

certification of the offending employer. This left him with no alternative but to hire domestics, a choice which growers amusingly referred to as "a fate worse than death." The other was that criminal or civil action in the courts for redress was not likely to be undertaken by the Mexicans. The prosecution of charges would have devolved either upon the federal officials or the Mexican consuls. Occasionally an alien appealed for justice through his own attorney, but causes of action on his behalf arising out of contractual rights or torts were not numerous.

CHAPTER 18

THE DEFEAT OF THE DOMESTICS

Managed migration of seasonal farm laborers from Mexico was in part a practical and in part a moral undertaking. Systematic planning, orderly recruiting and administrative smoothness were economic goals. Morally, the system sought a pattern of control which would shield the Mexican migrant from the nauseous evils of the Wetback traffic, on the one hand, and which would on the other prevent a deterioration of employment conditions for domestic laborers.

The safeguards for the *bracero* were prescribed in the agreements and the contracts. So were, in a general fashion, those intended to protect citizen harvesters. Administered migration was to be a supervised importation program under conditions and controls which would be satisfactory to the governments of the United States and Mexico, and adequate to protect the workers concerned. Section 503 of Public Law 78 declared that "the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed." Article 9 of the 1951 agreement requiring certification was intended as a double-riveted safeguard against adverse effect. In the official pronouncements this was the pivot of policy, a solemn assurance given each time that the Secretary approved a certification.

It was the documented conclusion of the President's Commission on Migratory Labor in 1951, and of the expert consultants appointed by Secretary of Labor Mitchell in 1959, that adverse effects had not been prevented. Although they recognized the wide range of negative pressures of *bracero* importation against domestic employment the U. S. Department of Labor officials drooped with a helpless feeling that they could do nothing. Director Goodwin of the Bureau of Employment Security admitted in 1958 that the Department had not carried out its obligation "because of lack of staff." The California director of employment, Mr. Irving H. Perluss, candidly stated a year later that his agency was given small leeway in combatting adverse effect by his superiors in

Washington. Adverse effect was considered principally with respect to wages and even in this narrow application the Department was apologetic. "Only now," wrote Director Perluss ten years after the passage of Public Law 78, "are we beginning to find what we hope to be satisfactory standards for judging the issues involved."

As domination of crops by *braceros* expanded, the full force of adverse effect came into play. Nevertheless, certifications for such crops continued. In its wage findings the Department took official notice of the fact that certain activities and even entire production areas were dominated; but domination, always an odious idea in any American context, advanced. Itself the sharpest and most acute symptom of the economic and social damage the law sought to curb, domination was always being belatedly discovered and regretfully deplored by those charged with preventing it. Of this lag between legal mandate and administrative capability the situation in the strawberry fields in 1957 was typical. The wage scales "found" by the Farm Placement Service and approved on a certification that they would not depress wages were discovered a year later to be, after all, adversely effective.¹

The issue of adverse effect being narrowed to wages, the will to oppose it bogged in introspection and remorse, the Department of Labor could not avoid working itself into contradictions. It regularly attested that certification would not produce a decline of employment conditions for citizens, and as regularly found, in retrospect, that such had in fact been the case. It then decided arbitrarily at what level a wage caused an adverse effect. At this point the Department abandoned the wage survey — the wages in fact being paid to local workers — as the basis for its determination and assumed boldly a function of wage fixing which by its own rules and hoary congressional precedent was forbidden.

The Department was aware of the anomalies. It began to write into its orders a hedge against its own contradictions. An official manual stated in 1960 that the Secretary of Labor was to make his declarations of need, "without reservation" concerning adverse effect.² The declaration of the Farm Placement Service, approving the original permit, was equally emphatic in this respect. The wage findings, however, added this saving statement: "This notice of

the prevailing wage rate paid to domestic agricultural workers is not evidence that the employment of foreign contract workers has not resulted or will not result in adverse effect on wages and working conditions of domestic agricultural workers similarly employed." This was a technicality that left the way clear for revisions; but in its loose language the Department was giving notice that the wages it had found as being paid to domestics could have an adverse effect when such wages were also paid to *braceros*. A wage finding could correct the mistake in a certification, but only by asserting that the wages found to be adverse were those already being paid to domestics, not to *braceros*; that if such wages were to be paid to Mexicans they would produce an adverse effect which already existed; and that the wages actually found could be amended by administrative decision at a higher rate, thus voiding the effect. The official logic of adverse effect, draped over the realities it was called on to conceal, was supple as well as limp.

If this was difficult reasoning it was not much more so than that found in Public Law 78 itself. Clause (2) of Section 503 plainly assumed that there were in the agricultural industry pre-existing wages and other conditions of employment that were to be protected from the erosion of alien competition. Adverse effect could be prevented only by obliging commercial farmers to hire on those wages and conditions. There was a *status quo* that was to be protected on behalf of domestic laborers, and it was to be the yardstick of all employment on farms affected by Mexican migration.

