

THE LEGAL AND LEGISLATIVE STRUGGLE OF THE FARMWORKERS

1965 - 1972

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Salvador Enrique Alvarez

El Grito

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EDITORIAL

Today, at a time of relative success for QUINTO SOL PUBLICATIONS, it would be easy and tempting to ally ourselves with the success ethic and, thus, with the most impressive names in literature, the arts, and social science. But to ally ourselves with a success ethic would be to invoke leaders while forgetting workers, especially those workers who have given of their time and talents while asking little or nothing in return, so that something of value might be accomplished. The least we can do, therefore, is to present a public acknowledgement.

With this in mind, this issue of EL GRITO is respectfully dedicated to those Chicanos who, through their volunteer efforts, helped to make QUINTO SOL PUBLICATIONS possible during its formative years:

JOHN M. CARRILLO
STEVE GONZALES
PHILIP J. JIMENEZ
REBECCA MORALES
ALBERT F. MORENO

MIGUEL PONCE
NICK C. VACA
ARMANDO VALDEZ
WILLIAM A. VEGA
ANDRES YBARRA

In the strictest sense of the word, these were true pioneers, for they found a void and filled it. As events transpire and time passes, too often Chicanos such as these are forgotten. Thus, this dedication is made to the workers who laid the foundation that ultimately made this issue of EL GRITO possible.

Octavio I. Romano-V., Ph.D.
Editor

INTRODUCTION

Much is known about César Chávez and the United Farm Workers Union. At the same time, paradoxically, very little is known about this farm workers' union.

The much that is known about the U.F.W. mainly concerns the life and activities of César Chávez, the labor unrest, the strikes, picketing, boycott, some arrests, growth from a local to a national effort, and the fact that the struggle continues.

A great deal less known, however, are the historically parallel and critically vital activities that have involved the huelguistas in the legal and legislative worlds. Yet, clearly, law and legislation impinges upon the activities of the Union as well as upon the individual and collective lives of farm workers in general. Thus, what happens in courts of law and in legislative bodies is no less important than what happens in the picket line, during a boycott, or in organizing sessions that relate to the future of the United Farm Workers union.

Therefore, if one is to understand the total context of the farmworkers' struggle during the past decade, then some knowledge of what has transpired in courts of law and within legislative bodies is necessary in order to complete our knowledge of this contemporary movement.

It is with this in mind that Quinto Sol Publications presents the following remarkably thorough and highly competent study of *Farmworkers, the U.F.W., Law and Legislation* by Salvador Enrique Alvarez. This study is the product of over ten years of intensive research (beginning with research concerning the bracero program), diligent compilation of data, a strong sense of the significance of historical events, and a clear commitment to the importance of recording them. As the reader will see, this study in detail by far surpasses other efforts in writing about Huelga. In doing so, it provides us with a much richer and considerably more profound knowledge of what the Union has accomplished within the context of historical events that, in one way or another, have touched and influenced the lives of almost every single one of us.

A note to the readers of this issue of EL GRITO: **This work by Mr. Alvarez is not easy to read because it is principally a presentation of basic research.** As such, it serves as a reference work for people interested in history, labor relations, and farm workers. More importantly, however, this entire work is an introduction to 1973, for it provides a full background of incredible complexities, enduring perseverance, and the yet unfilled promise of total union services to the workers. This alone, total union services to the workers, is the challenge of the future, not only for the UFW—which has taken great strides in this direction—but also for all other unions as well.

Finally, the contents of this issue of EL GRITO comprises the basic research for a forthcoming book on the UFW: 1962-1972, by Mr. Alvarez, which is to be published by Quinto Sol Publications in the near future.

Octavio Ignacio Romano-V., PhD
Social Science Editor
Quinto Sol Publications

THE LEGAL AND LEGISLATIVE STRUGGLE OF THE FARMWORKERS

1965 – 1972

PART I: The Legal Struggle

PART II: The Legislative Struggle



Salvador Enrique Alvarez



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He was assisted in the legislative research by Mr. Alfonso Espinoza.

THE LEGAL AND LEGISLATIVE STRUGGLE OF THE FARMWORKERS

1965 - 1972

PART I: The Legal Struggle

INTRODUCTION

Legal struggles by farmworkers, either as individuals or in organized fashion, date virtually as far back as farm labor itself. Similarly, for centuries landlords have made use of legal authority in order to sustain or to expand their control over slaves, indigents, sharecroppers, migrants, and other farmworkers in general. This legal struggle and counter-struggle continues through this twentieth century, as attested to by the following examples:

“... 1917 ... IWW’s Agricultural Workers Organization ... charged with violation of the Espionage Act, and after the war they were prosecuted under the syndicalist laws passed during the war years.”¹

“... 1929 ... The Mexican Mutual Aid Society of Imperial Valley, Inc., ... Sheriff Gillet ... the first outbreak of any kind as a result of the movement now afoot, a general deportation movement of all Mexican laborers employed in the valley would begin ... the sheriff made it clear that those abiding by the laws and not taking part in the strike movement would not be molested in any way.”²

“... 1935, when it was learned that only Southern Tenant Farmers Union members were being evicted from the huge Norcross plantation. STFU leaders decided to file for a court decision ... the suit was eventually lost ...”³

“... 1939 ... the Filipino Agricultural Labor Association ... 258 asparagus growers signed agreements with FALA ... members voted to affiliate with the AFL. The drive became bogged down in legal disputes ... The coup de grâce was given FALA by Japan’s invasion of the Philippines.”⁴

“... 1947 ... Picket lines were maintained for nine months around twenty miles of DiGiorgio property. These lines were prohibited after the courts ruled they were boycotts and illegal under the National Labor Relations Act ... strikers argued that since they were excluded from the protection of NLRA, they could not be subject to its provisions. The National Labor Relations Board finally reviewed their case and upheld their position, but by that time the strike had been lost ...”⁵

“... 1950 ... National Farm Labor Union ... the DiGiorgio Fruit Corporation filed suit for libel against the NFLU and the producers of the Union motion picture ... the strike collapsed rapidly.”⁶

"In 1952 NFLU became the National Agricultural Workers Union. An NAWU organizing effort in 1953 among Louisiana sugar cane workers culminated in a strike. The Louisiana courts issued anti-strike injunctions, which crippled Union activities. The Supreme Court later declared the injunctions illegal, but the damage had been done and the strike was dead."⁷

"... 1959 ... Someone on the staff of AWOC borrowed a surviving print of *Poverty in the Valley of Plenty*. It was shown in various parts of the Central Valley, in ignorance of the ban of 1950. Word of the showing reached the officers of DiGiorgio. Within ten days, the Corporation filed suit of defamation ... a judge found the film libelous ..."⁸

"... 1961 ... AWOC led two principal strikes ... insisted that the Department of Labor enforce the law, and remove braceros from the struck area. It did not do so. The lettuce harvest was completed by braceros and the strike was broken."⁹

Thus, the farm workers' legal struggle prior to 1962, when César Chávez began to organize farm workers, had in part involved charges of espionage, violation of syndicalist laws, arrests for striking and picketing, deportations, anti-striking and picketing injunctions, libel suits, and lack of enforcement of laws against strike-breakers by the government. The most noted study of the farm workers' legal struggle prior to 1960 is found in Dr. Ernesto Galarza's recent book titled *Spiders in the House and Workers in the Field*. Here, Galarza asserts that during the 1950's California farm labor efforts to organize ultimately were destroyed both by court actions and by the Congress. About Galarza's study, another historian of farm labor problems, Carey McWilliams has said,

"In a sense, it is the pre-Chávez, pre-Delano phase of the story with which this work deals. Apart from its inherent interest and social and historical importance, *it has special theoretical significance as a study of how institutional power as represented in the courts and committees of the Congress can be used on occasion to block the legitimate aspirations of impoverished farm workers to achieve self-organization.*"¹⁰ (emphasis mine)

Aside from the personal documentary work by Ernesto Galarza which deals with the 1940's and 1950's, it can be said that the legal struggles by farmworkers prior to the 1940's, during the 1960's, and into the early 1970's have been neither described, documented, nor analyzed. Yet, clearly, in order to achieve a full understanding of the major forces that farm workers have had to cope with in their efforts to organize, then the social, economic, and theoretical importance of legal actions and counter-actions cannot continue to be ignored with any justification whatsoever. For to ignore this major aspect of farm labor activities is to contribute to the distortion of the total empirical and historical reality. Nevertheless, ignored it has been, particularly by social scientists. This fact poses the interesting possibility that insofar as farm labor is concerned, social scientists have strongly tended to de-

velop theory by the process of omitting significantly relevant data, a peculiar methodological situation.

The following survey concerning the legal struggles by the farmworker organization, UFW, from 1965 to 1972 constitutes a first step toward filling this vacuum in our knowledge relative to farm labor and legal actions. As the total picture develops, hopefully, the reader will realize that herein lies an extremely significant aspect of contemporary history and farm labor. In the same manner, how such legal actions are inextricably interwoven with other aspects of farm worker activities will be clarified. If such is the result, then the case of farmworker activities can no longer be dealt with in a unidimensional manner. Thus, our knowledge of this bit of contemporary history will be seen in a more accurate light and in a perspective that more properly relates to other aspects of farm labor organization efforts.

The dates are arranged in chronological order by year. This is a relatively arbitrary arrangement dictated largely by the need to present clearly such a massive amount of information in a form that is comprehensible to readers who may not be acquainted with this aspect of the farm labor movement in the United States. This account begins in 1965, when the Chávez union was known as the National Farm Workers' Association (NFWA), and proceeds through 1966 when the organizational name was changed to the National Farm Workers Organizing Committee (UFWOC), and into 1972. The name has since been changed again to the United Farm Workers (UFW). During this period, the Union's activities shifted from regional to national, and its headquarters was moved from Delano to Keene, California.

From 1962 to 1964, legal cases dealt primarily with family problems such as evictions, welfare appeals, contracts of sale, etc. These cases cannot be documented at this time for lack of sources and information. Such family and individual cases, however, continue today to comprise the bulk of legal activity for the Union.

In the same vein, the final outcome of every case presented in this historical summary is not available except insofar as a researcher is able to travel to the many courts of law where the cases transpired. This, clearly, has been impossible due to limited resources and time. Nevertheless, the outcome of a number of cases is noted in sufficient numbers as to provide data for the central thrust of this study.

From the following account, it will be readily evident that the legal struggle of the farmworkers' union has not been static. In fact, it appears that the United Farm Workers, AFL-CIO had some knowledge of history, particularly previous legal struggles, relating to farm workers. As a consequence, from its very inception it set forth its own legal strategy. In addition, the communications media of the Union focused considerable effort toward the understanding of such past legal history.

With this historical perspective upon which to base contemporary

activities, the Union instituted its own legal department within its developing and complex organizational structure. The development of its own legal institution, ultimately controlled by farmworkers over a period of time, has provided the Union and its membership with both a protective legal arm and a forum for a sustained and progressive legal thrust oriented toward establishing new legal grounds relating to farm workers and the law. With this orientation, the membership has now been provided with a voice in an arena that heretofore had been neglected.

The progressive thrust of this legal struggle has been such that the United Farm Workers union, led by César Chávez, has been able to develop institutions long sought by farm workers all over the world. In other words, a wide range of legal services not traditionally available to farmworkers became more and more a reality. Additionally, the legal arm of the Union sought further changes in the National Labor Relations Act, unemployment insurance, pesticide control, progressive contracts, while simultaneously aiding the development of the Union's own cooperative institutions.

This aid to its own developing institutions includes legal support for the central facets of the Union's cooperative organizational structure: that is, legal support for the medical clinics, the medical plan, coop garage, credit union, retirement village, service centers, death benefit plan, hiring halls, ranch committees, farm workers press, organizing department, contracts, research department, accounting department, strike fund, economic development fund, legal defense fund, strike kitchens, boycott offices, huelga school, child care nursery, strike store, non-violent training center, and most importantly, the families of the membership.

Regarding assistance to families of the membership, from the very beginning and throughout the intervening years, the primary focus of the legal arm of the U.F.W. has been service to the workers. As such, it has primarily dealt with family problems, evictions, welfare appeals, contracts of sale, etc. Such casework continues to comprise the bulk of the legal activity of the Union. This fact, alone, is a considerably noteworthy achievement not only for the N.F.W., but also in the annals of the American labor movement. In other words, the N.F.W. has broken new ground in the area of the social responsibilities of labor unions toward their membership. Should the N.F.W. legal arm have done nothing else but this, it would have been sufficient, it seems to me, to qualify the N.F.W. for a position at the forefront of unionism today. Perhaps other unions will follow the N.F.W. example and re-orient their legal staffs more toward an orientation of service to the workers.

This, then, is the context within which the following account should be read, i.e., primary service to the workers, legal support for the cooperative structure, legal defense, and progressive efforts toward chang-

ing laws and labor conditions. As the reader will readily see, the task has not been small, but neither have the people who have pushed the overall effort forward.

The Legal and Legislative Struggle

AN OVERVIEW

Legal

1965

Complaints against labor contractors
 Rent strike in Visalia
 Complaints against illegal aliens
 Rancher charged with assault
 Complaints against growers and police
 The NFWA grape strike

1966

DiGiorgio sues UFWOC for \$300,000
 Tulare Housing Authority tenants sue
 UFWOC sues DiGiorgio for \$640,000
 Charges against two strikers dropped
 DiGiorgio attempts picketing injunction
 UFWOC charged with transgression by L&O
 Chávez, priests, unionists arrested
 UFWOC member charged with violence
El Malcriado sued for \$1,010,000

1967

Second complaint against *El Malcriado*
 Boycotters arrested in San Francisco
 UFWOC members arrested in Texas
 More members arrested in Texas
 Teamsters clash with boycotters in S.F.
 Farm Workers Service Center protests
 Libel suit of \$6,000,000 against UFWOC

Legislative

1965

Minimum wages
 Braceros
 Unemployment insurance
 Agricultural Hearings
 Working conditions
 Living conditions
 Small Farmer Price Support
 Land Taxation: Williamson Act
 Sections 14(b), Taft-Hartley Act

1966

Minimum wages
 Foreign labor
 Section 14(b), Taft-Hartley Act
 Unemployment insurance
 U.S. Senate Hearings
 Calif. Senate Hearings
 National Labor Relations Act
 Fringe benefits
 Delano labor hearings
 State survey of farm labor
 Hawaiian farm labor
 National Agricultural Work Plan

1967

Collective bargaining
 Increased wage rate
 Unemployment insurance
 U.S. Reclamation Law
 Green-card workers
 New bureau of employment agencies
 Weakened protection for women
 Use of braceros
 Newly accepted 40 hour week

Legal (continued)

UFWOC officer sues John Birch Society
 Texas Rangers arrest 60 UFWOC members
 Judge declares Texas strike illegal
 Rent strike in Visalia in 106th week
 DiGiorgio and UFWOC clash in Yuba City
 Foreman arrested for assault
 Bakersfield judge limits UFWOC pickets
 AFL-CIO sues to ban use of convict labor

1968

Anti-picketing injunctions and arrests
 Illegal use of green-card workers
 Chávez taken to court during fast
 Fired worker has right to sue employer
 Trial of 12 Texans
 UFWOC organizer awarded \$2,500
 Growers sue New York Unions for 25 million
 Damages claimed for boycott pickets
 UFWOC suit on sanitary conditions
 UFWOC denied pesticide records
 Farm worker wins right to wear button
 UFWOC challenges jury selection
 UFWOC sues city of Delano
 UFWOC sues growers for \$650,000
 UFWOC members interrupt Sen. Tunney
 Show cause issued on pesticide files
 UFWOC sues growers for \$50,000,000
 UFWOC sues growers for \$125,000
 Growers sue UFWOC for \$75,000,000
 Minimum wages granted by court
 Pickets restrained in San Francisco
 UFWOC sues AFWFA
 UFWOC sues Agricultural Commissioner

1969

Hospitals refuse UFWOC members

Legislative (continued)

Illegal use of convict labor
 Landrum-Griffin Act study

1968

New national farm worker lobby
 NLRA coverage proposed
 Calif. Land Conservation Act
 Unemployment insurance
 Illegal aliens and green-carders
 Sen. Kennedy bill on green-carders
 Federal Reclamation Law Subsidies
 Minimum wages for minors

1969

Employment insurance

Legal (continued)

UFWOC demands pesticide records
 UFWOC sues Coachella growers
 G.E. ordered to allow gate funds
 UFWOC charged with conspiracy
 Growers sue UFWOC for \$75,000,000
 Jobless file for unemployment
 Growers ordered to pay back wages
 UFWOC sues labor contractors
 UFWOC sues Bank of America
 UFWOC sues AFWFA for \$10,000,000

1970

UFWOC sues growers for \$115,000,000
 UFWOC sues to outlaw DDT
 UFWOC sues for sanitary facilities
 NLRB complaint against UFWOC
 UFWOC sues Farm Labor Service
 Injunctions issued for picketing
 UFWOC sues Teamsters and growers
 UFWOC sues Teamsters for \$51,000,000
 Restraining order against pickets
 Strikers protected from evictions
 Cel-A-Pak sues UFWOC and Teamsters
 UFWOC sues Salinas growers
 UFWOC strike ruled jurisdictional
 NLRB refuses complaint against UFWOC
 UFWOC files \$5,000,000 pesticide suit
 Chávez ordered to jail
 State Supreme Court releases Chávez
 Picketing limited with injunction

1971

UFWOC complaint against Defense Dept.
 UFWOC members found guilty of assault
 Growers sue UFWOC for \$10,200,000
 UFWOC chaplain in court suit

Legislative (continued)

Pesticides
 Taft-Hartley Act
 Illegal aliens
 Anti-secondary boycotts
 Right-to-work
 Agricultural Conciliation Service
 Nixon Farm Worker Plan
 Immigration and Nationalist Act
 NLRB coverage for farm workers
 Labor contractors
 Green-card workers
 Farm subsidies
 Sanitary facilities
 Sen. Murphy's labor relations bill
 Fair Employment Practice Act
 Calif. Assembly Agriculture study

1970

Pesticide study
 Consumer Agricultural Act
 Congressional record on subsidies
 Governor Reagan's Plan for farmworkers
 State Conciliation Service
 Economic Poison Safety Act of 1970
 Farm Act of 1973

1971

Secret ballot elections proposals
 Amendments to NLRB
 Consumer Agricultural Act
 Farm Workers Bill of Rights Act
 Farm Workers Collective Bargaining Act

Legal (continued)

UFWOC sues Laird and Hamilton
 UFWOC pesticide suit dismissed
 Growers win case in court
 State Supreme Court and Chávez case
 UFWOC seeks injunctions against Laird
 UFWOC fines suspended
 Judge dismisses \$240,000,000 suit
 Egger-Ghio asks \$350,000 damages
 UFWOC sues Labor Department
 Salinas sues UFWOC
 UFWOC charges discrimination
 UFWOC chaplain appeal denied
 Restraining order against mass pickets
 Discrimination case dismissed
 Hearings for injunction dropped
 Trespassing charges dropped

1972

Farm workers sue tomato shippers
 Lettuce industry charged on practices
 La Posada families challenge state
 NLRB seeks injunction against UFWOC
 NLRB sues UFWOC
 Injunctions reviewed by judge
 Pic 'N Pac wins right to evict families
 UFWOC suspends wine boycott
 Injunctions appealed to State Supreme Court
 Suit against Arizona farm labor law by UFW
 Proposition 22 investigated
 UFW and AFL-CIO sue against Proposition 22
 State sues to remove Proposition 22 from ballot
 UFW picket sheriff's office
 Farm Workers sue to end short handle hoe
 Seventy pickets arrested
 Two-hundred members arrested
 UFWOC charges laxity on part of police
 Calif. Supreme Court rules in favor of UFWOC

Legislative (continued)

Bans on secondary boycotts
 Bans on strikes
 Unemployment insurance
 Calif. Ag. Labor Relations Act
 Farm worker housing
 Illegal aliens: Dixon Arnett bill
 Oregon farm labor law veto
 National Farm Labor Relations Act
 Workmen's compensation
 National Agricultural Bargaining Board
 Farm Labor Secret Ballot Initiative

1972

California Labor Relations Act
 U.S. Senate Hearings on farm labor
 Unemployment insurance
 Illegal aliens: Brophy and Arnett
 National Labor Relations Board
 National Ag. Labor Relations Act
 Pesticide bill
 Minimum wages
 Idaho Agriculture Labor Act
 Kansas farm labor bill
 Arizona farm labor bill
 Proposition 22

1965

Complaints against labor contractors
Rent strike in Visalia
Complaints against use of illegal aliens
Rancher charged with assault
Complaints against growers and police
The NFWA grape strike

Early in 1965, the National Farm Workers Association focused complaints against farm labor contractors before various labor commissions. The following is an example. A Delano contractor was taken before the Labor Commissioner in Visalia on charges that he had violated state law. At the hearing the contractor's attorney testified that workers were earning five dollars an hour. The workers represented by the Association, however, declared the workers' right to a minimum wage, saying that 50¢ per hour was illegal, and that the labor contractor should be made to pay a minimum wage.¹¹

In Corcoran, California, another contractor was fined fifty-six dollars for refusing to reveal how much he was receiving from the grower and the salary he was paying workers. A new law was brought to the attention of the Association's members that declared that such information was public, and that the contractor had to provide the information if requested by a worker.¹²

Then, the Association's first major confrontation took place. Hundreds of farm workers in Linnell, and Woodville, California, stopped paying their rent. This action resulted from a rise in rents from eighteen to twenty-five dollars for those in "tin houses," which, according to the Association, were not worth sixteen dollars a month at the most. The workers were led by the Association's vice-president Gilbert Padilla. It was decided not to pay any rent until the authorities lowered the rent to eighteen dollars or less. An investigation to determine if there was fraud was begun by county officials. Subsequently, the rent strike was determined to be legal.

"The California State Civil Code, since 1941, says that if the proprietors do not keep up the houses at a minimum sanitation level against fires and fulfill all the code requisites of human habitation, therefore, the renters have the right under the law to withhold payment of rent."¹³

Meanwhile, a contractor from Tulare went before the Labor Com-

missioner in Visalia as a result of the Association's charges that he falsified pay records. The grower then went to court to defend the contractor. "The contractor's defense was cut to pieces by the Association's representative Gilbert Padilla. The contractor and the 'Patroncito' lost the case. The labor Commissioner ordered the 'Patroncito' to pay the workers immediately."¹⁴

In another case, a 56 year old member of the Association from Corcoran was wounded by a contractor, Quiñones.

"In accordance with Olea's report he had gone to get paid. At the time Olea asked the contractor how much the company was paying him. Quiñones became infuriated and attacked him . . . The Sheriff's Officers of Kings County did not take any action to arrest contractor Quiñones. . . . Moreover, Quiñones was taken to court before the Labor Commissioner in Visalia on serious charges of violating the new law. The law requires that the contractor reveal his earnings. Charges have been pending for almost a year. The Association will demand that they take his license away. The contractor has threatened the Association the last weeks. Publicly he said he was going to fix Mr. Gilbert Padilla, who is working on this case for the Association."¹⁵

A demand for \$15,000 was made against contractor Manuel Quiñones of Corcoran by Mr. Reynaldo Olea, who accused him of assault with bad intent.¹⁶ The District Attorney's office launched an investigation. Elsewhere, the Association filed complaints in Stockton against growers who were employing illegal aliens. The immigration picked up eighty-five illegal aliens (wetbacks) who were working on Mandeville Island in Stockton. When investigated, the grower, Alfred Zuckerman, said he did not know they were there.

"The only way to arrive on this island is by boat and no one is permitted on the island without Zuckerman's permission. This is another example of how the big ranchers feel that they are more important than the law."¹⁷

By August, the Visalia rent strikers were visited by eight health inspectors from Tulare. They began investigating the charges of violations against sanitation laws by the housing commission.¹⁸ Health officials later issued an order that the camps would be condemned if not repaired. The county inspectors found fifty-one violations of the health and housing laws. At the same time, another contractor from Corcoran was called to court by the Labor Commissioner due to a complaint made by the Association. The charges against the contractor consisted of not having given receipts to a family on the deductions made from their wages. The Commission fined the contractor, and money was provided to the family in order to compensate them for lost time.

On September 1, a Buttonwillow, California judge signed a criminal complaint against Bud Buerkle, a rancher accused of beating Ramiro Villareal, age five years. The Association demanded that civil and criminal charges be made.

"The judge kept them there for more than an hour using such excuses as having forgotten the name of the person they were filing the complaint against, and other means of making the proceedings difficult. For these reasons, the Association feels that justice in a Buttonwillow court will not be met and possibly it will be requested that they will ask to take this to another court . . . Now Mr. Berkle, who is accused of beating the child without reason in the beginning of July, has two complaints against him—civil and criminal."¹⁹

Then, the Association filed complaints against Exeter Dehydration, a grower who fired twelve employees. The Federal Government investigated regarding wages and the improvement of working conditions.²⁰ Elsewhere a police officer from Hanford, California, was charged with assaulting two members of the Association. The two workers sued the officer in civil court for \$100,000.²¹

The NFWA went on strike against the Delano grape growers on September 16, 1965. NFWA immediately charged that laws were not equally being applied to growers and strikers in Kern County, Tulare County, and the City of Delano.

"Strikers seeking justice or making complaints have been harassed and forced to face many delays . . . V. G. McElhancy, special agent of the Bureau of Investigation, Department of Justice was sent to Delano on a special mission . . .

"In Tulare County Eugene Nelson was shoved violently several times by Charlie Dispoto in front of four witnesses. Mr. Nelson reported the incident to the Sheriff on the spot. When he sought to file a complaint with the assistant D.A. in Porterville he was unable to meet with the official for sometime . . . The D.A. told Mr. Nelson that the complaint was stale, that the Sheriff's department was working 12 hours a day and didn't have enough men to investigate every complaint . . .

"In Delano, Milan Caratan knocked down a picketor, Israel Garza, in front of many witnesses. A police report was made by officers . . . when Mr. Garza sought to make a complaint against Caratan, the D.A. proved so uncooperative that Mr. Garza had to go to the judge. Also, in Delano, Hector Abeytia of AWOC was beaten by Charlie Dispoto, in front of witnesses. The police who made the report referred to Mr. Dispoto as 'assaultant unknown.' They ignored the testimony of Abeytia . . . Mr. Abeytia's complaint has still not been accepted."²²

In October, a large group of workers decided to walk off the A. Caratan Ranch after hearing about the strike. Dolores Huerta, vice-president of NFWA, was charged with 'trespassing' on one of the ranches. A complaint was signed. She pleaded innocent and requested a jury trial. The trial was to be held in Pixley.²³ Meanwhile, many others were arrested and taken to the Bakersfield jail. They were in jail three days, while bail money was being raised. One minister was arrested for reading in a loud speaker "the definition of a scab."²⁴

At the same time, the rent strikers of Linnell and Woodville won a victory when Judge Paul Eyman declared that the raised rent prices in the camps were illegal. The renters agreed to pay the back rent at

eighteen dollars per month.²⁵ Shortly after, a state investigation looking into the problems of housing for farm workers was held in Visalia.²⁶

Finally, NFWA's complaints against labor contractors were depicted by *El Malcriado* as follows:

"The most famous case was that of Jim Hronis, rich and powerful Delano contractor . . . A series of dramatic hearings were held in Visalia . . . Hronis took the first steps in a libel action against *El Malcriado* but he abandoned the charges when this paper continued to attack him with the truth.

"Charges were sought against many other contractors and growers for violations of the law. In one Corcoran case, contractor Lupe Martinez was fined \$158 and this was given directly to the Alafa family."²⁷

1966

DiGiorgio sues UFWOC for \$300,000
 Tulare County Housing Authority tenants go to court
 USWOC sues DiGiorgio for \$640,000
 Charges against two strikers dropped
 DiGiorgio attempts to obtain injunction against picketing
 UFWOC charged with transgression by L&O
 Chávez, priests, unionists charged with trespassing
 UFWOC member charged with violence
El Malcriado sued for \$1,010,000

After the grape strike started in September 1965, legal cases for the most part involved the strike efforts. NFWA and AWOC-AFL-CIO had great demands for attorneys to protect their rights. On February 12, 1966, the DiGiorgio Fruit Corporation claimed that the strike had not hurt it too much, but at the same time it wanted to sue the unions for about \$300,000 it claimed to have lost since December. It demanded that the courts outlaw all picketing of their grapes at the docks. The lawyers for AWOC and the NFWA went to work on the case. A judge in Visalia studied the evidence and ruled that the farmworkers could picket the grapes in Delano, in San Francisco, Los Angeles, New York, in the vineyards, or on the docks. The judge dismissed DiGiorgio's lawsuits, saying that DiGiorgio should expect to lose money since there was a strike on, and the Corporation was ordered not to interfere with the legal picketing of the docks.²⁸

At the same time, the Tulare County Housing Authority, facing legal action as tenants who were members of NFWA obtained a court restraining order to prevent evictions, began a public investigation of the "bureaucrats."²⁹

In May, UFWOC (formerly NFWA and AWOC) sued DiGiorgio for

\$640,000 for an attack by DiGiorgio security guards against their strikers.

“Nunes took out a loaded gun and pointed it at Miss Ida Cousino (a teacher) and five other persons who were not armed, and threatened to kill them. When Miss Cousino protested and tried to reprimand him she was attacked and thrown to the floor. Mr. Manuel Rosas stepped in to help her and was struck and his head opened. He needed 13 stitches. DiGiorgio’s gunman also hit and threatened Mr. Manuel Vasquez of Earlimart . . . Rosas is demanding \$90,000 from DiGiorgio for the attack and pressed charges last week. Miss Cousino and the other strikers are suing for a total of \$550,000 in their legal charges against DiGiorgio.”³⁰

On May 19, two striking grape pickers (Vincent Rivera, 22 and Pablo Ruiz, 55) who were charged with “slashing tires and breaking windows” of a contractor’s bus at the M. Caratan “Hacienda” the previous January, pleaded not guilty in a Pixley, California court. The growers case against them was so weak that the judge and district attorney dismissed the case.³¹

By June, DiGiorgio was demanding that the Tulare County courts outlaw all picketing at the DiGiorgio ranch, and that policemen help them to break the strike. In addition to demanding that all strikers be arrested, if more than six of them were picketing together near the 4,700 acres of vineyards or 206 entrances to the Sierra Vista Ranch, they also demanded that the courts outlaw shouting by strikers who were trying to talk to “scabs” in the vineyards.

“All the DiGiorgio demands are contained in a complicated legal form called an injunction. DiGiorgio wants the Tulare County judges to make this injunction part of the law . . . The lawyers for the farm workers, including Alex Hoffmand and Abraham Lincoln Wiren, will ask the judges to throw the whole injunction into the garbage can where it belongs.”³²

In another case, Mr. Pablo Izquierdo, who worked at the L&O Growers Association of Santa Paula, was arrested and taken to court. The judge asked him if he pleaded guilty. He, in turn, asked for the charges against him. The judge answered that he was not to direct any questions to him, and that if he was not at fault, then he should get an attorney to represent him. He was accused of transgression. He denied the accusation, since he was already an employee of the company and had only asked for his check. On the 24th of June the county prosecutor announced that he was dropping the charges, based on a complete investigation and concluded that it would be unjust to blame Mr. Izquierdo since it was all a bad misunderstanding.³³

Then on July 12, the first part of the trial of eight farm workers, a Catholic priest, a Protestant minister and César Chávez, took place in Ramona. The charge was trespassing. The charges against the workers were dismissed. But the jury concluded that the priests and Mr. Chávez

were guilty. The conviction of Father Salandini, Reverend Hartmire, and Sr. Chávez were appealed.³⁴

Meanwhile the union, UFWOC, charged injustice following the court decision made on October 12. The Pixley Court sentenced Manuel Rosas, a striker and longtime member of the union, to eight months in jail.

“After the attack, the cops rushed in and tried to arrest Rosas! But the other strikers grabbed Rosas away (he was dazed and bleeding profusely by this time) and rushed him to the hospital . . . Rosas actually pleaded guilty, since he had gone to the hospital after the battle, instead of going to jail . . . But Judge Del Rey closed his eyes to any kind of fairness, and sentenced Rosas to 240 days in jail.³⁵

Then on November 4, a lawsuit was filed in the superior court of Kern County for \$1,010,000.00 against *El Malcriado: The Voice of the Farm Workers*. The action was taken by Bud Antle, a large lettuce grower. *El Malcriado* had said that the contract signed between the Teamsters and Bud Antle, Inc., put the farm workers in “more slavery than ever.”³⁶

1967

Second complaint against *El Malcriado*
 Boycotters arrested in San Francisco
 UFWOC members arrested in Texas
 More members arrested in Texas
 Teamsters clash with boycotters in San Francisco
 Farm Workers Service Center protests Century Home Products
 Libel suit of \$6,000,000 against UFWOC
 IFWPC vice-president sues John Birch Society
 Texas Rangers arrest 60 UFWOC members
 Judge declares Texas strike illegal
 Rent strike in Visalia in 106th week
 DiGiorgio and UFWOC clash in Yuba City
 Foreman arrested for assault on UFWOC member in Texas
 Bakersfield judge limits UFWOC pickets
 California AFL-CIO sues to ban use of convict labor

In January 1967 the Superior Court of Bakersfield threw out a second complaint by Bud Antle, Inc. against *El Malcriado* in the \$1,100,000 lawsuit for libel. The newspaper’s lawyer, Arthur Brunwasser of San Francisco, stated that there were not enough facts in Antle’s complaint to bring an action against the paper.³⁷ Meanwhile, boycotters were arrested in San Francisco while protesting the sale of Perelli-Minetti products. And, four farmworkers were arrested at Trophy Farms on charges of using abusive language with a loud speaker

system. The strikers were talking to the strike-breakers in the field and criticizing the unsanitary conditions in the fields.

“. . . Rev. Jim Drake led the group in prayer at least sixty feet away from the building. During the ceremony Gilbert Padilla and Rev. Drake were arrested for disturbing the peace: The complaint was filed by the janitor who, at the time, was cleaning on the third floor of the court house.”³⁸

In Texas, more than 100 arrests of farm workers were made for picketing at La Casita Farms. As a result of the arrests by Sheriff Albert Peña of Starr County the FBI began an investigation of civil rights violations.

“The last straw that has brought about the FBI investigation was the arbitrary and illegal arrest of three Catholic priests who have been helping the strikers of Rio Grande City. Five priests arrested in Lanuby for appearing in Rio Grande City in support of the strikers were released from disciplinary action by their bishop.”³⁹

In March, a San Francisco boycotter and picket captain were attacked by four Teamster union members in front of the Purity Market in the Mission District. Three teamsters and two boycotters were arrested. The boycotters were picketing “scab” products of Perelli-Minetti & Sons.

“Police were reluctant to book the trio, but finally did when Shroyer (boycotter), who sped to police headquarters from the hospital, said that if they were not booked, UFWOC would make citizen’s arrests.”⁴⁰

In April, the Teamsters arrested at Purity Market were tried and convicted. In sentencing them Judge Joseph Kennedy said:

“. . . while the labor movement is definitely indispensable to this country, these labor people did not act in a civilized manner, and we cannot condone this uncivilized violence.”⁴¹

The Farm Workers Service Center assisted many families with legal advice not directly related to strikes and boycotts. This service started in 1962 when Chçavez himself assisted families to locate an attorney. This service remained a large part of the legal department’s caseload. The following is an example of such legal service. In April, three union families complained to the Service Center that they had been cheated by the Century Home Products Corporation, which operated out of Lynwood, California.

