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U.S. DEPARTMENT OF LABOR
WAGE AND HOUR DIVISION
Washington

ADDRESS SCHEDULED FOR DELIVERY BY ELMER F. ANDREWS, ADMINISTRATOR
WAGE AND HOUR DIVISION, U. S. DEPARTMENT OF LABOR
On a Broadcast Over the
NBC RED NETWORK SYSTEM, 8 P.M., MONDAY, JUNE 19th, 1939

The Social Security Act, the Wagner Act, and the Wage and Hour Law together form the charter of industrial and economic democracy for the wage earners of the Nation. Together these statutes protect the Nation against mass poverty, sweat shop hours and industrial war. Tonight I want to warn you that these three Acts are in danger of being mangled by lobbies which, knowing the Acts are here to stay, seek, by flank attacks, to chop these laws to pieces.

Literally millions of workers, the neediest, the least organized and the economically weakest of all wage earners, are threatened by pending or proposed amendments to these great pieces of labor and social legislation.

More than a quarter of a million of these workers would be excluded from the benefits of the Social Security Act under an amendment which has passed the House and is now in the Senate.

More than 1,000,000 workers would be robbed of the protection of the Wage and Hour law by ripper amendments now before the House.

A million and one-half employees are threatened with industrial disfranchisement by proposed amendments to the Wagner Act.

Tonight I have time to tell you the story of only one of these pressure groups, the misnamed 'Agricultural Producers' Labor Committee. That committee is a legislative "front" for the Associated Farmers of California, a notorious labor-busting outfit of the West Coast, which is largely financed by the

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Chamber of Commerce of California, big public utility interests, and employers opposed to organized labor. The Associated Farmers have a long record of trying to solve their labor troubles by violence. It is a matter of notorious record that they have suppressed free speech, a free press, the right peaceably to assemble, the right to petition--just about all the constitutional guarantees that were intended to safeguard the liberties of a free people.

When you think of a farmer you probably have in mind a man who works 40 or 60 acres by the side of the road. He grows a little wheat and hay and corn, and keeps a few cows and raises a few pigs, and has an apple orchard and a berry patch. He works the farm with the help of his wife and children, and occasionally employs a hired man.

Well, most of the Agricultural Producers Labor Committee aren't farmers in that sense at all. Most of them participate in the operation of packing or canning plants for which their vegetable ranches or fruit orchards, covering hundreds of acres, are feeders. They've got their operations on a production line like an automobile factory, and just as thoroughly industrialized, and instead of employing an occasional hired man they employ, off an on, hundreds or thousands of people, many of them Mexicans, Filipinos and refugees from the Dust Bowl whom they can hire for a few cents a day, and they often house them in unsanitary tent colonies or in dilapidated shacks.

These organized operators aren't going to be held accountable for any of their acts, or for any of the intolerable conditions they create, if they can help it.

The Agricultural Producers' Labor Committee has neither constitution, by-laws nor a declaration of principles. But they are perfectly frank as to what they want. They want out. They want immunity from the Wagner Act, the Social Security Act, State Unemployment Compensation Acts, State Wage and Hour

laws, and the Federal Wage and Hour law. They seek to recapture the special privilege to exploit the workers in the industrialized packing, canning and processing plants. They prefer the feudal system of the Dark Ages.

The Napoleon of this counter-attack upon progressive legislation is one Ivan G. McDaniel, Counsel to the Agricultural Producers' Labor Committee, a Los Angeles lobbyist-lawyer, who, since he swung into action in Washington, has become familiarly known among his opponents and victims by his first name. That is a tribute to the effectiveness of his legislative raids to date. If Ivan gets his way, every employee engaged in packing or canning farm products will be deprived of all security in his old age, of the right to join with his fellow-men in unions of his own choosing, and the right to work protected by a floor under wages and a ceiling over hours.

Ivan says that the farmer demands this immunity for the non-farming middleman processor, the packer and the canner. Let's see what a genuine farmer says. Let's see what Henry A. Wallace, Secretary of Agriculture, says. I quote from a letter written by Mr. Wallace to Senator Elbert Thomas, the statesman-like chairman of the Senate Committee on Education and Labor: "The processing of farm products and preparing them for market, when performed off the farm, should unquestionably be regarded as a non-agricultural operation." Mr. Wallace shares our view that this employment should have the protection of the wage and hour provisions of the Fair Labor Standards Act.