Clause (3) of Section 503 disposed of all this. It reversed the approach and concluded with the opposite rule. Protection for domestic workers was to be afforded by giving them an opportunity to accept employment "at wages and standard hours of work comparable to those offered to foreign workers." This provision was adopted in the agreement of 1951. On the face of it the principle seemed fair. American workers were not to be hired on terms less favorable than those negotiated for aliens. Were this to happen there might be adverse effect on *braceros*, for sooner or later their wages would have to fall to the level of those which domestics would be willing to accept. It had seemed somehow that the point was to protect American citizens and not aliens from adversity.

The clue given by Congress itself led to confusion in the public mind and to misdirection in administrative thinking. Director Goodwin reminded employers in 1959 that wage offers to domestic workers should be equal to the wage offered to Mexican nationals.³ The manual of the Bureau of Employment Security enjoined employment agents to certify only after the domestic laborers had been given a chance to work at wages approved for the Mexicans.⁴ The Department of Labor never abandoned the premise that offers to citizens were to be measured by those tendered to *braceros*, not the other way around. This was the policy as announced by the California Department of Employment, where the associations were frequently reminded that they could pay no less to domestics than to *braceros*. Congressman McCormack's question on the floor of the House — "Is not the American worker entitled to at least the same pay as the Mexican worker gets?" — showed how far in this direction public thinking had slipped.

Clause (3) and its implications were accepted even by those who continued to believe that Public Law 78 could be used as a lever to improve, not merely shield, existing standards of employment of citizen laborers. President Truman, on signing it, expressed the hope, no doubt sincerely held, that the law would be "a first step toward a comprehensive program to bring badly needed improvements . . . of migratory farm workers, both foreign and domestic."⁵ Nothing in this philosophy appealed to commercial farmers. To Mr. B. A. Harrigan of the Imperial Farmers Association it was "completely socialistic" and Mr. Matt Triggs, speaking for the American Farm Bureau Association, argued that the setting of comparable standards for Americans would be "an undesirable extension of the Federal supervision of contractual relationships. The domestic worker could seek other employment with other farmers or with any other employer in the United States if he does not like what he has. The domestic workers do not have to live at a point designated by the employer. These protections by competition and circumstances are really far more valuable to him than protection of regulations."⁶

On the double standard that was endorsed in such direct language there was constructed a split-level practice of hiring and administration. Federal supervision of contractual relationships be-

tween agricultural employers and aliens was legalized and encouraged. It was, as between employers and domestic laborers, repudiated by Congress, ignored by the Department of Labor and vigorously denounced by agribusiness. Benefits were offered to the *bracero* — minimum hours of employment, subsistence allowances, free transportation, free housing, the right to elect representatives, a contract in writing and a guarantee against discrimination — which were expressly denied to all others. "Under existing provisions of Public Law 78," commented Senator Harrison A. Williams, Jr., "we give imported foreign laborers better protection than we now accord our own citizens employed in agriculture." A California legislative committee found in 1960 that "no farm employer . . . has attempted to offer a similar package of benefits to his seasonal domestic workers."⁷

Economic discrimination against domestic laborers was embedded in Public Law 78, resulting not only from the distribution of benefits, but more importantly from the use of a bargaining process that embraced the alien and excluded the citizen. Section 501 authorized the Secretary to assist *braceros* and their employer "in negotiating contracts for agricultural employment." The employer could be, by statutory definition, an association of growers, empowered, encouraged and assisted to bargain collectively on behalf of its members. Since the Department of Labor was in the habit of consulting the associations on the terms of the contracts in advance of negotiations with Mexico, in effect the Department extended the courtesies of consultation and assistance to management only.

From such roots adverse effects of various kinds were bound to grow. Only the most obvious will be noted here — displacement from jobs, harassment, depression of wages, deterioration of housing, the weakening of organization and the use of *braceros* in strikes.

The international agreement of 1949 provided that no Mexican laborers entering the United States could be employed to displace domestic workers. To deny employment to a citizen out of preference for an alien would have been the initial and most damaging of all adverse effects. Yet it occurred continuously, domination marking its progress.

It was the story of the steady retreat of the domestics in the face of irresistible pressure. When *braceros* arrived for the carrot harvest in the fall of 1951 crews of local workers were dismissed outright from the fields or were not hired in advance. The following spring was a silent one for the Farm Placement Service in Imperial County. It said nothing in the face of protests from local workers who were being shunted out of their old jobs and reclassified downward to less productive work at lower wages. The Service approved the substitution of resident melon pickers by aliens under contract, offering them other employment at 30 cents an hour less inasmuch as this was the prevailing wage set by the association. Throughout 1952 every major commercial farm in Imperial laid off locals, many of them with 25 or more years of service in the industry, supplanting them with *braceros*. An exodus of melon pickers, onion toppers, irrigators and others began. On slack days large employers loaned their *braceros* to non-certified growers, thus extending the effects of discrimination.