“This company sells pots and pans at extremely high prices. Door to door salesmen come to the houses of prospective customers. Usually these salesmen are Mexican-American if the family is Spanish-speaking . . . of course they do not tell what is really in the contract

The three families have come to the Service Center . . . The Service Center has written letters to the company in each case . . . We have also filed complaints with

the Better Business Bureau in Bakersfield . . . Also the attorney general's office, department of commercial fraud has been informed of these cases."⁴²

In May, Perelli-Minetti filed a six million dollar libel suit against UFWOC.

"UFWOC's lawyers say that should old P-M pursue this folly in the court-room, it will be thrown out for lack of evidence leaving him several thousands in court costs the loser—and we do hope at least a touch wiser."⁴³

In June, UFWOC Vice-president Larry Itlong sued the John Birch Society.

"The lawsuit was filed in San Francisco last week by Larry. The Birch Society, enemies of the people, are publishers of the *Opinion* magazine in the eastern United States . . . Larry, assistant director of the United Farm Workers, said, 'I am not now, nor ever have been a communist and *American Opinion* (the Birch book) labeled me that out of ill will and hatred.'"⁴⁴

In Mission, Texas, the Texas Rangers made over 60 arrests.⁴⁵ On May 26, a group of strikers went to Mission where the arrests occurred. Meanwhile, in Rio Grande City, Texas, the labor strike in Starr County was costing La Casita Farms over \$1,000 each day.

"First they tried to stop the strike by arresting all of the huelguistas in one day. They arrested 22 people near Trophy Farms and 12 more near La Casita . . . then the workers seized upon an existing fraud law and obtained a court order from Judge Laughlin (the Judge has been formally accused of dishonesty). The Judge in effect declared the strike illegal and prevented the strikers from picketing in the camps or near the packing sheds."⁴⁶

In July, the Visalia rent strike initiated in 1965 by NFWA members was continuing. The Linnell-Woodville rent strike was in its 106th week. The rent strikers had succeeded in blocking a one and one-third million dollar loan to the Tulare County Housing Authority by the Federal Government. The argument given to the Federal Government by the strikers and their attorneys was that it was illegal for the government to give money to a county that was trying to throw out the people who they were supposed to be helping with the money. The strikers had demanded an extension of time before evictions could begin. The extension was granted.

In Yuba City, California, DiGiorgio Corporation officials attempted to scare off union organizers when an assistant manager threatened and swung a hoe at UFWOC organizers. "The district attorney refused to bring charges against the manager."⁴⁷

In July, the union reported that in Starr County, Texas, the police had never before arrested a boss or foreman on a complaint signed by a worker. A foreman had been charged with assault and battery against Mrs. Celia López. She went to the courthouse and filed a complaint.

The foreman was arrested and held in jail for an hour, and had to pay a bond of \$400.

In August, *El Malcriado* responded to a significant legal ruling against UFWOC:

“On August 7, the kind of ‘injustice’ that prevails in Mississippi and Texas was dealt by a Bakersfield Judge to the United Farm Workers Organizing Committee. The union, which has been picketing the Giumarra Vineyards Corporation for four days, received an injunction from Judge J. Kelley Steele, cutting the effectiveness of the unions pickets.

“It limits the number of pickets to three per entrance, and further states that these three pickets must never come closer than fifty feet from each other. The strikers are also forbidden to wave down cars that bring the scabs to the fields, or to follow the scabs to the labor camps after work in order to talk to them about the strike.

“The ten-day restraining order is harsher even than similar injunctions which growers in Texas have secured against UFWOC’s strikers. In Rio Grande Valley, the union is allowed two persons every fifty feet, and the total number of pickets is not limited.

“Giumarra repeatedly denies the existence of any strike, although nearly 300 picketers, most of them Giumarra’s workers, have seriously cut Giumarra’s work force . . . Giumarra is suing UFWOC for \$150,000 in damages.”⁴⁸

In October, UFWOC was assisted by the California Labor Federation, AFL-CIO. The Federation filed a suit to bar the use of convict labor in the fields on October 5th. Governor Reagan’s authority to use convict labor in California’s fields was challenged as unconstitutional. The suit was taken under submission by San Francisco’s Superior Court Judge Robert L. Drewes. He said he would request further argument on the case before granting or denying the temporary restraining order. The Federation’s general counsel, Charles P. Scully, pointed out the fact that the Governor authorized the use of 200 state convicts to harvest figs in Merced County, September 28, and that the convicts actually began work October 1, a day before the correctional center was established at Denel Vocational Institute to handle them. On November 17, the Federation announced it had won the suit to bar the use of State convicts on farms. A preliminary injunction was granted.⁴⁹

1968

Violations charged in anti-picketing injunction
 Case of illegal use of green-card workers
 Chávez taken to court
 Court decision giving fired worker right to sue employer
 The trial of 12 Texans

UFWOC organizer awarded \$2,500
 California grape growers sue New York Unions for \$25,000,000
 UFWOC sues Kern County growers for \$50,000,000
 Damages claimed for boycott pickets
 UFWOC sues for failure to provide sanitary conditions
 UFWOC denied pesticide records
 Farm worker wins right to wear Union button
 UFWOC challenges jury selection system
 UFWOC sues city of Delano for \$37,000
 UFWOC sues several grape growers for \$650,000
 UFWOC members guilty of interrupting Tunney speech
 Show cause issued regarding pesticide records
 UFWOC sues growers for \$50,000,000
 UFWOC sues growers for \$125,000
 Grower suit for \$75,000,000 against UFWOC
 Minimum wages for women and children granted by court
 Restraining order restricts picketing in San Francisco
 UFWOC sues AFWFA
 UFWOC sues Agricultural Commissioner

By the end of 1967, UFWOC's Legal Department was established as a result of grant monies provided for legal services. Attorney Cohen was appointed General Counselor. On February 15th, 1968, UFWOC picket captain Camacho, charged with contempt of a Giumarra anti-strike injunction in effect since August, entered a plea of not guilty in Kern County Superior Court. In addition to alleged violations of the injunction, two of the twelve counts clearly lay the groundwork for further charges of either arson, conspiracy to commit arson, or both. The case was scheduled for a "show-cause" hearing before Judge Steels on February 26. Under the "show-cause" procedure, the entire burden of proof fell on the Union, which meant in effect, that "officers and members of the Union were considered guilty until proven innocent."⁵⁰

Almost at the same time, eleven "green carders" had been arrested at Cipriano Padillo's labor camp. When the Border Patrol gave them orders to leave, they remained because a company agent told them that the Border Patrolmen were strikers dressed up as officers. Arrests were made on the second visit. Giumarra bailed out the men, and a hearing was scheduled for March 18:

"A number of growers are working hand in glove with Giumarra to challenge the immigration law which forbids green carders to act as strike breakers. They have hired a Los Angeles attorney named Bonaparte to do the job for them. The March 18 decision can be crucial in determining whether or not a free flow of strike breakers will be permitted to cross the international border."⁵¹

Then, on February 27, César Chávez was taken to court, weakened by the thirteen days of his religious fast. The charge: 12 alleged viola-

tions of an anti-strike injunction issued in August 1967 by Kern County Superior Court Judge J. Kelly Stub. On the second day, the judge announced that he would not subject Chávez to the ordeal of a lengthy trial at that time. The hearing was reset for April 22 in Superior Court at Bakersfield.⁵²

On April 9, Judge Ferguson of the Kern County Superior Court decided that UFWOC had a right to sue Giumarra for illegal recruitment. According to the California Labor Code, no employer in a labor dispute could recruit workers without informing them that a strike was going on. UFWOC brought suit on behalf of Mariano Esquira, asking for damages based on illegal recruitment.⁵³

At the same time, the Superior Court in Bakersfield temporarily postponed the trial of Epifanio Camacho, UFWOC picket captain, and the 300 union members charged with breaking Giumarra's court injunction. Charges against Chávez were dropped entirely. The injunction said pickets must stand fifty feet apart, at each entrance, and it prohibited leafleting and visiting of scabs in their home.⁵⁴

On April 15, UFWOC attorney Cohen appeared before the judge in a motion to release the Giumarra evidence for inspection in the contempt case against the Union, César Chávez, Epifanio Camacho, and 300 "John Does." Cohen argued that when there were criminal charges the defense attorney had a right to inspect the evidence. Judge Borten agreed, but limited the order.⁵⁵

Meanwhile, *El Malcriado* lashed out against a Kern County ruling that had been made in Lamont, California.

"The law in Kern County ruled today that it's okay to pull a pistol on a striker, just so long as you back up the pistol threat with a sawed-off shotgun. Judge Head ruled on a case which originated last August when Miss Jessica Goven, UFWOC secretary, tried to serve a subpoena at a Giumarra labor camp."⁵⁶

On April 18, 1968, in Bakersfield, it was decided that a worker had a right to sue his employer if he was fired for union activity.⁵⁷ Furthermore, Judge Steel dismissed contempt of court action against Chávez. The action, initiated by the Giumarra Vineyards Corporation, had charged Chávez and UFWOC with violations of a preliminary injunction. The charges were dismissed as a result of a request by Giumarra.⁵⁸

In Texas, June 11, the trial of 12 Texans accused of conspiracy to deny UFWOC members of their constitutional rights began in Brownsville. The twelve defendants, six Texas rangers and six Starr County officials, were in court to answer charges filed by UFWOC in 1967, after the rangers and growers had "snuffed" out a strike of melon pickers. The suit also challenged the constitutionality of six Texas statutes which had virtually annihilated all strike efforts in Texas. The previous year, trains carrying "scab" melons had been guarded by machine-guns mounted on railroad cars.⁵⁹

Then, a court decision favoring UFWOC was made in Bakersfield. Damages of \$2,500 were awarded UFWOC organizer Mark Silverman by a Bakersfield judge, after a trial which proved Silverman had been attacked and beaten by Giumarra contractor Valeriano Juarez on May 16.⁶⁰

Significantly, by July, California growers claimed that the boycott of California table grapes had cost them \$25 million in the previous two months. In a suit filed in New York, over 100 grape growers claimed losses or threats of losses costing them hundreds of thousands of dollars apiece. They demanded that unions in New York, which had supported the boycott, pay damages of \$25 million to make up for the losses. *El Malcriado* stated:

"The NLRA also forbids secondary boycotts (but not consumer boycotts). Growers now claim that while the law does not protect the farm workers, it should protect the employers against the boycott. This is the basis of the \$25 million suit."⁶¹

On July 10, in Fresno, California, an extension of time for further consideration of arguments was granted by presiding Judge Conley of the District Court of Appeals in the case of Giumarra Corporation's suit against UFWOC for alleged violations of an anti-strike injunction.

"In the appeal court Cohen argued that the union had the right to a jury trial, since the case could involve heavy fines or imprisonment. Giumarra attorneys, John Giumarra, Jr., and William A. Quinlan, maintained that there was no right to a jury trial. Cohen said the union's lawyer and the opposition would present further arguments in writing for the consideration of the three-judge court. The trial of the union on contempt charges will not come about until the constitutional question of the jury is decided, he said."⁶²

In August, fifty million dollars in compensatory and punitive damages were demanded of three Kern County growers in a suit filed by UFWOC. The UFWOC suit alleged that Bruno Dispoto Company, Sabovick Brothers and John J. Kovacevich had sold scab grapes in boxes bearing a Union label. The suit was filed in an attempt to halt the false labelling, as well as to secure damages for the effect on the Union of the alleged fraud.⁶³

Meanwhile, on August 15, UFWOC made the following claims: The largest claim had been filed on behalf of Bill Richardson, a young Seminarian who was brutally beaten in a Coachella Valley vineyard July 2. Richardson demanded \$410,000 in Actual and punitive damages from Ralph S. Jacobs and David Freedman and Co., a major Coachello grower. UFWOC lawyers were also representing Peter Williamson, a law student volunteer, who had alleged that on July 18 Jose Mendoza pointed a rifle at his head in front of the Union headquarters. Damages sought in this case totaled \$30,000. Fr. Mark Day was seeking \$28,000 in damages for an alleged assault and battery on him at the Mosesian

Company. And, Dale Van Pelt, a member of the Migrant Ministry, had filed a \$20,000 suit charging he was struck by Milton Freedman while marching on a picket line in the Coachella Valley.⁶⁴

In addition, UFWOC attorneys filed suit on behalf of four California grape pickers charging their employers with failure to provide private, sanitary toilets and hand washing facilities in the fields. The four defendants were William Steele and Son, Virginia Guidera, Giumarra Vineyards, and David Freedman and Company.⁶⁵

On August 22, 1968, Bakersfield Judge J. Kelley Stub issued a temporary restraining order prohibiting state agriculture officials from showing public records to Union investigators. The order specifically prohibited Kern County Agriculture Commissioner Sheldon Morley from showing Union officials pest control reports, permits, and applicator's reports dealing with chemical sprays, poisons, and other injurious materials used on crops. Cohen and UFWOC attorney David Averbuck filed a writ of mandate to overturn the restraining order and force the Agriculture Commissioner to show these records to the public.

"The request for the injunction was presented by Atwood Aviation Company and several other firms, and appears to have been rather hurriedly prepared. Atwood Aviation does chemical spraying for many local growers. The petition for the Morley conferred with Atwood's and growers' lawyers before the petition was filed. Within two hours, a petition for an injunction was drawn up and presented to Judge Steele, who quickly signed it."⁶⁶

Also, in August, in Wauntona, Wisconsin, a family of Mexican American farm workers went to court and established the right to wear their Union buttons without fear of being fired. In addition, they won \$104 in back pay from grower Jon Wilcox, who had fired them and evicted them from his camp for wearing buttons that said "Viva la Causa."⁶⁷ Elsewhere, McFarland, California, Judicial District Court Judge John McNally ruled that the jury selection system used in the area was not discriminatory. The ruling was issued in response to a challenge by UFWOC attorneys maintaining that the naming of Jurors from voter registration lists was discriminatory because it did not provide for equal representation of the whole population.⁶⁸

Meanwhile, it was announced in Bakersfield, that Manuel Rivera would be tried on November 15 on charges filed by anti-unionist Ignacio Rubio on similar charges filed by Union member Rivera.

"All charges arose after an incident on August 13 in which the Rubios and three carloads of their family and friends forced Rivera off the road, dragged him from his car and beat him unconscious. Gilbert Rubio also faces trial on October 18 on charges that he appeared at a UFWOC picket line brandishing a gun in a threatening and provocative manner."⁶⁹

In August, after months of trying to get the city of Delano and the Delano police to treat the Union differently, the United Farm Workers Organizing Committee filed charges against the city, demanding over \$37,000 in damages for illegal actions against Union members by Delano police. Elsewhere, the Fifth District Court of Appeal in Fresno denied the right of the United Farm Workers Organizing Committee and picket Epifanio Camacho Baez to a jury in their trial on contempt charges. The charges stemmed from a Giumarra Vineyards complaint against the Union and Camacho filed in February. The complaint, which originally included César Chávez as a defendant, alleged 12 violations of an anti-strike injunction issued in August of 1967 by Bakersfield Superior Court Judge J. Kelley Steele. Union attorneys appealed the case to the State Supreme Court on the basis that a jury trial was merited in cases with possible heavy penalties, either in fines or prison.⁷⁰

On September 5, four UFWOC supporters were sentenced to 120 days in jail as a result of a decision announced by Tom Cross, judge of the Coachella Justice Court. Cross handed down the 120 day sentences after a jury found James S. Caswell of Indio; Raul Loya, Indio High School teacher and president of the Mexican American Political Association of Indio; Albert Figueroa of Blythe, a MAPA leader; and Thomas Kay, a UFWOC organizer, guilty of disturbing a public assembly during a Tunney rally.

“During the course of Tunney’s speech, Figueroa raised a UFWOC sign so that Tunney would know we were still there. The crowds began to applaud spontaneously when the sign was raised, Figueroa said . . . Caswell said the conviction was based on section 403 of California Penal Code, which was passed in 1872.”⁷¹

On September 11, in Bakersfield, damages of \$650,000 were asked in a suit filed by the United Farm Workers Organizing Committee against several grape growers and the Agricultural Workers Freedom to Work Association (AWFWA). The suit charged violations of the Labor Code and what amounted to conspiracy to deny farm workers the right to organize. Named in the suit were growers Jack Pandol, Giumarra Vineyards, the AWFWA, and two of its heads, Gilbert Rubio and José Mendoza.

“... their suit was based in part on section 1122 of the California Labor Code, which provides: ‘Any person who organizes an employee group which is financed in whole or in part, interfered with or dominated or controlled by the employer or employer association shall be liable to suit by any person who is injured thereby. Said injured party shall recover the damages sustained by him and the costs of the suit.’ ”⁷²

On September 16, in Hollister, California, UFWOC demanded that San Benito District Attorney Bernard McCullough apologize and

dismiss trespassing charges against two Union members in a case that arose during a picket line in Hollister, August 30. Two members of the Union, Francisco Urike and Gilbert Tyrinia, both 17, were arrested for trespassing. UFWOC's attorney cited the famous Supreme Court decision of *Amalgamated Food Employees Union Local #590 vs. Logan Valley Plaza, Inc.*, handed down on May 20, 1968, as establishing the right of people to picket stores either on the sidewalk or, if there is a shopping center, on a large parking lot directly in front of the store entrance. However, McCullough refused to recognize this decision and went ahead with trespass charges, which were taken to Juvenile Court.⁷³

At the same time, the Appellate Court in Fresno demanded that the State Department of Agriculture and Judge J. Kelley Steele appear before it on October 16 and "show cause" why they should not allow UFWOC representatives to study public records dealing with poisons and dangerous chemicals used on grapes.⁷⁴

On September 23, in Delano, UFWOC charges against growers Bruno Dispoto, Sabovitch and Sons, John Kovacovitch and others for falsely labelling their grapes were heard in San Francisco. The \$50 million suit alleged that the defendants falsely marked their grapes with DiGiorgio label in an effort to mislead consumers.⁷⁵ At the same time the Union filed a complaint in the U.S. District Court against Giumarra Vineyards Corporation, Giumarra Brothers Fruit Co., Pandol Sons, Barr Packing Company and Vincent Zaninovich and Sons for what appeared to be a clear violation of the Sherman Anti-Trust Act, sections 1-7, and the Clayton Anti-Trust Act, section 12. The complaint charged the growers with "illegal and unlawful combination in their efforts to break the Union boycott activities." The Union suit asked for \$125,000 (which the court could triple to \$375,000).⁷⁶

Union lawyers filed two other suits on September 23, in San Francisco Superior Court, for violence allegedly committed against Mr. and Mrs. Lupe Murguia and Fred Ross, Jr. while the three were picketing the Mayfair store at the corner of Geary and Webster in San Francisco.⁷⁷

On September 26, in Milwaukee, Jesus Solas, leader of the grape boycott in Wisconsin, was arrested as he and three others picketed inside a Kohl's Food Store. Trial was set for October 10 on charges of disorderly conduct.⁷⁸

On September 30, San Francisco Federal Court Judge Lloyd Burke dismissed out of hand a request by grower groups for an injunction to halt the UFWOC boycott of California table grapes. Union General Council Cohen, who argued the case in San Francisco, said the Ballantine Produce Company, the Barr Packing Company, California Fruit Exchange, the Mendleson-Zeller Company, the Rozial Valley Fruit

Growers had asked the court to issue an order stopping boycott activities, but that Judge Burke ruled in a five-minute hearing that the court had no power to enjoin labor activities.

“The growers and shippers, in the same action, also sued UFWOC for \$75 million under the Sherman Anti-Trust Act, and had requested the injunction as a temporary stop-gap until the case came to trial. Judge Burke overruled the request of the growers on the basis of provisions of the Norris-La Guardia Act.”⁷⁹

Then, in September, the State Court of Appeals in Sacramento ruled that over 100,000 women and minors should get the same minimum wage as other workers; \$1.65 an hour for women, \$1.35 for minors. The court ruled that workers should receive the minimum wage retroactive to February 1, 1968, when it was legally put into effect.⁸⁰

On October 10, in San Francisco, a \$75 million suit brought against the Union was requested to be dropped by counsel for California grape growers and shippers. UFWOC attorney Averbuck responded:

“We’re not so sure we’re going to let them drop the suit though, because there’s a possibility we can sue them within the framework of the same case, Averbuck explained.”⁸¹

On October 18, at a hearing in San Francisco, growers and shippers obtained a temporary restraining order restricting picketing to within 50 yards of the dock area. However, UFWOC’s Cohen explained the purpose of the picketing and appealed the injunction. Judge Eyman of Superior Court of San Francisco limited the force of the injunction, allowing two pickets to be placed 15 feet on either side of each entrance to the docks. In Los Angeles, an injunction prohibiting Union picketing was issued at the request of 17 different chain stores on October 23. The following day the injunction was appealed and the judge ruled that four pickets could be placed at store entrances, four at store driveways, and that the bullhorn could be used 25 feet from the store.⁸²

On October 28, in San Luis Obispo, California, José Mendoza, officer of the sporadic Agricultural Workers Freedom to Work Association, showed up for a debate at the San Luis Obispo Campus of California State Polytechnic College (Cal Poly) and was promptly served with a UFWOC complaint which asked \$650,000 damages for his “union-busting” activities.⁸³

Also in October, Epifranio Camacho-Baez argued in Superior Court of Kern County, that jury selection in Kern County was unfair. Camacho, charged with malicious mischief growing out of a February 5th complaint, felt he would not be judged by a jury “of his peers” as guaranteed by the Constitution.

Furthermore, in October, the UFWOC was suing Agricultural Commissioner Morley for not allowing Cohen, on June 20, access to public

records, and the Kern County Superior Court for issuing an injunction the following day prohibiting Cohen's examination of the pesticide records.

In Chicago, William G. Clark, Attorney General of the State of Illinois, filed against the Chicago distributor of Giumarra grapes for selling falsely labelled grapes. Clark charged in the complaint, "to avoid the impact of the boycott, Giumarra entered into an agreement with other grape growers to use their brand names and labels." Selling these mislabelled grapes was in violation of the state consumer fraud act.⁸⁴

On November 4, in San Francisco, the attempt by grape growers and shippers to halt the UFWOC consumer boycott of California table grapes with a \$75 million suit against the Union was dropped by the plaintiffs. Attorneys for the Ballantine Produce Company, the California Fruit Exchange, the Mendelson-Zeller Company, and the Royal Valley Fruit Growers dropped the suit, which was filed originally on September 30. UFWOC assistant general counsel, David Averbuck, said the Union filed a countersuit against the growers and shippers, charging them with a conspiracy and pricefixing in violation of the Sherman Anti-Trust Law. The UFWOC suit said the United Farm Workers had sustained \$125,000 in damages to the boycott as the result of alleged illegal practices on the part of the growers.⁸⁵

On December 13, in Delano, it was announced that hearings on a request by crop dusting firms in the Kern County area to deny access to public records on the use of pesticides to UFWOC attorneys were to be held in Bakersfield on January 29, 1969.

Later, on December 31, in Delano, it was announced that UFWOC picket captain Epifanio Camacho would be tried on charges of malicious mischief in Delano-McFarland Justice Court on January 17, with Judge McNally presiding. *El Malcriado* stated:

"If Camacho goes to trial without equal protection of the laws, a full and detailed report will be sent to the U.S. Justice Department and to the Commission on Civil Rights."⁸⁶

Also in December, in Salem, Oregon, Marion County District Court Judge Thomas W. Hansen declared a mistrial in the case of Nick Jones, UFWOC organizer in Oregon, when Jones appeared in court December 26 to face a charge of vagrancy and disorderly conduct. The jury was unable to reach a verdict after Jones' trial.⁸⁷

1969

Hospitals refuse to admit UFWOC Medi-Cal patients

UFWOC continues demand for access to pesticide records

UFWOC sues Coachella growers

General Electric ordered to allow gate collections
 UFWOC charges conspiracy
 Growers sue UFWOC for \$75,000,000
 Jobless file for unemployment benefits
 UFWOC members fired, file suit
 Growers ordered to pay back wages to women and children
 UFWOC sues labor contractor
 UFWOC sues another labor contractor
 UFWOC member sues Bank of America
 UFWOC sues AFWFA for \$10,000,000

On January 7, 1969, in Visalia, California, tax supported hospitals, which formerly refused to admit Medi-Cal patients would no longer be allowed to do so, as the result of a decision of Tulare County Superior Court Judge Leonard Ginsbert.

“Farm worker and UFWOC member Eluterio P. Loreda, 59, of Poplar, had filed suit against the Sierra View Hospital District after he was refused in Porterville because the cost of his case was to be paid by the Medi-Cal program. Judge Ginsberg’s ruling declared that tax-supported hospitals may not discriminate against any segment of the public in their admission policies.”⁸⁸

In February, hearings regarding pesticide records were reported. Crop dusting companies, represented by attorney Stephen Wall, were technically the plaintiffs, while Morley, represented by County Attorney Jordan, were the defendants. Cohen, represented by Averbuck, was the third party in the suit. If Judge Brown ruled that the records should be kept secret until a final decision was reached, he would cancel the temporary restraining order and replace it with a preliminary injunction, which, in effect, was just about the same thing. In that case, a new hearing would be held to determine whether a final injunction, keeping the records permanently secret should be issued, or if a writ of mandate should be served on the Agricultural Commissioner, forcing him to reveal the records.⁸⁹

On March 27, in Bakersfield, Judge George A. Brown ruled that UFWOC Attorney Jerome Cohen and the other representatives of the Union should be denied access to all public records on pesticide and herbicide poison applications filed with the County Agricultural Commissions.

“The Judge further stated, ‘The importance of the agricultural chemical industry to this valley and this state is enormous, not only in terms of the employment and income which it generates, but in terms of the astronomical increase in productivity and improvement in quality of food and fiber that has accompanied widespread use of agricultural chemicals.’ ”⁹⁰

On April 1, in Coachella, members of the Desert Grape Growers

League, and President Mike Bozick were named defendants in a \$1 million libel suit filed by United Farm Workers Organizing Committee:

“Chávez said today Bozick ‘knowingly made unfounded statements March 26 when he told the press that the union and I were responsible for alleged threats on the lives of growers Keene Larsen and crew boss Josephone Garcia.’ ”⁹¹

In June, the Ninth U.S. Circuit Court of Appeals in San Francisco handed down a decision that the General Electric Company could not prohibit trade unionists from taking up collections for striking grape workers at their plant gates. The court’s decision granted a request by the National Labor Relations Board for enforcement of an NLRB order at the G.E. plant in San Jose. Twice in 1966, the plant’s management refused to permit Local 1507 of the Electrical Workers Union to take up voluntary collections at the plant for the AFL-CIO United Farm Workers Organizing Committee.⁹²

In July, UFWOC filed a suit claiming a conspiracy by a group of growers and labor contractors to create a dummy “union,” the Agricultural Workers Freedom to Work Association. The Union claimed that because of the extensive travel and publicity undertaken by Mendoza and AFWFA, the sponsors of AFWFA should pay \$50,000 in actual damages, plus costs of the case and future damages to be determined.⁹³

Significantly, on July 3, in Fresno, after claiming for four years that there was no strike, and after claiming for two years that the boycott of table grapes was completely ineffective, California table grape growers filed suit in Federal Court claiming that the boycott had caused losses of \$25,000,000 to grape growers. The suit demanded treble damages from the United Farm Workers Organizing Committee, a total of \$75,000,000. The growers said they might also demand injunctions which would in effect outlaw all union activities, and especially outlaw the consumer boycott of grapes.⁹⁴

July 4, 1969, in Salinas, a jobless worker was judged within his rights when he refused to accept farm labor work, on the grounds that most of such jobs were in violation of state health and sanitation laws, according to Superior Court Judge Irving Perluss. The court ruled that Mauricio Muñoz, 31, of Salinas, was entitled to unemployment insurance benefits even though he refused to accept a farm job offered him through the California Department of Employment.⁹⁵

On July 29, nine Salinas Valley carrot harvesters, who had been fired for joining the United Farm Workers Organizing Committee, won an historic decision when the First District Court of Appeals ruled that the firings were illegal and that all farm workers were protected from such firings by the California Labor Code.

“The workers, Fred Wetherton, John Watson, Jose Perez, Manuel Ortiz, Domingo

Longoria, Anthony Cervantes, Antonio Castennada and Ignacio Burgos, charged that the Growers Farm Labor Association of Salinas had conspired to prevent farm workers in the Salinas Valley from joining the Union, discovering that the nine workers had joined the Union, ordered them fired. The firings took place in August of 1967."⁹⁶

Meanwhile, in July, the California Grape and Tree Fruit League was under a San Francisco Court Order to pay back wages and overtime—including interest—to thousands of women and minors in California's after harvest industries, which had been due them for nearly six years.

"The court's decision, a victory for the California Labor Federation, AFL-CIO, which led the fight to win the boost in pay floor for the workers and to extend overtime protections to them in 1963 and participated in the subsequent long, drawn-out court fight as a friend of the court, was handed down last Friday, July 18, by Superior Court Judge Joseph Karesh . . . Many such workers are now entitled to retroactive pay of 25 cents an hour from August 30, 1963 to August 30, 1964, and 30 cents an hour from August 30, 1964 to February 1, 1966, when the federal minimum wage was increased to \$1.40."⁹⁷

On August 4, in Fresno, UFWOC moved to dismiss a \$75 million law suit by eighty-one California Grape Growers against the Union. The suit, which claimed triple damages because the growers had lost \$25 million as a result of the strike and the grape boycott launched by the Union, appeared so vague and with no legal basis to the UFWOC attorneys that they moved for dismissal. In case the courts did not dismiss the lawsuit, the Union was preparing to seek a court order demanding that the suing growers answer 36 pages of questions dealing with their finances and profit margins.⁹⁸

In September, with the help of the UFWOC and its legal staff, Mr. and Mrs. Pardos were suing Rosario Pantoja, a labor contractor, and his foremen Roberto Pantoja and Mike Klain, and grower L. J. Williams and the Williams Ranch. The suit was for \$20,000 in exemplary and punitive damages, for compensation, and for the time and work that they had lost because of the firing and blacklisting.⁹⁹

On October 7, in Avenal, California, criminal charges were filed against Martin Murillo, a Tulare County farm labor contractor for alleged violations of the labor law and industrial welfare codes. The alleged violations of Murillo ranged from failure to provide portable drinking water, toilet and handwashing facilities for women and minors working in the fields, to failure to pay wages when due and provide farm workers with itemized wage statements showing income tax, Social Security, and State Disability Insurance deductions from wages. The alleged violations all occurred on Westlake Farms in Stratford between June 13 and June 26, 1969.¹⁰⁰

Meanwhile, in an out-of-court settlement of a civil suit filed by

UFWOC, the Lucas Company agreed to return a microphone and to pay the union \$100 in damages.¹⁰¹

By November 10, in Delano, Mrs. Dolores Lorta, UFWOC member from Earlimart, had sued the Bank of America and the "Agribusiness Investment Company," a Bank of America dummy corporation, for \$30,000 damages for injuries suffered when she was sprayed with agricultural chemicals while working on land that they owned. On October 16, UFWOC and Mr. Lorta filed a suit to force AIC to rehire him. The suit against agribusiness and Bank of America also named John Saninovich and S. A. Camp Ginning Company as defendants. Mr. Lorta's suit demanded his reinstatement, payment of the back wages he lost, and \$50,000 punitive damages for his having been fired in direct violation of the state law which protects a worker's rights to seek the help of a union.¹⁰²

On December 16, Judge John Jelletich of Bakersfield announced that UFWOC's \$10 million suit, filed in March against the Agricultural Workers Freedom to Work Association, did not have a legal basis under California Labor Law. The suit was filed after AFWFA, a group which claimed to offer agricultural workers an alternative to UFWOC, was organized in July, 1968, by a group of growers, including the Giumarra brothers and Jack Pandol. Finally, in a decision handed down on December 18, 1969, the judge denied UFWOC members Amalia Uribe's petition for a writ of mandate to force the Agricultural Commissioner of Riverside County to give her access to the Commissioner's records on commercial pesticide applications. Arguing that the people of the state have a constitutional right to seek the records, the Attorney General asked for a court injunction requiring the Commissioner to open the files to the public for inspection. The Judge denied both Miss Uribe's petition and the injunction request by the State Attorney General.¹⁰³

1970

- UFWOC sues CCFA and 90 growers for \$115,000,000
- UFWOC sues California Department of Agriculture to outlaw DDT
- UFWOC case for toilets and sanitary facilities
- NLRB unfair labor practice complaint against UFWOC
- UFWOC sues California Farm Labor Service
- Injunction issued prohibiting picketing
- UFWOC sues Teamsters and grower-shippers
- UFWOC sues Western Conference of Teamsters for \$51,000,000
- Temporary restraining order against pickets
- Grape pickers in Visalia file suit
- Grower-Shipper Vegetable Association sues UFWOC
- Temporary restraining order to prohibit picketing

Striking workers protected from summary evictions
 Cel-A-Pak sues UFWOC, AFL-CIO and Western Conference of Teamsters
 UFWOC sues Salinas Valley growers
 UFWOC strike ruled a jurisdictional dispute
 NLRB refuses complaint against UFWOC
 UFWOC files \$5,000,000 pesticide suit
 Chávez ordered to jail
 Chávez released due to Supreme Court action
 Picketing limited

On January 14, 1970, the United Farm Workers Organizing Committee took the offensive against the General California Farmers Association by filing a counterclaim against it and 90 other growers for \$115 million damages, alleging anti-trust violations on the part of the growers. The same growers were suing UFWOC for \$25 million in losses, which growers claimed to have suffered because of the boycott of table grapes. The growers had asked Judge M. D. Crocker of the Federal District Court in Fresno to award its members treble damages of \$75 million, and to enjoin UFWOC's boycott of table grapes.

Then, on January 19, 1970, UFWOC asked the Federal District Court in Los Angeles to outlaw the use of DDT and 10 pesticides said to be even more dangerous than DDT. The amended complaint was filed on behalf of Coachella UFWOC member Vincente Ponce, representing the class of all consumers and farm workers, against Jerry Fielder, Director of the California Department of Agriculture.¹⁰⁴

On January 8, in Bakersfield, the United Farm Workers Organizing Committee obtained a permanent injunction against Bianco Fruit Company dealing with failure to provide toilets and other sanitary facilities for their farm workers.¹⁰⁵

In March, an attorney for the National Labor Relations Board's San Francisco Office announced that unless a voluntary settlement could be obtained, the Board would issue unfair labor practice complaints against UFWOC and a number of Bay Area unions for their activities in promoting UFWOC's boycott against California table grapes.¹⁰⁶

In May, UFWOC filed suit against the California Farm Labor Service in U.S. District court in San Diego. The suit sought to prevent farm labor offices from sending union members to strikebound fields.¹⁰⁷

In June, Jerry Cohen was sent to advise Manuel Chávez about an injunction issued which prohibited picketing, gathering, sitting, standing, marching, and even the use of black and red flags around Abatti's fields. Cohen had talked to the chief judge of the District Court of Appeals in San Diego. The judge agreed to have a hearing on the injunction.¹⁰⁸

On July 28, César Chávez contended that the announced agreement between grower-shippers and Teamsters was illegal and that a suit to

prevent its consummation would be filed.¹⁰⁹ On July 29, two members of the Union filed suit to prevent consummation of the July 27 collective bargaining agreement between the Teamsters and Salinas-Watsonville district grower-shippers. It was a class action in behalf of all UFWOC members, contending that the Teamsters did not, could not, and would not represent them.¹¹⁰ July 30, UFWOC attorneys filed a \$51 million suit in Santa Maria Superior Court against the Western Conference of Teamsters. The suit, paralleling one filed in Monterey County Superior Court, sought an injunction barring Teamsters from allegedly allowing or using employers to dominate or use employees for the sake of organizing union activities.¹¹¹

On August 10, strikers from UFWOC reappeared in front of Freshpict Food ranches in the Salinas Valley, in possible violation of a temporary injunction. The temporary restraining order had been signed by Monterey County Superior Court Judge Stanley Lawson in response to a complaint by Freshpict. On August 11, Monterey County Sheriff's deputies began enforcement of a no-picketing injunction issued by Superior Court Judge Stanley Lawson. The injunction, or temporary restraining order, barred members of UFWOC from picketing ranches of Freshpict Food, Inc. On August 12, it took 15 minutes, plus some added delay caused by Chávez himself, for the president of the striking union to accomplish the purpose of his visit—to enable Freshpict to serve him a temporary restraining order prohibiting UFWOC from picketing UFWOC Freshpict. Chávez made it clear he regarded the order as unconstitutional and had no intention of abiding by it.