Let me tell you just how Ivan operated upon the clarifying amendments to the Wage and Hour Act contained in H. R. 5435, which Mrs. Norton, the courageous Chairman of the House Labor Committee, and the Wage and Hour Division agreed upon last February. The changes proposed in these amendments were generally accepted as desirable improvements of the Act. But when Ivan and his natural allies got through with this simple legislation it had been transformed into

an instrument for the emasculation of the Federal Wage and Hour law.

Let me tell you what wage earners this Bill proposes to banish from the protection of the Fair Labor Standards Act:

150,000 logging employees would be removed from the present 44-hour workweek and worked up to 60 hours a week for 38 workweeks with no hours limitation at all during the remaining 14 workweeks;

125,000 employees engaged in packing fresh fruits and vegetables would be deprived of the protection of both wages and hours;

73,000 employees (mostly Negro) engaged in handling and processing tobacco would be similarly exposed to exploitation;

Hundreds of thousands of employees engaged in canning plants, slaughter houses, terminal grain elevators, etc., would be removed from practically all protection from overtime hours.

But even this doesn't satisfy the opponents of labor. It is not enough to exempt from the benefits of the Act loggers, packers of fresh fruits and vegetables, tobacco stemmers, and to impose intolerably long hours upon employees of canners, slaughtering houses, terminal grain elevators and upon thousands of others. Now I am advised that these groups and others seeking exemptions are undertaking to have the House consider this Bill, H. R. 5435, under a rule which will permit amendments from the floor, at which time proposals to exempt all clerical workers, all cannery plant workers, all packers, all sawmill workers, all telephone and telegraph workers, all miners, all truckers, the employees of all warehousemen, and wholesalers will be pressed. There is even a proposal to

deprive all wage earners of the 5¢ an hour increase in the minimum wage which is to take effect October 24th, and to repeal the provisions which make possible the advancement of the minimum wage to 40¢ an hour in those industries which can afford it.

It is now clear that the high-priced lobbyists are not going to let any clarifying amendments go through the Congress unless these amendments carry along with them the emasculating exemptions which they seek for the special groups they represent. It is now clear that no clarifying amendments will go through the Congress without opening the Fair Labor Standards Act to a general revision. As Administrator of the Wage and Hour Division I know that we have not had sufficient experience in administering the statute to provide any basis for such a general revision. ~~The~~ proposals now made for amendment by those who fought the bill before it was passed--and by those who fight it now--seek to make the amendments a bill to lower wages and lengthen hours of work.

Men and women of the radio audience, I do not feel that I can warn you too solemnly of the immediate danger in which hundreds of thousands of American workers are of losing their rights under the Federal Wages and Hours Act. The high-priced lobbyists of whom I have been speaking are working hard. They are busy tonight. There is real cause for immediate concern. If they have their way all clerical and industrial workers will be deprived of social gains which they have won during the last few years.

If the precedent is ever established of excluding large numbers of employees from this Act merely because of the demand of employer pressure groups, no worker covered by the Act can long expect to receive its benefits. Such a legislative reward would always be an invitation to other employer pressure groups to secure a similar exemption for their workers.

And as for organized labor, any law passed by the Federal Government which recognized intolerably long hours for hundreds of thousands of employees would handicap labor unions in obtaining reasonable hours in their collective bargaining agreements.

Moreover, if the Federal Government removes the protection which hundreds of thousands of workers are now receiving from this law, the example would be cited in turning the heat on State laws regulating minimum wages and hours of work for employees.

Who will benefit by all this? Certainly not the genuine farmer. The effect will not be to help the farmers but to harm them. For to whom will the farmers sell their cotton, their wheat, their tobacco, their fruits and vegetables if millions of industrial workers do not have jobs and the money to buy their products?

I repeat, there is reason for every working man in America, and for responsible employers and citizens generally, to be alarmed because this Bill, H. R. 5435, is being supported by well-financed lobby groups who are determined to recommit a large part of our working population to poverty and human misery. The Wage and Hour Act is in peril.

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