The displacement which was in this fashion glaringly launched in the border counties of Imperial, San Diego and Riverside crept northward. In Santa Clara, Monterey and San Joaquin applicants who carried referral cards from the Farm Placement office were turned away in the fields with the notation "no work." One celery grower rejected a crew of five resident laborers, all of them experienced celery cutters, with the written comment: "Next four days market off. Working regular men four hours a day." The regulars were Mexican nationals. A grower-canner of Santa Clara sent locals home and installed aliens in their jobs at lower wages. A Department of Employment investigation that sampled these conditions in 1954 and 1955 established that able bodied citizens, including veterans, had been rejected by farm employers who were at that time amply certified to import Mexicans. The investigation, directed by William A. Burkett, fizzled and displacement continued.

Certain events in the peach bowl of Yuba and Sutter counties in the summer of 1957 illustrated the progress and methods of elimination. With picking under way on August 9 some orchards that were manned entirely with *braceros* posted signs: "No pickers wanted." During the week that followed there were no open orders for pickers in the Marysville office of the Farm Placement

Service, which was avoiding referrals to employers who were already certified for Mexicans. Applicants at the DiGiorgio's Dantoni Orchard were sent away with the statement "we have all the help we need" or because "the camp is full up." Dehydrators had little room for domestic operatives. On August 12 there were more than 200 able men and women in the public camp of Yuba City who could not find employment or could hire out only at the offered rate of 11 and 12 cents per box, the prevailing wage for Mexicans.

By mid-August trailer camps normally filled with families of seasonal pickers from other parts of the state or the nation were empty. Tractor drivers and cotton pickers from Arkansas who had been ousted by *bracero* labor and had migrated to California, tramped the area, failed to find jobs, submitted affidavits to the Department of Labor, and waited. Adverse effects were running loose in the richest peach orchards in America, scoring gains behind a screen of alert public relations promoted by state and federal officials. Secretary of Labor Mitchell issued a statement from San Francisco flatly denying that the sworn complaints of domestics were true.⁸ Governor Knight, on the basis of a personal inspection by Edward F. Hayes, announced that he was unable to find the situation described by the rejected migrants.

But in the confidential records of officialdom the charges were admitted. Mr. Hayes complained to his colleagues a few months later of his trouble in persuading some growers to hire domestic harvesters instead of *braceros*.⁹ Mr. Thomas C. Campbell, a division chief in the Department of Employment, in a meeting with officials and growers in October 1957, advised them that the complaints concerning the peach bowl incidents "could only be true because the association and growers involved were not doing what was required of them under Public Law 78."¹⁰ This agreed with the findings, also confidential, of Director Brockway to the effect that there had been some growers who did not employ domestics while retaining *braceros*.

The peach harvest controversy of 1957 was a highlight rather than a turning point in the preference of Mexicans. During the three years that followed resident workers continued to be rebuffed as the ranch gates. Contractors who were not favored by the associations complained that their agreements with growers were

cancelled, or their crews reduced, while Mexicans were in plentiful supply. In Santa Clara the persistent priority of aliens was noted by Mr. Joseph W. Santana, the representative of the Farm Placement Service. In was in his area that Manager Floyd Behringer was pleading with members of the Progressive Growers Association: "I'm telling you again, do not turn down domestic labor."¹¹ At the other end of the state, in San Diego County, another association was warning its members that violations of the rule guaranteeing prior employment for domestics had to stop. Pleading and scolding by turns, Mr. Hayes warned growers during the 1959 harvests that the Mexican program was being placed in jeopardy by discriminatory acts which were illegal and could no longer be concealed.

Associations also resorted to systematic harassment of citizen job seekers who could not be told bluntly to go away. More ingenuity was spent on devising ways and means of harassment than on the reasonable efforts in local recruitment which the law required.

The referral process itself could be made disagreeable. Applicants for asparagus cutting in San Joaquin were advised by the Farm Placement Service that "the black peat land is extremely irritating to most fair skinned people," that the job called for "continuous walking at a fast pace," that the daily shifts lasted ten hours and that there was no family housing anyway.¹² Crews depending on one vehicle for transportation were separated by referral of their members to different farms. Wages offered over the counter at the Farm Placement office were found to be lower when the domestics arrived in the fields. Young female workers were mixed in the same tree blocks with *braceros*. Applicants at the ranch gate were told that the employer was hiring elsewhere or, as Oliver Goldsmith had phrased it long before, "what was every whit as bad, his foreman was out of the way and should not be home for some time." Work done was checked more stringently and rejected more frequently. Men referred to the Progressive Growers were asked to fill out a written questionnaire which asked them whether they had ever been on county relief, if they were in the habit of scattering trash around the farm, the reasons for leaving previous jobs and whether they knew that an employee could be

arrested for stealing farm tools. Notice of overnight transfers to other fields was not given to domestics; when they showed up late their places had already been taken by Mexicans. Buckets and ladders chronically were in short supply, there being just enough for the *braceros* already on the job.

