

## 9. The screed and its repercussions

**Henry:** Well, we were talking about my carrying out this research project under a grant from the National Institutes of Health, ostensibly studying the effect that the bracero experience was having on the braceros' ideas about health and medical care. More specifically, whether they were shifting from a belief in folk medicine to a belief in Western-style medicine as a result of their participation in this program. That would have been one of the arguments in favor of the proponents of the program, who argued that it was a good thing for both countries because it was serving as a kind of mutual assistance program for the benefit of Mexico without costing the American taxpayers anything. But it didn't take me long in my experience seeing how the program worked in actual practice that it probably wasn't working in that way at all. I began developing very serious misgivings about the very existence of the system, but I tried to keep them to myself and not let them get in the way of the interviews that were being conducted by my interviewer Louie Tigabon(?sp). I had a lot of trouble finding somebody who would stick with the project, because the goal was to interview 2,500 braceros -- those who were just beginning their immersion in the program, and those who had already been in this country for some time. The questionnaire was quite long; it probably took an average of an hour per interviewee. So it took a good deal on the part of the interviewer. I finally found this fellow who was really interested, and very good at eliciting responses from perfect strangers.

As time went by, my own feelings became more and more conflicted. I thought the project was worth doing. It was a livelihood for myself and my four dependents by this time. I had my wife Pam and three children, all quite young. I had no other job prospects, so I needed that job very badly. Yet, I felt that I might be complicit with a program that I didn't even think deserved to exist. So, I tried working out this conflict within my own mind. I tried passing along bits of information that came my way to people in the field of farm labor who opposed the whole program. I would give them scraps of abuses and scandals that came to my attention to use as they saw fit. But I was not able to play any direct part in affecting the course of events.

I had an epiphany along about (probably) Feb 1958, when for the first time I was invited to watch the selection of braceros at a so-called "reception center" operated by the U.S. Dept. of Labor in El Centro, CA, where all the braceros passed through from Mexico to CA, AZ, and to some extent OR and WA. I watched the way the system worked in what they called the bullpen, where a representative of the growers' association was "selecting", as they called it, on that particular day. He gave me a running account of what he was looking for, as the peasantry of rural Mexico shuffled in front of him for his approval or disapproval. Anybody who showed any sign of alertness, intelligence, good dress, education, or anything that deviated from his ideal of somebody who was downtrodden and docile would be rejected. For example [*chuckle*], one fellow came through with a toothpick in his mouth, and it happened that this growers' representative was also chewing on a toothpick. He said, "That guy thinks that he's just as good as I am". So [*chuckle*], he was eliminated.

Under the rules of that system, if a fellow wasn't selected by somebody within a period of 5 days, he had to be kicked back to Mexico. It was what I came to call an indentured service

system. It wasn't exactly slavery, but they had to sign contracts that bound them to work for whoever they were told, doing whatever they were told, at whatever wages and conditions they were told, for however long they were told -- which they had absolutely no say and no power to change. I came to visualize it as the grounds for an equivalent to the civil rights movement in the South on behalf of one oppressed group. I thought that the field was ripe for another abolition movement addressed to this new group of oppressed people. [An idea] came to my attention through a phone call from a friend of mine at the American Friends Service Committee. He was the head of the AFSC's Farm Labor Project. This project was located in Tulare County; the main headquarters were in San Francisco. His name was Bart McAllister, and he was not a bad fellow at all; he and I became friends, in fact. He thought the bracero program was a big mistake also. But, as part of his job, he wasn't able to do or say much about that. His job was to train local farmworkers to be labor contractors -- honest labor contractors, as opposed to the present type of labor contractors in the field who were totally unregulated by law at that time, and who made a practice of gypping all the workers under them in every way that they could.

I thought that was not really the main problem. The bracero program had, in fact, put most labor contractors out of the business because the government agencies were serving in that function by providing growers with all the workers they wanted without having to pay the labor contractor a commission. I thought the AFSC ought to be in the business of trying to work against the very existence of the bracero system, and also perhaps to help in the emergence of a farm labor union which would also serve to provide workers to employers without asking for any commission. There were in fact 2, 3, or even 4 unions in existence at that time. There was an Agricultural Workers' Union under the AFL/CIO, which was kind of a paper organization under the leadership of Ernesto Galarza. There was a Packinghouse Workers' Union. There was the ILWU (International Longshore and Warehouse Union), which had organized farmworkers in the Hawaiian Islands although they weren't active in the fields in this country. And, there was the Teamsters Union, which had organized cannery workers and of course truck drivers who hauled all the produce from the fields to the canneries. There was talk from time to time that of course all the Teamsters had to do was use their muscle to organize fieldworkers, and they could do so almost overnight.