On August 13, in Visalia, California, grape workers disenchanted with the organizing techniques of the Chávez union filed suit in Tulare County Superior Court to prevent unionization without representation elections. The suit asked the court to prevent the Union from forcing workers to join without an election and sought to have dues collected held in escrow until the matter was settled by the court.¹¹²

Meanwhile, on August 15, UFWOC said that suits filed earlier that week by both Freshpict and Pic 'N Pac were to be dropped under mutual agreement.¹¹³

On August 24, attorney Andrew Church, representing the Grower-Shipper Vegetable Association, said a complaint based on California's jurisdictional disputes act would be filed in Monterey County Superior Court.¹¹⁴

On August 25, a temporary restraining order was issued by the Monterey County Superior Court to 22 of the struck firms. The restraining order prohibited picketing as a violation of the state's jurisdictional strike act. Separate but similar restraining orders were issued the day before and that day to the Garin Company, Eckel Produce, Mann Packing Company, and Pic 'N Pac.¹¹⁵

By August 26, the arrest and citation total in the three-day-old

Salinas Valley farm workers strike stood at 28 as César Chávez issued a plea for non-violence and criticized the Teamsters for the alleged beating of his attorney. Twenty-seven of those arrested or cited were pickets for Chávez' Union.¹¹⁶

On August 27, striking farm workers at the Albert Hansen Labor Camp were granted a temporary restraining order protecting them among other things from summary eviction. The order was signed by Monterey County Superior Court Judge Stanley Lawson, who also signed some dozen orders that week enjoining picketing in the farm workers strike.¹¹⁷

On August 31, in San Francisco, Cel-A-Pack, Inc., Salinas Valley cauliflower producer, filed a \$4,600,000 damage suit against UFWOC, the AFL-CIO, the Western Conference of Teamsters and César Chávez. Cel-A-Pak's complaint in Federal District Court said picketing by UFWOC was costing it \$750,000 a day and violated the August 12 peace settlement between the Teamsters and UFWOC.¹¹⁸

On September 2, Monterey County Sheriff's deputies arrested six women and nineteen men on charges of contempt of court. They were picketing lettuce fields owned by the Bud Antle Co., Inc., and were arrested for failure to comply with a court order injunction obtained by Bud Antle.¹¹⁹ And, city officials and police chief Herb Roberson assured some 60 concerned citizens and growers the city would investigate their complaints of "distinct difference in the application of law enforcement" regarding the strike related injunction. The group had asked for the meeting to relate incidences of police assistance to the process server attempting to serve injunctions against picketing at Inter Harvest, Inc., to a number of Salinas citizens demonstrating their disapproval of the company's contract with César Chávez' United Farm Workers Union.¹²⁰

On September 3, César Chávez announced the initiation of a massive legal attack on "lawless" Salinas Valley growers as produce shipments from the strike bound valley arose to their highest level in 11 days. UFWOC attorney Jerry Cohen disclosed the filing of a lawsuit in Federal District Court in San Francisco accusing Salinas Valley growers of conspiracy to regulate lettuce production to keep the price of lettuce artificially high. The class action for lost wages was a response to "intentional underproduction." Cohen said UFWOC would be filing lawsuits against Salinas Valley growers and the Grower-Shipper Vegetable Association on behalf of consumers who were allegedly paying inflated prices for produce. Also on the court calendar that day was Bud Antle, Inc. versus United Farm Workers' Organizing Committee with Monterey County Superior Court Judge Anthony Brazil presiding. The motions and arguments went back and forth, most of them on whether or not to grant a continuance. Furthermore, within the next few days a number

of growers would be moving to evict their striker tenants, according to attorneys Joseph Stave and Andrew Church, both lawyers with grower clients. That meant the Salinas Municipal Court, which took those cases, would be hearing a lot of eviction suits in the weeks ahead.¹²¹

On September 3, Judge Brazil pointed out that before him were only the affidavits and nothing else. "I cannot take additional notice of who César Chávez is." And, because that question remains unanswered in the affidavits, an attempt by Bud Antle, Inc. to bring contempt charges against Chávez and UFWOC was sent back to the legal drawing boards.¹²²

On September 4, three persons who were arrested outside the UFWOC headquarters at 14 Wood Street later were released pending a review of the case. Statements by police were put on a tape, but the tape failed to record the report. The officials were called back to record their reports and until the case had been reviewed and a decision reached, the three men were free of any charges.¹²³

On September 5, in Soledad, California, a jury trial was scheduled for October 22 in the case of 18 UFWOC pickets arrested September 2 by Sheriff's deputies. The defendants pleaded not guilty to the charge of failing to obey a court order. They were released on their own recognizance after their attorneys assured the court they would appear in court on October 22.¹²⁴

On September 8, 1970, Superior Court Judge Brazil stated that if a strike by UFWOC against Pic 'N Pac was in fact a jurisdictional dispute, then he will issue a ban against even peaceful picketing. Judge Brazil's action of continuing the hearing on Pic 'N Pac versus César Chávez and UFWOC left a temporary restraining order against picketing in force.¹²⁵

On September 10, *El Malcriado* reported that more than 200 grape workers were outraged at the manner in which they had been treated under the contracts signed between UFWOC and grape growers. They filed a suit on August 13 against the Union and growers in the Tulare County Superior Court.¹²⁶ Meanwhile, in Redwood City, at the San Mateo County Superior Court, Judge Melvin Dohn refused to issue the temporary restraining order sought by UFWOC against the Teamster Union and several Salinas Valley growers. UFWOC sought the order against the Teamsters to prevent violence, threats, and the use of obscene language in which the defendants were allegedly engaging in connection with the current Salinas Valley farm labor strike. At the same time, three cases involving the Salinas Valley farm strike were scheduled in Monterey County Superior Court but two had been quietly continued or dropped before noon. *Freshpick vs. UFWOC* continued to September 17. The *Allow Lettuce vs. UFWOC* was dropped for lack of service. And, twenty-eight UFWOC pickets were arrested by Monterey County Sheriff's deputies for contempt of court. The pickets were

accused of violating a temporary restraining order prohibiting picketing at the operation of Salinas Valley produce firms being struck by UFWOC.¹²⁷

On September 11, the California Supreme Court ordered a hearing on a temporary restraining order banning UFWOC picketing which had been granted twenty-two Salinas Valley growers by Monterey County Superior Court. At issue in the complaints for injunctive relief was whether UFWOC picketing should be prohibited as being in violation of the state's jurisdictional strike act.¹²⁸

On September 16, Monterey County Superior Court Judge Anthony Brazil ruled that a strike by UFWOC against thirty Salinas Valley growers was a jurisdictional dispute. The ruling had the effect of banning mass picketing and virtually prohibiting any picketing by UFWOC against the thirty growers involved.¹²⁹ (Over two years later this ruling was reversed by the State Supreme Court in December 1972.)

On October 20, a hearing seeking dismissal of charges against some 120 UFWOC pickets was continued before Monterey County Superior Court Judge Anthony Brazil. All were charged with violating Superior Court restraining orders against picketing. UFWOC attorney William Carder filed writs of habeas corpus on behalf of eighty-six of the defendants whose trials were under jurisdiction of the Soledad, Castroville and Salinas Courts. Charges were dismissed. Judge Brazil stated that the restraining orders were improperly issued.¹³⁰

On October 22, D'Arrigo Brothers was granted a preliminary injunction limiting picketing of its Salinas Valley ranches by the UFWOC. The farmworkers said the order had no practical impact due to the September 16 ruling by Judge Brazil.¹³¹

On November 6, the National Labor Relations Board's San Francisco district office refused to file a complaint charging UFWOC with unfair labor practices.¹³²

On November 10, in Bakersfield, Kern County Superior Court Judge George A. Brown Monday issued a temporary restraining order against UFWOC limiting the number of pickets at a Delano area lettuce farm. The suit was filed by Central Farms of Delano, which sought the restraining order plus \$11 million in punitive damages and \$25,000 a day in actual damages.¹³³

On November 12, a seasonal farm laborer for Bruce Church, Inc. filed a \$5 million pesticide suit against the firm in Monterey County Superior Court. It was the third class action suit regarding use of agricultural pesticides to be brought against a Salinas Valley grower through attorneys for the UFWOC.¹³⁴

On November 17, the trial of Gonzales farmer John H. Panziera, who was accused of going on a rampage with a caterpillar D-4 bulldozer on August 2 during the United Farm Workers' Organizing Committee strike entered its second day.¹³⁵

On November 19, a jury trial for Father David Duran, clergyman charged with five counts of violating the Salinas City code, was set for January 7 in municipal court. He was charged with disturbing a neighborhood with a loud noise and one count of using the premises at 14 S. Wood Street for public use without a use permit.¹³⁶ And, Gonzales farmer John H. Panziers was acquitted of a charge of felonious assault by a Monterey County Superior Court jury. In addition, a UFWOC farm worker filed suit for assault and battery complaints for damages totalling \$660,000 in Monterey County Superior Court. Organizer Venustiano Olguin was suing grower Albert C. Hanse, James Plemmons and Bobby Schuster for injuries allegedly sustained on the Hansen ranch August 25 on the day after the UFWOC strike began.¹³⁷

On November 24, it was reported that César Chávez had to show cause the following week why he should not be held in contempt of court for violating an injunction prohibiting primary boycotting of Bud Antle, Inc. lettuce. UFWOC was to appear in Monterey County Superior Court on December 4. UFWOC's Chief Counsel claimed UFWOC had a constitutional right to boycott.¹³⁸ On November 27, a request for delaying the December 4 contempt hearing of César Chávez was denied by visiting Superior Court Judge Harold Holden.¹³⁹ On December 1, Chávez was demanding a jury trial for his contempt hearing Friday in Monterey County Superior Court. On December 4, 1970, Judge Gordon Campbell ordered that César Chávez be imprisoned in the Monterey County jail "until he and the union notify all UFWOC personnel to halt their boycott against Bud Antle Inc."¹⁴⁰

On December 9, seven Hollister area farm workers filed a complaint for \$3,170,000 against UFWOC in Monterey Superior Court. The plaintiffs, all employees of Castle Farms of Hollister, alleged that they were severely beaten by UFWOC pickets at a Fallon Road field on September 7.¹⁴¹

On December 12, the First District Court of Appeals denied without comment a petition which, if granted, would have freed UFWOC Director Chávez from Monterey County jail.¹⁴² On December 23, César Chávez walked down the front steps of the Monterey jail to freedom after 20 days in a cell. He was released on an order by the California Supreme Court dissolving the portions of the preliminary injunction issued by Superior Court Judge Gordon Campbell, which had been the basis for his jailing for contempt on December 4.¹⁴³

On December 29, Superior Court Judge Alfred McCourtney Monday granted a preliminary injunction to three supermarket chains limiting picketing by UFWOC at food stores.¹⁴⁴ And, on December 30, 1970, the California Attorney General's office found César Chávez' charge of a "complete breakdown" of local law enforcement during the August 24 - September 16 farm strike in Salinas Valley with no base or substance.¹⁴⁵

1971

UFWOC files complaint against Secretary of Defense and Bud Antle
 Two UFWOC members found guilty of assault
 Arizona and Salinas growers sue UFWOC for \$10,200,000
 UFWOC chaplain found innocent on two counts, guilty on one
 UFWOC sues Secretary of Defense Laird and Commander of Ft. Hamilton
 UFWOC's pesticide suit is dismissed
 Court rules growers need not answer UFWOC's 555 questions
 California Supreme Court takes Chávez case under submission
 UFWOC battles against Monterey County injunction
 UFWOC seeks preliminary injunction against Defense Secretary Laird
 UFWOC fined \$750, \$600 suspended
 NLRB, Washington, D.C., denies appeal
 San Francisco Federal Judge dismisses \$240,000,000 suit
 Egger-Ghio asks \$350,000 damages
 UFWOC sues Egger-Ghio
 UFWOC sues individual and Assistant Secretary of Labor
 Salinas City action against UFWOC upheld, UFWOC appeals
 UFWOC files complaint charging discrimination
 UFWOC and Father Duran's appeal denied
 Restraining order against mass picketing signed
 Discrimination case dismissed
 Hearings for preliminary injunction dropped
 No trial for farmworkers charged with trespassing
 Hearing set on whether to enjoin mass picketing
 Suits against three growers dismissed

On January 5, 1971 it was reported that the California Supreme Court would hold a hearing to determine whether César Chávez and the United Farm Workers Organizing Committee should be enjoined from boycotting lettuce from Bud Antle, Inc. On February 4, the Supreme Court took jurisdiction over the Antle-UFWOC case. Retired Judge Gordon Campbell had issued a preliminary injunction prohibiting UFWOC's boycott of Antle lettuce October 8. On December 4, Campbell sentenced Chávez to jail for contempt for failing to comply with the injunction. Bud Antle contended that UFWOC's boycott was an illegal extension of the jurisdiction dispute found to exist between UFWOC and the Teamsters. Antle had a contract covering its field workers with Teamsters local 890 since 1961. UFWOC claimed state courts had no jurisdiction over secondary boycott activities. It also disputed the trial court's ruling that its Salinas Valley strike was a jurisdictional dispute with the Teamsters.¹⁴⁶

On January 6, 1971, in Los Angeles, the United Farm Workers

Organizing Committee filed a complaint in Federal District Court seeking to stop the Armed Forces from buying greater amounts of lettuce from Bud Antle, Inc. Antle and Secretary of Defense Melvin Laird were named as defendants in the suit.¹⁴⁷

Meanwhile, in Hollister, California, two members of the United Farm Workers Organizing Committee found guilty of assault charges by a jury December 1, were sentenced in San Benito County Superior Court. The assault had occurred in a field on Fallon Road on September 7, while UFWOC's strike was on.¹⁴⁸ Still pending against the three men and nine other defendants was a \$3,170,000 civil suit filed by Castle Farm employees against UFWOC.

On January 11, twelve Arizona grape growers, including two based in Salinas, filed a \$10.2 million damage suit against the United Farm Workers Organizing Committee for allegedly violating anti-trust laws. Among the plaintiffs in the complaint filed in Federal District Court in Phoenix were Admiral Packing Company and Bruce Church, Inc., both headquartered in Salinas. The complaint charged UFWOC with violating the Sherman and Arizona Anti-Trust Acts and the Arizona anti-boycott law. They sought an injunction to prevent further boycotts.¹⁴⁹

On January 14, 1971, Father Duran was charged by the City of Salinas with violating its zoning ordinance in connection with assemblies held during 1970's farm strike at the United Farm Workers Organizing Committee headquarters at 14 S. Wood Street. The Salinas Municipal Court jury found Father Duran innocent of two counts and guilty of a third, but the Union was found guilty on three counts of violating the Salinas city ordinance. Both were co-charged with three counts of violating the city's zoning ordinance by holding public assemblies at UFWOC's headquarters at 14 S. Wood Street without first obtaining the required conditional use permit.¹⁵⁰

On January 16, the suit, which named Defense Secretary Melvin R. Laird and the commander of the Ft. Hamilton Brooklyn Army base, charged the Defense Department with buying lettuce from the Bud Antle Company in order to help the company break the Union boycott. Chávez announced the filing of the suit in U.S. District Court; it would be the first in a series of legal actions against the Army for purchasing.¹⁵¹

Meanwhile, a dramatic increase of almost 60% in the number of illegal aliens arrested in the Salinas area was recorded in 1970, an official of the U.S. Immigration and Naturalization Service disclosed on January 20, 1971. He said the number of aliens arrested in 1970 was 2,745 as compared with 1,727 for 1969.¹⁵²

On January 26, a pesticide suit brought by the United Farm Workers Organizing Committee against Bruce Church, Inc. was dismissed by court order.¹⁵³

On January 30, visiting San Luis Obispo Court judge ruled in Salinas that Oshita and twenty-one other Salinas Valley growers need not answer 555 questions put to them by the United Farm Workers Organizing Committee.¹⁵⁴

On February 1, it was announced that on February 4, in San Francisco, the Supreme Court would hold a hearing which could return Chávez to jail or could leave him free to continue a boycott against lettuce shipped by Bud Antle, Inc. On February 4, the California Supreme Court took under submission a decision which could return Chávez to the Monterey County jail. UFWOC attorneys petitioned the Supreme Court, asking that Monterey County be restrained from enforcing the injunction, primarily on the basis that a secondary boycott was outside the state's jurisdiction.¹⁵⁵

On February 22, an attorney for the union said the action there was dismissed without prejudice so that the UFWOC could go ahead with plans to seek a preliminary injunction against Secretary of Defense Laird in a New York federal district court.¹⁵⁶ March 8, UFWOC was fined \$750, but with \$600 suspended, for holding rallies at its union headquarters in September.¹⁵⁷

On March 26, the National Labor Relations Board in Washington, D.C. denied an appeal from a decision by its San Francisco district office which refused to file a complaint charging the United Farm Workers Organizing Committee with unfair labor practices. The Salinas Valley produce firms—Bud Antle, Inc., Bruce Church, Inc., and Hansen Farms—filed the unfair labor practice charge with the NLRB in San Francisco in October.¹⁵⁸

On April 14, a San Francisco federal judge ruled that farm workers could not sue growers for conspiracy to raise prices in iceberg lettuce and dismissed a \$240 million anti-trust suit.¹⁵⁹

On April 15, it was announced in San Francisco that UFWOC could boycott lettuce growers as long as the activity remained peaceful and truthful, as the California Supreme Court had ruled.¹⁶⁰

On April 19, it was announced that a hearing on an injunction to prohibit mass picketing of the Egger-Ghio fields of south San Diego County would be held before Judge Franklin Orfield. The Egger-Ghio Company was also asking \$350,000 in damages. The controversy began March 26 when twelve workers were fired for wearing UFWOC buttons. Sixty-six workers then walked off the job and the remaining twenty-five workers left by March 29. New workers were hired by the company, however, resulting in the UFWOC filing the Superior Court action on April 1 demanding reinstatement of the original twelve, protection against firing, and \$10,000 damages for each worker.¹⁶¹

On June 14, U.S. District Court Judge Robert F. Peckham issued an order temporarily restraining Monterey County from enforcing its new

noise ordinance. The ordinance prohibits "loud and raucus" noise on any public road, sidewalk or thoroughfare in unincorporated county areas. It specifically prohibits the use of voice amplifying equipment.¹⁶²

On July 12, in San Diego, UFWOC filed a \$6 million federal court suit against California Republican Bob Wilson and a high labor department official. The suit charged that the Congressman and Assistant Secretary of Labor Paul Sasser met with Egger-Ghio Company and conspired to have a strike at the firm declared invalid.¹⁶³

On July 15, the Salinas City action against the United Farm Workers Organizing Committee for holding unauthorized rallies was upheld by a Monterey County Superior Court panel. However, UFWOC attorney William Carder said he would take the issue before the District Court of Appeals.¹⁶⁴

On July 26, in Santa Cruz, California, UFWOC filed a complaint charging Santa Cruz and Monterey County strawberry growers, charging discrimination against its members. It alleged that the growers conspired to deprive farm workers of their right under the state labor code to name a collective bargaining agent. It also alleged that berry growers had refused to hire UFWOC workers.¹⁶⁵

On August 12, it was reported that the verdict against the United Farm Workers Organizing Committee and Father David Duran was being appealed for the third and possibly last time. William Carder, UFWOC attorney, confirmed that a second appeal from the Salinas Municipal Court verdict was denied earlier that month by the District Court of Appeals. He was preparing an appeal to California State Supreme Court.¹⁶⁶

On September 14, UFWOC was barred from all but limited picketing in its six-day-old Salinas Valley strike against Basic Vegetable Products, Inc. The restraining order against further mass picketing was signed by Superior Court Judge Stanley Lawson. Hearings on whether to issue a preliminary injunction were set for September 24.¹⁶⁷

On September 23, in Santa Cruz, the class action suit charging strawberry growers in Santa Cruz and Monterey counties with discrimination against United Farm Workers Organizing Committee members and supporters was dismissed in the Santa Cruz County Superior Court.¹⁶⁸

On September 24, hearings on whether to grant preliminary injunctions against mass picketing by the United Farm Workers Organizing Committee were dropped from Monterey County Superior Court calendar.¹⁶⁹

On September 29, it was announced that there would be no trial for eight farm workers charged with trespassing August 25 at the Harden Farms labor camp at 225 Natividad Road. A legal challenge of the

charge by the UFWOC Attorney was sustained by Salinas Municipal Court Judge William Stewart.¹⁷⁰

On October 8, an inconclusive hearing on whether to enjoin mass picketing by UFWOC against two Salinas Valley growers was held before Superior Court Judge Stanley Lawson.¹⁷¹

Finally on October 19, 1971, three farm workers who claimed they were discharged because of their membership in the United Farm Workers Organizing Committee were told to process their grievances through the Teamsters Union. The ruling accompanied an order by Superior Court Judge Stanley Lawson dismissing a suit by the three UFWOC members against California Coastal Farms, Hansen Farms, and Merrill Farms.¹⁷²

1972

Six farm workers sue Tomato shippers
 Firms of lettuce industry charged with unfair practices
 La Posada families challenge state civil procedure
 NLRB seeks injunction to stop boycott activities of UFW
 NLRB sues UFW, charging unfair labor practices
 District Appeals Court reviews injunctions prohibiting picketing
 Pic 'N Pac wins right to evict families
 District Appeals Court rules jurisdictional dispute, case appealed to Supreme Court
 Chavez agrees to suspend boycott of nine wineries
 Anti-picketing injunctions appealed to Supreme Court
 Suit to enjoin enforcement of Arizona Agricultural Relations Act
 State Secretary of State asked to investigate Proposition 22 signatures
 UFW and AFL-CIO file petition concerning Proposition 22
 Secretary of State files suit to remove Proposition 22 from ballot
 UFW pickets Tulare County Sheriff's office
 Farmworkers file petition to end short handle hoe
 Seventy pickets arrested
 Two hundred and ten union members arrested
 Chávez says unionists will make citizen arrests
 UFW charges laxity in law enforcement
 State Supreme court rules UFW pickets against Teamster contracts legal

On January 4, 1972, six farm workers' families filed a suit against Brown and Hill Tomato Shippers seeking to block their eviction from its Little Waco Camp south of San Lucas. The suit, filed by attorney William Carder of the UFW, sought to restrain Brown and Hill from cutting off water and power at Little Waco or otherwise making it unfit for occupancy while the families remain.¹⁷³

On January 11, twenty-four firms in the California-Arizona lettuce industry charged United Brands, Inc. with unfair practices designed to lessen competition. United Brand owns United Fruit Company, parent company of Inter-Harvest, Inc., which was put together out of several formerly independent produce firms in the Salinas Valley. The complaint alleged that the acquisition of United Fruit by AMK Corporation, later named United Brands, violated the Clayton Anti-Trust Act.

On January 26, Pic 'N Pac Food, Inc. took its first step toward eviction of the seventy-seven persons still occupying its La Posada trailer camp in Salinas. The action, *Pic 'N Pac vs. Albert Lucio and seventy-six other defendants*, was filed in Salinas Municipal Court.¹⁷⁴

On January 31, farm worker families at La Posada, faced with eviction from their Salinas trailer camp, took legal countermoves to assure their residence until at least February 18. Carder's challenge was to state civil procedure which presently allowed a tenant three days to respond to an eviction action, as compared with the 10 days allowed in most other civil proceedings.¹⁷⁵

On February 2, in Sacramento, a controversial new state law that set fines on employers for knowingly hiring illegal aliens drew praise from some Mexican-American leaders who called it progressive, but criticism from others who branded it racist.¹⁷⁶

On March 8, in Los Angeles, the National Labor Relations Board sought a federal court injunction to halt the secondary boycott activities of UFW. Less Hubbard, president of the Free Marketing Council, said the injunction would be sought by means of a petition which was to be based on a complaint filed last December by FMC attorneys. To support their claim, FMC attorneys submitted a series of arguments and facts asserting that César Chávez' Union had, by its actions, come within the scope of the NLRB. One of these contentions was that UFW represents workers other than agricultural workers, which would place it within NLRB jurisdiction.¹⁷⁷

On March 9, in Fresno, the National Labor Relations Board filed suit in federal court seeking an injunction against boycotts by the César-Chávez-led farm workers union, alleging boycotts were unfair labor practices. U.S. District Court Judge M. D. Crocker signed an order setting a hearing for UFW to show cause April 6. No restraining order was presented in the suit filed by Wilford Johansen, regional NLRB director.¹⁷⁸

On March 10, at Keene, Chávez blamed the Republican party for a move by federal labor officials to blunt the strongest weapon of the farm workers union—boycotts against stores and restaurants that handle non-union wines. The move by the NLRB would have far ranging implications for farm labor. It was the first legal attempt to determine how the NLRB Act applies to the farm workers union.¹⁷⁹

Meanwhile, on March 14, a key legal issue of the Salinas Valley's

1970 farm strike would be revived in an argument before the District Court of Appeals in San Francisco. Under review by the appellate court would be twenty-seven injunctions issued by Monterey County Superior Court Judge Anthony Brazil prohibiting all or most UFW picketing against growers involved. Basic to this case was Judge Brazil's decision that growers held valid union contracts for their farm workers with the Teamsters Union. This made the strike a jurisdictional dispute.¹⁸⁰

On March 15, Chávez said that the NLRB suit was a result of wine boycott complaints filed by the Western Growers Association, formed by lettuce growers as an outgrowth of the Salinas Valley strike and boycott effort.¹⁸¹ At the same time, Pic 'N Pac Foods, Inc. won the right to resume legal action aimed at evicting seventy-seven farm worker occupants of its La Posada Trailer Camp in Salinas. Attorney Carder, representing the farm workers, had challenged the Pic 'N Pac action as invalid because, among other things, the company had failed to file the articles of incorporation which gave them legal standing to sue in Monterey County. The ruling also upheld Pic 'N Pac's right to seek eviction against all seventy-seven tenants in a single action rather than separately as argued by Carder.¹⁸²

On March 16, charges were made that UFW had tried to make the NLRB move a partisan political issue by retaliating with picketing of the Republican Party.¹⁸³ Furthermore, Pic 'N Pac's eviction action against seventy-seven farm worker occupants of its La Posada Trailer Camp was scheduled for Salinas Municipal Court jury trial April 11. Departures of the families was initially delayed to explore possibilities of alternate housing of the farm workers with federal aid. Further delays were the result of motions filed by the UFW attorney on behalf of the farm worker defendants, with the last of those denied by Judge Agliano March 10.¹⁸⁴

On March 25, reports from Los Angeles indicated that hundreds of illegal aliens had surrendered to federal authorities as a result of a new California law which had already been declared unconstitutional. The Illegal Alien Act prohibited employers from knowingly hiring such persons.

On March 28, injunctions barring United Farm Workers from picketing against Salinas Valley growers with Teamster contracts was upheld by the District Court of Appeals. The ruling on twenty-seven injunctions issued by the Monterey County Superior Court at the peak of the Salinas Valley's 1970 farm strike came from a three judge panel headed by Justice Wakefield Taylor. The court ruled that the strike was in fact a battle between the Teamster and César Chávez' farm union over the right to represent farm workers, and Valley growers were legally entitled to protection from being caught in that dispute. Attorney Carder, who took the United Farm Workers Union appeal from Monterey

County Superior Court Judge Anthony Brazil's ruling, had said in the past that an adverse ruling would probably be appealed to the California Supreme Court.¹⁸⁵

On March 29, in Washington, D.C., James G. O'Hara (D-Michigan), chairman of the House subcommittee on Agricultural Labor, accused the administration of engaging in a deliberate multiagency effort to harass farm workers whenever they try to improve their conditions through their own efforts. He felt the NLRB was acting under orders from the President to break the United Farm Workers Union "and to keep farm workers on the bottom of the economic ladder."¹⁸⁶

On April 4, in Fresno, César Chávez agreed to suspend a boycott of products from nine northern California wineries.

"The Union's legal counsel, William Carder, signed a stipulated court order approved Monday by Federal Judge M. D. Crocker to postpone indefinitely a hearing on a suit filed by the National Labor Relations Board . . . The court order states UFW will refrain from boycotting the products of Beringer, Hamms, Kornell Champagne Cellars; F. Korbel & Bros., Inc.; Charles Krug Winery; Louis M. Martini; Robert Mondavi Winery; Samuele Sebastiani; Weibel Champagne Vineyards and Wente Brothers. The order also declares UFW will halt picketing aimed at enforcing the boycott at more than 60 named establishments across the country. But if the NLRB has reasonable cause to believe there is a breach of the order or that negotiations will be fruitless the order entitles it to move for a rescheduling of the hearing within three days after notifying union attorneys."¹⁸⁷

On April 7, the suspension of a UFW boycott of nine California wineries was hailed by the Free Marketing Council as marking an end to UFW's secondary boycott campaign. But a UFW spokesman said that the wine boycott had only been suspended while negotiations were in progress, and in any event, they would not halt UFW's continuing boycott against Salinas Valley lettuce.

" . . . We'll never accept giving up the secondary boycott, he said . . . a very strong possibility that UFW would be picketing Valley growers this summer. Injunctions barring such picketing as a violation of the state's jurisdictional strike act were upheld by the appellate court last week, but are being appealed."¹⁸⁸

On April 11, in McFarland, California, members of UFW struck the Hollis Roberts Farms at McFarland, Poplar and Lamont.

"Union spokesman said the dispute centered over failure of Roberts to pay into the Union economic fund and the dismissal of the president of the union ranch committee. Roberts, who farms more than 100,000 acres in the southern San Joaquin Valley, said he had been advised by his legal counsel payments of two cents per box into the union fund would be a violation of the Taft-Hartley Act."¹⁸⁹

On May 3, the UFW resumed its international boycott of lettuce:

"At the same time, union spokesman said an agreement has been reached with the

National Labor Relations Board that permits it to engage in unrestricted secondary boycotts . . . Marshall Ganz, a UFWOC organizer in Keene, said the way was cleared for unrestricted secondary boycotts by the union after it had not and did not intend to represent other than agricultural workers.”¹⁹⁰

On May 4, the Free Marketing Council maintained that an agreement between the United Farm Workers Union and the NLRB prohibits secondary boycotts of wineries.

“The UFW is a labor organization as defined by the NLRB, Free Marketing Council said, and it always has been in our opinion. Therefore, it is subject to the control of the National Labor Relations Board, which means that it cannot participate in secondary boycotts . . . Marshal Ganz, a UFW organizer in Keene, said . . . The FMC’s position that the boycott of the wineries has been prohibited is untrue . . . the agreement does not restrict boycott activities.”¹⁹¹

On May 8, the constitutionality of Salinas Valley anti-picketing injunctions against the UFW was appealed to the California Supreme Court.

“The injunctions, issued at the peak of UFW’s 1970 farm strike, were upheld March 28 by the District Court of Appeals. A request for rehearing has since been denied by the appellate court; UFW attorney William Carder said his appeal to the State Supreme Court was filed Friday. Carder said a decision from the State Supreme Court whether it will hear the appeal should come within 30 days.”¹⁹²

On May 11, in Greenfield, near Salinas, California, a controversial anti-loitering ordinance brought about a subsequent boycott of merchants. The town had a population of 2,950; and 65% were Mexican-Americans. About three-fourths were members of César Chávez’ UFW. A community group led by Mexican-Americans opposed the ordinance.¹⁹³ On May 17, an agreement suspended Greenfield’s controversial anti-loitering ordinance and a Mexican-American boycott called in response to it. The truce came after a conference was held with about 100 members of the Mexican-American community following a city council meeting.

On June 28, in San Francisco, César Chávez asked the California Supreme Court to take over a three-day dispute involving his union, the Teamsters and vegetable growers. The *Salinas Californian* stated:

“Chávez and his farm workers union asked the high court for a hearing in their dispute with Furukawa Farms, Inc. and other vegetable growers in Santa Barbara and San Luis Obispo counties. Santa Barbara Superior Judge Marion A. Smith ruled in favor of Chávez September 25, 1970, and refused to issue an injunction requested by the growers . . . On May 23, 1972, the State Court of Appeal reversed the decision and directed the Superior Court to issue the preliminary injunction sought by the growers. The request for a Supreme Court decision was not only clearly erroneous but involves substantial and far-reaching questions of labor law and constitutional law . . .”¹⁹⁴

On June 30, in Keene, California, César Chávez denounced the California farm labor initiative “as a fraud which would destroy the farm workers union in California” and that the entire state labor movement would fight it.

“Jerry Cohen, general counsel for the UFW, called the initiative unconstitutional and said it makes the action of saying ‘boycott lettuce’ a crime subject to a year in jail and a \$5,000 fine . . . was unconstitutional because it makes it a crime to strike . . . to boycott, and it purports to set up an election procedure when it in fact deprives workers of the right to vote.”¹⁹⁵

On August 14, in Phoenix, Arizona, a suit requesting that state officials be enjoined from enforcing the new Arizona Agricultural Relations Act was filed in Federal Court Monday by the United Farm Workers Union.

“The union said the act was unconstitutional in that it denies equal protection under the law, places an unlawful burden on interstate commerce and violates the supremacy clause of the U.S. Constitution. The action asked that a three-judge panel be convened to hear the case and to enjoin the state from any attempts to enforce the act.”¹⁹⁶

On August 28, the *Salinas Californian* reported that:

“The District Court of Appeals has upheld Monterey County Superior Court injunctions against mass picketing in the Salinas Valley, but the California Supreme Court is now weighing the issue in appeal. Until a decision is reached, mass picketing—the essential element in the 1970 produce strike—is illegal, on grounds there is a jurisdictional dispute between the UFW and the Teamsters Union.”¹⁹⁷

On August 29, the president of the Monterey County Farm Bureau said he knew of no instances of fraud in the county in the gathering of signatures on a petition to qualify a farm labor initiative Proposition 22 for the November 7 ballot. Secretary of State Edmund G. Brown, Jr. asked two district attorneys to investigate charges that fraud was involved in the collection of signatures. Brown said he and Alan Cranston had received complaints that persons who circulated the petitions misrepresented the initiative to voters whose signatures were solicited.¹⁹⁸

On September 8, in San Francisco, two labor leaders asked the California Supreme Court to remove the title and summary for Proposition 22, the farm labor initiative, from the November ballot.

“John Henning, executive director of the State AFL-CIO, and César Chávez, president of the UFWU, filed the petition Thursday, claiming that the title and summary were misleading. Chávez and Henning said Attorney General Evelle J. Younger should be required to write a summary understood by the public and Legislative Counsel George H. Murphy should be required to rewrite his analysis for the voter handbook.”¹⁹⁹

On September 9, a UFW strike kept the harvesting operations of

Inter-Harvest, Salinas Valley's biggest lettuce and celery grower-shipper, almost completely shutdown for the ninth day. There would be a general Salinas Valley strike unless growers ceased their alleged efforts to get their workers to break the Inter-Harvest strike.