The purpose of these tactics was plain. Domestics would stop applying or they would quit, proving that what employers were saying about them was true, namely, that they were an unreliable lot. The Department of Labor, as a matter of official policy, declared it would not countenance harassment of employers by domestics intent on forcing the issue of displacement. It never took official cognizance of harassment of workers by growers.¹³

The tendency of wages showed the combined effects of discrimination, displacement, domination and harassment.

Comparison of agricultural wage levels and rates over the period of twenty years ending in 1960 meets with many difficulties. Changes in crop patterns eliminated old jobs and created new ones. Improved harvesting methods through mechanization affected the pace of work. The character and value of prerequisites changed. Weights and measures were altered while piece rates remained constant, concealing a decline in real earnings. In many crops there was introduced in place of the single fixed rate the "range of wages" with high upper brackets that were rarely if ever paid.

Even with these handicaps it was possible to observe a trend in California farm wages after the arrival of the *braceros*, and that trend was adverse.

The average reported wages paid to alien contract laborers never caught up with the rates which according to the United States Department of Agriculture were received by all farm laborers in California taken as a whole. Tractor drivers included in the Department's surveys were reported as working in the Imperial Valley for \$1.00 and \$1.25 per hour; *braceros* were used in the activity at 70 per hour. Out of 227 rates taken at random from official records of the State Department of Employment in 1958 there were 11 above the Department of Agriculture's composite average, 48 above and below and 168 entirely below. In the heavily dominated counties of Imperial, San Diego and Los Angeles some of the low

rates were as much as 50 cents below the composite level for the state.

The tendency of wages, according to well informed observers, was negative. Upon investigating the *bracero* program at its mid-point in 1951, the President's Commission on Migratory Labor found that aliens had a depressing effect on the earning power of domestics. The Department of Agriculture described the effect as "dampening." Imperial Valley wages, which moved but little between 1951 and 1955, were officially described as "firm." In a ten-year summary of experience under Public Law 78 the Department of Labor concluded that "where the continued employment of contract labor exists, it tends to depress wage levels . . . and drives out domestic labor to higher wage areas elsewhere." A decade of uncontroverted opinion within the Department was summarized by Secretary Arthur J. Goldberg in the statement that normal competition for improvement in the farm labor market had been eliminated and wages had been "inexorably" depressed.

The distribution of wage payments on California farms by classes of labor showed that more capital was allocated for alien than for domestic hiring, and that for the state as a whole farm labor income had indeed remained "firm."

Between 1951 and 1959 total wage outlays by commercial farms rose from \$416,000,000 to \$498,000,000, a difference of \$82,000,000. Wages paid to *braceros* increased from \$28,000,000 to \$83,000,000 — a gain of \$55,000,000. There remained, therefore, \$27,000,000 available for wage outlays for domestic laborers. The industry set aside slightly more than twice as much to hire aliens as domestics.

Stabilization was indicated by the average yearly earnings of all hired workers, including *braceros*. In 1950 the average monthly employment of 244,000 divided into the yearly wage bill of \$410,000,000 gave an income figure of \$1,680 per person. In 1959 average employment of all types of hired workers was 299,000 and the year's wage expenditure was \$498,000,000, representing an average of \$1,666. In the rough the record indicated a slight decline of \$14 per year. If from the figures given the wage payments to *braceros* in 1951 and 1959 are subtracted and the remainder is divided by the average monthly employment of all other

hired laborers, the result is a slight improvement in average yearly earnings from \$1,630 to \$1,652 in the nine-year period. This was still well below the goal of \$2400 a year which had been set by the federal government during World War II.¹⁴

Taken as a whole farm wages in California during the decade 1950-1960 tended to freeze, with cracks and thaws appearing where alien employment was lightest. Anderson, who compared 29 crops in 1952 and 1959, found that in 8 rates of pay had increased, in 11 had remained unchanged and in 10 had declined. In 16 crops surveyed in the Sacramento Valley for the same period rates improved in 4, remained stationary in 5 and dropped in 7.¹⁵

In the crops that showed improvement the increases were modest. The range in the Imperial Valley was 60-70 cents an hour in 1951 and 70-75 in 1959. In Santa Clara the average rose from 85 cents to \$1.00 an hour in a period of nine years. In Ventura the range moved from 80-90 cents to 85-90 cents. In San Diego the lower brackets of 60-75 cents of 1951 gave way to a stable most common rate of 75 cents in 1959. In Yolo the major crops paid ten cents an hour more at the end of a decade. Department of Agriculture figures for 1945 compared with those compiled by the industry in 1960 indicated that hourly earnings for lemon pickers had increased from 90 to 96 cents. Dry beans were cultivated in Monterey County in 1951 for 82.5 cents an hour and in 1959 for 85 cents. The most common rates in the major crops of Kern County improved by 10 to 15 cents per hour. To the extent that these samples were representative they suggested that where wages went up during the decade they did so within a bracket of 15 to 25 per cent. It should be noted that wage spurts during this period accompanied or followed union organizing activity.

