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AJR-25 Mexican braceros: settlement. (2017-2018)

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Assembly Joint Resolution No. 25

CHAPTER 211

Relative to Mexican braceros.

[Filed with Secretary of State September 25, 2017.]

LEGISLATIVE COUNSEL'S DIGEST

AJR 25, Reyes. Mexican braceros: settlement.

This measure would urge the United States government to urge the Mexican government and the Ministers, the Second Chamber of the Supreme Court in Mexico, whose President is Javier Laynez Potisek, to make a final determination to pay the braceros pursuant to the decision of February 29, 2016, and would urge the United States government to urge the Mexican government to accept a variety of documents to prove that a bracero or his or her heir or beneficiary has a valid claim.

Fiscal Committee: no

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, In 2003, 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 applied 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 claimed 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 were very stringent and difficult for braceros to fulfill, including a requirement to provide only original documents or certified (apostilled) copies; 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, After 18 years of organized struggle, on February 29, 2016, 5,400 braceros won a lawsuit against the Mexican government regarding the payment of their "saving fund." The Mexican government has not responded to this historical debt. The United States government, as well, has not responded to this abandonment of its former workers; 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 and the Ministers, the Second Chamber of the Supreme Court in Mexico, whose President is Javier Laynez Potisek, to make a final determination to pay the braceros pursuant to the decision of February 29, 2016; 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 of Mexico to the United States Gerónimo Gutiérrez, and to the Consul General of Mexico in the following cities: Calexico, Fresno, Los Angeles, Sacramento, San Bernardino, San Diego, San Francisco, San Jose, and Santa Ana.