"If this continues, we will call a general strike, injunctions or no injunctions, Mrs. Huerta said. Injunctions against mass picketing in the Salinas Valley growing out of the 1970 general produce strike led by César Chávez are on appeal with the California Supreme Court. The injunctions mean a general strike would clearly entail the possibility of mass arrests."²⁰⁰

On September 11, in Los Angeles, Secretary of State Edmund G. Brown and District Attorney Joseph Busch were taking steps against Proposition 22, the farm labor initiative, because of evidence of large scale fraud. Brown was considering court action to remove the proposition from the November ballot.²⁰¹ On September 12, Brown expanded into eight additional counties the investigation of possible fraud in the circulating of petitions for Proposition 22. He claimed that "this was the gravest case of election fraud to come to light in recent years."²⁰² September 13, Los Angeles County District Attorney Joseph Busch said his office had uncovered apparent "widespread fraud" in the circulation of petitions for Proposition 22.²⁰³

Also, on September 13, in Fresno, supporters of the farm labor initiative (Proposition 22) criticized Secretary of State Edmund G. Brown, Jr.'s investigation of alleged fraud in obtaining signatures for the petition. Brown said he would expand the probe statewide and possibly go to court to try and force the measure off the November ballot.²⁰⁴ On September 14, supporters of farm labor's Proposition 22 said Secretary of State Edmund Brown, Jr. would be unsuccessful in his efforts to have the controversial measure removed from the November 7 ballot. Brown filed a lawsuit in Sacramento County Superior Court seeking to have the proposition removed from the ballot on grounds that fraud had been committed in collecting signatures on petitions to qualify the measure.²⁰⁵

On September 14, in Visalia, California, members of the UFW picketed the Tulare County Sheriff's office.

"Several union members have been arrested by Sheriff's deputies the last few days for clashes with non-union members and alleged violation of a court order limiting picketing activities at the struck ranch."²⁰⁶

On September 30, in Sacramento, a professional petition circulator acknowledged using a technique described by Secretary of State Brown as "fraudulent" in qualifying two controversial initiatives for the November ballot.²⁰⁷ And, five Salinas Valley farm workers filed a petition with the Division of Industrial Safety, seeking a statewide end to agricultural use of the short handle hoe. The petition filed in San Fran-

cisco claimed the 12-inch handled hoe was an almost literally back-breaking tool that should be prohibited as unsafe for farm workers now compelled by employers to use it. Members of the state's Industrial Safety Board were expected to consider the request when they met December 5.²⁰⁸

On September 21, in Salinas, Chávez said there would be a general strike. But the timing of the strike would depend upon the outcome of an appeal before the California Supreme Court on an injunction against mass picketing issued by the Monterey County Superior Court. Chávez also said that:

"If the law (Proposition 22) passes, we will continue having boycotts, and strikes, come what may, and if they don't like it, let them put us in jail, because we're not afraid. Meanwhile, we'll continue to organize because we're under the laws of humanity."²⁰⁹

On October 2, in Poplar, California, sixty-four striking pickets were arrested at White River grape vineyards, and another six were arrested at White River property near Delano.

"They were charged with violating terms of a temporary restraining order limiting the number of pickets at entrances and along the sides of the nine White River ranches."²¹⁰

On October 3, in Sacramento, César Chávez denied reports that his followers hurled a molotov cocktail at the home of a labor contractor in the dispute with the struck White River grape vineyards. Chávez countercharged that illegal aliens were being used as strike breakers at the vineyards and chided the U.S. Immigration Service for refusing to go into the fields to arrest illegal workers.

"Chávez also said the farm workers will continue to violate the temporary restraining order limiting the number of pickets at entrances of the nine White River ranches near Delano. He said the order and company moves were intended to sabotage the farm union movement."²¹¹

On October 4, it was reported that contract renewal negotiations between the UFW and White River had fallen through August 28, and therefore, the union went on strike. There were, subsequently, more than 210 union members arrested for violating a court injunction limiting picketing activities.²¹²

On October 5, in Keene, California (Union headquarters), César Chávez said union members would make citizens' arrests of suspected illegal Mexican immigrants whose alleged importation to break a strike was supported by the Nixon administration.

"This is another example of President Nixon's one-sided administration of justice and his openly anti-labor position."²¹³

On October 9, in Poplar, California, the United Farm Workers charged that the Tulare County Sheriff's Department stood by during repeated attacks by a mob on the union hiring hall during the weekend. One of the attackers, it was charged, was cut on the hand by broken glass and treated at the same hospital but was not arrested.²¹⁴ October 10, in Visalia, a UFW official charged a grower with using Ku Klux Klan tactics in the continuing labor dispute at the White River Farms. The Chávez led union would ask the Justice Department to investigate violence during the weekend at the Union's Poplar office.²¹⁵

On November 7, Proposition 22 was defeated by the voters. However, the jurisdictional dispute between the teamsters and UFW continued. Then, on December 29, 1972, the State Supreme Court handed down a decision that UFW pickets were legal.

"The California Supreme Court ruled Friday that César Chávez' farm union legally can continue picketing and other labor activities against 45 California growers and shippers who have filed workers under Teamsters Union contract . . . In its 6-1 decision, the high court found that the agricultural employers had entered an exclusive five-year 'union shop' agreement for their field workers without trying to determine whether the workers supported the Teamsters . . . From a practical point of view, an employer's grant of exclusive bargaining status to a nonrepresentative union must be considered the ultimate form of favoritism, completely substituting the employer's choice of unions for his employee's desires."²¹⁶

Under the State Jurisdictional Strike Act, the Court concluded the growers' action favoring the Teamsters was an improper interference with the Teamsters in this situation. Where such was the case, California Labor Law prevented restraining orders against the competing union, in this situation the United Farm Workers. The decision, covering nine consolidated cases, affected twenty-five Salinas growers and shippers and ten Santa Maria growers. The UFW appealed to the Supreme Court after the Monterey County Superior Court issued a preliminary restraining order against UFW and the Santa Barbara Superior Court denied a similar injunction request.²¹⁷

PART II: The Legislative Struggle

INTRODUCTION

It has been asserted in the foregoing study dealing with the legal struggle of the farmworkers' union that a problem existed insofar as studies of farmworkers organizing activities have been largely dealt with in a unidimensional manner, i.e., overemphasis upon one facet such as strikes. The net effect of such treatment has been to present a picture of farmworkers as somewhat isolated from the rest of society, being neither influenced by the world around them nor they, themselves, having any influence upon that same world.

However, extensive scrutiny of the organizing efforts of the National Farm Workers, AFL-CIO reveals a considerably different view, much as that outlined in the review on the legal struggle. The interfacing of the farmworkers struggle with on-going legislating efforts, at the local, state, and federal levels, as will be seen, has created an historical situation in which it can be said that future studies of farmworkers organizing *must* take into account the parallel legislative efforts that accompany any union activity. For to fail to do so is again to commit the error of omission of importantly relevant information.

Just as the legal struggle dates back in time, so does the struggle in the Congress and the state legislatures. For centuries landlords have made use of their political representation in order to sustain or to expand their control over slaves, indigents, sharecroppers, migrants, and other farmworkers in general. This legislative struggle and counter-struggle continues, as attested to by the following example of some forty years ago.

The National Labor Relations Act states that an employer must sit down with, bargain with, and discuss grievances with elected representatives of his workers so that they can share in the decisions which crucially affect their lives.

When the original bill was written in 1935 it included farmworkers . . .

"But the bill was reported out of Committee two months later with farm workers specifically excluded. Adequate justification was never given. The Senate report stated 'administrative reasons,' and the House was equally vague. Representative Marcantonio fought against the exclusion in his minority report of the House Committee on Labor: 'I . . . respectfully submit that there is not a single solitary reason why agricultural workers should not be included under the provisions of this bill.'

But the bill's sponsor in the House, Representative Connery, chairman of the Labor Committee, opposed the inclusion of farm workers at that time: '. . . the committee discussed this matter carefully in executive session and decided not to include

agricultural workers. We hope that the agricultural workers will be taken care of . . . I am in favor of giving agricultural workers ever protection, but just now I believe in biting off one mouthful at a time. If we can get this bill through and get it working properly, there will be opportunity later, and I hope soon, to take care of the agricultural workers.'²¹⁸

The 92nd Congress, thirty-eight years after the NLRA was passed in 1935, considered legislation to include farmworkers under the provisions of the NLRA. But so had every Congressional session since 1935! However, farmworkers organized by the National Farm Workers now refused to support any measure that would put them under the provisions of the NLRA. This was a radical departure from the public policy position farmworkers have taken prior to 1969.

Coverage under the NLRA has not been the only major focus of the farmworkers legislative struggle. The passage of the Social Security measure of 1935 also excluded farmworkers. Thus, many of the social security benefits taken for granted by millions of industrial workers have yet to be legislated for farmworkers. Social welfare benefits, such as unemployment, retirement, disability, etc. are not within the reach of farmworkers. For this reason, social service centers throughout the nation have been organized by the National Farm Workers in order to help farmworkers obtain benefits normally available to other workers for many years now.

In this light, the California Rural Legal Assistance has distributed a report entitled "Laws Affecting Farm Workers and Their Families." This document cites laws under the California Labor Code, California Health and Safety Code, California Administrative Code, Code of Federal Regulations, United States Code Annotated, and Division of Industrial Welfare. The report provides a discussion of wages, unions and strikes, working conditions, transportation, minors, and labor camps. The report can be summarized as follows:

The discussion of wages is in six sections: I. *In general wages* are: (A) Determined by agreement. (B) Labor contractor must post wage rate at job and on vehicle. (C) No kickbacks. (D) Equal pay for women and men. (E) show-up pay—showing up and finding no work: 1. women and minors—paid for 4 hours; 2. farm labor contractor—paid for time to and from job; 3. moving to get job. II. *Minimum wages*: (A) Who gets? Women and minors 16 or 17. (B) Who pays? Only employers hiring 5 or more women or minors. (C) Minimum wage rates: 1. Hourly wage: \$1.65 for women, \$1.35 for minors; 2. Piece rate: a) Production records must be given; b) workers on piece rate must earn the minimum hourly rate. 3. Remedies; 4. Workers should keep records. III. *Deductions from wages*: (A) Itemized statement of deductions required. (B) What deductions are proper: Disability insurance, 1% of gross wages; social security, 5.2% of gross wages; federal income tax. (C) What deductions are not proper: 1. In general: a) cost of medical exam; b) "kickbacks." 2. Work for women or minors, nor deductions for: a) accidental breaking of equipment; b) "Rent" for uniforms or equipment; c) rest periods. IV. *Dispute as to amount owed*:

Employer must pay amount he admits is due; he cannot require worker to sign "paid in full" statement. V. *Form of payment*: Cash checks immediately; wages must be paid in cash or in check—not in "scrip." VI. When and where the worker is to be paid: (A) Regular payday. 1. Employer must post sign saying when payday is. 2. Must be at least twice a month. (B) If worker quits, is fired or is on strike: 1. Fired is paid immediately. 2. quits is paid within 72 hours in county where he worked. 3. strike is paid on next regular payday.

The discussion of unions and strikes is in two sections: I. *Right to join a labor union*. A worker has a right to join (or not to join) any labor union. He cannot be fired for joining or taking part in union activities, even if he promises the employer he wouldn't. If he thinks he has been, he should contact a lawyer immediately. II. *Strike Breakers*: (A) There is no law which prevents a strike breaker from crossing a picket line or taking a job with the employer. However, California Law requires that he know that there is a strike in existence. (B) During a strike, the employer cannot seek new workers (either by newspaper ads, by posters or by word of mouth) without telling them that there is a strike at his place. This rule applies to the grower, a farm labor contractor and employment agencies. Note: the above acts are misdemeanors and in addition, the person who commits them is liable for suits for double damages by those whom he has deceived.

The discussion of working conditions is in five sections: I. *Drinking water*. Employer must provide: covered container; no pouring or dipping; no common drinking cups. II. *Toilet and handwashing*. (A) Required if either: 1. Crew of 5 working on crops which are to be eaten, or women or minors on the job. (B) Requirements: 1. Within 5 minute walk. 2. Toilets: Privacy, toilet paper, no flies, clean. 3. Handwashing: Water and soap. III. *Meals and rest periods*. Only for women and minors: (A) Lunch break, 30 minutes if 6 hours of work. (B) Rest period, 10 minutes every 4 hours, must be counted as time worked. IV. *Working hours*: 8 hours a day, 6 days a week for minors and women, and women can work longer during harvest. V. *Safety*. (A) Injury in the field: 1. First-aid kits. 2. Work in isolated areas. (B) Preventing injury: 1. Translator. 2. Moving machinery, guard rails on tractors, signaling device on towed machines, guarding spinning blades. 3. Night work: Lights on trucks. 4. Spreading poison. 5. Dangerous jobs, minors.

The discussion of transportation of workers is in four sections: I. *In general*. Rules important; watch distinctions as to kind of truck or bus involved. II. *Passenger accommodations*: (A) All open trucks, cab must be filled, railing, tailgate closed, no standing. (B) Open trucks used regularly to transport workers: Seats, railings, steps. (C) If 7 or more passengers: Windows required; standing, overcrowding; maximum number of passengers, minimum size of seats. III. *Safety*: (A) Equipment; must be in good repair. (B) Railroad crossings. (C) Speed. (D) Tools and inflammables: Covered and tied down. (E) Broken glass. (F) Safety equipment: Flares, fire extinguisher, signaling device. (G) Exists—two at least. (H) Exhaust. (I) Fresh air. IV. *General provisions*: (A) Special driver's license. (B) No minors driving. (C) Required signs: Name and license number of labor contractor; note on "day hauler"; wage rates; maximum number of passengers. (D) Permits-day haulers.

The discussion of minors is in three sections: I. *In general*. Convincing people why the law should be enforced. II. *School*. Minors under 18 who have not graduated

from high school. (A) Full-time school: 8 to age of 16. (B) Continuation school: Non high school grads 16-17. 1. If employed, 4 hours a week. 2. If unemployed, 3 hours a day. III. *Work*. (A) Permits required for all non high school graduates under 18. Employer must post warning sign. (B) Working hours for minors under 16: 8 hours a day, 48 hours a week, counting school time; not before 5 a.m. or after 10 p.m. (C) Employer must post hours. (D) Wages are at least \$1.35 for minors 16 and 17. (E) Rest periods are 10 minutes for every 4 hours. (F) Lunch break is 30 minutes if work 6 hours. (G) Dangerous jobs.

*The discussion of labor camps is in six sections: I. In general: Five or more workers must live there. II. Buildings: (A) Clean, keep out wind, rain and dampness; no bugs. (B) Location, 75 feet from barns. (C) Tents, no dirt floors. (D) Construction. III. Camp Grounds. (A) Clean, no piles of rubbish. (B) Fire hazards and dangerous objects. (C) No standing water. (D) Garbage, covered containers, emptied daily. (E) Livestock can't run free. IV. Rooms: In general, fire exists, ceilings, windows, fresh air, heat, overcrowding beds, toilets, showers, handwashing, kitchen, mess halls. V. Water. (A) In general: 35 gallons a day for each person, must be pure; hot and cold required. (B) Drinking water: Must be provided, no dipping on ground, stored in covered containers. VI. Camps must be registered and inspected.*²¹⁹

Given the social as well as the economic importance of the foregoing, today it can still be said that the legislative struggle by farmworkers has neither been described, documented, nor analyzed by social science studies. Yet, similar to the legal struggle, in order to achieve a full understanding of the major forces that farm workers have had to cope with in their efforts to organize, the social, economic, and theoretical importance of legislative actions and counter-actions cannot continue to be ignored.

The following survey concerning the legislative struggles by the farmworkers organization, UFW, from 1965 to 1972 constitutes an initial step toward filling this vacuum in our knowledge relative to farm labor and legislative actions. Clearly, this legislative struggle is interwoven with other aspects of farm worker activities, as has already been noted with mention of the farmworkers service centers, and the legal struggle.

The dates in what follows are arranged in chronological order by year. This is a relatively arbitrary arrangement due to the need to present clearly such an enormous amount of data in a comprehensible form to readers who may not be acquainted with this aspect of the farm labor movement in the United States. This account begins in 1965 with a discussion of legislation from the view of AFL-CIO (state and national), NFW, and agribusiness. Publications of each of the three organized groups, as well as many other documents, have been utilized.

In general, the final outcome of every legislative bill in this historical summary is not available except insofar as access to the resources has been possible. Nevertheless, the outcome of a number of bills is noted

in sufficient numbers as to provide data for the central thrust of this study.

Finally, the following account reveals one very significant factor. That is, that all through the years of the struggle in the fields, at the same time there has taken place a parallel struggle in the legislative bodies of the nation. From this it follows, naturally, that in order to understand the activities among the workers, it is also imperative to understand something about the simultaneous activities taking place in the legislative arena. The two are interlocked. They influence each other. And, it can be said, the issues which they collectively face are bigger than both of them, for they concern the future and the human beings who will be a part of it.

1965

Minimum Wages
Braceros
Unemployment Insurance
U.S. Senate Agricultural Committee Hearings
Working And Living Conditions
Small Farmer Price Support
Land Taxation
Section 14(b) Of The Taft-Hartley Act

In January, 1965, California's agribusiness was concerned about new minimum wage requirements and restrictions on the use of alien workers:

"On April 1, 1965, California's minimum wage rises to \$1.40. Certification for foreign workers will be withheld if a grower employs an alien who has entered the U.S. illegally, when he knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained, that the worker is not lawfully within the United States . . . To obtain foreign workers, the grower must make 'reasonable efforts' to recruit domestic workers, and must offer domestics, in addition to the minimum wages, all the terms and conditions of employment that are offered to Mexican workers (under the bracero program) including a written contract embodying these conditions . . . As with the bracero program, any grower involved in a strike or labor dispute would be denied foreign workers. And when domestic workers become available for jobs which foreign workers hold, the domestics are to be given preference."²²⁰

Furthermore, growers were opposed to the push by the California Labor Federation, AFL-CIO, to have unemployment insurance benefits for farm workers:

"Something tells us that unemployment insurance is going to be rammed down the

throat of agriculture by our legislature . . . if a new group or industry is voted under the program, the employers of that group inherit a new tax of 3.2% of their payroll . . . In Sacramento, the unions are pressing to bring two new groups into the unemployment insurance society—farm workers and state employees . . . Some experts have estimated that a deficit of \$50 million a year over the amount paid by the agricultural employers would be incurred . . . But we understand there is a bill being introduced that suggests the Federal Government pay up to 80% of the deficits in the agricultural account if UI is established in this state . . . the farmers of California pay somewhere around \$500 million a year in farm labor wages. The tax of 3.2%, while it applies to only the first \$3,800 wages, would perhaps cover most of that \$500 million. In which case the tax alone means that farmers have to add \$16 million to the top of their expense sheet . . . So we add one more spike to California agriculture's competitive disadvantage."²²¹

In February, 1965, the struggle between growers and U.S. Secretary of Labor's office over the use of domestic labor was best depicted by the following telegram sent to the President by Bud Antle, Antle, Inc.—Grower-Shipper of California and Arizona.

"The suggestion made today by Undersecretary of Labor, John W. Henning, that we recruit from A. Green and the Agricultural Workers Organizing Committee, AFL-CIO domestic farm workers to replace our former Mexican National workers is repugnant to us and pushes beyond our ability to accept doctrinaire instructions."²²²

By late February, California's Governor Brown, under pressure from growers, requested that Secretary of Labor Wirtz allow foreign labor to come in the State because of a so-called shortage in domestic recruitment.

"At the end of February Pat (Governor Brown) suddenly rattled his cage and sent Tieburg to Wirtz with the startling message that perhaps we were not going to be able to recruit enough domestics and would Wirtz please set up the machinery to bring in Mexicans. Wirtz said 'no.'"²²³

State welfare policies were being attacked by growers who claimed that a lack of incentive on the part of unemployed farm workers to accept jobs rather than continue on welfare was a significant factor in what they called disappointing results to recruit domestics. They criticized the State Department of Social Welfare:

"It's administratively impossible to make welfare recipients available for farm work outside the immediate area and still comply with existing requirements of the law and the latest interpretations of the department."²²⁴

The position of the AFL-CIO State Federation was to oppose any foreign farm worker importation program. The Federation sent a letter to all Congressmen urging they support the Secretary of Labor and oppose any efforts to renew the importation of foreign workers.

State Department of Employment Director Albert Tieburg, in an interview with the *California Farmer*, told the journal:

"We are dealing with a federal law that allows the importation of foreign workers to perform work that does not interfere with domestic workers . . . the authority for making this law operate is the Attorney General. He, in turn, has delegated his authority to the Secretary of Labor. And the Secretary of Labor must certify as to the availability of domestic workers . . . I have been made responsible for determining the availability or lack of domestics. Second, if growers seek foreign labor, my office has been charged with the standards outlined by Wirtz's office."²²⁵

He also proposed that growers ask Wirtz to forget the guaranteed hourly minimum which could load up a grove with "loafers." Tieburg said that piece rate was a dirty word to the Secretary of Labor. He associated it with sweat shop, speed-up and slave working conditions.

The U.S. Senate held hearings before the Senate Agricultural Committee concerning the importation of foreign workers. The two Senators from California defended the growers' position. The hearings had been held January 15, 1965, on "Importation of Foreign Agricultural Worker."²²⁶

In April, reports were provided on the hearings conducted by the State Industrial Welfare Commission for an increase of minimum hourly wages for women from \$1.00 to \$1.30. Growers' representatives stated that such an increase would put this labor supply out of the economic reaches of employers. Farm workers testified that \$1.30 was absurdly low.

During the early part of April the American Farm Bureau Federation's Board of Directors urged the President to use Public Law 414 to certify admission of Mexican workers. Assistant Secretary of Agriculture George Mehren visited California and "conceded" that there was a labor shortage.²²⁷

On April 17, a *California Farmer* editorial blamed the death of the Bracero program on the growers. "Agriculture has blown the big one. The Bracero program is dead, and our industry had no one to blame but itself."²²⁸ This major criticism of agriculture was said to be due to the fact that:

"Agriculture put one of the most shocking displays of public relations or no public relations ever seen . . . the growers excluded the press at their Salinas Conference with Wirtz, which was a stupid move. The well-organized opposition forces invited the press in when they met with Wirtz . . . A special back of the hand to those few labor contractors who ran filthy camps, provide lousy food . . . We hope they get regulated right up to their eyeballs by county, state, and federal jackets . . . Wirtz was rabid on the subject of housing."²²⁹

In May, 1965, President Johnson proposed a farm bill which would

provide small farmers more price support protections than large operators. The proposal was confined to wool and rice for the 1966 and 1967 crops.²³⁰

Meanwhile, the California Labor Federation urged that unemployment benefits be provided to farm workers:

“Every argument justifying adoption of an unemployment insurance program for workers in general applies with equal force to the inclusion of agricultural workers, a spokesman for California Labor Federation, AFL-CIO, declared this week in testifying in behalf of AB 1280, the Federation’s omnibus measure to effect long overdue improvements in the unemployment insurance program.”²³¹

Growers continued to complain about their inability to obtain foreign labor and continued to blame welfare policies:

“The money this state spends for welfare has some correlation with our inability to hire sufficient domestic workers to replace the bracero . . . the California Taxpayers Association calls attention to several bills . . . SB 787 and SB 791 would require that an unemployed parent apply for work with the State Employment Service before making application for aid to dependent children. SB 788 would make ineligible for aid a family whose breadwinner is unemployed because he is on strike.”²³²

Two other bills were proposed that were opposed by agribusiness. The first, HR 5408, which would provide unemployment insurance benefits for farm workers, would set a 2.7% tax, assuming \$60 million in payment would be made to agricultural workers. Farmers would provide \$24 million; the Federal Government \$34.5 million; and the state general fund \$1.5 million. The other bill, AB 1648, a California strikebreaker bill, was opposed because a farmer who hired a person who had worked in the last five years under strike conditions would be considered a professional strikebreaker and the employer would be subject to criminal charges.

On May 15, the Williamson Act, AB 2117, was supported by agriculture because it provided a tax shelter for growers:

“Counties (and cities) are authorized to create agricultural preserves, containing not less than 100 acres, where land use would be restricted to agricultural and compatible uses. Such preserves could include both prime and non-prime land. Prime land is restricted to Class I or Class II soils on the Soil Conservation Service Maps, or land producing \$200 an acre gross annual income from crops.

“Counties and cities are authorized to enter into 10 year contracts with prime landowners within a preserve. Such contracts are automatically renewed annually unless notice of non-renewal is given by either party.

“In return for entering a contract, the landowner would receive either a freeze on an assessed value of his land, or offsetting payments in case the assessed value was increased. For any increase in assessed value after a contract is entered into, the

local governing body will pay the landowner under contract 5 cents for each \$1 of increase.

“The bill would also establish restrictive cancellation provisions.”²³³

In the latter part of May, President Johnson submitted to Congress his labor message calling for the repeal of Section 14 (b) of the Taft-Hartley Act, considered a union-busting section or “right-to-work” clause. Secretary of Labor Wirtz told Congress it was not the right to work, but the right to decide the conditions of work they supported.

“This issue of whether the private parties to collective bargaining are, or are not, to be free to decide the union security issue as they see fit should be settled once and for all. It has cluttered up the political process in almost every state in the union and it will continue to do so as long as the federal law invites such controversy, the Labor Secretary declared.”²³⁴

In June, the Labor Federation issued a statement pointing out how German farm public policy for farm workers compared with U.S. policy.

“Farm workers in West Germany receive two and one-half weeks vacation with pay, comprehensive medical and hospital care, and earn about 80% of the average industrial worker’s wages, George Leber, a member of the West German Parliament and leader of his nation’s building and construction tradesmen, disclosed in an interview in San Francisco last week. In contrast, California’s domestic farm workers have no general hospital or medical coverage, get no paid vacations, and earn less than 46% of the state’s average industrial worker’s weekly wage.”²³⁵

In July, Secretary of Labor Wirtz urged support for a 5-bill proposal to improve the rights of U.S. farm workers before the Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare. These proposals were as follows:

1. S. 1864, to extend the minimum wage (but not overtime) provisions of the Fair Labor Standards Act to farm workers employed by employers who use more than 300 man-days of hired labor in a calendar quarter.
2. S. 1865, to prohibit the employer in agriculture of children under 14 years of age except by their parents.
3. S. 1866, to bring agricultural workers under the Taft-Hartley Act.
4. S. 1867, to provide for more effective recruitment of seasonal farm labor.
5. S. 1868, to establish a National Advisory Council on Migratory Labor.²³⁶

Meanwhile, the first major hurdle to repeal section 14(b) was successfully overcome.

"After 18 years and more than 40 bitter, divisive and costly battles, the U.S. House of Representatives voted 221 to 203 Wednesday to cut out the cankerous cause of it all by repealing Section 14(b) of the Taft-Hartley Act. The action to eliminate the 44 word section that enabled states to impose compulsory open shop terms on workers and employers alike by banning union shop agreements culminates years of political and legislative effort by the AFL-CIO, as well as concerned civic and religious groups."²³⁷

In September, a bill to require farm operators to provide unemployment insurance for farm workers would have very little impact on retail food prices, a spokesman for the U.S. Department of Agriculture told the House Ways and Means Committee. Halhan Koffsky, U.S.D.A. Director of Agricultural Economics, pointed out that:

"The increase in labor cost would amount to only two tenths of one percent of total farm production expenses. Provisions of the bill stipulate that it would apply only to farmers who use 300 or more man-days of hired labor per quarter year. Labor Department estimates indicate that only about two percent of U.S. farms are in this category and employ a total of 700,000 workers."²³⁸

Furthermore, in September, a so-called "back door" attempt to revive the bracero program was made. Transference of authority to determine the need for foreign workers from the U.S. Labor Department to the Department of Agriculture was rejected by only one vote, that of Vice President Humphrey, in a key Senate vote:

"The closeness of the vote, a surprise to administration forces, indicated that corporate grower interests are still exerting all the pressures they can muster to try to reopen their access to a cheap, captive, foreign labor supply at the expense of the poorest paid and most ill-treated segment of the nation's labor force—the domestic farm worker."²³⁹

In October, a coalition of Southern Democrats and Conservative Republicans succeeded in denying the U.S. Senate an opportunity to vote democratically on the repeal of Section 14(b) of the Taft-Hartley Act. It was a filibuster to stop the repeal.²⁴⁰ In November, President Johnson pledged to "come back" to the next session of Congress and remove the anti-union shop Section 14(b). He also promised to give priority to amendment and modernization of the Fair Labor Standards Act and the unemployment insurance system.²⁴¹ At the same time, in response to the Delano grape strike started in September by AWOC and NFWA, the *California Farmer* issued the following warning:

"Farm labor will have to be managed—not just turned on and off—if many of California's crops are to survive the current period of social upheaval. Improved farm labor relations is just one of the many changes . . . you're not going to get domestic laborers to do the same type of work at the speed of the braceros."²⁴²

In December, those reflecting on the year's controversial labor strug-

gle commented that the bracero program had been replaced by the "green card worker" system, and that there were now many more illegal aliens:

"The wetback problem has increased just as growers predicted it would after the expiration of P.L. 78 on December 31, 1964. The U.S. Bureau of Immigration has requested an additional \$3 million for patrolling the U.S. Mexican border to keep out wetbacks. Armed Forces personnel are being used, also. The Justice Department early in November asked for an additional \$280,000 appropriation . . . As of January 1, 1965, there were 631,000 Mexican 'green cards' in the U.S. Less than 20% of the overall 'green card' total were from Mexico. The Russian Soviets totaled 54,000; Canadians, 365,000; United Kingdom, 257,000; West Germans, 242,000; Polish, 127,000 and Cubans, 121,000. One million came from other countries. These figures are from U.S. Bureau of Immigration Figures."²⁴³

Finally, agribusiness criticized Secretary of Labor Wirtz and held more hope for Congress, while Wirtz would continue to pursue labor legislation benefiting farm workers.

1966

Minimum Wages
 Foreign Labor
 Section 14(b) Taft-Hartley Act
 Unemployment Insurance
 U.S. Senate Subcommittee On Migrant Labor Hearings
 State Senate Fact Finding Committee On Agriculture
 National Labor Relations Act
 Fringe Benefits
 Delano Labor Hearings
 State Survey Of Farm Labor
 Hawaiian Farm Labor
 National Agricultural Work Plan

In January, 1966, agribusiness proposed that a national wage board be formed with representatives from agribusiness, organized labor, government, and the public at large, which should set uniform farm wages for the entire United States. The *California Farmer* stated:

"It further suggests that wages should be set in detail for different types of farm work. These are hourly wages. Piece rates should be set so that 51% of the workers on the farm could earn the equivalent of the hourly wage. The wage rates would be set with the condition that organized labor would not be allowed to employ the strike or the secondary boycott."²⁴⁴

During a National Farm Labor Conference, held in San Antonio, Texas, attended by state employment services, Undersecretary of Labor

John Henning and Robert Goodwin, Administrator of the Bureau of Employment Security, issued a policy statement that state lines were being abolished by the U.S. Department of Labor. The *California Farmer* complained.

“The implication is that the federal government is going to take a much bigger hand in this business of recruiting labor. We can expect from these pronouncements that the State Farm Placement Service will be getting lots of ‘help’ from the ‘feds’ whether we want it or not.”²⁴⁵

In February, the labor unions began a renewed effort to repeal Section 14(b) of the Taft-Hartley Act. The *California Farmer* warned growers that unless they wrote to their Congressman and Senator there would be compulsory unionism. At the same time state AFL-CIO leader Thomas Pitts announced the appointment of a Labor Task Force Committee to study the needs and develop a program to aid California’s farm workers on strike in Delano.

In March, a U.S. Senate Subcommittee on Migratory Farm Labor announced that it would hold hearings to gather information on Farm Labor legislation pending in Congress and to determine if additional legislation was needed. The hearings were to include on-site investigations of conditions in Sacramento on March 14, Visalia on March 15, and Delano on March 16. Harrison Williams (D-New Jersey) was chairman of the subcommittee. After the hearings the *California Farmer* issued the following statement:

“We have just witnessed the Williams hearings on the California labor situation. Senator Williams from New Jersey and Senator Robert Kennedy tried to load the three hearings with the friends of labor and pretty well succeeded. In fact, the whole affair might have been a tremendous disaster if it had not been for the presence of Senator George Murphy.”²⁴⁶

A major discussion of a farm labor bill proposed by Senator Harrison to include farm workers under the National Labor Relations Act of 1935 was held during these hearings. Senator Kennedy and Chairman Harrison stated that their objective was to insure farm workers the right to decide for themselves whether they wanted to be represented by a union in collective bargaining. Jack Miller, vice president of Agricultural Producers Labor Committee called it compulsory unionization and opposed the bill. Miller charged the proposed legislation would give unions a monopoly over agricultural labor, and through this, control over the food supply of the nation. “This, in our opinion is against public policy,” he asserted. However, there was strong union support for extension of the NLRA to agriculture.²⁴⁷

Also in March, the California Labor Federation, AFL-CIO, urged support of House Bill HR 8282, which would extend unemployment coverage; and House Bill HR 10518, which would provide minimum

wage law coverage for farm workers. The growers perspective on these bills was that farm workers were covered by all but unemployment insurance, with only Hawaii and the District of Columbia having unemployment insurance for farm workers. In essence, they felt that the legislative struggle would drag on and that there was no chance for a union victory prior to the 1967 general legislative session. They did admit they could lose to the "new breed" of city-oriented legislators in the future.

Furthermore, in March, the *Farm Journal* was critical of the California Labor Panel reports which called Secretary of Labor Wirtz' termination of foreign labor a success.

"Two labor panels have reviewed the results of Wirtz's policy and have termed it a 'substantial success.' The pronouncement by the California Labor Panel was immediately paraded publicly by USDL and labor union publications as unassailable proof for their position despite angry protests by growers. The panel picked by Wirtz included no farmers."²⁴⁸

In May, Senator Fred S. Farr (D-Carmel, Ca.) introduced two bills to provide emergency educational services to school districts receiving large numbers of children from farm worker families. Introduced at the request of Governor Brown, the two bills would provide up to \$1,000,000 for temporary classrooms and \$500,000 for teachers and supplies.

At the same time, the California Labor Federation opposed the state's policy of using state prison labor as a "substitute bracero program." The state had announced that some 500 minimum security prisoners would be put to work on a volunteer basis in asparagus fields in the San Joaquin Delta.²⁴⁹

In June, California's Republican nominee for Governor, Ronald Reagan, urged the renewal of the bracero program. And U.S. Senator Gaylord Nelson (D-Wisc.) along with U.S. Representative Joseph Karth (D-Minn.) proposed laws to forbid interstate sale and shipment of DDT. This was opposed by the *Farm Journal*.²⁵⁰

In July, a hearing was held by the state Senate Fact-finding Committee on Agriculture in Delano. Also in July, the state Labor Federation, AFL-CIO, repudiated agribusiness claims that collective bargaining would not work in agriculture.

In August, the California Citrus Association offered fringe benefits to farm workers in an attempt to prevent any program imposed by government or unions.