A second group of crops was that in which rates changed little or not at all. Beet harvesting at 70 and 75 cents an hour in 1953 was still being done at that price in 1958. Cotton picking in the Imperial Valley fell from \$3.00 a hundred pounds between 1952 and 1954 and returned to \$3.00 in 1957. The most common rates in the wine grape harvest in Solano County for 1952 and 1959 were in the respective ranges of 18-20 cents and 15-18 cents per box. The range for picking peaches in Sutter County hovered around 12-16 cents in the seven years ending in 1959. Pear harvesting

showed a range of 15-18 cents in 1952 and in 1959 was still firm at 18 cents. Asparagus cutting in Sacramento County adjusted with a drop in the lower level of the range from \$3.25 to \$2.75 and a steady ceiling of \$3.75 for the most common rates. With the substitution of association schedules for wage surveys the top bracket in asparagus was raised to \$4.25. The 1945 wage ceiling for peach picking in north central California was set at 12 cents a box. In one county within this area, Yolo, *braccros* were certified to pick peaches at 12 cents per box in July 1959. Stability and firmness in wage levels was also pointedly achieved in the snap bean harvests of Santa Clara County, where the work paid 2 cents a pound in 1954 and 2 cents a pound in 1960. Market tomatoes were picked and packed in Tulare County at \$1.00 in 1954 and at the same wage six years later. Harvest rates for canteloups in Stanislaus of 22 to 25 cents per crate in 1954 came to a most common rate of 24 cents in 1959; broccoli harvesting in Monterey steadied at 87.5 cents per hour and broke slightly from 25 to 22 cents on piece rates. There was no change in wages for carrot tying in Santa Barbara between 1954 and 1959. Prunes paid 25 cents a box in Yuba in 1947 and in 1957, with an increase of 5 to 10 pounds in the capacity of the boxes in some orchards. Garlic topping in San Benito County steadied at 85 cents per hour and 25 cents per 30 pounds through the six years ending in 1959.

In the third category were the crops in which wages dropped. Cannery tomato harvest wages in San Joaquin were reduced by growers in 1950 to 12 cents for first picking, but union resistance restored the former rate of 18 cents temporarily. At the end of the harvest worker organization broke down and first picking opened in 1951 at 12 and 13 cents. The following year the price dropped to 11 cents and by 1955, when contract laborers were in possession of the fields, a rate of 10 cents per 50-pound box for first picking prevailed. In the principal tomato growing areas of the northern Central Valley in 1957 the most common rate was 11 cents. During the next three years the rate most frequently found on *bracero* records was 12 cents, with an average of 15 cents for second picking.

In the peach orchards of Yuba and Sutter the anchor rate for many years was 12 cents per box, with an average of 12 to 13

cents and an occasional peak of 20 cents to retain experienced workers. Among many growers the most commonly offered wage levelled off at 12 and 13 cents, the rate at which *braccros* were certified by the Farm Placement Service. When the Mexicans were moved from the orchards to the dehydrators the resulting pressure on wages moved them down from 1.25 to \$1.00 per hour, creating a shortage of domestic laborers who would not return to their old jobs at the reduced rate.

Domination of lettuce harvesting in Monterey County proceeded swiftly between 1951 and 1959. It coincided with the transfer of packing from the sheds to the fields. Domestic packers in town sheds who had averaged \$2.50 an hour were replaced by *braccros* in the fields who started at a base rate of 82.5 cents per hour. Wages for beet thinners in San Benito County fell from 85 cents to 82 cents per hour in 1958. Some crews of domestics walked out of the vineyards of San Joaquin when they were notified in the fall of 1958 that pruning rates had been lowered from 3.5 cents per vine to 3 cents. *Braccros* were moved in immediately. Offers of onion pulling and planting at \$90.00 per acre made to local workers in the Stockton area in 1957 were refused because the rate before the appearance of *braccros* had been as high as \$110.00. There was also discontent among the apricot pickers of San Benito in 1957 when they were offered \$1.00 an hour as against the previous rate of \$1.25. Cantaloup picking wages in Imperial on a time basis were \$1.00 in 1945; in 1956 they were 70 cents. The domestic pear pickers in the blue ribbon orchards around Hollister made \$1.00 an hour in 1957 and 90 cents in 1958. Strawberry picking in Santa Clara and Monterey had paid 55 to 60 cents per crate in some fields in 1956. After the association established its schedules with a range of 50-70 cents per crate and had obtained certifications for *braccros*, the 50-cent minimum became the most common wage. In several central coast counties a shortage of experienced irrigators was created between 1955 and 1959 following the reduction of hourly wages from \$1.25 to 85 cents an hour, with *braccros* preferred for this type of skilled work.

