



NATIONAL
COUNCIL OF
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NCAE Joins Fight for Farmer Rights in New York State

(Arlington, VA) The National Council of Agricultural Employers (NCAE) has joined a group of New York state farmers in their fight against the Farm Laborers Fair Labor Practices Act (FLFLPA), a law that strips American farmers and ranchers of their First Amendment rights. NCAE filed a brief *amicus curiae* supporting New York farmers in the case of *New York State Vegetable Growers Association v. James* late last week.

“There are few ideals more inherently American than that of our First Amendment rights,” explained Michael Marsh, NCAE’s President and CEO. “Farmers, ranchers, and farmworkers, like all Americans, deserve to enjoy that American right. The FLFLPA strips farmers and farmworkers of their rights in favor of union control. NCAE is proud to join the fight in New York against this outrageous example of overreach.”

In the brief, NCAE explained to the Court that, “[h]owever labelled, the end result of the [FLFLPA’s] so-called ‘impasse resolution procedures’ is a total government takeover of the operations of the workplace – hours and breaks, pay and seniority, working conditions, and more – imposed by force of law. It leaves the workers and the employer no flexibility at all because it dictates precisely how long employees must work, how much employees must be paid, and whether employees may engage in constitutionally protected rights of collective action, including whether to replace or oust their bargaining representative. Outside of times of war or other

national emergency, the modern concepts of police power have never been stretched so far as to permit an agency of the State of New York to dictate, at the behest of a union, every term of one employer's labor-management relationship."

"Unions are successful," Marsh continued, "when they are exclusionary—by pushing farmers and farmworkers who do not wish to be a part of their group out of the picture. The FLFLPA makes it easier for unions to accomplish that goal."

"Particularly perniciously, the FLFLPA includes a union security provision, which requires that farmers fire farmworkers who do not wish to cede portions of their hard-earned paycheck to the union. Forcing farmers to fire farmworkers simply because they refuse to subsidize union speech is violative of those farmers' and farmworkers' First Amendment rights. The Supreme Court has long understood and upheld this concept. We are hopeful that the court in New York will agree."

NCAE is the national trade association focusing on agricultural labor issues from the employer's viewpoint.

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