Bart McAllister, my friend in the Farm Labor Project of the AFSC, told me that the executive board of the Northern California branch of the AFSC was about to have a meeting in San Francisco on ~May 24, in which they were going to have a debate on whether the organization would take a stand on Public Law 78, which was the enabling legislation for the bracero program. One of their members was a grower, a small farmer, but he was a bracero user who was prepared to defend the program. They wanted somebody to take the opposite view. Bart wanted me to represent the point of view against the bracero program. As it happened, I already had some appointments lined up back in Washington in which I was going to interview people at the Dept. of Labor who were responsible for administering the whole system. I made it a point to try to interview all the interested parties. Then, I was going to go on up to NYC to interview some people at the National Advisory Committee on Farm Labor, which was a liberal group that included people like Norman Thomas, Eleanor Roosevelt, and other do-gooders.

That trip was scheduled to begin on May 24, the same day as the AFSC board meeting. So I said to Bart, "The best I can do is send you something in writing". He said, "Well, OK, that will be better than nothing". He knew perfectly well that I was going to oppose it, but he didn't know exactly in what words.

I think that he called me early in May. There was an absolute deadline. Whatever I had to say, I had to get it in the mail by ~May 21 in order for it to get to San Francisco in time for this meeting. Well, one of my faults is procrastination [*chuckle*], and I found other things to do day after day, week after week, until it got to be May 20. According to my calculations, I had to get something in the mail by the following day. I guess I must have begun very early in the morning. I worked all day on it, and ended up with a 10-page document which I called "Social Justice and Foreign Contract Labor", subtitled "A Statement of Opinion and Conscience". At the end of it, I put my name, the fact that I lived in Claremont, CA, and the date. Actually, the date I put on it was the 21st, because I didn't finish typing it until the following day.

Under the time constraints, I didn't have time to show it to anybody except my wife Pam, or even to discuss it with some of my advisors in the field. Ernesto Galarza was one of them; he was my guru when it came to economic matters. Father McCullough was my guru when it came to spiritual matters. Pam said (I remember her words) "It's pretty strong, isn't it?" I said, "Yes, I meant it to be". I was trying to push the members of the AFSC off the fence. I was trying to convince them that there was a moral issue here, and that by trying to maintain their usual moderation, conciliation, or mediation -- whatever their usual stance was -- I said that they needed to take a stand. I was trying to imply that they did; I didn't come right out and say so.

I put this document in the mail. I still had time before the daily pickup of the mail to dash off a letter to my friend/ advisor/ confidante Father McCullough. I said to him "I don't know what may be the result, but I just had to get it off my chest because it was bothering me so much". I put that in the mail at the same time as this document. He was based in Stockton at that time.

I then returned to the supervision of my interviewer. Among other things, I felt it was time to take a look at how the bracero program was functioning down below the border. As I believe I mentioned earlier, I at one time visualized that the whole project would be conducted south of the border, but I was not able to get a visa for that purpose. But, there was nothing to stop me and my interviewer from driving down as "visitors". That was what we did (let me think) around the middle of July. He and I drove down together, and as a matter of fact we took Pam along in order that I might have an interviewer during the times that Louie was interviewing braceros. This was in a town called Empalme, a small crossroads in the state of Sonora about 700 miles south of the border.

Empalme was where the gov't of Mexico collected would-be braceros, who were supposed to be screened back in their villages to make sure they weren't depleting the fields that they themselves would normally be cultivating. In actual practice, guys flocked to this reception center (or migratory station, as they called it) by the thousands, and almost literally fought each other to be able to come to this country, in order to feed their families. That's what it came to, because they were simply not able to make enough by growing their own crops to survive --

they were driven by hunger, almost literally. Then they had to wait, and fight the system, to get on the freight trains that would haul them to the border. They had to run a system of "mordidos", as they called them. "Mordido" means "small bite" literally, or "bribe" in more crude terms. They had to pay for almost everything. Louie was able to get a good number of them to talk.