The adverse effect of alien contracting on housing for domestic workers, particularly for family labor, was no less severe than on wages. Next to the pay offered nothing was so important to the

harvesters as the shelter provided; and nothing was so striking as the coincidence between the perennial shortage of domestic laborers and the lack of housing for them, which became more acute with the passage of time.

It was a shortage of which the state agencies concerned with farm labor were very much aware. Housing policy was bound to reflect a preference for Mexicans, who could be economically lodged in barracks. The Farm Placement Service, in its Bulletin number 56 of May 9, 1956, clearly pointed to the connection. "A lack of suitable housing," it said, "continues to confront local office personnel in placing available domestic family group workers." The bulletin went on to point out that as facilities for domestics became scarcer requests for *braceros* increased. In one area a representative of the Service reported that 40 per cent of the American migrants he could have referred were eliminated because the job offers on hand provided no housing. The agent in Imperial predicted in 1959 that the high priority for Mexicans would continue indefinitely, giving as one of the reasons that there was no low cost or on-farm housing for seasonal workers with families. The 1951 advertisements of the San Joaquin association for "desperately needed labor" carried the notice that no housing was available. As more *braceros* were moved into the tomato, strawberry, melon and lettuce producing areas fewer tents were pitched for domestic seasonals.

Commercial farmers minced no words on farm housing. They were opposed to stringent enforcement of state regulations and to the application of federal standards, particularly when it was felt that housing guarantees might be extended to domestics. A successful campaign was waged by the associations against the farm labor camps constructed by the federal government during the war. These camps were closed or turned over to local private management, under which they steadily deteriorated as the private association camps expanded. Some of these former government camps were taken over by alien laborers. There was some alarm among the associations in 1955 over rumors that the Department of Labor might yield to demands for more domestic housing. Mr. Alfred Norton, speaking for the Department, gave assurances that "there was no intent to re-establish the type of camps formerly

operated by the Farm Security Administration."¹⁶ Mr. Norton's superiors confirmed this pledge in 1958: "It is the further policy of the Department to leave with farm employers responsibility for housing arrangements, private or public, needed to permit their employment of available domestic workers."¹⁷

It was a responsibility that the growers were as happy to assume as the Department was glad to abandon. The consequence was a dismal picture of seasonal farm labor housing in California at the end of the first decade of Public Law 78. The Farm Placement Service called the lack of housing the most serious obstacle to finding work for its available applicants. Federal agents from Imperial to Monterey reported on housing as "little, or none, virtually unexisting." The Weekly Farm Labor Bulletin, once described by Edward F. Hayes as "the bible of the workers" published the alarming signs. In July 1952 the Bulletin tabulated 44 crop activities that offered family housing as against 37 in July 1960. Out of more than 260 crop activities surveyed in December 1952 only 34 offered family housing. In December 1960 out of 160 crops sampled only 1 could accommodate family groups. In the Imperial Valley the situation was even darker. Out of 46 crop activities with housing on July 26, 1952, families were provided for on 11. On July 16, 1960 only 2 crop activities out of 54 listed family facilities.

From the information set forth in the worker's bible it was evident that the son of man, if he was a domestic seasonal laborer with a family, had nowhere to lay his head. This was not only due to the fact that commercial farmers found it more economical to build camps for *braceros*; or that urban expansion was encroaching on neighborhoods where cheaper housing was to be found; or that the farming of leased land made permanent housing investments unattractive; or that building lots were scarce and costly even in the shoestring communities to which domestic workers were retreating. To these adversities were added the pressures of policy. Forty domestic families were ordered to vacate their rooms in the Patterson labor camp, formerly operated by the federal government, to make way for *braceros*. In one Salinas Valley camp resident families were asked to move for the same reason. A large private camp near Tracy which had for years housed hundreds of

domestic pickers during the tomato harvest was gradually closed to them as the Mexicans became more numerous.

Such housing as remained for domestics was not of the type that would attract and hold them and to that extent relieve the manpower shortage. In the summer of 1957 transient families slept under trees in the Yuba City labor camp for lack of better shelter. A few miles away from this camp seasonal workers from out of town were escorted by police off the banks of the Feather River where they had found temporary quarters. Near the town of Woodbridge in San Joaquin signs were posted against camping in areas which for many years had been used by seasonal workers as temporary trailer parks during the grape harvest. A migrant family of eleven persons spent a night in a San Jose cemetery as they moved on from their jobs in prune picking, in which there was no housing for them. Twenty-five Negro families sharing one water faucet and two showers settled in an open lot near Marysville one summer for the duration of the peach harvest.

