

Assembly Joint Resolution No. 2

RESOLUTION CHAPTER 51

Assembly Joint Resolution No. 2—Relative to Mexican braceros.

[Filed with Secretary of State June 16, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 2, Caballero. Mexican braceros: settlement.

This measure would urge the United States government to urge the Mexican government to extend the deadline for Mexican laborers, known as braceros, who worked in the United States beginning in 1942 as part of a labor importation program initiated by the United States to alleviate a labor shortage during World War II, to submit a claim to recover unpaid wages from a specified settlement fund. It would also urge the United States government to urge the Mexican government to accept a variety of documents as proof of a valid claim.

WHEREAS, The “Bracero” program was a labor importation program initiated by the United States government in 1942 to alleviate the country’s labor shortage during World War II. Over the program’s 22-year life, more than 4.5 million Mexican nationals, known as braceros, were legally contracted to work in the United States; and

WHEREAS, Between 1942 and 1946, 10 percent of the braceros’ wages were deducted from each paycheck and set aside for a “savings fund,” to be paid to the braceros upon their return to Mexico and to ensure that the braceros would return to their country. Yet, even upon returning most braceros never received the savings that were automatically deducted from their paychecks; and

WHEREAS, For years the braceros have petitioned the Mexican government and, more recently, the Mexican bank, Banrural, to acknowledge the existence of these funds. Farmworker activists estimate the total sum owed to the braceros to be between \$150 million and \$3 billion, including interest; and

WHEREAS, Eight years ago, six braceros filed a class action federal lawsuit, on behalf of themselves and other braceros, against the Mexican government. Those six braceros and the Mexican government have now entered into a proposed settlement, which may entitle the braceros to a one-time award of 38,000 pesos each from the Mexican government; and

WHEREAS, The Mexican government has stated that the settlement only applies to braceros who worked from 1942 to 1946, which it said was the period when 10 percent of the braceros’ wages were deducted. Many braceros claim the deduction continued after 1946, and many braceros were unable to prove that they were employed during and after 1946.

Requirements imposed on the braceros by the Mexican government are very stringent and difficult for braceros to fulfill, including a requirement to provide only original documents or certified (apostilled) copies. There are two categories of documents that must be presented: proof of Mexican citizenship (a Mexican-issued passport, Mexican voting card, Mexican military service card, or Declaracion de Nacionalidad Mexicana), and evidence of employment in the United States (proof of an individual work contract issued by a United States employer, proof of payment of wages by a United States employer, an apostilled social security record showing payments derived from work in the bracero program, or a Mexican Consular identification card). Only original or certified replacement copies may be submitted. The Mexican government has stated that eligibility for this payment includes any bracero, or his or her heir or beneficiary, who can prove the worker was employed in the program in the United States between the years of 1942 and 1964 for a one-time payment of thirty-eight thousand Mexican pesos (\$38,000) or about three thousand five hundred dollars (\$3,500); and

WHEREAS, The State of California has a unique social and moral responsibility in this matter because many of the braceros worked and resided in California and because many elderly braceros and their heirs or beneficiaries are now residents of this state; and

WHEREAS, All claims must be submitted no later than January 5, 2009, in the United States and January 28, 2009, in Mexico. Claim forms must be submitted to one of the Mexican Consulates in the United States or to the Consular Section of the Embassy of Mexico in Washington, D.C., and must be received by the consulate or the Consular Section of the Embassy of Mexico on or before that date; now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature of the State of California urges the United States government to urge the Mexican government to extend the deadline for submitting a claim; and be it further

Resolved, That the Legislature urges the United States government to urge the Mexican government to accept a variety of documents, including, but not limited to, affidavits or copies of original documents, to prove that a bracero or his or her heir or beneficiary has a valid claim; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, to the Majority Leader of the Senate, to each Senator and Representative from California in the Congress of the United States, to Ambassador Arturo Sarukhan, Ambassador of Mexico to the United States, and to the Consul General of Mexico in the following cities: Calexico, Fresno, Los Angeles, Oxnard, Sacramento, San Diego, San Francisco, San Jose, and Santa Ana.