After a few days, Pam and I left him to finish these interviews, until he had a fair number. When I got back to Claremont, I found waiting for me the first response to my "Statement of Opinion and Conscience". It was from the Director of the California State Dept. of Employment, which normally has to do with administration of unemployment insurance and with helping American citizens find jobs. But they were deeply involved in the bracero program to the extent that one of their subsidiary agencies was a Farm Placement Service. The Farm Placement Service was given the task of estimating, in advance of the season, the harvest of whatever might be involved for each area of California. They were supposed pass along to the Federal Dept. of Employment Security (the Dept. of Labor had a branch called the Bureau of Employment Security) an estimate of how many workers would be required to harvest such-and-such a crop in such-and-such area, how many domestic workers would be available for that harvest, and how many braceros would be required to fill the so-called shortage. Of course, in advance of the season, who knew? They were also supposed to say how much was going to be the prevailing wage -- and who knew that either? So, the very existence of the bracero system, and the gathering of these thousands of people down in the interior of Mexico, hauling them to the border for another screening of health conditions and so forth, it all rested on the estimates made by these local farm placement advisors.

The director of the state Dept. of Employment took great umbrage at my statement of opinion and conscience, and said that I had made charges of dereliction of duty against his dept., and he demanded that I prove my charges. As a matter of fact, in the preparation of this statement, I had leaned heavily on advice that I had gotten from Father McCullough early on, when he knew about my research. He said, "Don't get bogged down in following individual cases; there will be no end to them. You've got to look at the big picture, and attack the system as a whole". He himself was particularly aggrieved at what it was doing to the family system in Mexico, because of course by definition all braceros were men. They had to leave their wives and children back in Mexico, and many of them were becoming permanent braceros.

So, in this 10-page screed, or whatever you might want to call it -- rant? [*chuckle*] -- I had begun with some illustrative cases of things I had been personally involved in, observed, or heard about from reliable witnesses. I may have had in mind the way Jefferson began the Declaration of Independence by listing the offenses of King George III -- I think he had 27, but I didn't have that many cases. I began by mentioning things I had seen, but then I went on to say that I didn't want to dwell on those because of such-and-such, and I talked about the system being one of forced indentured servitude, and that it should be opposed on that ground.

I tried my best to explain to this fellow, named Stewart, who was head of the Dept. of Employment, that he evidently hadn't read my paper very carefully, because everything I had

said was true, and I could prove it if it were absolutely necessary -- but if he were seriously interested in such cases, he had a whole dept. of people who could go out and find hundreds and hundreds of them without even trying, because I had found them without my particularly trying. I wasn't interested in the research that had brought these things to light. I was not interested in such things as the fact I had been told at one of his farm placement offices that there were no jobs available for me, when in fact there were 10,000 braceros working in that county. I tried to lean over far backward to say that I regretted that he had misunderstood what I said.

A couple of days later I got a letter from the Assistant Director of the regional office of the U.S. Dept. of Labor, Bureau of Employment Security in San Francisco, worded very similarly to the one from Stewart. This fellow's name was Huxley. He also was greatly offended by my allegations, and wanted me to prove them all or else retract them. I replied to him in the same vein: very conciliatory, and yet not giving him the details that he wanted. I could have said such-and-such a date that I observed or heard about such-and-such, but I declined to give him any such information.

They then moved against my interviewer. Louie was kicked out of Empalme, and his completed questionnaires were ripped up, so I didn't ever get any of them. He was ordered to stop interviewing in the bracero reception center in El Centro until it was decided in higher echelons what to do about my project. So, I pretty much had to wait. There was another exchange of letters. The state director of employment, Stewart, replied to my reply, saying that I had entirely failed to give him the satisfaction that he required, and he was therefore going to be forced to take further steps.

On Aug 1, it became clear to me that I had ventured out of my depth in trying to deal directly with these representatives of the gov't agencies. So, I prepared a complete chronology of everything that had happened up to that date, and sent it to a lawyer friend of mine in the nearby town of Pomona, asking his advice. In due course, he replied that he thought I was OK to continue doing as if nothing had happened, and call their bluff, because he didn't think they had any leverage over me, and I had done nothing wrong. He was a liberal democrat, who had once (I believe) run against Richard Nixon for the House of Representatives office representing Claremont back in the 1940s, before Nixon became famous (or infamous).