As barracks for aliens supplanted family housing, another important adverse effect was produced. The stability of residence of domestics was discouraged, community ties were further weakened and isolation rather than neighborliness enhanced. The threads of community, woven slowly into uncertain patterns of life and work, once more felt the strains of unemployment and the compulsion to move on. Stable crews and cohesive unions could sink no roots in such an environment.

The *bracero* served as an effective deterrent against both. The uncompromising hostility to worker's organization of commercial agricultural employers had never been able to prevent entirely the grouping of farm laborers for economic action. Crews provided opportunities for leadership as well as a means for locating jobs. Those who were not willing to submit to the labor bureaus sought through the union crews to bargain after a fashion. In a bleak environment which assigned to farm laborers only the most menial occupations and held them at arm's length socially, the crew gave hope. It brought together the most alert, enabled them to share experiences, instructed them in the ways of defense and offense, probed the weak spots in the competitive armor of the industry,

established standards of performance and set up amid the flow of migrancy familiar landmarks of group identity and mutual trust.

Crews, of course, were not an unmixed good, for they were often used by leaders as an instrument for personal gain. The elected crew leader was too often an apprentice contractor who, with a license in hand, easily became a *padron* of the classic type. Even so the crew was indispensable, and through it the workers progressed toward incipient forms of mutual aid.

To prevent such progress was for a hundred years the essence of labor policy in agribusiness. The dispersal of domestic crews began on a systematic scale when the associations were once assured a steady supply of *braceros*. Entire teams were dismissed in the melon harvests of the Imperial Valley in 1950 and 1951. Corporation farmers refused to continue their long custom of signing contracts with crew leaders. The Farm Placement Service referred crew members in two's and three's to minor crops and to separate farms. In Monterey the Service used the single referral effectively among lettuce packers. Between 1956 and 1960 experienced groups that had worked together in asparagus, peaches, olives and tomatoes were demoralized and dispersed. The only terms on which commercial farmers would negotiate with a crew leader were those which had already been established for *bracero* hiring. Again and again pre-season agreements for crew labor would be repudiated on the eve of harvesting with the resultant loss of jobs and of confidence of the workers in their leaders and their teams.

Organized crews did not completely disappear from the agricultural scene, for it was realized by the industry that the token employment of domestics provided a useful veneer for the Mexican program. Although *bracero* domination removed a very large percentage of domestics from many crops, there were always enough of them to be seen in the fields to prove that they had not become extinct. As a potential core of organization, nevertheless, the crews were overwhelmed. Numerous as they had once been, notably among the Filipinos, they never succeeded in overcoming racial isolation, possessed local bargaining power only, did nothing to educate their members as working men, and were no match for the largest gang of all, the *braceros*, or for the largest of all intermediaries, the Secretary of Labor.

In like manner the form of economic organization next above that of the crew, the trade-union, was successfully blocked through the *bracero*.

Union organization of farm laboreis in California had not been attempted on any significant scale during the decade preceding the adoption of Public Law 78. Adverse effect brought the National Farm Labor Union to the scene in 1947. In the following five years the Union established locals in Kern, Imperial, Monterey, Fresno and other major production centers. Resisting adverse effect in all its manifestations, the Union was soon in a position to bring economic action to bear on the issue. A strike was called against the DiGiorgio Fruit Corporation in October 1947, and another attempt was made against large commercial producers of cantaloups in the Imperial Valley in 1951. In both instances the *bracero* was a most effective weapon in turning back unionization. Between these two actions there was a third, the strike of the tomato pickers in San Joaquin in the fall of 1950.

The DiGiorgio corporation had used *braceros* almost from the beginning of the Mexican program. It had 130 of them on its farm at Arvin when the Union placed its pickets at the gates on October 1, 1947. The contracted laborers were supplemented by a smaller number of Wetbacks, together making a gang of nearly 200 men. On the first day of the strike the *braceros* stopped work. This show of solidarity with the domestic farm hands was as unexpected as it was embarrassing. The sheriff, Mr. Loustalot, and a representative of the U. S. Department of Agriculture were called in. What precisely they told the Mexicans is not known. The *braceros* went back to work. They continued on the ranch as the mainstay of its labor force during the next six weeks, when the federal government yielded to the protests of the Union and the men were withdrawn. The Border Patrol raided the ranch and picked up the Wetbacks. In the month and a half that the corporation had been able to maintain an alien core of strike-breakers it was able to improvise a new work force, which gradually took over after the initial shock of the strike had been fended.

In October 1950 the Union had a similar experience. Several hundred tomato pickers were organized in the Tracy area of San Joaquin County to resist a cut in the picking rate from 18 to

12 cents per box. Strike activity lasted nearly three weeks. The growers relied on Wetbacks to patch their disrupted operations, supplemented by several hundred *braceros* who were borrowed from certified employers. The trucks and buses that carried the mixed crews of illegals and contract workers moved under police escort. The Union succeeded in restoring the higher wage rate. Picking was resumed without union recognition. This partial success did not conceal the important role of the *bracero* in stopping efforts at organization.