"Coastal Growers of Oxnard supplied its workers with major medical and hospitalization benefits up to \$10,000; the workers found that they were only required to pay \$100 of large medical bills. Coastal Growers may well be setting the yardstick for other growers to follow in their fringe benefit program for field workers, along

with a pay schedule which puts average earnings of harvest labor at more than \$2 per hour. In an interview with *California Farmer*, Harry McKee, president of the Coastal Growers, said, 'We would rather write our own program than have someone else do it for us, and it's about time we growers got off the defensive and carried the ball ourselves for a change.'"²⁵¹

Meanwhile, the Labor Federation, AFL-CIO, at its convention in San Diego, California, declared that the fight to organize farm workers was the major battleground in California's war on poverty. It pledged a "redoubled" effort to help farm workers organize into unions and intensify legislative efforts to bring them under the coverage of the National Labor Relations Act, the Fair Labor Standards Act, and the Unemployment Insurance Program.²⁵²

In September, 1966, California state Assemblyman John C. Williamson (D-Bakersfield), Chairman of the Assembly Committee on Agriculture, announced that the U.S. Bureau of Employment Security granted \$146,080 to the State Department of Employment to do a survey of the California Farm Labor Force:

"Williamson stated the survey was part of a comprehensive farm labor research program that his committee has been working on since last year with the assistance of an advisory committee composed of three farm employer and three farm employee representatives. Members of the advisory committee are: J. J. Miller, executive vice president, Agricultural Producers Labor Committee; Richard W. Owens, Secretary-Treasurer, California Farm Bureau Federation; William Hunt Conrad, Kern County Land Company; Michael Peevey, Research Director, California Labor Federation, AFL-CIO; Thomas L. Harris, Social Insurance analyst, California Teamsters Legislative Council; and Bard McAllister, Farm Labor Secretary, American Friends Service Committee."²⁵³

Then, in October, at the request of growers, a representative for the Western Growers Association, Ross Gast, visited Hawaii to investigate statements made by Harry Bridges, President of the International Longshoremen's and Warehousemen's Union. Bridges appeared before Senator Williams' subcommittee hearings on migratory labor and stated that the only way to make California farmer "cave in" and accept unionization was to "close down the agricultural industry of California." Gast summarized his study as follows:

"Hawaiian agricultural employers are all highly industrialized operations controlling not only the processing of their products, but many of their sources of supply, and are not dependent on farming products for survival. Thus, they are far different than the average California farm labor employer, who hires mostly seasonal labor, and has his survival riding on the profits from any one year's operations. California does have the DiGiorgio and other corporate farms, much like the Hawaiian agricultural operations, but such outfits represent only slightly above one percent of the California farm employment."²⁵⁴

In November, the *California Farmer* reported that a National Agricultural Research Plan was submitted to the U.S. Senate which was designed to meet the expanding needs of the nation. The Plan was submitted to the Subcommittee on Agriculture and Related Agencies of the Senate Appropriations Committee by Secretary of Agriculture Orville L. Freeman and David D. Henry, Chairman of the Association of State Universities and Land Grant Colleges.²⁵⁵

Also, in November, jobless or unemployment insurance was again urged by the AFL-CIO Labor Federation for California's farm workers.

"California's huge \$3.8 billion farm industry can well afford the relatively slight cost of extending unemployment insurance to farm workers—the lowest paid workers in the state—and such a move would benefit not only some 275,000 farm workers and the state's economy, but by reducing welfare costs, the state's general taxpayers as well, state AFL-CIO declared this week."²⁵⁶

Finally, in December, the California AFL-CIO Federation, at a hearing in San Francisco, urged that the U.S. Labor Department bar all foreign farm workers from California, failing this, they proposed to require California growers to offer domestic workers at least \$2.25 an hour and \$90 a week before allowing them to import aliens.²⁵⁷

1967

Collective Bargaining
 Increased Wage Rate
 Unemployment Insurance
 U.S. Reclamation Law
 Green Card Workers
 New Bureau Of Employment Agencies
 Weakened Protection For Working Women
 Use of Braceros
 Newly Accepted 40 Hour Week
 Illegal Use Of Convict Labor
 Landrum-Griffin Act

In January, 1967, the AFL-CIO Labor Federation criticized the growers push to increase their own bargaining rights:

"The best, most recent reflection of this unreasonable transformation is provided by the latest edition of one of the State's Agribusiness-oriented publications, the *California Farmer*, which levels its editorial barrage against big processor lobbyists who are opposing congressional legislation that would protect the growers' right to join associations that would bargain collectively with the processors to improve the prices the growers get for their products."²⁵⁸

William Kirches, National Director of Organization for AFL-CIO,

told members of a U.S. Advisory Commission on Food and Fiber in San Francisco that farm workers in California and throughout the nation must be accorded full collective bargaining rights and the benefits of other protective social welfare legislation.²⁵⁹

In March, State AFL-CIO leader Thomas Pitts took sharp issue with the new \$1.60 wage rate which California agribusiness interests had to offer domestic workers before being permitted to import braceros. "It's not enough," Pitts said of the rate announced by the U.S. Labor Department.²⁶⁰

Also in March, California Assemblyman John Burton (D-San Francisco) introduced an unemployment insurance bill for farm workers:

"The bill, AB937, initiated by the California Labor Federation, would extend jobless insurance benefits to farm workers, workers in domestic service and to public employees and employees of certain non-profit organizations."²⁶¹

The following month, in April, the farm workers press, through *El Malcriado*, issued one of its earliest statements regarding legislation. It informed the workers that a bill to extend National Labor Relations Act coverage to farm workers had finally passed the House, Education, and Labor Committee which was chaired by Congressman Phil Burton (D-California). The bill, HR4769, was sent to the floor of Congress where it could "easily be trampled."²⁶²

Also, in April, California's Labor Federation urged the Assembly Finance and Insurance Committee's Subcommittee on Unemployment Insurance to act favorably on AB937-Burton-initiated bill to extend jobless pay benefits to farm workers.

In May, National AFL-CIO and the Johnson Administration joined in supporting legislation to give farm workers the right to organize and bargain with their employers.

"Farm workers, excluded from the National Labor Relations Act, face 'firings, blacklists, yellow-dog contracts, even arrest on trumped-up charges' when they try to organize, AFL-CIO President George Meany told a House Labor Subcommittee Monday. Meany stressed that the bitter farm worker strikes of the past years have been primarily 'for the fundamental right to bargain collectively.'"²⁶³

In June, California's AFL-CIO criticized the U.S. Reclamation Law. The basic principle of the law was that the benefits of projects paid by public funds should benefit the public at large as much as possible, and not be funneled automatically into the hands of large land owners and land speculators. Moreover, contrary to claims of the large landowners, the 160-acre limit applied to ownership, not to operations. The present reclamation law, in other words, did not restrict the operational capability of vast corporate agricultural holdings in any way. It just said that they had to pay a reasonable rate for the water they used on their excess acreage instead of getting it for practically nothing. The public

paid higher state and federal taxes, while cash benefits of the publically financed project flowed into the hands of the rich, according to the *California AFL-CIO News*.²⁶⁴

Meanwhile, César Chávez led a demonstration in Washington and spoke to the nation's leaders about why the National Labor Relations Act should be extended to protect farm workers.

In August, the California Labor Federation requested federal action to ban the use of "green card" workers from Mexico as strikebreakers in a farm labor dispute at the properties of Giumarra Vineyard Corporation in Kern County.²⁶⁵

In September, California's Governor Reagan signed AB1030-Moretti, which weakened the protection afforded women workers by the State's historic 8-hour law. Women in most industries covered by the Federal Fair Labor Standards Act would be encouraged to work up to 10 hours a day and 58 hours a week.

Furthermore, the State AFL-CIO Federation demanded that Secretary of Labor Wirtz bar the use of braceros. Importation of 8,100 foreign farm workers to harvest tomatoes in California, labor contended, would shortchange domestic workers of higher wages and boost the welfare load on California's general taxpayers. The U.S. Labor Department agreed to a unique pact to increase its investigation of charges of grower violations of rules previously set up to assure that no foreign farm workers would be imported into California so long as domestic workers were available.²⁶⁶

By the end of September it was announced that the Industrial Welfare Commission increased the pay floor and adopted a 40-hour week for farm workers:

"The Industrial Welfare Commission's final decision to boost the State's minimum wage from \$1.30 to \$1.65 an hour, wipe out the inequity of a lower minimum for farm workers, and cut the maximum straight-time work week from 48 to 40 hours is without a doubt the most meaningful step taken in recent years to improve the lot of millions of low-income workers in California but it still leaves much to be desired," State AFL-CIO leader Thomas L. Pitts said this week.²⁶⁷

In October, the AFL-CIO Federation filed suit to bar the use of convict labor and challenged Governor Reagan's authority to use convict labor in California's fields as unconstitutional in a court action initiated in San Francisco. Citing Article 10, Section 1 of the State Constitution, which according to State AFL-CIO leader Thomas L. Pitts, specifically prohibits such exploitation of convict labor as had been authorized by Governor Reagan, the Federation asked for an *ex parte* temporary restraining order, but scheduled a "show cause" hearing on the issue for Monday, October 16.²⁶⁸

In November, the AFL-CIO Federation testified before the Assembly Constitutional Amendments Committee. Thomas Pitts declared:

“We strenuously object to any change in the Constitution which would allow the use of prisoners to undercut or circumvent a free labor market by contracting our prisoners to any private employer. In opposing proposals to strike Paragraph 3 of Article X of the State Constitution the Federation said that the obvious danger of such a move is that it might well open the floodgate to just such unscrupulous action. Paragraph 3 of Article X states: The labor of convicts shall not be let out by contract to any person, co-partnership, company or corporation, and the Legislature shall, by law, provide the working of convicts for the benefit of the State.”²⁶⁹

The AFL-CIO Federation won its suit to bar the use of State convicts on farms. Authorization of a preliminary injunction barring use of convict labor to harvest California crops was viewed as a victory for the California Labor Federation as well as for the State’s grossly underpaid farm workers. The order, issued by San Francisco Superior Court Judge Robert Drewes, resulted from a suit filed October 5.

“The suit charged Governor Ronald Reagan with violating the State Constitution when the Governor authorized the use of some 300 State prison convicts to harvest figs and grapes in Merced and San Bernardino Counties. In announcing his decision, Judge Drewes agreed with the California Federation’s contention that Governor Reagan’s authorization of the use of convicts to harvest private crops does not follow the rules of the work-furlough program. It does not resemble a rehabilitation program in any important respect, Judge Drewes said.”²⁷⁰

Shortly after this legal decision, the California Constitution Revision Commission, voted unanimously against changing paragraph 3 of Article 10 of the State Constitution.

Finally, in December, a study was released indicating that the Landrum-Griffin Act was a “bad law” compounded by “administrative abuses.” A committee of 21 experienced lawyers published “A Report After Eight Years of Landrum-Griffin Act,” for the AFL-CIO Maritime Trades Department and its president Paul Hall of the Seafarers.

1968

New Farm Worker Lobby Called The National Campaign For Agricultural Democracy

Proposed Coverage Under NLRA For Workers (HR 5769 And S. 8)

California Land Conservation Act Under Legal Attack

Unemployment Insurance Bills AB 273 and AB 182

Hearings On Foreign Workers And Green-Carders

Senator Kennedy’s Bill To Prohibit Green-Carder Commuter Traffic (S. 2790)

Federal Reclamation Law Subsidies Under Attack

Minimum Wage Of \$1.35 For Minors Working In Agriculture

In January, 1968, there appeared a new registered lobby in Washing-

ton. It was called the National Campaign for Agricultural Democracy. The lobby's aim was to give the National Labor Relations Board authority to require farmer-employers to recognize a union as a bargaining agent for their employees. Two bills were introduced: HR 5769 and S. 8, which would put agriculture under the NLRB. The original participants in the lobby were the AFL-CIO, the National Council of Churches, the Bishops Committee for the Spanish-Speaking, the National Catholic Rural Life Conference, the Methodist Church, the United Church of Christ, the National Advisory Committee on Farm Labor, Walter Reuther's Industrial Union Department, the Amalgamated Meat Cutters and Butcher Workmen, and several state migrant ministries. Heading the lobbying activity was Reverend Eugene Boutillier, who was formerly National Boycott Coordinator of Grape Products for César Chávez and the United Farm Workers' Organizing Committee.²⁷¹

At the same time the California Land Conservation Act, supported by growers because it offered a tax break for agricultural land use, was under legal attack. The *California Farmer* urged agriculture to state its case before the John Knox Committee that was defining open space and acceptable land use restrictions as presented under Proposition 3 in the November 1966 elections. Legal counsel stated that:

"It is this attorney's opinion: Article XIII, Section VI of the California Constitution specifically forbids contracts which shall surrender or suspend the power of taxation to which the State is a party, and the Tax Scheme of the State of California and particularly the Williamson Act, which is specifically in violation of Article XIII, Section VI of the State Constitution in this regard . . ."²⁷²

In February, a series of legislative bills were introduced by California Assemblyman John L. Burton (D-San Francisco) that would affirm the collective bargaining rights of farm workers and public employees and improve the protections and benefits under the unemployment insurance program. AB 273 would extend unemployment benefits to farm workers, domestic servants, public employees and election campaign employees. AB 282 would declare, as a matter of state policy, that workers may select a collective bargaining agent by a majority of those voting in a work unit and would authorize state certification of that agent as sole bargaining agent for the workers for up to two years. AB 283 would authorize state and other public bodies to make contracts and agreements with collective bargaining agents and labor groups.²⁷³

In addition, the AFL-CIO Federation urged a complete ban on the importation of foreign farm workers. This took place at a hearing in San Francisco held by the Labor Department to gather testimony on updating the \$1.60 hourly adverse effect wage rate growers had to offer domestic workers before being allowed to seek foreign workers.

"In calling on the Labor Department to take 'the final step' in 1968 to eliminate

foreign farm workers from California's fields, a statement submitted to John Mealy, Labor Department hearing examiner, in behalf of state AFL-CIO leader Thomas L. Pitts, said that the 100,000 increase in domestic farm worker employment, coupled with the rise in their earnings from \$616 million in 1964 to an estimated \$815 million in 1967, along with the steady increase in gross farm income, has made it overwhelmingly clear that domestic farm workers, growers and small merchants in rural communities have benefited from the end of massive foreign farm worker importation."²⁷⁴

The Labor Federation also urged a U.S. Commission in San Diego, California, to end the perpetuation of the so-called green-card system that permitted Mexican citizens to commute to jobs in the U.S. while keeping their residence in Mexico.

"In testimony submitted to the U.S. Select Commission on Immigration on behalf of Thomas L. Pitts, Secretary-Treasurer of the California Labor Federation, the state AFL-CIO cited figures from the State Department of Employment and the U.S. Department of Labor to prove that working conditions as well as wages are adversely affected by the green-card system that brings more than 16,000 aliens into San Diego and Imperial Counties each day."²⁷⁵

An editorial by the *California Farmer*, February 17, questioned proposals for government reorganization in Sacramento. It was noted that when Governor Reagan first took office he placed all but agriculture under three cabinet secretaries, and agriculture stood alone. A task force of businessmen recommended that the 37 divisions of state government be more evenly divided under four secretaries.

Then, in February, the AFL-CIO Federation supported the charges that many growers and farm labor contractors continue to disregard the few state laws designed to protect California farm workers and consumers. A survey was completed by the Marysville office of the California Rural Legal Assistance. The survey, conducted in December 1967, and January 1968, was undertaken by the CRLA in behalf of a worker who was denied unemployment insurance benefits for refusing to accept farm work.

"The worker, Magdaleno Botello, refused farm labor on the grounds that it was not covered by unemployment insurance, the Fair Labor Standards Act or the National Labor Relations Act, and the farm employers do not obey state laws requiring them to provide clean and sanitary drinking water, toilets, and hand washing facilities for their workers."²⁷⁶

In March, there was a proposal by U.S. Senator Edward M. Kennedy which, if passed, would close the border to green card holders who commute from Mexico to work in the U.S.

"While the proposal, S. 2790, would apply to Canada as well as Mexico, the Senator himself made it obvious that his measure was aimed at the Mexican border. While

the Senator accompanied his proposal with a mass of charges and statistics, none of the data was concerned with immigrants from Canada. A hearing on the proposal was held recently in San Diego by the Select Commission on Western Hemisphere Immigration, composed of 15 members. The Commission is made up of five Senators, five Congressmen, and five presidential appointees. Senate Bill 2790 would amend Section 212 of the Immigration and Nationality Act, and would virtually give the Secretary of Labor the authority to open and close the border to immigrant workers who choose to maintain a residence in Mexico."²⁷⁷

During the same month, the *California Farmer* informed farmers that when they fired one of their workers they did not have to give advance notice, but the employer had to provide a paycheck at the time of discharge. If he did not, then the grower was guilty of violating the California Labor Code, according to a Deputy Labor Commissioner.²⁷⁸

Also in March, the U.S. House Committee approved Federal legislation that would assure farm workers collective bargaining rights. The measure, estimated to apply to some 500,000 farm workers, would bring workers on larger farms under the National Labor Relations Act. AFL-CIO President George Meany testified in support of it at both House and Senate hearings. As approved on a 16 to 12 vote by the committee, the measure, sponsored by Republican James G. O'Hara (D-Michigan), would extend NLRA coverage to workers on farms that employ more than 12 workers at any time during the year and have a total payroll of more than \$100,000 a year.²⁷⁹

In April, the farm workers press, *El Malcriado*, indicated that when the workers won a contract with DiGiorgio, the Union demanded that DiGiorgio pay his workers unemployment insurance. If a worker earned \$880 during a three month period, he would be eligible for unemployment insurance benefits.

A task force appointed by Governor Reagan to study the 160-acre limitation provisions of the Federal Reclamation Law reported that it applied only in the case of the subsidy to farmers who wanted to buy an irrigation water supply from a federal reclamation project.²⁸⁰

On April 3, 1968, a farm worker from Tulare County confronted the state assembly subcommittee on unemployment insurance. The subcommittee was considering Assembly Bill 182, introduced by Yvonne Braithwaite, Black assemblywoman from Los Angeles. The bill would extend unemployment coverage for farm workers, reported the United Farm Workers Union. The union also supported HR 16014, which would include farm workers under the NLRA. The bill would cover 1% of the nation's farms while covering 50% of the nation's farm workers.

"... the growers are now taking a second look at NLRA in order to protect themselves from the long, drawn out battles which they know we are ready to fight for union recognition, and to protect themselves from the boycott which hits them in the money belt."²⁸¹

In May, 1968, the State Supreme Court agreed to hear a petition brought by State Attorney General Thomas Lynch to prevent litigation initiated by growers denying some 100,000 women and minors working in agriculture the benefits of an increase in the minimum hourly wage and a shorter workday, ordered for them by the State Industrial Welfare Commission.

"In a petition filed with Chief Justice Roger J. Traynor on April 22, Lynch pointed out that if orders issued by Superior Courts in Los Angeles and San Francisco Counties that presently prevent enforcement of the IWC order in those jurisdictions are allowed to stand, the rights of many farm workers may be lost irrevocably."²⁸²

On May 15, the United Farm Workers issued a statement criticizing the American Farm Bureau's attack on legislative proposals that would provide NLRB coverage for farm workers.²⁸³

In July, the *California Farmer* reported that the word boycott was sending a chill up the spine of agriculture. Growers were faced with a secondary boycott which was a violation of the National Labor Relations Act Section 8(b) (4) (ii) (B). This section was generally referred to as 864. A second section dealing with the present grower situation was 8e. Each was examined in the article.²⁸⁴

Meanwhile, the United Farm Workers' Organizing Committee announced that a strike breaking bill sponsored by long time UFWOC foe, California Senator Hugh Burns, died in committee July 2. Members of the Senate Labor Committee decided against bringing the hot cargo and secondary boycott bill to the floor of the Senate. By a three to one vote, the committee refused to go ahead with the bill, which would have prohibited informational picketing throughout the State.²⁸⁵ And, UFWOC announced support from U.S. Senate nominee Alan Cranston for HR 16014 to give farm workers collective bargaining protection under the National Labor Relations Act.

In August, a trial was held in U.S. District Court in Los Angeles on the legality of an Immigration Service Regulation which prohibited green-card holders from crossing a U.S. Border to work for firms involved in labor disputes. The U.S. Immigration Service was attempting to deport 10 green card holders who had been working at Giumarra Vineyards. The regulation under which Immigration was seeking the deportations had been used before the Giumarra case.

In September, the validity of three state minimum wage orders boosting hourly wages for 100,000 women and children working on California farms had been unanimously upheld by the State Court of Appeals. The ruling would hike the minimum hourly wage for women by 35 cents from \$1.30 to \$1.65, and that of minors by 25 cents from \$1.10 to \$1.35. Agribusiness appealed this decision in October, 1968. The AFL-CIO Labor Federation said the following about the decision:

“Payment of the new minimums had been thwarted by three Superior Court suits filed by agribusiness interests headed by the California Farm Bureau Federation and including the California Grape and Tree Fruit League. The 42-page Appellate Court decision written by Judge Leonard M. Friedman and concurred with by Judges Fred R. Pierce and Edwin J. Regan, ruled that the IWC had full legal authority to act, ordered the three suits dissolved, and directed the IWC to enforce the new minimum wage floors in farm labor immediately.”²⁸⁶

In November, the United Farm Workers’ Organizing Committee, in San Francisco, presented a 20,000 signature petition in support of the extension of the National Labor Relations Act coverage to farm workers to California Congressman Phil Burton. The petition was presented by UFWOC representatives Mr. & Mrs. Lupe Murgia, Pete Velasco and Anne Draper, Citizens for Farm Labor.²⁸⁷

On November 2, the *California Farmer* published an article entitled “Hidden Dangers in the NLRB.” Stewart Rothman, former General Counsel of the National Labor Relations Board, which administers the NLRA, said the NLRB could limit the growers right to sell or dispose of their property or prevent them from going out of business, move their operation or any part of it to a new location, hire a contractor to do work that they formerly did themselves, and that it had done these things many times to industrial employers.²⁸⁸

Meanwhile, the Third District Appellate Court in Sacramento issued a writ calling for the dismissal of suits filed by agribusiness interests that had succeeded in blocking a boost (scheduled to go into effect February 1, 1968) in the minimum wage to \$1.65 for women and \$1.35 for minors. It was then retroactive to that date.²⁸⁹

In December, AFL-CIO Secretary-Treasurer of the California Labor Federation denounced the Governor’s opposition to National Labor Relations Act coverage for farm workers. And, in San Francisco, on December 4, O. W. Filleriup, head of the Council of California Growers, advocated prompt action in state and federal legislation to settle farm labor disputes. He proposed a special board or commission which would take into account the “unique factors of agriculture such as the perishable nature of the product.”²⁹⁰ On December 3, 1968, Governor Reagan issued a statement that the executive branch of government had heard proposals for additional farm labor legislation. He said the application of principles in the NLRA to farming was unwise.²⁹¹

1969

Employment Insurance

Pesticides

Taft-Hartley Provisions Of NLRA

Aliens
 Anti-Secondary Boycotts
 Right-To-Work
 Agricultural Conciliation Service
 Nixon Farm Worker Plan
 Immigration And Nationalist Act
 NLRA Coverage For Farm Workers
 Labor Contractors
 Green-Card Workers
 Farm Subsidies
 Sanitary Facilities
 Sen. Murphy's Consumer Agricultural Food Protection Act Of 1969
 Fair Employment Practice Act
 Assembly Agriculture Committee Study

In January, 1969, Governor Reagan in his State of the State Address to the joint session of the legislature said he intended to "seek and support legislation in the area of farm labor-management relations."

"Such legislation, he said, will establish, ground rules to supervise free elections to determine first if the workers want to be represented by a labor union or association and if they do, choose which one without fear, intimidation or reprisal."²⁹²

However, he did indicate opposition to full free collective bargaining rights for farm workers when he said that:

"This legislation should spell out the role that arbitration should play and it should clearly establish a prohibition of strikes and other work stoppages in harvest and critical times."²⁹³

Reagan's proposals appeared to have been prompted by apprehensions over the possibility of more adequate legislation being enacted on the federal level. UFWOC had been fighting for free elections for farm workers for years, but the states agribusiness steadfastly opposed them. Nevertheless, in more than a dozen representative elections, UFWOC won overwhelmingly.

During January, SB2613 was proposed to keep tax-loss capital out of agriculture, or how to prevent non-farmers from climbing into agriculture for "tax loss" purposes.²⁹⁴

In February, the *California Farmer* issued a statement that unemployment insurance for farm workers appeared to be inevitable. The Chamber of Commerce's agricultural committee at its meeting in Los Angeles stated that it did not object to unemployment insurance being extended, but did question how farmers would pay for the bill, without at the same time being able to establish a price for their products.²⁹⁵

California's Labor Federation, AFL-CIO supported Assembly Bill, AB299, which would extend unemployment insurance coverage to agricultural, domestic, non-profit and public employees in February.

The *California Farmer*, in March, 1969 stated that agribusiness was trying to accomplish several important steps in the matter of farm labor relations. One step was the inclusion of farm labor under unemployment insurance. If they had unemployment insurance on either a state or federal basis, it would "certainly blunt the unionization drive."²⁹⁶

In March, legislators were attacking UFWOC's anti-pesticide campaign. Two legislators attacked those who would banish all agricultural pesticides because of alleged danger in the use of the products. California Assemblyman Kent Stacey and U.S. Senator James B. Pearson of Kansas had spoken in favor of pesticide use.

Significantly, President Nixon in March 1969, requested that a study be undertaken of the possibility of extending the Taft-Hartley provisions of the NLRA to cover farm workers. The Taft-Hartley Act restricted the rights of unions and outlawed boycotts. It also allowed the President to order striking workers to go back to work if he felt a strike was a national emergency.²⁹⁷

On March 14, the California Labor Federation opposed Assembly Bill 807, which purported to bring agricultural workers under the state unemployment insurance program.

"The flaws and faults in AB807 are so many that its enactment would do far more danger than good to the unemployment insurance program in California."²⁹⁸

The Federation was sponsoring AB299 by Assemblyman Leo Ralph. AB807 would increase the qualifying annual wage for all workers by more than a third, from \$720 to \$1,000. That feature would mean exclusion of over 400,000, who would be presently covered. It would still leave a major portion of farm workers out from under the protection sought, and would tax farm owners and manipulate the fund to the detriment of the workers involved, while major employers would benefit many millions of dollars.

Meanwhile, Allan Grant, Chairman of the California State Board of Agriculture said he had been told that if agricultural legislation covering farm workers was approved but still opposed by UFWOC, the Union would not abide by the law. The Board urged Congressmen from both parties to seek legislation which would bring a solution to the existing boycott as soon as possible. The economic boycott was having its effect.

"John Giumarra, Jr., in his remarks before the California Tomato Growers Association, noted that union activities are making it more difficult to borrow money to raise crops. Lending institutions fear strikes, walk-outs or slow downs at harvest or other critical periods during the year could result in partial or total crop loss, resulting in the inability of the farmer to repay the loan."²⁹⁹

On March 21, the California Labor Federation, AFL-CIO indicated its opposition to Assembly bills AB210 and AB807. Both bills dealt

with unemployment insurance for farm workers, but actually decreased benefits for all other workers.³⁰⁰ Furthermore, the annual report of the Senate Subcommittee on Migratory Labor proposed inclusion of agricultural workers under the NLRA.³⁰¹

In April, Congressman John Tunney proposed curbs to prohibit aliens from employment. This position was sent in letters to the Chairman of the Senate and House Judiciary Committees. Tunney criticized the deficiencies in immigration laws and regulations and laxity in enforcement. Also, he proposed that employers be regulated under a provision that would make it a crime to knowingly harbor or conceal illegal immigrants or to encourage illegal entry. Employers were exempted from such a provision. The second reform would require a periodic review of the status of immigrants who had legally entered the country for business or pleasure in order to insure that the immigrant had not taken a job.

The AFL-CIO Labor Federation, in April, was opposing anti-labor legislation: Senate Bill, SB544 would outlaw the secondary boycott, and Assembly Bill, AB522 would delay payment to seasonal agricultural workers.

On April 16, 1969, Dolores Huerta appeared before the Senate Subcommittee on Migratory Labor and read César Chávez' prepared statement on collective bargaining legislation.

"We too need our decent period of time to develop and grow strong under the life-giving sum of a favorable public policy which affirmatively favors the growth of farm unionism.

"Of utmost importance is an exemption for a time from the Taft-Hartley and Landrum-Griffin restrictions on traditional union activity. The bans on recognition and organizational picketing and on the so-called secondary boycott would be particularly harmful, and the mandatory injunction in both cases makes them truly disastrous.

"The relief we seek from Congress today, however, is neither very new nor very revolutionary. It has proved beneficial to the nation in the past when unions were weak and industry strong. We need and favor NLRA amendments along the lines of the original Wagner Act, but we oppose for this period in history the restrictions of Taft-Hartley and Landrum-Griffin."³⁰²

In May, the Labor Federation opposed Governor Reagan's proposed changes in child labor laws, which would serve as union-busting efforts; and Senator Harmer's bill, SB544, which would ban secondary boycotts. The Federation did, however, initiate a measure to extend the Fair Employment Practices Act to farm workers.³⁰³

Also in May, the AFL-CIO Labor Federation opposed California Senate Bill 1119, which proposed to establish the "right-to-work" principle in the field of farm labor relations, as well as Assembly Bill

AB1333, which would create an Agricultural Conciliation Service to provide “services” to employers and labor organizations, prescribing powers, duties, and functions. The service would be under the direction and control of a chief conciliator, who would be appointed by the State Director of Agriculture upon nomination by the State Board of Agriculture. The bill was sent to the Agricultural Committee on May 19.

On May 20, 1969, U.S. Senator Murphy introduced the strongest anti-farm labor bill proposed, S2203, cited as the “Consumer Agricultural Food Protection Act of 1969.” The following were the key provisions of the act:

“Sec. 101. It shall be unlawful . . . (1) to induce or encourage any individual employed by any person engaged in commerce or in any industry affecting commerce to engage in a strike or refusal to use, process, transport, display for sale, sell, or otherwise handle or work on any agricultural commodity after such commodity leaves the farm or cities where grown or produced, or to picket or threaten to picket any other person . . .

Sec. 201. (a) There is hereby established a board which shall be known as the Farm Labor Relations Board . . . which shall consist of three members. (b) There shall be in the Department of Agriculture an Assistant Secretary for Farm Labor Relations who shall be a member of the Board and shall serve as its chairman. The Assistant Secretary for Farm Labor Relations and two additional members of the Board shall be appointed by the President . . . (c) There shall be a General Counsel of the Board who shall be appointed by the President . . .”³⁰⁴

Furthermore, secret ballot elections and unfair labor practices would be determined by the Board.

On May 23, the Labor Federation indicated that AB837 was given a “do pass” recommendation by the Assembly Ways and Means Committee. It forestalled the expulsion of certain agricultural workers and employees from the scope of the California Fair Employment Practice Act. The Assembly Agriculture Committee took under submission for further study AB1333, opposed by labor, which would set up an agricultural conciliation service.

At the same time, George Meany criticized President Nixon’s Farm Worker Plan. Meany claimed that the proposal amounted to a number of special rules and procedures to make it more difficult for farm workers to form unions and to secure recognition than other workers.

“The rules proposed by the administration would be administered by a special Farm Labor Relations Board ‘stacked’ in favor of big agricultural employers . . . would restrict the workers right to strike during harvest seasons or any 30-day period selected by the grower and impose binding arbitration on a union after a harvest was in a period when strike action would be useless.”³⁰⁵

George Meany, National AFL-CIO, advocated inclusion of farm workers under the National Labor Relations Act. Chávez meanwhile

opposed the Nixon proposals advanced by U.S. Secretary of Labor George P. Shultz which recommended creation of the separate three-member Farm Labor Relations Board. Chávez said:

“This is more evidence that Nixon has entered into an unholy alliance with Governor Reagan and U.S. Senator Murphy to insure that there will be no meaningful legislation for farm workers this year.”³⁰⁶

On May 30, SB544 to ban the secondary boycott was defeated in the Senate Labor and Social Welfare Committee. The Senate Agricultural Committee set a hearing on SB1119, for June 5, which would put a right-to-work provision into law with respect to agricultural employees.³⁰⁷

In June, the *Farm Journal* issued an article on “The Fight to Ban DDT.” It pointed out that “pressure groups” claimed DDT was obsolete and harmed wildlife:

“The insecticide, regarded as a ‘wonder’ chemical when it won the discoverer a Nobel Prize in Medicine 24 years ago, came under critical attack from conservationists’ and sportsmen’s groups in the legislatures of California and Illinois and others states in 1969. Registration for all uses was cancelled in Michigan in 1969.”³⁰⁸

On June 7, the *California Farmer* reported that the State Agriculture Board unanimously adopted a resolution expressing its opposition to Senate Bill 1694 and House resolution 9505 in the 91st Congress, both of which would amend the Immigration and Nationality Act to limit the availability of immigrants from Mexico and Canada for employment in agriculture and other industries.

“Board President Allen Grant said that there was a growing realization throughout the country that agriculture needs a separate labor law, which will protect the nation’s food supply from strikes at harvest time and prohibit secondary boycotts of farm produce.”³⁰⁹

U.S. Senator Alan Cranston, in an address at the Mid-Continent Migrant Health Conference in New Mexico, expressed his view of farm labor relations:

“Farm workers should be included in the National Labor Relations Act. I’ve joined with other Senators in sponsoring legislation to this end. Compulsory workmen’s compensation and unemployment insurance should be extended to farm workers in every state in the nation. We must end the discriminatory residence requirements which deny to migrants federally supported public assistance programs and other benefits.”³¹⁰

At the same time, Senator Edward Kennedy attacked farm subsidies, and Senator John Tunney introduced legislation to place farm workers under the National Labor Relations Act, but at the same time he refused to support the grape boycott.

In June, California Child Labor Bills AB1978 and AB2104 were

taken under submission by the Assembly Labor Relations Committee. Both would have relaxed vital protections for minors in California. Assembly Bill AB1993 was scheduled for hearings before the Senate Agriculture Committee. It would increase the surety bond required of farm labor contractors from \$1,500 to \$5,000 and otherwise strengthen the law controlling such contractors. AB1993, which passed the Assembly, was supported by labor.³¹¹

There were bills in the U.S. Congress which would restrict the use of green card workers in agriculture. Testifying in opposition before a Subcommittee of the California State Senate Committee on judiciary, R. Daniels of the Agricultural Producers Labor Committee said:

“Proponents of this bill allege depressed wages, high unemployment and are responsible for low annual earnings. Agriculture knows that the immigrant aliens from Mexico are extremely valuable to the economy of California and to agriculture in particular . . . It is hoped that no legislation will pass which will unduly restrict the opportunity of our neighbors to the south work with us.”³¹²

Also in June, the U.S. Department of Labor had returned authority to determine where a labor dispute existed to the State Department of Employment.

In July, the *Farm Journal* published an article entitled “Should We Limit Government Payments Per Farm?” Congressman Paul Findly (Ill.), former member of the House Agriculture Committee proposed that there should be a limit:

“Those of us in Congress who are close to agriculture know that legislation is absolutely essential to help farmers adjust to changing technology in the years immediately ahead. Others don’t feel this way. They are increasingly inclined to view all farm legislation as hopeless and wasteful. They are weary of hearing the same empty platitudes year after year to justify extending present programs. They especially resent the large payments to individual farmers and the lack of initiative for reform by Congressional Committees.