Steve Zederburg(?sp) (which was indeed his name) was overly optimistic, as I myself had been. I might as well try to mention a few of the reasons why. I believed that I had a sort of umbrella, or combination of umbrellas, over me, protecting me, even though this statement was very strongly worded. I had not mentioned the Univ. of California or the National Institutes of Health. I had not named any of the gov't agencies, much less the individuals involved. The only name ever mentioned in the whole thing was myself. Secondly, I assumed that this document was for the limited use of the executive board of the northern California branch of the American Friends Service Committee to help them arrive at a policy decision as to whether or not to take a stand on the bracero program. It never occurred to me that it would be read outside that limited group of 10-12 people.

**David:** How did it get in the hands of these gov't people?

**Henry:** I'm glad you asked that question [*chuckle*]. Good, I'm glad you're here to pick me up on oversights like that. It seems the executive director of the northern California branch took it upon himself to copy my document to send to a wide variety of people on their mailing list, which Bart McAllister later told me included 91 persons -- including all of the gov't agencies involved in administering the program, and the state farm bureau federation representing all the farmers in the state -- not all the farmers; I should say the more conservative farmers in the state. To show you the power of the farm bureau federation, their state headquarters were at that time very conveniently located on the campus of UC Berkeley.

After the fact, Bart McAllister said that he had spoken with Frank Quinn (the executive director), and had suggested that this mailing go out, but that I should give my permission first -- but that Frank Quinn had not done so. Bart asked me, if I had been asked in advance, I probably would have said OK to send it out, but not to mention my name. In any event, they would certainly have been able to figure it out if they were that interested -- and they were obviously that interested.

So, it was very widely disseminated. Then it became a matter of trying to figure out the exact chain of transmission, because it went beyond those 91 people to still others. Now, there has to be some conjecture. On or about the 20th of Aug, I had a call from my principal investigator, who was in fact my lead professor at the School of Public Health, named Edward Rogers, the man who had recruited me to help him with the course of medical sociology way back in 1955, and who was responsible, really, for my getting the research grant (he had used the fact that he was a member of the National Institutes of Health). Nominally, he was the PI, although in practice he had almost nothing to do with the actual research design or purposes. In any event, he had the power, so he called me up to Berkeley ~ Aug 20 to tell me that all kinds of trouble were breaking loose, and to get my side of the story. So I gave it to him. I guess I tried to say I was sorry for getting him involved, but that I thought I was entitled to my opinions outside of normal working hours. I guess he let that drop, but then he told me how far things had progressed at the university level.

It seems that the gov't agencies that I thought were my principal antagonists really weren't. Apparently, and this is my best recollection of what Rogers told me, the representative of the farm bureau federation and director of their labor relations dept. (his name was Cruz Vinstrom(?sp)) had a contact in the administration of the university (named Harry Wellman) who was vice-president of the entire UC system for agricultural affairs. The two of them had had extensive discussions. I asked Rogers whether he had any impression of what it was that would be required to satisfy the farm bureau. He said that he got the impression that what they really wanted was that the whole project be terminated immediately, and that I be terminated immediately, but that there might be grounds for calling off the dogs if I were to retract all of those 13 statements of fact (or however many there were), of things that I had personally observed or taken part in, or that my interviewer had collected as a side-effect of his interviews. If I were to retract all of those, and even to disavow the more general, abstract statements I had

made about the morality of the bracero system as such, they would be satisfied. I said I couldn't do that, because all of those statements were true, and I couldn't lie and now say that they were not true -- I wouldn't do that.

Rogers said that he was too busy fighting fights on a different front in the field of public health with which he was more familiar and more equipped, because he knew nothing about the politics of farm labor. He did know something about the politics of medical care administration. His big fight over many years was against the American Medical Association, which was very much opposed to health insurance plans (such as the Kaiser plan) that would do away with the fee-for-service system of medicine, which he felt was the thing most basically wrong with the practice of American medicine. So, I had to go back to Claremont and wait. He said he would keep me informed.

