 that we have to have a union, I will go on welfare before
10 I go and work for someone that has a union.

11 That's all.

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

14 CHAIRMAN MAHONY: Do the members have any ques-
15 tions?

16 Thank you, Ms. Miranda.

17 MR. DIAZ: My name is Ruben Diaz, I am an AFL-CIO
18 field representative, out of Region 6, out of Los Angeles,
19 assisting the farm workers.

20 The Act for the agricultural workers is now one
21 day old and fifteen minutes. I am speaking in behalf and
22 for the favor of access to the property. I think that by
23 starting our second day in regards to the Act coverage, that
24 in order to show a good demonstration in regards to good
25 faith, that the growers, the chairmen, the hearing officers,

1 hearing persons, take into consideration and start shooting
2 for working together in good faith in regards to access to
3 the property.

4 I would like to just mention a few points for
5 the benefit of some of the people who have not been in the
6 fields. Back in '73, I had the opportunity prior to the
7 contract expiring from the farm workers to get into the
8 fields and observe the sizes of the fields. I had the
9 opportunity to stand in one of the fields in one end of
10 the field and looking out towards a highway. The size of a
11 diesel truck was about the size of a quarter of an inch from
12 where we were standing and that was all field in between.

13 The fields are so large in many of the areas that
14 there are groups which are called Quadrilles which never
15 overlap one another. Therefore, we never really know just
16 how many groups are in there when we are asked by people
17 for purposes of organizing them, in which we have been asked
18 because that's the way an organizing campaign starts is we
19 want to get organized.

20 We feel we want some union backing, someone to
21 support us for purposes of collective bargaining or wage
22 and working conditions and fringe benefits. These are the
23 issues. When we want to talk to people about the issues, we
24 have to go in and talk to them.

25 Now the people are scattered in various areas.

1 Some people and there's been testimony that there is twenty
2 miles in one direction for just a group of people. There's
3 fifty miles in another direction, and people do travel that
4 distance. We talk about labor camps. I'd like to shed a
5 little bit of information about labor camps. There's the
6 camp of the grower that's on his property where those parti-
7 cular employees work and live in that area, in that camp.
8 We also have the other camp; it's a Federal Government funded
9 camp where there are various employees in those camps. I
10 think we are talking about two animals there.

11 We have talked about the opportunities in regard
12 to tomato workers picking at night. I'd like to shed a
13 little bit of information in regard to the tomato machine.
14 That tomato machine is about as high as or as tall as the
15 ceiling of this building. That's right. There are machines
16 that do pick tomatoes and they are that high, and if you
17 don't believe me, you can go out there in the fields and
18 see them for yourselves and I'm not even exaggerating, I
19 would like you to go out and look for yourselves.

20 Sure, there are cases where employees are out
21 there picking tomatoes. There are also machines that will
22 pick them. There are grapes, as I understand, laid right
23 out there on the ground. We have machines that pick the
24 grapes up. We have grapes that are picked by the people and
25 by hand.

1 But getting back to good faith, I wish you would
2 consider good faith. I wish the growers would consider
3 good faith and take good faith into consideration and let's
4 make this law -- this Act work.

5 Thank you.

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

8 CHAIRMAN MAHONY: Thank you, Ms. Gutierrez.

9 Are there any questions of members of the Board?

10 Are the members of the Board still awake?

11 Is there anyone else who wishes to make any
12 presentations, oral or written?

13 Is there a motion for adjournment?

14 MS. BIRCH: Wait a minute. I raised my hand be-
15 fore that motion was ever made. I've just got one, two
16 things to say and I will make it from here, okay?

17 My name is Jan Birch, and I walked off my machine
18 this morning at 9:00 o'clock this morning and I'm not get-
19 ting paid for this. I'm not getting paid for my time. I
20 should be home sleeping, because I may have to go to work
21 in the morning.

22 CHAIRMAN MAHONY: Well, we appreciate that.
23 It's really irrelevant to this Board whether you are getting
24 paid or not for being here. You are here to give testimony.