Last year, 5,885 farmers each received government payments of more than \$25,000; meanwhile 1,084,000 farmers were paid less than \$500 each.”³¹³

Congressman Poage (Texas), Chairman of the House Agriculture Committee proposed that there should be no limit:

“The case in favor of limiting the size of government farm payments to an individual farmer rests very largely on the lack of understanding of our farm income support program. Basically, we support farm income in order the farmers may produce abundantly, and thus supply consumers with inexpensive food. Unless farmers can get enough income from some source to meet today’s production costs, it is obvious they cannot use modern equipment, fertilizer, insecticides, etc. All these techniques are expensive, and they must be paid for at the 1969 wages and profits enjoyed by laborers and businessmen.”³¹⁴

By July, Senate Bill 1119, the right-to-work provision, was taken

under submission (killed) by the Senate Labor and Social Welfare Committee. Assembly Bill 1333, by Assemblyman Victor Veysey (R-Brawley), which would impose right-to-work provisions on farm workers was still pending.

George Meany, National AFL-CIO, testified before the U.S. Senate Subcommittee in opposition to the Nixon proposals for farm labor. The California Finance and Insurance Committee blocked passage of a proposal to provide unemployment insurance for farm workers, AB299, by Leon Ralph (D-Los Angeles) and sponsored by the Labor Federation.³¹⁵ In addition, Assembly Bill 1333, an anti-labor bill adversely affecting the rights of farm workers in collective bargaining was taken under submission (killed) by the Assembly Agriculture Committee. This bill would have set up an agricultural conciliator to be appointed by the Governor.

In August, the California Table Grape Commission proposed that State and federal agencies take appropriate action to halt "deliberate untruths and misleading information," about pesticide effects on table grapes made by the United Farm Workers Organizing Committee, AFL-CIO.

August 8, the Labor Federation reported that the Assembly passed SB721 by Senator Bielson (D-Los Angeles, Ca.), which gave added strength to laws providing sanitary facilities for agricultural workers in the field. Another bill, AB1993, by the late Assemblyman Alan Pattie of Salinas, increasing the surety bond for labor contractors to \$5,000 for more adequate protection of wage earners, was passed by the California Senate and sent to the Governor.

A statement pledging support to the farm workers struggle for union recognition was provided by the Executive Council of the California Labor Federation, AFL-CIO, at its mid-summer meeting, pointed out its opposition to Senator Murphy's Consumer Agricultural Food Protection Act of 1969, S2203.

"This vicious bill would ban boycotts, organizational picketing, and prohibit strikes. Significantly, Secretary of Agriculture Clifford M. Hardin supports this bill. This bill and other anti-labor legislation law suits to harass and distract, and the hiring of public relations firms testify to the success of the grape boycott."³¹⁶

On August 15, the Labor Federation reported that AB837, by Assemblyman John Miller (D-Oakland, Ca.), was sent to the Governor's office. It would extend coverage under the Fair Employment Practice Act to agricultural workers. Presented to the Senate by Senator Lewis Sherman (R-Oakland), AB837 was passed 22 to 8. Also, labor was alerted to HR484 by Assemblyman William Ketchum (R-Bakersfield). Introduced late in August HR484 asks for an interim study of the subject of farm labor, including but not limited to labor management

relations and the conditions of employment. If the resolution was implemented, a report of findings and recommendations would be made to the legislature not later than the fifth legislative day of the 1970 session. On the Senate side, California Senator John Schmitz (R-Rustin) introduced SR378, relative to child labor laws. The resolution called for an interim study of the subject. He had introduced "right-to-work" legislation, and labor was going to scrutinize any study he proposed.³¹⁷

In August, a study of farm worker wage rates was released by the U.S. Department of Labor:

"It found that the national average farm wage for 1968 was \$1.43 an hour . . . In contrast, the minimum hourly wage for farm workers protected by union contracts negotiated by the United Farm Workers Organizing Committee in California is \$2.00 . . . Under amendments to the Fair Labor Standards Act won by organized labor in 1966 some 400,000 farm workers, about one-third of the annual average number hired farm workers in the nation; were brought under FLSA coverage. The federal pay floor for covered farm workers rose to \$1.30 on February 1, 1969."³¹⁸

On August 29, the State Labor Federation issued a statement reviewing Senator Murphy's record on labor. In particular, the Federation stated that:

"Murphy has generally reflected the interests of the State's corporate farms and banking interests. On September 13, 1965, for example, he voted against a motion to delete a proposal made by the conservative Senate Agriculture Committee to transfer authority over the importation of foreign farm workers from the Secretary of Labor to the Secretary of Agriculture. In short, Murphy favored the transfer . . . it boiled down to a backdoor attempt to revive the discredited bracero program . . ."³¹⁹

In September, the pesticide issue was predominant. Senator Murphy charged UFWOC with providing false evidence to the Subcommittee on Migratory Labor. UFWOC filed suit to obtain pesticide records. And the *California Farmer* criticized the CRLA for joining the pesticide issue and said that "CRLA attempts to do for farm workers some of the things that the Farm Bureau has attempted to do for farmers."³²⁰

In October, the Labor Federation discussed a six-year legislative study of farm laborers that was released by Assembly Agriculture Committee chaired by William Ketchum of Paso Robles.

". . . workers (in agriculture) who got jobs through a union had a medium earning of almost four times those of the total sample . . . the study, begun in 1964 by the Agriculture's Committee's Advisory Committee on Farm Labor Research, included a survey of the earnings, family status and living conditions of 3,488 workers."³²¹

On December 13, the *California Farmer* issued an article entitled "Is There Hope of Federal Farm Labor Law Soon?"

“The only permanent solution to the issue of attempted farm worker unionization is federal legislation—either Senator George Murphy’s ‘Consumers Agricultural Food Protection Act’ or a suitable compromise version thereof, Giumarra said.”³²²

Finally, another article was printed entitled “Grapes in Serious Trouble Unless Legislation Passes.” Jack T. Baillie, president of Perishable Agricultural Commodities Corporation proposed legislation. There was a strong indication that “food chain stores feeling boycott pressure,” and making the boycott illegal was the answer to grape growers economic troubles.

1970

Pesticide Study
 Consumer Agricultural Food Protection Act
 Congressional Record on Farm Subsidies
 Governor Reagan’s Plan for Farm Labor
 State Conciliation Service
 Economic Poison Safety Act of 1970
 Farm Act of 1973

In January, 1970, the *Farm Journal* issued an article entitled “Governments Plan to Phase Out Persistent Chemicals.” It stated that on November 20, 1969, the White House announced the ending of most uses of DDT. Beginning March 1970, action regarding other persistent pesticides would be taken using the same criteria and procedures being applied to DDT. USDA Secretary Clifford Hardin defined persistent pesticides as those which would persist in the environment beyond the current growing season for a crop, or one year for non-crop uses. The Environmental Quality Council reviewed the recommendations of the Mrak Commission, a blue ribbon panel appointed by Robert Finch, Secretary of HEW, to study the effect of pesticides. The Council also established a new Committee on Pesticides use which would set up a working group to provide day-to-day coordination in developing a program and policy for future pesticide use. The phase-out action would be taken in two steps, according to Ned. D. Bayley, Director of Science and Education for the USDA.

“The first step may be a notice to cancel some of the present uses of the persistent pesticides which are not essential or for which suitable substitutes are already available. This notice goes to manufacturers, formulators, distributors and registrants of economic poisons.

The second step is publication in the Federal Register of intent to cancel all other uses with a request for comment within 90 days. Exceptions would be made where the chemical is essential to farm or forest production and to human health, and where no safe and effective alternatives are available.”³²³

At the same time, the *California Farmer* supported Coachella Valley grower Michael Bozick, who said Senator Murphy's bill was important because the solution had to be national. He felt a state law should be enacted setting up certain guidelines for collective bargaining for farm workers, "but what effect will it have upon the national boycott?" At the same time Virgil Rasmussen, a Sanger farmer, said "we need laws which will set the ground rules for collective bargaining."³²⁴ He too called for federal legislation:

"The change in federal farm labor policies in the past decade are probably the most important changes in agricultural production. Farm labor policies and programs were in the direction of providing a labor supply for fruit and vegetable industry. In the past five years emphasis has shifted toward the concern for welfare of the farm workers."³²⁵

Also in January, the State Federation of Labor, AFL-CIO, protested a declaration by the State Board of Agriculture that it planned to take part in a campaign opposing consumer boycotts of California grapes initiated by the United Farm Workers Organizing Committee, AFL-CIO.

"Thomas L. Pitts, secretary-treasurer of the California Labor Federation, AFL-CIO, today made public a letter sent to Governor Reagan earlier in which he termed the State Board's action 'a willful violation of public trust' and called on the Board to 'immediately cancel its partisan promotional activities against the grape boycott.'"³²⁶

Then, in February, the State Department of Public Health released a study on "walking death," or the incidence of pesticide poisoning among California farm workers, as far higher than previous official state reports.

"The study, which reinforces the campaign initiated more than two years ago by the AFL-CIO United Farm Workers' Organizing Committee for effective safeguards from pesticide poisoning for farm workers found that there may be more than 150 cases of such poisoning for every 1,000 farm workers instead of only 1 per 1,000.

The higher rate would mean that instead of only about 250 poisonings a year it's more likely that there are actually some 37,500 cases among the state's 250,000 farm workers.

The study involved a door-to-door survey of 1,120 farm families. It was conducted by the Health Department of Tulare County between January, 1968, and September, 1969."³²⁷

In March, several days of hearings produced support for Senator Murphy's S. 2203, opposed by UFWOC. The Murphy Bill would establish a Farm Labor Relations Board in the U.S. Department of Agriculture and be independent of the National Labor Relations Board.

In April, 1970, Oregon State's farm labor camp regulations called for better living and health conditions.

Meanwhile, in Washington, D.C., the Congressional Record included figures inserted by Republican Paul Findley (Illinois) indicating that federal subsidies totaling \$7,613 million were passed out to 1,397 California farms in 1969 and that 85% of the money went to recipients who got \$25,000 or more. Some 783 California growers shared in \$64.5 million in federal production control payments that went to growers who received \$25,000 and up. 614 California growers received payments ranging between \$15,000 and \$25,000 which totalled \$11.8 million. Republican Findley introduced a bill to limit individual payments to \$20,000 a year for the next two years. The House approved such a limit the previous year, but it was killed in the Senate. Findley indicated he would press for adoption of similar limits on farm supports for 1970.

"In fact, six California companies received more than \$1 million apiece in farm subsidies last year, with two of these receiving more than \$3 million. Disclosure of these figures point up the need for the AFL-CIO backed legislation to limit subsidy payments to \$20,000 a year, a proposal that California's Senior Senator George Murphy voted against last year. Ironically, a number of firms receiving these huge federal handouts are also vigorously opposed to any realistic moves to give farm workers full and effective collective bargaining rights. The two California firms receiving more than \$3 million each were: the J. G. Boswell Co. of Corcoran, \$4,370,657, and Griffin Inc. of Huron, \$3,412,869. The other four California firms receiving over \$1 million are: South Lake Farms, Fresno, \$1,807,690; Sylver Land Company, Corcoran, \$1,637,961; Mt. Whitney Farms, Five Points, \$1,152,294; and the Kern County Land Co. of Bakersfield, \$1,080,533. Another five California corporate farms that were among the 14 that received more than \$500,000 were: S. A. Camp Farms, Shaffer, \$928,917; Vista Del Llano Farms, Firebaugh, \$778,586; Sista Del Llano Farms, Firebaugh, \$673,410; Boston Ranch Co., Le-moore, \$643,006; and Telles Ranch, Inc., Firebaugh, \$503,285."³²⁸

In May, the California Labor Federation, AFL-CIO, announced that Paul S. Taylor, former Chairman of the Department of Economics at the University of California at Berkeley, had been appointed Economist and Research Director. Dr. Taylor is a recognized authority on U.S. reclamation law and has served as a consultant to the United Nations, the Social Security Administration and the U.S. Department of Interior.

Furthermore, and significantly, it was reported in May that the National Labor Relations Board's general counsel authorized a complaint against the AFL-CIO and UFWOC and 10 other labor organizations asserting that when UFWOC worked in concert with others it was subject to action by the NLRB.³²⁹

By July, the *Salinas Californian* reported that U.S. Senator Mur-

phy's Consumer Agricultural Food Protection Act was buried in a Senate subcommittee. Agribusiness assumed Chávez was employing the "domino" strategy—"picking off" growers one at a time.³³⁰

During the same month, the California Labor Federation, AFL-CIO, opposed Governor Reagan's Plan for farm labor elections. In 1969, the Governor strongly opposed a bill authored by Senator Nicholas Petris (D-Oakland) that would have created collective bargaining for farm workers. He was supporting federal legislation being proposed by Senator Murphy's Consumer Agricultural Food Protection Act that would outlaw strikes at harvest time. On July 10, Reagan issued a statement criticizing farm union leaders for not grasping the opportunity on June 29 to make State Conciliation Service available to supervise farm workers elections. He said:

"It is hard to believe that any individual having the responsibility for union leadership should be unwilling to grasp this opportunity for bringing about the solution to the chaotic situation that now exists."³³¹

Reagan's statement was issued the day after UFWOC rejected the offer saying it had no confidence in the State Conciliation Service or its Director Ralph Duncan, who they described as a "growers' lackey." On July 6, fifty-two major grape growers in Kern and Tulare Counties had asked Duncan for elections. On July 10 Reagan acknowledged the growers' request.

"I am reliably informed that a substantial number of growers in the San Joaquin Valley have petitioned the State Conciliation Service to conduct such an election—by secret ballot—for their workers regarding their possible unionization."³³²

The Labor Federation disputed the Governor's information. The Federation claimed that Luis Gilbert, presiding counsel of the Los Angeles office of the State Conciliation Service, said that he had been approached by a management consulting firm representing "a large number of growers." They had asked that a meeting be set up between the growers' representatives and the UFWOC. The rules proposed by Reagan under which elections would be held gave the Conciliation Service sole authority to determine the time and place of the election, the length of prior employment required to be eligible to vote, the wording on the ballot, and the language or languages to be used. In short, the farm workers union felt it would face a "stacked deck."³³³

In August, the AFL-CIO News attacked the Farm Bureau for its major role in killing a pesticide bill, or the "Economic Poison Safety Act of 1970":

"The bad legislation in the view of the corporate grower-dominated Farm Bureau was SB 1347, introduced by Senator Nicholas Petris (D-Oakland), which would have enacted the 'Economic Poison Safety Act of 1970.' This legislation would

have provided the conditions that must be met for the safety of workers and the public in the use of economic poisons.”³³⁴

On September 2, the *Salinas Californian* published an article entitled “Farm Bill Condemned by Labor.” The California Labor Federation’s Convention had recently issued a statement that Murphy’s bill was “an attempt to perpetuate discriminatory treatment of agricultural workers in labor, social or immigration legislation.”³³⁵

On October 3, 1970, the *California Farmer* admitted that the anti-farm labor movement was lost to UFWOC.

“There is legislation that could have saved us, but there wasn’t enough political guts in Washington to buck the unions in an election year. Governor R. Reagan tried on the State level, for a conciliation bill but was politically smothered. Senator George Murphy tried, on the national level, but Congress, trembling in fear of organized labor, caused the bill to be buried.”³³⁶

In November, the *Farm Journal* discussed the new farm law that set up a farm program for the following three years, 1971-1973. It replaced the 1965 farm act that expired in 1961, but which was extended one additional year. Significantly, the bill set \$55,000 limit on government payments per crop per person for feed, grain, wheat and cotton.³³⁷

Finally, in December, the *California Farmer* emphasized that legislation was the answer, that states were to introduce federal legislation, and that “one thing this would do is give agriculture use of the courts.”³³⁸

In summary, Senator Murphy’s Consumer Agricultural Food Protection Act symbolized the year’s legislative struggle. A concerted effort to limit farm subsidies began to emerge as another legislative issue, along with a continued drive for unemployment and better wages. Pesticides were a major legislative target. The State Legislature stepped up its attack on farm workers organizing, particularly the boycott.

1971

Secret Ballot Election Proposals
 Amendments To The NLRB
 Consumer Agricultural Food Protection Act Of 1971
 Farm Workers Bill Of Rights
 Farm Workers Collective Bargaining Act
 Bans On Secondary Boycotts
 Ban On Strikes
 Unemployment Insurance Benefits
 California Agricultural Labor Relations Act Of 1971
 Housing
 Illegal Aliens: Dixon Arnett Bill

Oregon Farm Labor Law Veto
Farm Subsidies
National Farm Labor Relations Act
Workmen's Compensation
National Agricultural Bargaining Board
Farm Labor Secret Ballot Initiative

On January 5, 1971, California State Senator Harmer introduced SB 40 which was sent to the Senate Committee on Industrial Relations. It was adamantly opposed by UFWOC and the State Federation, AFL CIO, because it called for elections supervised by the Governor's office through the Department of Industrial Relations. More specifically SB 40:

"Declares state policy to be that agricultural labor workers, as defined, in a given unit shall have the opportunity to select a collective bargaining agent by majority vote of those voting.

"Authorizes any agricultural labor organization claiming to represent a majority of agricultural labor workers in a unit of workers of an employer to file a petition with the Department of Industrial Relations.

"Requires the department, upon petition of an agricultural labor organization, to investigate and conduct such hearings and elections as are necessary to determine the appropriateness of a unit of agricultural labor workers and whether or not a majority of the workers therein desire to be represented by a petitioning labor organization.

"Provides that after conducting such investigation and election the department shall certify the appropriate agricultural labor organization receiving a majority of the votes cast as the exclusive representative of the workers in the designated unit for a period of one year or until the expiration date of a collective bargaining agreement not to exceed two years.

"Defines terms used.

"Authorizes the department to take all proceedings necessary to enforce the provisions of act, including action in a superior court, and permits any person aggrieved by a final decision or order of the department to obtain judicial review by writ of mandate."³³⁹

One day later, on January 6, Assembly Bill 53 was introduced by Assemblymen Burton, Brown, Garcia, proposing collective bargaining legislation. The Bill:

"Provides for certification by State Conciliation Service, pursuant to prescribed procedures, of collective bargaining representatives of appropriate units of agricultural workers where a majority of the workers voting on the question indicate a desire to be represented by such a representative. Provides that an agricultural employer should bargain with a representative so certified and, if any understanding

is reached, that understanding should be embodied, upon request, in a signed agreement.

Declares public policy of Section 923 of Labor Code included in, and shall govern construction of, such provision.”³⁴⁰

On January 11, California Assemblyman Wood (R-Greenfield) proposed anti-farm labor bill AB 83 which called for secret ballot elections. AB 83

“Makes provision for secret ballot elections, conducted and supervised by the Division of Conciliation of the Department of Industrial Relations, to determine whether employees shall or shall not be represented by a labor organization. Provides for certification by such department of labor organization winning election as exclusive bargaining representative of employees.

“Makes it unlawful for any labor organization, as defined, or its agents, to commit specified acts, including certain secondary boycotts, jurisdictional disputes, and hot cargo agreements with respect to producer or processor of agricultural products or agricultural marketing organization.

“Makes it unlawful for any person not an employee or former employee to picket, or cause to be picketed in order to change wages, hours, or working conditions, any farm, ranch, or orchard where perishable agricultural commodities are produced.

“Provides injunctive relief and damages for persons injured or threatened with injury from such unlawful acts.

“Specifies act shall not be applicable to any matter subject to National Labor Relations Act.”³⁴¹

On January 12, a survey by California Representative Talcott (R-Salinas), revealed that 63.3% of those in his district favored extension of NLRB coverage to farm workers. He opposed such coverage by the NLRB.

Meanwhile, the California Labor Federation called on the National AFL-CIO to push for legislation to bar the use of “wetbacks,” or so-called green card commuters, as strikebreakers and cut-rate workers in Southern California and along the southwest border. Fifteen months before, delegates to the National AFL-CIO Convention in San Francisco had adopted a policy resolution that urged Congress to enact a law with strong enforcement against the use of Mexican commuters which undermine wages, labor standards, narrow employment opportunities for American workers, and provide a constant threat of strikebreaking.³⁴²

On January 22, U.S. Representative Leggett of California introduced HR 1410 to the House Committee on Education and Labor. This bill proposed NLRB coverage for farm workers,

“To amend the National Labor Relations Act, as amended, to amend the definition of ‘employee’ to include certain agriculture employees, and to permit certain pro-

visions in agreements between agricultural employers and employees . . . Brings agricultural laborers under coverage of LMRA by striking the present exclusion of these employees in section 2(3) of NLRA. Adds a new section to NLRA, section 8(g), providing that it shall be an unfair labor practice to make a prehire agreement in agriculture requiring union membership within 7 days of hiring and that priority in hiring may be given to those with seniority with the employer, in the industry or in the particular geographical area. This provision is similar to section 8(b) of the NLRA covering the building and construction industry.”³⁴³

Identical bills were introduced by three other legislators: HR 2546, Mr. Roybal, January 29, 1971; HR 3571, Mrs. Mink, February 4, 1971; and HR 4438, Mr. Ryan, February 17, 1971.

U.S. Representative Talcott introduced HR 1689, the Consumer Agricultural Food Protection Act of 1971, on January 22 of the same year. This agribusiness supported bill proposed that an employee work 100 days the previous year to be covered; that secondary boycotts were illegal, and that a Farm Labor Relations Board and Federal Mediation and Conciliation Service would be provided.

“HR 1689 makes it unlawful to engage in any secondary boycott of agricultural products, to conduct a primary boycott or to induce an ultimate consumer to refrain from purchasing, consuming or using an agricultural commodity . . . creates a Farm Labor Relations Board, consisting of an Assistant Secretary of Agriculture, who shall chair the Board, and two other members, appointed by the President, subject to confirmation for staggered 10-year terms . . . Federal Mediation and Conciliation Service provisions . . . prohibits all strikes and lockouts, providing instead for a five-member board of arbitration, which may settle disputes on a final offer selection basis.”³⁴⁴

On January 26, four U.S. Senate bills regarding agricultural workers were introduced. Senate Bill 660 was introduced by Senator Nelson and Senator Humphrey. It proposed the establishment of the “National Pesticide Control and Protection Act.” Simultaneously, Senate Bill 727 was introduced by Senator Mondale and Senators Church, Cranston, Harris, Hart, Humphrey, McGee, McGovern, Mansfield, and Young proposing the establishment of the “National Agricultural Marketing Act.” In addition, Senate Bill 726 was introduced by Senator Mondale and Senators Church, Burdick, Cranston, Harris, McGee, Humphrey, McGovern, Mansfield, and Young proposing the establishment of the “National Agricultural Bargaining Act” which would create a National Agricultural Relations Board. Then, Senate Bill 745 was introduced by Senator Packwood proposing the establishment of the “Federal Environmental Pesticide Control Act of 1971.”

On February 4, Representative Gonzales of Texas introduced HR 3625 to the House Committee on Education and Labor. It proposed to include farm workers under the NLRA, but with some restrictions. HR 3625

“Brings agricultural laborers under coverage of the NLRA by striking the present exclusion of these employees in Section 2(3) of the National Labor Relations Act, except that the exclusion would continue for agricultural laborers ‘employed by an employer who at no time during the preceding calendar year employed more than 12 employees or who during the preceding calendar year had labor costs of less than \$10,000 . . . provides for a ‘prehire’ arrangement in agriculture, like that now prevailing in construction.”³⁴⁵

Then, on February 25, Representative O’Hara introduced HR 5010 to the House Committee on Education and Labor. It was known as the “Farm Workers’ Bill of Rights.” The bill had six titles, each related to a separate aspect of farm worker legislation. Title I covered collective bargaining; Title II workmen’s compensation; Title III manpower services; Title IV wage and hour standards; Title V unemployment compensation; and Title VI an advisory council on farm labor. Identical bills were introduced by Republican Thompson of New Jersey, March 1, 1971: HR 5281, and an earlier version by Republican Helstoski: HR 12486, January 19, 1972. Title I of the O’Hara bill was called the “Farm Workers Collective Bargaining Act.” Its provision stated that it

“Brings agricultural laborers under coverage of NLRA by striking the present exclusion of these employees in Section 2(3) of NLRA.

“Exempts agricultural labor unions from the following prohibitions and limitations listed as unfair labor practices in the NLRA: (1) The secondary boycott; (2) picketing to obtain recognition from an employer or to organize workers; and (3) the ‘hot cargo’ agreement . . . Exempts agricultural employment from section 14(b) of NLRA. The effect of this exemption is to permit the union shop for agricultural workers in commerce in all states including those which prohibit the requirement of union membership as a condition of employment.”³⁴⁶

Meanwhile, the United Farm Workers’ Organizing Committee was concerned with the possibility that Oregon would be the first state to prohibit the secondary boycott and strikes. The Oregon legislature passed such a bill and UFWOC and AFL-CIO called for Governor McCall of Oregon to veto the measure. This was the first time in American history that such a bill had passed through a state legislature.

On February 6, California Assemblyman Wood’s Bill 83, co-authored by Senator Grunsky, called for secret elections and a ban on secondary boycott or hot cargo. It would prevent threats or coercion to enforce a secondary boycott or hot cargo agreement, and prevent picketing by other than an employee.

On February 12, the *Salinas Californian* reported that Allen Grant, speaking at the Farm Bureau Federation Convention, had said that pressure for unionization was widespread. However, Grant felt that if national legislation sought by farmers was passed, no large part of agriculture would need to be unionized and that farmers should concern

themselves with labor, international trade, agricultural marketing, credit and environmental problems. Grant urged growers to become involved in ecological problems.³⁴⁷

Significantly, on February 16, California growers changed their by-laws to permit them to pursue legislation to protect them. J. Hayes, President of the Salinas Valley Independent Growers Association, reported that efforts to achieve federal legislation were promising and state legislative proposals were progressing. By-laws changes permitted wider membership participation.³⁴⁸ This was a significant change in tactics.

On February 24, California Assemblymen Ketchum, Wood, Maddy, Mobley, Duffy, Seeley, Stacey, Ray E. Johnson, MacGillivray, Monagan, Murphy introduced AB 639, or the "Agricultural Labor Relations Act of 1971." It would create the Agricultural Labor Relations Board appointed by the Governor, subject to confirmation by the Senate; and this bill was supported by agribusiness while it was opposed by UFWOC as an anti-farm labor organizing measure. The measure was sent to the Assembly Committee on Labor Relations and amended in the Assembly August 9, 1971.³⁴⁹

In February, also, Senator Petris introduced SB 165, a collective bargaining bill. SB 165

"Makes recognition of a labor organization as a collective representative for farm workers duty of agricultural employer upon demand of a labor organization unless employer has good faith doubt that the demand is supported by a majority of farm workers in a unit appropriate for collective bargaining, and specifies details of representation of farm workers by labor organizations . . .

"Provides that the Director of Industrial Relations upon being petitioned by a labor organization may issue, under certain conditions and after investigation and a hearing, an order sought by petitioner in order to effectuate policies of chapter.

"Specifies procedure for and requirements of representation elections and duties of the director in connection with such elections.

"Specifies grievance procedure for agricultural employers.

"Declares public policy of state to be voluntary settlement of labor disputes.

"Provides that it is the duty of an agricultural employer to bargain in good faith concerning wages, hours and other terms and conditions of employment with a lawfully recognized or certified labor organization. Provides for corresponding duty to bargain in good faith on part of such labor organization.

"Specifies duties and powers of director and directs him to adopt regulations to effectuate intent of chapter.

"Provides that in case of conflict between this chapter and provisions relating to state labor policy set out in Section 923, Lab. C., this chapter shall prevail.

“Provides that chapter shall not apply to any representation matter over which the National Labor Relations Board would assert jurisdiction.”³⁵⁰

On March 1, 1971, Senator Petris introduced SB 432, a pesticide bill promoting health and safety. SB 432

“Sets forth specific safety requirements for handling of defined economic poisons, including requiring specified handwashing facilities. Requires posting of notices on fields that have been or will be treated with economic poisons designated by the State Department of Public Health as constituting a serious menace to employees’ lives, health or safety. Provides for inspections by county health officer and accompanying fees. Specifies county health officer may direct the person who authorized the application of economic poisons to eliminate any menace or order specified areas which constitute menace to employees’ lives, health, or safety closed, such order to be appealable to the department.

“Specifies primary responsibility for enforcement of act is with county health officers, with the assistance of the State Department of Public Health.”³⁵¹

On March 12, a series of pesticide bills were introduced in the California Assembly:

“Organic phosphates, widely used as agricultural pesticides, are extremely toxic poisons. Like nerve gas these substances destroy cholinesterase, a chemical in our bodies that controls nerve impulses. Consequently, overexposure to an organic phosphate can cause muscular convulsions, coma, and death.

“Assemblyman William Ketchum (R-Paso Robles) has introduced AB 349, which would make it a misdemeanor for an employer to employ a person in the application of organic phosphate pesticides, unless the employee can furnish a certificate indicating recent and satisfactory cholinesterase level tests. Local public health departments would be required to administer tests to all who request them.

“AB 349 would also prohibit the employment of anyone applying organic phosphates whose cholinesterase level is below the normal average as established by the State Department of Public Health.

“Another bill that might affect farm workers is AB 198 (Jack R. Fenton, D-Montebello). It would regulate the frequency of Division of Industrial Safety inspection in accordance with the level of hazard of a profession. Since farm work is among the most dangerous occupations the working conditions of farm workers would be subject to more frequent scrutiny.”³⁵²

A week earlier, on March 5, the California Church Council’s Legislative News Alert summarized the farm labor bills introduced in both houses:

“Many bills dealing with the Agribusiness vs. farm labor struggle are being introduced this session. Assemblyman Robert G. Wood (R-Salinas) has introduced AB 83, which would forbid a grower from recognizing a union as representative of his employees unless it has won a secret election and has been certified as the employees’ collective bargaining agent by the State Conciliation Service.

"AB 83 would also prohibit boycotts, jurisdictional disputes, and hot cargo agreements in agriculture. A hot cargo agreement is defined as an agreement between a union and an employer with whom the union has a dispute. A similar bill, SB 40, by John L. Harmer (R-Glendale), has been introduced in the other house.

"Bills more favorable to the farm workers' cause have also been introduced. Assemblyman John Burton (D-S.F.) has reintroduced a bill, AB 53, that would permit a grower to recognize union without an election, if he were satisfied that the union represented a majority of his workers. If the employer questioned the right of a union to represent his workers, the State Conciliation Service would make the determination either by card check or by secret ballot. The employer would be required to bargain in good faith with a union certified by the Conciliation Service and to put any agreement reached into writing. A similar measure, SB 165, has been introduced in the Senate by Nicholas Petris (D-Oakland).

"Children of farm workers who come from homes where English is not spoken would benefit by the establishment of special school programs provided for under AB 115 and AB 116, introduced by Wadie P. Deddeh (D-Chula Vista).³⁵³

On March 8, Assemblyman Burton introduced AB 844 which provided a method for the selection of collective bargaining agent with the assistance of the Department of Industrial Relations.³⁵⁴

On March 12, the California AFL-CIO reported that a legal battle they had launched over 3 years before to bar the use of convicts in agriculture had been won. The California Supreme Court denied a petition filed by State Attorney General Younger for a hearing on the case. The AFL-CIO won a temporary injunction in November 1967 after Governor Reagan authorized the use of 300 state prison convicts to harvest figs and grapes in Merced and San Bernardino.³⁵⁵

The legislative moves continued. On March 15, Assemblymen Cory, Wood, and La Coste introduced AB 964 or the "Agricultural Labor Relations Act of 1971." It was supported by agribusiness because of its almost identical provisions as AB 639, the Ketchum bill. The *Salinas Californian* called the measure an intention to protect farm workers rights to organize and protect growers and consumers against a disrupted supply of produce on farms and in the marketplace.³⁵⁶ The Free Marketing Council urged support of AB 964 because it called for secret ballot elections supervised by the Governor's office, made the secondary boycott illegal, and gave growers management rights protection.

In Washington, meanwhile, on March 23, U.S. Senator Kennedy had introduced S. 1373 to revise the Immigration and Nationality Act. Co-authors included Senators Fong, Anderson, Bayh, Case, Gravel, Hart, Hughes, Humphrey, Inouye, Lavits, Magnuson, Pastore, Pell, Percy, Randolph, and Stevens. The act was called the "Immigration and Nationality Act Amendments of 1971." Section 7 of the Act refers to the influx of alien workers from Mexico and Canada.

“Section 7 of the bill refines the so-called ‘alien commuter system’ administered by the Immigration and Naturalization Service . . . The amendment simply says that each commuter alien must be regularly certified every 6 months by the Department of Labor, that his presence in the United States to seek or continue employment does not adversely affect the wages and working conditions of American workers similarly employed. The amendment provides for the revocation of a commuter alien’s labor clearance, if he violated administrative regulations, such as a ban on strikebreaking—and this regulation needs strengthening—prescribed by the Department of Labor and the Immigration and Naturalization Service to carry out the purpose of this amendment. Section 14 of the bill, among other things, imposes criminal sanctions on employers who knowingly employ illegal entrants or those in an immigration status in which employment is not authorized.”³⁵⁷

Back in California, on March 30, 1971, Assemblymen Fenton, Moretti, La Coste, Brathwaite, Brown, Burton, Chacon, Cory, Deddeh, Garcia, Leroy F. Greene, Harvey, Johnson, Knox, MacDonald, McAlister, McCathy, Meade, Pierson, Porter, Robert Townsend, Warren, and Waxman introduced AB 1355, or, unemployment insurance benefits for farm workers. AB 1355

“Deletes provisions that exclude agricultural workers from the provisions of the Unemployment Insurance Code and makes unemployment insurance law applicable to agricultural labor. Provides for additional tax on certain employers on wages paid to their agricultural employees.”³⁵⁸

AB 1355 was amended in the Senate on June 7, July 8, and July 19, 1971. The bill was initially referred to the Assembly Committee on Government Administration. A similar bill was introduced on April 1, by Assemblyman Waxman and sponsored by the State AFL-CIO. It proposed to provide unemployment insurance benefits for approximately 215,000 farm workers. The *Salinas Californian* printed an article about the Waxman bill which stated, “in 32 years of effort the labor lobby has never been able to enact legislation that would include farm workers as recipients of government largesse in the form of unemployment insurance.”³⁵⁹

On April 8, the *Salinas Californian* published an article entitled “Outlook Favorable for Bill for Expanding Farm Credit.” It indicated that a bill introduced in the House by Republican J. MacMillan and in the Senate by Chairman Talmadge of the Senate Agricultural Committee would broaden Farm Credit Systems lending authority, allow it to move into several new rural credit fields, authorize Federal Land Banks to make mortgage loans for non-farm homes, etc. Critics of the bill charged it threatened to reduce the pool of loanable funds in rural America.³⁶⁰

On April 12, the *Nation*, in an article entitled “Why Chávez Spurns the Labor Act,” reported that a coalition of California farm groups with the support of the Nixon and Reagan Administrations wanted to

bring agriculture under the National Labor Relations Act. The federal proposals would be similar to those put forth by Secretary of Labor George Shultz in 1970. Assistant Secretary of Labor W. L. Usery and Under Secretary Silverman provided these outlines. The administration package would exempt small farmers (Shultz mentioned the hiring of 500 man-days of labor in a peak quarter as the line between large and small); it would establish union recognition procedures, and it would define unfair labor practices to include secondary boycotts.³⁶¹

While growers said they would give up the “no strike at harvest” clauses, Labor Department officials talked of “protecting” perishable crops from strikes, while somehow guaranteeing the workers the right to strike. Shultz proposed that unions give ten days notice of intent to strike. The grower then could seek a thirty day cooling off and fact-finding period that would result in arbitration binding on the grower. However, if the union disliked the arbitrator’s findings, it would be free to strike.