On the 10th of Sep, I got the call I was waiting for, and it was to inform me that a Solomon-like compromise had been reached somewhere in the system. I would be ordered to stop all further interviewing, there would be no more access to the bracero reception center in El Centro, and in effect I would have to let my interviewer go. But I would be permitted to write up the results that I had already obtained, which were from 1,149 interviews -- rather less than half the number I had anticipated at the beginning would be necessary to get statistically reliable results for the basic question, which was "Has there been a change between the experimental and control groups regarding ideas and attitudes about practices in the field of health?"

Well, here I was on the horns of a dilemma, again. The whole setting was so different. Nowadays, there are all kinds of organizations that are interested in academic freedom, and there is a federal law protecting whistle-blowers, for example. None of that existed back in those days. There were no unions on campus, the way there are today. I was very much alone. As I have already indicated, I had heavy family responsibilities, including this guy sitting right here [*chuckle*].

**Eugene:** By the way, when you went down to Mexico and took Pam, where did the kids ... when you went to Mexico to do interviews ...

**David:** ... yeah, who took care of us?

**Henry:** Your mother.

**David:** Hang on. Pam is my mother.

**Henry:** Oh, sorry. Your grandmother.

**David:** Your mom, you mean? Or Marian?

**Henry:** Oh, I think so. Yeah. Glad we cleared that up [*chuckle*].

**Eugene:** [*unintelligible*] ... something like that ... OK, so you were alone.

**Henry:** Interestingly enough, in my souvenirs I have a letter from your grandmother because she became quite interested in this whole affair. She herself read that statement of mine and was very generous in her praise. She thought it was brilliant [*chuckle*].

**David:** Do you still have that statement? A copy of it?

**Henry:** Oh, I could give you guys copies if I struck off a couple. I don't think it was that good, because I wrote it under such a gun. It's longer than it needed to be, it's repetitive, and probably I used purple prose. There were a couple of places that I would change a word or two. For example, this is one of the things that really ticked off the Dept. of Labor, which administered the reception center at El Centro. I said a number of prospective braceros had to pay bribes for routine services provided by representatives of the gov't agencies operating that center. For example, the U.S. Public Health Service had technicians taking chest X-rays (looking for tuberculosis) and drawing blood (looking for evidence of syphilis). There were lines for these functions. My interviewer told me, and I guess he personally observed, cases in which people (some braceros still had a little money left over after paying mordidas all along the line from the interior of Mexico) would slip the functionaries of the X-ray unit or the blood drawing unit a 50-cent piece or something to get a place earlier in line. It wasn't exactly a bribe in the way that it's conceived in Mexico. It was considered more in the way of a tip, the way you give a waiter at a restaurant a tip. Or it could be called a sweetener, or various other euphemisms. So, I probably shouldn't have used the word "bribe". But I think that's a comparatively minor point.

There was another reason why I didn't want to bow down entirely. I felt a responsibility toward my interviewer, who was about to lose his job. I wanted to keep him on the payroll as long as I possibly could. So, I began a little civil disobedience by having him continue interviewing at other places where it was possible to have access to braceros, those who were coming into the country and those who were leaving -- such as bracero camps in the area of Imperial Valley, and on street corners of towns such as Calexico where, under the requirements of the system, the braceros were supposed to have the right to go into town for purchases of their choosing. So, he did carry on interviewing to some extent. But there came a time when I, with great regret, had to tell him that I couldn't do anymore, and I turned my whole attention to working with the 1,149 questionnaires that I already had in hand.

It was necessary to put this mass of raw data into a form that might shed some light on the hypothesis with which the whole project had, in theory, begun. To put it in technical terms, it started with the null hypothesis that there was no difference in the end between the health attitudes and practices of braceros before and after they did the program. In real statistical studies, there were ways of measuring the level of confidence you can have as to whether there was or was not a change. Well, I had to figure out a way to code all the results that we got from these questionnaires, and then I had to find some way to analyze them. I lucked out, and finally one good thing happened. I learned that UCLA (this would have been the end of 1958) was about to open a computer center in which they had equipment, and they had students learning how to write computer programs, and looking for exercises on which they could start to learn these skills and put them into actual practice.

So I went into Westwood, and practically commuted for the next several months, as I got the questionnaire results entered into coding sheets, and took them there to be processed into some form in which they could be analyzed. I was looking for correlations between different variables. I didn't have any contact with UC Berkeley for months.