25 MS. BIRCH: There are people that are saying, you

1 know, questions behind our backs that we are being paid for
2 this; we are not. We came because we feel very strongly
3 about this and we have our rights, too.

4 CHAIRMAN MAHONY: Thank you.

5 MS. BIRCH: I'm not condemning theirs, so I wish
6 they would respect mine, too.

7 CHAIRMAN MAHONY: Okay.

8 MS. BIRCH: Thank you.

9 CHAIRMAN MAHONY: All right. I think the public
10 hearing is closed. I would just point out to the members
11 of the Board what we will do next.

12 We will convene at 10:00 o'clock, as far as the
13 Board is concerned. At 8:00 o'clock, there will be a brief-
14 ing given by our staff for members -- anyone who wishes to
15 come -- to members of unions, and labor groups, or employees
16 who wish to hear our staff presentation.

17 Since we have heard a very broad spectrum of
18 ideas and thoughts on the issue of access, I, as chairman,
19 am going to take the liberty of asking individual members
20 of this Board and members of the staff to prepare various
21 kinds of options for this Board to consider, probably to-
22 morrow.

23 BOARD MEMBER GRODIN: Between now and 8:00 a.m.?

24 BOARD MEMBER CHATFIELD: 10:00 a.m.

25 CHAIRMAN MAHONY: We will meet at 10:00 a.m.

1 BOARD MEMBER CHATFIELD: What will be the agenda
2 at 10:00 a.m.?

3 CHAIRMAN MAHONY: At 10:00 a.m., and this will
4 have to be decided at 10:00 a.m., we have asked people to
5 make presentations on the issue of the use of symbols on
6 ballots and to make presentations to us on eligibility
7 factors and criteria for economic strikers and it will be
8 up to the Board at 10:00 whether they wish to rule on the
9 access issue then, or wait until we finish with those others.
10 Unless you want to decide that now.

11 BOARD MEMBER CHATFIELD: No, not necessarily,
12 but we will open the meeting with a discussion among the
13 Board members on what we are going to do?

14 CHAIRMAN MAHONY: Yes. And what the will and
15 wishes of the Board members --

16 MR. COHEN: Mr. Chairman, may I ask a question?

17 At a briefing session, is it possible to ask
18 questions of the people that are briefing?

19 CHAIRMAN MAHONY: Oh, yes.

20 MR. COHEN: This will be such as where the offices
21 and sub-regional offices will be and put our pitch in for
22 where we think they should be, and get down to the nuts and
23 bolts of it?

24 CHAIRMAN MAHONY: Right.

25 MR. COHEN: Thank you.

1 CHAIRMAN MAHONY: Thank you all very much.

2 (Thereupon the evening session of the Agricultural
3 Labor Relations Board was adjourned until August 29, 1975,
4 at 10:00 A.M.)

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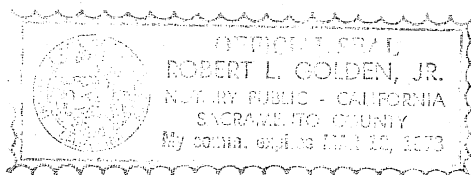
1 State of California)
2 County of Sacramento) ss.

3 I, ROBERT L. GOLDEN, JR., a Notary Public in and
4 for the County of Sacramento, State of California, duly
5 appointed and commissioned to administer oaths, do hereby
6 certify:

7 That I am a disinterested person herein; that
8 the foregoing Agricultural Labor Relations Board Meeting
9 was reported in shorthand by me, Robert L. Golden, Jr.,
10 a shorthand reporter of the State of California, and there-
11 after transcribed into typewriting, pages C-1 through C-134
12 inclusive.

13 I further certify that I am not of counsel or
14 attorney for any of the parties to said meeting, nor in
15 any way interested in the outcome of the said meeting.

16 IN WITNESS WHEREOF, I have hereunto set my hand
17 and affixed my seal of office this 2 day of Sept.,
18 1975.



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Robert L. Golden, Jr.
Robert L. Golden, Jr.
Notary Public in and for the
County of Sacramento, State of
California