Meanwhile, in Sacramento, an ad hoc committee representing seven major farm organizations was drafting a state farm labor relations bill. Committee chairman Robert Brown, director of the California Taxpayers Association, hoped the bill would pass that spring. It was part of a “game plan” calling for similar legislative efforts in *twenty-five states*. Farm leaders believed that such state actions would put additional pressures on Congress to pass a “favorable” farm labor relations amendment to the NLRA. The State Agriculture Department had chairman Brown present the committee proposals to the State Board of Agriculture, whose chairman, Allan Grant, was a Reagan appointee and also a member of Brown’s committee. In addition, Grant was president of the California Farm Bureau Federation and a member of the Board of Directors of the American Farm Bureau. He visited all the farm states helping to coordinate the labor legislation. Grant’s work was also coordinated through the National Council of Agriculture Employers, based in Washington. During the WCAE’s convention in Atlanta, that year, farmers from thirty-seven states heard a top U.S. Department Labor Official say that one of the President’s “major legislative goals” was farm legislation similar to the NLRA—but one that recognized the unique nature of farming.

The membership of Robert Brown’s committee included representatives from the farm bureau, the Western Growers Association, the Free Marketing Council, the California Grape and Tree Fruit League, the Agricultural Council of California and two large grower-operated labor procurement organizations.

At another level, on April 16, California Assemblyman Wilson introduced AB 3049, which would require the Commission of Housing and Community Development to adopt, and the Department of Housing

and Community Development to enforce, regulations relating to specified aspects of housing, pursuant to Farm Labor Center Law. It provided that all buildings in labor camps would comply with regulations adopted pursuant to Employee Housing Act, etc.³⁶²

On May 4, hearings were held by the Senate Finance and Insurance Committee regarding AB 1257 by Assemblyman Waxman (D-Los Angeles) on unemployment insurance benefits for farm workers. AB 1340 by David Pierson (D-Inglewood) would also cover farm workers the same as other presently covered workers.

After all these years, foreign workers continued to be a major issue. In May, Assemblyman Dixon Arnett's bill, AB 528, which would prohibit employers from knowingly hiring aliens who were not entitled to legal residence in the United States, was reported defeated. However, the bill was amended and passed by the Assembly on July 29, 1971, by a vote of 55 to 8.

On May 7, the Labor Federation reported that the California Senate Finance and Insurance Committee had taken under submission (killed) AB 1257 (Waxman). UFWOC vice-president Andy Imutan and John Henning, executive secretary of California AFL-CIO, had testified in support of the bill.³⁶³ Meanwhile, AB 964 (Cory, Wood), AB 639 (Ketchum), and AB 83 (Wood), three bills opposed by the AFL-CIO, as well as churches and UFWOC, were set to be heard in June before the Assembly Labor Relations Committee.

On May 21, the California Church Council reported on the rescheduling of farm labor bills.

"A number of farm labor bills originally scheduled for a hearing May 5th have been re-scheduled before the Labor Relations Committee of the Assembly. The bills, including AB 964 by Kenneth Cory (D-Anaheim), AB 844 by John Burton (D-S.F.), and AB 566 by Willie Brown (D-S.F.), have been scheduled for a hearing at 9:30 a.m. in Room 2170 of the Capitol on Wednesday, May 26th. The bills are described in ALERT #13, April 30th."³⁶⁴

May was a busy month. Senator Alan Cranston (D-Calif.) joined in by calling for a tenfold increase in funds for farm labor housing programs operated by the Farmers Home Administration. He pointed out that the Nixon Administration's proposed budget for fiscal year 1972 requested only \$2.5 million for the program. The previous year amendments co-sponsored by Cranston were enacted in the Housing and Urban Development Act of 1970. They had raised the maximum grant limitation to 90% of the cost of construction and expanded eligibility to include non-profit organizations of farm workers, and broadly based organizations incorporated in a state, for the purpose of providing housing and related facilities for domestic farm workers.³⁶⁵

By June 1, collective bargaining for farm workers was an issue that

had “smoldered” in the California Assembly and Senate committees during May, and now threatened to get even more heated. All bills to establish collective bargaining procedures for agriculture still awaited their first hearing in the Assembly Labor Relations and Senate Industrial Relations: AB 83 (Wood), AB 639 (Ketchum), a similar bill, SB 40 (Harmer), and AB 964 (Cory). AB 639, AB 964 and SB 40 all placed final enforcement powers in the courts.

On June 4, legislation supported by the State AFL-CIO to prohibit employers from knowingly employing an alien who was not entitled to lawful residence in the United States was reported out of the Assembly Labor Relations Committee with a “Do Pass” recommendation. The bill, AB 528, introduced by Dixon Arnett (R-Redwood City) was designed to discourage trafficking in illegal aliens by unscrupulous employers.³⁶⁶

Four days later, the *Salinas Californian* issued an article entitled “Cory Wood Bill Passage Hopeful.” Cory indicated his optimism of AB 964 passage due to increased support from those who had opposed the bill because it did not prohibit strikes at harvest. California farmers had been reluctant to push for state legislation, claiming that laws pertaining only to agriculture in California would further restrict industry on a highly competitive market. Cory felt that a solution to farm labor would have to come from California, although he preferred legislation that would apply nationwide.³⁶⁷

In June, AB 83 (Wood), AB 639 (Ketchum), and AB 964 (Cory), antilabor bills, were joined by AB 704 (Wood). This latter bill would affect the employment of minors in farm labor.³⁶⁸

On June 22, UFWOC’s vice president and legislative analyst, Dolores Huerta, criticized AB 964 by Cory. She said that the union could win elections, but they would not be significant if UFWOC could not get the kind of contracts it wanted. She complained that legislators guaranteed improved working conditions for farm workers and higher minimum wage laws, but that they were not being enforced. UFWOC attorney Carder accused Assemblyman Cory of having his measure drafted by a sophisticated management attorney.³⁶⁹

Meanwhile, passage was predicted for Assemblyman J. Fenton’s measure extending unemployment insurance benefits. Supported by UFWOC and the Teamsters Union, it was opposed by the California Farm Bureau Federation.

On June 24, despite solid opposition by UFWOC and the state AFL-CIO, the Assembly Labor Relations Committee approved AB 964, the Cory-Wood bill which would cripple consumer boycott activities. UFWOC Vice President, Dolores Huerta, and John Henning from the State AFL-CIO, church groups and others, had testified against the measure.

“The bill, AB 964 was approved on a split party, voice vote of the nine-member committee which includes five Democrats and four Republicans. Voting for the bill were four Republicans—Ketchum, MacGillivray, Wakefield, and Biddle, and one Democrat, Alex Garcia. Voting against the bill . . . Chairman Assemblyman Roberti, Chacon, Gonsalves, and McAlister, all Democrats. The measure, which remains anti-worker despite recent amendments, was introduced by Assemblyman Kenneth Cory. It has been referred to 21 member Assembly Ways and Means Committee.”³⁷⁰

On June 23, AB 1355 (Fenton), State AFL-CIO supported legislation to extend unemployment insurance to farm workers, was passed out of the Assembly Ways and Means Committee. Also, AB 2224, introduced by Assemblyman John J. Miller (D-Oakland) and sponsored by the State AFL-CIO was taken under submission by the Assembly Water Committee. This bill would curb the unjust enrichment of large landowners and speculators from publically financial state water projects. Paul Taylor, economic consultant for the AFL-CIO Federation and recognized authority on U.S. Reclamation Law, testified in support of the bill.

By July 1, 1971, the “Friends Committee on Legislation Newsletter,” analyzed the situation this way:

“A split in Democratic ranks over collective bargaining for farm labor in late June created a life-or-death crisis for César Chávez’ Farm Workers’ Organizing Committee, which in the past has counted heavily on Democrats to protect it from grower-oriented legislative proposals.

The crisis arose when Assemblyman Kenneth Cory, (D., Garden Grove) persisted in pushing his AB 964 despite the strong opposition of the UFWOC, AFL-CIO and many of his fellow Democrats. The bill was viewed by Chávez and his co-workers as designed to kill their efforts to organize farm labor . . .

Cory’s persistence paid off when the Assembly Labor Relations Committee, after a number of delays, on June 24, gave a “do pass” recommendation to his bill. Democrat Alex P. Garcia (D., L.A.) joined the four Republicans on the committee for a 5-4 Cory victory . . .

During the days that a major battle was brewing over AB 964, a bill to provide unemployment insurance coverage for farm workers won a “do pass” recommendation from the Assembly Committee on Finance and Insurance. Almost unnoticed AB 1355 (Fenton, D., Montebello) passed the Assembly Ways and Means Committee and on June 30 was given a 44-24 approval on the Assembly floor.

Since the course of events in the AB 964 controversy is not explicable in terms of the usual ideological and party divisions, theories to explain them in other terms coursed the corridors of the Capitol. Some theories cast dark aspersions upon the motivations of chief participants in the fray. Two of the less scandalous were:

Theory 1: the Democrats are seeking the best of all possible worlds, in which they can pose as the champions of farm workers, giving them what years of earlier

efforts could not achieve, namely unemployment insurance coverage, and in which they can also pose as those who finally have brought peace to the orchards, vineyards and fields. (The peace of the graveyard, farm worker leaders reply bitterly.)

Theory 2: Democrats want to redraw the boundaries of legislative districts with the least possible disturbance to incumbent Democrats. Militant Chicanos have been demanding boundaries that would give Spanish-speaking citizens a more just share of representation in the legislature. To do this would threaten the Democratic status quo. The Democratic leadership is using AB 964 as a threat, telling the farm workers and their allies in effect, "You lay off your demands for more Mexican-American legislative seats and we will kill AB 964."³⁷¹

On July 2, AB 1355 (Fenton) won bipartisan support of the Assembly by a margin of 44-24. Rising to speak for the measure were Assemblymen Fenton, Wood (who is a farmer himself), Chacon and Frank Murphy, Jr. Opposition to the bill was voiced by Assemblyman Ketchum, also a farmer. It then was sent to the seven-member Senate Committee on Industrial Relations, chaired by Senator Alan Short (D-Stockton).

Meantime, Assemblyman David Roberti (D-Los Angeles) issued a warning that if AB 964 passed, it would mean the death of the farm workers' movement in California. In exchange, the workers would receive a pro-management version of the Taft-Hartley Bill loaded in favor of the agribusiness employees. Roberti said that AB 964 is:

"a very extensive piece of legislation that would affect all aspects of the employer-employee relationship in agriculture and noted that its jurisdiction would even extend to out-of-state consumer boycotts."³⁷²

On July 3, the *Salinas Californian* reported that the Oregon farm labor bill had been vetoed by Governor McCall. César Chávez had demonstrated at the State Capital in Oregon after the bill was passed and threatened civil disobedience and a nationwide boycott of Oregon products. Chávez charged the bill would take away the right to organize, and the right to strike. In particular, Chávez opposed the provision that farm labor "unions" would have to register with an agricultural labor relations board, the procedures for organizing unions and qualifying to represent the workers. Strikes therefore could be blocked during harvest while the dispute was submitted to arbitration.³⁷³

By July 6, the Cory-Wood agricultural bill AB 964 was sent to a select study committee during the Assembly's August adjournment. The democratically controlled Ways and Means Committee seemed to make passage of the bill impossible, therefore it was sent to committee for study. Assemblyman Wood was hopeful problems could be ironed out for later acceptance by the majority.

However, on July 9, the California Church Council reported on the successful defeat of AB 964.

“A massive demonstration on the steps of the State Capitol by César Chávez’s United Farm Workers Organizing Committee on July 7th against AB 964 (Ken Cory, D-Garden Grove) has helped to kill that bill. His measure, establishing collective bargaining procedures and outlawing mass picketing and secondary boycotts, would have virtually killed UFWOC. Such restrictions would have prohibited UFWOC from achieving a position strong enough to bargain effectively with the growers. Opposition from the Assembly Democratic leadership and a large expression of public support for UFWOC helped defeat the bill. In accordance with the Statement of Legislative Principles, the Church Council helped oppose AB 964 and was publicly thanked by César Chávez at the rally.”³⁷⁴

Shortly thereafter, on July 8, the *Salinas Californian* reported that the Cory-Wood bill was killed by pressure from UFWOC and the State AFL-CIO.³⁷⁵ The report went on to say that

“Vigorous action by organized labor at all levels was credited this week with the defeat of AB 964, a proposed state Agricultural Labor Relations Act introduced by Assemblyman Kenneth Cory (D-Anaheim) and opposed by the State AFL-CIO on grounds that it was a strongly anti-worker bill.

National leaders opposing the Cory anti-labor farm workers’ bill included: George Meany, President of AFL-CIO, Larry O’Brien, Chairman of Democratic National Committee, and U.S. Senators Ted Kennedy, Hubert H. Humphrey, Henry Jackson, John V. Tunney, and Alan Cranston.”³⁷⁶

Meanwhile, Nixon Administration officials proposed that the Senate reject a \$20,000 farm subsidy ceiling that had been approved in the House. The farm bloc leaders were utilizing a strategy used in similar situations in past years by killing the limitation in a Senate-House conference committee. Agribusiness was claiming the House action was costly to farmers, and would lead to surplus production of grain crops without achieving real savings in government costs.

Green card workers continued to attract attention. On July 17, the *California Farmer* announced that green card workers were allowed to continue working in the U.S. The assurance came when the U.S. Supreme Court refused to examine a lawsuit brought by two southern California farm workers.³⁷⁷ At the same time, Assemblyman Ray Seely introduced a measure which would make farm labor unions make public the dues of their members.

On July 27, Assemblyman Cory launched a campaign to correct misconceptions about AB 964 and to move legislation in 1971. Chávez had called on powerful political friends. According to the *Salinas Californian*, Cory felt the pressure and asked for the bill’s submission. He was convinced the bill would pass if it could overcome the UFWOC “propaganda” drive. Interestingly, the Teamsters Union supported the Cory bill, while Chávez made it clear that UFWOC wanted nothing to do with it.³⁷⁸ Governor Reagan supported AB 964 at a gathering of 300 farmers.³⁷⁹

On July 29, 1971, the Dixon-Arnett illegal alien bill, AB 528, passed the California Assembly by a vote of 55 to 8.³⁸⁰

On July 30, the California Church Council reported that AB 1355 (Fenton) progressed because,

“Assignment of the bill to the Industrial Relations Committee instead of to the more conservative Committee on Insurance and Financial Institutions was in itself an indication that the Senate leadership wanted the bill to pass. A majority of the members of the Industrial Relations Committee were expected to favor the measure. However, employer groups are strongly opposing AB 1355. Those favoring equal treatment for farm workers should urge early and favorable action upon Senator Alan Short (D-Stockton), the committee chairman.”³⁸¹

In August, U.S. Congressman O’Hara’s office introduced the Agricultural Child Labor Act, H.R. 10499. The provisions listed by the Committee on Education and Labor in a summary statement included the following:

- “1. Under present law, children of any age may be employed in agriculture, except during school hours for the school district in which they live while so employed. Under H.R. 10499, children between 14 and 16 can be employed in agriculture only if the Secretary of Labor finds that such employment will not interfere with their education and children under 14 cannot be employed at all.
2. Under present law, the employment of children below the age of 16 can be prohibited by the Secretary of Labor in occupations which he finds particularly hazardous for such children. H.R. 10499 would prohibit the employment of children between the age of 14 and 16 unless the Secretary of Labor finds such employment will not interfere with their safety, health, or well-being.
3. Under present law, none of the above restrictions apply to children employed on a farm belonging to their parent or guardian. H.R. 10499 continues this provision of law.
4. Under present law, children under 16, working as hand harvesters, paid by piece rate in an operation customarily so paid for, are not covered by the minimum wage provisions of the Fair Labor Standards Act. H.R. 10499 would repeal this exemption.
5. H.R. 10499 provides that the enforcement authority of the Secretary of Labor under the Fair Labor Standards Act shall also apply to this new act. Willful violations are punishable by fine of no more than \$10,000, or (for repeated offenses only) imprisonment of not more than 6 months.”³⁸²

On August 6, 1971, Republican O’Hara announced hearings to be held on his bill.

On August 4, Lt. Governor Reineke supported the struggle to revive AB 964. He joined the Teamsters Union, the California Farm Bureau Federation, and the Free Marketing Association in support of the bill.³⁸³ In an article entitled, “GOP trying to revive Farm Labor Relations Bill,” the *Salinas Californian* reported formal confirmation by

Assembly Speaker Moretti that the Cory-Wood bill was dead. Assemblyman Ketchum announced he would revive his pending bill.³⁸⁴

Meanwhile, on August 5, Congressmen Sisk and McFall introduced H.R. 10445 and submitted it to the House Committee on Education and Labor. It proposed:

“To amend the National Labor Relations Act, as amended, to amend the definition of ‘employee’ to include certain agricultural employees . . . Brings agricultural labors under coverage of LMRA, by striking the present exclusion of these employees, Section 2(3) of NLRA.”³⁸⁵

And, Congressman Veysey introduced H.R. 10459, cited as the “National Farm Labor Relations Act.” It would establish a Farm Labor Relations Board to prescribe and protect the collective bargaining rights of agricultural employees and agricultural employers, so as to avoid disruptive labor disputes in agriculture. It too was submitted to the House Committee on Education and Labor.³⁸⁶

At this point the *Salinas Californian* editorialized:

“One area in which effective labor law is lacking is agriculture. Farm leaders used to squeal like stuck pigs at the thought of extending the NLRA to agriculture, and it was their influence that kept the labor laws out of the farm picture . . . The absence of labor law in agriculture means that workers and employers alike are denied certain privileges which are granted by law in industry, and . . . denied certain obligations . . . The laborer is being denied the right to specific language in state law settling . . . his right to form or join a labor organization and bargain for a contract . . . the laborer is being denied the right to secret ballot . . . and businessmen . . . are being denied legal protection against the secondary boycott . . . the bill, co-authored by Assemblyman Bob Wood, R. Greenfield, was killed . . . The executioners were César Chávez, the UFWOC leader; the National AFL-CIO with whom Mr. Chávez is affiliated, and the top leadership of the National Democratic party . . .

Now Mr. Wood, Assemblyman Frank Murphy, Jr., (R., Santa Cruz) and eight other assemblymen have revived their proposal in bare-bones fashion. They propose only three basics—the guarantee of labor’s right to organize, the protection of the secret ballot, and the prohibition of the secondary boycott.”³⁸⁷

Back in California, in September, an analysis of the effort to pass collective bargaining legislation that UFWOC vigorously opposed was made by the Friends Committee.

“The new attack came from an unexpected quarter, the Senate Industrial Relations Committee. This committee, on July 12, with a majority of Democrats considered friendly to labor, had sent SB 40 to the Senate Rules Committee for assignment to interim study. Ordinarily the bill would have been dead. However, late in the month Senator Harmer obtained consent from the Industrial Relations Committee for reconsideration of his measure and was able to have the bill amended on the Senate floor and returned from Rules to Industrial Relations.

Harmer had written his amendment well. It consisted of the text of a bill for farm labor elections and union recognition which the AFL-CIO had sponsored in 1969 and which Senator Alan Short (D., Stockton) had authored. The new SB 40 was clearly a bill which the AFL-CIO would have a hard time opposing and which presumably would have the support of Short, Chairman of the Industrial Relations Committee.

Despite the original AFL-CIO draftsmanship, the bill contained serious flaws. It would give great powers to the Department of Industrial Relations. The Department would schedule elections and hearings and would establish its own procedures and regulations. It would determine who could vote in an election. All of these powers could be used to favor either the growers or the unions—and the Director of the Department is a political appointee.

SB 40 also left it unclear whether, once a union had been certified as collective bargaining agent for a farm unit, the employer would be required to bargain in good faith. Nor did the bill spell out what would be unfair labor practices by either the employer or the union. Winning an election does not give the union a contract. A requirement that the employer bargain in good faith and the clear delineation of unfair labor practices are essential elements of a good collective bargaining act.”³⁸⁸

On September 15, a hearing for another reserved farm labor bill, AB 639, sponsored by California Assemblyman Ketchum (R-Paso Robles), was held. The *Salinas Californian* supported this bill also.

“The bill was introduced after a bill sponsored by Assemblyman Bob Wood, R. Greenfield, and Kenneth Cory (D-Garden Grove), was killed. It is basic and constructive legislation written to protect both the California farmer and farm workers, Ketchum said of his new bill.”³⁸⁹

In this situation, more than 200 supporters of a farm labor bill to outlaw secondary boycotting and require secret ballot elections were called to testify on the Ketchum measure. Despite the demonstration supporting the Ketchum measure, it was killed in committee.

UFWOC and labor had objections to the Ketchum bill AB 639: the bill’s definition of an eligible farm worker (requiring the worker to have been employed for at least 100 days) disqualified any striker who had subsequently obtained regular and “substantially equivalent” employment. Under federal law, a striking worker was eligible to vote regardless of what employment he became engaged in.³⁹⁰

On September 16, two bills supported by the State AFL-CIO, which would extend unemployment insurance to farm workers and strengthen workmen’s compensation benefits, were passed out of the Senate Industrial Relations Committee and referred to the Senate Finance Committee. They were Fenton bills AB 486 and AB 1355. AB 486 would increase the maximum weekly temporary disability benefits from \$87.50 to \$105. It would also increase maximum weekly permanent disability benefits from \$52.50 to \$70 and increase death benefits

under workmen's compensation program from \$20,000 to \$25,000. AB 1355 would extend unemployment insurance to farm workers.³⁹¹

Two days later, the *California Farmer* supported a bill introduced by B. Sisk (D-Calif.) and co-sponsored by 83 members of the House of Representatives and 16 Senators.

"The bill is [an] attempt to develop an appropriate climate for agricultural bargaining. It could create a National Agricultural Bargaining Board, to provide standards of qualification of associations of producers, to define the mutual obligations of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes."³⁹²

Also, the Colorado legislature was considering legislation similar to the Cory bill which would provide for secret ballot elections and make the secondary boycott by farm workers illegal.³⁹³

On September 20, California Senator Harmer's SB 40 cleared the Senate Finance Committee, but it had to work its way through a crowded Senate calendar and from there to the Assembly. It was predicted that Harmer's bill would pass the Senate, but would meet the same fate as the Cory and Ketchum bills in the Assembly.

On September 23, Robert E. McMilben testified for UFWOC at Congressional Hearings in Washington on the Agricultural Child Labor Act (H.R. 10499). UFWOC supported the bill. U.S. Congressman O'Hara (D-Michigan), who was a long time friend of UFWOC, was planning hearings on the bill in Ohio in November at UFWOC's initiative.³⁹⁴

At the same time, the Senate Subcommittee on Migratory Labor announced a series of hearings and investigations on the problems of farm workers. The first was held July 22, according to the Congressional Record.³⁹⁵

In October the farm worker press, *El Malcriado*, issued an emergency issue urging UFWOC members to support AB 1355, the unemployment insurance bill.

"In 1966 United Farm Worker Organizing Committee Officer Antonio Orendain said, 'I predict that there will be a man on the moon before we receive Unemployment Insurance . . .' Also in the early 60's our Director César Chávez said, 'We are not going to get Unemployment Insurance until we have a union. We have a union. Now we are going to get our Unemployment Insurance.'"³⁹⁶

On October 1, Senator Harmer's SB 40 passed the Senate. It was supported by Governor Reagan, but again its future appeared dim in the Assembly.

"During committee hearings on the bill, the UFWOC opposed it on the grounds that it would cost the state too much and that the Department of Industrial Relations was not equipped to handle such problems. Harmer's proposal faces opposition in the Assembly from Assembly Speaker Bob Moretti."³⁹⁷

Then, on October 27, SB 40 was killed in the Assembly Labor Relations Committee on a 5-3 vote. SB 432 by Petris moved to the Assembly Ways and Means Committee. SB 432 had wide support from labor and church groups.

On November 5 UFWOC held a rally at their Salinas hiring hall in support of AB 1355. It had been approved by the Finance Committee chaired by Senator Collier (D-Eureka), and was sent to the Senate floor for passage.

“The bill, supported by Senator Donald Grunsky, R-Watsonville, appeared to have good prospect for passage, with backing from both farm workers and grower spokesmen. . . . It would provide about \$66 million annually in unemployment benefits for farm workers, until now excluded from unemployment coverage . . . be financed by \$34.5 million in contributions from farm employers and another \$21.5 million from non-farm employers who provided major opposition . . .”³⁹⁸

On November 8, the most significant piece of legislation affecting farm workers was signed by Governor Reagan. It prohibited the hiring of illegal aliens in California. The State Department of Industrial Relations data had indicated that there were 250,000 illegal aliens in California in 1969, 100,000 working and earning over \$100 million in wages. The AFL-CIO had earlier adopted a policy calling for legislation which would attack the availability of illegal wetbacks. UFWOC certainly viewed this as a victory. AB 528 (Dixon-Arnett Bill) states:

“Section 1. Section 2805 is added to the Labor Code to read: 2805 (a) No employer shall knowingly employ an alien who is not entitled to lawful residence in the United States if such employment would have an adverse effect on lawful residence workers. (b) A person found guilty of a violation of subdivision (a) is punishable by a fine of not less than two hundred dollars nor more than five hundred dollars for each offense. (c) The foregoing provisions shall not be a bar to civil action against the employer based upon violation of subdivision (a).”³⁹⁹

On the same day, November 8, the Senate Finance Committee passed AB 1355 (Fenton), extending unemployment to 245,000 California farm workers. The bill was sent to the Senate Floor. AB 1355 won passage on June 30 in a 44 to 24 vote.⁴⁰⁰ Legislation to protect farm workers and consumers by establishing specific safety requirements for handling pesticides won approval of the Assembly Ways and Means Committee, and was sent to the Assembly Floor.

“The Senate-passed measure SB 432, introduced by Nicolas C. Petris (D-Oakland), has the support of the California Labor Federation, AFL-CIO, County Health Officers Association, the United Farm Workers Organizing Committee, the Teamsters, and California Rural Legal Assistance An assembly floor fight is expected in the measure since agribusiness interests are reportedly attempting to shift the authority from establishing regulations from the Department of Public Health to State Department of Agriculture, an agency that has been charged . . . with paying more

heed to the economic consideration to the State's corporate farm interest than with the Safety of workers and consumers."⁴⁰¹

The November 20 issue of the *California Farmer* supported the use of the initiative to achieve labor legislation which by-passed the legislature and the Governor. It did, however, criticize the new farm labor law initiative sponsored by the Citizens' Committees.

"It reads well, but a good labor lawyer will tell you that the initiative is so poorly written that it would be a huge mistake to vote for it. The important thing in such legislation is 'definitions.'"⁴⁰²

On November 23 the legislature passed and sent to Governor Reagan unemployment insurance benefits for farm workers, AB 1355, sponsored by Assemblyman Fenton. Under the bill an unemployed farm worker could receive a maximum of \$65 per week for up to 26 weeks, the same as a jobless worker in industry.⁴⁰³

Soon after, the November 29 issue of the *Salinas Californian* reported on the farm labor initiative, claiming,

"The Farm Workers Secret Ballot Initiative is a concerted effort of nearly 6,300 farm workers, laboring in the farming valleys across California, to procure protective farm legislation . . . establishes the right of farm workers to form and join labor organization and bargain collectively through representatives. It also gives them the right to refrain from such activities . . . puts California agriculture under the Department of Industrial Relations which will conduct secret ballot elections . . . prohibits the use of secondary boycotting by agricultural labor organizations."⁴⁰⁴

In December the center of attention changed and vigorous opposition to the confirmation of Mrs. Ramona Acosta Banuelos as Treasurer of the United States was voiced by AFL-CIO and the United Farm Workers Organizing Committee.

"Referring to the fact that Mrs. Banuelos' \$6 million a year Mexican food factory in Gardena has been raided six times in the past four years for employing illegal aliens . . . UFWOC Director César Chávez sent a statement to a Senate Committee . . . It is unthinkable that practices which exploit the poor and actually reflect the opposition of this nation's best principles should be given the presidential and congressional blessing by the appointment of Señora Banuelos. Chávez said that this kind of appointment 'frustrates the organizing efforts of legitimate unions throughout the country.' Our experience is use of illegal entrants as strikebreakers in the organizing efforts of farm workers."⁴⁰⁵

Elsewhere, the American Friends criticized the secret ballot initiative.

"The initiative is sponsored by a Farm Workers' Secret Ballot Election Committee headed by Dolores S. Mendoza, a farm worker, and by the Rev. Michael L. Cross, a priest. Both were active in the 1971 session in support of collective bargaining bills opposed by the César Chávez group, the United Farm Workers' Organizing Com-

mittee, AFL-CIO. As far as can be determined, no major grower groups are supporting the initiative.

“The initiative statute follows the language of the National Labor Relations Act (NLRA) with few deviations but with significant omissions. The proposed law, unlike the NLRA, does not establish an administrative agency to administer and police its provisions. Instead, the Department of Industrial Relations is given broad powers to conduct elections and certify results.

“The initiative would change the state’s labor law. To qualify the measure for the June, 1972 primary ballot, only 325,000 signatures are required. An initiative statute cannot be vetoed by the Governor nor can it be repealed or amended except by another vote of the people.”⁴⁰⁶

On December 11, 1971, the *California Farmer* criticized the farm labor initiative again as “superficial and an unsophisticated effort,” to deal with a very complicated and involved area of labor relations.⁴⁰⁷

Significantly, Governor Reagan vetoed unemployment insurance benefits for farm workers on December 22, 1971. He said:

“I cannot approve legislation that would further increase the competitive disadvantages faced by California agricultural community . . . the Nixon administration currently is drafting a national unemployment insurance program for farm workers and I intend to support this proposal when it is presented to the Congress.”⁴⁰⁸

Obviously, the governor was strongly criticized by Fenton for his veto of AB 1355. The State Labor Federation immediately announced it would reintroduce the bill in 1972.

Finally, on December 27, critics of big government farm subsidies announced they had lost their drive to lower the ceiling of payment to individual farms in 1972. Under an existing law, which expired at the end of 1973, the payment limit was \$55,000 per farmer on each of three crops—wheat, feed grains, and cotton. Representatives of Findley’s rider would have put a \$20,000 per farmer limit.⁴⁰⁹

1972

California Labor Relations Act of 1972
 U.S. Senate Subcommittee On Migratory Labor Hearings
 Unemployment Insurance Benefits
 Illegal Aliens: Brophy and Arnett Measures
 National Labor Relations Board
 National Agricultural Labor Relations Act of 1972
 Pesticide Bill
 Family Farmer Bill
 Fair Labor Standards Act: Minimum Wage
 Hawaii Employment Relations Act

LEGISLATIVE SUMMARY

First Session — 92nd Congress

AGRICULTURE

Bill	Nature of Bill	Congressional Action
H.R. 318 (O'Hara)	Extends unemployment insurance coverage to employers of agricultural workers on the same basis as other workers.	<i>House:</i> Pending in Ways & Means Committee. (Hearings not scheduled.)
H.R. 5010 Farmworkers' Bill of Rights (O'Hara)	Assures equal access for farm workers to programs and procedures instituted for protection of American working men and women.	<i>House:</i> Subcommittee on Agricultural Labor of the Education and Labor Committee held background hearing 6/30/71. Report requested from Department of Labor 7/1/71.
H.R. 5945 (Corman)	Extends unemployment insurance coverage to employers employing four or more agricultural workers for each of 20 or more weeks.	<i>House:</i> Pending in Ways and Means Committee. (Hearings not scheduled.)
H.R. 11007 Farmworkers' Compensation Act (O'Hara)	Provides compensation for injury, illness, disability, or death of employees in agriculture, and for other purposes.	<i>House:</i> Subcommittee on Agricultural Labor concluded hearings.
H.R. 10499 Agricultural Child Labor Act of 1971 (O'Hara)	Bans oppressive child labor in agriculture, and for other purposes.	<i>House:</i> Subcommittee on Agricultural Labor approved for full committee. (Steve Bossi testified.)
H.R. 10867 Rural Development Act of 1971 (Page)	Provides for improving the economy and living conditions in rural America.	<i>House:</i> Agriculture Committee concluded hearings 10/14/71; executive sessions held 10/26,27; adjourned subject to call.

<p>S. 1612 Rural Community Development Revenue Sharing Act of 1971 (Miller)</p>	<p>Revenue Sharing Plan for rural community development.</p>	<p><i>Senate:</i> Subcommittee on Rural Development held hearings; Full committee in executive sessions 11/3,9,15. Session resumes 1/25/72.</p>
<p>S. 742 Rural Community Development Bank Act of 1971 (Pearson)</p>	<p>Creates a rural community development bank to assist in rural community development by making financial, technical, and other assistance available for the establishment or expansion of commercial, industrial, and related private and public facilities and services, and for other purposes.</p>	<p><i>Senate:</i> Pending in committee on Banking, Housing, and Urban Affairs.</p>
<p>H. 7597 National Agricultural Marketing and Bargaining Acts (Sisk)</p>	<p>Creates a National Agricultural Bargaining Board and expands coverage of Agricultural Bargaining Act.</p>	<p><i>House:</i> Subcommittee on Domestic Marketing & Consumer Relations held hearings. Executive session 11/30/71. (Agriculture Department report unfavorable.)</p>
<p>H.R. 8886-7 National Agricultural Marketing and Bargaining Acts (Bergland)</p>	<p>Creates a National Agricultural Bargaining Board and expands coverage of Agricultural Bargaining Act.</p>	<p><i>House:</i> Subcommittee on Domestic Marketing & Consumer Relations held hearings. Executive session held 11/30/71. (Agriculture Department report unfavorable.)</p>
<p>S. 726-727 National Agricultural Marketing and Bargaining Acts (Mondale)</p>	<p>Creates a National Agricultural Bargaining Board and expands coverage of Agricultural Bargaining Act.</p>	<p><i>Senate:</i> Hearings concluded 11/23/71; Msgr. Webber testified.</p>

Idaho Agricultural Labor Act, 1972 (Passed)
 Kansas Agricultural Employment Relations Act, 1972 (Passed)
 Arizona Agricultural Employment Relations Act, 1972 (Passed)
 California Agricultural Labor Relations Initiative—Proposition 22

Among the first bills to be introduced in the 1972 California legislature were measures dealing with collective bargaining in agriculture, authored by the same legislators who pushed anti-union bills in 1971.

On January 3, Senator Harmer introduced SB 16, the Agriculture Labor Relations Act. On January 4, Assemblyman Wood introduced AB 9, the Agricultural Labor Relations Act of 1972, creating an Agricultural Labor Relations Board.

“Wood said the bill differed from last year’s defeated farm labor bill . . . only in the removal of clause prohibiting the secondary boycott . . . Wood’s proposal was drafted to conform with the National Labor Relations Act . . . Wood said he does not believe his measure will conflict with an initiative effort by the Citizen’s Committee for Agriculture to place a secret ballot election proposal before voters. The initiative has a right to work clause; mine does not . . .”⁴¹⁰

In January, the U.S. Senate Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare, started three days of hearings in San Francisco and Fresno to investigate “corporate feudalism,” and the quality of rural life in California. The State Federation, AFL-CIO called for immediate congressional action to extend the NLRA to farm workers. The focus of the hearings was not legislation, but land holding.

“In California, for example, 3.7 million acres of farm land are now owned by 45 corporate farms; one corporation, Tenneco, controls more than a million acres in California. Nearly half the agricultural land in the state is owned by a small fraction of the population.

“In 1960, only one percent of Florida’s citrus lands were held by large farming-canning corporations. Now fully 20 percent of those lands are in such ownership.”