Before I conclude this afternoon's session, I have to mention a development in Feb 1959 [*chuckle*] by which I was thunderstruck. Let me put it this way. I read in the Pomona College newspaper (which I continued to pick up periodically) that the president of Pomona, a man named Wilson Lyon, was going to be meeting with the president of the UC system, Clark Kerr, and with a benefactor of the university, Edwin Pauley, a multimillionaire who had made his money in oil. In fact, he still was running the oil company, but had so much money that he was able to dispense it to places like UCLA to build a basketball pavilion, and Berkeley for a student union. I don't know what he and Kerr and Dr. Lyon were meeting about. I remember Lyon from my undergraduate years, and that he had a reputation for a practically photographic memory of alumni. So I asked to have an audience with him in advance of his meeting with these other two. He remembered me from 1949, and thought well of me because I had been a good student. I told him that I would like to have a moment or two with Clark Kerr after his meeting broke up, and would that be possible? He said that he would arrange it.

I should mention one of the protections I thought that I had over me at all times, beginning with the writing of this controversial paper way back in May 1958. At that time, Clark Kerr was the chancellor at UC Berkeley. He was also very active -- or I thought he was active -- in an organization called the National Advisory Committee on Farm Labor. He had a background dating all the way back to 1933, when as a grad student he had assisted Paul Taylor in a study of the massive farm workers' strike in the lower San Joaquin valley (the study was published; I have a copy). So, I thought he was definitely on the side of the angels when it came to farm labor. He also had something of a reputation of being a civil libertarian, so when push came to shove I wouldn't have to worry about the snipings from the Dept. of Labor or the farm bureau about my feelings toward the bracero program.

In any case, the afternoon of the meeting took place, and I was waiting outside Lyon's office. The three of them came out together. Dr. Lyon introduced me to Edwin Pauley and Clark Kerr as "one of our good alumni". I shook hands with both of them, and [*chuckle*] remember that Kerr's handshake was rather limp, but Pauley had a hand like a ham -- it was huge and [*chuckle*] very firm. He was a bitter, rock-ribbed Republican -- if it had been a matter of farm labor he would have been on the side of the devils. Anyway, that was my meeting with that famous man.

Then I had the chance to walk across the quadrangle to the Faculty Club, where Kerr was staying. I told him that I had an opportunity to give testimony at a congressional hearing that was about to take place in Washington about the continuation of the bracero program, and that I would like to give a statement of the few facts that I thought would shed light on the subject. As long as I did so as an individual only, and not involving the university in any way, would that be OK? He said, "As long as you keep it factual". I remember his exact words. I said, the reason

why I bring it up is that I had a problem with a paper I wrote last year. He said, "I know; I read it." At that moment, I was flabbergasted, because his name had never been mentioned up to that point as having any knowledge of it at all. I assumed that he had followed a course of remaining above the fray, and if he had known -- if he had been informed -- by the VP for Agricultural Affairs or any of the other people involved, he would have said "Tell him to tone it down" or something like that. But it now seemed to me that what must have happened is that the VP, Harry Wellman, must have thought it sufficiently important that he went to the extent of turning over this long paper to the very busy president of the whole university -- who had read it. Well, at the very least, Kerr would have had the opportunity to comment on it if he had wanted to -- and he didn't.

Years later, Kerr wrote his memoirs in two volumes -- the first something about the blue, the second about the gold. In the second volume, he specifically mentioned that among the things he would do differently if he had his whole tenure as university president to do over again, that he would have used his powers more than he did -- that he would not have let things go as he did in matters such as the free speech movement, where he let the chancellor of the Berkeley campus come down hard on the tables that solicited membership in political groups on campus. In the long run, they had to give in on those, and it led to a lot of unnecessary strife. In retrospect, he let the Berkeley chancellor sign off on the order that I stop my interviewing in the field. At that time, the chancellor was Glenn Seaborg, who knew nothing at all about farm labor, and probably not much about academic freedom either. So in fact the assistant to Kerr, the VP for Agricultural Affairs, Harry Wellman, had the final decision. Everything might have been different, but it wasn't really the end of the affair, as things turned out.

We've come to the end of the time again, so stay tuned for the next exciting chapter, because you haven't heard the last of it [*chuckle*].

**David:** OK, so we ended with the talk with Clark Kerr. We'll pick up from there next time.

**Henry:** Right.