If there were any doubts on this score they were dispelled by the strike of cantaloup pickers in the Imperial Valley.

In the spring of 1951 the Union was establishing a base in the valley with several active locals and a membership of over 400 men and women. The program of the Union centered on preventing the dispersion of crews and the referral of domestics to the association by the Farm Placement Service. Demands for preferential hiring of resident laborers, maintenance of the hourly rate of \$1.00 an hour, and recognition of the Union were presented to all the major employers. There was no response and the strike was called for May 24. Nearly 500 harvesters stayed away from the fields the following day. The State Conciliation Service notified the Department of Labor in San Francisco that a substantial work stoppage was in effect throughout the valley.

When the strike started there were 4,000 *braceros* in the area. They were employed throughout the strike, assigned daily under police guard out of the association pool in El Centro and loaned freely among corporation employers. During the first week 1,500 contracts that were about to expire were renewed. The crop moved with *bracero* pickers. On June 8, Secretary of Labor Tobin finally decided that a strike was in progress and ordered an investigation. A few days passed and the preliminary findings of the investigators were submitted to the Secretary, who advised the Union that it would take still another week to determine whether he could legally remove *braceros* from struck farms.

With the Mexican Government the Union had as little luck. The Mexican consul in Calexico, Elias Colunga, sent an unfavorable and depreciatory report to Mexico City, belittling the efforts of the Union. The Department of Foreign Affairs of Mexico was

advised by Ambassador William O'Dwyer, whose brother, Frank, was a partner of Keith Mets, leading figure of the association, that the United States Department of Labor had not recognized the strike. The Mexican Government allowed matters to take their normal course of continued contracting and strike-breaking.

In the meantime the Farm Placement Service was lending domestic support to diplomacy. It renewed old contracts and certified hundreds of new ones. Fresh contingents of *braceros* were moved into the valley on June 21. A continuing labor shortage was advertised in the weekly bulletin of the Service. Mr. Hayes appraised the situation finding that the *braceros* were successfully completing the harvest and that there was no strike of domestic workers.

Cumulatively the DiGiorgio, Tracy and Imperial Valley strikes had a powerful effect on the domestic laborers who participated in them or watched them with anxiety. They saw the *braceros* as a massive reserve that could readily be used to blunt the force of economic action. They sensed the delaying tactics of the Department of Labor and the supporting role played by the Mexican Government. As state and federal agencies pondered and delayed, or issued new rules that patently weighted the workers with additional handicaps, it became clear that adverse effect had struck in its most aggressive form.

As so often happened in the administration of the law, statements of policy had little connection with the real state of affairs. "The Mexican labor program is not to be used," said the Employment Security Manual of the Department of Labor, "to hamper or defeat legitimate efforts of workers to organize or to win economic benefits for themselves."¹⁸ Between 1950 and 1960 attempts to win such benefits were beaten back. Domestic laborers were forced to yield on wages, compelled to abandon the fields as domination advanced and left to reckon alone with agricultural corporations on whose behalf their government negotiated agreements for terms and conditions that no employer ever tendered an American citizen.

CHAPTER 19

THE FAILURE OF COUNTERVAILANCE

"Private economic power," wrote Professor John Kenneth Galbraith in his book *American Capitalism*, "is held in check by the countervailing power of those who are subject to it." The conventional assumptions of this doctrine are simply stated. Men are free to combine in groups to further their common interest. The formation of such groups generates power. This power functions not vertically but horizontally against counter interests that set up automatic checks and balances. The general arrangement of power is not a pyramid but a chain of relationships resting on the level ground of universal education and political democracy. Some powers may get a head start and for a time dominate to their special advantage, but in time countervailing forces will level the hump and restore both balance and circulation to the body economic.

In the second quarter of the twentieth century the farm workers of California seemed to be conditioning themselves to assume a place in the scheme of things according to the Galbraith rule. They were settling down in hundreds of communities and exploring their capabilities to generate a public opinion and a leadership of their own. There were the beginnings of a common experience among the various sectors of a labor force of nearly 100,000 men and women who made their living entirely or principally at farm labor. Throughout the state there were in 1959 over a million and a half members of established trade-unions, which, for more than sentimental reasons, were aware of the plight of farm labor. The migrants of the land, settling down uncertainly and often amid violence, had in their favor the declaration of policy of the State of California—from which commercial agriculture was not exempt—of full freedom of association and self-organization for the purpose of collective bargaining.¹ The courts had declared that it was an affirmative objective of the commonwealth of California to equalize the countervailing powers of labor and management by encouraging effective unions.² An executive federal department had been created to protect them; it was the legal duty of the United