“In 1969, the largest 40,000 farms in America, less than two percent of the total number accounted for more than one-third of all farm sales—U.S. Senator Adlai E. Stevenson, III.”⁴¹¹

The lack of enforcement of the U.S. reclamation law was pointed out as a major contributor to increase corporate power over land. Paul Taylor, State AFL-CIO expert on U.S. reclamation law cited a unanimous U.S. Supreme Court decision in 1958 that revised a California Supreme Court opinion holding acreage limitation unconstitutional. He noted that in 1959-60 Congress refused to exempt a California water project jointly using federal reservoirs, pumps and canals, from acreage limitation. Taylor emphasized that the administrative branch shortly

nullified the congressional debate and action by giving the exemption anyway.⁴¹²

Then, on January 25, Assemblyman Fenton reintroduced unemployment insurance benefits for farm workers, AB 205, which was referred to Committee on Finance and Insurance. On January 27, Assemblyman Wood introduced a pesticide bill: AB 246, the pesticide bill,

“Declares legislative intent regarding the safe use of pesticides and safe working conditions for farm workers, pest control application, and other persons handling, storing, or applying pesticides, or working in and about pesticide-treated areas. Requires the Director of Agriculture to adopt regulations to carry out such provisions. Requires the State Department of Public Health to participate in the development of such regulations and requires that regulations which relate to health effects be based upon the recommendations of the State Department of Public Health. Requires designated information relating to such recommendations to be made available upon request to any person.

“Requires the director and each county agricultural commissioner under the direction and supervision of the director, to enforce such provisions and any regulations adopted pursuant thereto. Authorizes the local health officer to assist the director and commissioner. Requires local health officer to investigate any conditions where a health hazard from pesticide use exists, and to take action in cooperation with the commissioner, to abate any such condition. Authorizes the local health officer to call upon the State Department of Public Health for assistance, pursuant to specified provisions.”⁴¹³

On January 29, Catholic priest, Father Michael Cross, Salinas County Chairman of the Farm Workers Initiative Committee, announced that more than 100,000 signatures had been collected. Petitions for the initiative were filed on January 24, in every county of the State. The statewide initiative, which had to be signed by 325,000 valid signatures would give control over secret ballot elections to the Governor and make the secondary boycott illegal.⁴¹⁴

The National Farm Worker Ministry Director, Rev. Wayne C. Hartmire, Jr. issued a statement entitled, “Understanding the Farm Worker’s Position on Legislation,” in January, 1972.

“*What is the UFWOC position on legislation?* On April 16, 1969 Dolores Huerta appeared before the Senate Subcommittee on Migratory labor and read César Chávez’ prepared statement on collective bargaining legislation. UFWOC’s position favors extension of the National Labor Relations Act (NLRA) to farm workers but without the crippling Taft-Hartley and Landrum Griffin amendments (see attached historical sheet). UFWOC favors the same kind of protections that industrial workers had when they were first protected by the Wagner Act in 1935. Friends of the farm workers argue that it is impossible to get the original Wagner Act for farm workers. They point out that growers and chain stores are organized in every state. The farm workers are organized in only a few places. Only 10% of America’s farm workers are covered by union contracts. It seems inevitable that a strong UFWOC

collective bargaining bill introduced in Washington, D.C. would be amended and watered down and farm workers would be stuck with legislation that provides for elections but robs them of the power to gain good contracts. So the farm workers have chosen to keep struggling without legislation. They prefer to make gains slowly and surely and to build a democratic union that may some day have the strength to gain good Federal collective bargaining legislation. In the meantime they are forced to oppose all the repressive legislation that will keep appearing in state after state."⁴¹⁵

Furthermore, Rev. Hartmire warned that agribusiness interests, the Farm Bureau and the John Birch Society, had decided to attack the farm workers union. For example, the Farm Bureau was arguing that the May UFWOC elections were not valid elections and legislation was needed to protect the workers. Rev. Hartmire's answer to that was:

"From 1965 to 1971, there have been well over 50 valid elections in California, Arizona and Washington agriculture. In every case but one the election has been won by United Farm Workers. The one exception is being appealed because the labor contractor illegally intimidated his Filipino workers ('If Chávez wins you will all be fired and replaced by Mexicans') . . .

The Farm Bureau has tried to argue that these many elections were not valid elections. But the evidence proves that they were:

- (a) The elections were supervised by a neutral arbitrator chosen by all parties to the elections, e.g., American Arbitration Association, Federal Mediation & Conciliation Service, Protestant Clergy like the Rev. Lloyd Saatjian of the Methodist Church of Palm Springs and the Roman Catholic Bishops Committee.
- (b) The rules and procedures for every election were agreed to in advance by all parties to the elections.
- (c) The different kinds of elections used (card check, secret ballot and ratification) are all approved by the NLRA as valid expressions of the will of the workers (under many circumstances strikes are also recognized by the NLRA as valid expressions of the will of the workers)."⁴¹⁶

In a book entitled *Dollar Harvest: the Story of the Farm Bureau*, 1971, César Chávez states in the Foreword that:

"The Farm Bureau has been one of the most steadfast and consistent opponents of our efforts to unionize the country's farm workers. Arm in arm with other reactionary forces, it has resisted the attempt of farm workers to join together to bargain effectively and lift themselves from the bottom of the economic ladder. It has attempted to defame and discredit our Union and break our strikes. It has led the battle in Washington to cripple unionization with restrictive legislation. It has fought every attempt to improve the conditions of farm workers by opposing legislation to give us such minimum protections as Social Security unemployment and minimum wage hour legislation."⁴¹⁷

On February 2, one of several hearings was held by the Assembly Labor Relations Committee on the illegal alien bill by Dixon Arnett

which would take effect March 4. The measure which was quietly passed and signed had become controversial, even among Chicano groups. The bill was supported by CRLA general counsel Sheldon Greene, and the U.S. Catholic Conference, Division for the Spanish Speaking, West Coast Office urged the bill be strengthened. It was opposed by a Mexican American organization in east Los Angeles, CASA. On February 3, Assemblyman Brophy introduced a repeal bill to the Arnett Bill 2805. AB 315 by Brophy did not pass.⁴¹⁸

On February 4, the California Labor Federation's Research Director was reported urging that the Dixon Arnett bill, AB 528, should be strengthened. Specifically, he suggested that the \$200 to \$500 fines were too low and should be increased.⁴¹⁹

Section 2805 of the Labor Code, the Arnett law on illegal aliens signed into law November 8, 1971, was declared unconstitutional in February, 1972 by Los Angeles Superior Court Judge Charles Church. The ruling was based on the grounds that the law was too vague in defining illegal aliens. An appeal was being prepared by the California Division of Labor Law Enforcement before the State Supreme Court. The sponsor prepared an amended version to be introduced during the year.

Significantly, on March 9, the federal government asked a U.S. District Court in Fresno to stop the United Farm Workers from picketing stores and restaurants selling nonunion wines. The National Labor Relations Board contended the picketing was an illegal secondary boycott. This was precedent-setting because farm workers always had been outside the jurisdiction of the NLRA.

"César Chávez' farm labor union has charged the White House advisors and members of the Republican National Committee 'master minded' government action against a union boycott of firms which sell nonunion California wines . . . In every state and every city where Republicans are seeking re-election, we're going to bring our life and death struggle to them . . . they're trying to take the boycott away from the movement, and they're going to pay the price for it . . . Sources inside the GOP are telling us the decision was made by the White House advisors and persons associated with the Republican National Committee."⁴²⁰

A hearing in Fresno was scheduled for April 6, 1972. By that date one million letters of protest had been sent to Senator Robert Dole, Chairman of the Republican National Committee by farm workers and their supporters. The hearing was never held because of a joint agreement between UFWOC and NLRB counsel. Boycott activities resumed in May. The State AFL-CIO executive officer John Henning said:

"In the light of the Nixon Administration's anti-labor track record—its drive to wipe out free collective bargaining in transportation industry and its so-called wage-price controls that have frozen wages while letting prices and profits run—it's not

surprising that the farm workers' union should regard this latest attempt to label its efforts to bring economic security to some of the most exploited workers in our nation as 'purely political.' ”⁴²¹

Significantly, the first state collective bargaining measure for farm workers was signed into law in the state of Idaho, March 22, 1972. Senate Bill 1604 was anti-farm worker legislation prohibiting the secondary boycott, establishing an Idaho Agricultural Board which supervises elections, etc. This measure was cited as the “Idaho Agricultural Labor Act.” It states:

“SECTION 3. (1) There is hereby created a board to be known as the Idaho agricultural labor board . . . composed of five (5) members, appointed by the governor and subject to confirmation by the senate. Two (2) of the members shall be appointed from a list of names submitted by labor organizations. Two (2) shall be appointed from a list of names submitted by agricultural produce groups. One (1) member shall be representative of the public and shall be selected from a mutually agreed upon list of not less than three (3) persons submitted to the governor by the four (4) other members of the board. The public representative of the board will act as its chairman . . .”⁴²²

Meanwhile, Representatives Leggett, Quie, Ullman, and Teague of California introduced HR 13981, the Agricultural Relations Act of 1972, to the U.S. House Committee on Education and Labor. This anti-union measure would establish a separate Agricultural Labor Relations Board appointed by the President for 5 year terms.

By March 27, AB 246 (Wood), alleged to provide protection to farm workers who work in fields and orchards with pesticides, had moved its way to the Assembly Ways and Means Committee. Key faults of the bill were listed as:

“(1) The Director of Agriculture would be given the responsibility of issuing and enforcing regulations relating to pesticides and worker safety. The State Department of Public Health would ‘participate’—the term is not defined—in the development of regulations. ‘The final decision on matters of public health under the bill would be jointly to Public Health and Agriculture. This would mean that the Department of Agriculture would have a veto power over public health questions relating to pesticides.

“(2) Local enforcement would be left to the county Agriculture Commissioner, not the local health officer. The latter could assist the county Agriculture Commissioner and would have the responsibility of investigating any condition where a health hazard from pesticide use exists. At best, this would be the authority to investigate whether the barn door should be closed after the horse has been stolen.”⁴²³

Then, on March 29, Senator Edward Kennedy issued a statement opposing the action of the NLRB to impose the provisions of the NLRA:

“. . . the action represents the federal government's intercession on the part of corporate agriculture . . . it becomes flagrantly unjust to use the punitive provision of that act against the union representing farm workers . . . there has been vigorous opposition to consideration of farm workers under the NRLA on the part of Congress. This has been manifest in the law itself as well as the rider which has been attached to appropriation bills every year since 1946.”⁴²⁴

Senator Kennedy and Sen. Williams thus, requested an opinion of the propriety of expenditures of funds by the NLRB of the Comptroller General. The letter states:

“Our concern is that the Board's use of funds for investigative purposes and its activities with regard to the United Farm Workers violates the provision attached to appropriation measures since 1947 providing that 'no part of the appropriation shall be available . . . or used in connection with investigation, hearings, directives, or orders concerning bargaining units composed of agricultural laborers.’ ”⁴²⁵

On April 19, a new plan for anti-pollution subsidies to farmers had gone before the Senate. If the measure was approved it would authorize federal subsidies to reduce air pollution in rural areas.⁴²⁶

By April 28, Wood's pesticide bill passed the Assembly, and a bill by Assemblyman Burton was introduced to protect family type farmers.

“Assemblyman John Burton (D.-San Francisco) has introduced a constitutional amendment to give the legislature the power to impose graduated real property taxes on persons or businesses owning huge parcels of California land. AB 97 would arrest the tendency of large industries, corporations and conglomerates to acquire large land parcels. This major effort at land reform would also help preserve the family farm and could encourage migration from overcrowded urban areas to rural areas.

“The tax rates would be low on the first steps of the proposed scale to protect small growers, but would increase when the total acreage reaches the range of the 'super farms.' Burton claims 'The big landowners in this state, especially the corporate farms, have so many governmental advantages over the small farmer and the average taxpayer that the situation is nearly criminal.’ ”⁴²⁷

Then, from their national headquarters in Chicago, the American Farm Bureau president William Kuhfuss said a nationwide campaign to attack and discredit the AFBF was threatened by César Chávez. On April 26, the United Farm Workers informed UFBF that unless it withdrew its efforts to get anti-farm labor legislation enacted, the Union's national boycott apparatus would be put into an informational campaign against the farm bureau in 40 cities. Kuhfuss responded by stating that AFBF was going to continue lobbying in Congress and in several states for legislation to guarantee secret ballot elections, and to ban the secondary boycott in agriculture.⁴²⁸

This was followed by the governor of Arizona who signed into law anti-farm labor legislation on May 11, 1972. This followed legislation

passed in Idaho and Kansas in 1972. The Arizona bill, House Bill 2134 reads:

“There is established an Agricultural Employment Relations Board which consists of seven members . . . The members of the Board shall be appointed by the governor, two of the members shall be appointed as representatives of agriculture employers, two of the members appointed shall be representatives of organized agricultural labor and the three additional members, one of who shall be the chairman of the board, shall be appointed representatives of the general public . . .”⁴²⁹

Obviously, the farm workers union, UFW, denounced this bill and warned that passage would mean greater unionization efforts in Arizona. “The new law signed by Governor Jack Williams Thursday gave the Farm Workers Union the one issue it needs to further unionize in Arizona, Chávez told 400 cheering supporters at the State Capitol Friday.”⁴³⁰ On May 11, Chávez started a fast to protest the enactment of the labor law. The following is taken from a letter from Chávez to Farm Workers and to supporters of the farm workers cause.

“In Arizona—a major lettuce producing state—the growers and the politicians have just passed a law that destroys the right of farm workers to have a union. Farm workers under this law cannot engage in consumer boycotts. Supporters of our union could be arrested for telling their friends not to buy lettuce. Farm workers are put in the humiliating position of having to go to a special Agricultural Labor Relations Board (appointed by Republican Governor Jack Williams) for a government conducted election to determine their right to strike. The law provides for union representation elections but establishes so many steps and procedures that seasonal and migrant workers would never have a chance to vote. Growers can not only frustrate an election for 2-3 months, they can actually avoid elections by a minor change in hiring practices. Even if workers should vote for the union, an employer can seek a decertification election after only a 3 month waiting period. The bill is discriminatory. It is aimed only at farm workers who are mostly black, brown, and Indian. No other labor force is asked to live with these repressive measures. This is what the Farm Bureau means when they advocate ‘free elections’ and ‘responsible legislation’ . . .

My major concern is not this particular Arizona law. The fast is not out of anger against the growers. My concern is the spirit of fear that lies behind such laws in the hearts of growers and legislators across the country. Somehow these powerful men and women must be helped to realize that there is nothing to fear from treating their workers as fellow human beings. We do not seek to destroy the growers. We only wish an opportunity to organize our union and to work nonviolently to bring a new day of hope and justice to the farm workers of our country.”⁴³¹

Twenty-four days later Chávez ended his fast honoring the workers who went on strike in Arizona, thanking those who had joined the lettuce boycott, honoring those who had given their lives to their movement during the year (Nan Freeman and Sal Santos), and acknowledging that people who choose to work in the non-violent struggle would

know hardship and sacrifice. The struggle continued in Arizona. UFW set forth to have the governor removed, and a suit was filed to challenge the law.

On June 15, Richard Thornton, new executive vice president of the Grower-Shipper Vegetable Exchange in Salinas issued a statement that federal legislation was inevitable. He had worked to have the House of Representatives support an Agricultural Labor Relations Act measure. The bill was sponsored by Congressman Leggett (D-Calif.), Quie (R-Minn.), Teague (R-Calif.), and Ullman (D-Ore.). Meanwhile, the *Salinas Californian* editorial on June 19, 1972, stated,

“Unquestionably, the Arizona law represents a social justice for Arizona’s farmers whose hard work should not be destroyed by an edict from a tyrannical union boss . . . If the outlook is dismal at the federal level, the example of Arizona is evidence of what grassroots struggles against monopoly unionism can be achieved . . .”⁴³²

Meanwhile, on June 13, Assemblyman Wood withdrew AB 9, because he could not gather sufficient support. AB 1214 by Assemblyman Powers (D-Sacramento) was pending. Nationally, the Democratic Platform Committee endorsed the UFW led by Chávez and called for support of the boycott on non-union iceberg lettuce. Meanwhile, another major struggle had developed when the anti-farm labor initiative qualified for the November ballot in California.

On June 30, from the national headquarters of UFW, César Chávez denounced the California farm labor initiative that had qualified for the November ballot as a fraud which would destroy the farm workers union in California, and said the entire state labor movement would fight it. He called the initiative repressive and anti-union legislation which was pushed by both the farm bureau and the John Birch Society.⁴³³

In neighboring Arizona, on July 15, Governor Williams defended the new labor law stating it did not prevent labor unions from organizing, did not outlaw the strike, offered no impediment to wage increases, did not prevent any steps to improve safety and working conditions, and did not prevent people from criticizing the quality of any agricultural product.

Shortly before, on July 1, the third major legislative anti-farm labor state bill was signed into law in Kansas. Kansas Senate Bill 291 establishes an agricultural labor relations board, prohibits organizational pickets at an agricultural residence, prohibits strikes during periods of marketing or during a critical period of production or harvesting of crops or during mediation, and prohibits engaging in a secondary boycott.

“Sec. 3 (a) There is hereby created the Agricultural Labor Relations Board, which

shall consist of three (3) members two (2) of whom shall be appointed by the governors, with the advice and consent of the Senate, for terms of (4) years each. One member shall be representative of agricultural employees, one member shall be representative of agricultural employers, and one member representative of the public. The appointment of the agricultural employee representative member of said board shall be made by the governor from a list of (3) nominations submitted to him by the Kansas State Board of Agriculture . . . shall be made by the members appointed by the governor . . . if the two (2) do not agree and make the appointment of the third member within thirty (30) days, then the governor shall appoint such representative of the public.”⁴³⁴

On August 15, Governor Reagan vetoed unemployment insurance benefits for farm workers for the second consecutive year.

On August 30, Chávez once again appealed to the churches to help win the struggle against Proposition 22. In a letter to churchmen he said:

“It hurts farm workers when they find out that such an unfair law is going to be on the ballot. I have told them that many Californians were tricked into signing the initiative. Thousands of our friends who signed the petition in May and June were told that this Agricultural Initiative would help farm workers. Others were told that the farm workers union was in favor of the initiative. Still others were told that ‘lower food prices.’ Perhaps some of you were approached in that way and even signed the petition.

Proposition 22 is dishonest. The growers paid over \$240,000 to gather the signatures. They say it will help farm workers but they did not consult farm workers. Now they have said publicly (The Packer, 8/26/72) that they will restrict their campaign on behalf of Proposition 22 to the last few weeks so that UFW members will not be able to refute their propaganda. They also report that upwards of \$600,000 will be spent on their media campaign.”⁴³⁵

On September 4, the Catholic Bishops of California joined labor and many other groups in denouncing Proposition 22. They said “it . . . deviates so widely from a just and equitable approach to settling agricultural labor problems,” that they could not support the initiative.⁴³⁶

By September 30, California Secretary of State Brown had asked the State Superior Court to take Proposition 22 off the November ballot because of what he called the “worst case of election fraud” ever uncovered in the state.

Proposition 22 was opposed for the following reasons, according to Gerry Cohen, United Farm Workers General Counsel:

“I. THE BOYCOTT (See section 1143)

- A. It makes secondary boycotting illegal and punishable by one year in jail and a \$5,000 fine. PRIMARY ACTIVITY IS MADE A CRIME.
- B. It makes it illegal to use ‘publicity directed against any trademark, trade

name or generic name which includes agricultural products of another producer or user of such trademark, trade name or generic name.'

Since lettuce is a generic name saying 'BOYCOTT LETTUCE' becomes a crime punishable by one year in jail and a \$5,000 fine.

IT BECOMES A *CRIME* TO PICKET A RETAIL ESTABLISHMENT.
(Even primary picketing is outlawed.)

These boycott restrictions are *unconstitutional*.

II. THE RIGHT TO STRIKE (See sections 1143 & 1156)

Strikes can be halted by 60 day temporary restraining orders granted without notice. This of course effectively abolishes the right to strike. It too is *unconstitutional*. Even without this provision the structure of the act is set up to prohibit a strike without complying with the terms. Such compliance will always take longer than the harvest.

III. BARGAINING

The initiative ends bargaining about 'management rights.' These management rights include:

1. The right to discontinue the entire farming operation or part thereof. (This means it would be illegal to bargain for a successor clause.)
2. The right to contract out any part of the work. (This means it is illegal to bargain for a subcontracting clause.)
3. The right to determine the methods, equipment and facilities to be used. (God only knows what this means but since pesticide application is clearly a method used in the production of agricultural crops it is clear that if we insist on pesticide protection we are violating the law.)"⁴³⁷

The initiative was defeated in the November ballot, and marked the end of an unprecedented attack on farm labor organizing by legislative means. Historically, legal suits, deportation of union leaders, war efforts, and the use of illegal aliens to break strikes had been agribusiness' most effective weapon. Chávez, a historian as well as labor leader, defended the union's efforts knowing full well that these opposing efforts would be applied. When it became obvious that the secondary boycott was the unions most effective weapon, protected by legal sanction, agribusiness along with the American Farm Bureau introduced legislation at the statewide and national levels to make the boycott illegal. It succeeded in three states, Idaho, Kansas, and Arizona. Meanwhile, the union renewed its largest boycott effort against Salinas, and Santa Maria lettuce growers in an attempt to win over contracts that had been made between the growers and teamsters union in "sweetheart" agreements.

At the national level the farmworkers legislative struggle was at a standstill. The following is an example of what happened during the 92nd Congress to progressive farm labor legislation that was proposed. On July 20, 1972, the Senate voted 47-46 to defeat the Republican substitute offered to the Fair Labor Standards Act. By the one-vote margin, coverage of farmworkers was greatly expanded with all of the 1966 exemptions and exclusions deleted leaving only the 500 man-day test remaining for farmworkers coverage. The new minimum wage for all workers would have been \$2.20 per hour. There were restrictions on the employment of children. An illegal alien amendment providing criminal penalties for the knowing employment of illegals was also included. There was extended argument on the floor regarding the section on illegal aliens therefore insuring that it would be dropped in any Senate-House conference.

The House of Representatives decided in August, by an eight vote margin, against sending its minimum wage bill to conference. The House had rejected the bill reported out by its own Committee on Education and Labor. It had accepted the Nixon Administration substitute bill introduced by Rep. John Erlencorn (R-Ill.) who was then able to block the Committee's attempt to go to conference with the Senate version because he had heard that the House members on the conference committee would immediately agree to the Senate bill. After considerable negotiations and lobbying, the Chairman Carl Perkins (D-Ky.) again failed to get the bill to conference on October 3, and therefore the amendments to the Fair Labor Standards Act were killed in the 92nd Congress. Thus, labor and its Congressional allies had failed to get a minimum wage bill out of Congress that would have included farmworkers.

The following chart was released in May 1972 as part of the "Summaries of Legislative Proposals Relating to Labor-Management Relations in Agriculture," as introduced in the 92nd Congress through April 1972. It was prepared for use of the Subcommittee on Agricultural Labor of the Committee on Education and Labor House of Representatives.⁴³⁸

MAJOR PROVISIONS OF PENDING AGRICULTURAL LABOR-MANAGEMENT RELATIONS BILLS

Provisions	H.R. 1410 2546, 3571, 4438.	H.R. 1689	H.R. 3625	H.R. 5010 5281, 12486	H.R. 10445	H.R. 10459	H.R. 13981
Covers all farmworkers.....	X			X	X		
Covers employers of larger farms only:							
(a) Farms using 500 man-days of agricultural labor in a calendar quarter.....		X ¹				X	X
(b) Farms using over 12 employees, or having labor costs over \$10,000 per annum.....			X				
Excludes supervisors.....	X	X	X	X	X	X	X
Brings farmworkers under LMRA.....	X		X		X		
Brings farmworkers under NLRA, excluding many Taft-Hartley and Landrum-Griffin amendments.....				X			
Permits union shop agreements in which farmworkers may be required to join the union within 7 days of employment.....	X		X	X			X
Permits union shop:				X			
(a) In any State.....				X			
(b) Only where State law does not forbid.....	X	X	X		X	X	X
Permits hiring hall arrangements.....							X
Administered by NLRB.....	X		X	X	X		X
Establishes new Board.....		X				X	X
Permits secondary boycotts or hot cargo agreements.....				X			
Prohibits use of green cards as strike breakers.....				X			
Prohibits knowing employment of illegal aliens.....							X
Prohibits strikes or lockouts.....		X					
Provision for delaying strike or lockout:							
For 30 days.....						X	
For 40 days.....							X
For 80 days, in case of national emergency strike, as determined by President and the courts.....	X		X	X	X		
Secret ballot elections:							
1. for selection of bargaining representatives by workers:							
(a) Mandatory.....		X					
(b) required "if the Board finds a question of representation exists".....	X		X	X	X	X	X ³
2. For election of union officers.....	X ⁴	X ⁵	X ⁴	X ⁴	X ⁴		

¹ "Agricultural employee" is defined as one who has worked for the same employer 14 days out of the previous month, and for at least 100 days for him or another agricultural employer, in the previous calendar year.

² The Chairman of the Board is an Assistant Secretary of Agriculture, and USDA regional offices perform the functions of NLRB regional offices.

³ H.R. 13981 permits the Board to certify a union as the bargaining representative even where that union has lost the election where aggravated unfair labor practices by the employer have resulted in the defeat of the union in the election.

⁴ The bills which extend NLRA to agriculture have the effect of requiring secret ballot elections of officers (or of delegates to conventions electing officers) since provisions of the Labor-Management Reporting and Disclosure Act of 1959 apply, by reference, to any labor organization certified as a bargaining representative under NLRA.

⁵ H.R. 1689 specifically directs the Board to conduct such elections.

CONCLUSION

The Legal Struggle

The farm workers' legal struggle between 1965 and 1972 involved the following: labor contractors, rent strike, illegal aliens, assaults, anti-picketing injunctions, transgression, libel suits, convict labor, green-carders, illegal aliens, anti-boycotting cases, sanitary conditions, pesticide records, jury selection system, minimum wages, conspiracy, unemployment benefits, farm labor service, Teamsters, evictions, jurisdictional dispute charges, pesticides and ecology, Defense Department, Labor Department, discrimination, restraining orders, unfair labor practices, National Labor Relations Board suits, anti-secondary boycotting, legislation in Arizona, Proposition 22 in California, the short handle hoe, as well as other suits.

For the most part, the legal suits emanated from the farm workers Union. Major legal struggles almost always involved the anti-picketing injunctions granted to growers whenever the Union went on strike. Arrests followed along with assaults, evictions, charges of transgression, etc. Counter suits by the Union involved the illegal use of alien workers and green-card workers used to break the strikes. Then followed anti-boycotting suits by growers and Union counter suits to protect the boycott. The legal suits against state legislative proposals did not follow until the boycott had repeatedly proven a success between 1965-1970. Then, anti-picketing injunctions in Salinas, California, granted in Monterey County, were kept in effect for two years until they were overturned by the state Supreme Court. However, during this time, growers launched a major drive to introduce legislation that would prohibit secondary boycotts by the United Farm Workers, AFL-CIO.

From the foregoing account of the legal struggle, it is readily apparent that the legal struggle for the farmworkers' Union has not been static. In fact, it appears that the United Farm Workers, AFL-CIO, exhibited a knowledge of previous legal struggles and consequently set forth its own legal strategy. The Union's communications media focused considerable effort toward the understanding of such past legal history. Thus, with a historical perspective upon which to base contemporary activities, the Union instituted its own legal department within its complex and developing organizational structure. This development of its own legal institution ultimately controlled by farmworkers, has provided the Union and its membership with both a protective legal arm and a forum for a progressive legal thrust. Briefly, the legal department is protective in that it works to preserve the integrity of the organization. Simultaneously, it is progressive in that it seeks to break new legal ground with respect to farmworkers and the law.

The legal thrust has been protective to the membership and the organization as a whole. The membership is now provided with a voice in an arena that heretofore had been neglected. It provides a vigilant instrument over activities dealing with workers' rights previously legislated or contracted for. It also promotes interdependence between the individual and their organization insofar as the result of cases more often than not affects many others. The organization is protected, allowing it to preserve integrity of the postulates under which the organization has been formed and sustained. It also reflects group decisions regarding the allocation of resources for the legal defense.

The progressive thrust of this legal struggle has been such that the César Chávez led United Farm Workers has been able to develop institutions long sought by farm workers all over the world. This legal struggle has, in part, contributed to the progress and growth of the membership of the Union. The membership has improved its socio-economic conditions, and, in addition, is provided with a wide range of legal services heretofore not readily available to farm workers. The organization has been progressive in seeking changes in the National Labor Relations Act, unemployment insurance, pesticide control, progressive contracts, and its own cooperative institutions.

The organization in particular has been progressive in providing legal support for the central facets of the Union's cooperative structure within which there are eleven legal entities: clinics, medical plan, coop garage, credit union, retirement village, service centers, death benefit plan, hiring halls, ranch committees, farm workers press, organizing department, contracts, negotiation and arbitration, research department, accounting department, strike fund, economic development fund, legal defense fund, legal department, strike store and kitchen, boycott offices, huelga school, child care nursery, non-violent training center at La Paz, overall administration, and most important, services to the families of the membership.

While the major focus of the foregoing in Part I has related primarily to the struggle of the organization, the ramifications of the overall legal activities extend beyond the organization itself. Of these extensions, probably the most closely related lies in the field of legislation and the activities that surround the creation of new legislation and the abolishment of old. To fully understand the legal activities described here, one must equally understand the legislative struggle of the farm workers.

The Legislative Struggle

In the arena of the farmworkers' legislative struggle, the following has been discussed: minimum wages, braceros, unemployment insurance, right-to-work laws, illegal aliens, green-carders, National Labor

Relations coverage, convict labor, pesticides and ecology, anti-secondary boycotts, labor contractors, elections, workmen's compensation, housing, as well as other areas. The different social forces that have dealt with farm labor legislation have consistently been at odds, with the interest of agribusiness continually dominating.

To date, there have been only a few breakthroughs for farm workers in the legislative arena. For example, the bracero program ended. However, it was replaced by the use of illegal aliens and green-card workers used to break strikes and lower wages. Similarly, unemployment insurance moved one step further. Legislation was passed in California when, for two consecutive years, the legislature passed unemployment benefits. However, these were vetoed each time by the Governor. Pesticide legislation met powerful opposition in the legislature, thus preventing it from being passed. Convict labor was prohibited in the fields after a legal struggle, but continued to be used elsewhere throughout the nation. Anti-secondary boycott legislation was passed in Idaho, Kansas, and Arizona, while similar legislative proposals were killed in thirty-six states in 1972. Passage in these three states represented a breakthrough for agribusiness forces such as the Farm Bureau, which had been leading such a thrust since 1970. In addition, agribusiness reversed its public policy regarding coverage for farm workers under the National Labor Relations Act provisions. By supporting such coverage for farm workers, agribusiness then could hope to be effectively protected from the secondary consumer boycotts conducted by the United Farm Workers, AFL-CIO against their products.

Because of the past record in legislation, 1965-1972, it appears that farmworkers' protective legislation prospects for the future continue to be bleak indeed. It seems clear that for the immediate future, farmworkers cannot count on protective legislation either at the state or national level. Therefore, what is indicated from the foregoing in Part II is that restrictive legislation such as that passed in Idaho, Kansas, and Arizona, will continue to be proposed at the state levels as well as nationally. As a result, the Union has had to develop a protective strategy in order to sustain its organizational integrity. Toward this end, a legislative department has been formed within the Union's overall structure. Now, despite the lack of progress in the legislative arena, the Union will be enabled to continue its efforts to reach the goal of protective legislation for farmworkers. Perhaps a resolution will be found in representation at the highest levels of government, such as that presently enjoyed by the Teamsters in the Nixon Administration.

Thus, it can be concluded that in the legal arena some advances can be pinpointed as related to the organizing of farmworkers, such as those cases which enabled the Union to bring its efforts to bear on growers (strikes, picketing, boycott, etc.), particularly the State Supreme Court

decision of December 29, 1972. While in the past such legal cases have spelled the demise of other union activities, the same cannot be said for the United Farm Workers. Thus far, the UFW has engaged the issues in the legal sphere and emerged with some successes without dissolution of the Union.

The same, however, cannot be said for the legislative struggle. Here it appears that there has been little, if any, progress principally due to the fact that the tools of bargaining (boycott, etc.) are under increasing attack in legislatures. Thus, the end of the bracero program, while initially viewed as a step forward in reality has resulted in little or no change. This has been principally due to the continued use of illegal aliens and green-card workers who have, to a high degree, tended to replace braceros in the fields. Thus, ten years after the end of the bracero program, the original problem of foreign labor continues. In the absence of effective legislation, therefore, the United Farm Workers has had to institute organizing efforts along the border regions in order to limit, if not eliminate, the continuing importation of labor.

Meanwhile, the present prospects indicate that, legally and legislatively speaking, the present situation from the viewpoint of farmworkers organizing will become worse rather than better. The indications have been that as the Union grows, so does the legal and legislative opposition. This being the case, over time, each legal and legislative counter move becomes increasingly important in terms of the survival of the Union. Thus, restrictive legal and legislative action increasingly affects the survival of the Union.

The final outcome, of course, still concerns one of the initial reasons for originally attempting to organize farmworkers. That is: will or will not the farmworkers and their organization have a voice in the courts and legislatures of the land, a voice that ultimately results in specific actions. As the struggle continues, more and more farmworkers are presently turning toward individual and group efforts to influence future legislation, as well as actions in the courts. It is in this context that the organizing, the bargaining, the legal, and the legislative aspects of farmworker organizing have become so interwoven that what happens in one arena inevitably affects all the others.

That is why, in the introductions to this study, this interdependence was indicated. And that is why full knowledge of all these aspects of farm labor is so essential. It is no longer, if indeed it ever was, sufficient to merely describe a few workers in poverty, or to focus merely upon the more dramatic aspects of Huelga, as has been done in past books concerning this Union. Today, the central issue is not merely better wages, but rather: will or will not the farmworkers have a legal and legislative voice in their future destinies that will protect their rights to self-determination. It is toward this end that the United Farm Workers has focused much of its present efforts.

While much of the present study has been referred to as the struggle of the farmworkers, there are those who say, with some justification, that the real struggle is yet to come.

EPILOGUE

It was stated before that as the Union grows, so does the nature of the forces opposing it. Since the end of this study, this seems to have been born out by recent developments. It was also stated that with such growth in the opposition, each subsequent move has tended to influence the entire Union and its survival. This also has been borne out by recent developments.

In accordance with its past history, the Union has responded, and only the future will tell what the final outcome of the present situation will be. For the present, the field, the legal, and the legislative efforts are all equally important in determining the final results.

In the past, due to legal maneuverings, and the slow-paced deliberations in legislative halls, final resolutions have been slow in coming, as in the case of the Salinas anti-picketing injunctions which were in court for two years. Based on this past experience, it would seem safe to predict that the recent developments in California agriculture, i.e., the situation with the Teamsters and the growers, signal the beginning of an extended effort to regain formal representation. This effort promises to last a considerable period of time.

At stake, of course, are not only the legal and legislative rights of farm workers, but also the important services to the workers that have been developed and provided by the U.F.W. and which were mentioned in the introduction to this study. In short, what is also at stake in the present struggle is whether or not the U.F.W. can continue to provide the farm workers with medical benefits, clinics, death benefits, hiring halls, pesticide and ecological protection, a retirement village, service centers, a credit union, an economic development fund, a school for children, day care nursery services, a farmworkers press, ranch committees for field representation, a co-operative garage, a research department for economic and social problems, a legal defense fund for individuals as well as the organization, all controlled by the workers, and thus providing the farm workers with a significant voice in the determination of their own destinies.

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